



26th March 2013

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

RUSHCLIFFE DISTRICT REF. NO.: 8/11/00157/CMA

**PROPOSAL: EXTENSION TO EXISTING QUARRY INVOLVING THE EXTRACTION OF
SAND AND GRAVEL WITH RESTORATION OF SITE TO AGRICULTURE
AND WETLAND CONSERVATION**

LOCATION: EAST LEAKE QUARRY, REMPSTONE ROAD, EAST LEAKE

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider a planning application for an extension to the existing East Leake Quarry at Rempstone Road, East Leake. The key issues relate to the need for the site, the fact that the site is not allocated for mineral extraction in the Nottinghamshire Minerals Local Plan (Adopted December 2005), safeguarding issues at East Midlands Airport and the restoration of the site. The application has been treated as a 'departure' from the Development Plan. The recommendation is to grant conditional planning permission subject to the signing of a legal agreement to control lorry movements and provide extended aftercare management for the wetland conservation area.

The Site and Surroundings

2. East Leake (or Lings Farm) Quarry approximately 15 kilometres south of Nottingham city centre, towards the county boundary with Leicestershire, with Loughborough town centre and the City of Leicester being situated some 4km and 14km respectively, to the south. The City of Derby is located approximately 17km to the north west. It is located approximately one kilometre to the west of the centre of Rempstone Village and a similar distance to the south east of East Leake. The site is located in close proximity to the major road network, with the A6006 (Melton Road) linking into the M1, M42, A46 and A6. The quarrying operations have extended eastwards (Jenks' Land) whilst the current application site proposes to work a further parcel of land, known as Burton's Land, situated to the southeast of the original quarry and to the west of the easterly extension (see Plan 1).

3. The nearest residential properties to the site are Home Farm Cottage, which is situated approximately 126m to the north-west (see Plan 1); and Lings Farm and Lings Farmhouse, approximately 140m and 173m respectively, to the south-east of the site, albeit separated from the site by the A6006 (Melton Road). Beyond this, the nearest residential development is Home Farm situated approximately 270m to the north-west, on the opposite (south-western) side of Rempstone Road.
4. The existing operational site comprises the processing plant which is retained on the original East Leake Quarry site and operates under planning permission 8/10/00191/CMA; and the operational extraction site comprising the Jenks' Land extension site (Plg. Ref. 8/11/01100/CMA) to the east. The existing East Leake Quarry site covers an area of approximately 48 hectares (ha.), with the permitted extension (Jenks' Land) comprising some 8.4 ha. of this total site area. The footprint of the application site covers a further area of approximately 7.7 ha.
5. The original quarry area is made up of a series of silt and fresh water lagoons, worked areas, stockpiles of quarried material, and associated processing plant and office buildings. The processing plant itself is situated approximately 200m due north of the application site.
6. The proposed application site lies directly to the north of the Melton Road (A6006), and comprises an undulating, irregularly shaped agricultural field situated immediately to the west of Jenks' Land. The field is currently used for pasture, and is separated from the existing operational site by mature hedgerow and trees. The agricultural field is bounded by mature hedgerow which extends around the site perimeter, interspersed with mature trees. There is an existing agricultural access in the north-western corner of the site onto Rempstone Road.
7. The Melton Road (A6006) and Rempstone Road abut the southern and western site boundaries respectively. To the immediate north of the site lies the main East Leake Quarry site, with the north-western boundary abutting the internal access route off Rempstone Road, beyond mature hedging. Beyond the extended quarry site, lie agricultural fields to the north, together with a number of dispersed residential properties, and the Manor Farm Donkey Sanctuary, which is approximately 330m away from the application site, (to the boundary of the Sanctuary's land holding). More broadly, there is agricultural land to the east, south and west of the wider quarry site, interspersed with occasional residential dwellings and farmsteads.
8. Access to the proposed site would be gained via a newly created access point situated towards the northern corner of the site.
9. The nearest public right of way is Rempstone Bridleway No. 11, which is located on the eastern side of Jenks' Land having been diverted to allow quarrying in that area.
10. The Sheepwash Brook Wetland Site of Importance for Nature Conservation (SINC) and the Sheepwash Brook are located approximately 200-260m to the north-east of the site, respectively. Also within this vicinity, lies St Peter's

Church Cemetery, approximately 150m to the north-east, and beyond this a small fishing lake.

Relevant site history and background

11. As noted above, the application site lies to the immediate west of an extension (Jenks' Land) to the original East Leake Quarry. The original quarry site is worked out, and substantially restored, albeit retaining the processing plant and ancillary infrastructure to service the whole of the quarry workings, including any subsequent extension sites.
12. A planning application for the main quarry site was originally submitted by Butterley Aggregates to the County Council in July 1985 (Plg. Ref. 8/J1/85/1141/P) for the extraction of 2.85 million tonnes of sand and gravel with the importation of suitable fill in order to restore the site back to agricultural use. However, this was refused planning permission in July 1986 on the grounds that the site was not allocated in the Sand and Gravel Local Plan; there was no identified need for the site; and it was not considered acceptable in a predominately rural area. Other reasons for refusal were that there was a substandard access, and unacceptable impacts on water resources, archaeology, as well as impacts of lorry movements and noise.
13. A subsequent planning application was submitted by Butterley Aggregates in March 1989 (Plg. Ref. 8/89/0472/P) which again sought to extract sand and gravel reserves. However, the restoration of the site proposed a low level restoration, including the creation of a lake, which did not require the importation of waste material. This application was again refused planning permission as it was considered that there was insufficient need for the quarry.
14. The applicant appealed against this second refusal, with a public inquiry being held in December 1990. The Inspector upheld the appeal, with planning permission being granted in January 1991, subject to thirty-seven conditions. Operations at the quarry commenced in January 1996 but, due to operational difficulties whereby the sand and gravel reserves have revealed a much higher silt content than was originally envisaged, extraction was completed towards the end of 2009, rather than the originally anticipated end date of 2016.
15. It is noted that in 2000, as part of the preparation of the Nottinghamshire Minerals Local Plan (adopted in December 2005), the then operator RMC put forward an area of land immediately to the east of the Lings Farm Quarry site. This area of land extended towards the A60 and the village of Rempstone, covering an area of approximately 59 hectares. The indications were that the area held approximately 2.5million tonnes of sand and gravel. At the time, the County Council considered that allocating the site in the Deposit Draft Minerals Local Plan would be premature as existing reserves at the operational quarry (Lings Farm Quarry) were expected to last until 2016, with the silt problems not being fully apparent at that time. RMC did not submit representations objecting to the non-allocation of the site in the plan so the site did not have to be considered by the Inspector at the public inquiry held in 2004 to consider objections to the Minerals Local Plan.

16. Planning permission for an extension to the original quarry on adjacent agricultural land identified as Jenks' Land, was granted to the current operator Cemex in June 2009 and superseded by two further permissions in September 2010 and February 2012 respectively. It was proposed to release 320,000 tonnes of sand and gravel which would be worked at a rate of up to 180,000 tonnes per annum, as three phases of working across the site.
17. The extraction of sand and gravel on the extension site (Jenks' Land) is due to be completed in September 2013. It was originally anticipated that the mineral reserves would be exhausted and worked out by September 2012, but due to the economic downturn, this has not proved to be the case. Consequently, a further planning application 8/12/01488/CMA is brought before Committee elsewhere on the agenda to extend mineral extraction on Jenks' Land until September of this year, to ensure that all viable mineral is worked out, prior to completion of the phased restoration.

Proposed Development

18. The planning application seeks planning permission to form a further extension to existing operations at East Leake Quarry, for the extraction of approximately 400,000 tonnes of sand and gravel in four phases (see Plan 2), from an area of agricultural land covering approximately 7.7 hectares. The extraction area itself would cover approximately 4.5 hectares, and extraction would take place over a period of approximately three years. The land would be restored to low level agriculture and wetland conservation, with the restoration concept for the site having been designed to ensure that the final landform complements the existing restoration scheme for East Leake Quarry.
19. Three metre high topsoil and subsoil bunds situated along the southern and western boundaries would provide some screening of activities, as each of the four phases is progressively worked. The sand and gravel would continue to be transported by dumper truck, as happens with the current quarry extension to the existing processing plant at the main quarry site. Access to this would be by a 4m wide internal haul road exiting the site at the northern corner of the proposed extension site, onto the existing haul route. The processed material would continue to be transported out of the site via an existing agreed lorry route avoiding East Leake.

Method of working

20. Prior to the commencement of extraction operations for each phase, vegetation would be cleared and the phasing area would be subject to archaeological investigation in accordance with an approved archaeological watching brief.
21. It is proposed to commence working in the south-eastern corner of the field (Phase 1), with the site then being progressively worked in a westerly direction into Phase 2. The extraction would then move to the north-western corner of the site (Phase 3), before extending in an easterly direction into the final extraction phase (Phase 4). All mineral would be extracted on a multiple campaign basis.

22. An internal haul road would pierce the northern boundary of the extension site, before extending into the centre of the site, from where it would provide direct routes to each of the four working phases. A relatively small section of hedgerow along the northern boundary, towards the northern corner of the site, would be removed, to provide access to the main quarry site via the main internal haul route.
23. It is proposed to maintain a stand-off of 3m from the existing hedgerow for all operational and ancillary development, including the construction of the haul road.
24. The Phase 1 area would comprise approximately 1.5ha of land, and would initially involve topsoil and subsoil stripping in a westerly direction, with soils being stockpiled along the southern boundary of the Phase 1 area. The storage mounds would hold approximately 12,750cu.m. of subsoil/overburden and 2,250cu.m. of topsoil. A trench would be constructed along the southern field boundary, at a distance of 3m from the hedgerow, for the collection of surface water. During this initial phase, it is proposed to extract approximately 135,000 tonnes of sand and gravel, over a twenty-four week period.
25. Phase 2 would continue to see top and subsoils being stripped in a westerly direction, with soils continuing to be stockpiled along the southern boundary, up to the proposed stocking height of 3m. The storage mounds would hold approximately 6,800cu.m. of subsoil/overburden and 1,200cu.m. of topsoil. The second phase would involve working an area of approximately 0.85 ha. and would involve the extraction of approximately 77,000 tonnes of sand and gravel over a fourteen week period.
26. Phase 3 would involve top and subsoils being stripped in an easterly direction, with storage being along the western boundary. The storage mounds would hold approximately 7,225cu.m. of subsoil, and 1,275 cu.m. of topsoil. The third phase would cover an area of approximately 0.80 ha. and would involve the extraction of 73,000 tonnes over a twelve week period.
27. Moving into the final phase (Phase 4), top and subsoils would continue to be stripped in an easterly direction, with soils being backfilled into the extraction area, as part of a progressive restoration of the extension site. Soils would be stored along the northern periphery of phase 4, if this is required. The fourth phase would comprise an area of 1.3ha. involving the extraction of 115,000 tonnes of sand and gravel over twenty weeks.
28. It is anticipated that a maximum working depth of approximately 14m would be reached, as mineral extraction progresses southwards towards the A6006 (Melton Road), as indicated by current extraction works on the adjacent extension site (Jenks' Land).
29. It is proposed to stockpile soils to a maximum stocking height of 3m, with topsoil and subsoil/overburden being stripped and stored separately. All soils would remain on site and would be used in the restoration. The soil storage mounds would be seeded with a wild flower grass seed mix, and appropriately maintained until replacement at the restoration phase of the operations. It is

anticipated that the restoration of the site would be completed within 12 months from the cessation of mineral extraction.

30. It is proposed to 'pull back' the internal haul road, and progressively restore the footprint of the haul road, as part of the progressive restoration of the proposed extraction site.

Silt disposal

31. The proposals would involve pumping any silt produced from the proposed mineral extraction, into the existing silt lagoon system situated within the wider East Leake complex. The proposals would not involve creating a further silt lagoon system within Burton's Land itself, nor is it intended to utilise silt within the proposed restoration of the site, but to restore the site with on-site soils and clay, at a shallower level. It is proposed that silt produced from processing sand and gravel from Burton's Land would be placed into the Jenks' Land silt lagoon system and then fed back into the Lings Farm system.
32. Originally, the proposals involved developing a new silt lagoon system on the application site, and then utilising the silt within the site's restoration. However, the scheme has been revised to dispense with this aspect of the development, and to continue utilising the existing lagoon system. This has been informed by the recent experience at the Jenks' Land extension, which has revealed that the depth of the mineral reserve towards the Melton Road (A6006) prevents a lagoon system being created, until all the mineral reserves have been exposed. The extensive depth of the mineral limits the creation of a silt lagoon, as the clay at the base of the sand and gravel, is necessary to seal the lagoon. Recent experience on site, indicates that the proposed sealed silt lagoons would not have been created within the necessary timeframes. This has resulted in the need for all silt produced from sand and gravel extraction at Burton's Land to be deposited within the quarry's existing silt lagoon system, and hence the revision to the proposals.
33. Although this revision to the proposed scheme of working does not fundamentally affect soil stripping or the process of mineral extraction, it would affect the proposed restoration scheme. As a result, a revised restoration scheme has been designed to form part of these proposals, which represents restoration without silt disposal. It is these proposals which are under consideration in this report.

Operational process

34. It is proposed to dewater the site by pumping, followed by the excavation of the mineral, using a 360 degree hydraulic excavator, and its transportation to the existing processing plant at the original quarry site via dumper truck. It is proposed to extract sand and gravel on a campaign basis, in approximately six-eight week periods, on a quarterly basis. Raw material would be stockpiled within the existing plant site stocking area, ready for processing and sale.
35. The proposed pump (for dewatering) would be located towards the northern boundary, and maintained on the eastern part of the site. The pipe would

extend through the internal access to Burton's Land and along the eastern site boundary, before feeding into the existing surface water management system, which would be utilised and retained for the life of the proposed extraction site.

36. A 360 degree back actor mobile excavator and a dumper truck would be used for soil stripping operations. The storage bund would be formed by the loose placement of stripped soils by the dumper, and shaped using a bulldozer with low pressure tracks. The sand and gravel would be excavated using a 360 degree excavator and loaded into dumper trucks and transported along an internal haul route to the processing plant.

Other operational matters

37. It is proposed to operate the quarry (processing plant and Burton's Land extension) at the current permitted hours of operation, which are 07:00 hrs to 19:00 hrs Mondays to Fridays, and 07:00 hrs to 13:00 hrs on Saturdays, and at no times on Sundays, Bank or Public Holidays.
38. The proposal would continue to use the main site access onto Rempstone Road/Ashby Road. The traffic movements associated with the proposal would continue at the current rate of approximately 72 movements per day (36 two-way trips), with a maximum of 100 vehicles movements. The established designated lorry route would remain in place, requiring vehicular traffic to turn left on exiting the site, to take traffic onto the A6006 (Melton/Ashby Road), thereby avoiding taking traffic via East Leake. Typically the average vehicle is a two-tonne truck with the largest vehicles to the site having a twenty-tonne capacity. The existing wheelwash facility would continue to be utilised.

Restoration

39. It is proposed to restore the site to a mix of agriculture and conservation grassland with dry and wet woodland planting together with a pond area with variable shallow margins (see Plan 3). Soils stored within the bunds to the southern, northern and western boundaries would be reinstated. Following cessation of mineral working, it is proposed to level and grade the site, so as to achieve the proposed final contours. Soils contained within the bunds would then be placed to the appropriate depths, and seeded and planted up, in the following sowing and planting seasons.
40. The site area would be subject to progressive restoration throughout the extraction period, so that by the final phase (Phase 4), the south-eastern part of the site (Phase 1) would be restored, and the south-western (Phase 2) area would be in the process of being restored.
41. The western and most southerly part of the site would be returned to an agricultural pasture field, abutting the A6006 (Melton Road), and extending towards the north-western site boundary. A belt of native broadleaved woodland mix (dry woodland) would extend along the north-western and western site boundaries. The southern and western boundaries would have a graduated slope, in the order of 1.6 to 1.8, and 1:2.5 to 1:3, respectively.

42. The eastern part of the site, except for the most southerly sector adjoining the A6006 (Melton Road), would be restored to a nature conservation use. This would comprise two ponds with variable shallow margins, separated by a belt of wet woodland, and with a wet woodland fringe to the ponds. Beyond this, the area would be given over to conservation grassland, with several small pockets of native broadleaved woodland mix (dry woodland), and a band of woodland planting along the eastern site boundary. In the north-eastern corner of the site, the sand facing would be retained to the edge of the most northerly of the two ponds.
43. The boundary between the agricultural restoration, and the nature conservation area would be demarcated by a drainage ditch, fence and hedgerow. A stockproof fence would provide protection to the conservation planting and wetland area, with access to this area being provided by a field gate situated along the most southerly line of fencing, towards the south-eastern corner of the nature conservation area.
44. Two existing mature oak and ash trees within the hedgerow would be retained, and the various gaps in the existing boundary hedgerow around the periphery of the site would be planted up with native tree and shrub species.
45. As part of the restoration proposals, it is proposed to provide aftercare of five years for the area restored to agricultural pasture/native woodland, whilst the wetland conservation area, would be managed for a period of ten years.

Submitted documents

46. The application has been submitted with an Environmental Statement (ES) which details the proposed development and then considers its environmental impact on the following aspects:
47. Landscape and visual impact;
48. Restoration and agriculture;
49. Ecology;
50. Archaeology;
51. Hydro-Geology;
52. Traffic;
53. Nuisance (dust and noise).
54. Following an initial consultation phase, further information was requested from the applicant. Additional information submitted in August/September 2011, provided for a dust management scheme; revised flood risk assessment; revised landscape character assessment and plans; ecological update; a revised landscaping, restoration and aftercare scheme; a revised method of working; a soil handling programme, and finally, an archaeological assessment. This was subject to a further round of consultation.

55. Further information requested in January 2012 covering nature conservation issues, together with airport safeguarding issues (birdstrike), was submitted in December 2012, including an amendment to the proposed works, dispensing with the silt lagoon system. This involved a revised landscaping, restoration and aftercare scheme; revised method of working scheme; revised method of working plans; revised soil handling programme; and a revised water management scheme. This information also included a series of revised plans. This was subject to a further round of consultation. Additional supplementary information was submitted in February 2013 covering amendments to the landscape, restoration and aftercare scheme, including to the plan showing the final restoration scheme. This again was subject to a final round of consultation.

Consultations

56. **Rushcliffe Borough Council** *raises no objections to the proposals subject to conditions relating to dust control measures, noise control, and assurances that a proposed trench along the site boundary between the road and soil mound for the collection of any surface water, should not adversely affect any existing boundary hedgerow. It is also requested that any information supplied to the Minerals Planning Authority (MPA) should be forwarded to the Environment and Waste Management Service at the Borough Council to enable the impacts of quarrying to be effectively assessed under the Local Air Quality Management (LAQM) process.*
57. **The Environmental Health Officer (Rushcliffe Borough Council)** *raises no objections to the proposals and is satisfied that dust would be adequately assessed and controlled. It is noted that the current site operations have a good track record in relation to dust control measures and that these measures would continue to be adopted and would be expanded to cover the new working area. In line with this, it is recommended that Condition 17 of the existing planning permission for Jenks' Land, which covers dust should be carried over to any new permission granted. It is also advised that total dust emissions from this extension should be monitored, but where levels can be demonstrated to be low there would be no objection to this requirement being reduced/removed.*
58. *To continue to ensure that dust continues to be effectively managed, the following conditions or similar wording is also recommended:*
- a) *Where a detailed assessment is required under the Local Air Quality Management requirements for the potential effects of particulate matter the applicant shall undertake all necessary modelling and/or monitoring as required by Rushcliffe Borough Council;*
 - b) *The monitoring of total dust shall take place during soil handling and mineral extraction within phases 1 and 2 to demonstrate the effectiveness of dust mitigation measures with respect to mineral extraction upon Home Farm Cottage. The dust assessment shall take place as detailed in the 'Scheme of Dust Control and Monitoring' dated February 2011 and shall be reported to the MPA twice yearly.*

59. **Environment Agency Midlands Region (EA)** now supports the proposed development having originally objected to the proposals on grounds that the flood risk assessment (FRA) did not provide a suitable basis for assessing flood risks associated with the proposed development. In particular, the submitted FRA had failed to consider the effect of run-off from the periphery soil mounds on the adjacent roads, and it had not been demonstrated that run-off from the mounds would not adversely affect the road network around the site.
60. In the light of additional information submitted by the applicant, the Agency now raises no objections, in principle, to the proposed development subject to a planning condition covering the development of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The objection is therefore lifted.
61. Further comments have been received with regards to the revised 'Landscaping, Restoration and Aftercare' document. It is advised that a precautionary approach is adopted and that Ash is removed from the planting plan, to prevent the possible spread of Ash die back disease into the local area. Also, it is advised that *P. Australis*, as referenced in paragraph 9.7 of the document, is not planted, as this will rapidly take over the marginal wetland habitat with the risk of creating a monoculture of little value to wildlife.
62. **English Heritage** raises no objections and has recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of the County Council's specialist conservation advice.
63. **Nottingham East Midlands Airport (EMA)** now raises no objections to the proposed development provided the revised restoration plan is adhered to.
64. EMA originally raised concerns with regards to the proposal on grounds that it was apparent that whilst the restoration plan had been designed to be attractive to birds that are potentially hazardous to aircraft, no mention of birdstrike could be found in the original submission. However, it was noted that in the absence of any indicated island in the restoration plan, and the establishment and maintenance of the adjacent open ground as rough grassland, this would reduce the site's attraction to feral geese to some extent. Furthermore, it was acknowledged that the application under consideration is a fairly minor adjunct to a much larger scheme that has not in itself adequately addressed the birdstrike issue. Although it is acknowledged that the distribution of the more significant water bodies will probably tend to lead to movements over an area that will not lead to 'flight lines' across the Airport's runways or approach/climb-out areas and as such this will reduce the potential hazard level to some extent.
65. It was considered necessary to place a requirement on the applicant to provide a Bird Management Plan (BMP) prior to the development commencing, to be agreed with the Minerals Planning Authority (MPA) through consultation with EMA, in order to identify the inherent risk to aircraft caused by the attraction to birds by the feeding, nesting and/or roosting opportunities of the restoration

scheme, and identifying adequate mitigations in the BMP, in the interests of aviation safety.

66. *It was also advised that no island or peninsula features should be added to the proposed lake, either at restoration or aftercare or in perpetuity; that the adjacent grassland in the control of the applicant, should be maintained to an agreed grassland regime detailed in the BMP, as agreed with the MPA through consultation with EMA; and finally, that there would be no feeding of wildfowl on site. The purpose of the proposed planning conditions is to minimise the attractiveness of the site to bird strike species, in the interest of aviation safety, and in particular to discourage breeding feral (Greylag and Canada) Geese.*
67. *The applicant has sought to work with EMA to resolve these issues, and put together a more suitable scheme of restoration. As such, EMA is now able to support the proposed development on the proviso that the suggested conditions detailed above are attached to any planning permission. EMA considers that these are still valid and should remain on any consent to be discharged upon completion of all mineral operations.*
68. **Natural England (NE)** *raises no objections to the proposals subject to a number of recommendations and conditions made with regards to protected species, as detailed below:*
- a) *Bats - subject to the recommendation that all trees older than 100 years, or with obvious cavities, or with a girth greater than 1m at chest height, are surveyed before any work is approved, by a qualified Ecologist, NE is satisfied that these proposals should not be detrimental to the maintenance of the bat population. Attention is drawn to the fact that a licence may be required;*
 - b) *Breeding birds – a condition should be attached to the granting of any planning permission requiring site clearance works to only take place outside the bird breeding season; and*
 - c) *NE is satisfied that no other protected species are present within the application site or utilising features within the application site that are to be affected by the proposals.*
69. *With regards to the revised restoration, NE is satisfied that it is unlikely that there would be significant effects to landscape or ecology as a result of the revised scheme. NE supports its aims, in terms of delivering improvements in biodiversity through new native woodland and hedgerow planting, and the creation of wetland habitat. Furthermore, the proposal presents the opportunity to incorporate features into the design which are beneficial to wildlife.*
70. **Nottinghamshire Wildlife Trust (NWT)** *originally objected to the proposal on grounds that the submitted ecological impact assessment did not contain sufficiently robust data to enable an assessment to be undertaken. Attention was drawn to the following:*

- *A lack of analysis of the habitat that would be lost in comparison to what might be created or restored, and a lack of explanation or justification with regards to the potential degree of biodiversity gain from the restoration scheme;*
 - *No overwintering and breeding bird surveys had been carried out, despite the site being suitable for birds of conservation concern. These needed to be identified in order that any loss of feeding habitat can be mitigated;*
 - *The noise impact assessment did not appear to have considered the issue of noise effects on breeding fauna, particularly birds. In the absence of such data, it was advised that a mitigation strategy be provided for the provision of compensatory habitat;*
 - *Confirmation that ditches are not present on site, as these may be used by grass snake and commoner amphibians;*
 - *Impacts of further working should be properly assessed and mitigated, if necessary, with regards to a protected species.*
71. *Furthermore, it was considered that the restoration scheme did not optimise biodiversity gain or fully complement the planned restoration on adjacent land, and there was a lack of provision for long term management of the habitats.*
72. *Following on from negotiations between NWT and the applicant, further information was provided, and the restoration scheme revised to take account of the nature conservation concerns. NWT confirmed that the revised proposals are now satisfactory, subject to appropriate conditions and with the provision to be agreed for the long-term management of the conservation area.*
73. *Overall, NWT is able to support the current revised restoration and aftercare scheme subject to the extent of the wet woodland fringe to the ponds being reduced and focussed on the northern and western sides of the wetlands.*
74. **NCC Conservation Group (Ecology)** *is now able to support the planning application provided that the agreed revised restoration plan is implemented, and subject to relevant nature conservation planning conditions being attached to any planning permission.*
75. *It is noted that the proposals would not directly or indirectly affect any statutorily designated nature conservation sites, including locally designated nature conservation sites, the nearest of which is Sheepwash Brook Wetlands SINC 2/34. Furthermore, given the presence of existing and permitted mineral extraction immediately adjacent to the SINC, it is not envisaged that there would be any additional impact, given that the proposed development would be located further away.*
76. *An Extended Phase 1 Habitat Survey confirmed that the site is an arable field of generally low intrinsic nature conservation value, although a scarce arable weed was found (corn spurrey – however, there are over 140 records of this species across the County). The site is bounded by species-poor hedgerows containing*

two mature trees, one of which has the potential to host roosting bats. The site is not considered to have any potential for Great Crested Newts, which are not known to be present in the immediate area, nor is there any habitat present for reptiles. No other protected species habitat was located at the site.

77. Various concerns were raised with regards to the original restoration scheme, and whilst it was acknowledged that the restoration of the site had the potential to create new areas of wildlife habitat, and to enhance its value overall, this was subject to a range of issues being addressed, as detailed below:
- In the absence of a bird survey, the assumption must be that the site is used by red listed breeding bird species, and as there would be a loss of foraging habitat, mitigation should be provided, taking the form of a wild bird seed mix to the temporary topsoil bunds;
 - An identified mature oak tree on the western boundary must be protected by a 13m stand-off;
 - A 3m wide stand-off should be applied to all the boundary hedgerows;
 - Various amendments to the Landscaping, Restoration and Aftercare document dated 2010 were sought, including additional hedgerow tree planting; details regarding the establishment and management of the proposed grassland; suggested woodland planting; vegetation establishment methods for the waterbody; the addition of a number of ponds to the scheme; the potential for leaving an exposed sand-face on the south-facing side of the void to provide nesting habitat for sand martins, together with areas of bare sand substrate, which would be of value to a range of invertebrates;
 - An extended aftercare period for the nature conservation area.
78. A revised restoration scheme was subsequently submitted, and the Nature Conservation Team is now able to support the principle of the revised restoration scheme, on the basis that it delivers an improved restoration compared to the original scheme. However, further detail is required setting out timescales, and how monitoring will be undertaken, and it is confirmed that a condition would be appropriate in this respect, requiring the submission of further details.
79. **NCC Landscape Team** raises no objections to the planning application. It is noted that the application area falls within the East Leake Rolling Farmlands in terms of the Greater Nottingham Landscape Character Assessment, and for the purposes of the submitted Landscape and Visual Impact Assessment (LVIA) report, which accompanied the planning application.
80. Originally, whilst the Landscape Team were able to generally agree with the findings contained in the LVIA, it was recommended that the following information be provided:
- The inclusion of local landscape designations when considering the assessment;

- *The impacts on the existing landscape should be quantified and the area of hedgerow loss be shown on a drawing;*
 - *The cumulative impact of the quarry extension with surrounding developments should be assessed;*
 - *The restoration scheme should be redesigned to incorporate the characteristic features of the East Leake Rolling Farmlands to include hedgerow trees, provision of permanent pasture, and woodland copses.*
81. *The Landscape Team has confirmed that the additional information and a revised scheme has responded to the initial consultation.*
82. *With regards to the revised restoration scheme, it is noted that the design now reflects some of the key characteristics of the East Leake Rolling Farmlands, and the proposed plant species are suitable for the Nottinghamshire Wolds Character Area. However, it is advised that Ash is omitted, and is replaced with Oak and Field Maple, in both the hedgerow mix and within the woodland planting mix.*
83. *In terms of impact on the landscape character, it is observed that for the operational stage of the project, the impact on landscape character would be moderately adverse, reducing to negligibly adverse for the ten years post restoration stage. Attention is drawn to the fact that the design and subsequent management of the restoration scheme would be important in the integration of this development into the wider landscape. It is noted that it would be the change in landform from an undulating field to two fields with a depression containing a water feature that would be apparent, although this would be within a localised area to the north-east of the site.*
84. *In terms of the visual impact of the extraction works and restoration scheme, it is noted that the largest impact would be to the bridleway on the eastern side of Jenks' Land. During the operation of the works, the visual impact would be of major (adverse) significance, and of minor (adverse) significance following restoration.*
85. *Sufficient information has now been provided to assess the cumulative impact of the proposal, and there is agreement that there are two viewpoints with the largest impacts, in terms of views to the site, and to either Jenks' Land or the main quarry site. These are Viewpoint 1 from the bridleway adjacent to the site and Viewpoint 6 from the A6006 and property at Lings Farm. However, it is noted that only from Viewpoint 1 would the impact be of major significance during the operational and progressive restoration stages, but that this would reduce to a minor positive ten years after restoration. On a minor note, it is observed that the restored landform is a slightly incongruous feature which will remain within the landscape.*
86. **NCC Land Reclamation** *raises no objections to the proposed development from the perspective of contaminated land. It is noted that the applicant already has adequate policies and operational procedures in place to ensure environmental protection to the surrounding soils, groundwater and surface*

water systems. The proposed works do not represent a significant risk to either human health or the wider environment.

87. **NCC Conservation Group (Archaeology)** raises no objection to the proposal, and is overall in agreement with the findings and recommendations contained in the archaeological assessment (dated, February 2010). However, attention is drawn to the fact that the potential for Palaeolithic archaeology on the site was assessed as being low, whereas in fact this is incorrect, as a chance find of a number of Palaeolithic artefacts by a geologist on the site has demonstrated. This chance find provides the County with its earliest human artefacts, although their context is by no means certain.
88. The report recommends a programme of archaeological work to be undertaken on site including a strip, map and sample, and set piece excavations as necessary. Added to this, it is advised that there may need to be watching briefs on long sections of material, so as to identify deposits which might provide context for these Palaeolithic finds. It is advised that all of these works may be secured through an appropriate planning condition requiring a suitable scheme for archaeological mitigation.
89. **NCC Countryside Access Team** has confirmed that no rights of way would be affected in the proposed extraction area.
90. **NCC Minerals & Waste Policy** raises no objections to the proposed development and considers that the proposal should be permitted provided that it does not raise any significant environmental impacts which cannot be mitigated. It states that the application should be determined against Policy M6.3 of the adopted Nottinghamshire Minerals Local Plan (MLP), which does not support proposals outside allocated areas unless it is evident that existing permitted reserves and any remaining allocations cannot sustain an adequate landbank and processing capacity.
91. When assessing conformity with Policy M6.3, both the current landbank and processing capacity situation need to be considered. At the end of 2009, the County's sand and gravel landbank stood at 7.9 years, with a further permission for Newington South during 2010 bringing the landbank to 8.3 years, where it currently stands, which is well above the recommended 7 years. This proposal would only increase the landbank by 8 weeks, so the argument for permitting it as a means of contributing to the landbank in accordance with Policy M6.3 would be very weak. It is therefore considered that there is no basis for Policy M6.3 to apply to this proposal.
92. It is noted that the processing capacity situation is the more relevant factor. Attention is drawn to the fact that a significant allocation from the MLP, Gunthorpe, has failed to come on stream and its future remains uncertain, and that combined with the loss of Holme Pierrepont and Hoveringham (2002 and 2007), a considerable shortfall of supply has resulted. Whilst there has been no discernable impact, perhaps because of the recent economic downturn, the Plan does however note that other quarries, specifically East Leake and an un-commenced quarry at Cromwell are suitably located to help replace lost capacity if required.

93. *It is believed that following the closure of Hoveringham and Holme Pierrepont, coupled with Gunthorpe not progressing, other quarries have probably increased output to meet their markets. This implies that the Nottingham area is being supplied from other remote quarries which are being depleted more rapidly.*
94. *Therefore, the case for permitting the proposed extension at East Leake Quarry in order to maintain an adequate production capacity in the south of the County is more convincing than the landbank argument. It is considered that to let this quarry close would inevitably place a strain on local supplies, and would make future working of the land unlikely (effectively sterilising the mineral supply) and would be contrary to the assumptions made in the MLP.*
95. *It is concluded that the proposal has not been driven by Policy M6.3 of the MLP, and should be considered as a departure from the Plan, which could be permitted on an 'exceptional circumstances' basis as it would provide a stop-gap allowing the longer term future of the quarry to be assessed through the development of the Minerals Core Strategy.*
96. *It is considered that the proposal's limited scale, high scoring in terms of sustainable market provision, and the fact that it is an extension, are important considerations and factors that should influence a decision. Overall, it is considered that providing the proposal does not raise any significant environmental impacts which cannot be mitigated, the proposal should be permitted.*
97. **NCC Noise Consultant** *raises no objections to the proposals and having reviewed the noise impact assessment report that accompanies the planning application, is satisfied that the transportation of excavated material to the processing plant by dump truck has been taken into account in the noise predictions. Given that this planning application site is adjacent to the site of current workings (Jenks' Land), it is suggested that Conditions 10 to 16 of planning permission No. 8/10/00190/CMA (former Jenks' Land permission) be included in any grant of planning permission. It is advised that Condition 13 includes Home Farm as an additional noise sensitive receptor with a site noise limit of 50dBL_{aeq}, 1 hour free-field.*
98. **NCC Highways (Development Control)** *has no highway objections to offer in principle, as there would be no material impact on the surrounding highway network. It is understood from the supporting planning statement submitted with this application that the access/exit arrangements to the site from the public highway would remain as existing, and that the traffic movements associated with these operations would remain the same, as currently experienced at the permitted quarry site.*
99. **Western Power Distribution (WPD)** *raises no objections to the proposed development, but draws attention to the fact that the Company has Network within this site, and 24 hour access must be provided, as well as in the event of an emergency. Furthermore, any alteration, building or ground works proposed in the vicinity of the Network that may or may not directly affect any cables, must be notified in detail to WPD. A copy of their advice would be sent to the Applicant with any decision notice.*

100. **Severn Trent Water Limited** raises no objections to the proposal and the Company has no comments to make regarding the planning application.
101. **East Leake and Rempstone Parish Councils, National Grid (Gas), East Midlands Helicopters, Nottingham Airport, and NCC Built Heritage** have made no response to the planning application.

Publicity

102. The application has been publicised by means of site notices, press notice and eleven neighbour notification letters sent to the nearest occupiers on Rempstone Road and Melton Road (A6006), and to the Manor Animal Farm & Donkey Sanctuary, Castle Hill, East Leake, in accordance with the County Council's Adopted Statement of Community Involvement. One representation has been received in relation to this planning application, raising the following concerns:
- a) Noise impacts, with concerns relating, in principle, to the methods of working at the processing plant;
 - b) Excessive height of storage mounds;
 - c) Protection of the bund between the quarry and Manor Farm, as recommended by the Nottinghamshire Wildlife Trust.
103. Councillor Lynn Sykes has been notified of the application.
104. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

105. The application has been submitted by the current operator, Cemex, in order to extend the life of the East Leake Quarry. The purpose of the proposed extension is to continue aggregate production once sand and gravel extraction has ceased within the current extension site (Jenks' Land). The proposal would not increase annual output from the established quarry site, but would simply increase the duration of mineral extraction at the site, by an additional 2.5 to 3 years (depending on the annual rate of extraction). The proposal would be worked as an extension of the existing established quarry, with the extraction rate depending on the strength of the demand from the local market.
106. The extension at East Leake Quarry is critical to Cemex's operations within the East Midlands Region, with the extension area (Burton's Land) expected to produce approximately 400,000 tonnes of sand and gravel, which would be worked at a rate of up to 180,000 tonnes per annum. The applicant is a leading global producer of cement, concrete and other building materials, with the East Leake operations focussing on the extraction of sand and gravel reserves for the production of concrete and mortar, and supply to local markets. The existing quarry is a key strategic site, which is well situated to serve the South Nottinghamshire and North Leicestershire aggregate market, as well as the wider East Midlands Region.

107. There is a well established need for the extension site to come into production by September 2013 to replace existing quarry production, with most of the viable sand and gravel reserves having been worked out on the existing extension site.
108. In terms of the overall quarrying operations at East Leake Quarry, whilst it was originally envisaged that the main quarry operations (Lings Farm Quarry) would ensure the provision of minerals until approximately 2016, operational difficulties, based on there being a higher proportion of silt within the sand and gravel reserves than originally anticipated, resulted in mineral reserves being exhausted by the end of 2009.
109. The subsequent shortfall has been made up by extending the quarry eastwards, firstly into the Jenks' Land extension and now into the application site under consideration in this report.
110. It is noted that in 2000/2001, a proposed allocation put forward by the then operator for inclusion in the Deposit Draft Minerals Local Plan was deemed premature by the County Council, a conclusion not contested through representations or at the public inquiry. However, with reserves having been depleted in the original quarry site, and extraction on the current extension site due to end in September of this year, the operator requires additional sand and gravel in order to keep the quarry operating, whilst the longer-term future of the site is determined through the emerging Minerals Core Strategy.
111. It is worth noting that when considering the future of East Leake Quarry, the applicant fully assessed the sand and gravel reserves surrounding the existing plant site. This assessment concluded that economically viable sand and gravel reserves were contained in both the application site, and also in land to the east of the original quarry site towards Rempstone. Burton's Land has been progressed as an extension to the existing site as it is relatively small-scale and in close proximity to the existing plant site.
112. Other alternative options considered by the applicant, involved either extending to the east of East Leake Quarry, or alternately, doing nothing at all, relying on alternative supplies of mineral, through importation from its other quarry sites within the East Midlands, to supply its contracts. With regards to any extension to the east of the original quarry site, this would be a large scale operation and requires additional investigation, so that the land could not be brought forward within a timescale to prevent closure at East Leake Quarry. The 'do nothing' approach would mean that the quarry would have to close, with material having to be hauled in from outside the county from Hemmington/Lockington (North Leicestershire), Brooksby (Leicestershire), Shardlow/Willington (Derbyshire) or from Attenborough. Closure of the existing quarry would reduce the commercial viability of future extraction at the site, place increased pressure on surrounding reserves, increase the carbon footprint of sand and gravel haulage in this part of the county, and result in sterilisation of quality sand and gravel.
113. The applicant has therefore submitted this application, in order to maintain the quarry's short-term viability, and it is that proposal, which is the focus of this report.

Planning policy considerations

114. Central Government guidance for aggregates provision in England is provided within Section 13 (Facilitating the Sustainable Use of Minerals) of the National Planning Policy Framework (March, 2012) (NPPF). The NPPF is supported by technical guidance in relation to mineral extraction. At a regional level, planning policy for aggregates in Nottinghamshire is contained within the Regional Spatial Strategy for the East Midlands RSS8 (March, 2005) (RSS). Locally, minerals policy is set out in the Nottinghamshire Minerals Local Plan (MLP) (Adopted December 2005).
115. In terms of establishing the planning policy context, for the purposes of determining this planning application, reference is now made to the NPPF which gives guidance as to the degree of weight that should be afforded to local plans produced prior to the NPPF's publication, which for the purposes of determining this planning application includes the MLP. It clearly states that for twelve months from the date of its publication, i.e. until the end of March 2013, planning authorities may continue to give full weight to relevant policies adopted since 2004, even in the case of there being a limited degree of conflict with the NPPF. Within this context, the MLP remains valid and should be given full weight with policies contained in the NPPF, with regards to determining this planning application.
116. Reference is now made to those material considerations considered relevant to the determination of this planning application.

Need for the extension site

117. Central Government Policy contained within the NPPF provides guidelines for aggregate provision in England. Paragraph 145 requires Mineral Planning Authorities to maintain a landbank of permitted reserves to provide sufficient sand and gravel for a minimum period of seven years, together with ensuring that the capacity of operations to supply a wide range of materials is not compromised. Locally, Policy M6.2 of the MLP states that the County Council will endeavour to maintain a seven year landbank to ensure that Nottinghamshire continues to meet its reasonable share, in terms of the regional provision of aggregates.
118. Whilst the RSS does not make direct reference to the landbank issue, it nevertheless identifies the East Midland Region as a major producer of primary aggregates and high quality minerals, with some 21 per cent of sand and gravel being exported from the county of Nottinghamshire. Of particular relevance to this proposal, are Policies 1 and 37 of the RSS, which seek to promote the prudent use of resources, as well as maintaining an appropriate supply of aggregates.
119. To ensure a seven year landbank is provided, the MLP has allocated approximately 730ha. containing an estimated 23.22 million tonnes of sand and gravel, distributed across seven sites, involving developing two new quarries and five extensions within Nottinghamshire. The strategy of allocating seven sites has sought to ensure an even distribution of sand and gravel reserves across the

county. East Leake Quarry was one of the seven allocated sites, being located within one of the few significant glacial sand and gravel deposits in Nottinghamshire. Paragraph 6.60 of the MLP makes reference to the site's estimated 2.8 million tonnes of reserves being expected to last until around 2016, based on a projected annual output of 180,000 tonnes. It was therefore considered that no further provision was necessary for the current plan period. Paragraph 6.60 also acknowledges that the site could act as a partial replacement for quarries at Holme Pierrepont and Hoveringham.

120. In terms of the planning policy context, the two key policies in the MLP against which this application should be assessed are Policies M6.2 and M6.3.

121. Policy M6.2 (Sand and Gravel Landbank) states that:

The County Council will endeavour to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction and also an adequate production capacity in order that Nottinghamshire will meet its reasonable share of regional provision of aggregates throughout the plan period.

122. Policy M6.3 (Sand and Gravel Extraction in Unallocated Land) states that:

Proposals for sand and gravel extraction falling outside allocated areas will not be permitted unless it is evident that existing permitted reserves and the remaining allocations cannot sustain an adequate landbank and processing capacity as provided for in Policy M6.2.

123. The policies above indicate that in order for the application to be supported in policy terms there needs to be a clear demonstration that existing permitted reserves and remaining allocations cannot collectively maintain an adequate land bank and production capacity across the county. These two distinct elements are now considered in more detail, in terms of relevancy to the proposal.

124. Paragraph 6.52 of the MLP indicates that proposals for sand and gravel extraction in unallocated areas would not normally be permitted, given that sufficient provision exists, either in existing permitted reserves or as Plan allocations.

125. The critical test for unallocated sites such as this under MLP Policy M6.3, is that proposals outside allocated areas would only be acceptable, where it can be clearly demonstrated that an adequate landbank cannot be sustained without bringing forward additional capacity, above that already allocated. There are circumstances when this may arise, for example, in cases where allocations are unlikely to come 'on stream' or where allocated sites contain far less mineral than was originally anticipated.

126. In terms of the current landbank, it is noted that at the end of 2009, the County's sand and gravel landbank stood at 7.9 years. Added to this, in 2010, a further permission was granted at Newington South, resulting in an increase in the landbank, so that it stood at 8.3 years. It is noted that more recently, as of

December 2012, the landbank stood at 7.3 years, which is still above the recommended seven years for sand and gravel aggregates.

127. It can be seen therefore that the landbank is not currently at a critical point, and in need of unallocated sites to support it. A further consideration is that the proposal to extract approximately 400,000 tonnes of aggregate would only equate to an approximate increase in the landbank of a further eight weeks. Therefore, the argument for permitting the development purely as a means of contributing to the landbank in line with Policy M6.3 is relatively weak. It is therefore considered that there is no basis for MLP Policy M6.3 to apply to this proposal.
128. Under the strict criteria set out under MLP Policy M6.3, the proposed extension for sand and gravel extraction at East Leake Quarry, is not acceptable development. In the context of MLP Policy M6.3, the development must therefore be treated as inappropriate development. As such, the proposal has been treated as a 'departure' from the MLP.
129. The more relevant factor against which to test the proposed development is that regarding the processing or production capacity for sand and gravel. On closer analysis, the indications are that whilst there may be sufficient capacity in terms of the seven year landbank for sand and gravel, there is an identified localised shortfall in supply. In the southern part of the county, some 750,000 tonnes of production has been lost in recent years, with the closure of the Holme Pierrepont and Hoveringham quarries, in 2002 and 2007 respectively. An allocation at Gunthorpe containing an estimated 3-4million tonnes, sufficient to supply aggregate for some twelve to sixteen years, was expected to be the main replacement. However, this significant allocation within the MLP has failed to come on stream due to technical issues and its future remains uncertain.
130. Therefore, the combined loss of these two quarries with the failure of new aggregate provision at Gunthorpe has resulted in a significant shortfall in supply. Whilst this has not resulted in any discernible impact, probably due to the recent economic downturn, it is noted that the MLP has identified other quarries, specifically East Leake and an un-commenced quarry at Cromwell, as being suitably located to make up any lost capacity, as and when required.
131. Whilst indications are that sand and gravel requirements in and around Nottingham are increasingly being met by more remote quarries, which are in turn being depleted more rapidly, it has also placed additional pressure on East Leake Quarry to supply some of the markets previously met by Hoveringham Quarry.
132. Indeed, the application states that East Leake Quarry is the only sand and gravel quarry serving the southern markets of Nottinghamshire and the northern markets of Leicestershire, and that the proposed development would enable it to continue operating and supplying local markets.
133. It is further stated that without the reserve contained within the application site, existing operations would cease at the quarry and the processing plant would be removed. In effect, the reserve would be sterilised from being a high grade

product, which if subsequently excavated and sold unprocessed 'as raised' material, at some future point in time, would only provide material for low grade specification uses, such as bulk fill.

134. Therefore, it is considered that the case for permitting the proposed extension at East Leake Quarry in order to maintain an adequate production capacity in the south of the county is a more convincing argument than that of the landbank argument, and as such the proposal is provided with some support in terms of MLP Policy M6.2. It is considered that to let this quarry close, which would be the outcome if the proposed extension is not permitted, would inevitably place a strain on local supplies, and would make future working of the land unlikely (effectively sterilising the mineral supply) and would be contrary to the assumptions made in the MLP.
135. The case for permitting the proposed extension at East Leake in order to maintain an adequate production capacity in the south of the county, in line with Policy M6.2, is therefore considered to be comparatively strong. So whilst the application is a departure from the development plan, due to it being an unallocated site and the present landbank being above seven years, it is considered that there is overriding support for the development, in terms of the need to maintain a more localised production capacity.
136. In light of the above, it is considered that the proposed development could be permitted on an 'exceptional circumstances' basis, and in this respect, other material considerations offer support for the development including the fact that it is of a limited scale, high scoring in terms of sustainable market provision, and the fact that it is an extension development. A further and substantial benefit is that the proposal provides a 'stop gap' that would allow the longer term future of the quarry to be assessed through the development of the emerging Minerals Core Strategy.
137. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer 'departure' planning applications to the Secretary of State. The application does not trigger the thresholds for referral set out within the Circular and, as such, there is not a requirement to refer it to the Secretary of State should Committee be minded to approve.
138. Overall, there is sufficient policy support and other supporting material considerations to indicate that the proposal should be permitted subject to there being no unacceptable environmental impacts associated with this development.
139. The potential environmental impacts associated with the new development are now considered.

Environmental impacts of the development

Noise impact

140. Policy M3.5 of the MLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, setting

maximum noise levels at sensitive locations, and the use of acoustic screening, such as baffle mounds or fencing.

141. It is predicted that noise levels for permanent operations would not exceed the 55dB(A) L_{Aeq} 1h (free field) criterion, established as an upper limit for mineral extraction operations under paragraph 30 of the NPPF's Technical Guidance (March, 2012). The Technical Guidance states that subject to a maximum of 55dB(A) L_{Aeq} 1h (free field), noise levels should not exceed background levels by more than 10dB(A), in terms of establishing a noise limit at any sensitive residential receptors. Planning conditions would seek to ensure that these noise limits are adhered to, and a requirement would be placed on the applicant to undertake appropriate mitigation measures should these limits be exceeded at any of the identified noise sensitive properties.
142. Whilst the mineral working area for Burton's Land would come to within 126m to Home Farm Cottage, noise levels from all the proposed operations are predicted to be well within acceptable limits. Appropriate planning conditions would be applied to ensure that noise emissions from operations are suitably controlled to ensure compliance with Policy M3.5 of the MLP. In accordance with the criteria of this policy, existing controls over operational hours would continue to operate on the proposal site, ensuring that operating hours are appropriately controlled, being restricted to 07:00 hrs to 19:00 hrs Mondays to Fridays, and 07:00 hrs to 13:00hrs on Saturdays, and no working on Sundays, Bank or Public Holidays.
143. With regards to temporary operations such as soil stripping, soil bund construction and restoration operations, the Technical Guidance permits increased temporary daytime noise limits of up to 70dB(A) L_{Aeq} , 1h (free field) for up to eight weeks a year at identified noise-sensitive properties to facilitate these temporary operations, where it would clearly bring about longer-term environmental benefits to the site and its surroundings. The environmental statement predicts that this limit would not be exceeded for this temporary period of time, and again planning conditions would ensure that these limits are not exceeded.
144. The County Council's Noise Engineer is satisfied that the proposals are sufficiently robust, and have taken into account the transportation of excavated material to the processing plant by dumper truck, in terms of the noise predictions. Subject to appropriate planning conditions in line with those applied to the permitted extension (Jenks' Land), albeit with the inclusion of Home Farm as an additional noise sensitive receptor with a site noise limit of 50dB L_{Aeq} , 1 hour free-field, it is considered that the proposed development is capable of operating within standard permitted noise levels in accordance with Policy M3.5. It is noted that there have been no noise complaints associated with current operations on Jenks' Land, and it is not anticipated that there would be any detrimental noise impact for those residential properties nearest the site.
145. It is noted that other mitigative measures to reduce noise impact would include the creation of soil and overburden bunds, to the southern and western boundaries, which it is anticipated would act as an acoustic baffle. Other measures would include locating the pump for dewatering along the northern site boundary, and keeping it towards the eastern part of the site whenever possible,

so as to reduce noise impact to sensitive receptors located on Melton Road and Rempstone Road.

146. It is not envisaged that noise would be a problem during the development, either at the construction or operational phase in line with MLP Policy M3.5. The development is relatively remote from residential development, and is restricted to day time operations only. It is not anticipated that noise levels on the proposed extension would be anything other than similar to those generated at present. Furthermore, it is considered that operations at the processing plant on the original quarry site, would continue to be within the existing permitted noise limits and the relevant criterion established under the NPPF's Technical Guidance.

Dust impact

147. Mineral operations have the potential to cause adverse impacts as a result of dust emissions. MLP Policy M3.7 identifies that dust emissions from minerals development can be managed and reduced by implementing appropriate dust mitigation practices. Measures include the containment of conveyors, processing plant, and dust collection equipment, the use of bowsers and sprays on haul roads, stockpiles and transfer points, the use of binders on haul roads, and appropriate soil handling strategies.
148. With regards to the proposed development, operations such as soil stripping, stocking of soils and overburden, and dumper truck movements, have the potential to be a source of dust, especially when conditions are excessively dry and windy. However, the extension site benefits from being relatively remote, with the nearest potentially dust sensitive residential development being some 126m away to the north-west and 140m to 173m south-east of the proposed site. The distant proximity of these sensitive receptors means that the prospect of the operational development giving rise to any dust nuisance is considered to be relatively remote. Notwithstanding this fact, measures to minimise dust emissions are considered necessary to ensure that surrounding land users are not adversely affected, and existing dust suppression measures would continue to be implemented for the duration of operations.
149. Such measures would include the use of a water bowser on the internal haul roads, spraying of stockpiles, seeding of soil mounds and provision of wheelwash facilities. Phased extraction would ensure that the minimum extraction area is exposed at any one time, and the proposed progressive restoration of the site would ensure land is promptly planted and seeded. Furthermore, it is noted that even though the proposed site would be dewatered, the mineral would still be moist when excavated, and as such it is anticipated that extractive operations would not lead to the generation of excessive dust. These measures would be the subject of appropriate planning conditions in accordance with MLP Policy M3.7.
150. There is a Dust Management Plan in force at the existing quarry and this would be extended to the development site. To date, it has proved effective in terms of controlling dust emission and there have been no complaints received by the MPA regarding current operations on Jenks' Land. It is considered that the

proposal, controlled by appropriate conditions, is capable of complying with Policy M3.7 of the MLP, and is also in line with the NPPF's Technical Guidance which states that unavoidable dust emissions should be controlled, mitigated or removed at source.

Visual impact of development and impact on landscape

151. MLP Policy M3.3 states that planning permission will only be granted for minerals development where any adverse visual impacts can be kept to a minimum, and advocates the use of planning conditions to minimise visual impacts. MLP Policy M3.4 seeks to retain and protect existing features of value in terms of screening, as well as promoting other appropriate measures including earth mounding, and tree and shrub planting, together with phased working to cause the least visual intrusion.
152. The application site is presently an agricultural field, and is set well away from the nearest residential development but directly adjacent to the highway network. Any attendant visual amenity impacts would mainly be confined to users of the bridleway (Rempstone Bridleway No. 11) adjoining the eastern boundary of the current extraction site (Jenks' Land). In terms of the extent of this impact, it is noted that the County Council's Landscape Officer has assessed the visual amenity impact as being of major (adverse) significance during the operational phase of the works, but being of only minor (adverse) significance following restoration. However, the development proposes to retain existing mature hedgerow and tree planting to the field margins, around the whole of the site perimeter, thereby affording substantial screening of the proposed operations from those using the bridleway, and the surrounding highway network. This element of screening together with the transient nature of bridleway and road users, means that the potential visual impact along the public bridleway and along the Rempstone Road and A6006, is considered capable of being adequately mitigated. It is therefore considered that the proposal accords with MLP Policies M3.3 and M3.4.
153. In terms of visual amenity impact, the operational site would be substantially obscured from the surrounding area, and any such impact would only be of significance during the operational and progressive restoration stages, with this reducing substantially to being marginally positive following restoration. Furthermore, progressive restoration of the site would ensure that worked out, disturbed but un-restored areas, are minimised in accordance with MLP Policy M3.4. To this end, soils and overburden would be directly placed whenever possible (in accordance with DEFRA best practice guidelines), followed at the earliest opportunity by soil cultivation and grass seeding operations.
154. Visual and landscape impacts are mitigated primarily by the relatively remote location of the site which ensures that site operations are not located in close proximity to sensitive residential receptors. Planning conditions would ensure that existing landscaping is retained, and requirements that the site is worked on a phased basis so ensuring restoration is undertaken at the earliest practical opportunity thereby minimising visual impacts. These conditions are in accordance with MLP Policy M3.4.

155. MLP Policy M3.22 seeks to ensure that landscape distinctiveness and character is not adversely affected as a result of minerals development. MLP Policy M3.27 states that planning permission will not be granted for minerals development which would result cumulatively in a significant adverse impact on the environment and/or the amenity of local communities.
156. The site lies in the East Leake Rolling Farmlands, which falls within the Nottinghamshire Wolds Character Area, and is typically characterised by undulating pastureland, interspersed with woodland copses, and defined field margins with hedgerow trees. It identifies the fact that the sand and gravel quarry has had a localised influence on the landscape character of the 'rolling farmlands' designation. The landscape strategy for the Nottinghamshire Wolds Character Area seeks to ensure that on completion of quarrying, hedgerow trees, hedgerows and small woodlands are encouraged within the restoration proposals to ensure that the land integrates with the surrounding area.
157. In terms of the landscape character, it is noted that to some extent the restored site would be a somewhat incongruous feature in the landscape due to the water body. However, overall the proposed restoration scheme has been designed to offer shallow slopes, irregular contours, conservation grassland, sand face, native woodland, new hedgerow and aquatic margins which would naturally regenerate.
158. The incorporation of characteristic features of the East Leake Rolling Farmlands designation into the proposed restoration scheme, including hedgerow trees, provision of permanent pasture, and woodland copses, would ensure that the site is visually integrated with the surrounding locality and complements the scheme for the wider East Leake quarry site in line with Policy M3.22. The proposals would conform with the relevant policies of the MLP, in terms of landscape character assessment and compliance with strategy objectives.
159. The cumulative impact of the development is detailed in the environmental statement's landscape and visual assessment, the conclusions of which are broadly supported by the County Council's Landscape Officer. It is noted that the development site is located adjacent to an established quarry operation which adversely affects the local landscape character and therefore reduces the sensitivity of the immediate locality to similar proposals. During the operational phase of the development, the cumulative impact on the surrounding landscape character is assessed as being moderately adverse due to the ameliorative impact of restoration works, which have already seen large parts of the main quarry void being restored. Furthermore, by the time the proposed extension comes on stream, restoration would be well advanced in terms of the Jenks' Land site. Therefore, it is considered that the effect of the addition of the proposed extension on landscape character would on balance be mitigated by the restoration of previously worked land.
160. Post restoration, whilst the restored quarry operations would be noticeably different to the original landscape, and the proposal would increase the area of 'restored mineral workings', the restored land would still be rural in nature and reasonably characteristic of the surroundings, with the proposed restoration scheme having been designed to promote key characteristic features of the

Nottinghamshire Wolds Character Area. In addition, the proposed restoration of the site would be beneficial in terms of improving the nature conservation value of the site, although it is acknowledged that it would reduce the extent of agricultural land, which is characteristic of the wider surroundings. However, it is considered that combined with the restored main quarry site and Jenks' Land, which would be partly restored to nature conservation, the overall cumulative impact on landscape character would be generally positive in accordance with MLP Policy M3.27.

Visual amenity impacts associated with the processing plant

161. It is noted that the stocking height of unprocessed aggregate, on the adjoining processing area within the original quarry site, has in the past been raised as an issue by the nearest occupier (Manor Farm). At the time, the County Council's Monitoring and Enforcement Officers investigated the matter and it is understood that the material had built up as result of the raw material being of a better quality than previously extracted, thereby improving stocking capability, combined with the stocking of additional material, as a result of archaeological investigations.
162. In response to this situation, controls over stocking height, were placed on the current planning permission (Plg. Ref. 8/11/01100/CMA) to ensure that no extraction campaign is able to commence until there is sufficient capacity within the processing area to accommodate further material, with stockpiles not exceeding 8m. It is proposed to retain this planning condition, so as to ensure that any ancillary visual amenity impact to the adjacent property is capable of being controlled to an acceptable degree throughout any extended period of working, in accordance with MLP Policy M3.3. Furthermore, to ensure that visual amenity impacts are suitably mitigated, a protective soil bund, between the original quarry site and Manor Farm and Donkey Sanctuary, would remain in situ, for as long as the processing plant is operational.

Agriculture/Conservation of soil resources

163. MLP Policy M3.16 states that planning permission for minerals development will only be granted in the best and most versatile agricultural land (grades 1, 2 and 3a) where it can be demonstrated that the proposals would not affect the long term agricultural potential of the land.
164. The proposals would not affect any Grade 1 or 2 agricultural land, however, 5.1 ha. or 66 per cent of the site area is Grade 3a agricultural land. However, there is no indication in the NPPF that there is a presumption against development of the 'best and most versatile' land, therefore agricultural land quality is only one consideration to be taken into account in terms of determining this planning application.
165. In mitigation, the final restoration scheme would see a substantial part of the site being returned to a standard agricultural use. The application states that it is envisaged that for the entire 5-year aftercare period, arable use of the land would not be adopted. Following soil placement, the agricultural land would be seeded with a general clover based pasture mix, which would produce a viable

hay crop. During this aftercare phase, the land would generally be managed by cutting for a hay crop in early spring, and if necessary, again in late summer, or possibly grazing if suitable animals are available.

166. Therefore, it is considered that whilst there would be impacts these would be offset by the benefits of gaining valuable biodiversity, as well as restoring land to an agricultural use, thereby complying with MLP Policy M3.16.
167. It is noted that the soils on the application site are proposed to be re-used for site restoration in accordance with a phasing plan, using good practice for soils handling as set out in the appropriate guidance from DEFRA.

Ecological issues and restoration

168. Policy M4.10 of the MLP states that where planning permission involves the reclamation of mineral workings, schemes should include full details of the proposed after-use and be designed to maximise opportunities to enhance the environment, biodiversity and amenity of the local community. MLP Policy M4.12 states that where planning permission involves the reclamation of mineral workings to agriculture, the County Council will encourage such proposals to take full account of the Countryside Appraisal and Local Biodiversity Action Plan. Also of relevance is Policy 28 of the RSS, which seeks to ensure that there is a net gain in terms of habitat creation, and enhanced ecological benefit.
169. In respect of ecology, the proposed site is of low ecological value and therefore no adverse impact has been identified. The wetland habitat creation being offered as part of the proposed restoration would enhance local biodiversity and would contribute towards targets of the 'Nottingham Biodiversity Action Plan'.
170. During the operational phase, the soil storage bunds would provide mitigation/compensatory habitat for farmland birds which may be present on the land. The bunds would be seeded with a grass mix based on a National Vegetation Classification MG5 'type' species selection of benefit to farmland birds. A suitable mix has been provided by the applicant as agreed with Conservation bodies and in accordance with their recommendations. It would provide beneficial feeding habitat for farmland birds. Also of benefit would be the phased restoration of the site, with MLP Policy M4.1 supporting mineral extraction proposals designed to allow for a phased sequence of extraction, reclamation, and implementation of the planned after-use. This indicates that whenever practical, reclamation should be phased to minimise the area of land taken out of beneficial use at any one time, and to ensure reclamation is achieved as quickly as possible. The proposals have been designed to accord with this policy.
171. The final restoration scheme provides for an agricultural/ecological mixed after-use. The various amendments to the restoration scheme have sought to enhance the ecological benefits to be derived from the scheme in line with recommendations made by the Nature Conservation bodies, all of whom are now broadly supportive of the revised scheme subject to appropriate planning conditions.

172. It is considered that the final restoration scheme delivers a net gain in terms of the intrinsic ecological value of the site. The amendments to the restoration scheme have delivered a final scheme which accords with Policies M4.10 and M4.12 of the MLP. In line with these policies, the scheme has been designed to maximise the opportunities to increase biodiversity in accordance with the Nottinghamshire Local Biodiversity Action Plan (BAP) and enhance the local environment. The proposed restoration scheme would have ecological benefits in terms of it contributing to an increase in areas dedicated to wetland habitat, an important BAP habitat.
173. An outcome of the restoration scheme is that it would deliver net benefits, in terms of enhancing both the area's biodiversity and the value of the Sheepwash Brook Wetland SINC, to the north-east of the site. It would build on the established wetland habitat, extending the wetland habitat across a wider area, and building on the local core SINC wetland habitat.
174. The revised restoration scheme maximises the enhancement opportunities to deliver a mix of standard agricultural land and wetland nature conservation features, as well enabling an appropriate and comprehensive restoration of the East Leake Quarry site, in line with MLP Policies M4.10 and M4.12. A ten year aftercare period for the wetland nature conservation area has also been offered, in order to facilitate biodiversity targets, with the agricultural restoration on the remainder of the site being subject to the standard five-year aftercare period.
175. It is noted that the exclusion of silt disposal within the proposals has affected the final restoration scheme, as originally the scheme would have accommodated some 80,000 tonnes of silt, which would have been placed in the mineral void to assist final restoration contours. As silt would no longer be available as a restoration material the final contours have been revised accordingly. So as to ensure that a beneficial after use is achieved, the final phase would involve overdigging of clay, to provide additional restoration material. Whilst the site would be restored to shallower levels than originally anticipated, the indications are that the applicant is capable of delivering a robust restoration scheme. Overall, it is considered that the proposals accord with Policies M3.22 and M3.27.
176. It is considered that the restoration scheme potentially delivers a net gain in terms of increasing the intrinsic ecological value of the site. The proposed restoration scheme would have ecological benefits in terms of it contributing to an increase in areas dedicated to species-rich wetland conservation habitat, an important local habitat. The scheme would maximise the opportunity to increase biodiversity in this part of south Nottinghamshire. The scheme therefore accords with the NPPF which supports net gains in biodiversity under Section 11 '*Conserving and Enhancing the Natural Environment*', paragraph 109.

Airport safeguarding issues (birdstrike)

177. The site lies approximately 9km east of East Midlands Airport (EMA), and the proposed site falls within the Airport's Safeguarded Zone. Therefore, the proposals have been considered within the context of aerodrome safeguarding criteria, in particular the bird strike hazard, resulting from the feeding, nesting

and/or roosting opportunities provided by wetland habitat, notably bodies of water, within the vicinity of the airport. In mitigation, EMA has noted that the proposal represents a fairly minor adjunct to an existing extensive quarrying operation, with a restoration back to agriculture and wetland conservation, including a water body. Within this context, the proposal comprises a further wetland habitat in a quarry complex with existing permissions for wetland conservation. It is considered that the restoration plan as originally proposed would inevitably lead to an increase in waterfowl within the safeguarded zone.

178. It is acknowledged that the revised proposals have sought to deliver a reduction in surface water area, and that the breaking up of a large pond into two smaller ponds, and an increased area of rough grassland, have sought to be beneficial in terms of reducing the scheme's appeal to water birds and in particular, feral geese, to very low levels.
179. Suitable planning conditions would ensure that the revised restoration scheme is implemented, and maintains its objective of discouraging wildfowl (ducks, geese and swans), and preventing artificially high numbers.
180. It is considered that the proposed sand and gravel extraction would not detrimentally impact on safeguarding flight paths, subject to the imposition of appropriate planning conditions due to the limited size and scale of the proposed development, and the long term management of the restoration.

Archaeology/heritage impact

181. In terms of archaeological impact, MLP Policy M3.24 provides guidance in respect of archaeology with mineral workings. The policy advises that archaeological remains of national importance should be preserved in situ. However, remains of lesser importance, such as those at East Leake, can be preserved by excavation, recording and publication.
182. The environmental statement's archaeological survey indicates that potentially archaeological features of interest could be found during the course of the proposed development, particularly during topsoil stripping, and if necessary upper subsoil strips. In addition to the baseline archaeological assessment carried out across the whole of the site, a chance finding of various Palaeolithic artefacts, by a geologist working on the site, indicates substantial potential for Palaeolithic archaeology on the application site. It is noted that this is a highly significant find, given that it provides the county with its earliest human artefacts. In order to mitigate impacts associated with the proposed mineral development, the County Council's Archaeological Officer, supports a detailed programme of investigative works involving a strip, map and sample, and excavations where necessary, together with implementing watching briefs on long sections of material.
183. In mitigation, it is proposed to attach a condition to the granting of any planning permission requiring a suitable scheme of archaeological mitigation to be submitted to the MPA for its approval, in agreement with the Archaeological Officer. Such a scheme would ensure the detailed monitoring of the site and appropriate contingency measures, should further significant archaeological

remains be found, in accordance with Policy M3.24 of the MLP. This would ensure that any Palaeolithic archaeology, which would be of local significance, is appropriately identified and recorded, thereby mitigating any impacts associated with the proposed mineral working.

Ground and Surface Water / Flood Risk

184. MLP Policy M3.8 seeks to ensure that minerals development does not detrimentally alter surface water flows, affect groundwater levels, and ensure that there are no risks of polluting ground or surface waters. Policy M3.9 seeks to ensure that such development would not unacceptably impact on flood flows and flood storage capacity, or on the integrity or function of flood defences and local land drainage systems, through the imposition of appropriate conditions to mitigate both temporary and permanent adverse effects of the development.
185. The principle potential impacts of the proposed development relate to increased flood risk and impairment of surface and ground water. A flood risk assessment has enabled the applicant to demonstrate that the proposals would not adversely impact on flood flows and flood storage capacity in the surrounding area. In particular, it has satisfied the EA, in terms of demonstrating that the run-off from peripheral soil mounds is capable of being contained within the site, by way of a strategically developed trench, which would collect water and prevent any adverse effect on the road network around the site. It is therefore considered that the proposed development is in accordance with Policy M3.9 of the MLP.
186. Planning conditions would ensure that any surface water drainage scheme is appropriately robust, in terms of being based on sustainable drainage principles and complies with the appropriate environmental control authority. This would serve to mitigate any potential impacts, in terms of detrimentally impacting on surface water flows. Whilst the proposed site would be dewatered during mineral extraction, the phased restoration would see a reduction in pumping and any draw down to the surrounding area. It is considered that the development would not have an unduly negative impact on groundwater levels. Due to the relative remoteness of the site, it is indicated that the mineral is capable of being extracted without significant impact to local water abstractions in accordance with MLP Policy M3.8.

Highways implications

187. MLP Policy M3.13 states that planning permission will not be granted for minerals development where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable impact upon the environment and disturbance to local amenity.
188. The proposed extension would only result in the continuation of current production levels and thus traffic movements associated with these operations would remain the same as currently experienced at the permitted quarry site. The access route to the quarry was designed with this level of traffic in mind and it is understood that the applicant strictly adheres to the designated access route and agreed practices.

189. It is noted that the proposal represents a continuation of existing activities, and that the quarry site has historically experienced much higher levels of site traffic than would result from the current proposals. Overall, the development would accord with Policy M3.13 of the MLP. The traffic movements associated with the proposal would continue to be approximately 72 movements per day with a maximum of a 100 vehicle movements on any one day. Existing controls over HGV movements would continue to be secured by way of a condition limiting the number of HGVs to a maximum number of 100 two-way HGV movements per day. This is for reasons of amenity and highway safety and to ensure compliance with MLP Policy M3.13.

Lorry routeing

190. There is an existing legal agreement accompanying the current planning permission for the Jenks' Land extension, which was rolled forwards from the original East Leake Quarry site, detailing lorry routeing arrangements. This places a requirement on all HGVs leaving the site to turn left onto Rempstone Road and head towards the A6006 (Melton Road) and returning by the same route. All traffic is strictly controlled and restricted to this route in order to avoid passing through East Leake. This arrangement forms part of the current Section 106 agreement for Jenks' Land and it is proposed to roll this arrangement forward into a new agreement for the proposed site.
191. There are no highway objections to the continuation of this arrangement in planning terms, in accordance with MLP Policy M3.14. Policy M3.14 seeks to ensure that appropriately agreed vehicular routes are attached to any minerals permissions, through legally binding agreements. Furthermore, planning conditions would continue to ensure that vehicular access to the site is via Rempstone Road only, and that the applicant continues to maintain clear signage alerting drivers of the requirement to turn left out of the site. It is noted that the County Council's Highway Officer raises no objection to the proposal, on the understanding that previously secured planning conditions and the legal agreement is carried forward into any new permission. This being the case, the proposed development is in accordance with MLP M3.14.

Sustainability considerations

192. Policy M2.1 of the MLP states that planning permission will only be granted for minerals development which have taken into account the relevant sustainable development objectives set out in paragraph 2.5. Of particular relevance to this development are criteria (ii) and (iii) which seek to ensure that the environmental impacts caused by the mineral operations and the transport of minerals are kept to an acceptable minimum; and to encourage sensitive working, restoration and aftercare practices so as to preserve and enhance the overall quality of the environment once extraction has ceased with the creation of valuable new habitats and features.
193. The proposal would involve extending an existing quarry and in doing so would utilise existing processing plant and ancillary infrastructure, as well as the existing silt lagoon system, which in itself would reduce environmental disturbance and be a more efficient use of resources, compared to developing a

new quarry site. The development would continue to meet a recognised local need for sand and gravel aggregate in the south of the county, thereby ensuring that haulage distances are minimised. The mineral extraction site would be worked in phases, with progressive, phased restoration over the life of the works, thereby minimising environmental and physical impacts associated with the mineral operations. Furthermore, the restoration scheme would promote increased biodiversity, and create wetland habitat, an important BAP habitat, thereby delivering net gains in terms of increasing the ecological value of the site. The proposal therefore accords with the principles of sustainable development contained in MLP Policy M2.1, and as set out in the NPPF.

Other Issues

194. Quarrying is an established rural activity, and the existing quarry directly employs a maximum of five full time staff, who reside within the local area. The proposal would therefore continue to secure employment at the site.
195. Should Members be minded to grant planning permission, a legal agreement would need to be attached to any planning permission issued, to ensure that an existing lorry routeing agreement remains in place for the duration of the life of the proposed extension site, and to ensure that the long term aftercare of the wetland and conservation grassland area, proposed as part of the restoration of the site, is appropriately secured.
196. Overall, it is considered that all the environmental information contained within the environmental statement has been taken into account in the consideration of the proposed development.

Other Options Considered

197. Whilst the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, at Schedule 4, require environmental statements to include a consideration of “the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects”. Paragraph 111 above sets out the alternative options that were considered by the applicant and for the purposes of Schedule 4, it is considered that this matter has been adequately addressed.

Statutory and Policy Implications

198. This report has been compiled after consideration of implications in respect of finance, equal opportunities, 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.

Crime and Disorder Implications

199. It is considered that there would be no particular crime and disorder implications. The site would continue to be secured by existing mature hedgerow and trees to

the site perimeter, and it is understood that the applicant would provide additional security if required.

Human Rights Implications

200. 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 visual amenity impacts and impacts of noise upon users of the bridleway and the surrounding area. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of sustaining a local supply of aggregate to the local construction sector, which is more sustainable than hauling sand and gravel from more distant quarries. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

201. The application has been considered against the National Planning Policy Framework, the Regional Spatial Strategy for the East Midlands, and the Minerals Local Plan, all of which are underpinned by the objective of achieving sustainable development. The proposed development would utilise existing processing plant and ancillary infrastructure, representing a more efficient use of resources and limiting environmental disturbance, as well as meeting a recognised local need for sand and gravel. Both mineral extraction and restoration would be on a progressive phased basis, to create a wetland and conservation grassland habitat, thereby increasing biodiversity and a net gain in terms of the ecological value of the site.

Conclusions and Statement of Reasons for the Decision

202. The Burton's Land extension to East Leake Quarry is not identified as an allocated site in the Nottinghamshire Minerals Local Plan (Adopted December 2005) (MLP) and therefore, in planning policy terms, has been assessed as an unallocated site and advertised as a departure. Overall, it is considered that this relatively small-scale and limited extension would not significantly impact on existing allocated sites, or have a detrimental impact on the landbank. It is acknowledged that the current landbank is presently over the required seven years of provision, but it is considered to be a minor increase to this figure to ensure the continuation of East Leake Quarry, and the effective use of the mineral reserve.
203. There is a localised need for the development, in terms of maintaining the processing/production capacity of sand and gravel in the southern part of the county, in line with Policy M6.3 of the MLP. Furthermore, whilst the development is relatively small scale, it nevertheless provides a stop gap, whilst the longer term future of the wider quarry can be tested through the emerging Minerals Core Strategy.

204. In assessing the acceptability of the proposal, consideration has been given to the National Planning Policy Framework (March, 2012) (NPPF) and the accompanying Technical Guidance; Policy 1 (Regional Core Objectives), Policy 28 (Priorities for enhancing the Region's Biodiversity) and Policy 37 (Regional Priorities for Non Energy Minerals) of the Regional Spatial Strategy for the East Midlands RSS8 (March 2005) (RSS); and Policies M2.1 (Sustainable Development), M3.3 (Visual Intrusion), M3.4 (Screening), M3.5 (Noise), M3.7 (Dust), M3.8 (Water Environment), M3.9 (Flooding), M3.13 (Vehicular Movements), M3.22 (Landscape Character), and M4.10 (After-Use) of the MLP.
205. In accordance with RSS Policies 1 and 37, the development would involve the prudent use of resources, whilst ensuring that there would be an appropriate supply of sand and gravel to the quarry's markets in the south of the county and into north Leicestershire.
206. The Burton's Land extension site is relatively remote from any sensitive residential receptors, with few on-site constraints. The main impact would be in terms of the change to the landscape character of the area, with the loss of a single large agricultural field, and its replacement with a mix of pastureland and wetland conservation, with open water features. However, it would retain its rural character and the incorporation of characteristic features of the East Leake Rolling Farmlands designation into the restoration of the site, would ensure that the site is visually integrated with the surrounding locality and complements the scheme for the wider East Leake quarry site in line with MLP Policy M3.22.
207. Views from any surrounding sensitive receptors, are filtered by existing vegetation, the topography of the land, and the fact that the development is set against an extensively worked and substantially restored quarry site. The development is in accordance with Policy M3.3 and M3.4 of the MLP, in terms of visual amenity impacts being substantially mitigated by the existing character of the surrounding landscape and a significant amount of screening to the site from existing mature vegetation to the perimeter of the site.
208. In line with the NPPF, the RSS, and MLP Policy M2.1, the development accords with the principles of sustainable development, in terms of recognising a local need for sand and gravel in the south of the county, minimising haulage of aggregate material from more remote quarry workings, and through an efficient use of existing resources, involving utilising existing processing plant and ancillary infrastructure. Also in accordance with Policy M2.1, both the mineral extraction and restoration would be on a progressive phased basis, creating a wetland and conservation grassland habitat, of ecological value and increasing biodiversity.
209. Overall, the revised restoration scheme is considered appropriate in terms of the sustainability, ecological and landscape benefits that it conveys. In particular, it would deliver ecological benefits through an increase in areas dedicated to wetland habitat, an important Biodiversity Action Plan habitat. Essentially, the revised scheme would allow a nature conservation interest to develop on the site over time, in accordance with MLP Policy M4.10, RSS Policy 28, and the NPPF. The final restoration scheme would maximise the opportunity for the restored site to contribute towards the wider area's intrinsic value, in terms of the currently

restored quarry site, and Sheepwash Brook SINC, as an area of nature conservation interest, as well as providing a suitable mix of conservation and standard agricultural uses.

210. The establishment of wetland habitat as an important feature of the restoration scheme is beneficial in terms of enhancing local biodiversity and would contribute towards the targets of the 'Nottingham Biodiversity Action Plan'.
211. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the MLP. Subject to the use of appropriate planning conditions, significant adverse impacts would not result. In reaching this conclusion, consideration has been given to MLP Policies M3.3 and M3.4 relating to visual impact, Policy M3.5 relating to noise, M3.7 relating to dust, Policies M3.8 and M3.9 relating to surface and ground water drainage, and the risk of flooding respectively, and Policy M3.13 relating to traffic impact.
212. The County Council is therefore of the opinion, having taken into account the information contained in the Environmental Statement and the representations and consultation responses that the development is in accordance with MLP policies, together with the NPPF and its accompanying Technical Guidance. There are no material considerations which indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the development would reasonably be mitigated by the imposition of the attached conditions and the drawing up of a Section 106 agreement to ensure that the existing lorry route is maintained throughout the life of the extension site, and to secure the long term aftercare of the wetland conservation area.

Statement of Positive and Proactive Engagement

213. In determining this application, the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions. The proposals and the content of the Environmental Statement have been assessed against relevant policies in the Nottinghamshire Minerals Local Plan, the Regional Spatial Strategy for the East Midlands, 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 and liaised with consultees to resolve issues. Issues of concern have been raised with the applicant, such as impacts on nature conservation and airport safeguarding issues, with regards to the proposed restoration scheme. This has involved discussions with the applicant, and also with key consultees including Nottinghamshire Wildlife Trust, the County Council's Landscape Officer and East Midlands Airport. Additional information has been submitted under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to address the concerns raised, and the proposed development has been revised as a result of the discussions that have taken place, particularly with regards to the final restoration scheme. The applicant has been given advance sight of the draft planning conditions and the Minerals Planning Authority is also engaging positively in the preparation of a legal

agreement covering lorry routeing and the long term aftercare management of the nature conservation area. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

214. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to cover the routeing of HGVs in and out of the site; and the long term aftercare of the proposed wetland and conservation grassland area for a period of ten years, proposed as part of the restoration of the site.
215. It is FURTHER RECOMMENDED that, subject to the completion of the legal agreement, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. 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

Planning and Licensing Committee has authority to approve the recommendations set out in this report by virtue of its terms of reference.

[NAB 15.03.13]

Comments of the Service Director - Finance

Any comments received will be reported orally at Committee.

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 and Member Affected

Councillor Lynn Sykes Soar Valley

Report Author / Case Officer

Deborah Wragg

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

W001116

PSP.JS/TEB/ep5368

18 March 2013

RECOMMENDED PLANNING CONDITIONS

Commencement

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

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

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

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

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

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

Approved plans

4. The development hereby permitted shall only be carried out in accordance with the submitted application, and the following supporting documents, and plans other than where amendments are made in compliance with other conditions of the permission:
 - a) Planning application form, Environmental Statement, Non Technical Summery and Planning Statement, received by the MPA on 21st January 2011;
 - b) Noise Assessment titled 'Assessment of Environmental Impact of Noise' by Vibrock Limited, Report No. R09.5888/1/AG, dated 31.07.09, as received the MPA on 21st January 2011, as part of the Environmental Statement;
 - c) Site Location Plan titled 'Site Plan' Drawing No. P4/689/2 received by the MPA on 21st January 2011;
 - d) Scheme of Dust Control and Monitoring, dated February 2011, received by the MPA on 18th February 2011;

- e) Volume 4 – Additional Information, and Landscape and Visual Impact Assessment , Supplementary Information, dated July 2011, received by the MPA on 16th August 2011;
- f) Archaeology Assessment titled ‘Archaeology and Historic Features’ prepared by The Guildhouse Consultancy, dated February 2010, received by the MPA on 1st September 2011;
- g) Volume 5 – Additional Information containing revised Landscaping, Restoration and Aftercare, revised Restoration Scheme, except for references to Ash and Phragmites australis which shall be omitted from the planting scheme, Revised Method of Working Scheme, Revised Method of Working Plans, and Soil Handling Programme, received by the MPA on 17th December 2012, as amended by revisions to the scheme contained in document ‘Landscaping, Restoration and Aftercare’ received by the MPA on 14th February 2013 and an amendment to the date of the December 2012 report as referenced in paragraph 1.1 contained in an email letter from the applicant dated 8th March 2013;
- h) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phasing Site Area, received by the MPA on 17th December 2012;
- i) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phase 1, received by the MPA on 17th December 2012;
- j) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phase 2, received by the MPA on 17th December 2012;
- k) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phase 3, received by the MPA on 17th December 2012;
- l) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Phase 4, received by the MPA on 17th December 2012;
- m) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Restoration phase 3, received by the MPA on 17th December 2012;
- n) Plan titled ‘Method of Working’ Drawing No. P4/689/3d Final Restoration, received by the MPA on 17th December 2012.
- o) Plan titled ‘Water Management’ Drawing No. ELEK_PLA_689_CAW_190912, received by the MPA on 17th December 2012.
- p) Plan titled ‘Restoration (Lower Level) Drawing No. P4/689/4 C, received by the MPA on 14th February 2013.

Reason: For the avoidance of doubt as to the development that is permitted.

Duration of the planning permission

5. All mineral extraction shall cease within three years of the date of commencement, as notified in accordance with condition 2 above. The MPA shall be notified in writing of the date on which mineral extraction ceases.

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

6. All restoration operations in accordance with conditions 48-49 shall be completed within one year after the cessation of mineral extraction, as notified under condition 5 above.

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

Quarry access and protection of the highway network

7. Vehicular access to the site shall only be gained from Rempstone Road along the existing site access as shown on drawing number P4/689/2 received by the MPA on 21st January 2011. Vehicular access to the site shall not be gained from any other route. The site access road shall be removed from the site within 12 months of the completion of extraction as notified under condition 5 above.

Reason: To ensure that all quarry traffic obtains access to the site through the dedicated site access in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

8. Existing signs at the quarry entrance instructing all HGV drivers to turn left only out of the site shall be maintained throughout the life of the development. All drivers of HGVs shall exit the site turning left only.

Reason: In the interest of highway safety and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

9. All HGVs leaving the site shall pass through the existing wheel wash facilities prior to joining the public highway in order to prevent the deposit of mud, clay and other deleterious materials upon the public highway. The wheel wash facilities shall be maintained in good working order throughout the life of the development. The wheelwash shall be removed from the site within 12 months of the completion of extraction as notified under condition 5 above.

Reason: To ensure that no vehicle shall leave the site in a condition whereby mud, clay or other deleterious material is deposited onto the public highway in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.

10. There shall be a maximum of 100 two way HGV movements each day (50 HGVs into the site and 50 HGVs out of the site). Written records shall be maintained of all HGV movements into and out of the site during operational

hours. Copies of all HGV movement records shall be made available to the MPA within seven days of a written request being made by the MPA.

Reason: To limit vehicle movements at the site in the interest of highway safety and amenity and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

11. The processing plant and quarry access road detailed on drawing number P4/689/2 received by the MPA on 21st January 2011 shall only be used for the processing and movement of sand and gravel arising from the development hereby permitted and that subject to the existing planning permission 8/11/01100/CMA covering Jenks' Land extension (and any subsequent planning permissions relating to Jenks' Land).

Reason: To limit vehicle movements at the site in the interest of highway safety and amenity and in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.

Hours of working

12. Except in the case of emergency when life, limb or property are in danger and such instances which are to be notified in writing to the MPA within 48 hours of their occurrence, or with the prior written agreement of the MPA, the development hereby permitted shall only take place within the following hours:

| | |
|--------------------|---------------------|
| Mondays to Fridays | 0700 hrs – 1900 hrs |
| Saturdays | 0700 hrs – 1300 hrs |

There shall be no working on Sundays, Public or Bank Holidays.

Reason: In the interest of amenity and in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan

Noise

13. Except for temporary operations, the free-field equivalent continuous noise level $L_{Aeq, 1hr}$ at the noise sensitive premises nearest the extraction site, due to operations at the site, shall not exceed the relevant criterion limit specified at each of the residential properties listed below. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

| Location | Site noise limit dB $L_{Aeq, 1hr}$ free-field |
|--------------------|--|
| Home Farm Cottage | 54 |
| Home Farm | 50 |
| The Lings Farm | 50 |
| Lings Farmhouse | 55 |
| Holy Cross Cottage | 55 |
| Rempstone Hall | 55 |

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

14. For temporary operations such as site preparation, soil stripping, bund formation and removal, and final restoration, the free-field noise level due to operations at the site at the nearest point to each of the noise sensitive locations listed in condition 13 above shall not exceed 70 dB $L_{Aeq, 1hr}$ free-field expressed in the same manner as for condition 13 above. Temporary operations shall not exceed a total of eight weeks in any 12 month period for operations close to any individual noise sensitive properties.

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

15. Noise levels shall be continuously monitored throughout the life of the development hereby permitted, at three monthly intervals, at each of the noise sensitive locations listed in condition 13 above. The monitoring shall take place when site equipment is operating normally and the duration of sample measurements shall be 15 minutes unless the site noise level is at or above the relevant site noise limit agreed for the location, in which event a full 1 hour sample shall be taken. The surveys shall exclude so far as possible extraneous noises such as passing traffic. The measurements shall be carried out in accordance with the provisions of BS4142:1997 (or as maybe subsequently amended) and the $L_{A90, T}$, and $L_{Aeq, T}$ noise levels shall be reported, together with the weather conditions and the sources of audible noise. On request, the operator shall, within two weeks of a written request, provide the MPA with details of the noise measurements. The monitoring locations and frequency of sampling may be varied by agreement with the MPA.

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

16. All excavated materials shall be transported to the adjacent plant site by dumper truck only, and shall only be associated with the sand and gravel extraction being carried out on a campaign basis only, with the campaign being a maximum of 4 times a year for a period of 6 to 8 weeks.

Reason: To ensure that noise impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

Dust

17. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- a) The use of water bowsers to dampen haul roads, stock piles and other operational areas of the site;
- b) The sweeping of access and haul roads, where necessary;
- c) The minimisation of drop heights during the loading and unloading of sand and gravel;
- d) Limiting on-site vehicle speeds;
- e) Upon request of the MPA, the temporary suspensions of mineral extraction, conveying and processing or soil movements during periods of unfavourably dry or windy weather conditions.
- f) The monitoring of total dust shall take place during soil handling and mineral extraction within Phases 1 and 2 to demonstrate the effectiveness of dust mitigation measures with respect to mineral extraction upon Home Farm Cottage. The dust assessment shall take place in accordance with the details provided in the 'Scheme of Dust Control and Monitoring', dated February 2011 and shall be reported to the MPA twice yearly;
- g) Where a detailed assessment is required under the Local Air Quality Management requirements, for the potential effects of particulate matter, all the necessary modelling and/or monitoring as agreed with the MPA in writing, shall be undertaken, and submitted to the MPA.

Reason: To ensure that dust impacts associated with the operation of the development are minimised in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.

Prevention of pollution of surface and ground water

18. The development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the MPA. The scheme shall thereafter be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate:
- a) The utilisation of holding sustainable drainage techniques;
 - b) The limitation of surface water run-off to equivalent greenfield rates;
 - c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event, plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
 - d) Responsibility for the future maintenance of drainage features.

Reason: To prevent the increased risk of flooding in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan, and to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

19. Processed water used in the sand and gravel washing system shall be discharged into the approved settlement ponds prior to being discharged into any controlled waters. From the commencement of the development until

restoration of the site the operator shall maintain the settlement ponds on a regular basis to ensure the lagoons remain operational.

Reason: To prevent the pollution of controlled waters in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

20. Any facilities for the storage of 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, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. 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 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 prevent pollution of the water environment.

Mineral processing and stockpiling

21. Excavated minerals from the development hereby permitted shall only be processed and stockpiled at the operator's adjacent plant site as detailed on Drawing Number P4/689/3d Phasing Site Area received by the MPA on 17th December 2012. No excavated mineral shall be processed and stockpiled within the permission area outlined red on Drawing Number P4/689/2 received by the MPA on 21st January 2011.

Reason: In the interests of visual amenity and to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Buildings, fixed plant and machinery

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent amended legislation, 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.

Landscaping

23. Prior to the commencement of the development hereby permitted, details of measures to improve the screening of the site shall be submitted to the MPA for its approval in writing. These details shall include the planting up of gaps in the

perimeter hedgerows around the site and the appropriate management of existing perimeter hedgerows to allow them to grow taller and thicker. These screening measures shall be implemented in accordance with the approved details and maintained throughout the life of the development.

Reason: In the interests of visual amenity and to ensure compliance with Policy M3.4 of the Nottinghamshire Minerals Local Plan.

Ecology

24. Prior to the commencement of the development hereby permitted, details shall be submitted to the MPA for its written approval of the measures to be taken to protect all retained trees, shrubs and hedges from damage during the course of the development. The means of protection shall accord with the provisions set out in British Standard BS 5837:2005 entitled 'Trees in Relation to Construction' (or as may be subsequently amended) and shall include:
- (a) A plan to define the trees, shrubs and hedges to be protected including means of protection;
 - (b) Measures to prevent the disturbance, raising or reduction in soil levels within the area of the root spread of trees, shrubs and hedges;
 - (c) Measures to prevent the storage and placement of materials or the movement of plant or machinery in the protected area(s).
25. The means of protection shall be implemented in accordance with the approved details prior to any equipment or machinery being brought onto the site for the purpose of the development and shall be retained on site until all plant and machinery have been removed from the site. No excavation shall be made within the protected area(s) without the prior written approval of the MPA.
26. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA.

Reason: To ensure that breeding birds are not adversely affected by the development.

Archaeology

27. The development hereby permitted shall not commence until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the MPA. The archaeological mitigation scheme shall thereafter be implemented in full accordance with the approved details.

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

Phasing

28. Extraction operations shall progress sequentially in accordance with Drawing Numbers P4/689/3d Phase 1 – P4/689/3d Phase 2 – P4/689/3d Phase 3 – P4/689/3d Phase 4, as received by the MPA on 17th December 2012.

Reason: To ensure the prompt and phased restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

29. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following the commencement of the planning permission as notified under condition 2 above. The survey shall identify areas of the site which are unworked, those undergoing mineral extraction, those to be restored and those already restored.

Reason: To monitor the phased restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Soil stripping, handling and storage

30. The MPA shall be notified in writing at least 5 working days, but not more than 10 working days, before soil stripping is due to commence in any phase, or part phase in the event that a phase is not stripped in its entirety in one stripping campaign.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

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 satisfactory restoration of the site, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

32. A detailed soil-handling scheme for each phase of the development shall be submitted in writing to the MPA at least one month prior to the stripping of any soil from each of four phases Phase 1 – Phase 4 of the site. Such a scheme shall include the following details:

- (a) The size, location, volume and composition of soil storage mounds;
- (b) A methodology statement for the stripping, storage and replacement of soil;
- (c) The types of machinery to be used;
- (d) The routes to be taken by plant and machinery involved in soil handling operations;
- (e) The depths of subsoil and topsoil to be stripped/replaced;
- (f) The spacing and depth of any post-replacement soil ripping and cultivations.

The development of that phase shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory restoration of the site, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

33. All topsoil, subsoil and overburden shall be stripped separately to their full depths.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

34. No plant or vehicles shall cross any area of unstripped topsoil, subsoil or overburden 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 topsoil, subsoil or overburden or waste or mineral deposits, until all available topsoil, subsoil and overburden has been stripped from that part.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

35. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

36. Topsoil, subsoil, and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:

- (a) During the months of April to October inclusive, unless otherwise approved in writing by the MPA;
- (b) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;
- (c) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

37. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction in accordance a wild

flower grass seed mix (NVC-MG5). The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

38. Details of the volumes and location of soils stored on the site shall be submitted to the MPA by 31 December each year in conjunction with the details submitted pursuant to condition 31 above.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Soil Replacement

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

- (a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
- (b) When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out;
- (c) On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

40. Overburden, subsoil and topsoil shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of overburden, subsoil or topsoil shall occur:

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

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

41. 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.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

42. Each overburden layer placed shall be ripped using overlapping parallel passes:
- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
 - (b) 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 of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

43. Each subsoil layer placed shall be ripped using overlapping parallel passes:
- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
 - (b) 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 of off-site or buried at a depth not less than 2 metres below the final contours.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

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

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

45. The re-spread topsoil shall be rendered suitable for agricultural cultivation by loosening and ripping:

- (a) To provide loosening equivalent to a single pass at a tine spacing of 1.5 metres or closer;
- (b) To the full depth of the topsoil plus 100mm; and
- (c) 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 the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

46. Following placement of topsoil, the surface shall be rooted and cross-ripped to an agreed depth and spacing but shall penetrate 150mm into the underlying layer or 500mm total depth, whichever is the greater, to remove compaction at the interface and loosen all material within the area and depth of operations. Stones and any other obstruction to cultivation greater than 100mm in any dimension shall be removed.

Decompaction shall be carried out in accordance with the MAFF Good Practice Guide for Handling Soils Sheet 19: Soil Decompaction by Bulldozer Drawn Tines.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

47. The total restored soil profile shall have a depth of at least 50cm, with a subsoil depth of 200mm and a topsoil depth of 300mm.

Reason: To ensure the conservation of soil resources and the satisfactory restoration of the site in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Restoration

48. The site shall be restored in accordance with Plan titled 'Method of Working' Drawing No. P4/689/3d Phase 3, Plan titled 'Method of Working' Drawing No. P4/689/3d Phase 4, Plan titled 'Method of Working' Drawing No. P4/689/3d Final Restoration, as received by the MPA on 17th December 2012 and Plan titled 'Restoration (Lower Level) Drawing No. P4/689/4C received by the MPA on 14th February 2013. Landscape planting shall be undertaken during the first seeding and planting seasons following placement of topsoils in each phase. 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 and maintained, unless the MPA gives written consent for a variation to be replanted.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.

49. Prior to the carrying out of any landscaping planting required under condition 48 above, details of all tree and hedgerow planting, and grassland establishment, shall have been submitted to the MPA for its approval in writing. These details shall include proposed species to be planted including proportions, size, spacing, positions, densities, seed mixes to be used in grassland establishment methods, proportions, sources (which should be of local provenance), sowing rates, methods of establishment of species, areas left for natural regeneration, creation of field margins, ground preparation, cover material, proposed soil profiles and fencing off of planting areas, and timescales for any additional planting that may be required as a result of the birdstrike monitoring undertaken under condition 50 below. The plant material should be of native provenance and from provenance areas 402 and 403 (refer to using local stock for planting native trees and shrubs – Forestry Commission Practice Note August 1999). All landscape planting shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan.

Safeguarding

50. The development hereby permitted shall not commence until a Bird Management Plan (BMP) is prepared for the site and agreed in writing with the MPA through consultation with East Midlands Airport. The BMP shall include an assessment of the current regulatory background, identification of target Bird Strike species, definitions of thresholds (e.g. 'acceptable populations' for actions and response) and detailing the methods used during the implementation of bird control operations for each identified target species listed in the assessment, including how birdstrike monitoring shall be undertaken. The restoration of the site shall be carried out in accordance with the approved details.

Reason: To correctly identify the inherent risk to aircraft caused by the attraction to birds by the feeding, nesting and/or roosting opportunities of the restoration scheme, and identifying adequate mitigations in the BMP, in the interest of aviation safety.

51. The conservation grassland as identified on Drawing No. P4/689/4 C received by the MPA on 14th February 2013 shall be maintained to an agreed grassland regime as detailed in the BMP and agreed by the MPA in writing, through consultation with East Midlands Airport.

Reason: To discourage grazing geese, in the interest of aviation safety.

52. The restored site shall not include any islands, incipient islands or narrow peninsula features added to the proposed water bodies.

Reason: To ensure the restored site does not result in artificially high wildfowl traffic through the runway approach of East Midlands Airport, and to discourage breeding geese (Greylag and Canada), in the interests of aviation safety.

53. There shall be no feeding of wildfowl on site.

Reason: To minimise the attractiveness to bird strike species, in the interest of aviation safety.

Aftercare

54. Following restoration the site shall undergo aftercare management for a 5 year period for the agricultural pasture land and native woodland, and a 10 year period for the pond and conservation grassland area, as demarcated by a drainage ditch, fence and hedgerow, as shown on Plan titled 'Restoration (Lower Level) Drawing No. P4/689/4 C, received by the MPA on 14th February 2013.

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

55. Prior to any area being entered into aftercare the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year and 10 year aftercare period shall run from the agreed date.

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

56. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months following the completion of mineral extraction in Phase 1. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition. The aftercare scheme shall include but not be restricted to details of the following:

- (a) Cultivations;
- (b) Weed control;
- (c) Sowing of seed mixtures;
- (d) Soil analysis;
- (e) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- (f) Drainage amendments;
- (g) Subsoiling and underdrainage proposals;
- (h) Management practices such as the cutting of vegetation;
- (i) Tree protection;
- (j) Remedial treatments;
- (k) Irrigation; and

(l) Fencing.

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

57. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in condition 56(e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

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

58. The aftercare programme shall be implemented in accordance with the details approved under condition 56 above, as amended following the annual site meeting referred to in condition 57 above.

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

Alternative restoration

59. Should, for any reason, mineral extraction from the application site cease for a period in excess of 6 months, then, within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing to the MPA for the approval of the MPA. Such a scheme shall include details of the final contours, provision of 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.

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

60. The revised restoration scheme approved under condition 59 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 54-58 above.

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

Informatives/Note to the applicant

1. The attention of the applicant is drawn to the comments contained in a letter from Western Power Distribution dated 26th February 2013, a copy of which is enclosed with the decision notice.

2. As per the International Civil Aviation Organisation (ICAO), Annex 14 Volume 1 (Section 9.4) of the Convention on International Civil Aviation (initially drafted at

amendment 5 to annex 14 and updated at Amendment 10 in November 2009), it is the Applicant's responsibility to produce the 'appropriate wildlife assessment' and to address the birdstrike hazard in applications involving mineral extraction and associated post restoration and aftercare with the aim of showing the development is 'unlikely to create conditions conducive to wildlife (i.e. Bird Strike) Hazard'. The assessment should form the basis of the BMP as outlined above, with thresholds and methodology derived from the findings of the assessment.

3. The East Midlands Airport recommend that the Applicant consults the Aerodrome Operators Association's Safeguarding of Aerodromes Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design' for more detail on grassland management.
4. Further information relating to aerodrome safeguarding issues at East Midlands Airport, can be found at safeguarding@eastmidlandsairport.com
5. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and to retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible. SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs, etc rather than use infiltration techniques.
6. It is the applicant's responsibility to ensure that the existing discharge consent conditions are met.
7. Dewatering to prevent interference with the extraction of the sand and gravel is currently exempt from the need for an abstraction licence. The dewatering activities however may have an adverse impact upon local wells, water supplies and other water activities. It should be noted that current water users may wish to make representations, if their supplies are affected. CEMEX have a licence to abstract from a borehole at SK 5615 2510. It should also be noted that the dewatering exemption has been removed by the Water Act 2003, although this part of the Act has yet to 'go live'. CEMEX will need to apply for a transfer licence for dewatering, when dewatering exemption has been removed.