

8th December 2015**Agenda Item:****REPORT OF CORPORATE DIRECTOR PLACE**

PROPOSAL 1: TO VARY CONDITIONS 2, 4, 24 AND 25 OF PLANNING CONSENT 3/02/02403CMA TO FACILITATE AN EXTENSION OF TIME TO 31 DECEMBER 2022 FOR THE EXTRACTION OF THE REMAINING SAND AND GRAVEL RESERVES WITH RESTORATION TO BE COMPLETED WITHIN 12 MONTHS THEREAFTER AND ALSO AMENDMENT OF THE APPROVED RESTORATION AND WORKING PLANS.

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/02200/CMA

PROPOSAL 2: VARIATION OF CONDITION 3 OF PLANNING PERMISSION 3/02/2402CMA TO ENABLE TEMPORARY RETENTION OF THE CONVEYOR INFRASTRUCTURE UNTIL 31ST DECEMBER 2023 OR FOR 12 MONTHS FOLLOWING THE CESSATION OF SAND AND GRAVEL EXTRACTION (WHICHEVER IS THE SOONER)

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/02198/CMA

LOCATION: BESTHORPE QUARRY, COLLINGHAM ROAD, COLLINGHAM, NEWARK

APPLICANT: LAFARGE TARMAAC

Purpose of Report

1. To consider two planning applications to:
 - Allow an extension of time to complete the extraction of the remaining sand and gravel mineral reserves within the approved quarry until 31st December 2022, thereafter requiring the removal of the quarry plant, machinery and buildings from the site and complete restoration by 31st December 2023, and
 - Allow an extension of time to allow the retention of the wharf facility including its associated conveyor until 31st December 2023.
2. The planning applications are supported by an environmental impact assessment which demonstrates that the existing quarry operations are well regulated and subject to the re-imposition of existing environmental controls,

significant impacts are not anticipated as a result of the retention of the quarry and associated facilities for this extended period.

3. There is a continuing need for the sand and gravel produced by the quarry and the strategically important contribution it makes to Nottinghamshire's mineral production. The development is therefore in accordance and supported by the policies of the development plan.
4. The recommendation therefore is to grant Planning Permission, subject to the applicant entering into a Section 106 Legal Agreement to regulate lorry movements on the public highway surrounding the site.

The Site and Surroundings

5. Besthorpe Quarry lies approximately 1 km north-east of the village of Collingham and 8 km north of Newark on Trent. The location of the application site is shown on Plan 1.
6. The quarry is situated in a primarily rural setting, with open fields to the south, west and east, and Besthorpe Nature Reserve to the north. The River Trent, which flows in a north direction, is located approximately 200 m to the west. The site is of a flat, low lying character.
7. The rural character of the area means that the quarry is comparatively remote from surrounding residential settlements, although there are a number of isolated properties near to the quarry workings include residential properties on Carlton Ferry Lane and properties fronting the A1133.
8. Access to the site is obtained via a purpose-built access road located off the A1133 (Besthorpe Road), approximately 1km to the north of Collingham village.
9. The quarrying operations at the application site have been established for around 15 years and comprise the extraction of sand and gravel reserves. Current land uses on site are identified on Plan 2 and comprise the following elements:
 - areas within which sand and gravel remains to be extracted;
 - areas undergoing mineral extraction;
 - restored mineral workings;
 - areas in the process of final restoration;
 - site access and haul road;
 - wharf and ancillary conveyor; and
 - ancillary and administrative facilities (ie mineral processing plant, lagoons, stocking area, wheel cleaning facilities, weighbridge and offices).
10. A number of existing public rights of way are located within the vicinity of the application site, including four footpaths which traverse the application site itself and described below:

- North Collingham FP36, which is located east of Silt Pond A and links North Collingham BOAT41, North Collingham BOAT34 and North Collingham FP18;
- North Collingham FP18 which runs east-west across the application site starting south of the plant site and links with North Collingham FP36 east of Silt Pond A (refer to Plan B302/PL14/02);
- North Collingham FP17A and North Collingham FP21 were previously shown on the Definitive Rights of Way as crossing the site in an east-west direction from North Croft Lane linking with Carlton Ferry Lane at the opposite side of the application site (refer to Plan B302/PL14/02). These footpaths are still in place at the application site but are subject to a Diversion Order approved at Public Inquiry on 17 June 2003.

Planning History

11. Planning permission for sand and gravel extraction at Besthorpe Quarry was originally granted planning permission in April 1995 under planning reference 3/20/89/0904. The mineral reserve granted consent under this planning permission incorporated 105 hectares of land and included an estimated 7.7 million tonnes of mineral. It was anticipated that this mineral would be extracted at a rate of 250,000 tonnes per year leading to mineral reserves being exhausted in 2014.
12. Subsequently, a Section 73 planning permission was approved in 2002 to allow an extension of operating hours of the quarry (reference 3/02/02403CMA) to provide greater flexibility in connection with the operation of a wharf facility to the River Trent approved at this time (reference 3/02/02402CMA).
13. Under Condition 4 of planning consent 3/02/02403CMA ("the controlling planning consent" for mineral extraction), sand and gravel extraction was consented until 31 December 2014 with a requirement for the quarry plant, machinery and buildings to be removed by 1 July 2015 or in the event that mineral reserves are depleted before this date, within six months of the cessation of mineral extraction.
14. Under Condition 3 of planning consent 3/02/02402CMA ("the conveyor consent"), the conveyor and other associated machinery is required to be dismantled and removed from site by 1 July 2015 or in the event that mineral reserves are depleted before this date, within six months of the cessation of mineral extraction.

Proposed Development

15. Planning application 3/14/02200/CMA seeks planning permission to provide an eight year extension to the duration of sand and gravel extraction to enable the recovery of the remaining permitted mineral reserves within the previously consented quarry area until 31st December 2022.
16. The applicant states that the extension of time to the planning permission is requested due to market conditions and the previous economic downturn which has meant that sand and gravel production has been lower than anticipated.

Approximately 800,000 tonnes of the previously permitted sand and gravel reserves remain to be extracted. Production is currently of the order of 120,000 tonnes per annum and therefore the remaining mineral reserves could provide up to eight years further operational capacity at the quarry. It is therefore requested to vary Condition 4 of the controlling minerals planning consent to allow the following:

“All sand and gravel operations shall be completed by 31 December 2022 unless otherwise agreed in writing by the Mineral Planning Authority (MPA). The processing plant shall not use sand and gravel other than that arising from the application site and any such plant, machinery and buildings shall be removed from the site within 12 months of the cessation of sand and gravel extraction operations on the site, or by 31 December 2023, whichever is the sooner”.

17. The planning application also incorporates a request to amend the phasing of the quarry working scheme which the applicant states would make the extraction operations more economic and efficient as well as provide an opportunity to make enhancements to the restoration of the site which was originally designed around 20 years ago and does not take account of recent best practice relating to biodiversity. The main change to the restoration scheme relates to the extent of open water area. The currently approved restoration scheme for the site would provide for one large central lake complimented by a smaller lake to the north and wetland area to the north-west (see plan 3). The revised proposals envisage the establishment of a series of six smaller individual lakes areas characterised by woodland and meadow island features with extensive shallows and re-graded lake margins (see plan 4).
18. To ensure that the wharf facility and associated conveyor system remains available for use by the quarry, planning permission is sought under a separate planning application (reference 3/14/02198/CMA) to vary Condition 3 of the conveyor consent as follows:

“The conveyor and all supports and other attached machinery or structures shall be dismantled and removed from the site on or before 31 December 2023 or within 12 months of the cessation of sand and gravel extraction in this area whichever is the sooner, unless otherwise agreed in writing by the MPA”.
19. Owing to the nature of the proposals, and size of the application area, the proposals constitute EIA development as defined under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (“the EIA Regulations”). The planning application is therefore supported by an Environmental Statement which sets out the findings of the EIA process. The assessment of the environmental effects of the development are considered within the Planning Observations section of this report.
20. The Officer’s assessment of the planning application informed by the consultation responses identified a number of issues regarding the scope of information incorporated in the original Environmental Statement concerning the ecological surveys/ecological impact assessment, protection of species during quarry working, alterations to the restoration of the site and further information

regarding the visual and landscape assessment necessitating the submission of supplementary information under a Regulation 22 submission. These matters are considered in greater detail within the Observations section of this report.

Consultations

21. The two planning applications have each been subject to separate publicity and consultation undertaken over two separate rounds associated with the submission of the original planning application and the submission of the supplementary Reg. 22 information. Most consultees have provided a joint response concerning both planning applications. The consultation responses are summarised below, listing the original response first followed by the observations made in connection with the Regulation 22 submission:
22. Newark and Sherwood District Council: *Raise no objection provided Nottinghamshire County Council is satisfied that the proposed development complies with the relevant Development Plan Policies.*

Reg. 22: No representation received
23. Collingham Parish Council: *Support the planning applications.*

Reg 22: *Support the planning applications.*
24. Besthorpe Parish Meeting: *No representation received*

Reg. 22: No representation received
25. Environment Agency: *Raise no objections to either planning application provided the revised restoration proposals do not result in additional ground raising.*

Reg. 22: *Do not wish to raise any further comments.*
26. Natural England: *Raise no objection. Specifically Natural England state the development would not result in damage to the interest of the Besthorpe Meadows SSSI. The restoration scheme is considered to be beneficial from a biodiversity, landscape and recreational point of view and would complement restoration that is proposed on a cluster of mineral sites between Newark and South Clifton to create a large area of wetland based restoration. Soil movement operations should be carried out in compliance with MAFF's Good Practice Guide for Handling Soils.*

Reg. 22: *Do not wish to make further comment on the details incorporated within the Reg. 22 submission.*
27. Nottinghamshire Wildlife Trust: *Originally raised objection to the development (prior to the Regulation 22 Submission) on the following grounds:*
 - a. *The ecological assessment does not incorporate sufficient information to enable a quantified assessment to be made of the amount of existing habitat that would be lost and the amount of habitat that would be gained through restoration and therefore it is not possible to work out the impact.*

- b. *A quantified comparison should be provided to show the change in restored habitat types between the approved and the proposed amendment to the restoration scheme.*
- c. *Confirmation should be received from Natural England that the development would not affect the hydrology of Besthorpe Meadows SSSI.*
- d. *A more detailed phasing plan for the quarry should be prepared to identify which habitats are to be retained and which are to be lost so as to ensure that suitable habitat is provided at all times for birds and invertebrates, either on the unworked or restored quarry.*
- e. *A plan is required to show the reptile habitat that would be retained and lost within the site. Furthermore a reptile protection scheme and translocation strategy should be provided.*
- f. *The Wildlife Trust would like to see the area of wet grassland maximised within the restoration. Tree planting should be grouped within the restoration so that it develops a high biodiversity value.*

Reg. 22: The supplementary information provided within the Reg.22 submission has enabled NWT to now conditionally support the planning application on the basis that it satisfactorily identifies that habitats of value to fauna and botanical value are to be retained and the revised restoration scheme provides benefit over the scheme currently approved. NWT are satisfied appropriate methodology statements have been provided to ensure reptiles, invertebrates, bats and protected species are protected and adverse impacts to Besthorpe Meadows SSSI would not occur. NWT welcome the reduction in woodland planting within the restoration scheme but would prefer to see no new woodland planting on either of the lobes that extend into the eastern lake nor on the western side of the site near the footpath on the basis that the woodland may provide predatory posts. NWT request planning conditions are imposed to ensure there is an ongoing review of overburden resources during the restoration of the site with potential for this material to be used to increase the areas of wet grasslands and shallows in the open water areas. NWT wish to see further restoration details provided to identify the construction of features such as swales, scrapes, ponds and shallow margins since these features are critical to the successful ecological establishment of the site, but acknowledge this can be controlled by planning condition. NWT request that an ecological management group overseeing the restoration of the site is established which they would be willing to input into.

28. NCC (Nature Conservation): *Raise concerns that the ecological assessment assumes protected species including breeding and wintering birds, reptiles, amphibians and bats would not be affected by the development rather than reaching these conclusions from an evidence base informed by survey work. Furthermore concerns are raised that the mapping used in the habitat survey is too simplistic and misses some important detail. Notwithstanding the above concerns, protected species are capable of being protected through controls imposed by planning conditions to put in place a number of mitigation measures to control vegetation clearance during the bird nesting season and the implementation of a reptile management method statement. A number of modifications are suggested to the restoration scheme in the form of landscape*

management and engineering of the landform around the perimeter of the lakes to enhance the ecology of the restored site.

Reg. 22: The supplementary information provided within the Reg. 22 submission demonstrates that the restoration of the site will deliver an increase level of habitat at the site. The method statements ensure that works appropriately safeguard protected species on the site. Amendments to the restoration scheme have been made which address previous comments, or provide a reasoned justification for why changes cannot be made. Planning conditions should be imposed to require the protection of vegetation around the boundaries of the extraction area, to ensure the submission of detailed restoration proposals on a phase by phase basis during the working of the site and the setting up of a restoration working group.

29. NCC (Countryside Access): *Raise no objections but note that the alterations to the restoration plan would affect some public rights of way, particularly North Collingham FP21 and also North Collingham FP18. FP21 has already been diverted to the route around the south side of the quarry, closely following FP31 and Carlton Ferry Lane. The alterations to the restoration scheme would require this footpath to be diverted again in 2022. The proposed new route is a more direct connection from Northcroft Lane to the River Trent and could be considered an advantage by users. FP18 would also need a diversion in 2022 so that the Definitive Map accurately records the restored path, even though the change is comparatively minor. There are 2 new proposed footpaths connecting to FP18 which will presumably be permissive.*

Reg. 22: The variations do not affect the route of the public footpath.

30. NCC (Archaeology): *No further archaeological investigations are required to be undertaken for the remaining land to be extracted at the site as part of the planning conditions or Section 106 legal agreement.*

Reg. 22: No representation received.

31. NCC (Built Heritage): *No representation received to either original or Reg. 22 consultations*

32. NCC (Landscape) *No representation received to either original consultation.*

Reg.22: Subject to the restoration of the site being of ecological merit, no objections are raised in terms of its landscape and visual effect.

33. NCC (Highways): *No objections are raised on the basis that the development would have no detrimental effect on the public highway network, other than to prolong vehicle activity over a longer duration.*

Reg. 22: Do not wish to make further comment on the details incorporated within the Reg. 22 submission.

34. NCC (Noise Engineer): *The on-going operations have been undertaken without any noise complaint and given that the current proposals do not intensify*

operations no objections are raised subject to all existing noise conditions being carried over.

Reg. 22: Do not wish to make further comment on the details incorporated within the Reg. 22 submission.

35. National Planning Casework Unit: *Have no comments to make on either planning application.*

Reg. 22: No representation received.

36. Network Rail: *Raise no objections on the basis that the site is relatively remote from the railway line and the haulage route via the A1133 and then the A57 avoids the Besthorpe level crossing.*

Reg. 22: No representation received.

37. Canal and River Trust: *Raise no objection, however the Trust request they are consulted prior to the recommencement of barging operations in the future.*

Reg. 22: Do not wish to make further comment on the details incorporated within the Reg. 22 submission.

38. Trent Valley Internal Drainage Board: *Raise no objections subject to the operator obtaining consent from the drainage board prior to altering any discharge rates to watercourses, not undertaking works within 9 metres of a board maintained watercourse and subject to run-off rates not being altered following restoration.*

Reg. 22: No representation received.

39. National Grid (Gas): *National Grid identify that the company have apparatus in the vicinity which may be affected and have forwarded the consultation to their Asset Protection Team for further detailed assessment. No further representations have been received from the Asset Protection Team.*

Reg. 22: Do not wish to make further comment on the details incorporated within the Reg. 22 submission.

40. The Ramblers Association, British Horse Society, Severn Trent Water Limited, Western Power Distribution: *No representation received to either original or Reg. 22 consultations. Any responses received shall be orally reported.*

Publicity

41. The application has been publicised by the posting of site notices, the publication of a press notice in the Newark Advertiser and the posting of neighbour notification letters to the occupiers of nearby residential properties over two separate rounds coinciding with the submission of the original planning application and the submission of the supplementary Reg. 22 information. The consultations have been undertaken in accordance with the County Council's

adopted Statement of Community Involvement. No representations have been received.

42. Councillor Dobson has been notified of the application at each stage.

Observations

43. The extant planning consents for mineral extraction and the use of the associated wharf facility are both time-limited, requiring these activities to cease by 31st December 2014 and 1st July 2015 respectively, with site restoration thereafter.
44. Notwithstanding the time limits imposed within the planning permission, approximately 800,000 tonnes of permitted sand and gravel remain to be extracted within the quarry. This is because the actual rate of production at the quarry (currently 120,000 tonnes per annum) is lower than the 250,000 tonnes per annum extraction level which was anticipated when planning permission was granted, this higher rate of extraction was used to calculate the rate of mineral depletion within the quarry. These differences between predicted and actual rates of extraction have resulted in mineral reserves lasting longer than originally forecast.
45. These planning applications therefore seek to extend the time for completion of mineral extraction and the retention of the barge facility thus allowing mineral extraction to continue until 31st December 2022 and the barge facility to be retained for a further year after this. The planning application also takes the opportunity to revise the phasing and restoration of the quarry.
46. The NPPF attaches significant importance of the need to maintain sufficient supplies of minerals, identifying that the supply of minerals is essential to sustainable growth and quality of life by supporting the development of new infrastructure, buildings, energy and goods that the country needs. The NPPF therefore requires mineral planning authorities to plan for a steady and adequate supply of aggregates so as to ensure that reserves equivalent to at least seven years annual production of sand and gravel are maintained (referred to as a landbank). The framework encourages planning authorities to incorporate within their development plans allocations of specific sites, preferred areas and/or locational criteria to ensure that a landbank is maintained.
47. The adopted Nottinghamshire Minerals Local Plan (MLP) is consistent with the NPPF insofar that it seeks to maintain a seven year landbank of sand and gravel reserves within Policy M6.2. The plan identifies the contribution that the mineral resources at Besthorpe Quarry make towards maintaining this seven year landbank.
48. The seven year sand and gravel landbank was most recently re-calculated in the October 2015 Planning and Licensing Committee Report as part of the assessment of two planning applications concerning extensions at East Leake and Newington Quarries. These reports identify that the additional reserves permitted at these quarries would increase the sand and gravel landbank to just over 8 years. Since the mineral reserves at Besthorpe form part of this overall

landbank, approving this planning application would not increase the landbank however a refusal of planning permission would sterilise the mineral reserves at Besthorpe and consequently reduce the landbank by about four months.

49. The adopted MLP is currently in the process of being reviewed and replaced by a new Minerals Local Plan (nMLP). The Council has published a 'Preferred Approach' MLP which underwent public consultation between 23rd October and 18th December 2013. Feedback from this consultation identified a need to make significant changes to the sand and gravel section of the plan to ensure that sufficient mineral resources will be allocated to ensure a continuity of supply throughout the plan period up to 2030. This has resulted in a number of modifications being made to the sand and gravel preferred approach section of the nMLP. These modifications have been subject to an additional six week period of public consultation running between 14th May and 11th July 2014 and subsequently a further consultation was run between 15th October – 10th December 2014 in connection with a potential allocation at Shelford West. The next stage of the preparation of the nMLP is the publication of the Council's 'Submission Draft Consultation Document' which is anticipated in 2016.
50. Since the nMLP is at a consultation stage only limited weight should be given to its policies and allocations in the determination of this planning application. Nevertheless, the nMLP identifies emerging policy in relation to sand and gravel provision, in particular Policy MP1 maintains a requirement to provide a seven year landbank and Policy MP2 1a identifies that the extraction of remaining reserves at Besthorpe Quarry is important to ensure that this landbank is adequately provided.
51. An extension of time for a period ending on 31 December 2022 would allow the continuing extraction of a proven mineral resource at Besthorpe in a sustainable manner that would otherwise be sterilised due to premature cessation of operations. Permission for an extension of time to complete mineral extraction would comply with adopted MLP Policy M2.2 (minerals sterilisation), assist with avoiding mineral sterilisation and would represent a sustainable use of a mineral resource in accordance with MLP Policy M2.1 (Sustainable Development Objectives) and Core Policy 9 of the Newark and Sherwood Core Strategy. Should planning permission be granted eight jobs would be maintained within the quarry.
52. The continued working of the remaining sand and gravel within the Besthorpe Quarry therefore has policy support subject to the development having an acceptable environmental impact. The environmental effects of the development have been considered within the Environmental Impact Assessment (supplemented by the Reg. 22 submission) and examined through the processing of this planning application. The magnitude of the environmental impacts are considered below.

Ecology

53. The existing sand and gravel quarries within the Trent Valley offer an opportunity to create a strategically important large scale wetland habitat. The

RSPB are currently working with the operators of Langford Lowfields and Cromwell Quarries to the south and south-west, Besthorpe Nature Reserve and to the north (with Girton Quarry beyond) to create this habitat as part of a masterplanning exercise. The alterations that are proposed to the restoration of Besthorpe Quarry within this planning application would make a positive contribution to this masterplan.

54. MLP Policy M4.8 (Reclamation Proposals for Existing Sites) supports alternative reclamation proposals within existing mineral workings where the existing provisions are not satisfactory and the new proposals result in improved environmental and/or amenity after use. The alterations to the restoration scheme provide for the establishment of a series of smaller individual lake areas surrounded by woodland and meadow island features with extensive shallows and re-graded lake margins. These alterations would provide ecological benefits over and above that which would have been delivered by the currently approved restoration scheme for the site, as well as resulting in a more varied landscape. The revisions to the restoration scheme therefore satisfy the requirements of MLP Policy M4.8 on the basis that improved environmental and amenity after-use for the site would be provided.
55. The modifications to the working and restoration of the site have necessitated a review of the quarry phasing to ensure that soils and other materials are used efficiently within the development of the quarry. The modifications to the quarry phasing ensure soils would be conserved and used sustainably within the quarry in compliance with MLP Policy M4.3.
56. The existing habitat has been surveyed and an assessment of the ecological effects of extending the duration of the quarry workings has been undertaken. Overall the existing site is considered to have a medium ecological value which is no greater than local importance. Opportunities have been taken through the Reg. 22 process to make minor alterations to the restoration of the site to enhance its ecological value. Where suggested alterations have not been accepted, the developer has provided a reasoned justification for why the changes cannot be made.
57. Ecological impact arising from the extension to the duration of the quarrying activities would be occur from the continuation of noise and disturbance. The magnitude of impact from this extension of time is assessed as being of minor significance.
58. The progression of quarry workings will remove some existing habitat which the proposed alterations to the phasing of the quarry would extend the period of time that the habitat is despoiled, resulting in some negative ecological effects as a result including a delay in the implementation of the restoration of the site. Notwithstanding the above, the habitats that are lost are not particularly ecological important and the modified restoration of the site would result in ecological enhancements that in the longer term outweigh any harm. It is therefore concluded that the working and restoration of the quarry would provide an overall enhancement to the ecology of the site in the longer term over that which would have been achieved.

59. In relation to specific species, the surveys have identified protected species near the application site, but not on land that is proposed to be quarried within this application. These species have potential to move around the site onto unquarried land where they could potentially be harmed. To minimise potential for mortality a planning condition is suggested to require updated surveys to be completed prior to each new phase of quarrying and restoration commencing, this would identify whether the species have moved within the site and if so identify any mitigation measures that may be required.
60. The site incorporates vegetation that provides habitat for breeding birds. The removal of this vegetation could adversely affect nest sites if undertaken during the bird nesting season (March to August). The bird protection method statement therefore recommends that site clearance works are avoided during this period through the imposition of a planning condition so as to avoid adverse impact. The method statement also encourages the provision of nesting habitat within the restoration of the site.
61. The site has potential to provide habitat for reptiles. Adverse impacts to these species can be avoided by the implementation of the reptile method/translocation strategy submitted as part of the Reg. 22 submission which aims to identify areas where reptiles may be present and set out measures to avoid killing the reptiles during quarrying and restoration works. The implementation of this strategy can be secured through planning condition.
62. The consultation process has identified that further opportunities to enhance the restoration of the site may arise during its working when there would be a clearer understanding of all available resources. To ensure that potential opportunities are maximised it is recommended that a restoration working group is established to oversee restoration works and in particular advise on ecological matters. The constitution of this working group should therefore have an ecological focus comprising the developer, NCC planning and ecological officers as well as external ecological experts such as Nottinghamshire Wildlife Trust and the RSPB. The establishment of a restoration working group can be secured through planning condition.

Landscape and Visual Impact

63. The most significant change to landscape character and visual impact from this development results from the continuation of the quarry workings over an extended duration and a consequent delay in the delivery of the restored landform.
64. With regard to effects on the landscape the local area is interspersed by active and restored mineral workings. The retained presence of this quarry within the landscape therefore would not detract significantly from the surrounding landscape character. The amended restoration proposals reduce the size and shape of the water bodies within the restored landscape resulting in a minor beneficial landscape benefit although not changing the overall wetland character of the restored site.

65. With regard to visual effects, impacts are minimised by the low lying character of the surrounding land and the fact that most of the quarrying activities are carried out at or below existing ground levels with many views being filtered by intervening hedgerows, tree belts and vegetation.
66. It is therefore concluded that the magnitude of landscape and visual impacts is minor and the alterations proposed to the duration of workings and restoration scheme within the planning application would not result in any un-acceptable landscape and visual effects thus ensuring compliance with MLP Policies M3.3, M3.4 and M3.22 of the MLP.

Traffic, Access and Parking.

67. MLP Policies M3.12 & M3.13 seek to protect the highway from damage caused by minerals development, ensure that the highway network can satisfactorily accommodate the vehicle movements associated with the quarry development and ensure that highway safety is maintained.
68. Besthorpe Quarry is an established facility which benefits from a purpose-built access on to the A1133 (Besthorpe Road). The access has been designed to a modern standard and ensures that vehicles can safely arrive and leave the site without endangering or damaging the highway, therefore satisfying the requirements of the above policies.
69. Whilst acknowledging that the A1133 (Besthorpe Road) is an 'A' class road, access to the quarry from the south requires HGVs to travel through Collingham village. Within Collingham village the A1133 is comparatively narrow and traffic is required to pass residential properties with potential for negative effects to residential amenity. It is therefore desirable to reduce as far as possible the numbers of lorries passing through the village. MLP Policy M3.14 encourages the use of vehicle routing agreements when granting planning permission for minerals development. Haulage activities associated with Besthorpe Quarry are currently regulated by a Section 106 legal agreement to ensure that all HGVs which have a gross laden weight of over 7.5 tonnes only travel to and from the north along the A1133, thus ensuring they avoid passing through Collingham village as well as rural roads to the east of the A1133. The legal agreement and cooperation of the operator has successfully controlled lorry routing associated with the quarry and should be brought forward into any future planning permission to permit the continued operations of the quarry.
70. MLP Policy M3.15 encourages the bulk movement of minerals by rail or road where this is shown to reduce the environmental impacts resulting from road haulage. Besthorpe quarry benefits from a wharf/barge loading facility which planning application 3/14/02198/CMA seeks to retain for the proposed extended life of the quarry.
71. Historically the Besthorpe wharf has been used to service markets in the Yorkshire and Humberside area, but since the former Lafarge and Tarmac companies merged these markets are now served by quarries local to the port areas (Ferrybridge and Humberside). The barge facilities are therefore currently

not being used. Nevertheless, the retention of the barge loading facility would ensure that the facility is available for use throughout the operational life of the quarry with potential to improve the sustainability of the delivery of minerals to market by reducing impacts on the amenity of settlements along haulage routes and reducing fuel consumption associated with transport. Whilst the existing planning permission requires the wharf to be removed within six months of the cessation of mineral extraction, permission is now being sought to retain the facility to the end of 2023, this being 12 months following the cessation of mineral extraction. Allowing the wharf facility to remain for an additional six months post extraction would allow it to potentially be utilised in the delivery of stockpiled mineral to market following the completion of quarrying operations, as well as ensuring the restoration timetable for the wharf matches that of the main quarry.

72. Notwithstanding the availability of the wharf, currently all sand and gravel extracted at Besthorpe is transported by road. In terms of vehicle movements, production of 120,000 tonnes per annum of sand and gravel equates to approximately 50 daily vehicle movements (ie 25 in, 25 out). The highway authority is satisfied that the local highway network and safety accommodate the number of vehicle movements.

Archaeology

73. The original planning permission for the quarry incorporated a requirement to undertake archaeological investigation works within the quarry. The fieldwork part of these investigations has now been satisfactorily completed and the submission of the final report of findings is awaited. The submission of this report will conclude the archaeological requirements for the site and no further archaeological investigations are required to be undertaken for the remaining land to be extracted at the site as part of the planning conditions or Section 106 legal agreement.

Heritage

74. There are no Listed Buildings within the immediate vicinity of the application site, the closest being approximately 1km to the east in the village of Collingham. Satisfactory screening exists between these listed buildings and quarrying operations to ensure that the operation of the quarry would not adversely affect the setting of these listed buildings in accordance with MLP Policy M3.25.
75. There is also a Scheduled Monument approximately 1km west of the application site on the opposite side of the River Trent. It is considered that the River Trent constrains the setting of the Scheduled Monument and the quarry operation would not affect its setting.

Agriculture/Conservation of soil resources

76. MLP Policy M4.3 seeks to ensure that minerals developments incorporate satisfactory measures to ensure that soils are stripped, stored, conserved and

re-used to ensure they provide maximum benefit within the restoration of the site.

77. The majority of the application site has been worked with the original soils either used to provide for the final restoration of the site or committed to store. Of those areas yet to be worked, with the exception of the plant site, soil resources and overburden remain to be stripped.
78. The Environmental Statement incorporates a strategy for soil handling, management, storage and replacement which has been compiled in accordance with the Defra guidance for Successful Reclamation of Mineral and Waste Sites. The soil handling strategy identifies that soils would be sequentially stripped so as to ensure the retention of the soil horizon within site restoration works with the soils being either directly placed to the restoration of previous phases of working, or placed into stockpile. Soil movements would be undertaken when soils are dry to avoid damage and machinery would not traffic over unstripped areas of soils to avoid damage by compaction.
79. Topsoil, upper subsoil and lower subsoil would be replaced sequentially to an agreed specified thickness using backactors, bulldozers and articulated dump trucks over the designated area within the reinstated landform, using the method set out in Sheet 4 of the MAFF "Good Practice Guide for Handling Soils" (April 2000).
80. The soil handling strategy proposed by the developer satisfies the requirements of MLP Policy M4.3. Planning conditions are recommended to ensure that soil handling is appropriately regulated.

Public Rights of Way

81. The planning application site incorporates public rights of way. MLP Policy M3.26 requires that when planning permission is granted for minerals development which would temporarily or permanently disrupt a public right of way an alternative route should be provided which aims to offer equivalent interest and quality, having regard to the length of time during which disruption would take place.
82. The approved quarry development and restoration scheme and the revisions proposed within this planning application would not affect the line of either North Collingham FP36 or North Collingham FP18 within the north of the site.
83. With regard to North Collingham FP's 17a and 21, these are located to the south of the site and would be affected by the quarry workings. The approved quarry working scheme provides for the excavation of the mineral underlying the footpaths and the restoration of this part of the site into a large lake, thus stopping access along the original route of the footpath. A permanent diversion route has been agreed following a Public Inquiry on 17th June 2003. The route of the diverted footpath follows the boundaries of the site around its eastern, southern and western perimeters. The current planning application incorporates amendments to the quarry development and restoration which identify the extraction of the underlying mineral from the route of the footpath, but revise the

restoration scheme to provide for the reconstruction of a corridor of land along a similar (but not identical) route to the existing footpath using overburden, underdig and soils originating from within the site. Whilst the minor re-location of the footpath would require a separate consent under rights of way legislation, the amended route would provide a more direct connection alongside the historic route of the original footpath and is therefore more desirable in the context of MLP Policy M3.26.

Noise

84. The on-going operations have been undertaken without any noise complaint and given that the current proposals do not intensify operations, noise impacts from the development are not anticipated, subject to all existing noise conditions being carried forward into any new planning permission. These controls regulate hours of working within the quarry to between 0700 hours to 1800 hours Monday to Friday, 0700 to 1300 hours on Saturdays with no working on Sundays or Public/Bank Holidays. Longer hours are permitted for the wharf facility to allow some flexibility for those periods when barges cannot be loaded due to low tides, these hours are 0600 to 2100 Monday to Friday and 0700 to 1400 Saturdays. Other controls relate to the use of noise abatement to plant and machinery, and the use of 'white noise' reversing alarms on mobile plant. The re-imposition of these controls is in accordance with the requirements of MLP Policy M3.5 (Noise).

Air Quality/Dust

85. Existing dust management within Besthorpe Quarry is controlled through a dust management plan that is regulated by planning condition. These controls have ensured that the quarry operations have not generated any dust complaints.
86. The current planning application incorporates a dust management plan. This plan identifies the main sources of potential dust generation originate from site preparation, loading and tipping activities, movement along haul and access roads, and vehicle exhausts. Mitigation measures are suggested which include the application of water, minimising drop heights, use of designated haul roads and limiting site speeds.
87. In accordance with the approach set out within MLP Policy M3.7 it is recommended that dust management is regulated in accordance with the dust suppression plan by the imposition of a planning condition to ensure satisfactory dust control is maintained within the site.

Flood Risk

88. The sites is directly adjacent to the River Trent within an area at high risk of flooding (Flood Zone 3) with a greater than 1:100 chance of flooding. Flood defence structures in the vicinity of the site provide some limited protection to the site up to a 1:50 year return event. Also the site is situated at the furthest

limit of tidal influences on the River Trent and there is therefore potential for fluvial, tidal and groundwater flooding at the site.

89. The NPPF acknowledges that quarrying activities are a 'water compatible' land use and therefore the activity is considered appropriate in an area at high risk from flooding. A flood risk assessment has been prepared in support of the application. This assessment considers the effect that the alterations to the quarry phasing, restoration and continued use of the previously consented quarry for a longer period of time. The assessment considers that the alterations would not result in any intensification of use at the site. Whilst the quarrying infrastructure would be at risk from flooding during the extended life of the site, the development would not result in any increased risk of flooding on adjoining land or property. In fact the progression of quarry workings which result in a lowering of ground levels would provide areas of increased flood water storage capacity and therefore is likely to provide benefit during Flooding events over and above the level of flood water storage which would have been available prior to the commencement of quarrying at the site.
90. The Environment Agency has reviewed the flood risk assessment and has raised no objections to the development. It is therefore concluded that development complies with MLP Policy M3.9 (Flooding) insofar that it would not result in any unacceptable flood impacts.
91. The development would not result in any changes to surface or groundwater flows or any additional risks to pollution thus ensuring that the requirements of MLP Policy M3.8 (Water Management) which seeks to protect against detrimental impacts to the water environment.

Social and Cumulative Impacts

92. Policy M3.27 (Cumulative Impacts) states that planning permission will not be granted for minerals development which would result cumulatively in a significant adverse impact on the environment and/ or the amenity of local communities.
93. It is notable in this instance that the development site comprises an active quarry with the development comprising an extension to the duration of quarry workings and amendment to the restoration scheme. Many of the potential cumulative impacts therefore have previously been considered and accepted.
94. Nevertheless, it is recognised that there are a number of other active and non-active mineral workings within the local area of the application site which cumulatively have the potential to impact upon local communities. Each of these mineral workings are subject to stringent environmental controls which, amongst other matters, include measures aimed at protecting public and residential amenity including visual screening, acoustic barriers, noise limits, dust management, groundwater monitoring, archaeological, ecological evaluation, lorry routing and appropriate restoration.
95. The amended restoration for the development site would have some positive social benefits. Notably it would provide beneficial nature conservation focussed after use with some recreational improvements through the provision

of new footpaths. Overall cumulative impacts are not anticipated to arise from this development and therefore compliance with MLP Policy M3.27 is achieved.

Legal Agreement

96. The existing planning permission for the Besthorpe Quarry has been issued subject to a Section 106 legal agreement which regulates the following matters:
- a. A lorry routeing agreement which requires all heavy goods vehicles (over 7.5 tonnes) in the ownership or control of the company to turn right (north on the A1133) and shall not journey through the village or Parish of Collingham to the south (unless in connection with a local delivery).
 - b. The company undertakes to implement an archaeological scheme of investigation of the site.
 - c. The company undertakes to maintain the haul road in good repair during the operational life of the quarry. And thereafter for the road to be maintained in a satisfactory condition to allow access into the restored nature reserve.
 - d. £500 shall be paid into an account each year for 20 years (April 2015) to pay for maintenance of the road. At the end of this period any unspent money shall be returned to the developer.
 - e. That no obstacles shall be placed of greater height than 900mm within the 3m x 215m visibility splay to the A1133.
97. Any planning permission to extend the quarry workings would necessitate the drafting of a new Section 106 legal agreement. The heads of terms of the legal agreement should cover all the matters previously covered, but it should acknowledge that the archaeological scheme of investigation is now complete and clause b should be redrafted to now require the submission of the final archaeological report. The requirement to pay £500 for the maintenance of the road (clause d) should be extended for the duration of this planning permission including restoration works (April 2024).

Other Options Considered

98. The report relates to the determination of a planning application to permit the continued operation of any existing consented quarry. The applicant states that in this instance no alternative sites for mineral extraction have been considered as the application is to work a consented mineral reserve; minerals can only be worked where they are found, therefore no alternative sites have been considered. 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

99. 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

Implications for Service Users: The continuation of use of Besthorpe Quarry would assist in ensuring a continuity of local sand and gravel supplies to the construction industry.

Crime and Disorder Implications: The development would allow an existing quarry to continue production, making use of existing security features within the site including the use of the established plant site which benefits from security lighting and CCTV surveillance.

Human Rights Implications: The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol and Article 6 may be affected. The proposals have the potential to introduce limited impacts of noise, dust, visual impact and a continuation of haulage within the local area where the magnitude of impacts are generally assessed as minor. These potential impacts need to be balanced against the wider benefits the proposals would provide in terms of providing a continuity of mineral resources. Members will need to consider whether these benefits would outweigh the potential impacts.

Safeguarding of Children Implications: The quarry would continue to comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded. Appropriate safeguarding would also apply in relation to footpath users and ultimately to visitors of the restored site.

Financial Implications: Paragraph 94 and 95 identify that the developer is required to pay a £500 a year bond for the maintenance of the haul road for the life of the planning permission (April 2024), any money from this bond which is unspent on road maintenance would be returned to the developer at the end of this period.

100. Equalities Implications, Human Resources Implications: No implications.
101. Implications for Sustainability and the Environment: The development would contribute towards the sustainable use of mineral resources which would contribute to the country's economic growth and quality of life. The extraction scheme has been designed on a phased basis to minimise the size of the active quarry and ensure that land is restored to beneficial purposes at the earliest practical opportunity. The issues have been considered in the Observations section above.

Statement of Positive and Proactive Engagement

102. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; scoping the planning application and encouraging pre-application community engagement which the applicant acceded to by working proactively with the local community through its local liaison meeting and notifying the Parish Council of the companies intentions. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as ecological effects and have been addressed through negotiation and by planning condition. The applicant has been given advance sight of the draft planning conditions and the Minerals Planning Authority has also engaged positively in the preparation of the heads of terms of the Section 106 legal agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

PROPOSAL 1: TO VARY CONDITIONS 2, 4, 24 AND 25 OF PLANNING CONSENT 3/02/02403CMA TO FACILITATE AN EXTENSION OF TIME TO 31 DECEMBER 2022 FOR THE EXTRACTION OF THE REMAINING SAND AND GRAVEL RESERVES WITH RESTORATION TO BE COMPLETED WITHIN 12 MONTHS THEREAFTER AND ALSO AMENDMENT OF THE APPROVED RESTORATION AND WORKING PLANS.

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/02200/CMA

103. It is RECOMMENDED that the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning act to secure lorry routeing, retention of adequate visibility, maintenance of the haul road throughout the extended duration of the quarry, the continued payment of the £500 annual maintenance bond for the road and the retention of maintenance money previously paid until April 2024
104. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement within six months of this planning decision or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed within six months, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the

Corporate Director Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

PROPOSAL 2: VARIATION OF CONDITION 3 OF PLANNING PERMISSION 3/02/2402CMA TO ENABLE TEMPORARY RETENTION OF THE CONVEYOR INFRASTRUCTURE UNTIL 31ST DECEMBER 2023 OR FOR 12 MONTHS FOLLOWING THE CESSATION OF SAND AND GRAVEL EXTRACTION (WHICHEVER IS THE SOONER)

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/02198/CMA

105. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 2. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

Tim Gregory

Corporate Director: Place

Constitutional Comments

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

SLB 17/11/2015

Comments of the Service Director - Finance

Paragraph 94 and 95 identify that the developer is required to pay a £500 a year bond for the maintenance of the haul road for the life of the planning permission (April 2024), any money from this bond which is unspent on road maintenance would be returned to the developer at the end of this period.

SS 20/11/2015

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

Councillor Maureen Dobson Collingham

Report Author / Case Officer

Mike Hankin

0115 9932581

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

W001385rep.doc – DLGS REFERENCE

24th October 2015 – Date Report Completed by WP Operators

RECOMMENDED PLANNING CONDITIONS

Planning Application 3/14/02200/CMA

Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

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

2. The operator shall provide written notification to the Mineral Planning Authority (MPA) at least seven days but no more than fourteen days prior to:
 - a. The commencement of the development hereby permitted.
 - b. The date of commencement of mineral extraction in any phase.
 - c. The date of completion of mineral extraction in any phase.
 - d. The completion of mineral extraction.

Reason: To assist with the monitoring of the planning permission.

Development Granted Planning Permission

3. This permission relates to the continuation of sand and gravel extraction within Besthorpe Quarry subject to a revised schedule of phasing and restoration. Except where amendments are made pursuant to the other conditions attached to the permission which are approved in writing by the MPA, the development hereby permitted shall be carried out in accordance with the details contained within the Besthorpe Quarry planning application to vary condition 4 of planning consent 3/02/02403CMA to facilitate an extension of time at Besthorpe Quarry including an amendment of the approved working and restoration scheme, received by the MPA on 2nd December 2014, and detailed on the following drawings.
 - a. Drawing No. B302/PL14.01: Location Plan dated 11/14 received by the MPA on 2nd December 2014.
 - b. Drawing No. B302/PL14.03: Working Plan dated 11/14 received by the MPA on 14th August 2015.
 - c. Drawing No. B302/PL14.04: Final Landform dated 10/06/2015 received by the MPA on 14th August 2015.
 - d. Drawing No. B302/PL14.05: Typical Illustrative Section dated 11/14 received by the MPA on 2nd December 2014.
 - e. Drawing No. B302/PL14/06: Working Plan dated 07/15 received by the MPA on 14th August 2015.
 - f. Drawing No. B302RE414.PDF: Phasing of Restoration dated 10/08/2015 received by the MPA on 14th August 2015.
 - g. Drawing No. B303B115.pdf Bund Volumes dated 07/08/2015 received by the MPA on 14th August 2015.

- h. Report setting out response to Regulation 22 request dated August 2015 received by the MPA on 14th August 2015

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

4. All sand and gravel extraction operations shall be completed by 31st December 2022. The processing plant shall not use sand and gravel other than that arising from the application site and any such plant machinery and buildings shall be removed from the site within 12 months of the cessation of sand and gravel extraction operations on the site, or by 31st December 2023, whichever is the sooner.

Reason: For the avoidance of doubt and to assist with the monitoring of the planning permission.

Access

5. Any gates on the access road leading from the A1133 to the processing plant site shall be set back a minimum of 18 metres away from the edge of the carriageway of the A1133 and shall open inwards. Visibility splays of a minimum of 9 metres x 215 metres shall be provided and the area within that splay shall be kept clear of any obstruction over 900mm in height. Carriageway markings and give way signs shall be maintained at all times.

Reason: To ensure satisfactory access to and from the site and to accommodate resulting lorry traffic safely on the local highway network in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.13.

6. There shall be no vehicular or pedestrian access for the purpose of extraction or restoration or any activities ancillary to these operations from Carlton Ferry Lane or from any other point on the boundary of the site other than the access point to the A1133 as shown on Plan No. ABNCS/001D (submitted as part of original planning application).

Reason: To ensure satisfactory access to and from the site and to accommodate resulting lorry traffic safely on the local highway network in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.13.

7. All outbound vehicles shall use the wheel cleaning facilities which shall be maintained in an effective state for the duration of the development.

Reason: To ensure safety and protection of the highway in accordance with the requirements of Nottinghamshire Minerals Local Plan Policy M3.12.

Planting, Landscape and Ecological Management

8. The scheme for the identification, protection, enhancement and management of the hedgerows and trees on the boundaries of the site contained in reports L-

Best02.wps, L-Best03.wps and letter dated 16th January 1996, and approved by the MPA on the 24th January 1996 shall be adhered to throughout the period of the development and subsequent aftercare.

Reason: To provide screening for quarrying activities in the interests of visual amenity and to ensure compliance with Nottinghamshire Minerals Local Plan Policy M3.4.

9. The advanced tree planting scheme detailed within the report L-Best01.wps and approved by the MPA on the 21st December 1995 shall be managed in accordance with the approved scheme throughout the period of the development and subsequent aftercare.

Reason: To provide screening for quarrying activities in the interests of visual amenity and to ensure compliance with Nottinghamshire Minerals Local Plan Policy M3.4.

10. Within 6 months of the date of commencement, a scheme shall be submitted setting out the steps to remove the non-native alders from the tree belt on the western side of the quarry adjacent to Wharf Cottages. The scheme shall incorporate a report and plan to identify the location of the alder trees including any self-set saplings, a timetable for the felling and chemical treatment of the stump to prevent regrowth and arrangements for periodic inspections to assess the need for follow up treatment. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To remove non-native planting from the site which has potential to invade more sensitive ecological habitats in accordance with the objectives of Nottinghamshire Minerals Local Plan Policy M4.9.

11. Site clearance operations that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA and in such circumstances following the carrying out and submission in writing to the MPA for approval in writing of an ecological appraisal undertaken by an appropriately qualified person.

Reason: To ensure that breeding birds are not adversely affected by the development in accordance with government policy set out within the National Planning Policy Framework.

12. Quarrying operations shall be undertaken in compliance with the method statements submitted as part of appendix 5 of the Regulation 22 response received by the MPA on 14th August 2015, setting out actions to be taken to ensure the protection of birds, reptiles, foraging bats and invertebrates.

Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.

13. Prior to any vegetation clearance within any phase of the development a walk over survey shall be carried out by an appropriately qualified ecologist to ensure that no protected species have become established within the working area. The

results of the walk over survey shall be submitted in writing to the MPA. If badgers are present, a working design, method and timetable to mitigate any undue adverse effects on these species shall be submitted to the MPA for approval in writing. The mitigation measures shall be implemented as approved.

Reason: In the interest of protecting species and their habitats, in accordance with government policy set out within the National Planning Policy Framework.

Operation - Working

14. Before sand and gravel extraction operations are commenced on any part of the site, all available topsoil and subsoil shall be separately stripped from that part. No topsoil or subsoil shall be allowed to leave Besthorpe Quarry. Stripped soils shall either be directly placed for restoration or the soils shall be stored in continued separation and used for the restoration of the area forming the subject of the application.

Reason: To ensure soils are conserved for beneficial purposes within the restoration of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.3.

15. The locations and orientation of the soil stocks shall be agreed in writing by the MPA prior to their construction. They shall be constructed parallel to the flood flow of the River Trent unless otherwise agreed in writing by the MPA, and shall have regard to the need to screen the site from nearby properties at the earliest practicable opportunity.

Reason: To ensure soils are conserved for beneficial purposes to ensure the satisfactory restoration and to ensure soil storage does not adversely impact River Trent flood flows, in accordance with Nottinghamshire Minerals Local Plan Policies M4.3 and M3.9.

16. The operator shall give at least 7 working days notice to the MPA prior to the commencement of topsoil or subsoil stripping from any part of the site. Topsoil and subsoil stripping shall only be carried out when the entire volume of soil to be stripped is in a dry and friable condition.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.3.

17. All soil handling shall be carried out in accordance with the Ministry of Agriculture, Fisheries and Food 'Good Practice Guidance for Handling Soil' (2000) and the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009).

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.3.

18. Plant or vehicles shall not cross areas of unstripped topsoil or subsoil except for the express purpose of stripping operations.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.3.

19. All topsoil and subsoil stocks which are to remain in-situ during a growing season shall be sown with grass seed in the first growing season following their construction in accordance with details previously agreed in writing by the MPA and thereafter maintained free of weeds throughout the development.

Reason: To ensure soils are managed and conserved for beneficial purposes to ensure the satisfactory restoration of the site in accordance with Nottinghamshire Minerals Local Plan Policy M4.3.

20. All mobile plant used on the site shall incorporate white noise, reversing warning devices and be fitted with silencers maintained in accordance with the manufacturers recommendations and specifications.

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

21. Only submersible electric pumps shall be used to dewater the workings.

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

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

- The use of water bowsters to dampen haul roads, stock-piles and other operational areas of the site;
- The sweeping of access and haul roads, where necessary;
- The minimisation of drop heights during loading and unloading of sand and gravel;
- Limiting on-site vehicle speeds;
- The use of sealant as appropriate to create a crust on dusty surfaces.
- Upon request of the MPA, the temporary suspension of mineral processing, mineral extraction or soil movements during periods of unfavourably dry or windy weather conditions.

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

23. There shall be no stripping or movement of soil and overburden nor extraction and processing of sand and gravel except between the hours of 0700 and 1800 Monday to Friday, 0700 and 1300 on Saturdays and not at all on Sundays or Bank Holidays, except in cases of emergency with such instances being notified in writing to the MPA within 48 hours of their occurrence. Notwithstanding the above the operation of the conveyors and movement of loading shovels directly associated with the loading of barges shall not be undertaken, except between

the hours of 0600 to 2100 Monday to Friday, and 0700 to 1400 Saturdays, and not at all on Sundays or Bank Holidays.

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

24. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason: In the interest of pollution control in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

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

Reason: In the interest of pollution control in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

26. Before any river, stream or watercourse is altered or drain diverted, details of the proposed alteration or diversion shall be submitted to and approved by the MPA so that the natural surface water drainage across the site is maintained at all times. A 10 metres wide strip must be retained adjacent to Black Mire Drain to allow access to maintain the watercourse until it is diverted into the new lake.

Reason: To ensure surface water flows are not detrimentally affected in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

Phasing

27. The working of sand and gravel from the total application site shall only take place in accordance with the details shown on Plan No. B302/PL14/03: Working Plan dated 11/14, received by the MPA on 14th August 2015. Restoration shall accord with the schedule and timetable set out on Drawing No. B302RE4A15.PDF: Phasing of Restoration dated 10/08/2015 received by the MPA on 14th August 2015.

Reason: To minimise the area of land taken out of beneficial use at any one time and to ensure that reclamation is achieved as quickly as possible in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.

Restoration

28. The site shall be restored for nature conservation including water meadow areas, islands, water and associated lakeside planting in general accordance with Plan Drawing No. B303B115.pdf Bund Volumes dated 07/082015 received by the MPA on 14th August 2015.

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

29. Notwithstanding the generality of condition 28 above, a scheme of restoration for each phase shall be submitted to, for approval by the MPA within 3 months of the date of commencement of extraction for that phase and shall include details of the following:
- All existing trees and hedgerows on, and bordering the land, and details of any to be retained together with measures for their protection in the course of any development;
 - The position, form, depth and shaping of the lakes and of the peripheral landform;
 - Soil storage, handling, replacement, ripping and treatment;
 - Grass seeding and means of habitat creation;
 - Planting of trees, hedgerows and shrubs including details of the location, numbers, planting height, size and species;
 - The timescale required to complete the phase following its extraction;
 - The provision and maintenance of a footpaths across the site during and after all phases of the development.

The restoration of the site shall thereafter be implemented in accordance with the approved details and timetable.

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

Aftercare

30. Following restoration the site shall undergo aftercare management for a 5 year period.

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

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

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

32. An aftercare scheme for each phase shall be submitted to the MPA for approval in writing within 6 months of the completion of mineral extraction in the preceding phase. Such a scheme shall specify the steps which are to be taken to bring the land up to the required standard for meadows, nature conservation and amenity purposes. These steps may include the following:
- a. Provision of underdrainage;
 - b. Substrate analysis;
 - c. Seeding rates and species mixtures;
 - d. Control of invasive species;
 - e. The submission of habitat management plans setting out the actions that are to be undertaken to guide the initial habitat establishment works and ongoing restoration including management practices such as cutting and removal of vegetation, cultivation, animal stocking rates and protection and replacement of tree and shrub plantings;
 - f. A timetable for undertaking the approved aftercare scheme;
 - g. The establishment of a restoration working group/liaison team comprising of the operator, the MPA and ecological specialists (which may include but not limited to representatives from NCC Ecology Team, Nottinghamshire Wildlife Trust and RSPB) including a timetable for frequency of meeting. The working group shall assess and review the detailed programmes of aftercare operations and the setting out of actions for subsequent years having regard to the condition of the land, progress on its rehabilitation and necessary maintenance;
 - h. The keeping of records of the annual review of performance and proposed operations for the coming year which shall be submitted between 1st October and 31st December of each year.

The aftercare scheme shall be carried out in accordance with the approved details in accordance with the approved timetable, or as amended in consultation with the MPA following each annual review of performance.

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

In the event of Cessation of Workings

33. Should for any reason, extraction of sand and gravel cease from the site for a period in excess of 6 months prior to the completion of the agreed phasing, working, or restoration details, a revised scheme, indicating new phasing, working, and restoration details, including the removal of plant, machinery and buildings shall be submitted to the MPA within 3 months of written notice from the MPA of the requirement of such a scheme. The revised scheme shall be implemented by the applicants and/or operators within 12 months of its approval in writing by the MPA or such revised timescale as shall be determined by the MPA.

Reason: To ensure proper restoration and in accordance with Policy M4.7 of the Nottinghamshire Minerals Local Plan.

Note to Applicant.

- 1) National Grid state that the company have apparatus in the vicinity of the site which may be affected by the development. The company requests you contact them prior to progressing the development.
- 2) Trent Valley Internal Drainage Board advice that any alterations to discharge rates to any watercourses other than main river will require the Board's prior written consent, the retention of a 9 metre access strip adjacent to any Board maintained watercourse and the restoration scheme ensuring that pre-development catchments and run-off rates are maintained.

Appendix 2

Planning Application 3/14/02198/CMA

1. The development hereby permitted relates to the continuation of use of the conveyor link and wharf on the land dotted in red on Drawing No. B302/PL14/01: Location Plan dated 11/14 and received by the Minerals Planning Authority (MPA) on 2nd December 2014.

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

2. The development hereby permitted shall be begun within 3 years from the date of this permission. The date of commencement shall be notified in writing to the MPA at least 7 days but not more than 14 days prior to the permission being implemented.

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

3. The conveyor and all supports and other attached machinery or structures shall be dismantled and removed from the site on or before 31st December 2023, or within 12 months of the cessation of sand and gravel extraction permitted under planning permission 3/14/02200/CMA.

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

4. There shall be no operation of the conveyor or loading of barges at the wharf except between the hours of 0600 to 2100 Monday to Friday, and 0700 to 1400 Saturdays. No such operations shall take place on Sundays or Bank Holidays.

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

5. During the operation of the conveyor and aggregate loading at the wharf, the free field Equivalent Continuous Noise Level (L_{Aeq} 1 hour) shall not exceed 45dB free field as recorded at any inhabited property.

Reason To ensure that noise impacts associated with the operation of the development are minimised, in accordance with the requirements of Policy M3.5 of the Nottinghamshire Minerals Local Plan.

6. The existing hawthorn trees to the west of Carlton Ferry Lane and approx 5m to the south of the conveyor site shall be retained and shall not be felled, lopped, topped or removed during the life of this permission without the prior written consent of the MPA. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations authorised by this permission shall be replaced with trees or bushes of such size and species as may be specified by the MPA, in the planting season immediately following any such occurrences.

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

7. The conveyor and associated structures shall be maintained in a dark green colour (BS colour 12B29) to the satisfaction of the MPA at all times.

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

8. Topsoil and subsoil shall be replaced as part of the restoration of the site in accordance with the restoration plan BH/B2/16E approved on the 23rd May 1996.

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

9. All public footpaths which cross the site or run alongside shall be maintained in a condition easily accessible by pedestrians throughout the life of this permission.

Reason: To maintain public access across the site in accordance with Policy M3.26 of the Nottinghamshire Minerals Local Plan.

10. Should, for any reason, extraction of sand and gravel extraction associated with planning permission 3/14/00220/CMA cease for a period in excess of 6 months prior to completion of the agreed phasing, working and restoration details, the conveyor and ancillary structures shall be dismantled and removed from the site within 1 month of written notice from the MPA. The site shall thereafter be restored in accordance with an agreed revised scheme of restoration which shall be submitted to the MPA for prior approval in writing.

Reason: To ensure proper restoration and in accordance with Policy M4.7 of the Nottinghamshire Minerals Local Plan.

Notes to applicant

1. The Canal and River Trust request they are notified of any proposals to recommence barge operations in the future.
2. Trent Valley Internal Drainage Board advice that any alterations to discharge rates to any watercourses other than main river will require the Board's prior

written consent, the retention of a 9 metre access strip adjacent to any Board maintained watercourse and the restoration scheme ensuring that pre-development catchments and run-off rates are maintained.