

Planning and Licensing Committee

Tuesday, 21 February 2017 at 10:30

County Hall, County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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| 1 | Minutes of the last Meeting 17 January 2017 | 3 - 8 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Marblaegis Mine Gotham Road East Leake | 9 - 56 |
| 6 | Work Programme | 57 - 60 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of

Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 17 January 2017 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

John Wilkinson (Chair)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Jim Creamer
Stan Heptinstall MBE

A Rachel Madden
Andy Sissons
Keith Walker
Yvonne Woodhead

ALSO IN ATTENDANCE

Councillor Roger Jackson

OFFICERS IN ATTENDANCE

David Forster – Resources Department
Rachel Clack – Resources Department
Sally Gill – Place Department
Mike Hankin - Place Department
Ruth Kinsey – Place Department

APOLOGIES FOR ABSENCE

There were no apologies

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

OXTON COMPOSTING FACILITY OLLERTON ROAD OXTON

Mr Hankin introduced the report and gave a slide presentation and highlighted the following:-

- The application is for an increase from 55,000 to 75,000 tonnes of waste with an aerating composting pad.
- There had been 3 objections received, 2 from residents and 1 from Oxtun Parish Council regarding the odours from the application site.
- There were no objections received from Newark and Sherwood District Council or the Highway Agency.

The Council's Waste Core Strategy provides support for green waste / composting facilities within Green Belt Locations where very special circumstances can be demonstrated. There will be an increase in traffic, condition 17 set out in the appendix to the report does not allow the use of the surrounding A roads during peak times. A new access road will be constructed to the site.

- Following the introductory remarks of Mr Hankin there were a number of speakers who were given an opportunity to speak and **summaries** of those speeches are set out below.

Mr Oliver Collingham, local resident, spoke against the application and highlighted the following:-

- The odours that emanate from the site are unpleasant.
- There have been regular complaints from residents of Farnsfield with regard to the odours
- His concerns are not about the operation of the site but the effect the odours have on family life in the surrounding area
- There are concerns about the weigh bridge being relocated 230 metres closer to properties in the vicinity.
- Residents were not informed about the future development of this site.
- The composting operation could be fully enclosed to allow a better management of the odours.

Mr Collingham responded to questions as follows:-

- The odour was first thought to be the product of farming in the area, however the odours are more acrid than those that occur when manure is spread.
- The complaints made were mainly addressed to Veolia and he has had a reasonably good relationship with them.
- The change in technique will allow an increase in production, however it is not known if it will reduce odour effect.
- If the facility was not there then The smell from manure spreading would only be 1-3 days a year not all year around as is the odour from the composting facility.

Mr David King, local resident, spoke against the application and highlighted the following:-

- When there is a prevailing wind there is a constant smell which is very unpleasant and nauseating.
- His Caravan company has up to 200 members of the public visiting the site each week, people often ask what the unpleasant odour is. At first it was thought it was from the farms in the vicinity.
- Complaints were made to the landlord about the odours, presuming it was the farms.
- There is also an issue with flies in the area with hundreds a day swarming around and being found in the caravans which is not a good advert to potential customers.
- The flies do seem to come from the direction of the composting facility so concerns about expanding the facility are a real concern to both residents and businesses alike.

Mr David King responded to questions as follows:-

- Not aware that the composting facility was in the area so complained to local farmers.
- As soon as it was obvious it was not the farms in the area that were the cause of the odours it was difficult to know who to complain to.
- There have been a number of times that the flies have caused problems over the summer months.

Mr Hankin in response questions following the objectors responded as follows:-

- There have only been two complaints recorded in the 10 years of operation of the site.
- The Environment Agency license the operational side of the site and as they have not had any concerns there has never been a need for any action to be taken on the site with regard to an environmental issues.
- The odour issue arises when the composting is turned and the odours are released, the proposed aeration system will reduce the need to turn the compost thus reducing the odour omissions.
- Condition 18 requires the use of an aerating pad on site as part of the planning approval and it could also stipulate that the equipment must be kept in working order at all times.
- Press notices and consultation letters were sent out to local residents, Mr Hankin has had several conversations with local residents with regard the proposed changes on the site

Mr James Cook, representing Veolia, spoke in favour of the application and highlighted the following:-

- The application shows Veolia's continued commitment to investments in developing treatments for waste.
- The proposed aerating treatment is to allow less movement of waste when decomposing and therefore reducing the cause of any nauseous odours.

- Suggestions of covering the waste is not an approach that Veolia considers the best option as it creates aerobic conditions and would need the appropriate buildings and industrial plants.
- The increase in tonnage is in keeping with the increase in waste collected in Nottinghamshire and the need to manage its green waste.
-

Mr Cook responded to questions as follows:-

- The fewer times the waste is agitated the lower the chance of odour being reduced. If the waste is not moved as often, then less machinery is needed on site.
- The variation in the operation would need a permit change and this is issued by the Environment Agency.
- This is a completely new process for this site and it means the waste is aerated and less need to disturb the waste.
- There are other sites in the UK that use this system and there is greater control of the airflow needed to help the bacteria to decompose the waste.
- Cannot be precise in how much less odour will be released but it will certainly be reduced.
- Veolia would be happy for a Liaison Committee to be set up with the local residents and surrounding area.
- The Environment Agency have been informed of any complaints received as they are the permitting Authority.
- With regard to the issue of swarms of flies there have not been any issues on site and if there were then any necessary controls would be taken at the earliest opportunity.
- A temporary planning consent is not worth the investment for the company.

Councillor Roger Jackson, local member, spoke against the application and highlighted the following:-

- The issue around muck spreading is a few days a year this happens, with this operation there are odours all year around.
- The issue is with the increase in tonnage of waste at the site and the issues that goes with this. Could it not be housed under cover?.

- There is a danger that this proposed system will not reduce the odours produced.
- Is there not an issue with bio aerosol and the health of the local residents ? This is an important factor that should be taken into account and until professional advice can be sought this item should be deferred by the Committee.

Mr Hankin commented that with regard to bio aerosols the Environment Agency consider there is only a risk to health within a 250m radius and anything outside this area is considered safe. He also commented on the issue of covering or building, it is within the green belt and therefore there are more stringent regulations on building within the greenbelt

Following all the speakers members debated the item and the following comments and issues arose.

- Concerns regarding prevailing winds and the odours
- The health and quality of life for local residents
- There should be a site visit.
- These sites are needed and if there is a possibility of them working in different and more environmentally friendly ways.
- A liaison Group/Committee should be established for this application
- The aerating pad should be introduced as soon as possible so there is less disturbance of the waste.
- Until the new system is in place it will not be known if it will have a significant odour reduction.
- The wind direction could be an issue.

The following amendment was moved by Councillor Walker, seconded by Councillor Saddington and put before the Committee

“That the report be deferred to allow the Committee to undertake a site visit and that the Environment Agency be asked to have a representative at the site visit”

Following a show of hands it was deemed to be lost therefore on a motion by the Chair, duly seconded it was:-

RESOLVED 2017/001

That planning permission be granted subject to the conditions set out in Appendix 1 and with the additional amendments to the conditions

- That a Liaison Committee be established and
- That the aeration process is established as soon as possible and records be kept of its hours / days of operation

GOVERNMENT PROPOSAL TO EXTEND THE DESIGNATION REGIME FOR UNDER PERFORMING LOCAL AUTHORITIES

RESOLVED 2017/02

That Members note the Government's proposal to extend the existing regime for managing underperforming local planning authorities and the potential implications for this Authority.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

RESOLVED 2017/003

That the report be noted

WORK PROGRAMME

On a motion by the Chair, seconded by the Vice-Chairman, it was:-

RESOLVED 2017/004

That the Work Programme be noted

The meeting closed at 12.20pm

CHAIR



21st February 2017

Agenda Item:5

REPORT OF CORPORATE DIRECTOR – PLACE

PROPOSAL 1: PLANNING PERMISSION TO VARY CONDITION 4 OF PLANNING PERMISSION 8/11/01544/CMA TO EXTEND THE OPERATION OF THE MINE UNTIL 22 FEBRUARY 2042

RUSHCLIFFE DISTRICT REF. NO.: 8/16/01433/CMA

PROPOSAL 2: PLANNING PERMISSION TO VARY CONDITION 2 OF PLANNING PERMISSION 8/00/01321/CMA TO EXTEND THE OPERATION OF THE MINE UNTIL 22 FEBRUARY 2042

RUSHCLIFFE DISTRICT REF. NO.: 8/16/01432/CMA

PROPOSAL 3: PERIODIC REVIEW OF MINERAL PERMISSIONS (ROMP) PURSUANT TO SECTION 96 OF ENVIRONMENT ACT 1995

RUSHCLIFFE DISTRICT REF. NO.: 8/16/01430/CMA

LOCATION: MARBLAEGIS MINE, GOTHAM ROAD, EAST LEAKE

APPLICANT: SAINT GOBAIN CONSTRUCTION PRODUCTS LIMITED

Purpose of Report

1. To consider three submissions concerning Saint Gobain Construction Products Limited gypsum extraction mine at Marblaegis Mine, Gotham Road, East Leake.
2. Proposals 1 and 2 relate to two Section 73 (variation of planning condition) submissions which seek planning permission to allow an extension of time to complete the extraction of the remaining gypsum reserves within the approved mine area as consented under extant planning permissions 8/00/01321/CMA and 8/11/01544/CMA from the current end date of 31st December 2025 up until 22nd February 2042.
3. Subsequently, if Members support a grant of planning permission for Proposals 1 & 2, Proposal 3 seeks consent for a Periodic ROMP Review. The purpose of the ROMP Review is to ensure that the current mining operations accord with modern standards and are appropriately regulated by modern planning conditions. The suggested ROMP Review planning conditions cover all mineral extraction below ground, and above ground

restoration and management of the Silver Seal mine entrance site, together with a requirement that the existing entrances to the mine workings, and any boreholes and ventilation shafts be closed up, sealed or capped by means of impervious barrier, within 12 months of the completion of the winning and working of all consented mineral reserves.

4. The key issues relate to impacts on local water resources on completion of all mineral operations; impacts on heritage assets and nature conservation/ecology interests from extending mining operations for a further seventeen years and the option to re-introduce blasting; and the matter of individual mineral rights under a number of residential properties.
5. The application covering the extension site consented under planning permission 8/11/01544/CMA (Proposal 1) has been treated as a 'departure' from the Development Plan on the basis that the site is not allocated for mineral extraction in the Nottinghamshire Minerals Local Plan (Adopted December 2005), although it is in an area of safeguarded mineral reserves.
6. The recommendation is firstly to approve the two Section 73 Planning Applications (Proposals 1 and 2) subject to the Conditions set out in Appendix 1 and Appendix 2 respectively and thereafter give consent to the periodic ROMP review of these planning permissions subject to the conditions set out in Appendix 3.

The Site and Surroundings

7. The Marblaegis Mine covers some 3,852 hectares. The main entrance to the mine, together with the mine offices are located to the north of the village of East Leake, some 12.2 km south of Nottingham and 8.3 km north-east of Loughborough. (see plan 1). The mine is located in close proximity to the major southern road network, comprising the A6006 (Melton/Ashby Road) and A60 (Loughborough Road) linking into the M1, M42, A46 and A6.
8. Marblaegis Mine still has significant reserves of gypsum sufficient to sustain production for some 25 years based on current anticipated demand and production rates. Marblaegis Mine extends eastwards and southwards from the site's main entrance (known as the 'drift') situated within the main Gypsum Works to the north of the village of East Leake. Covering an extensive area of south-east Nottinghamshire this part of the mine is situated between the villages of East Leake and Costock to the west, Bunny to the north, Wysall and Thorpe-in-the-Glebe to the east, and Wymeswold and Hoton to the south. Towards the south-western part of the mine lies the settlement of Rempstone, which is completely encircled by the mine but excludes workings underneath the settlement itself including two Grade II Listed properties, namely All Saints' Church and Clifton Lodge which are both situated close to the A60/A6006 junction. The southern extent of the site is formed by the County boundary between Nottinghamshire and Leicestershire.
9. A more recent south-westerly extension to the Marblaegis mine (Plg. Ref. 8/11/01544/CMA) comprises a site area of 118ha. situated between East Leake and Costock and extending to the A6006 (Melton/Ashby Road) to the south.
10. The Marblaegis Mine complex also incorporates the Glebe Mines which extends northwards from East Leake, this part of the mine is now exhausted of viable reserves.

Whilst the mining site is extensive it is underground, being situated in the Nottingham-Derby Green Belt and extending into the open countryside beyond the Green Belt. The associated above ground manufacturing plant at East Leake falls outside the scope of the submissions under consideration in this report.

11. The site is accessed via a mine entrance at East Leake which is one of two entrances into the mine with the other known as Silver Seal being located to the east of the A60 at Bunny. Access to the Silver Seal mine entrance requires vehicles to pass through the Marblaegis Mine Bunny Local Wildlife Site (LWS), designated for its 'valuable scrub grassland and short perennial vegetation with zoological interest'.
12. The mine is predominantly overlain by a mix of arable and pasture agricultural land. Within the vicinity of the mining area is East Leake Quarry, a sand and gravel quarry operated by CEMEX, part of which overlays a south-western portion of the mine including part of western extension site consented under planning permission 8/11/01544/CMA containing archaeological remains of national importance.
13. The nearest Sites of Scientific Interest (SSSI) to the site are Rushcliffe Golf Course situated on the eastern edge of Glebe Mine and Gotham Hill Pasture on the northern part of Glebe Mine. There are no Scheduled Monuments or Registered Parks and Gardens (RPG) within the consented area covering active workings (i.e. the extended Marblaegis Mine). The nearest Scheduled Monument to Marblaegis Mine is Thorpe in the Glebe medieval settlement (including church site and open field system), situated adjacent to the eastern site boundary, close to Thorpe in the Glebe. A further Scheduled Monument, the 'Roman Site on Redhill' lies above the most northerly part of the site in the vicinity of Ratcliffe on Soar Power Station. The nearest RPG is Stanford Hall approximately 700m to the west of the site.

Relevant Planning History

14. The first planning permission for the Marblaegis mine complex provided consent for Gypsum extraction in the Glebe mines area in 1951 to the then operator Marblaegis Company Limited and numerous permissions have been granted since. British Gypsum Limited was established during the early 1960s and is now a subsidiary of the French multinational company Saint-Gobain SA.
15. In more recent times, an initial Review of the Old Mining Permissions (ROMP) was submitted under the 1995 Environment Act by British Gypsum in October 1998 proposing a set of conditions covering all previous extant mining consents. This was approved by the County Council and a notice of determination of conditions (Ref. No. 8/98/01279) issued on 31st March 1999. This covered the Glebe and Marblaegis Mines (excluding the recent Costock extension area).
16. The main planning permission (Plg. Ref. 8/00/01321/CMA) for the mine (covering the two mining areas of Glebe Mine and Marblaegis Mine) was granted by the County Council in April 2001, when British Gypsum sought to vary planning conditions 7, 8 and 9 of the Minerals Review Permission 8/98/01279. This varied controls over subsidence surveys, permitted hours of blasting, and monitoring of the peak particle velocity (PPV) of any single blast.
17. Planning permission (Plg. Ref. 8/11/01544/CMA) was granted by the County Council in

February 2012 for an 118ha. extension to the Marblaegis Mine into the Costock area for the underground extraction of further gypsum reserves. Mineral extraction commenced in July 2013.

18. Currently the active underground mineral workings are associated with the Marblaegis Mine and extend to approximately 580 ha. including the most recently approved workings in the Costock area (Plg. Ref. 8/11/01544/CMA). Glebe Mine is now closed following exhaustion of all workable deposits.
19. The extent of the mineral site is shown on Plan 1, with the mining site comprising Marblaegis Mine, together with the Costock extension covering an area of 2,072 ha., with old mines: Glebe, Barton, Sheppards, Winsers, Goodacres, Weldon and Thrumpton covering a further 1,780 ha.
20. The consented areas covered by planning permissions 8/00/01321 and 8/11/01544/CMA form the mineral site which is proposed to be reviewed under the 1995 Act.

Proposed Development

Proposed development

21. This report considers three submissions in connection with the Marblaegis Mine, Gotham Road, East Leake.
22. Proposals 1 and 2 relate to two Section 73 (variation of planning condition) planning applications which seek permission to allow an extension of time to complete the extraction of the remaining gypsum reserves within the approved mine area as consented under extant planning permissions 8/00/01321/CMA and 8/11/01544/CMA from the current end date of 31st December 2025 up until 22nd February 2042.
23. Subsequently, if Members support a grant of planning permission for Proposals 1 & 2, Proposal 3 seeks consent for a Periodic ROMP Review for a suite of up to date planning conditions covering all mineral extraction below ground and above ground restoration and management of the Silver Seal mine entrance site, together with a requirement that the existing entrances to the mine workings and any boreholes and ventilation shafts be closed up, sealed or capped by means of impervious barrier, within 12 months of the completion of the winning and working of all consented mineral reserves.

Section 73 planning applications

24. Planning permission is sought to extend the duration of the operation of the mine from the approved cessation date of 31st December 2025 until February 2042 to allow sufficient time to work all remaining consented mineral reserves. This request has been submitted pursuant to Section 73 of the Town and Country Planning Act 1990.
25. The request to extend the date by which all operations at the mining site would cease has been made in light of geological data indicating that consented gypsum reserves would not be fully worked out by the approved cessation date. The proven reserves are estimated to stand at approximately 13 million tonnes within the consented area; and based on anticipated demand and production, with a current extraction rate of 250,000 tonnes per annum (tpa) (with an overall capacity of 600,000 tpa), these reserves are sufficient for a further 26 years of operational capacity. If mineral extraction ceased on the

31st December 2025 in compliance with the currently approved end date this would sterilise mineral reserves and would also limit the extent that the operator of the site is willing to invest in the facility.

26. In relation to both planning conditions, the following variation is therefore sought:

'The extraction of minerals from the area edged in red on Plan 2 Drawing No. EL-163 shall cease on or before 22 February 2042'.

27. The Section 73 submissions under consideration in this report do not seek the release of any new reserves of gypsum by extending the working area, nor do they relate to the associated plaster and plasterboard works at East Leake.

The Periodic ROMP Review Proposals

28. Mineral operations are subject to periodic review under the provisions of Section 96 of the Environment Act. This particular application is a 'ROMP Review' meaning that it has been through a review of the old planning permissions covering the wider Marblaegis Mine and is now subject to a 'Periodic Review of Mineral Planning Permissions' under the 15 year cycle which is one of the provisions of Section 96 of the 1995 Act. Its purpose is to ensure that the current mining operations accord with modern standards and is appropriately regulated by modern planning conditions.

29. This Periodic ROMP Review application pursuant to Section 96 and Schedule 14 of the Environment Act 1995 concerns planning conditions attached to the original ROMP permission for the mine and the subsequent 2012 extension consent. This review would bring these two planning consents under one permission covering the whole of the Marblaegis Mine.

30. However, because there is no provision within the periodic ROMP Review process to amend the cessation date, the chronology of the decision process is critical insofar that the ROMP review must relate to the two Section 73 planning applications considered under Proposals 1 and 2 of this report (assuming members support the recommendations) so that the review permission issued by the Council incorporates provision for extraction up to 22nd February 2042.

31. The ROMP review submission does not seek to extend the area from which gypsum is extracted nor does it seek to change the working methods employed at the mining site as previously approved. The principle of the mineral operation as acceptable development (subject to conditions) has already been established under existing extant planning permissions 8/00/01321/CMA and 8/11/01544/CMA. Under the review process, the Minerals Planning Authority (MPA) cannot diminish the asset value or remove working rights without payment of compensation to the operator. As such, the principle of extracting gypsum from underground mining operations within the confines of the planning permission area is not open to review.

32. The proposals relate to the extraction of gypsum from the working face, its primary processing (underground) and transfer of extracted gypsum for use in the adjoining plaster/plasterboard factory (the Works). Approval is sought for a suite of updated planning conditions submitted under the periodic ROMP review submission to regulate both current and future operations associated with these activities. The review process

does not apply to the manufacturing plant at East Leake.

33. No changes are proposed to the extraction techniques, with gypsum continuing to be extracted by 'room and pillar' mining, involving some 25 per cent of the reserve being left in situ in rectangular 'pillars' that support the strata above the gypsum seam; with the pillars set out in a regular grid pattern.
34. Both drilling and blasting techniques have been used to extract gypsum at Marblaegis Mine, and in 2006, electric face cutting equipment was introduced to the mine. The cutting plant comprises a series of metal teeth on a cylindrical drum which can be raised up and down to the full height of the tunnel, with the teeth cutting into the face on rotation of the drum. Extracted rock is then collected at the bottom of the cutting machine and fed via a conveyor to the back of the cutting machine and then on into a waiting shuttle car. The extracted rock is then transferred by shuttle car from the face to the mobile primary crushing plant where the rock is crushed to a uniform size for transfer via the underground conveyor system to a secondary crusher and then transferred to the surface.
35. At the surface, the rock undergoes screening, with fine material sold for cement rock and coarse retained for on-site plaster and plasterboard manufacture.
36. The mine is ventilated during operations by means of a large electrical fan located underground inside the Silver Seal mine entrance. Other measures include fast acting roller shutter doors, temporary 'brattice' panels, and plasterboard and block walls installed at various locations within the mine to direct airflow through the mine to ensure comfortable operating conditions for personnel and to manage radon gas which is naturally occurring within mining operations.

Phasing of Operations

37. The current working face is located underneath agricultural land between Costock (in the north) Rempstone (to the south) and East Leake (to the west). The workings have advanced around Costock Village prior to advancing southwards towards Rempstone.
38. Current gypsum extraction is at a rate of around 250,000 tonnes per annum. In the late 1980s, an installed capacity of over 600,000 tonnes per annum was put in place. Mine output is expected to progressively increase in the foreseeable future for the reasons set out in the Observations section of this report.
39. There is a requirement on extant planning permission 8/11/01544/CMA to submit mining development plans to illustrate the development of the mine workings over a rolling five-year period, the most recent of which were submitted to the MPA in July 2015. This demonstrated that the mine workings were advancing in a 200m wide panel in a westerly direction in the Costock permission area, with a similar panel being driven in a northerly direction towards Costock itself.
40. The working of two such distinct mining areas enhances the quality of the mineral being delivered to the East Leake Works. In this respect, east of the current mine workings the gypsum seam (Tutbury gypsum) is both deeper and thinner with depth the quality of the seam is reduced due to increasing amounts of anhydrite. This harder mineral does require the utilisation of both drilling and blasting to recover mill rock quality gypsum (for plaster and plasterboard feedstock). The quality of the gypsum being extracted from this area is

nevertheless suitable for cement rock without further processing.

41. In the medium term, mine development would extend eastwards and to the south of Rempstone. These reserves both to the south and east of Rempstone (identified as Zone 2) are in the process of being evaluated in more detail. In the longer term, Zone 3 to the east of the current Marblaegis Mine workings would be worked.
42. A requirement to submit mining development plans on a regular five yearly basis would be retained within the proposed review conditions. It is considered that such a timeframe continues to be appropriate given the existing restrictions in terms of the quality of the deposit and variable market conditions. Consequently, it is not considered appropriate to show detailed phased workings beyond five years from the current date.

Reserves and mineral quality

43. The mineral reserves at Marblaegis Mine are divided into lower and higher grade with the lower-grade anhydritic gypsum resources being suitable for cement rock manufacture, with higher-grade 'mill-rock' reserves being suitable for plaster and plasterboard.
44. Proven reserves are estimated to be around 13 million tonnes within the consented area, split into approximately 6 million tonnes of 'mill rock' which is suitable for plaster and plasterboard (north of Rempstone known as Zone 1), 5 million tonnes of 'mill rock' south of Rempstone (Zone 2) and a further 2 million tonnes of 'mill rock' to the east of the mine (Zone 3). Based on the anticipated demand and production rates, these reserves would be sufficient for a further 26 years until 2042. Within Zone 3, an additional resource of 4 million tonnes of cement rock is present.
45. With increasing depth, the quality of the Tutbury gypsum seam is reduced due to increasing chloride levels reducing gypsum purity. However, the working of two distinct areas at once comprising one shallower and one deeper seam facilitates the blending and homogenisation of the different grades of gypsum to ensure that the final mineral meets the requirements of the plaster/plasterboard plant specification.

Blasting

46. When blasting is required, mineral rock is extracted from the gypsum seam by drilling approximately 30 horizontal and inclined holes, typically up to 3.5m into the working face. These holes are then charged with Ammonium Nitrate Fuel Oil (ANFO) which is initiated by a primer and electric detonator. The holes are fired in groups separated by small-time delays, governed by the detonator timings. The review conditions would secure the blasting technique.

Operating hours

47. There are no restrictions on operating hours regarding the winning and working of the gypsum deposit at the mining site. As such, operations are undertaken on a 24 hour, seven days per week basis. Therefore, no conditions are being put forward under the review proposals to restrict the hours when the mining site may operate.
48. Notwithstanding this, the 2001 planning permission 8/00/01321/CMA limits the hours when blasting can be undertaken to between 07:00 hours and 23:00 hours Mondays to Fridays. Restrictions are placed on weekends, Bank and Public Holidays with no blasting

on these days. These restrictions are proposed as part of this review.

Silver Seal Grassland Management

49. As part of the Costock extension consent (Plg. Ref. 8/11/01544/CMA), a restoration scheme for the Silver Seal mine entrance was secured under Condition 10 of that permission. This represented an ecological enhancement scheme which built upon an earlier scheme required under condition 11 of planning permission 8/00/01321/CMA and sought to enhance the grassland around the Silver Seal mine entrance.
50. Condition 10 of planning permission 8/11/01544/CMA requires annual reports to be submitted to the MPA detailing the after-care work undertaken as part of the nature conservation management plan. In accordance with the management plan, butterfly surveys are also undertaken and submitted to the MPA.
51. The ecological conservation management plan would be secured as part of the review conditions and maintained for the duration of mineral extraction up until 2042.

Final restoration of the mine workings

52. Once mining operations have ceased, the mine would be allowed to fill naturally with groundwater, with the flooding of the mine workings anticipated to take several years. Pillars are designed with the flood safety factor included in them and so the ingress of water is not anticipated to present a problem once operational cease.
53. Final restoration of the mine workings would be carried out in accordance with legislation and would involve the two mine entrances (one adit, and one drift) being backfilled with inert material, sealed with concrete and made safe to prevent entry into the abandoned mine workings. Any ventilation shafts and service boreholes would also be appropriately sealed by infilling with inert materials and capped with a layer of concrete approximately 0.5m below surface level. Soils would then be placed on top of the concrete to final levels. The review conditions would secure this level of remediation.

Consultations

54. The two planning applications and the ROMP review application have each been subject to separate publicity and consultation. Most consultees have provided a joint response regarding all three applications with the exception of NCC Highways which has provided separate responses for the ROMP and the two planning applications. The consultation responses are summarised in the following paragraphs:
55. **Rushcliffe Borough Council** *No objection.*
56. **Wysall & Thorpe in the Glebe Parish Council** *No objection.*
57. **Canal and River Trust** *No comments.*
58. **Nottinghamshire Wildlife Trust** *No objection subject to the resolution and conditions regarding an updated management plan reviewing the effectiveness of habitat management at Silver Seal and a commitment to continue the management for the duration of the mining scheme; an identification of other areas of land under the applicant's control which have BAP/Sn41 priority habitats and to put in place funded*

plans for their management for the life of the mining scheme; monitoring of aquatic invertebrate populations at the discharge point for the mine and a review of discharge activity; the biannual monitoring for bats at Silver Seal and the managing of all structures to increase their suitability for bats if at all possible; an assessment of the impacts on sensitive fauna in the event that blasting is introduced; and finally to support NWT in managing land over the adit.

59. *It is noted that there are unlikely to be increased ecological impacts over the current baseline as a direct result of the below-ground mining subject to a continuation of the levels of traffic, the size of the processing area and ventilation being kept at the current levels and locations.*
60. *Impacts would arise from the extended working period in terms of increasing the length of time before the processing area at East Leake could be restored and the ongoing impacts of the site on wildlife and landscape. It is therefore recommended that the proposed extension scheme results in an enhanced restoration of the Silver Seal mine site in mitigation for a lack of restoration on the processing area for a further lengthy period.*
61. *An extension of time would result in a continuation of small impacts notably from NOx pollution from HGVs on local habitats, and the continued discharge of mine water to the Sheepwash Brook (albeit treated but still allows low levels of pollutants that may accumulate). Over time, both types of pollution could have a degrading effect on local habitats. The conditions recommended in the above paragraph are modest commitments to mitigate the impacts arising from the extended period for completing mineral extraction.*
62. *It is noted that the option of blasting has been introduced and whilst the applicant considers that this would not affect sensitive fauna it is not clear from the submission how the blast vibration assessment has considered wildlife impacts, as it relates entirely to properties. It is therefore expected that a condition be imposed ensuring that if blasting is introduced, a proper assessment of the impacts on sensitive fauna would be undertaken at that time.*
63. **Environment Agency (EA)** *No objection.*
64. *The site benefits from an Environmental Permit and there are no comments from a planning perspective.*
65. **Highways England** *No objection.*
66. **Historic England** *No objection.*
67. *It is advised that the Minerals Planning Authority (MPA) satisfies itself that there is no reasonable likelihood of surface ground movement resulting from these workings sufficient to harm the significance of listed buildings, scheduled monuments or undesignated archaeological remains of national importance (specifically as recently identified in the Cemex workings between East Leake and Rempstone and potentially occurring elsewhere in that locality).*
68. *It is recommended that the above issues are addressed and the application determined in accordance with the national and local policy guidance, and on the basis of the County Council's specialist conservation and archaeological advice.*

69. **Natural England - Consultation Service** *No objection.*
70. *Whilst these applications are in close proximity to a number of Sites of Special Scientific Interest (SSSI) (Rushcliffe Golf Course, Lockington Marshes, Gotham Hill Pasture, Attenborough Gravel Pits, Cotes Grassland, Loughborough Meadows, and Beacon Hill, Hanging Stone and Outwoods SSSI) NE is satisfied that the proposed developments being carried out in strict accordance with the details of the application submissions will not damage or destroy the interest features for which the SSSI sites have been notified. It is therefore advised that these SSSIs do not represent a constraint in determining the applications.*
71. *It is further advised that the MPA assesses and considers impacts on local sites (biodiversity and geodiversity), local landscape character, and local or national biodiversity priority habitats and species resulting from these proposals. These aspects remain material considerations and it is recommended that information is sought from appropriate bodies and organisations to ensure sufficient information is available to fully understand the impact of the proposals.*
72. *In this respect, the MPA should assess and consider the possible impacts from these proposals on protected species, Local Wildlife Sites (LWS) and biodiversity enhancements. Attention is drawn to the fact that the applications may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The securing of measures to enhance the biodiversity of the site from the applicant should be considered in accordance with Paragraph 118 of the National Planning Policy Framework (NPPF) (March 2012). Attention is also drawn to Section 40 of the Natural Environment and Rural Communities Act (2006).*
73. *Finally, the applications may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; used actual resources more sustainably; and bring benefits the local community, for example through green space provision and access to and contact with nature.*
74. *The overall assessment of these proposals is as low risk.*
75. **NCC (Archaeology)** *No objection.*
76. **NCC (Highways) Rushcliffe** *No objection.*
77. Section 73 planning applications - *it is noted that both proposals are to extend the life of the existing planning permissions on site. It would not result in an increase in traffic over existing permitted levels and no alterations are proposed to the public highway. In view of this it is not envisaged that the applications would have any significant impact from a highway standpoint and therefore there are no objections to the proposals.*
78. ROMP application - *it is noted that no changes are proposed to the current operations being undertaken on site. There is to be no increase in output above currently permitted levels and no changes are being made to the existing access points to the public highway. Hence from a highway standpoint, the mine's impact is unlikely to change from current levels. NCC Highways is unaware of any existing highway issues resulting from the current mining operations on site and have no reason to believe this would change in the future. Current operations are satisfactory to continue without any additional conditions*

being applied to the extant permission.

79. **Via (Landscape)** *No comments.*
80. **NCC (Nature Conservation)** *No objection.*
81. *It is noted that the proposals relate to activities taking place underground, associated with extraction of gypsum from the mine. As such, any direct above-ground impacts on ecological receptors are negligible or non-existent. Potentially, indirect impacts could occur to above-ground ecology as a result of blasting (but these are likely to be minor) and due to subsidence (but measures are in place to minimise the likelihood of this).*
82. *Hydrogeological impacts could potentially occur, but there is currently not an identified issue, and it is stated in the supporting information that impacts on ground and surface waters are forecast to be extremely low. Overall the proposals to extend the operations to 2042 would not have a significant ecological impact.*
83. *Attention is drawn to the fact that a 10 year management plan is currently in place for land at Silver Seal (Nature Conservation Management Plan, FPCR July 2012), part of the quarry application area, through planning permission 8/11/01544/CMA. The plan is due to run until 2022, just before the end of the current permission. As part of the ROMP process it would be desirable to secure ongoing management of this area until 2042, to deliver an ecological benefit.*
84. **Via (Noise Engineer)** *No objection subject to conditions regarding the carrying out of vibration monitoring (in accordance with a Blast Monitoring Scheme); controls over blasting within 200m of residential property, and resultant peak particle velocity attributable to the blast; and finally a requirement to give the MPA advance notification when blasting is due to recommence at the mine, and arrangements for notifying residents likely to be affected.*
85. *It is confirmed that noise at surface receptors is not considered an issue due to mining operations being at least 40 m below ground, and ancillary operations (such as ventilation fans at the Silver Seal entrance) are located some 600m away from the nearest properties. The proposals do not reduce any stand-off distances and there are no proposed changes to working practices. It is therefore unlikely that there would be any notable and significant noise impact from the operations and no noise planning conditions are considered necessary.*
86. *Regarding vibration the predominant method of extraction through a technique of electric face cutting does not lead to any notable levels of vibration at the surface. Vibration may be perceptible when blasting is used however this has not been undertaken since 2006. Nevertheless, the applicant does wish to retain the option to use blasting where and whenever harder rock is encountered.*
87. *It is noted that the applicant has proposed a reduction in maximum vibration levels from the 2001 permission which permitted a maximum vibration level of 8mms⁻¹ PPV with a 95 percent confidence level and an absolute level of 12mms⁻¹. Whilst no change in the absolute level is being proposed the applicant has proposed a reduction in the maximum vibration level from a level of 8mms⁻¹ PPV to 6mms⁻¹ PPV. This reduction is welcomed and indicates increased confidence in light of improve blasting techniques such as delayed detonation timings, which increases the blast time across the blast face that*

reduces the maximum instantaneous charge level and thus reduces the level of vibration. The maximum PPV level of 12mms-1 represents the threshold above which damage could start to occur.

88. *There is broad agreement to the proposed methodology in a blasting management Scheme submitted as part of these proposals (appendix 5) however a suggestion to undertake continuous monitoring when within 200 m of property rather than at three monthly intervals has not been acceptable to the applicant. British Gypsum believes that the monitoring scheme needs to be flexible in its approach, was a level of monitoring commensurate with the level of complaint and as such have stated that they would undertake continuous monitoring in the event of a complaint.*
89. *This is considered to be a satisfactory approach and the applicant has subsequently amended the 'Proposed Blasting Management Scheme' in line with the above approach. Furthermore, a number of conditions to control vibration from blasting have been proposed by the applicant in the supporting statement and there is agreement with the inclusion of these conditions.*
90. **NCC (Planning Policy) No objection.**
91. *In planning policy terms, the applications must be considered in light of the National Planning Policy Framework (NPPF) and in line with paragraphs 215-216 of the NPPF, due weight and consideration should also be given to the adopted Nottinghamshire Minerals Local Plan (MLP) and the emerging Nottinghamshire Minerals Local Plan (Submission Draft, March 2016). If local policy conflicts with the NPPF, the NPPF must take precedence.*
92. *The national policy context in relation to mineral extraction is clear in that in determining planning applications for minerals development, great weight should be given to the benefits to be derived from extraction, including to the economy, whilst ensuring that there are no unacceptable adverse impacts (both individually and cumulatively on the natural and historic environment, human health and aviation safety). The securing of restoration and after-care to high environmental standards at the earliest opportunity is also mentioned.*
93. *The Minerals Local Plan Submission Draft Policy MP7 – Gya allocates the remaining reserves at Marblaegis Mine to provide an adequate supply of gypsum over the plan period.*
94. *Given the allocation, it is considered that the principle of an extension of time to allow the working of the permitted reserves is supported, subject to the MPA's satisfaction that the environmental and amenity impacts of the continued working of the mine are not an acceptable. In considering these impacts attention is drawn to Chapters 3 and 4 and Policy M10.1 of the MLP and also the emerging development management policies in the Submission Draft.*
95. **Bunny, Costock and Keyworth Parish Councils, Via (Reclamation), Via (Countryside Access), NCC (Flood Risk Management Team), National Planning Casework Unit, National Grid (Gas), Network Rail Civil Engineering, Severn Trent Water Limited, Western Power Distribution, Government Pipelines, Cemex UK Operations Limited and IGas Energy Plc** have made no response. Any responses received will be reported

orally.

Publicity

96. The applications have been publicised by means of twenty-two site notices, press notice and neighbour notification letters sent to three occupiers who have corresponded on previous planning applications in accordance with the County Council's adopted Statement of Community Involvement Review.
97. Two letters have been received, one of which simply sought clarification over the mining rights under their property on Ash Lane. The other letter relates to the periodic minerals review application and whilst not objecting to the proposals raises concerns on the following grounds:
 - (a) Whose responsibility is it for the local water courses, to ensure they remain undisturbed after abandoning mining operations; this does not seem to be covered by the submission documents for the planning application;
 - (b) failure to manage drainage appropriately could be overlooked and pose a hazard to the local environment;
 - (c) several residential properties situated towards the A60 within Ash Lane own the mining rights, not British Gypsum, and this is unclear from the applications.
98. Councillors Reg Adair, Andrew Brown and John Cottee have been notified of the application.
99. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

100. Marblaegis Mine is critical to British Gypsum's operations with the mine supplying gypsum to a local plaster and plasterboard industrial works which directly supplies the UK construction sector.
101. Market forces since the early 1990's have seen the use of desulphurised gypsum (DSG) a bi-product of coal powered electricity generation, which has resulted in lower depletion rates of consented reserves and the conserving of natural gypsum resources across areas such as South Nottinghamshire. However, coal fired power stations are progressively being phased out and consequently DSG production has significantly reduced over recent years, output from mines such as Marblaegis is therefore expected to progressively rise to make up for the anticipated shortfall in DSG production, and to meet increased demand from the construction industry. The shortfall in DSG will continue into the future under Government initiatives, such as that of phasing out coal-fired power stations.

Assessment of Section 73 Planning Applications relating to extending the life of the quarry to 2042.

Need

102. Nottinghamshire is a major producer of gypsum. In national planning policy terms the proposed development must be considered in the context of the NPPF and in particular paragraphs 215 – 216. Due weight and consideration should also be given to the adopted Nottinghamshire Minerals Local Plan (MLP) and emerging Nottinghamshire Minerals Local Plan (Submission Draft, March 2016) (MLP). Overarching policy direction places considerable weight on the benefits to be derived from minerals development in terms of supporting sustainable economic growth and the rural economy, whilst ensuring no unacceptable adverse environmental and amenity impacts arise, both individually and cumulatively.
103. The NPPF seeks to ensure that adequate supplies of minerals are maintained to support the development of infrastructure, buildings, energy and goods that the Country needs (paragraph 142). As such, there is a requirement on minerals planning authorities to plan for an adequate and steady supply of industrial minerals (paragraph 146). However, there is no national demand forecast or requirement to identify a local apportionment figure for gypsum production and it is up to the industry itself to identify adequate reserves to maintain production. In support of this approach, the NPPF encourages local planning authorities to incorporate allocations within their local development plans, of specific sites where reserves have been permitted. Paragraph 146 of the NPPF does however state that minerals planning authorities should provide for a stock of permitted reserves to support new or existing plant and equipment and it directs that landbanks ranging from at least 10 years (silica sand) to 25 years (brick clay and for cement primary and secondary materials to support a new kiln) should be maintained. However, as stated there is no such local apportionment figure in terms of gypsum production.
104. Whilst it is recognised that there is no specified landbank requirements for gypsum there is nevertheless scope within the NPPF's policy relating to industrial minerals to provide support for ensuring that a stock of permitted reserves of at least 15 years of primary cement materials is maintained when associated with an existing plant, as is the case for Marblaegis. Whilst gypsum is not directly referenced in paragraph 146 of the NPPF there is reasoned justification behind these proposals insofar that they would:
- ensure that there is a steady and continuing output of primary material to the manufacturing works at East Leake and for dispatch off site for use in the manufacture of cement products;
 - ensure that all permitted remaining reserves are worked out sustainably prior to the cessation of production/mineral extraction and the closure of the Marblaegis Mine thereby protecting minerals from being sterilised;
 - significant weight is attached to the importance of the mine and associated East Leake Works to the local economy in terms of local employment and to the wider economy due to the relative scarcity of gypsum mines. Paragraph 144 of the NPPF requires planning authorities, when making decisions, to give great weight to the benefits derived from mineral extraction, including those to the economy.
105. Whilst pre-dating the NPPF, the adopted MLP approach is consistent with the Framework, and is premised on the fact that there is no national demand forecast (reference MLP paragraph 10.17) and no local apportionment figure for gypsum. With regards to the existing extension site (Plg. Ref. 8/11/01544/CMA) adopted MLP Policy M10.2 is relevant

in the respect that whilst this part of the Marblaegis mine is an unallocated site in terms of gypsum extraction in the adopted MLP, it is a safeguarded area under Policy M10.2. Therefore, that part of the submissions pertaining to this particular site requires assessment in the context of adopted MLP Policy M10.2.

106. MLP Policy M10.2 (Gypsum Mining – Safeguarded Area at Costock) states that an area of land comprising 101 hectares at Costock is safeguarded for future gypsum extraction by underground methods and that planning permission will only be granted where it can be demonstrated that the mineral is required to meet expected demand.
107. The more relevant factor against which to test the proposals to extend the time in which to complete mineral extraction on the western extension site in the Costock area is whether it can be demonstrated that the mineral continues to be required to meet demand. The principle of the acceptability to extract mineral within this area was established under planning permission 8/11/01544/CMA with the application site largely reflecting the safeguarded area established under adopted MLP Policy M10.2. In terms of the current submission, British Gypsum has sought to demonstrate that there is an established need for increasing the longevity of the Marblaegis Mine and extracting the remaining consented reserves up until 2042.
108. In respect of need, MLP Policy M10.2 states that it needs to be demonstrated that the gypsum is required to meet expected demand. The MLP acknowledges, however, that British Gypsum's prevalence in terms of primary gypsum production in the UK market has resulted in the release of production figures categorically restricted to data provided in support of planning submissions such as those under consideration in this report.
109. Indeed, as part of these submissions, figures have been provided for projected future mine output at Marblaegis. Whilst the gypsum is currently extracted at a rate of 250,000 tonnes per annum (tpa) despite the mine having an installed capacity of over 600,000 tpa, the mine output is expected to rise sharply over the next two years to reach its peak capacity towards the end of 2018, with a maximum projected output of approximately 600,000 tpa being achieved by October 2018. The increasing demand is anticipated to be twofold. Primarily gypsum extraction rates are expected to progressively increase in response to government initiatives to reduce coal-fired electricity generation resulting in reduced availability of desulphur gypsum. Secondly, it is anticipated that there would be an increasing need to meet a growth in demand from the construction industry. It is anticipated that this increase in output would be reflected in increasing employment levels both on the mine production side and in terms of engineering support functions. As such, there is an evident need for a progressive increase in the release of remaining mineral reserves over a longer duration projected to be up until 2042. This accords with MLP Policy M10.2 in terms of need and the NPPF with regards to sustainable mineral extraction.
110. Policy MP7-Gya of the emerging MLP Submission Draft allocates the remaining reserves at Marblaegis Mine, to provide an adequate supply of gypsum over the plan period (2012-2030). It states that the extraction of remaining reserves at Marblaegis Mine will be utilised to contribute towards the provision of an adequate and steady supply of gypsum, giving the permitted reserves as being sufficient to last until at least 2026, with these reserves representing the full extent of the mine within Nottinghamshire. The justification for this allocation recognises the fact that production rates for the natural mineral have tended to be somewhat depressed over recent years because of the amount of DSG that has been

available in recent years. However, it does recognise that over the plan period the availability of DSG may fall significantly leading to an increase in demand for natural gypsum.

111. Given the allocation of remaining gypsum reserves at Marblaegis Mine in terms of Policy MP7-Gya of the emerging MLP Submission Draft, it is considered that the principle of an extension of time to allow the working of the permitted reserves is supported, subject to the MPA's satisfaction that the environmental and amenity impacts of the continued working of the mine are not unacceptable.
112. The case for permitting an extension in time in which to extract mineral reserves at Marblaegis Mine in order to maintain adequate production capacity of a nationally important resource is therefore considered to be strong. If this mine closed, which would be the outcome if the proposed extension of time is not permitted there would inevitably be a strain on the manufacturing plant at East Leake. So whilst the application is a departure from the adopted development plan due to it being an unallocated site it is considered that there is support for the development and there is sufficient compliance with adopted MLP Policy M10.2 and Policy MP7-Gya of the emerging MLP Submission Draft to lend its support to the proposals under consideration across the consented area subject to there being no unacceptable environmental and amenity impacts associated with this development.

Employment

113. Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, there should be support for the sustainable growth and expansion of various types of business and enterprise in rural areas. This would include support for minerals development such as the proposals under consideration, subject to environmental and amenity impacts being acceptable. The NPPF identifies a presumption in favour of sustainable development and supports building a strong, responsive and competitive economy including in terms of the rural economy.
114. The existing active mine directly employs a maximum of 26 full-time staff, many of whom live within close proximity to the mine. The proposed extension of time in which to complete gypsum extraction at the active mine would enable the retention of existing jobs for the foreseeable future up until 2042. The continuing working of the mine would allow for the continued supply of gypsum to the nearby plaster and plasterboard works at East Leake Works, which in itself would continue to support a further 264 staff (a mix of full and part-time jobs) together with approximately 125 contractors (stores, logistics, delivery drivers etc).
115. The mine would allow for the continued supply of gypsum to an established local production works and thus continue contributing to the local economy by ensuring mining activities can continue to be undertaken beyond 2025. In this respect, the proposed development offers considerable benefits and by way of extending the life of the existing mineral extraction operations at Marblaegis Mine would ensure continued employment for existing staff. Furthermore it is anticipated that an expected progressive increase in output would be reflected in increased levels of employment in both mining production and engineering works. As such, the proposals accord with the NPPF.

116. Overall the mine and adjacent factory offer significant local employment opportunities to the surrounding semi-rural population centres with over 378 people directly employed in the mine and factory alone. Together the mine and factory offer very significant direct economic benefits to the local and regional economy with significant expenditure on materials and services in the local area.

Environmental effects of the development

117. Policy SP2 (Minerals Provision) of the MLP Submission Draft states that all proposals for mineral development must demonstrate that they have prioritised the avoidance of adverse social, economic and environmental impacts of the proposed development, and made use of appropriate mitigation measures.
118. Environmental effects associated with the development have previously been assessed by the County Council with regards to extant planning permissions 8/00/01321/CMA and 8/11/01544/CMA, and subject to appropriate planning conditions considered acceptable.
119. Given that the extraction of gypsum occurs below ground, various environmental impacts associated with surface mineral workings do not arise. Indeed, the nature of the mining operations is such that environmental effects on ecological and heritage assets, and on landscape in terms of the visual and landscape character of the area, and dust and noise are less likely to occur or where they do occur to have less than significant impact.
120. Notwithstanding this conclusion, consultee responses have identified a number of questions regarding the potential for environment impacts from extending the duration of mineral workings until 2042 and these matters are addressed below.

Drainage and hydrology considerations

121. Representations from a local resident have questioned the arrangements for the management of residual drainage to local water courses when mineral operations cease; and the lines of responsibility for local water courses on closure and abandonment of mining operations; failure to manage drainage appropriately and the hazard this poses to the local environment.
122. The water environment is given due consideration in the Planning Supporting Statement, and in further information obtained from the applicant for purposes of clarification. This confirms:
- On closure of the mine, the two mine portals would be sealed, and once pumping ceases the mine would very slowly and naturally fill with water from shallow sub-outcrop seepages.
 - Unlike coal mining where acid mine water forms due to the breakdown of iron pyrites, in a gypsum mine such as Marblaegis, any water that enters the mine would not become acidic as there is no pyrite present in the seam or surrounding rocks. Whilst groundwater in the vicinity of gypsum seam/workings would have a higher dissolved sulphate content, this is not in itself a problem and the existing water discharges from the mine require no treatment to control the acidity/pH.
 - The gypsum seam occurs within Mercia Mudstone which is not an aquifer, and as such, the flooding of the mine would have little impact as the Mercia Mudstone

does not have a water table.

- Additionally, ground water breakout would not be expected due to the thickness, low permeability of intervening strata and the sealing of the adits. The resurgence of water after the mine is flooded is not anticipated to cause any impact on rivers, streams or groundwater resources.
- In terms of the final restoration, it is intended to allow the mine to fill naturally with water once mining has fully ceased. It is anticipated that it would take several years for the workings to fill with groundwater. It is noted that gypsum is sparingly soluble in freshwater but that the water in the area has a high dissolved solid content and is already naturally saturated with calcium sulphate that naturally prevents damage to the mine support pillars from dissolution. Furthermore, the pillars are designed with a safety factor included to allow for a reduction in pillar strength, as a result of flooding.
- Many of the mines within the permission area have not been worked for many years and have been formally abandoned. Any pumping undertaken associated with the mining ceased long ago, and no groundwater or surface water issues have resulted from the gypsum mining or flooding of the mine workings.

123. Subject to these controls, the development would be compliant with Adopted MLP Policy M3.9 and the NPPF. No significant long term impacts on surface water flows are anticipated.

Archaeology/Heritage

124. Historic England has sought to establish that there would be no reasonable likelihood of surface ground movement resulting from the depth of working the gypsum at Marblaegis Mine, sufficient to harm the significance of listed buildings, scheduled monuments or undesignated archaeological remains of national importance as recently identified at East Leake Quarry.

125. The Supporting Statement to the ROMP submission makes reference to both the design of the mine and to surface stability with both of these aspects being relevant in terms of addressing Historic England's concerns. In particular, it is noted that the way in which the mine is worked by 'room and pillar' is designed specifically to reinforce stability to the surface, and in this respect the risk of harm to listed buildings and archaeological assets from ground movements does not exist in the same way that it would in long wall underground coal mining. In addition, gypsum is not extracted from underneath any properties, including residential development and listed buildings, with property protection pillars being left in situ.

126. There is no evidence to suggest that there is anything other than an extremely rare possibility of subsidence associated with the modern method of working at British Gypsum's mine. There is evidence to suggest that the factors of safety used in the design of the mine are conservative and the implementation of the mine design is rigorous. Implementation of the mine design is checked by way of a number of safety performance indicators, principally by roadway width and extraction rate which is currently assessed twice yearly. Furthermore, in the event that there is non-conformance with any of the safety measures these are investigated thoroughly, and corrective measures put in place

and any such incidences are reported.

127. Attention is also drawn to the fact that the principle of the development in terms of its acceptability regarding both environmental (including heritage and archaeological considerations) and amenity impacts has been established under planning permissions 8/00/01321/CMA and 8/11/01544/CMA. Aligned with this, it is noted that the main submission is made under the Environment Act 1995 and as such is based on the principle that mining for gypsum has already been established as acceptable and to alter the dimensions of the pillars in the event that a further stand-off were to be implemented between active mining and surface features would further reduce the active mineral reserve, and could potentially lead to a claim for compensation from the operator.
128. Overall, it is considered that the heritage assets as referred to by Historic England have been satisfactorily mapped and form part of the detailed mine plans with protection pillars provided as part of the method of actively working the mine. In terms of known and identified heritage assets, there are no scheduled monuments within the active part of the permission area and only four listed buildings of which only one (Hill Farmhouse) lies within an area that has not been subject to mining. In this particular case, this building is subject to a property protection zone to ensure sufficient stand-off between active mineral extraction and an identified heritage asset.
129. The western extension to Marblaegis Mine is currently being worked under agricultural land which forms the Rempstone extension to East Leake Quarry and is in close proximity to the Burton's extension site to the west within the Cemex East Leake sand quarry where undesignated archaeological remains of national importance have been identified. The evidence indicates that on cross-referencing the site plans for both East Leake Quarry and Marblaegis Mine, the undesignated archaeological remains of national importance identified by Cemex lie outside the extent of the planning permission for Marblaegis mine. It is accepted that whilst there may be the potential for other remains to exist in the area, such remains are currently unknown in terms of location and intrinsic value.
130. It is considered unreasonable to expect the applicant to put forward further mitigation measures for the protection of as yet unidentified archaeological assets other than continuing with current mining practices which are designed to minimise damage to the surface. It is therefore considered that the proposals under consideration in both the Section 73 applications and ROMP continue to accord with the NPPF and adopted MLP Policy M3.24. Overall, there is no tension between the NPPF's policy direction regarding the conserving of sensitive archaeology of national importance and other heritage assets including listed buildings, and that pertaining to the working of minerals in a fully sustainable way. Both of these elements have policy support in principle in terms of the NPPF and adopted MLP Policy M3.24.

Residential amenity/Landscape and visual Impact

131. Policy M3.3 of the Adopted MLP seeks to reduce the visual impact of minerals developments to acceptable levels by controlling the location, colour and height of any plant, buildings and structures on site. Policy M3.4 seeks to reduce visual impacts through the screening and landscaping of minerals developments. Policy M3.22 requires landscape character and local distinctiveness to be fully taken into consideration as part of development proposals and does not allow for development which adversely impacts the character and distinctiveness of the landscape unless there are reasons of overriding

public interest and where ameliorative measures can reduce the impact to acceptable levels.

132. The nature of the mining operations are such that environmental impacts upon residential amenity and landscape in terms of the visual and landscape character of the area are considered unlikely to occur. It is noted that with regards to residential property there is an exclusion zone in force which ensures that there is no underground working beneath any such property either in terms of wholesale settlements such as East Leake and Rempstone or indeed any individual residential properties. It is considered that these measures have ensured that amenity impacts on local communities have been avoided and there is no evidence to suggest that this would not continue into the future.
133. The underground character of gypsum extraction in the south of Nottinghamshire has ensured that impact on the local landscape has been substantially avoided. Other than the East Leake Works which are outside the scope of this report, the only other above ground features are to the Silver Seal mine entrance. It is noted that the visual impact within this vicinity has been substantially mitigated by the implementation of a conservation management scheme which has sought to maintain a local wildlife site and both improve and enhance this local habitat. This has not only ensured the ecological integrity of this particular area but it has also sought to mitigate to some extent any visual amenity impacts arising from the mine entrance works.
134. Overall, the underground nature of the mine has ensured that the natural topography of the land with its gently undulating character so typical of the Leicestershire and Nottinghamshire Wolds has not been affected.
135. In terms of landscape and visual amenity impacts, the only moderate impact would be a delay in implementing the final phase of restoration, including sealing the entrance, with such operations being substantially delayed by a further seventeen years. However in mitigation the ecological conservation management scheme would be extended for the duration of these works and would continue to provide some mitigation in terms of providing some visual enhancement around the mine entrance.
136. In conclusion, the magnitude of any visual and landscape impacts associated with the proposals are less than significant, and as such the proposals would continue to accord with MLP Policies M3.3, M3.4 and M3.22 of the MLP.

Ecological Impact

137. In accordance with Paragraph 118 of the NPPF, the proposals would provide opportunities to incorporate features into existing structures at the Silver Seal mine site which would be beneficial to wildlife. In line with advice from both NWT and NE, the applicant has agreed to incorporate further roosting opportunities for bats at the Silver Seal site, and to extend the management plan covering management of the habitats at Silver Seal for the duration of mining operations (until 2042).
138. Bat monitoring would be included in the overall review of the management plan, with an initial monitoring phase to ascertain both the species of bat that are present and the current levels of activity. Overall this review should indicate what is appropriate in terms of the level of survey frequency and what further enhancements may be required in terms of delivering beneficial gain to an identified local bat population. It is noted that monitoring

for bats was undertaken by British Gypsum's ecologists as part of the original management plan for the Silver Seal area, with only more common bat species being identified, the majority of which inhabit nearby woodland. It is considered that the biannual monitoring for bats at Silver Seal as requested by NWT is too frequent and again does not reflect the nature of the development being proposed.

139. In line with the Wildlife and Countryside Act 1981 (as amended) it is considered that the proposals under consideration in this report would continue to be carried out in accordance with the strict practices and procedures already in place at the mine and covered by previous extant planning permissions. These measures would continue to be secured under the variation applications and would be further enhanced by the modern suite of planning conditions put forward under the ROMP application. As such it is anticipated that the extension of mining activities until 2042 would not give rise to damage or destroy the intrinsic features or characteristics of the various SSSI which are in close proximity to the extensive underground mine.
140. In response to concerns raised by Nottinghamshire Wildlife Trust regarding the extended period of working (until 2042) in terms of delaying restoration of the above ground surface features of the mine, British Gypsum has agreed to reassess the approved restoration scheme for the Silver Seal mine entrance area and where applicable build in further enhancements. A planning condition agreed with the applicant would seek to review the existing management plan and submit to the MPA a revision to that plan based on the findings of the review including provision for its continued duration up to 2042. This review would include aspects such as the ongoing management of adjoining tenanted agricultural land within the applicant's control and additional woodland areas currently outside the management agreement. Planning controls would ensure that the revised management plan is then implemented for the duration of the extended mining operations. This would ensure that the effectiveness of the management of the habitats at Silver Seal is maximised and that there is a beneficial net gain in terms of habitat creation and local biodiversity enhancements. As such, the proposals would accord with the NPPF.
141. Certain aspects raised by NWT are not considered proportionate to the scale of any impacts associated with the development including a request that the applicant identifies other areas of land under their control which have priority habitats status and to put in place funded plans for their management for the life of the mining scheme. Given that the proposals do not result in the loss of any ecological habitat, it is considered that such a request is unreasonable. The applicant considers that the management plan for the Silver Seal area is a significant undertaking and extends and includes the edge of an ancient woodland. Furthermore, there is disagreement concerning any build-up of pollutants at the discharge point for the mine into the local watercourse.
142. It is understood that there are a number of discharge points for the mine and each one is covered by a discharge consent issued by the EA. It is not considered that pollutants from the mine discharge would build up given the fact that any effluent has a very low level of suspended solids unlike coalmining which results in acid mine water forming due to the breakdown of iron pyrites. Any water entering the Gypsum mine would not become acidic as there is no pyrite present either in this seam or surrounding rocks. As a result, the existing water discharges from the mine require no further treatment to control the acidity/pH. Notwithstanding the fact that any groundwater within the vicinity of a Gypsum seam and workings would naturally have a higher dissolved sulphate content, the extant discharge consents are fully complied with and it is noted that no objection has been

raised by the EA on this matter. It is therefore considered that there are no merits in terms of monitoring aquatic invertebrate populations at the discharge points for the mine, particularly given the fact that there would be a number of other discharges to the surrounding Sheepwash Brook including those from sand and gravel workings at East Leake Quarry and local agricultural activity.

143. Similarly, it is considered that any associated NO_x emissions arising from HGV movements is not material to the submissions under consideration in this report given that the vast majority of lorry movements are associated with the plaster/plasterboard works at East Leake (which is outside the scope of these applications) and not the mine. Therefore, it is not considered that there would be any significant impacts from traffic pollution on local habitats (in terms of reducing species diversity through nitrification).
144. In terms of the implications of blasting on sensitive fauna it is noted that the principle of blasting has been previously established under extant planning permissions 8/00/01321/CMA and 8/11/01544/CMA and has previously been undertaken at the mine (indeed until 2006). Whilst the applicant seeks to retain the option of using this particular extraction technique given the increasing hardness of the gypsum deposit as depth increases due to an increased anhydrite content, it is not anticipated that there is a high probability of its reintroduction in the immediate future for production purposes. It is considered highly unlikely that there would be any significant effect on sensitive fauna given the fact that the surface area above the active mine is predominantly in agricultural use which is not particularly sensitive to change and is of low biodiversity/ecological conservation value. Overall, it is considered that any benefits to be gained from an enhanced restoration scheme would more than outweigh any minor dis-benefits associated with an extended duration of time in which to complete all mineral extraction from Marblaegis Mine.
145. Whilst NWT has sought to elicit support from British Gypsum in terms of managing the land over the adit which is currently dependent on volunteers, the applicant has made it clear that it does not wish to enter into a formal long-term arrangement to fund NWT's maintenance works on the adjoining land. It is noted that British Gypsum gifted the Old Bunny Woodland to NWT in 1985 to safeguard the woodland for the benefit of the community.
146. The County Council's Nature Conservation Officer is satisfied that there would be no significant ecological impacts associated with the proposals. The only identified impact arising from an extension of time in terms of completing mineral extraction would be a delay in the final restoration at the Silver Seal site being achieved. However, the final restoration scheme when undertaken would deliver significant ecological benefits in terms of establishing and enhancing butterfly habitat. The restoration scheme would remain as previously approved under extant planning permission 8/11/001544/CMA. The purpose of the scheme remains one of seeking to enhance local biodiversity contributing towards the biodiversity targets of the Nottingham Biodiversity Action Plan. Extant planning conditions would be carried forward to any new planning permission and as part of the review conditions to ensure that the approved scheme continues to be appropriately delivered. As such, the proposals would be compliant with the relevant policy direction contained in the NPPF and accord with adopted MLP Policy M3.17 subject to planning conditions.
147. The scheme would deliver positive impact in terms of habitat gain with increased

biodiversity value compared to the previous agricultural land which was of low conservation value. As such, the proposal accords with the NPPF, which aims to conserve and enhance biodiversity (paragraph 118).

Traffic, Access and Parking

148. 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.
149. Existing transport patterns at Marblaegis Mine would remain unaltered by the proposed development, with the only significant change being the extended duration of operations up until 2042. The proposed extension of time would simply involve a continuation of current traffic levels, and it is anticipated that traffic movements associated with these operations would remain relatively constant. In this respect, only low levels of traffic are associated with the mine given that the majority of material extracted from the mine is used in the adjacent plaster and plasterboard works at East Leake, with the mineral being conveyed from the working face of the mine to the manufacturing plant via an underground conveyor system.
150. Only a small amount of material averaging some 15 per cent of mineral production is exported out of the local area to Fauld Mine in Staffordshire or other cement works. In recent years, this equates to approximately 25,000 tonnes per annum or four loads (eight HGV movements) per day. This represents an extremely low-level of HGV movements and this level of traffic is less than substantial and insignificant in terms of traffic impacts compared to the significantly higher levels of HGV traffic associated with the plasterboard works at East Leake.
151. No objection has been raised with regards to the duration of operations or the ROMP submission by the Highways Authority subject to current mitigation remaining in place and all other aspects of the proposals remaining constant in terms of levels of traffic generated by the proposed development, and access arrangements remaining the same. In this respect, HGVs leaving the site would continue to turn both left and right out of the site onto Bunny Lane to gain access to the A60 and A453 (via Gypsum Way). It is considered that the proposals would not generate any additional environmental impacts or disturbance to local amenity. As such, the proposals under consideration in this report regarding all three submissions are compliant with Policy M3.13 of the Adopted MLP.
152. Overall, the proposals would not have a material impact on either the surrounding local road network, or the closest strategic routes, with the highway network remaining capable of satisfactorily accommodating the comparatively low levels of lorry movements associated with these proposals.
153. The Highways Authority underlines the acceptability of the proposals, based on the fact that no changes are being proposed to the current operations being undertaken on site. In particular no increase is being proposed in mineral output above the currently consented levels nor are there any changes in terms of accessing the public highway. No issues in terms of highway impacts or incidences have been reported and it is not anticipated that this would change in the future. It is considered that no further planning conditions are required in respect of this development. Subject to the retention of current

arrangements throughout the operational life of the mine, the requirements of relevant planning policies would continue to be satisfied. The proposals would continue to accord with adopted MLP Policy M3.13.

Noise and blasting

154. Policy M3.5 (Noise) of the Adopted 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.
155. Policy M3.6 (Blasting) of the Adopted MLP states that planning permission for minerals development will only be granted if blasting levels can be kept within acceptable limits. Where appropriate conditions will be imposed to: set a maximum vibration limit; restrict the hours when blasting can occur; limit air overpressure levels by the adoption of best practice blast design; and finally placed requirements on the operator to monitor blast vibration levels in sensitive locations and to provide reports of blast levels on a regular basis to the County Council.
156. It is noted that blasting operations have not been used for the extraction of gypsum since 2006 but that it remains necessary to retain the option. In particular, it is anticipated that this method of mining would enable mining of the low-grade cement reserves in the east of the mine. Based on the response from Via's Noise Engineer, and subject to appropriate planning conditions, it is considered acceptable for the applicant to retain the capability of utilising both methods of extraction across the site (electric face cutting and blasting), and the potential to reintroduce blasting in the future if necessary. This would prove necessary as the hardness of the deposit increases with depth due to increased online content of the gypsum.
157. Other measures mitigate the impacts of blasting including small time delays between individual blasts, governed by the detonator timings, which has the effect of reducing the amount of ground vibration caused by the blast. It is also noted that there would be no working or blasting within the half depth property pillars which remain in situ to protect residential development. Unlike above ground blasting in quarries or open pit operations it is not possible to blast large tonnages in a single blast. Consequently, a combination of the depth of the workings and the small maximum instantaneous charges used means that blast vibration and sound is only detectable at the surface in close proximity to the blasts. A precautionary principle would be adopted with vibration monitoring being undertaken to confirm the predicted vibration levels when blasting in close proximity to residential properties. Planning conditions would ensure that an appropriate blast vibration monitoring scheme would be secured.
158. Via's Noise Engineer raised concerns that monitoring at three monthly intervals during blasting would be insufficient, and that continuous vibration monitoring during periods of blasting within 200m of property should be considered. It was considered that this would provide scope for any exceedances to be checked against blast times and data interrogated at any time to check for compliance particularly in the case of complaints. Furthermore, it was recommended that a report be supplied to the MPA at three monthly intervals during periods of blasting activity.
159. Notwithstanding this, the Noise Engineer has accepted that the frequency rate referenced relates to a minimum of every three months with this being subject to review every 12

months, and that it is acceptable to adopt a flexible approach in terms of the level of monitoring being commensurate with the level of complaint. In this respect, the blast monitoring scheme has been amended to incorporate these changes. It is considered that in the event that complaints are received regarding blasting, a frequency of three monthly reporting to the County Council is appropriate, however in the event that there are no issues, six monthly reporting is more appropriate.

160. It is noted that continuous monitoring has been implemented at other British Gypsum mines when required, an example being Fauld Mine in Staffordshire, with the available data being accessible to the public online. In the event that complaints regarding blasting are received, British Gypsum would install a seismograph capable of continuous monitoring, albeit with the trigger limit set at an appropriate level so as not to detect domestic activity, in a suitable location in or near to the affected property. There is therefore a proven method of continuous monitoring which is wholly transparent to the public in the event that a problem arises from blasting. The County Council's Noise Engineer is satisfied that this particular method of monitoring is sufficiently robust and that any significant impacts are capable of being mitigated subject to planning conditions securing this methodology.
161. The proposed blast monitoring scheme would ensure that blast vibration would be monitored on at least a three monthly basis whilst mine workings are carried out within 200m of residential property and when blasting is being undertaken that could result in average vibration levels exceeding a trigger value of 1mm/sec which is the level at which it can be perceived. Monitoring would be undertaken at the footings of residential properties immediately adjacent to the operational workings where blasting is being undertaken, subject to the approval of the property owner. In the event of complaints or concerns being raised relating to blasting from members of the public, continuous monitoring equipment would be utilised.
162. When levels are below an average of 1mm/sec monitoring is of limited value as other events are capable of triggering the seismograph for example passing vehicles or domestic activity. A review of the frequency of vibration monitoring would be taken every 12 months in consultation with the MPA or in the event of complaints from residents. Reporting of results is anticipated to be six monthly except when blasting complaints are received when the frequency of reporting to the County Council would be stepped up to 3 monthly intervals. Any vibration measurements would be undertaken during a normal production blasting period.
163. In the event that there is non-compliance with acceptable levels of vibration and such levels are exceeded as a result of blasting operations within Marblaegis Mine, the operator would begin an investigation within one working day to identify the cause of non-compliance. Should a complaint be received from a local resident, an investigation would be instigated again within one working day to identify the cause of the complaint. The crux of the investigations is to identify and cease the activity or activities considered to be the cause of the non-compliance and to investigate the necessary mitigation measures required to reduce the vibration levels. Following the implementation of mitigation, a further review of the results from continuous monitoring would be undertaken in a timely manner to reassess the actual vibration levels against the acceptable levels of vibration. A complaints response system would be maintained by British Gypsum across the site enabling any complaints regarding vibration to be reported and appropriate action to be taken. The approved vibration monitoring scheme would continue to be implemented

throughout the life of the mine during blasting operations. These matters would be regulated through the ROMP consent under recommended Condition 13.

164. The vibration survey data obtained during routine surveys would be retained by British Gypsum for the full duration of the permitted operations and the blast monitoring data would be used by the company to ensure compliance with the blast vibration limits. Subject to appropriate conditions securing mitigation measures, the proposals would accord with Policies M3.5 and M3.6 of the Adopted MLP.

Subsidence

165. Policy M10.1 of the Adopted MLP states that where planning permission is granted for underground mining of gypsum, conditions will be imposed as appropriate to ensure adequate support pillars are left to protect isolated buildings and other surface features which could be adversely affected by subsidence. Planning permission for underground mining of gypsum will not be permitted from beneath settlements.
166. The Tutbury gypsum is worked by the room and pillar method whereby approximately 25 per cent of the mineral is left in place as pillars to provide support. This technique is specifically designed to prevent subsidence and is essential for mine safety and to provide surface support. As an added precaution mining is not being permitted beneath settlements, and adequate support pillars or property pillars have been left beneath isolated properties.
167. The design of the mine is critical to ensuring long-term safety and stability of workings including minimising any risk of subsidence. Since the mid-1970s, the geotechnical properties of the Tutbury gypsum seam have been subject to detailed studies mainly carried out by the Universities of Newcastle upon Tyne and Leeds in conjunction with British Gypsum's technical management personnel, these studies have determined rock strength characteristics which in turn form the basis of the engineering design of the mine for safe underground mine workings. Indeed the strength of any gypsum pillars left in situ in the mine is a function of these mechanical properties and the geometry of the pillars. The design is based on the anticipated mining height.
168. Similar tests have also been undertaken on saturated samples of gypsum so as to quantify the long-term strength of the gypsum pillars when the mine is ultimately flooded. So as to ensure the safety and stability of the workings over both the short and long term, the long-term strength of the gypsum pillars is quantified for purposes of ultimately flooding the mine. In this respect, any pillars within the mine are designed to an internationally recognised factor of safety of around 3 (dry) and a minimum of 1.6 (wet), i.e. 60 percent stronger than required to resist the weight of overlying strata. Such test results take into account the variable nature of the gypsum mineral.
169. It is acknowledged that in the past some of the old mining workings notably within Glebe Mine have collapsed however such collapses relate solely to early areas of mining when technology governing extraction rates and mine design were poorly understood. In contrast in the modern mine today, the room and pillar workings have roadways with a maximum width of 6.5 m and a maximum mining height of 2.5m. In addition, the pillar sizes increase with depth. Other measures include property pillars which are left when working close to residential properties to ensure the long-term stability of these properties.
170. Again the size of the pillar is a function of the depth of the workings in that it is calculated

on half the depth (for example, when the mine workings are at 100m depth, the property protection pillar would be 50m from the residential property). Compliance with the mine design is measured in a series of quarterly surveys and reported in the context of safety performance indicators. The purpose behind this is to track compliance with the design; roadway width and extraction rate. The system seeks to ensure that mining is only undertaken where the correct planning permissions, mineral rights and safety features are in place and it is safe to do so. In this respect there is avoidance of hazards such as new surface working, for boreholes, flooded gravel pits and disused abandoned mine workings. All non-compliance with the safety performance indicators are reported as non-compliance reports, investigated and actions implemented to prevent re-occurrence. Subject to conditions continuing to secure existing mitigation measures, the proposals would accord with Policy M10.1 of the Adopted MLP.

Air quality/dust/odour

171. Given the underground nature of mining operations it is not considered that there are any implications regarding air quality, dust or odour associated with these proposals. No planning controls are required with regards to these particular aspect.

Public Rights of Way

172. There are no implications in terms of public rights of way considerations given the underground nature of the mine.

Other matters

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

Minerals Review

174. Legislation places a requirement on the minerals operator to submit to the MPA for its approval a detailed scheme of planning conditions, to demonstrate how the consented development can be carried out in an environmentally acceptable manner, the objective being that the new conditions are consistent with modern environmental standards and working practices. Whilst the existing planning permissions continue to remain in force, the new conditions would apply to the whole mining site.
175. A periodic minerals review covers sites such as the Marblaegis mining site where mineral extraction is taking place but where that permission will last for many years. In such circumstances, a periodic review of the conditions attached to the original planning permissions can help ensure that the site operates to continuously high working and environmental standards. Section 96 of the Environment Act 1995 sets out the provisions under which such a review shall take place. Paragraph 185 of the Planning Practice Guidance (PPG) makes reference to the fact that the imposition of full modern conditions should not fundamentally affect the economic viability of the operation. It also makes reference to the fact that there are three main restrictions on planning conditions that may be imposed as part of the review of planning conditions. In this respect, all review conditions must meet the policy tests, be necessary and should not affect the economic viability of the operation (Paragraph 186 revision date 06/03/2014). All mining sites

including any extensions to sites granted after the initial minerals planning permission are subject to periodic reviews of planning permissions. Whilst the original planning permissions covering the Glebe and Marblaegis Mine have been subject to an earlier periodic review, a further review has been submitted in line with Section 10 of the Growth and Infrastructure Act 2013 and seeks to include the south-western extension site which is brought under the review process for the first time.

176. The application therefore relates to the second Periodic Review submission for new updated planning conditions for the Glebe and Marblaegis Mine. In this respect, the acceptability of the development, or otherwise, in planning terms is not under consideration.
177. With regards to determining the suitability of the updated planning conditions proposed by the applicant any relevant environmental constraints have been duly considered in the preceding observations of this report and assessed in terms of the relevant policy context. It is considered that the relevant impacts have been assessed and that the suite of up to date planning conditions provide suitable controls as required. The supporting environmental information indicates that there have been no significant changes to operational practices and that all factors remain the same.
178. The Government does not expect new planning conditions to restrict the working rights at any particular site or to affect a site's asset value to an unreasonable degree. If this were the case then compensation may be payable. Changes to restoration and aftercare conditions would not usually attract compensation. Any changes to the proposed conditions or new conditions which may be added need to be assessed within this context; should changes to the proposed conditions be necessary then this would need to be carefully considered and justified.
179. The MPA has reviewed the proposed schedule of conditions suggested by the applicant and has agreed with the applicant not to accept Condition 10 in the scheme of conditions. This particular condition relates to gypsum extraction (Plg. Ref. 2000/0381/02) from the adjoining Barrow Mine in Leicestershire being brought to the surface at the East Leake Works via Marblaegis Mine. It is considered that this aspect of the proposals falls outside the scope of the current ROMP submission. To add further weight to this, there is an extant condition attached to planning permission 8/00/01321/CMA, which expressly places controls over the extracted mineral from the Glebe and Marblaegis Mine only being brought to the surface at the East Leake Works. It is therefore considered that historically the planning consent covering the Glebe and Marblaegis Mine was premised on an understanding that only mineral worked at the mine was to be brought up at the Works at East Leake and that it is unreasonable to expect these arrangements to cover the adjacent Barrow Mine, which is situated beyond the county boundary.
180. Overall, the updated schedule of planning conditions cover five key areas namely the extent and duration of the development; the mine design itself; controls over blasting; groundwater and surface water drainage protection; and restoration of the Silver Seal mine entrance and the final closure of Marblaegis Mine. Relevant environmental and amenity effects of the mining development have been reviewed together with the measures required to mitigate any relevant impacts, and the way in which these effects are capable of being enforced by way of planning conditions. There has been no significant change to the planning conditions in terms of content from those previously attached to extant planning permissions 8/00/01321/CMA and 8/11/01544/CMA.

Notwithstanding this, the proposed modern conditions are more precise and fully accord with paragraph 206 of the NPPF which states that planning conditions should only be imposed where they are necessary; relevant to planning and to the development permitted; enforceable; precise; and reasonable in all other respects.

181. The updated planning conditions provide a more structured set of conditions under a set of defined topic headings, and afford the following benefits:

- the referencing of more precise, up-to-date plans which now exclude the exhausted flooded historical workings in the western part of the wider Glebe and Marblaegis Mine. In this respect, the review of the extant planning permissions has afforded the opportunity to re-define the extent of the review site as shown on Plan 1 titled 'Extent of ROMP Review Site' Drawing No. EL – 162 received by the MPA dated 4th April 2016. The review conditions afford the opportunity to update the extent of the review site and exclude the western part of the mine which is exhausted of any viable gypsum reserves and as such, would not be worked again. For the avoidance of doubt and in order to define the extent of the permission, this area is identified as the 'old mine planning area' on Drawing No. EL–162.
- it also provides clarification in terms of potential anomalies regarding individual plans referenced in planning permission 8/00/01321/CMA regarding Plan No. 1. Reference is made to the restoration of surface areas shown edged blue on Plan No. 1 attached to the 8/00/01321/CMA and separately reference is also made to Plan No. 1 as submitted to the MPA undercover of appeal letter dated 28 September 1999 titled 'Gypsum – Permission Area Nottinghamshire' dated March 2001. There is a lack of clarity as to whether or not these are one and the same plan.
- With regards to those review planning conditions listed under the topic heading 'extent and duration' nothing changes in terms of defining the development and the definition continues to be that of continued underground extraction of gypsum by 'room and pillar' mining methods from a defined area indicative of Plan 1 Drawing No. EL – 162 (review condition 1). It does however update the listed documents and plans to more precisely define the permission (review condition 3) including redefining the extraction area for purposes of the ROMP (defined as the area shown in green and yellow shading on Plan 1 Drawing No. EL – 162) and a proposed new cessation date (on or before 22 February 2042) firstly secured by way of the two Section 73 applications prior to being ROMPED.
- Regarding those review planning conditions listed under the topic heading 'mine design' both extant planning permissions 8/00/01321/CMA and 8/11/01544/CMA require the retention of pillars of support underneath all residential, industrial, commercial and school buildings where applicable. Review condition 6 which initially only sought the retention of pillars of support to be retained beneath residential property only and added further definition in terms of stating that this should be defined as those residential properties existing at the time of granting the ROMP permission, has subsequently been brought into line with extant planning conditions 4 and 6 respectively. In terms of the extant planning permissions these pillars are defined as being at an angle of 20° to the vertical edge of any building to the top of the gypsum deposit, whereas under the review condition there is a more refined definition of the pillars location. In this respect, it states that any supporting

pillars should be at a horizontal distance when measured at the surface, equivalent to half the vertical depth of the upper part of the excavations from any part of any existing residential building (review condition 6). With the agreement of the applicant, this now relates to residential, industrial, commercial and school buildings. For purposes of the ROMP, a definition of what is actually meant by the term 'a residential building' has also been agreed with the applicant for purposes of enforcing the condition. This is now referenced in review condition 6 as relating to the footprint of the building itself.

- In terms of the design of the mine, the review conditions afford the opportunity to engender a note of precision into proceedings, which is not covered by the equivalent planning conditions in the two extant permissions. In this respect, review condition 5 defines how much mineral should be left in situ, and requires a minimum of 25% of the gypsum horizon to be left in situ in the form of either rectangular or square supporting pillars (review condition 5).
- A notable amendment has involved a reduction in maximum vibration levels from those originally delivered under the 2001 permission, down from a level of 8mms-1 PPV to 6mms-1 PPV, albeit that the absolute level would not be changed. These higher environmental standards would be secured by way of review condition 11 reflecting an improvement in modern blasting techniques including delayed detonation timings and a resultant reduction in vibration levels.
- Other minor amendments to a number of review conditions have been agreed with the applicant including extending the subsidence test lines along the Sheepwash Brook, including the pond through which it flows, and the surveying of these lines on a yearly basis (review condition 7); the exclusion of the Barrow Mine Planning Area (review conditions 3 and 4); clarification in terms of review condition 9 in terms of stating that only mineral extracted under the ROMP permission shall be brought to the surface at the East Leake Works site; and an updating of the blasting and associated monitoring scheme (review condition 12) to reflect the enhanced confidence levels in modern blasting techniques. Finally, review condition 17 has sought to ensure that the ecological benefits secured by way of an approved nature conservation management plan (dated October 2012) in terms of restoring and managing the Silver Seal mine entrance area would be extended for the duration of mining operations (until 2042), and would be subject to appropriate review and evaluation.

Conclusions

182. The proposed extension of time in which to complete all mineral extraction is to a well-established mine that is worked entirely below ground and the same processing and transport facilities would be used as those that are currently in place. No other changes are being proposed to working practices other than extending the operational life of the quarry. As such, it is anticipated that the proposals would have a less than significant impact in terms of environmental and amenity impacts. The updated planning conditions provided through the Periodic ROMP Review provide a more structured set of conditions under a set of defined topic headings. It is therefore concluded that the development satisfies the policy tests within the NPPF, the adopted MLP and the replacement Submission Draft MLP.

183. The recommendation in this instance is to grant planning permission for the two Section 73 Planning Applications to extend the time to complete the extraction of the remaining gypsum reserves within the approved mine area from the current end date of 31st December 2025 up until 22nd February 2042.
184. Subsequently, if Members support a grant of planning permission for the Two Section 73 Planning Applications, Proposal 3 seeks consent for a Periodic ROMP Review for a suite of up to date planning conditions covering all mineral extraction below ground and above ground restoration and management of the Silver Seal mine entrance site, together with a requirement that the existing entrances to the mine workings and any boreholes and ventilation shafts be closed up, sealed or capped by means of impervious barrier, within 12 months of the completion of the winning and working of all consented mineral reserves.

Other Options Considered

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

Statutory and Policy Implications

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

Crime and Disorder Implications

187. The Silver Seal mine entrance benefits from established perimeter security fencing.

Human Rights Implications

188. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

189. The applications has been considered against the National Planning Policy Framework, and both the adopted and emerging Minerals Local Plan, all of which are underpinned by the objective of achieving sustainable development. The development would contribute towards the sustainable use of mineral resources, with the extraction scheme representing an efficient use of remaining viable resources and one which has been designed to limit environmental disturbance. The use of existing plant and ancillary infrastructure is considered the most sustainable and environmentally acceptable option as the plant is established and screened. The restoration at Silver Seal mine entrance would increase biodiversity and a net gain, in terms of the ecological value of the site.

190. There are no service user, equalities, financial, crime and disorder, safeguarding of children or human resource implications.

Statement of Positive and Proactive Engagement

191. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; screening of the applications; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received; liaising with consultees to resolve issues and progressing towards a timely determination of the applications. Issues of concern have been raised with the applicant, such as impacts of mining on archaeological/heritage assets and a number of individual properties, impacts of blasting and ecological implications from delaying restoration at Seal Sands mine adit have been addressed through negotiation and acceptable amendments to the proposals. The applicant has been given advance sight of the draft planning conditions and in the case of the submitted ROMP conditions has agreed any amendments with the Minerals Planning Authority. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

192. Recommendation 1: It is RECOMMENDED that planning permission be granted for Planning Application Number 8/16/01433/CMA to extend the operation of the mine until 22 February 2042 subject to conditions set out in Appendix 1.
193. Recommendation 2: It is FURTHER RECOMMENDED that planning permission be granted for Planning Application Number 8/16/01432/CMA to extend the operation of the mine until 22 February 2042 subject to conditions set out in Appendix 2.
194. If Members are minded to approve the above Section 73 applications, it is FURTHER RECOMMENDED that in respect of Application No. 8/16/01430/CMA, Determination of Modern Conditions, Marblaegis Mine, the conditions outlined in Appendix 3 are approved.
195. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

[SLB 02/02/2017]

Planning & Licensing Committee is the appropriate body to consider the content of this report.

Comments of the Service Director – Finance (SES 03/02/17)

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

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Ruddington	Councillor Reg Adair
Soar Valley	Councillor Andrew Brown
Keyworth	Councillor John Cottee

Report Author/Case Officer

Deborah Wragg

0115 9932575

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

MRA/3518

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RECOMMENDED PLANNING CONDITIONS 8/16/01433/CMA

1. This permission is for the completion by 22nd February 2042 of all underground gypsum extraction by pillar and stall methods from the area edged in red shown on Plan titled 'Extent of Planning Permission 8/00/01321/CMA' Reference MM2/2A received by the Minerals Planning Authority (MPA) on 4th May 2016 and the restoration and management of the Silver Seal Mine entrance area in accordance with the details contained in the Silver Seal, Bunny Nature Conservation Management Plan dated October 2012 by FPCR Environment and Design Ltd received by the MPA on the 30th October 2012 and revised Figure 3: Ecological Management Plan Reference No. 3311/P/10 Rev B received by the MPA on 12th November 2012.

Reason: In order to define the permission.

2. The development hereby permitted shall only be carried out in accordance with the following documents, plans and drawings, unless where amendments are made pursuant to the other conditions:
 - a) Plan No. 1 submitted to the MPA under the cover of appeal letter dated 28/9/1999, and titled 'Gypsum – Permission Areas Nottinghamshire dated March 2001;
 - b) Planning application form, and Supporting Planning Statement received by the MPA on 4th May 2016;
 - c) Silver Seal, Bunny Nature Conservation Management Plan dated October 2012 by FPCR Environment and Design Ltd received by the MPA on the 30th October 2012 and revised Figure 3: Ecological Management Plan Reference No. 3311/P/10 Rev B received by the MPA on 12th November 2012;
 - d) Site Location Plan Reference MM/2/1 received by the MPA on 4th May 2016;
 - e) Plan titled 'Extent of Planning Permission 8/00/01321/CMA (excluding the Barrow Mine Planning Area) Reference MM2/2A received by the MPA on 4th May 2016;
 - f) Plan 1 titled 'Extent of ROMP Review Site' (excluding the Barrow Mine Planning Area) Drawing No. EL-162 received by the MPA on the 4th May 2016;
 - g) Plan 3 titled 'Ecological and Cultural Heritage Destinations' received by the MPA on the 4th May 2016.

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

3. The extraction of minerals shall cease on 22nd February 2042.

Reason: In order to define the permission.

4. No mineral extraction shall take place within the area shaded in grey and identified as the 'old mine planning area' on Plan 1 titled 'Extent of ROMP Review Site' Drawing No. EL – 162 dated 4th April 2016.

Reason: For the avoidance of doubt and in order to define the extent of the permission.

5. Pillars of support shall be retained underneath all residential, industrial, commercial and school buildings. The size of the pillar shall be determined by an angle of 20 degrees to the vertical from the edge of the buildings to the top of the gypsum deposit.

Reason: To prevent damage to surface structures.

6. Every two years from April 2017 a plan shall be supplied to the MPA detailing the area that is proposed to be worked in the following five-year period.

Reason: To give advance warning of the potential effects of extraction.

7. Mineral extracted under this permission shall only be brought to the surface at the East Leake site.

Reason: To minimise surface traffic.

8. Subsidence test lines shall be set along the routes highlighted on Plan No. 1 submitted to the MPA under cover of an appeal letter dated 28th of September 1999 and these lines shall be surveyed on a yearly basis. The results of such surveys shall be forwarded to the MPA by 1st April each year. Remediation works shall be carried out to highways and drainage and drainage infrastructure damaged by subsidence caused by the extraction of gypsum.

Reason: In the interests of public safety.

Blasting

9. Within a lateral distance of 200 metres from any residential property blasting shall only take place between the hours of 07:00 to 23:00 hrs Monday to Friday.

Reason: To protect the amenities of local residents.

10. The peak particle velocity (PPV) of any single blast shall not exceed 8mm/sec at a 95% confidence level and no blast shall exceed 12mm/sec PPV as measured at any residential property. Monitoring of PPV at the boundary of the nearest property for a period of one week shall be carried out on a three monthly basis and the results forwarded to the MPA within one month of being

recorded. The methodology of monitoring shall be in accordance with letter ref. EPD.RJH/UG18/gg dated 15th June 1999.

Reason: To protect the amenities of local residents.

Restoration

11. The Silver Seal mine entrance comprising the Marblaegis Mine, Bunny Local Wildlife Site shall be restored and managed in accordance with the biodiversity enhancements scheme titled 'Silver Seal, Bunny Nature Conservation Management Plan, dated October 2012 produced by FPCR Environment and Design Ltd. received by the MPA on 30th October 2012 and revised Figure 3 Reference No. 3311/P/10 Rev. B received on 12th November 2012 as approved by the MPA in a letter dated 12th November 2012. The ecological enhancement scheme shall thereafter be implemented in accordance with the approved details and shall be maintained for the lifetime of the mine until 22nd February 2042.

Reason: To ensure the surface areas are restored to beneficial use.

12. The scheme submitted under Condition 11 above shall be implemented as approved.

Reason: To ensure the surface areas are restored to beneficial use.

Notes

1. Dewatering of the site through discharge to any watercourse requires the prior consent of the Environment Agency under the terms of the Water Resources Act 1991.

RECOMMENDED PLANNING CONDITIONS 8/16/01432/CMA

1. This permission is for the completion by 22nd February 2042 of all gypsum extraction in the area edged in red shown on Plan titled 'Extent of Planning Permission 8/11/01544/CMA' Reference MM2/2B received by the Minerals Planning Authority (MPA) on 4th May 2016;
2. The development hereby permitted shall be carried out in accordance with the following documents, unless amendments are made pursuant to other conditions below:
 - (i) Planning application forms and Environmental Statement received by the MPA on 29th September 2011;
 - (ii) 'Drawing Number 1, Revision 1.2 – Application Area' received by the MPA on 29th September 2011;
 - (iii) 'Drawing Number 6, Revision 1.3 – Phasing of Extraction' received by the MPA on 29th September 2011;
 - (iv) Drawing entitled 'Marblaegis Mine: Design of Half Depth Pillar to Dwellings' received by the MPA on 24th November 2011;
 - (v) Silver Seal, Bunny Nature Conservation Management Plan dated October 2012 by FPCR Environment and Design Ltd received by the MPA on the 30th October 2012 and revised Figure 3: Ecological Management Plan Reference No. 3311/P/10 Rev B received by the MPA on 12th November 2012;
 - (vi) Planning application form, and Supporting Planning Statement received by the MPA on 4th May 2016;
 - (vii) Site Location Plan Reference MM 2/1 received by the MPA on 4th May 2016;
 - (viii) Plan titled 'Extent of Planning Permission 8/11/01544/CMA (excluding the Barrow Mine Planning Area) Reference MM2/2B received by the MPA on 4th May 2016;
 - (ix) Plan 1 titled 'Extent of ROMP Review Site' (excluding the Barrow Mine Planning Area) Drawing No. EL-162 received by the MPA on the 4th May 2016;
 - (x) Plan 3 titled 'Ecological and Cultural Heritage Destinations' received by the MPA on the 4th May 2016.

Reason: For the avoidance of doubt.

3. The extraction of minerals from the area outlined in red on Plan titled 'Extent of Planning Permission 8/11/01544/CMA (excluding the Barrow Mine Planning Area) Reference MM2/2B received by the MPA on 4th May 2016 shall cease on or before 22nd February 2042.

Reason: For the avoidance of doubt.

4. No extraction shall take place within the green area highlighted as the 'area excluded from extraction' on 'Drawing Number 6, Revision 1.3 – Phasing of Extraction' received by the MPA on 29th September 2011 or from beneath any other built development, notably associated with The Elms Farm and Manor Farm, within the area outlined in red on 'Drawing Number 1, Revision 1.2 – Application Area' received by the MPA on 29th September 2011.

Reason: To prevent damage to surface structures in accordance with Policy M10.1 of the Nottinghamshire Minerals Local Plan.

5. Pillars of support shall be retained beneath all residential, industrial and commercial buildings within the area outlined in red on 'Drawing Number 1, Revision 1.2 – Application Area' received by the MPA on 29th September 2011. The area of pillar support shall accord with the details contained in the drawing entitled 'Marblaegis Mine: Design of Half Depth Pillar to Dwellings' received by the MPA on 24th November 2011.

Reason: To prevent damage to surface structures in accordance with Policy M10.1 of the Nottinghamshire Minerals Local Plan.

6. Every two years from July 2017, a plan shall be submitted to the MPA detailing the area that is proposed to be worked in the following five-year period.

Reason: For the avoidance of doubt and to allow the MPA to monitor the progress of the development.

7. Unless otherwise agreed in writing with the MPA, mineral extracted under this planning permission shall only be brought to the surface at the East Leake Works site, as highlighted on 'Drawing Number 7, Revision 1 – Reserves and Resources' received by the MPA on 29th September 2011.

Reason: To minimise surface traffic associated with the development in accordance with Policy M3.15 of the Nottinghamshire Minerals Local Plan.

8. No blasting shall take place for the purposes of the development hereby permitted without the prior written consent of the MPA. Should blasting be required, it shall not take place until details of the blasting proposed have been submitted to and approved in writing by the MPA. The details shall include, but not be limited to:

- (i) The level of explosive charge;
- (ii) The maximum vibration limit;

- (iii) The hours during which blasting shall take place;
- (iv) The monitoring of blast vibration levels in sensitive locations and the submission of regular blast level reports to the MPA;
- (v) The monitoring of subsidence test lines which shall be located on the A60 and the Sheepwash Brook, including the pond through which it flows, and the submission of monitoring results to the MPA.

The blasting and subsidence monitoring shall be carried out in accordance with the approved details.

Reason: To minimise the impacts of blasting in accordance with Policy M3.6 of the Nottinghamshire Minerals Local Plan.

9. The Silver Seal mine entrance area comprising the Marblaegis Mine, Bunny Local Wildlife Site shall be restored and managed in accordance with the Biodiversity enhancements scheme titled 'Silver Seal, Bunny Nature Conservation Management Plan, dated October 2012 produced by FPCR Environment and Design Ltd. received by the MPA on 30th October 2012 and revised Figure 3 Reference No. 3311/P/10 Rev B received on 12th November 2012 as approved by the MPA on 12th November 2012 in a letter dated 12th of November 2012. The ecological enhancement scheme shall thereafter be implemented in accordance with the approved details and shall be maintained for the lifetime of the mine until 22nd February 2042.

Reason: To protect, enhance, restore and add to biodiversity interest of the Marblaegis Mine, Bunny Site of Importance for Nature Conservation in accordance with the National Planning Policy Framework (March, 2012).

Notes to Applicant

1. Your attention is drawn to the letter from British Gypsum dated 9th January 2012 regarding the mining of Gypsum beneath the property known as 'Hillcrest' and its curtilage, to the east of the A60, a copy of which is attached along with a plan highlighting the property and its curtilage.

RECOMMENDED PLANNING CONDITIONS 8/16/01430/CMA

Schedule of proposed conditions

Extent and Duration

1. This permission is for the continued underground extraction of gypsum by room and pillar mining methods from the area shown in green and yellow shading on Plan 1 titled 'Extent of ROMP Review Site' Drawing No. EL – 162 dated 4th April 2016.

Reason: For the avoidance of doubt and in order to define the extent of the permission.

2. The extraction of minerals from the area shown in green and yellow shading on Plan 1 titled 'Extent of ROMP Review Site' Drawing No. EL – 162 dated 4th April 2016 shall cease on or before 22 February 2042 and no mineral shall be extracted from the area shaded in grey and identified as the 'old mine planning area' on Drawing No. EL-162.

Reason: For the avoidance of doubt and in order to define the extent of the permission.

Approved Documents

3. The development hereby permitted shall be carried out in accordance with the following documents or where amendments are made pursuant to other conditions below:
 - (a) Application form and Supporting Planning Statement including appendices 1-9 submitted as part of the formal application for the determination of new planning conditions, as received by the Minerals Planning Authority (MPA) on the 4th May 2016, except for the Blast Monitoring Scheme at Appendix 5 which shall be substituted by an amended version of the Blast Monitoring Scheme received by the MPA on 15th July 2016;
 - (b) Silver Seal, Bunny Nature Conservation Management Plan dated October 2012 by FPCR Environment and Design Ltd received by the MPA on the 30th October 2012 and revised Figure 3: Ecological Management Plan Reference No. 3311/P/10 Rev B received by the MPA on 12th November 2012;
 - (c) Site Location Plan MM 2/1 received by the MPA on the 4th of May 2016;
 - (d) Plan 1 titled 'Extent of ROMP Review Site' (excluding the Barrow Mine Planning Area) Drawing No. EL-162 received by the MPA on the 4th May 2016;
 - (e) Plan 2 titled 'Extent of Review Site' Drawing No. EL – 163 received by the MPA on the 4th May 2016;

- (f) Plan 3 titled 'Ecological and Cultural Heritage Destinations' received by the MPA on the 4th May 2016;
- (g) Plan 5 titled 'Bedrock Geology' Drawing No. EL-175 received by the MPA on the 4th May 2016;
- (h) Plan 6 titled 'Mining Information Plan' Drawing No. EL-176 received by the MPA on the 4th May 2016;
- (i) Plan 7 titled 'Outline Mining Development Plan' Drawing No. EL-177 received by the MPA on the 4th May 2016;
- (j) Plan 8 titled 'Blast Vibration Monitoring Plan' Drawing No. EL-178 received by the MPA;
- (k) Plan 4 titled 'Planning and Surface Ownership' Drawing No. EL-174a received by the MPA on the 6th February 2017.

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

4. A copy of the terms of this planning permission, including all documents referred to in this permission and any document subsequently approved in accordance with this planning permission shall be kept at the offices for the site (shown Plan 1 titled 'Extent of ROMP Review Site' (excluding the Barrow Mine Planning Area) Drawing No. EL-162 received by the MPA on the 4th May 2016) and shall be made available for the inspection of any person(s) given responsibility for the management or control of the mineral activities/operations on the site.

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

Mine Design

5. No mineral shall be extracted from the underground area hereby permitted other than in conformity with the system of regular room and pillar extraction, having a maximum ratio of mineral extracted to mineral retained as pillars of support not exceeding 75% by area (i.e. typically a minimum of 25% of the gypsum horizon will be left undisturbed in the form of rectangular or square pillars of support).

Reason: To prevent damage to surface structures in accordance with Policy M10.1 of the Nottinghamshire Minerals Local Plan.

6. Notwithstanding Condition 5 above pillars of support shall be retained beneath all residential buildings (defined for the purposes of this ROMP as the footprint of the dwelling), industrial, commercial and school buildings existing at the time of granting of this permission within the area outlined in red and shaded green and yellow on Plan 2 titled 'Extent of Review Site' Drawing No. EL – 163 received by the MPA on 4th May 2016. Pillars of support shall be calculated based on a horizontal distance measured at the surface, equal to 0.5 times the vertical depth of the upper part of the excavations from any part of any existing residential, industrial, commercial and school buildings.

Reason: To prevent damage to surface structures in accordance with Policy M10.1 of the Nottinghamshire Minerals Local Plan.

7. Subsidence test lines shall be set out along the routes highlighted on Plan 4 titled 'Planning and Surface Ownership' Drawing No. EL-174a received by the MPA on the 6th February 2017 including the Sheepwash Brook and the pond through which it flows, and these lines shall be surveyed on a yearly basis. The results of the survey shall be submitted to the MPA before 1st July in each year. Remediation works shall be carried out to highways and drainage infrastructure damaged by subsidence caused by the extraction of gypsum.

Reason: To minimise the impacts of mining in accordance with Policy M3.6 of the Nottinghamshire Minerals Local Plan.

8. Every two years, commencing with the date these conditions come into force a Mining Development plan shall be submitted to the MPA detailing the updated area that is proposed to be worked in the following five year period.

Reason: For the avoidance of doubt and to allow the MPA to monitor the progress of the development.

9. Only mineral extracted under this planning permission shall be brought to the surface at the East Leake Works site, as shaded in green and yellow on Plan 2 titled 'Extent of Review Site' Drawing No. EL – 163 received by the MPA on 4th May 2016.

Reason: To minimise surface traffic associated with the development in accordance with Policy M3.15 of the Nottinghamshire Minerals Local Plan.

Blasting

10. Except in the case of emergency blasting or as otherwise agreed in writing with the MPA, blasting shall not take place within a lateral distance of 200m from any residential property except between the hours of 07:00 hours and 23:00 hours Mondays to Fridays (see Plan 8 titled 'Blast Vibration Monitoring Plan' Drawing No. EL-178 received by the MPA on the 4th May 2016).

Reason: To protect the amenities of local residents and to minimise the impacts of blasting in accordance with Policy M3.6 of the Nottinghamshire Minerals Local Plan.

11. No blasting shall be carried out which would result in any resultant peak particle velocity attributable to the blast exceeding 6 mm per second in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mm per second at the footings of any residential property.

Reason: To protect the amenities of local residents and to minimise the impacts of blasting in accordance with Policy M3.6 of the Nottinghamshire Minerals Local Plan.

12. The MPA shall be notified in advance, in writing, when blasting is due to recommence at the mine and the arrangements for notifying residents that are likely to be affected.

Reason: To protect the amenities of local residents and to minimise the impacts of blasting in accordance with Policy M3.6 of the Nottinghamshire Minerals Local Plan.

13. Vibration monitoring shall be undertaken in accordance with the amended 'Proposed Blasting Monitoring Scheme' as received by the MPA on the 15th July 2016 and Plan 8 titled 'Blast Vibration Monitoring Plan' Drawing No. EL-178 received by the MPA on the 4th May 2016. The results of any blast monitoring shall thereafter be supplied to the MPA within 14 days of monitoring.

Reason: To minimise the impacts of blasting in accordance with Policy M3.6 of the Nottinghamshire Minerals Local Plan.

Groundwater and surface mine drainage protection

14. All oil, fuel and liquid chemical storage tanks and their associated filling points, vents, gauges, sight glasses and pipework are to be placed on impervious floors and enclosed with a bund of at least 110% capacity of the tanks which is to be maintained at that capacity or greater by removal of liquids and debris. Each bund shall be designed so as to prevent the release of stored materials in the event of a leak or spillage.

Reason: To prevent pollution of the water environment.

15. Any leaked or spilled substances, removed liquid and debris are to be disposed of to a facility licensed for that purpose.

Reason: To prevent contamination of the land and prevent pollution of the water environment and to dispose of waste in an appropriate manner off site.

16. Mine water shall be disposed of via the existing discharge points as indicated on Plan 6 titled 'Mining Information Plan' Drawing No. EL-176 received by the MPA on the 4th May 2016. No new surface outfalls, or alternative methods of disposal of mine water shall be installed or undertaken without the prior written approval of the Environment Agency. The MPA shall be notified of any changes approved by the Environment Agency within four weeks of the date of such approval being granted.

Reason: To prevent pollution of the water environment including controlled waters within the vicinity of the gypsum mine in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

Restoration

17. The Silver Seal mine entrance area shall be restored and managed in accordance with the Biodiversity enhancements scheme titled 'Silver Seal, Bunny, Nature Conservation Management Plan', dated October 2012 produced by FPCR Environment and Design Ltd. received by the MPA on 30th October 2012 and revised Figure 3: Ecological Management Plan Reference No. 3311/P/10 Rev B received by the MPA on 12th November 2012 as approved by the MPA in a letter dated 12th November 2012. The Nature Conservation Management Plan shall include a bi-annual butterfly survey and assessment of the condition of the habitats along the butterfly transect route as identified on Figure 1 3311-01-E (with an emphasis on the areas of grassland) received by the MPA on 1st November 2016. Bat monitoring shall also be included in the overall review of the management plan, with an initial monitoring phase to ascertain both the species of bat that are present and the current levels of activity. Overall this review should indicate what is appropriate in terms of the level of survey frequency and what further enhancements may be required in terms of delivering beneficial gain to an identified local bat population. A short report shall be produced to evaluate the results of the monitoring of bats and butterfly species and provide recommendations to inform any changes to the management plan, which shall be submitted to the MPA for its approval in writing. The Nature Conservation Management Plan shall extend for the duration of the lifetime of the mine until 31st December 2042.

Reason: To protect, enhance, restore and add to biodiversity interest of the Marblaegis Mine, Bunny Local Wildlife Site in accordance with the National Planning Policy Framework (March, 2012).

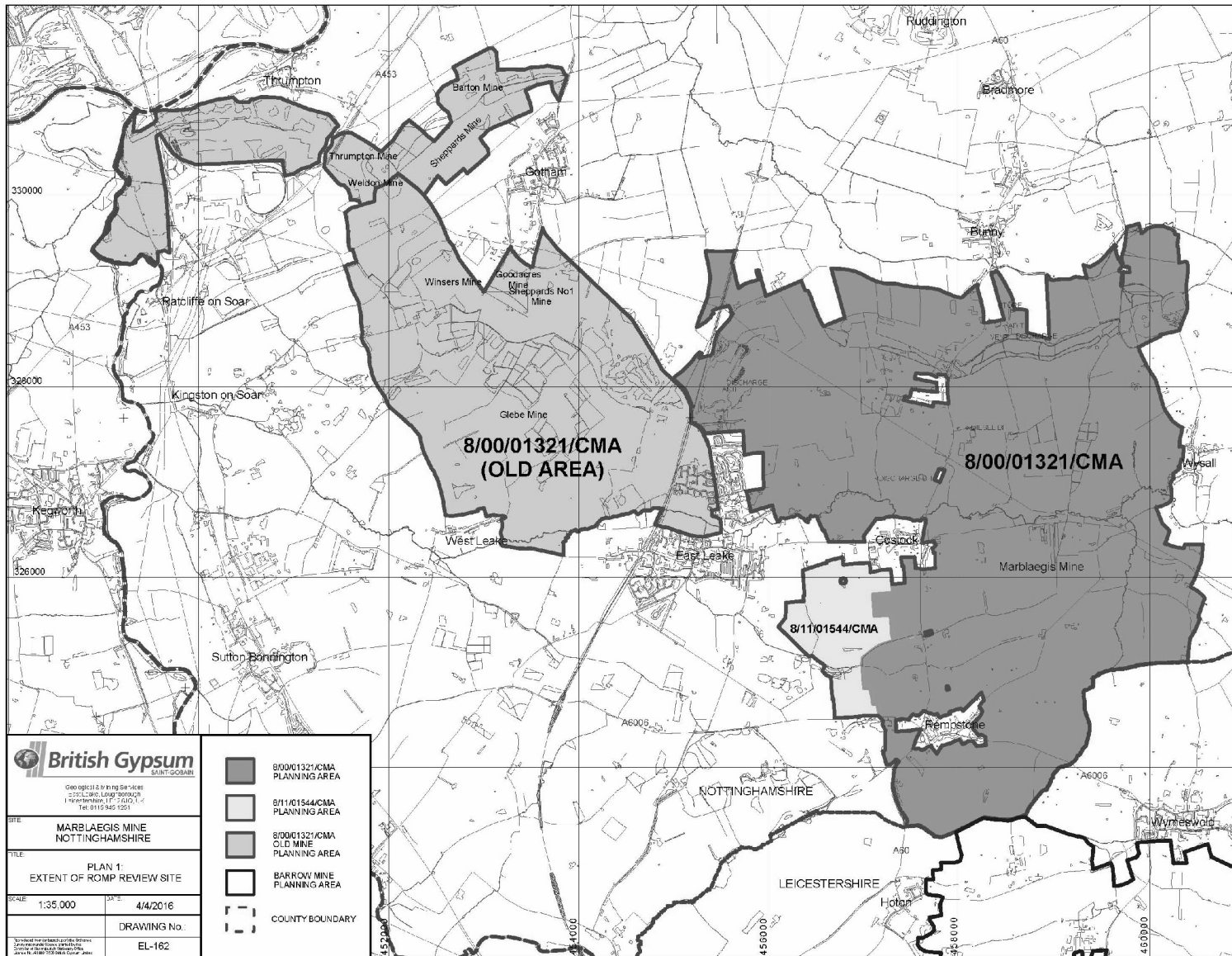
18. Within 12 months of the completion of the winning and working of mineral hereby permitted the existing entrances to the mine workings, boreholes and ventilation shafts shall be closed up, sealed or capped by means of an impervious barrier.

Reason: To ensure the surface openings to the mine are made safe.

Notes to Applicant

1. Dewatering of the site through discharge to any watercourse requires the prior consent of the Environment Agency under the terms of the Water Resources Act 1991.
2. Your attention is drawn to the letter from British Gypsum dated 9 January 2012 regarding the mining of Gypsum beneath the property known as 'Hillcrest' and

its curtilage, to the east of the A60, a copy of which is attached along with a plan highlighting the property and its curtilage.



<small> GYPSUMS & PLASTER 255, LEAKE ROAD, LEAKE, NOTTINGHAMSHIRE Tel: 0115 945 1251 </small>	
SITE: MARBLAEGIS MINE, NOTTINGHAMSHIRE	
TITLE: PLAN 1: EXTENT OF ROMP REVIEW SITE	
SCALE: 1:35,000	DATE: 4/4/2016
DRAWING No.: EL-162	

	8/00/01321/CMA PLANNING AREA
	8/11/01544/CMA PLANNING AREA
	8/00/01321/CMA OLD MINE PLANNING AREA
	BARROW MINE PLANNING AREA
	COUNTY BOUNDARY

To vary condition 4 of planning permission 8/11/01544/CMA to extend the operation of the Marblaegis Mine until 22/02/2042.
 Planning Application No. 8/16/01433/CMA
 To vary condition 2 of planning permission 8/00/01321/CMA to extend the operation of the Marblaegis Mine until 22/02/2042.
 Planning Application No. 8/16/01432/CMA
 Periodic Review of Mineral Permissions Pursuant to Section 96 of Environment Act 1995,
 Marblaegis Mine, Gotham Road, East Leake, Nottinghamshire.
 Application No. 8/16/01430/CMA

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Not to Scale
 Produced by: JW
 Date: Jan 2017

21 February 2017**Agenda Item:6****REPORT OF CORPORATE DIRECTOR, RESOURCES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2017.

Information and Advice

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

Other Options Considered

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

Reason/s for Recommendation/s

5. To keep Members of the Committee informed about future business of the Committee.

Statutory and Policy Implications

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

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward
Corporate Director, Resources

For any enquiries about this report please contact: David Forster, Democratic Services Officer

Constitutional Comments (HD)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

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

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
21 st March 2017	1/16/00773/CDM	Land off A634, Between Blyth and Barnby Moor, Near Retford	Vertical multi-core well to target the Bowland Shale and Millstone Grit geological formations to assist with the assessment of the shale gas basin in the area. In addition, three sets (with each set containing up to 3 boreholes) of monitoring boreholes would be installed to sample and monitor groundwater and ground gas during the drilling of the exploration well. The proposed development would involve permission for the security cabins already on the site, together with the construction work associated with the development of the well site, the drilling (using a drill rig of a maximum height of 60m) and evaluation of the well and monitoring boreholes and then the decommissioning and restoration of the site back to agricultural use. The development would be for a proposed three year period.
18 th April 2017	3/17/00107/CMA	Land West of Drove Lane, Coddington, Newark,	Temporary Use of Land for the Proposed Recycling of Excavated Material from Newark Sewer Scheme Including Processing, Crushing and Screening
18 th April 2017	3/16/01341/CMM	Girton Quarry, Gainsborough Road, Girton, Near Newark	Vary conditions 8 and 9 of planning consent 3/98/0800 to allow an extension to the duration of quarry workings until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. The submission also incorporates an interim restoration scheme relating to land to the south of the plant site.
18 th April 2017	17/00187/CMW	Eurotech Environmental Limited, Northern Road, Newark	Erection of 3 external bunded storage tanks; new roller shutter doors; installation of internal plant/equipment including odour control unit with external flue; and variation of conditions 4, 5 (waste storage and treatment operations); 6 (to allow 24/7 access for vehicles); and removal of conditions 12 and 13 (permitted development restrictions) of planning permission 3/97/0654 to enable the site to treat domestic and commercial liquid wastes.

Planning Applications currently being considered by NCC which currently have not been timetabled to a committee meeting.

- Planning App: 5/13/00070/CM
Location: Shilo Park, Shilo Way, Cossall
Development: Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings.
- Planning App: 3/16/01689/CMA
Location: Land at Langford Quarry, Newark Road, Near Collingham
Development: Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access.
- Planning App: 1/16/01616/CDM
Location: Nether Langwith Quarry, Wood Lane, Nether Langwith
Development: To vary conditions 1 and 85 of planning permission 1/64/96/2 to allow the continuation of the extraction and processing of limestone until 2035 with restoration complete by 2037 (currently permitted until 28th October 2017 with restoration by 28th October 2019) and removal of condition 77 so to retain the access road.
- Planning App: 8/16/02736/CMA
Location: Redhill Marina, Redhill Lock, Ratcliffe on Soar
Development: The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation