

10th December 2013**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****GEDLING DISTRICT REF. NO.: 7/2013/0760NCC**

PROPOSAL: EASTERN EXTENSION OF THE WORKING AND EXTRACTION OF CLAY AND ASSOCIATED MINERALS WITH SUBSEQUENT LOW LEVEL RESTORATION TO INCLUDE LANDSCAPING AND DIVERSION OF PUBLIC FOOTPATHS.

GEDLING DISTRICT REF. NO.: 7/2013/0757NCC

PROPOSAL: TO VARY CONDITIONS 3, 13, AND 50 OF PLANNING PERMISSION 7/2003/0335 TO ALLOW A 'PAUSE' IN THE EXISTING LANDFILL TO OCCUR AND TO PROVIDE A REVISED RESTORATION PROFILE WHICH WILL TIE IN WITH THE INTENDED LOW LEVEL RESTORATION OF THE PROPOSED EASTERN EXTENSION.

LOCATION: DORKET HEAD QUARRY, WOODBOROUGH LANE, ARNOLD**APPLICANT: IBSTOCK BRICK LIMITED****Purpose of Report**

1. To consider two planning applications at Dorket Head Quarry, Arnold. The main development seeks planning permission for the extension of the clay extraction quarry within an Eastern Extension. As part of undertaking this development it is necessary to alter the phasing of workings and restoration profiles within the current quarry area as part of a Section 73 (variation of planning permission) application.
2. The key issues relate to compliance with Development Plan policy regarding future mineral extraction at Dorket Head, the contribution the development makes to securing the long term economic future of the quarry and its factory and the wider sustainability issues. The assessment of environmental impacts identifies that the development would result in some negative landscape and visual effects as well as impacting on the local right of way network. Nevertheless, the overall

balanced assessment of the proposals argues in favour of supporting a recommendation to grant conditional planning permission for both applications.

The Site and Surroundings

3. The Ibstock Dorket Head site is located approximately 7.5 kilometres north east of Nottingham City Centre on the northern edge of Arnold, adjoining the B684 Woodborough Lane. The site extends in a generally west-east direction along the south side of Woodborough Lane (B684). It incorporates a brickwork factory and a quarry/landfill located on either side of Calverton Road which runs due south from its junction with Woodborough Lane. The buildings within the factory are located on land that has historically been quarried and therefore constructed at a lower level to the adjoining road network and well screened from surrounding areas. The clay quarry to the east of Calverton Road is currently being restored by landfill through the importation of non-hazardous waste. The site has two vehicular accesses, both from Woodborough Lane, one access serves the factory and the other access serves the quarry. (see Plan 1)
4. The quarry currently extracts clay during a relatively short 'campaign' season which typically depending on the weather lasts some 6-8 weeks during the summer when working conditions are at their optimum. The extracted clay is stockpiled in an area designed to hold enough clay for the year's supply to the brickworks. The stockpile is currently located adjacent to the Woodborough Lane frontage of the site. Clay is drawn from the stockpile as required for brick production and carried to the brickworks by a conveyor system utilising a tunnel beneath Calverton Road.
5. The clay is used within the production of bricks. The plant has a production capability of some 85 million bricks per year and produces a range of brick types and finishes at the site. The bricks are typically used by volume house builders and at the maximum output, the Dorket Head factory produces 5% of the current bricks required in the market place.
6. The consented clay quarry and landfill areas are progressively being worked. Some parts of these operations have already been restored to agriculture and nature conservation uses. Other parts of the site to the east and north have yet to undergo mineral extraction. Operational areas within the site incorporate quarry clay extraction areas, clay storage areas and landfill cells.
7. The two planning applications relate to separate parcels of land as identified on Plan 2. Plan 2 also identifies existing operational land at Dorket Head. The characteristics of each application site are described in greater detail within the 'proposed development' section of this report.
8. The site is located within Green Belt land on the edge of the suburb of Arnold to the south of the site. Between the existing operational site and residential properties is an area of mature screen planting and a community woodland known as 'The Hobbucks'.
9. There is network of footpaths in the area, one of which follows the highway boundary along the entire frontage of the site to Woodborough Lane, and then returns across the site in an east - west direction (Arnold Footpath No. 7) to where

it links up to Arnold Footpath No. 8 which then runs in a south-west direction to Arnold, and west direction to Calverton Lane respectively. (see Plan 3)

10. The application site is located within a Mature Landscape Area and within the Greenwood Community Forest area (as identified in the Gedling Borough Replacement Local Plan). There is also a 'primary ridgeline' designation which crosses the site, ridgelines being a feature of the 'Dumbles' rolling landscape in the area.
11. The Dorket Head site employs 73 people across a mixture of skills, age and experience with 50% of these employees living between 2-4 miles of the site and 87% living within 10 miles.

Planning History

12. The brickworks are understood to have been active since the mid to late 1800's. The original brickworks utilised clay extracted from beneath the existing factory, thus creating the reduced level on which the modern factory is now sited.
13. Clay has been extracted at the existing quarry site, east of Calverton Road, since the 1960's with further planning permissions to extend the extraction area issued in 1973/4.
14. The main planning permission under which the permitted quarry is currently operating, is Plg Ref. 7/2003/0335 granted by decision notice dated 8 December 2003 under the Review of Old Minerals Permissions (ROMP). The approval provided under this ROMP is for the 'winning and working of clay, and the importation of waste materials including domestic, industrial and non-toxic wastes to achieve a restoration scheme which returns the land to agriculture, woodland and conservation uses. This ROMP consent followed on from a preceding permission, granted in March 1998 under Plg Ref. 7/97/0697, for approval of conditions for extraction of clay and subsequent restoration of the site by landfill to agriculture, woodland and nature conservation areas. The boundaries of these sites are identified on Plan 2.
15. In 2006 pre-application discussions were carried out by the applicants with a view to submitting an application to NCC for 'Clay Extraction – Extension to the East; and restoration of the workings by land-filling'. It was however resolved by the applicants not to submit a planning application which incorporated restoration by landfill following feedback received from officers of NCC and local communities that the waste importation part of the development was likely to generate unacceptable odour impacts and was therefore unlikely to be favourably recommended for planning permission.
16. The applicants therefore took the decision to progress a planning application which sought consent for the extraction of the clay but not incorporating the restoration of the site by the use of landfill.

Proposed Development

Planning Application 7/2013/0760NCC relating to the proposed Eastern Extension of mineral extraction

17. Planning Application 7/2013/0760NCC relates to a proposed 'Eastern Extension' of the quarry by a further 11.7 hectares (see Plan 2). The proposed development site is located to the east of the existing workings and comprises agricultural land currently farmed as three fields. The northern and eastern boundaries follow the highway boundary to the B684 Woodborough Lane/Mapperley Plains. The fields and highway boundaries are delineated by existing hedgerows and are currently used for grassland/arable farming. Part of the southern boundary abuts an area of old orchard, enclosed by mature trees and provides a boundary to this part of the site, further tree screens to the west provide more subdivision within the field pattern.
18. The application for the Eastern Extension site, which is accompanied by an Environmental Impact Assessment, proposes extraction of clay from 9 hectares of an application area of 11.7 hectares. It is proposed to extract around 1 million cubic metres of clay over a ten year period from the site. Mineral extraction would reduce ground levels to approximately 110m Above Ordnance Datum (AOD), but down to 108m AOD in the south eastern part of the site. Due to the sloping nature of the ground the actual depth of mineral working is variable but ranges from approximately 17m deep at the eastern edge to approximately 4m deep to the south west corner. The extraction would take place in three broadly identifiable phases starting at the western end and working east towards the site boundary with the junction of Woodborough Lane, Nottingham Road and Mapperley Plains.
19. The work on each phase would be undertaken by mobile plant and equipment in the same manner as with the existing operations in the consented area of extraction. Initial works would consist of the stripping of topsoil and overburden to expose the commercial clay reserve. The soil would be used to create a 3 metre high soil screening landform to the south whereas the overburden would be stored within the existing quarry void for use in the low level restoration of the Eastern Extension.
20. Advanced planting would be undertaken. These works comprise the 'gapping up' of hedgerows and the early provision of new hedgerow and tree planting to screen the site. The existing storm water lagoon, installed in 2011, would be used to control water running off from the site. The lagoon would also be retained as a feature of the restored site.
21. The clay would be extracted by using mobile plant currently box scrapers, but also excavator and dump trucks and hauled to the existing clay stockpile for use in the manufacture of bricks. There would be no road hauling of clay as a result of the eastern extension because the scheme would continue to rely on the use of the conveyor system to haul all extracted clays.
22. The stored soils and overburden would be used to progressively establish the restoration profile in accordance with the proposed low level restoration scheme that does not necessitate the importation of any waste materials into the site.

23. The proposed scheme would require the temporary diversion of Footpath 7 around the perimeter of the site. The existing route of the footpath crosses the proposed Eastern Extension in a north east – south west direction where it joins Footpath 8 briefly before both split again into two paths. Footpath 8, which has been the subject of previous diversions, would also be further temporarily diverted around the edge of the proposed Eastern Extension.
24. Quarrying operations are anticipated to continue the existing pattern of working at the site with clay wins undertaken on a 6-8 week ‘campaign’ basis usually during the summer months. The hours of operation are identified in the table below:

	Monday to Friday	Saturdays	Sundays, Public /Bank Holidays
Clay extraction	07:00 – 19:00 hours	07:00 – 13:00 hours	Closed
Soil Stripping	08:00 – 19:00 hours	08:00 – 13:00 hours	Closed
Movement of clay from stockpile to brick factory	06:00 – 18:00	06:00 – 18:00	06:00 – 18:00

25. All surface water drainage would be channelled towards the existing silt lagoon located in the south western corner of the existing consented site, and discharged in a controlled manner to the Dumble Brook located along the western boundary of the site. The existing catchment lagoon has been designed to serve the existing consented area for surface run-off. During the course of processing the planning application it has been necessary to re-calculate the surface water catchment area of the proposed Eastern Extension. This technical re-assessment ensures the lagoon is of sufficient size to accommodate the drainage of the site during flood events. The supplementary drainage data has been processed in accordance with the publicity requirements of Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The final restoration contours provide a ‘bowl’ shape, with shallow contours in the middle falling towards the attenuation lagoon which discharges into the Dumble Brook.
26. Restoration works would be undertaken progressively during extraction activities commencing during phase 2 of extraction although the main restoration of the site would be undertaken upon completion of the final clay extraction phase when approximately 250,000 cubic metres (500,000 tonnes) of the non-usable clay materials would be used to re-profile the quarry. The restoration would also utilise further restoration material won from land to the south-west of the proposed extraction area, releasing approximately 49,000 cubic metres of additional fill material and assist with improving landscape integration. The final profiles have

been designed to integrate the restored land with the adjacent landfill restoration and the surrounding landscape.

27. The applicant has given consideration within their submission to potential development of alternative sites including sites to the north and east of Woodbrough Lane/Mapperley Plains, land to the east of the extension land towards Lambley and Burton Joyce and a more remote site at Burton Joyce. The alternative site assessment identifies that the preferred Eastern Extension site offers greatest benefits due to its proximity to the existing workings which negates the need for road transport of raw materials and ensures that existing investment in site infrastructure can continue to be used.

Planning Application 7/2013/0757NCC relating to the variation of planning conditions within the existing quarry/landfill site.

28. The quarry/landfill site is operated under two separate permissions, the boundaries of these sites being identified on Plan 2. Planning Application 7/2013/0757NCC relates to the variation of planning conditions within the part of the existing quarry/landfill site operated under Planning Permission 7/2003/0335.
29. Much of the north western part of the quarry bounded by Woodborough Lane and Calverton Road has been restored to agricultural/nature conservation purposes. Recent mineral excavation and subsequent landfilling has progressed in a south easterly direction. Consented mineral reserves remain unworked within a belt of land adjacent to Woodborough Lane which runs along the entire length of the north eastern boundary. Calverton Road forms the north western boundary. A dense band of landscaping runs along the entire length of Woodborough Lane and Calverton Road, screening the site from these viewpoints.
30. The existing mineral extraction area which has permission for restoration by landfill would need to be varied to ensure that the permitted restoration landform merges into the proposed lower level Eastern Extension restoration profile. To achieve this it is necessary to reduce the volume of waste which would be capable of being tipped in the existing consented landfill area by approximately 190,000 cubic metres, thereby enabling the restoration profile of the landfill site to slope down to the lower level of the proposed Eastern Extraction area.
31. In order for the clay extraction to be undertaken in the Eastern Extension a 'pause' position in the permitted landfill operations would need to occur. This pause would commence after completion of the first cell in the phase 4 area of the currently permitted area (estimated 2015). Landfill operations would thereafter pause until such time that final restoration profiles are created in the Eastern Extension. The need for the pause position is because the Eastern Extension would effectively halt new landfill void space being created for disposal in the existing permitted area. The pause position also enables an area to be created in the worked out quarry base of the current working area for the storage of non-usable clay materials originating from the Eastern Extension, prior to its use in restoration.

32. It is anticipated that the 'pause' would occur for the period from around 2015 to 2025, after which landfilling could resume, in line with the current landfill permission. This time period reflects the anticipated working timescales for the clay extraction from the Eastern Extension.
33. In order to accommodate the 'pause' position and revised restoration profile, this Section 73 Planning Application seeks to vary Conditions 3, 13 and 50 imposed under the ROMP permission 7/2003/0335 for mineral extraction/restoration by landfill.
34. These conditions are set out below:

Condition 3: Unless otherwise agreed in writing with the Mineral Planning Authority or required by the conditions attached to this determination, the development hereby approved shall be carried out in accordance with the details contained in the submitted application No. 7/2003/0335 dated 17th February 2003 and the accompanying statement and drawings.

35. The application seeks to vary this condition by providing an amended scheme to enable the landfill to 'pause' (for a longer period than would already occur) and to allow a lower level restoration to be completed, which would tie into the proposed Eastern Extension.

Condition 13: Within six months of the date of this determination a scheme covering the following matters shall be submitted to the Mineral Planning Authority for approval:

(a) The timing of clay extraction reflecting the approved phases as shown on drawing No. D10/EA4* accompanying application No. 7/2003/0335 dated 17th February 2003.

(b) The timing and phasing of infilling.

The working and phasing of the site shall only be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Mineral Planning Authority.

36. A scheme of timings has been agreed under the requirements of Condition 13 which identified mineral extraction to cease by 2017 and landfilling to be complete by 2020. Although clay extraction would still be undertaken in accordance with the physical location and sequence which has been approved, the current planning application would affect the timing of these works.
37. This planning application seeks to vary the agreed timetable approved under this planning condition as follows:
- a. With regard to the timetable for mineral extraction, workings would move in a south-easterly direction towards the Eastern Extension at 2015, at this point quarrying would commence in the Eastern Extension over a ten year

period. After 2025 mineral extraction would re-commence in the currently permitted area, resuming in the vicinity of the clay stockpile area and progressing north-westerly for approximately 8 years, to complete by approximately 2034.

- b. With regard to the timetable for landfill, this would cease at the 'pause position' in 2015 and resume in 2025, following closely behind mineral extraction operations.

Condition 50: Unless otherwise agreed in writing with the Mineral Planning Authority within six months of the date of this determination, a detailed scheme for the phased restoration, final landscaping and planting of the site shall be submitted for the written approval of the Mineral Planning Authority. The submitted scheme shall include details of:

- a) Pre-settlement and post-settlement restoration contours;
- b) Ground preparation works including ripping and surface cultivation;
- c) Topsoil and subsoil replacement including the depths of soils and the method of soil handling and re-spreading;
- d) The planting and maintenance of trees, shrubs and hedgerows including location, species, size, number and spacing;
- e) The seeding, fertilising, watering, draining or other treatment of the land;
- f) The location and type of fencing and gates;
- g) Public rights of way; and
- h) Time-scales for implementing and completing the above works.

- 38. The proposed revised restoration plan which seek to merge the landform between the restored landfill site and the lower level Eastern Extension have been submitted to address all the details approved by the Mineral Planning Authority in November 2005 under the requirements of this planning condition.

Consultations

Consultation responses received in connection with Planning Application 7/2013/0760NCC relating to the proposed Eastern Extension of mineral extraction, incorporating responses raised to the Regulation 22 re-consultation.

- 39. Gedling Borough Council: *Raise no objections*
- 40. Environment Agency (EA): *The EA raise no objections to the development, noting that the revised flood risk assessment submitted as part of the Regulation 22 submission overcomes concerns originally raised regarding this matter. The EA recommend that planning conditions be included to ensure that the operator takes appropriate action in the event that any unsuspected ground contamination*

is encountered during site development works and that any facilities for the storage of oils, fuels or chemicals are appropriately contained to avoid pollution incidents.

41. Natural England: *Raise no objections to the development. Natural England would expect the planning authority to make their own assessments of the significance of impact to soils and land quality, protected species and their habitats, potential habitat improvements and potential landscape impacts/enhancements.*
42. NCC (Nature Conservation): *Raises no objection. Overall the existing site is considered to be of low ecological value comprising improved grassland fields divided by species-poor hedgerows and therefore significant ecological impacts are not anticipated. The restoration of the site would provide some ecological enhancements. Planning conditions are suggested to control vegetation clearance during the bird nesting season, require a re-survey for badgers prior to commencement in each phase of the quarry and to make some minor modifications to the planting mixes used within the restoration of the site.*
43. Nottinghamshire Wildlife Trust: *Raise no objections subject to*
 - *Hedges being retained around the periphery of the site including a buffer strip to ensure their protection.*
 - *A survey of the site prior to the development commencing for the presence of a protected species (not currently on the site) and the implementation of appropriate mitigation in the event that any such foraging species wanders into holes or other excavated areas at the site.*
 - *The development would not result in the loss of any bat habitat.*
 - *The area of grassland, around the pond should be managed to encourage amphibians.*
 - *The proposed restoration scheme is generally welcomed and would provide a greater range of habitats over what is currently present.*
44. NCC (Highways): *Raise no objection to the development on the basis that the proposal has a negligible effect on the highway network*
45. NCC (Countryside Access): *Raise concerns that the extensions to the quarry result in the movement and lengthening of Footpaths 7 & 8 with them now being amalgamated into one path. To compensate for the lengthening of these footpaths, it is recommended that the applicant allows formal permissive access through its woods at least until such time that Arnold Footpaths 7 & 8 are restored back to their original lines. It is not proposed to dedicate the route as public right of way due to a lack of resources to manage the footpath.*
46. The Ramblers' Association: *Raise objections to the development on the basis that the development would result in the long term disruption to Footpaths 7 & 8. Whilst acknowledging the restoration of the site reinstates these routes, the diverted routes during the operation phase fails to provide a satisfactory alternative route of equivalent interest and quality. The Ramblers also object on the grounds that the development would result in adverse visual/landscape impacts, detrimentally harming an important ridge line which overlooks Arnold as*

well as impact the Dumbles landscape character of the area. The development therefore is considered to be inappropriate within the Green Belt.

47. NCC (Landscape): *Raise No Objections. The Landscape and Visual Impact Assessment has been carried out to the accepted methodology and therefore its conclusions are reasonable.*
48. *The magnitude of visual impact varies from substantial adverse (for one recreational viewpoint only) to neutral. All visual impacts will reduce to neutral as the restoration landscape begins to mature. There are no visual impacts on designated sites such as listed buildings and conservation areas. The site is wholly within the Green Belt but the proposals would not result in any loss of its openness and will be restored to agricultural and nature conservation after uses.*
49. *The magnitude of landscape change is assessed as being moderate adverse. The proposal would form a new feature that results in partial damage to key characteristics, elements and features that contribute to landscape character and the effects are largely irreversible. Notably the proposed restoration scheme would not restore the ridgeline feature but the final landform is designed to tie into the adjoining landscape, which is accepted.*
50. NCC (Noise Engineer): *Raises no objections. The noise assessment adequately considers the potential 'worst case' scenario for noise impact. This worst-case scenario assumes works are undertaken at grade with all machinery working at 100%, identifying that noise levels at the nearest sensitive receptors (Howbeck Close & Strathmore Road) are within standards set out within the NPPF although there may be an increase in actual levels of noise in these locations as a result of the development. To ensure the magnitude of any impacts are appropriately controlled to an acceptable level planning conditions are suggested to control noise levels at sensitive receptors including the regular monitoring of these noise levels, controls on working hours and the use of appropriate silencing and reversing systems on mobile plant.*
51. NCC (Reclamation): *Raise no objection to the Eastern Extension. The Environmental Statement refers to a Construction and Environmental Management Plan which together with the licensing conditions of the Environmental Permit should address the concerns of risks to water quality and fugitive dust emissions. The issue of gas control will also be part of the Environmental Permit.*
52. National Grid (Gas): *Raise no objection on the basis that the company has no apparatus in the immediate vicinity of the site.*
53. Woodborough Parish Council, Arnold Killisick Residents Association, Friends of the Hobbucks, National Planning Casework Unit, Severn Trent Water Limited, Western Power Distribution: *No representations received.*

Consultation responses received in connection with Planning Application 7/2013/0757NCC relating to the variation of planning conditions within the existing quarry/landfill site.

54. Gedling Borough Council: *No objections*
55. Environment Agency (EA): *The EA welcome the low level restoration of the Eastern Extension which does not incorporate any extension of the current permitted landfill operations. Whilst not objecting to the pause position, the EA advise that from July 2012 to the end of January 2013 the EA received 1,128 complaints from local residents regarding odour from Dorket Head landfill. A further cell would need to be constructed to achieve the proposed pause position, whilst this cell is within the currently permitted area for landfill the EA query the need for the construction of another cell at the site to achieve the proposed restoration scheme arguing a similar slope could be achieved by capping the flanks of the site with inert material. If the construction of the additional landfill cell caused or posed a risk of serious pollution then the EA may suspend the operation until such time that the risk can be controlled which may affect the completion of the proposed landform.*
56. *The EA consider the reduction of 190,000 cubic metres of waste input into Dorket Head which equates to 2.5 years of input (at current rates) is a comparatively minor reduction in the capacity of a site which has a void in excess of 1.1 million cubic metres. The EA request that the final restoration of the site is given further consideration to shorten the life of future landfill operations.*
57. National Grid Company PLC: *Raise no objections.*
58. Nottinghamshire Wildlife Trust: *Raise no objections to the development, repeating their observations made in connection with the Eastern Extension planning application.*
59. Natural England: *Raise no objections to the development, repeating their observations made in connection with the Eastern Extension planning application.*
60. NCC (Nature Conservation): *Given the nature of the proposals, and the fact that the site already enjoys planning permission, significant ecological impacts arising as a result of either a 'pause' in the landfilling operations, or the revisions to the restoration profile to tie in with the low level restoration of the Eastern Extension are not anticipated. Ecological benefits should be derived from restoration, subject to minor modifications to the planting specification.*
61. NCC (Landscape): *The Landscape and Visual Impact Assessment in connection with the proposed restoration profile at Dorket Head has been carried out to the accepted methodology and they are in agreement with its conclusions that the landscape and visual impacts of this development are neutral on the surrounding area. The application is therefore supported.*
62. NCC (Noise Engineer): *Subject to the re-imposition of existing noise controls the proposals will not lead to adverse noise impact.*
63. NCC (Highways): *The proposal would have minimal impact on the highway network and may actually result in a temporary reduction of traffic in the local area due to the closure of the landfill, therefore the highway authority has no objection to the proposals.*

64. NCC (Reclamation): *Raise no objection to the proposed amendments on contamination grounds. The prolonged exposure of an open landfill has potential to lead to a greater risk of environmental impairment; however the management plan is such that the “pause” within the programme has been anticipated. Control measures are in place to collect and treat the expected leachates and run-off from the site, which will remain subject to Environment Agency control through the licensing regime. Other potential pathways such as fugitive dusts during dry conditions have also been addressed and again will be subject to control via the waste licensing regime.*
65. Calverton Parish Council, Woodborough Parish Council, The Ramblers Association, Arnold Killisick Residents Association, Friends of the Hobbucks, Severn Trent Water Limited, Western Power Distribution, National Grid (Gas), NCC (Countryside Access): No representations received.

Publicity

66. The planning applications have been extensively publicised by posting 27 site notices around the perimeter of the site, the publication of a press notice in the Nottingham Post and the posting of 369 neighbour notification letters to residential properties surrounding the site. The publicity has been undertaken in accordance with the County Council’s adopted Statement of Community Involvement.
67. Three letters of objection have been received which raise the following concerns.
- (a) This is a Green Belt/residential area which is fast becoming blighted with eyesores, noise, bad odours and litter due to bad planning decisions having impacts on peoples’ lives. The development will become another blot on the landscape.
 - (b) The landfill produces odours and noise, in particular the 24 hour operation of the brickworks produces noise, although the resident acknowledges that the factory operators rectified the noise problem once it was brought to the their attention.
 - (c) The development would have a landscape impact and affect important views.
 - (d) The development will adversely affect the local network of public footpaths.
 - (e) The development will ruin farmland.
 - (f) The development has potential to impact groundwaters resulting in potential contamination.
 - (g) The development is just the start of the site being used for landfill.
68. A further letter has been received from a local resident which does not raise any overall objections to the development, however the resident does have some concerns that the diversion and extension of the footpath would extend its length and reduce its quality.

69. The Regulation 22 submission of supplementary drainage data has been re-publicised through the posting of further site notices around the perimeter of the site and the publication of a press notice in the Nottingham Post. No further representations have been received.
70. Councillor Pauline Allan and Councillor Michael Payne have been notified of the application.
71. The issues raised are considered in the Observations Section of this report.

Observations

72. The National Planning Policy Framework (NPPF) states that the primary objective of the planning system is to achieve sustainable development; identifying that these objectives should be achieved by making planning decisions in accordance with the development plan, unless material considerations indicate otherwise.
73. In relation to mineral developments, the NPPF acknowledges that the extraction of minerals is essential to support sustainable economic growth and support the quality of life and therefore requires that sufficient supplies of minerals are maintained. The NPPF acknowledges that unlike most other forms of development, minerals are a finite resources and can only be worked where they are found. When determining planning applications the NPPF requires planning authorities to give great weight to the benefits of mineral extraction, including to the economy, but also they should control environmental impacts and ensure appropriate restoration/aftercare of mineral sites. Minerals Planning Authorities are required to plan for a steady and adequate supply of industrial minerals to support the level of actual and proposed investment required for new or existing plant, in the case of brick clay the NPPF states that planning authorities should plan for at least 25 years mineral reserves.
74. The adopted Development Plan for the Dorket Head area comprises the Nottinghamshire Minerals Local Plan (adopted December 2005) (MLP) and the Gedling Replacement Local Plan (adopted July 2005) (GLP).
75. The MLP does not geographically allocate any land for an extension of Dorket Head Quarry. This is because at the time the plan was prepared planning permission had recently been granted for an extension to the quarry which secured mineral reserves until at least 2020 and therefore a need for further mineral reserves was not anticipated throughout the plan period (up to 31st December 2014).
76. In the longer term the adopted MLP identifies that there is potential for an Eastern Extension, acknowledging that such an extension would have merit in supplying local clay reserves to the existing brickworks, subject to acceptable working and reclamation schemes. The plan acknowledges that if it is not possible to undertake an extension it may be necessary to source clay from remote reserves, or potentially relocate the whole brickworks to a new site. The Policy is set out below:

POLICY M11.2 DORKET HEAD – FUTURE PROVISION

Proposals to extend Dorket Head clay pit should take into account the environmental constraints at the site, the operational benefits to be gained by phased working and restoration and the likelihood of alternative locations offering a lesser environmental impact. Proposals will be permitted elsewhere which either:

(a) maintain supplies of clay to the Dorket Head brickworks; or

(b) provide a replacement brickworks and clay pit,

providing such proposals are subject to a satisfactory working and reclamation scheme.

Proposals for a new brickworks and clay pit should, where practical, include the reclamation of the Dorket Head brickworks site. In granting planning permission the County Council will impose conditions to ensure that commencement of extraction is phased to replace the expected exhaustion of reserves at Dorket Head.

77. The County Council is currently in the process of reviewing the adopted Minerals Local Plan and has recently consulted on the preferred approach of the replacement plan. The replacement MLP identifies that remaining reserves at Dorket Head are estimated at 12 years (as of December 2011) and therefore not sufficient to cover the plan period (2030). The plan therefore identifies a need to allocate further reserves. To address this shortfall, Policy MP6 proposes the allocation of 11.7ha of land at Dorket Head, the boundaries of which broadly correspond with the current planning application site.
78. The NPPF incorporates advice on the weight that may be attached to emerging planning policies when making planning decisions, stating that policies within un-adopted plans cannot solely be relied on for decision making purposes. Factors such as the stage of plan preparation, the extent to which there are unresolved objections and the degree of consistency with national planning policies should be taken into account when considering the weight that should be given to policies within emerging plans. Since the replacement MLP is still at an early stage of preparation members are advised that only limited weight should be given to the policies it incorporates. Nevertheless, the replacement MLP does incorporate the Councils preferred approach for mineral extraction at Dorket Head over the next 20 years and lends support to the Eastern Extension of the quarry .
79. The development of the Eastern Extension contributes to securing clay reserves at Dorket Head quarry in accordance with the approach set out within the NPPF. Whilst the adopted MLP does not specifically allocate the proposed development site for clay extraction, the possibility of extensions at Dorket Head have been identified in adopted MLP Policy M11.2, lending support to the Eastern Extension subject to there being acceptable environmental impacts.
80. The Eastern Extension can potentially contribute to all three core objectives of sustainable development (as defined within the NPPF) in terms of its economic, social and environmental contribution wherein it is noted that the development

would assist with building a strong and competitive economy and would support jobs and prosperity within an existing established business which employs a local workforce that contributes to the general social wellbeing of the area. The development makes prudent use of a mineral reserve, maximising the use of available brick clay for use in the adjoining factory thereby minimising the use of road haulage which other options for mineral extraction would necessitate, thereby minimising CO2 emissions.

81. The development therefore gives rise to major sustainability benefits which are in line with national and local planning objectives articulated in the NPPF. Notably the development is in general accordance with MLP Policy M3.15 regarding the provision of new clay reserves for Dorket Head and emerging allocations in the replacement MLP. Subject to acceptable environmental impacts it is concluded that the principle of the development has policy support.

Assessment of Potential Environmental Impacts

Landscape Assessment

82. The site is situated on a localised ridgeline approximately 300m north of the urban edge of Arnold. The site comprises three improved grassland fields which are used for grazing, approximately equal in size, enclosed and divided by hawthorn dominated hedgerows. The two eastern-most fields are located on generally flat ground on the summit of the ridgeline at elevations from 124 m AOD to 131 m AOD. The south-western field is situated on the west-facing valley side and follows the valley slopes at a gradient of around 1 in 8 at an elevation of 129m AOD to 110m AOD.
83. The majority of the surrounding landscape to the west, north and east are characterised by ridgelines which separate similar steep sided valleys, known locally as 'dumbles'. The landscape is predominantly in agricultural use, principally in small to medium sized fields of permanent pasture enclosed by a mixture of managed and unmanaged hedgerows with occasional standard trees and small deciduous copses and spinneys.
84. With regard to the landscape character of the application site, the nationally produced landscape classification document the 'Character of England' identifies that the site lies at the southern end of the narrow '*Sherwood*', Character Area 49. The boundary with the Trent and Belvoir Vales Character Area (48) to the east is only 350 metres away. At a County level, the 'Greater Nottinghamshire Local Character Assessment' (June 2009) places the site within the "Mid-Nottinghamshire Farmland" Regional Character Area, located within DPZ MN 045 "The Dumbles Rolling Farmland". The landscape is characterised by a series of rolling hills which is formed by a distinctive series of ridgelines and valleys, known locally as Dumbles. The landscape condition is described as 'Good' and the overall landscape strategy is to '*Conserve and Enhance*'. The Gedling Replacement Local Plan (GLP) identifies that the site is situated within a Mature Landscape Area, the Greenwood Community Forest and also incorporates a prominent ridge line.
85. To assess the significant of change to the landscape the applicant has carried out a landscape and visual assessment of the proposed developments. The

document has been reviewed by NCC's Landscape Team who note that the assessment has been carried out to the accepted methodology and therefore the conclusions of the assessment are considered to be reasonable and accurate. Overall it is considered that the scale or magnitude of the predicted landscape impacts on the immediate surroundings would be Moderate Adverse (i.e. the proposal forms a new feature that results in partial damage to key characteristics, elements and features that contribute to landscape, and effects are largely irreversible), notably the development would result in the permanent loss of part of the protected ridgeline. The restoration proposals would predominantly address most of the operational landscape impacts through the incorporation of additional biodiversity enhancements, additional tree and scrub planting, the establishment of species rich grassland, wetland components and native woodland habitat would reduce the magnitude of landscape impact from the restored site to slight adverse.

86. Planning policies incorporated within the development plan seek to control the landscape impact of development. Since the landscape appraisal identifies moderate adverse impacts during the working of the Eastern Extension including impacts to the protected ridgeline and mature landscape area, the development does not fully comply with the landscape protection policies within the development plan. Consideration against the relevant policies is provided below:
- a. MLP Policy M3.22 Landscape Character states that planning permission will not be granted for minerals development which is likely to adversely impact upon the character and distinctiveness of the landscape unless there are reasons of overriding public interest or where ameliorative measures can reduce the impact to an acceptable level.
 - The development would have adverse impacts to the character and distinctiveness of the local landscape character during the excavation of the site. These impacts however are temporary and are predominantly addressed in the longer term by the restoration of the site which has been designed to reflect the local landscape character. The applicant therefore has sought to take appropriate ameliorative measures to reduce the landscape impact as far as practicable in accordance with the approach set out within MLP Policy M3.22. In terms of the wider public interest arguments, the continued operation of the brickworks makes an important contribution to the local economy and there is a need for further clay reserves to ensure the brickworks maintain production. The continued operation of the brickworks therefore positively contributes to the wellbeing of society and it is in the wider public interest that new minerals reserves are permitted in close proximity to the existing factory to allow brick production to continue. It is therefore concluded that the development is in the wider public interest, the site design ensures that landscape impacts are minimised and predominantly temporary in nature and therefore landscape impacts are considered to be acceptable in the context of MLP Policy M3.22.
 - b. GLP Policy ENV 37 Mature Landscape Areas identifies that the Eastern Extension Area and land leading towards the residential development to the south west of the site is designated as a Mature Landscape Area. Development will only be permitted in these designated areas where it can

be demonstrated that reasons for the proposal clearly outweigh the need to safeguard the area's intrinsic value. Furthermore, MLP Policy M3.23 Mature Landscape Areas states that planning permission will not be granted for minerals development which is likely to cause harm to a Mature Landscape Area unless there are reasons of overriding public interest or where ameliorative measures and opportunities for enhancement can reduce the impact to an acceptable level.

- GLP Policy ENV37 provides specific protection for the area within which the application site is allocated by designating the area as a Mature Landscape Area. However, it is noted that the GLP is currently in the process of being reviewed and replaced by the Greater Nottingham Aligned Core Strategy. The replacement plan does not incorporate any mature landscape area designations, instead the plan favours the use of local evidence in the form of landscape character assessments to inform and guide decisions.
 - Notwithstanding the above, the GLP remains an adopted plan and Policy ENV37 is a saved policy and therefore is relevant to the assessment of this planning application. Both GLP Policy ENV37 and MLP Policy M3.23 seek to protect the character of Mature Landscape Areas from harmful development, only permitting such development where there are overriding reasons for granting the development which outweigh the harm. The arguments of need have been considered in the proceeding section of this paragraph where an overriding need for the development which outweighs the predominantly temporary landscape effects of the development is demonstrated. Having regard to this conclusion it is concluded that the development satisfies the policy tests of both GLP Policy ENV37 and MLP Policy M3.23.
- c. GLP Policy ENV 32 Primary Ridgelines identifies that the site is dissected by a primary ridgeline designation and states that development will not be granted if it has an adverse effect on the open character and visual quality of the primary and secondary ridgelines.
- Despite mitigation, the residual landscape impact cannot be fully mitigated as the locally characteristic ridgeline cannot be reinstated. The development therefore would fail to satisfy the requirements of GLP Policy ENV32. It should however be highlighted that the ridgeline would not actually be lost but rather migrated north and eastwards towards Woodborough Lane/Mapperley Plains. Woodbrough Lane would be maintained, of course, and its boundary with the site would maintain the overall prominent ridge.
- d. GLP Policy ENV 43 Greenwood Community Forest seeks to ensure that new development within the Greenwood area incorporates new tree and woodland planting.
- The development would result in the net increase in tree and woodland planting and therefore complies with GLP Policy ENV43.

Visual Impact

87. The applicant's visual appraisal utilises 16 viewpoints to determine the significance of visual impact comprising 12 residential locations (high sensitivity visual receptors), two viewpoints from footpaths (medium sensitivity) and two viewpoints from roads (low sensitivity). The appraisal utilises established visual impact assessment techniques to systematically quantify the magnitude of visual impact.
88. The visual impact assessment identifies that most residential properties are located at a slightly lower level from the site and that views into the site from these properties are restricted by boundary hedgerows. Views would be most apparent during the clay campaigns, when mobile plant could be visible, though this would only occur for a short duration, 6 to 8 weeks per year. The maintenance of existing screening vegetation should assist in minimising these impacts. The magnitude of impact from residential properties is assessed as generally being slight to moderate adverse. Most noticeable visual impacts would occur from the footpaths which cross the site where the visual impact would be 'large'. Impacts from surrounding roads would generally be neutral. Following the restoration of the site these impacts would reduce to 'no change' for 11 of the 12 receptor locations with slight adverse impacts experienced from the footpath which crosses the site.
89. MLP Policy M3.3 Visual Intrusion and Policy M3.4 Screening seek to ensure that planning permission for minerals development will only be granted where any adverse visual impacts can be kept to an acceptable level. Where appropriate the policies encourage the use of planning conditions to ensure that plant, structures, buildings and storage areas are screened to reduce visual impact.
90. The applicant has incorporated landscaping and planting within their quarry design to assist with reducing the magnitude of visual impact during the working of the site. The screening has been concentrated along the southern boundary to maximise the visual screening of the workings from residential properties to the south where the development proposes the planting of a tree belt and the placement of grass seeded soil stockpiles. Notably restoration works and aftercare planting would ensure that in the longer term the restored site would have a neutral visual impact.

Green Belt

91. The existing workings and proposed Eastern Extension are located entirely within Green Belt.
92. The MLP identifies that minerals development can be considered as appropriate development within the Green Belt, referencing Green Belt policies contained within the replaced Nottinghamshire Structure Plan Review (SPR) and Planning Policy Guidance Note 2 (PPG2) to support this conclusion. Whilst it is acknowledged that both these documents have now been replaced, the most recent statement of Government policy relating to the Green Belt policy contained within the NPPF recognises that mineral extraction is not inappropriate in the Green Belt provided it preserves the openness. No reference is made to mineral

extraction within the district council's Green Belt policy (GLP Policy ENV26: Control of Development in the Green Belt).

93. The development does not propose any buildings as part of the works. The engineering works and construction of temporary storage mounds associated with the development may result in a short-term impact upon the openness of the Green Belt. However, the storage mounds and extraction process is a temporary use, after which the site would be restored back to an agriculture and nature conservation use. The restored profiles will be at a lower level than the existing ground levels and therefore no long term impacts upon the openness of the Green Belt are anticipated. The development therefore would not conflict with Green Belt Policy.

Rights of Way

94. MLP Policy M3.26 (Public Access) states :

Policy M3.6: Public Access

Where planning permission is granted for minerals development which would temporarily or permanently disrupt a public right of way, an alternative route should be chosen which aims to offer equivalent interest and quality, having regard to the length of time during which the disruption would take place.

95. There is a network of public footpaths in the area of the development site including Arnold Footpath 7 which runs in an east-west direction through the centre of the site and Arnold Footpath 8 which runs along the north western boundary of the site prior to turning in a north-westerly direction along the frontage of the currently operational land parallel with Woodborough Lane. Arnold Footpath 8 has previously been diverted as a result of quarrying operations at Dorket Head from its original route which ran through the current operational land.
96. The proposed Eastern Extension would necessitate further alterations of the footpath network in the area to enable the safe working of the quarry. The planning application incorporates proposals to divert both Footpaths 7 & 8 further to the south east so that they follow the southern perimeter of the extended quarry, prior to turning north and east along the boundary with Woodborough Lane to link to the existing Footpath 8 in this location. The diversion would be for the duration of the operational life of the quarry, the original route of the footpaths would be re-instated following the completion of quarrying operations at the site.
97. The proposed footpath diversions would result in a temporary lengthening of the two footpaths for the life of the quarry. To compensate for the lengthening of these footpaths the applicant proposes to allow permissive access through woodland they own along the southern boundary of the quarry. NCC Countryside Access Team have indicated that they support the extension of permissive access in this area to compensate for the alterations proposed to be made to the definitive routes on the basis that they go some way to compensate for the disruption to the public right of way network and provide alternative routes for

recreational footpath users. The relocation of the footpaths and the provision of the permissive path can be controlled through planning condition thus ensuring that the requirements of MLP Policy M3.6 are satisfied.

Issues associated with landfill operations at Dorket Head

98. The existing quarry workings at Dorket Head utilise imported waste to restore the site and return the topography of the site to similar levels to those which existed prior to mineral extraction. It is a matter of record that these landfill operations have generated significant levels of environmental nuisance most notably from odour releases. Data supplied by the EA identifies that the site generated 632, 598 and 965 complaints in the years 2010, 2011 and 2012, notwithstanding significant investment by the landfill operator to seeking to address the issue.
99. The applicant has considered a number of alternative restoration schemes for the Eastern Extension. Initial plans incorporating proposals to restore the site through the importation of inert waste as an extension of the adjoining landfill were originally tabled by the applicant as part their extensive pre-application consultation process documented in their statement of community engagement. Responses to these proposals were made by the local community who strongly opposed the landfill element of the scheme due to on-going odour nuisances generated by the operation of the site. Furthermore, the company were clearly advised by NCC officers that an extension of the landfill would perpetuate existing odour nuisance and amenity impacts, seriously jeopardising the likely success of any planning application receiving permission. Following consideration of this feedback the company took the decision to omit landfill restoration from the development. It is evident from the low number of representations from local residents to the current planning application that the omission of landfill from the development has been supported by the local community.
100. The Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1: Waste Core Strategy (WCS) identifies an anticipated shortfall of 3.6million cubic metres of non-hazardous landfill capacity in the county during the life of the plan (up to 2030). The WCS acknowledges that opportunities for developing new non-hazardous landfill sites within Nottinghamshire are likely to be limited because of the need to secure geologically impermeable sites for such facilities to minimise pollution of underlying groundwaters. The WCS considers that new disposal facilities are most likely to come forward through the extension of existing operational sites as well as through the restoration of quarries. Due to the limited number of options for new non-hazardous landfill capacity, the effective closure of Dorket Head as a landfill facility through the 'pause position' in 2015 and the lack of any extension of landfill within the Eastern Extension has potential to significantly affect future waste disposal availability within Nottinghamshire and in particular add to the already identified projected shortfalls in non-hazardous landfill void space.
101. Dorket Head landfill site managed 36,000 tonnes of waste from Nottinghamshire's municipal waste collections last year. The majority of this waste originated from Ashfield & Mansfield council collections, but also waste from Gedling & Broxtowe was inputted during periods when the Eastcroft Incinerator was shut down. In addition to Nottinghamshire's municipal waste the landfill site also receives waste originating from commercial and industrial sources as well as some out of county

municipal waste. The implication of 'pausing' landfill operations at Dorket Head landfill is that the waste currently disposed at the site would have to be treated elsewhere. Alternatives may include diversion to alternative disposal facilities within Nottinghamshire including Staple landfill near Newark and Daneshill landfill near Retford or to out of county facilities such as Albion Landfill near Swadlincote and Erin Landfill near Bolsolver. Alternatively the waste may be diverted to waste transfer facilities where material can be 'bulked up' for recovery/disposal outside Nottinghamshire. All these options have potential to increase the transport distances of the waste, however they may indirectly result in the waste being treated at a higher level in the waste hierarchy with potential to utilise increased energy recovery facilities such as Eastcroft Incinerator and the Sheffield Energy Recovery Facility the most likely alternative scenario for Nottinghamshire's residual municipal waste stream.

102. There is not a waste planning policy requirement which imposes a duty on additional landfill capacity being created as part of any quarry extension of Dorket Head. The lack of landfill within the Eastern Extension therefore does not conflict with any policies within the WCS and there are sustainability benefits to utilising the clay resource from the extension area in order to supply the existing brickworks. .
103. Overall it is concluded that the applicant has taken a responsible decision not to pursue an extension of the landfill at Dorket Head. Due to the history of environmental impacts resulting from landfill operations at Dorket Head the decision to not incorporate landfill within the Eastern Extension is strongly supported.
104. The EA has questioned whether the operators could make further alterations to the site design to reduce the quantity of landfill within the existing permitted quarry area as part of the Section 73 planning application. The operators note in their submission that the purpose of the Section 73 planning application is not to consider the principle of landfill capacity within the existing consented area, rather it focuses on seeking planning permission for proposed changes in ground contours based on the low level restoration of the Eastern Extension. In this instance the applicant is keen to retain rights allowing the continuation of landfilling within the currently permitted areas of the existing quarry following the completion of mineral extraction in the Eastern Extension. Whilst it is acknowledged that the amount of waste disposed to landfill is anticipated to reduce in future years, it is anticipated that there is still going to be a need for landfill facilities which the capacity at Dorket Head would contribute towards meeting. The applicant therefore is keen to retain a landfill facility within their approved restoration plans for the permitted quarry and this request is considered reasonable from a planning point of view.

Ecology

105. MLP Policy M3.17 (Biodiversity) seeks to protect ecological habitats or features of priority identified in the UK and Nottinghamshire Local Biodiversity Action Plan through their retention in situ, or through appropriate compensation and mitigation of impact.

106. The planning application is accompanied by an ecological assessment report which identifies that the mineral extraction area would result in the removal of predominantly arable farmland and some species poor hedgerows and trees. This land is of limited ecological value and its loss would have very minor ecological impacts. The overall conclusions therefore are that the proposals would give rise to no significant impact on any ecological receptors, and that post restoration, there would be a minor positive impact arising from the creation of new areas of habitat.
107. A number of specific recommendations have been made by NCC's ecological officer to alter the proposed species mix to be used in the planting of the restored site so as to maximise the site's ecological potential and thereafter manage the restored site throughout the aftercare period by using a habitat management plan. These modifications can be made through the imposition of a planning condition.

Transportation

108. MLP Policies M3:12 (Highway Safety and Protection) and M3.13 (Vehicular Movements) seek to ensure that mineral developments are only granted planning where the highway network can satisfactorily accommodate the vehicle movements and appropriate measures are taken to ensure highway safety is maintained.
109. All extracted mineral would be transported from the quarry to the brickworks factory by utilising the existing conveyor system which passes in a tunnel under Calverton Road. This system ensures that under normal operating conditions mineral is not transported on the public highway and represents one of the main benefits of developing the Eastern Extension compared to other alternatives. The development would not therefore impact on the highway network and thus the development is compliant with MLP policy.
110. Notwithstanding the above, the current planning permission incorporates scope to agree in writing the temporary use of the public highway for haulage of mineral in the event of a long term conveyor breakdown to ensure continuity of production within the brickworks. It is recommended that these emergency temporary arrangements are provided for within the suggested planning conditions for the Eastern Extension.
111. Whilst the movement of clay can be resolved by internal movement on conveyor, the output of bricks from the factory would continue to be dependent upon road transport. The factory produces 85 million bricks per annum which equates to 7,500 loads each year or 30 loads per day. These loads are currently accommodated on the highway network and would not change.
112. It should however be acknowledged that the existing landfill operations at the site generate traffic on the highway network. The development of the Eastern Extension and the related Section 73 planning application would see a cessation of landfill traffic for up to ten years, reducing current permitted traffic levels of traffic during this period.

Historic Environment

113. The site is situated within 2km of the Woodborough Conservation Area, eight listed buildings and two scheduled monuments. The landscape and visual appraisal identifies that impacts to these historic features are not anticipated due to the distance and the intervening topography of the historic features from the site. The development therefore would not result in any significant impacts to listed buildings, conservation areas, registered parks and gardens or other elements of the historic built environment.

Archaeology

114. MLP Policy M3.24 (Archaeology) provides protection for nationally important archaeology remains in situ. Where development has potential to affect archaeological remains of less than national importance the policy states that planning permission will only be granted where the need for the development outweighs the significance of the remains and where appropriate provision is made for the excavation and recording of the archaeological remains.
115. The planning application incorporates an assessment of the potential impact of the development upon the archaeological heritage of the site. This assessment utilises desk top studies and previous archaeological inspections of the site to conclude that there is a 'low but real potential' for archaeological finds within the Eastern Extension and therefore recommends that an archaeological watching brief is undertaken during soil stripping works to ensure that any archaeological remains are appropriately recorded in accordance with the approach set out within MLP Policy M3.24. It is recommended that a requirement to undertake an archaeological watching brief be imposed as part of a planning condition.

Noise

116. MLP Policy M3.5 (Noise) states that minerals development will only be granted planning permission when noise emissions outside the boundary of the minerals workings do not exceed acceptable levels.
117. To inform the assessment of the noise impact the planning application is supported by a noise impact assessment report. The report incorporates data from the existing clay extraction operations and utilises established noise calculation methodology to calculate the worst case scenario for noise emissions at surrounding residential properties. The noise assessment demonstrates that the operation of the quarry would generally be inaudible. The noise report has identified potential for some short term temporary noise increases during the initial quarry construction works including soil stripping and boundary screen construction operations although the level of noise emission is within the noise limits set out within the NPPF for temporary site works at quarries. It is therefore concluded that the operation of the quarry would not result in significant noise emissions at noise sensitive properties surrounding the site.
118. In accordance with MLP Policy M3.5, planning conditions are suggested to ensure the magnitude of any impacts are appropriately controlled to an acceptable level including setting upper limits of noise at nearby residential properties and the regular monitoring of these noise levels, controls on working hours and the use of appropriate silencing and reversing systems on mobile plant.

Dust

119. MLP Policy M3.7 (Dust) states that minerals development will only be granted planning permission when dust emissions outside the boundary of the minerals workings do not lead to unacceptable impacts. The policy encourages the use of planning conditions to suppress dust generation.
120. Dust generation for the existing clay extraction operations have been monitored by the company over an extended ten year period. The results of this monitoring demonstrate that the operation of the site has not generated significant dust emissions outside the boundaries of the quarry. The dust report identifies that the main reason for comparatively low dust emissions is that the extracted clay has a high moisture content.
121. Nevertheless, the dust assessment report acknowledges that potential dust impacts could occur from site operation. The current planning permission has planning conditions to minimise dust emissions from all site operations based on good site management. It is suggested that similar controls be imposed on the Eastern Extension.

Water Resources and Flood Risk

122. MLP Policy M3.8 (Water Resources) seeks to ensure that surface and groundwater flows are not adversely affected by minerals development and do not result in unacceptable pollution risks. M3.9 (Flooding) seeks to ensure that minerals development does not result in additional flooding impacts.
123. The planning application is supported by a drainage assessment. The data within the originally submitted drainage calculation has been re-calculated to take account of a larger catchment area following advice received from the Environment Agency. The submission of this supplementary drainage data has necessitated the re-advertisement of the planning application under the requirements of Regulation 22 of the EIA Regulations.
124. The drainage assessment identifies that the Dumble Brook and the populated areas of Arnold are potentially sensitive to an up-stream change to land drainage within the Dorket Head site. The development has potential to increase surface water flows and generate pollution, notably suspended solids, if adequate mitigation measures are not put in place. To ensure that adverse impacts do not occur the quarry design incorporates a balancing pond to collect and hold surface water and release it at a controlled 'greenfield' rate, thus minimising the risk for flash floods to occur downstream. The balancing pond has been designed to hold up to 9,620 cubic metres of water which is sufficient to hold water from a 1:100 year flood event including an allowance for climate change. The balancing pond would also provide a settlement facility and allow suspended solids to drop out of water flows. The use of the balance pond ensures that the development would have a neutral impact on drainage flows from the site.
125. The planning application incorporates mitigation measures to minimise potential impacts to ground and surface water quality through the implementation of a Construction and Environmental Management Plan, the measures include:

- Minimising the extent of exposed soils and treat runoff that contains elevated suspended solids (i.e. temporary storage to enable settlement) prior to discharge;
 - Early seeding of restored areas, where practicable, to minimise exposed land;
 - Install site drainage and quarry sump to provide settlement of suspended solids prior to discharge to the attenuation lagoon;
 - The attenuation lagoon will also reduce the concentration of suspended solids prior to discharge;
 - The handling, use and storage of hazardous materials to be undertaken in line with the EA's PPGs (e.g.PPG2 Above ground oil storage tanks);
 - Use designated refuelling points, on a hardstanding area drained through an oil separator;
 - Adequately bunded areas for the storage of fuel, oil and chemicals;
 - Provision of spill containment equipment; and
 - Wash down of vehicles and equipment should take place in designated areas and wash water prevented from passing untreated into watercourses.
126. It is recommended that the implementation of the Construction and Environmental Management Plan be secured through a planning condition.
127. The development site comprises of greenfield agricultural land and is considered to have a low potential for ground contamination. Nevertheless, there remains a potential for unsuspected ground contamination to be encountered during quarry works and in such circumstances it is recommended that a planning condition be included to ensure that the operator takes appropriate action in the event that any unsuspected ground contamination is encountered during site development works.

Agricultural Land Quality

128. MLP Policy M3.16 seeks to protect the best and most versatile agricultural land (grades 1, 2 and 3a) from minerals development. Where development does affect the best agricultural land the policy requires the developer to demonstrate there are no appropriate alternative locations to undertake the development on lower grade land. The policy encourages measures to be taken through site restoration to restore the long term agricultural potential of the land.
129. The planning application incorporates an assessment of the agricultural land quality of the site. The report identifies that the site mainly comprises moderate quality agricultural land of sub-grade 3b (9.6ha or 82%) although there are subsidiary areas of sub-grade 3a land (2.1ha or 18%) located mainly on land that would be used for landscape planting and soil storage during the working phases. Natural England does not raise an objection to the loss of this comparatively small area of best quality agricultural land, noting that the development would not have a significant bearing on the national objective to protect such land set out within

Paragraph 112 of the NPPF. The loss of the agricultural productivity of the land would be temporary during the operational period of the Eastern Extension and thereafter the site restoration would return the land back to a predominantly agricultural use. Overall the impact to soils is considered to be slight adverse.

130. Since the development would not have a significant impact on the long term agricultural potential of the site, and there are no readily available alternative locations in close proximity to the brick factory it is considered the loss of a comparatively small area of grade 3a land in this instance is acceptable in the context of MLP Policy M3.16.

Other Options Considered

131. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted.
132. The Environmental Statement considers a number of other options including alternative locations and alternatives to provide for the restoration of the site. The merits of these alternatives are considered within the planning observations section of the report.

Statutory and Policy Implications

133. 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.

Implications for Service Users

134. None arising.

Financial Implications

135. None arising

Equalities Implications

136. None arising

Crime and Disorder Implications

137. The development would be secured by perimeter security fencing.

Human Rights Implications

138. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to introduce impacts of visual impacts, noise and dust although operating practices would minimise the magnitude of impact upon nearby residents. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of securing the continuity of mineral supplies to serve the Dorket Head brickworks factory and ensuring its long term future. Members will need to consider whether these benefits would outweigh the potential impacts.

Safeguarding of Children Implications

139. None arising

Human Resources Implications

140. None arising

Implications for Sustainability and the Environment

141. The Eastern Extension can potentially contribute to all three core objectives of sustainable development (as defined within the NPPF) in terms of its economic, social and environmental contribution wherein it is noted that the development would assist with building a strong and competitive economy, supporting jobs and prosperity within an existing established business which employs a local workforce that contributes to the general social wellbeing of the area. The development makes prudent use of a mineral reserve, maximising the use of available brick clay for use in the nearby factory thereby minimising the use of road haulage and thus assisting with minimising CO2 emissions.

Statement of Positive and Proactive Engagement

142. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; encouraging pre-application community engagement which the applicant acceded to by holding pre-application exhibitions and stake-holder meetings; and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed 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; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, including drainage matters and have been addressed through negotiation and acceptable amendments to the proposals requested through a Regulation 22 submission. The applicant has been given advance sight of the draft planning conditions. This approach has

been in accordance with the requirement set out in the National Planning Policy Framework.

Conclusions

143. The NPPF requires that weight should be given to the benefits derived from minerals developments including the economy whilst ensuring there are no unacceptable adverse impacts upon the environment and securing appropriate restoration and aftercare of mineral workings.
144. The development of the Eastern Extension contributes to securing clay reserves at Dorket Head quarry in accordance with the approach set out within the NPPF. Whilst the adopted MLP does not specifically allocate the proposed development site for clay extraction, the possibility of extensions at Dorket Head has been identified in adopted MLP Policy M11.2, lending support to the Eastern Extension subject to there being acceptable environmental impacts. The development is also supported by the emerging replacement MLP which proposes to allocate the development site for mineral extraction.
145. The development would potentially contribute to all three core objectives of sustainable development (as defined within the NPPF) in terms of its economic, social and environmental contribution wherein it is noted that the development would assist with building a strong and competitive economy, supporting jobs and prosperity within an existing established business which employs a local workforce that contributes to the general social wellbeing of the area. The development makes prudent use of a mineral reserve, maximising the use of available brick clay for use in the adjoining factory thereby minimising the use of road haulage and thus assisting with minimising CO2 emissions.
146. The significance of potential environmental impacts have been examined within the Environmental Statement which supports the planning application and reviewed through the planning consultation process against the relevant policies of the Development Plan. This assessment identifies that the overall environmental impact of the development would not be significant although there would be some residual negative landscape and visual impacts as well as negative impacts to the local footpath network during the operation of the quarry.
147. Overall, taking account of these negative impacts it is concluded that the overall assessment of the planning applications supports the granting of planning permission, subject to the imposition of the recommended planning conditions.

RECOMMENDATIONS

148. It is RECOMMENDED that planning permission be granted for Planning Ref. 7/2013/0760NCC subject to the conditions set out in Appendix 1.
149. It is FURTHER RECOMMENDED that planning permission be granted for Planning Ref. 7/2013/0757NCC subject to the conditions set out in Appendix 1. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Committee has the power to decide the Recommendation, SHB 26.11.13

Comments of the Service Director - Finance (SEM 02/12/13)

There are no specific financial implications arising directly from this report

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

Arnold North Cllr Michael Payne and Cllr Pauline Allen

Report Author/Case Officer

Mike Hankin

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W001164 – DLGS REFERENCE

PSP.MH/PB/EP5391.DOCX

28 November 2013

RECOMMENDED PLANNING CONDITIONS

GEDLING DISTRICT REF. NO.: 7/2013/0760NCC

PROPOSAL: EASTERN EXTENSION OF THE WORKING AND EXTRACTION OF CLAY AND ASSOCIATED MINERALS WITH SUBSEQUENT LOW LEVEL RESTORATION TO INCLUDE LANDSCAPING AND DIVERSION OF PUBLIC FOOTPATHS.

Commencement

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by section 51 of the Planning and Compulsory Purchase Act.

Notification of Commencement

2. The Mineral 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.

Approved Plans

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:
 - a. Planning application and supporting Environmental Statement received by the WPA on 19th June 2013.
 - b. Regulation 22 submission comprising supplementary surface water drainage addendum incorporated within letter from Golder Associates dated 18th October 2013.
 - c. Drawing No. PAS 8.1 Rev A: Existing Site Configuration dated 18th October 2012.
 - d. Drawing No. PAS 8.2 Rev B: Landfill Pause Position dated 6th August 2012.
 - e. Drawing No. PAS 8.3 Rev B: Temporary Restored Clay Face dated 6th August 2012.
 - f. Drawing No. PAS 8.4 Rev A: Final Profiling of Eastern Extension dated 21st August 2012.
 - g. Drawing No. PAS 8.5 Rev A: Final Restoration Profile dated 21st August 2012.

- h. Drawing No. PAS 8.6: Final Restoration Masterplan dated 30th January 2013.
- i. Drawing No. PAS 8.7: Cross Sections A to C dated 5th April 2013

Reason: For the avoidance of doubt.

Scope of Planning Permission

- 4. Extraction of clay shall be limited to within the areas indicated on Drawing No. PAS 8.3 Rev. B.

Reason: To ensure that land is retained around the perimeter of the extraction area to provide landscaping and a diverted footpath and to ensure compliance with Nottinghamshire Minerals Local Plan Policies M3.4 Screening and M3.26 Public Access.

- 5. All brickmaking material extracted from the site shall be taken for processing at the applicants' existing brickworks on the west side of Calverton Road using the existing conveyor system and tunnel beneath Calverton Road. In the event of conveyor breakdown which result in the need for alternative clay movement arrangements, the written consent of the MPA shall be obtained for the duration of any such temporary arrangements prior to them commencing.

Reason: To ensure that minerals are used in a sustainable manner locally to their extraction origin and to minimise additional traffic on the public highway in compliance with Nottinghamshire and Nottingham Minerals Local Plan Policy M3.13: Vehicular Movements.

- 6. All extraction of clay shall cease on or before a date 15 years from the date of commencement as notified under the requirements of Condition 2.

Reason To secure proper restoration of the site within an acceptable timescale which allows some scope for fluctuation in extraction rates, in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

General

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

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

- 8. From the commencement of the development to its completion a copy of this permission, and plans and documents approved in accordance with these conditions shall always be available for inspection by the MPA at the applicants' offices during normal working hours.

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

Footpaths

9. Prior to the commencement of soil stripping within the Eastern Extension, the diversion route for Arnold Footpaths 7 and 8 shall be installed around the perimeter of the extraction area. The diversion route shall be provided in compliance with indicative route identified on Drawing PAS 8.2 Rev B. The construction and surfacing specification for the diverted footpath shall be agreed in writing prior to its construction.

Reason: To ensure that public access is maintained across the site in accordance with the requirement of Nottinghamshire Minerals Local Plan Policy M3.26: Public Access.

10. Arnold Footpath 7 shall be re-instated along its original line as identified on Drawing PAS 8.6 within two years of completion of site restoration works being completed within the Eastern Extension.

Reason: To ensure that public access is maintained across the site in accordance with the requirement of Nottinghamshire Minerals Local Plan Policy M3.26: Public Access.

Site Drainage

11. Prior to the commencement of soil stripping within phase 2 of the Eastern Extension the existing surface water attenuation lagoon shall be enlarged to provide a minimum water storage capacity of 9,620 M3. Site drainage shall be provided in accordance with the approved Flood Risk Assessment (FRA) addendum document: Golder Associates, Dorket Head Section 72 and Environmental Impact Assessment Surface Water Addendum and the following mitigation measures detailed within the FRA:
- a. Limiting the surface water run-off generated by the 1 in 50 year critical storm to a Greenfield runoff rate of 76.1 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - b. Limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm to a Greenfield runoff rate of 188.1 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - c. The landfill operator will continue management and maintenance of the attenuation lagoon to ensure its design capacity and discharge restrictions are maintained.

The site drainage measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied

within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. All surface water discharges from the Eastern Extension shall be channelled towards this attenuation lagoon.

Reason: To ensure that the rate and quality of water discharges from the site are appropriately controlled in accordance with the requirements of Nottinghamshire Minerals Local Plan Policies M3.8: Water Management and M3.9: Flood Defences.

Archaeology

12. No stripping of soil shall take place on the site until a detailed phased scheme of archaeological investigation and treatment, covering all of the application site (including the haul route) located on the north side of the railway line has been submitted to and been approved in writing by the MPA. The scheme shall be implemented as approved.

Reason To ensure that that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with Policy M3.25 of the Nottinghamshire Minerals Local Plan.

Screen planting during the operational life of the development.

13. Prior to the commencement of the development, a scheme for the identification, protection, enhancement and management of the hedgerows and trees within and on the boundary of the site shall be submitted to the MPA for its approval in writing. The approved scheme shall be implemented throughout the period of the development and subsequent aftercare.

Reason: To ensure satisfactory screening and landscaping of the perimeters of the site are maintained in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.4: Screening.

14. Prior to the extraction of any mineral from the Eastern Extension the topsoil screen bund specified to be constructed to the south of Phase 1 on Drawing No. PAS 8.3 Rev B shall be provided. The bund and adjacent tree planting belt shall be planted and seeded in the first available season following the construction of the earth bund. The woodland mix shall be provided in accordance with the details set out within Table 8.8 of the Environment Statement. Provision should be made for the inclusion of Ash, if this species is available at the time of planting (accepting that it may not be, given currently restrictions in place due to Ash Dieback). Any planting or seeding which fails to establish during the operational life and aftercare periods of the Eastern Extension shall be replaced in the first available season.

Reason: To ensure satisfactory screening and landscaping of the perimeters of the site are maintained in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.4: Screening.

Phasing

15. Soil and overburden stripping/storage/replacement, mineral extraction and restoration operations shall progress sequentially in accordance with the Phasing Drawing No. PAS 8.3 Rev. B.

Reason: To ensure the development is carried out in a phased manner in accordance with Nottinghamshire Minerals Local Plan Policy M4.1: Phasing.

Hours of Working

16. Except in emergencies to maintain safety at the site (which shall be notified to the MPA as soon as practicable), the extraction of clay and the stripping, replacement and ripping of soil, overburden or other restoration materials and landfill operations shall take place only within the time periods specified below:

Operation	Area of Site	Monday to Friday	Saturdays	Sundays and Bank Holidays.
Mineral Extraction	Phases 1-3	07:00 – 19:00 hours	07:00 – 13:00 hours	Not at all
Soil and Overburden stripping/replacement	Phases 1-3	08:00 – 19:00 hours	08:00 – 13:00 hours	Not at all
Excavation of clay from stockpile and transfer to conveyor	Consented Area	06:00 – 18:00 hours	06:00 – 18:00 hours	06:00 – 18:00 hours

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

17. Mobile plant shall be serviced, maintained, repaired and tested within the normally permitted operating hours for mineral extraction within the quarry (07:00 – 19:00 hours Monday to Friday and 07:00 – 13:00 hours on Saturdays), except where an alteration to these hours for this purpose is agreed in writing beforehand by the MPA.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

Noise

18. Except for temporary operations, the free-field Equivalent Continuous Noise Level LAeq, 1 hour, at the noise sensitive premises adjoining the site, due to operations on the site, shall not exceed the criterion noise levels set out in the Schedule below at any of the noise sensitive properties listed. Measurements taken to check the compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Receptor	Noise Limit dB LAeq T
220 Surgeys Lane	50
20 Strathmore Road	46
Howbeck Road	55
Arnold Lodge	50
Dorket Head Farm	55
48 Jenned Road	49

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

19. Noise monitoring shall be carried out in accordance with a scheme which shall have been submitted to, for approval by, the MPA prior to the commencement of the development. The scheme which may be subsequently varied only by the written agreement from the MPA shall include at least the six monitoring points. Sample measurements shall be taken at six monthly intervals, with one set of measurements per annum carried out during mineral extraction operations (clay winning). Noise measurements should be undertaken as soon as practicable after the commencement of any new phase unless otherwise agreed in writing by the MPA. The measurements shall comprise LAeq and L90 data and shall also note the date, time, prevailing weather conditions and comments on any significant noise sources which are audible. These results shall be maintained by the applicant by the applicant for the life of the site and shall be made available to the MPA on request. Should these results indicate that noise limits are being exceeded at these receptors, steps shall be taken to ensure future compliance, in accordance with details to be agreed in writing by the MPA. If locations vary from the agreed criterion locations the same acoustic modelling procedure shall be used to calculate the levels of the agreed locations which are consistent with identified monitoring locations.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

20. All plant and machinery shall be regularly maintained in accordance with the manufacturers' recommendations and shall be appropriately silenced.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

21. Where fitted, reversing alarms on any mobile plant operating on the site are to be white noise broadband type.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

22. In the event of a noise complaint which the authority considers to be justified, the applicant must undertake and submit to the MPA a noise survey within 14 days of a request. The survey, which will test compliance with the noise threshold limits shall be undertaken at times and positions agreed in advance with the MPA. Where a breach is identified, the submitted report must include a scheme of proposed noise mitigation for approval by the MPA.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

Dust

23. All possible measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. They shall include taking all or any of the following steps as appropriate:

- The use of water bowzers and/or spray systems to dampen stockpiles and internal haul roads;
- The temporary seeding of any exposed areas; and
- Upon the request of the MPA the temporary cessation of soil stripping and quarrying operations during periods of dry and windy weather.

In the event that the above measures prove inadequate to control dust arising from the operation of the development hereby approved, then within 14 days of a written request from the MPA, the applicant shall submit a scheme to mitigate the dust impact of the development. The dust mitigation scheme shall thereafter be implemented in full within the timetable agreed in writing by the MPA.

Reason To minimise dust disturbance at the site and to ensure compliance with Nottinghamshire Minerals Local Plan Policy M3.7: Dust.

Pollution Controls

24. 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 the aggregate storage capacity of all storage containers. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or wall.

Reason: To protect ground and surface water from pollution in accordance with the requirement of the Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.

25. During the life of the quarry including its aftercare period the operator shall ensure activities are undertaken in compliance with a Construction and Environmental Management Plan which shall adopt the measures set out within Paragraph 6.9.1.1 of the Environment Statement, the objective of which shall be to ensure that the risk to surface water quality is controlled to an acceptable level.

Reason: To protect ground and surface water from pollution in accordance with the requirement of the Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.

26. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the MPA) shall be carried out until the operator has submitted a remediation strategy to the MPA detailing how the unsuspected contamination shall be dealt with and obtained written approval for the MPA that the strategy is acceptable. The remediation strategy shall be implemented as approved.

Reason: To ensure compliance with National Planning Policy Framework policy which requires new development contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Protected Species

27. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA to ensure that breeding birds and herptofauna are adversely affected.

Reason: In the interest of protecting species and their habitats and to comply with Nottinghamshire Minerals Local Plan Policy M3.22.

28. Prior to the commencement of development in any part of the site, an ecological survey shall be undertaken to determine the presence of any protected species on site, and the results submitted to the MPA in writing. If protected species are present, a working design, method and timetable to mitigate any undue adverse effects on the species involved shall be submitted and approved in writing by the MPA. The approved mitigation measure shall be implemented as approved.

Reason: In the interest of protecting species and their habitats and to comply with Nottinghamshire Minerals Local Plan Policy M3.22.

Soil Handling

29. All soils shall only be stripped, handled, stored and replaced in accordance with the soil handling scheme detailed within Section 5.1 of the Environmental Statement and specifically the sub-section 'Movement of Soils'. The soils and overburden shall be stored in accordance with the details shown on Drawing No. PAS 8.3: Rev B and described within the sub-section 'Site development, restoration and mitigation of effects on soils'. Specifically:

- a. Soil stripping shall not commence until any vegetation has been cut and removed.
- b. Topsoil, subsoil (where relevant) and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:
 - during the months of April to October inclusive, unless otherwise approved in writing by the MPA; and
 - when all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing; and
 - when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.
- c. Topsoil shall be stripped to its full depth generally 260mm, and all subsoil shall be stripped to a depth of not less than 250mm, or its full depth, whichever is the lesser.
- d. All stripped topsoil and subsoils shall be permanently retained on site for subsequent use in restoration, as specified in the planning application.
- e. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of subsoil or overburden or waste or mineral deposits, unless all available topsoil and subsoil to a minimum depth of 1000mm, has been stripped from that part.
- f. Stocks of topsoil shall not exceed 3m in height and stocks of subsoil shall not exceed 5m in height.
- g. All storage mounds that will remain in situ for more than six months or over winter shall be seeded with grass within three months of their construction and thereafter maintained free from weeds

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservations and use of Soil Making Materials.

30. At least 7 days notice in writing shall be given to the MPA prior to the commencement of topsoil stripping in any phase.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservations and use of Soil Making Materials.

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

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservations and use of Soil Making Materials.

Restoration

32. The site shall be fully restored in accordance with the proposals shown on the Final Restoration Masterplan (Drawing PAS 8.6). Finished ground contours shall comply with the levels shown on Drawing PAS 8.4 Rev A: Final profiling of Eastern Extension and Drawing PAS 8.7 Cross Sections A to C. All restoration operations shall be completed on or before a date 13 years from the date of commencement as notified under the requirements of Condition 2.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

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

- overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out, and
- when subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out, and
- 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 Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

34. Where subsoils are replaced, it shall only be undertaken when they and the ground on which they are to be placed are in a dry and friable condition. No movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur:

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

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

35. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

36. Each subsoil layer placed (where relevant) shall be cross-ripped:

- to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m, and
- any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed 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 Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

37. Topsoil shall be evenly re-spread on the land above proposed final lake water level (dry land) to achieve a 260mm settled depth.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

38. Only low ground pressure machines shall work on re-laid topsoil or subsoil to replace and level topsoil. Topsoil shall be lifted onto subsoil by equipment that is not standing on either re-laid topsoil or subsoil.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

39. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:
- to provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
 - to full depth of the topsoil plus 100mm;
 - and any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2 metres below the final settled contours.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

Aftercare and Landscape Planting.

40. Restoration planting shall be undertaken during the first seeding and planting seasons following placement of topsoils. The planting and seeding mixes shall be undertaken in accordance with the details set out within Chapter 8, subsections 8.6 – 8.9, subject to the following modifications:

- The Agricultural Grass Mix provided in paragraph 8.9.2.1 should be enhanced through the inclusion of a small number of common forbs, such as Meadow Buttercup, Yarrow and Common Sorrel.
- Provision should be made within the Proposed Native Woodland Mix provided in Table 8-8 for the inclusion of Ash (subject to this species being available at the time of planting). Also the proportion of Hawthorn should be increased to around 25%, the proportion of Field Maple and Hazel could be reduced to facilitate this, and Dog Rose could be removed (as this species will establish naturally).
- The proportion of Hawthorn used within the Proposed Species Rich Hedgerow Mix provided in Table 8-9 should be increased to at least 50%. The proportion of Wild Privet should be reduced to no more than 5%. The hedgerow should incorporate randomly planted trees comprising of Common Oak and either Field Maple or Ash (the latter if available).
- Prior to its use, the seed mix to be used within the proposed Species-Rich Grassland shall be agreed in writing. The seed mix should use a relatively limited number of common and widespread species which are appropriate to the local area.

Reason To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare.

41. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species.

Reason To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare.

42. Site management meetings shall be held with the MPA on an annual basis to assess and review the aftercare operations to check progress and ensure that the programme of aftercare arrangements detailed in Chapter 8, subsection 8.9 is carried out. The meeting shall provide an opportunity for the MPA to agree alterations to the aftercare works for the following 12 months and these shall thereafter be implemented. The annual aftercare meeting should particularly focus on the progress of the ecologically restored areas and through the preparation of a habitat management plan the operators should identify the steps to be taken to maximise the ecological potential of the restored site.

Reason To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare.

Alternative Restoration

43. Should, for any reason, mineral extraction from the application site cease for a period in excess of two years, then within six months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to 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 in accordance with the details set out above.

Reason To achieve a satisfactory restoration of the site in the event of premature closure of the site.

PROPOSAL: TO VARY CONDITIONS 3, 13, AND 50 OF PLANNING PERMISSION 7/2003/0335 TO ALLOW A 'PAUSE' IN THE EXISTING LANDFILL TO OCCUR AND TO PROVIDE A REVISED RESTORATION PROFILE WHICH WILL TIE IN WITH THE INTENDED LOW LEVEL RESTORATION OF THE PROPOSED EASTERN EXTENSION.

Scope of Permission

1. This permission relates to the winning and working of clay from land at the existing Dorket Head Quarry for the manufacture of clay products within the Dorket Head Brick Factory, followed by the importation and infilling of waste materials to achieve agricultural, woodland and nature conservation afteruses in accordance with the agreed scheme of restoration and aftercare approved under Conditions 49 & 53 below, subject to a variation of the phasing and final profiles approved under this Section 73 submission within the area of land shown edged red on Drawing No. PAS 1b: Section 73 Red Line Plan.

Reason: To define the extent of the planning permission

Commencement

2. The development hereby permitted shall not begin later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act.

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

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

Duration

4. This permission shall expire on 1st February 2042, by which time all quarrying and associated operations shall have ceased and the site fully restored in accordance with a scheme approved under Conditions No's 49 and 53 below.

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

Approved Details

5. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with details contained in the submitted application No. 7/2003/0335 dated 17th February 2003 and the accompanying statement of drawings, subject to the variations detailed within the Section 73 (Variation of Planning Condition) submission hereby approved, as detailed on the following plans and documents:
- a. Planning application forms and supporting statement (Report Number 12514140317.500/B.0 received by the MPA on 19th June 2013.
 - b. Drawing No. PAS 1b: Section 73 Red Line Plan received by the MPA on 19th June 2013.
 - c. *Drawing No. HD-001 Rev A: Quarry Development Proposals Landfill Pause Position received by the MPA on 19th June 2013.*
 - d. Drawing No. HD-002 Rev A: Quarry Development Proposals Temporarily Restored Landfill Face received by the MPA on 19th June 2013.
 - e. Drawing No. HD-003 Rev A: Quarry Development Proposals Final Profiling of Eastern Extension received by the MPA on 19th June 2013.
 - f. Drawing No. HD-004 Rev A: Quarry Development Proposals Final Restoration Profile received by the MPA on 19th June 2013.
 - g. Drawing No. HD-005 Rev A: Quarry Development Proposals Existing Site Configuration received by the MPA on 19th June 2013.

Reason: For the avoidance of doubt.

6. A copy of this determination notice and the plans and documentation approved in accordance with these conditions shall be kept at the site office and made available for inspection by the MPA.

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

Boundaries and Site Security

7. For the duration of extractive and landfilling operations, restoration works and aftercare period, the operator shall retain and maintain all perimeter hedgerows, trees and fences and protect the same from drainage at a minimum height of 2 metres, unless alternative arrangements are agreed under the requirements of Condition 49.

Reason: To ensure satisfactory screening of quarrying activities in accordance with Nottinghamshire Minerals Local Plan Policy M3.4.

Restriction of Permitted Development Rights

8. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995:
- (a) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing with MPA; and
 - (b) no lights or fences shall be installed or erected at the site unless details of them have been submitted to and agreed in writing with the MPA.

Reason: To minimise visual impacts from quarrying activities in accordance with Nottinghamshire Minerals Local Plan Policy M3.3: Visual Intrusion.

Access and Wheel Cleansing

9. All brickmaking material extracted from the site shall be taken for processing at the applicants' existing brickworks on the west side of Calverton Road using the existing conveyor system and tunnel beneath Calverton Road. In the event of conveyor breakdown which result in the need for alternative clay movement arrangements, the written consent of the MPA shall be obtained for the duration of any such temporary arrangements prior to them commencing.

Reason: To ensure that minerals are used in a sustainable manner locally to their extraction origin and to minimise additional traffic on the public highway in compliance with Nottinghamshire Minerals Local Plan Policy M3.13: Vehicular Movements.

10. There shall be no access to or exit from the site to the public highway other than via the existing roadway serving the site from Woodborough Lane as shown on drawing No. HD-005 Rev A: Existing Site Configuration. This access shall at all times be maintained so as not to impede visibility.

Reason: To ensure that satisfactory access is maintained to the highway in compliance with Nottinghamshire Minerals Local Plan Policy M3.13: Vehicular Movements.

11. Unless otherwise agreed in writing with the MPA the existing access facility between clay product factory (A) and clay winning/landfill site (B) as shown on Drawing No. D10/EA7 accompanying application No. 7/2003/0335 dated 17th February 2003 shall be used solely for the transfer of mobile plant and equipment.

Reason: To ensure that satisfactory access is maintained to the highway in compliance with Nottinghamshire Minerals Local Plan Policy M3.13: Vehicular Movements.

12. The existing wheel wash facilities on the site shall be retained and used as necessary to ensure that HGVs and other vehicles do not deposit mud and detritus on the public highway. Where the existing wheel cleansing facilities are proving ineffective other reasonable measures shall be taken to prevent the deposition of extraneous material on the highway to the satisfaction of the MPA.

Reason: To ensure that the highway is satisfactorily protected from detritus in compliance with Nottinghamshire Minerals Local Plan Policy M3.12: Highway Protection.

Working Programme

13. Unless otherwise agreed in writing by the MPA the remaining area of mineral extraction within the application area shall take place in a phased and progressive manner in accordance with the sequences set out within the Section 73 Planning Supporting Statement (Ref: 12514140317.500/B.0) and supporting drawings HD-001 Rev. A, HD-002 Rev A, HD-003 Rev A & HD-004 Rev A received by the MPA 19th June 2013.

Reason: To ensure that the quarry is worked in a phased sequence of extraction and reclamation so as to ensure environmental impacts are minimised and ensure compliance with Nottinghamshire Minerals Local Plan Policy M4.2: Phasing.

14. The working and phasing of the site shall only be carried out in accordance with the scheme set out within paragraph 4.4 of the Section 73 Planning Supporting Statement (Ref: 12514140317.500/B.0) received by the MPA 19th June 2013, unless an alternative working and phasing scheme is agreed in writing with the MPA.

Reason: To ensure that the quarry is worked in a phased sequence of extraction and reclamation so as to ensure environmental impacts are minimised and ensure compliance with Nottinghamshire Minerals Local Plan Policy M4.2: Phasing.

Clay Stocking

15. The clay stockpile shall be sited within the location identified on Drawing no. HD-001 Rev. A: Quarry Development Proposals Landfill Pause Position until such time that it is necessary to relocate the stockpile following the completion of extraction within the Eastern Extension. At this point in time an alternative clay stockpile area and associated conveyor infrastructure shall be agreed in writing. Clay stocking within the site shall not exceed 7 metres in height above existing ground level.

Reason: To minimise visual impacts from quarrying activities in accordance with Nottinghamshire Minerals Local Plan Policy M3.3: Visual Intrusion.

Soil/Overburden Stripping, Handling and Storage

16. All soils and overburden shall be stripped, handled, and stored in accordance with the details set out within the letter from Bowman Planton Limited (Ref: D10/P2/04/NBH/JB dated 4th June 2004 in the locations identified on Drawing No. 01909/002: Soil Storage Post 2007 Excavations dated 20th November 2007. Prior to the commencement of any future soil stripping within the site the proposed location and treatment of all soils and overburden shall be submitted to the MPA for written approval. The scheme shall be implemented as approved.

Reason: To ensure that soils and other restoration materials are conserved for future use in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil conservation and use of soil making materials.

17. Not less than seven days' advance written notice shall be given to the MPA before the commencement of stripping operations of any part of the site.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

18. All soil movement operations shall only be carried out when the full depth of topsoil to be stripped or otherwise transported is in a suitable dry soil moisture condition, i.e. the soil is in a non-plastic state such that damage to its structure shall be avoided. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty. Such conditions shall be determined by reference to the Field Guide 'General Principles for Soil Handling' set in Appendix 4 contained in the submitted application No. 7/2003/0335 dated 17th February 2003.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

19. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is unavoidable or is undertaking soil handling operations permitted by this schedule of planning conditions. Where trafficking does occur it must be kept to the essential minimum and all available topsoil and subsoil shall be first stripped from the part where trafficking occurs.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

20. Previously undisturbed topsoil, and overburden shall be separately stripped to their full depth and either stored or respread in accordance with the agreed programme of working set out within the letter from Bowman Planton Limited (Ref: D10/P2/04/NBH/JB dated 4th June 2004 in the locations identified on Drawing No. 01909/002: Soil Storage Post 2007 Excavations dated 20th November 2007. All topsoil and subsoil shall be retained on site.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

21. Within 3 months of the formation of any topsoil, subsoil or overburden mounds, the location and quantities shall be measured and recorded on a plan, which shall be submitted to the MPA.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

22. Soil mounds shall be constructed with only the minimum amount of compaction necessary to ensure their stability, and shall not be traversed by heavy vehicles or machinery except during their construction and removal. Unless otherwise agreed in writing by the MPA topsoil mounds shall be constructed to a maximum height of 4m and sub/soil/overburden shall be constructed to a maximum height of 5m.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

23. Where soil mounds are to remain in situ for more than 6 months or over the winter period they shall be seeded with a suitable grass seeds mixture in accordance with a specification to be agreed in writing with the Mineral Planning Authority. Once established, the sward shall be managed throughout the period of storage to avoid erosion or waterlogging and kept weed free.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

Hours of Operation

24. Except in emergencies (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless otherwise agreed in writing by the Mineral Planning Authority:
- (a) no mineral extraction operations shall be carried out at the site except between the following times:
 - 0700 hours and 1900 hours Monday to Friday; and
 - 0700 hours and 1300 hours Saturday;
 - (b) no excavation of clay from stockpiles shall be carried out at the site except between the following times:
 - 0600 hours and 1800 hours Monday to Friday; and
 - 0600 hours and 1800 hours Saturdays;
 - 0600 hours and 1800 hours on Sundays and Public or Bank Holidays;
 - (c) no soil and overburden stripping, replacement and ripping shall be carried out at the site except between the following times:
 - 0800 hours and 1900 hours Monday to Friday; and
 - 0800 hours and 1300 hours Saturdays;
 - (d) no landfill operations shall be carried out at the site except between the following times:
 - 0730 hours and 1730 hours Monday to Friday; and
 - 0730 hours and 1630 hours Saturdays;

0800 hours and 1630 hours Sundays (open to receive civic amenity waste only).

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

25. In the event that the operation, servicing, maintenance, repair and testing of any mobile plant cannot be carried out within the normal working hours for mineral extraction and landfilling operations specified above, such works shall only be carried out between 1300 hours and 1600 hours on Saturdays and 0900 hours and 1600 hours on Sundays, Public and Bank Holidays. These works shall only be undertaken within the site garage and immediate surrounding area as identified on the letter and attached plan from Waste Recycling Group dated 3rd December 2004.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise.

Noise

26. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers. All vehicles, plant and machinery shall only operate in accordance with the hours required by Conditions Nos.24 & 25 above.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise

27. All audible warning devices fitted to vehicles, plant and machinery operating within the site, whilst affording suitable safety, shall be of a design that does not cause unreasonable noise intrusion to residential properties. No audible warning device shall be used on any new or additional plant except in accordance with details that shall be submitted to and approved in writing with the MPA.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise

28. Unless otherwise agreed in writing with the MPA, and with the exception of temporary operations specified in Condition No. 29 below, no operations within the permitted operational hours of the site shall give rise to site attributable noise levels in excess of those set out below for each of the following noise sensitive properties:

- (i) 220 Surgeys Lane 50 dBLAeq.1hr

- (ii) 15 Strathmore Road 49 dBLAeq.1hr
- (iii) Howbeck Close 55 dBLAeq.1hr
- (iv) Arnold Lodge 52 dBLAeq.1hr
- (v) Dorket Head Farm 55 dBLAeq.1hr
- (vi) 48 Jenned Road 55 dBLAeq.1hr

All measurements shall be taken at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any sound reflecting structure.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise

29. Unless otherwise agreed in writing with the MPA, except for temporary operations, the free-field Equivalent Continuous Noise Level, $L_{Aeq, T}$, measured at any noise sensitive property nearest the extraction site other than the noise sensitive premises specified in Condition 28 above, due to operations in the site, shall not exceed 55 dB $L_{Aeq, 1 \text{ hour}}$, free-field or 10 dB(A) above the existing background level ($LA_{90} 1 \text{ hour}$) whichever is the lowest. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and where practical a correction shall be made for any such effects.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise

30. Unless otherwise agreed in writing with the MPA, for temporary operations such as site preparation, topsoil stripping, bund formation and removal and final restoration, the free-field noise level due to these works shall not exceed 70 dB $L_{Aeq, T}$ expressed in the same manner as for Condition 29 above. The applicant shall give the MPA 5 days written notice in advance of the commencement of any temporary operations. Temporary operations shall not exceed a total of eight weeks in any calendar year for work that is likely to exceed the relevant day-to-day criterion level at each noise sensitive property. Advance notice of the commencement of such temporary operations shall be given to the MPA. All measurements shall be taken at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from the sound reflecting structure.

Reason: To minimise noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise

31. Noise monitoring shall be undertaken twice a year in accordance with the scheme incorporated in the letter from Bowman Planton Limited (Ref: D10/p2/04/JBH/JB) dated 4th June 2004, throughout the operational life of the development site.

Reason: To monitor noise emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.5: Noise

Dust

32. Dust monitoring shall be undertaken twice a year in accordance with the scheme incorporated in the letter from Bowman Planton Limited (Ref: D10/p2/04/JBH/JB) dated 4th June 2004, throughout the operational life of the development site.

Reason: To monitor dust emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.7: Dust.

33. All operations shall be carried in a manner to minimise the emission of dust from the site. In order to control dust from the internal traffic movements, all haul roads within the site shall be maintained in a good condition and shall be kept moist in dry and windy conditions as necessary. Any dry exposed area/material shall be watered as necessary in windy conditions to prevent dust becoming airborne. Dust filters shall be fitted where appropriate on all plant and machinery.

Reason: To minimise dust emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.7: Dust.

34. At such times as operations on site give rise to unacceptable levels of dust leaving the site such as during adverse weather conditions, operations shall be temporarily suspended until such time as they can be resumed without causing nuisance either by a change in conditions or by taking additional measures.

Reason: To minimise dust emissions from the site in accordance with Nottinghamshire Minerals Local Plan Policy M3.7: Dust.

Other Environmental Protection

35. Measures shall be taken and the development carried out in such a manner as to ensure that no undue disturbance or adverse effect is caused in the locality by reason of illumination, litter or malodour emanating from the site. In particular, the following measures, should they be carried out, shall be in accordance with the details which have been previously agreed in writing with the MPA.

- (a) floodlighting within and at the boundary of the site;
- (b) litter fencing erected within and at the boundary of the site.

In respect of (b) above, any windblown litter which escapes the site shall, upon a request from the MPA, be collected within 48 hours of its occurrence.

Reason: To minimise environmental releases from site operations in accordance with Nottinghamshire and Nottingham Waste Local Plan Policies W3.7: Odour & W3.8: Litter.

Surface Drainage and Pollution Protection

36. There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch, watercourse or underground strata except in accordance with an appropriate consent, the conditions of which shall be regularly monitored.

Reason: To control risks from pollution in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.

37. There shall be no discharge or foul or contaminated drainage from the site into either the ground water or any surface waters, whether direct or via soakaways.

Reason: To control risks from pollution in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.

38. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of 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 shall be located above the ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To control risks from pollution in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.

39. Surface water from the impermeable roads or plant parking/fuelling areas shall be passed through a suitable sized petrol/oil interception facility, designed and constructed in accordance with details that have been agreed in writing with the MPA prior to being discharged into a watercourse sewer or soakaway.

Reason: To control risks from pollution in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.8: Water Environment.

Archaeology

40. Prior to the stripping of topsoil in the remaining area of mineral extraction details of a scheme for archaeological mitigation shall be submitted to and approved in writing with the MPA. The development shall be implemented and carried out in accordance with the approved details.

Reason: To ensure that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with Nottinghamshire Minerals Local Plan Policy M3.25: Archaeology.

Landfill Restoration Operations

41. Following the capping of any landfill phase, the subsoil shall be spread to an even depth over the low permeability cap so as to follow the pre-settlement contours in accordance with the agreed scheme of restoration as required by Condition No. 49 below. Where necessitated by the machinery/methods used in this operation the subsoil shall be ripped in such a manner as to disturb the whole soil profile subject to the proviso that at all times extreme care must be exercised to avoid damage to the low permeability cap. The subsoil shall be free from any objects (greater than 15 cm in any dimension) likely to be any obstruction to deep cultivations or drainage operations.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

42. The topsoil shall be spread to a minimum depth of 20 cm over the reinstated subsoil so as to form the final contours. The minimum settled depth of topsoil and subsoil shall be 1m.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

43. Plant or vehicle movements involved in soil replacement operations shall be the minimum necessary to achieve the final restored landform, and shall avoid crossing or travelling over restored soils.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

44. The topsoil shall be ripped so that many compact layers are effectively broken up; stones greater than 100mm in any dimension shall be removed from the site.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

45. The developer shall notify the MPA at least 3 working days in advance of the commencement of the final subsoil placement of each phase or part phase. On completion of the subsoil placement no further work shall be carried out for a period of 5 working days without the consent of the MPA, to allow an inspection of the to take place.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

46. The restored land shall be drained, as necessary, in order to render it satisfactory for agricultural use, to the satisfaction of the MPA, including as may be necessary the provision of under drainage and/or carrying out of moling or subsoiling.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

47. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall fill the depression to the final settlement contour specified with suitable imported soils, to a specification to be agreed with the MPA, by the end of September within any year in which differential settlement occurs.

Reason To ensure proper restoration of the site, conserving and managing all available soil resources, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

Protection of Breeding Birds

48. Unless otherwise agreed in writing with the MPA, site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to July inclusive to ensure that breeding birds are not adversely affected.

Reason: In the interest of protecting species and their habitats and to comply with Nottinghamshire Minerals Local Plan Policy M3.22.

Restoration

49. Within 12 months of the commencement of development, as notified under the requirements of Condition 3, or an alternative date that is agreed in writing with the MPA, a detailed scheme for the phased restoration, landscaping and planning of the site for both its 'pause position' and final profiles shall be submitted for the written approval of the MPA. The submitted scheme shall include details of:
- a. pre-settlement and post-settlement restoration contours;
 - b. ground preparation works including ripping and surface cultivation;
 - c. topsoil and subsoil replacement including the depths of soils and the method of soil handling and respreading;
 - d. the planting and maintenance of trees, shrubs and hedgerows including location, species, size, number and spacing;
 - e. the seeding, fertilising, watering and draining or other treatment of the land;
 - f. the location and type of fencing and gates;
 - g. public rights of way;
 - h. time-scales for implementing and completing the above works.

Reason To ensure proper restoration and aftercare of the site, conserving and managing all available soil resources and ensuring satisfactory planting, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials and Policy M4.9: Aftercare.

50. All plant and buildings shall be removed from the site on completion of quarrying and landfilling operations, unless otherwise agreed in writing with the MPA. Any plant, which is no longer in operation, shall be removed from the site.

Reason To ensure proper restoration, in accordance with Nottinghamshire Minerals Local Plan Policy M4.3: Soil Conservation and Use of Soil Making Materials.

Notifications to Mineral Planning Authority

51. The developer shall notify the MPA within one month of any of the following:
- completion of clay extraction in any phase;
 - completion of landfill/tipping operations in any phase;
 - completion of sub-soiling, top-soiling and soil cultivation in any phase;
 - completion of restoration operations in any phase prior to the commencement of aftercare.

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

Annual Surveys

52. A survey plan showing surface levels within the site shall be submitted to the Mineral Planning Authority in accordance with the following timetables:
- on or before 31 December of each year;
 - within one month of receipt of a written request by the Mineral Planning Authority.

The survey plan shall show surface contours at 1 metre intervals and detail the following areas; clay extraction area, landfill area, area under restoration, area in aftercare.

Reason: To assist with monitoring of the restoration of the site.

Aftercare

53. Within 12 months of the commencement of development, as notified under the requirements of Condition 3, or an alternative date that is agreed in writing with the MPA, an Aftercare scheme for the first five years following the restoration of any part of the site shall be submitted to and for the approval of the MPA. The restoration scheme shall generally comply with the Aftercare and Management Strategy contained within Section 7 of the Landscape and Visual Assessment (Report No. 12514240359.501/A.0). the strategy shall incorporate arrangements for an annual review of the progress made in connection with the establishment of aftercare planting, this annual review meeting shall provide an opportunity to programme aftercare works for the following 12 months. The aftercare scheme shall be carried out in accordance with the approved details, or as amended in consultation with the MPA following each annual review of performance.

Reason: To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare

54. Within 12 months of the completion of restoration works the operator shall submit a scheme for the establishment of permissive footpaths across the site, including timetable for provision and commitments to retain the permissive paths beyond the aftercare period. The location of the footpaths shall generally accord with the details identified on Drawing No. PAS 8.6a: Quarry Development Proposals Final Restoration Masterplan. The permissive footpaths shall be provided in accordance with the approved details.

Reason: To ensure satisfactory aftercare management of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.9: Aftercare

Premature Closure

55. Should the extraction of clay (including the removal of clay from the stockpile) and restoration by landfill cease for a period in excess of two years, then within six months of receipt of a written request from the MPA, there shall be submitted to the MPA an alternative restoration and aftercare scheme, generally in accordance with the principle contained in and steps required by this determination, which shall then implemented within 12 months of its approval in writing by the MPA.

Reason: To achieve a satisfactory restoration of the site in the event of premature closure.