

1 November 2022**Agenda Item: 7****REPORT OF SERVICE DIRECTOR – INVESTMENT AND GROWTH (PLACE)****GEDLING DISTRICT REF. NO.: 7/2022/0425NCC****PROPOSAL: VARIATION OF SCHEME FOR THE CREATION AND SUBSEQUENT
MANAGEMENT OF OFFSET/ MITIGATION HABITATS UNDER
CONDITION 27 OF PLANNING CONSENT 7/2017/1491NCC****LOCATION: BESTWOOD 2 QUARRY, MANSFIELD ROAD, PAPPLEWICK,
NOTTINGHAM, NG15 8FL****APPLICANT: TARMAC AGGREGATES LIMITED****Purpose of Report**

1. To consider a planning application to replace the scheme approved under Condition 27a) of extant planning permission 7/2017/1491NCC, for a revised scheme to compensate habitat losses to offset an area of woodland designated as a Local Wildlife Site which was removed as part of the previously approved mineral extraction development. The key issue relates to ensuring that there continues to be satisfactory compensation for the habitat losses. The assessment of the planning application demonstrates that the development would not result in any significant harmful environmental effects.
2. The recommendation is to grant conditional planning permission subject to the developer entering into a deed of variation or equivalent legal agreement under Section 106 of the Town and Country Planning Act to ensure the existing legal controls which require the creation and management of new heathland habitat in the nearby Calverton (Burntstump) Quarry, and the continued hosting of the quarry liaison meeting are carried forward into the new planning permission for the site.

The Site and Surroundings

3. Bestwood II Quarry is an active Sherwood Sandstone quarry located approximately 1.1 km to the south of Ravenshead, 3.5 km to the north-east of Hucknall and approximately 4.4 km to the north-west of Calverton, Nottinghamshire, as shown on Plan 1. Access to the site is via a purpose built haul road, leading from the A60/Mansfield Road, which forms the western boundary of the quarry.

4. The quarry has been operational for many years. The consented area extends to approximately 28 hectares and includes land being used for mineral extraction, land undergoing restoration operations and restored former mineral working areas. In addition there is a dedicated plant site and administration area and silt lagoons in the northern part of the quarry floor. Weighbridges and a wheelwash for outbound lorries are located on the access road. The worked out mineral voids have a maximum depth of 85m AOD (approximately 40m depth from original ground levels). The Sherwood Sandstone extracted within the quarry is used to produce high specification construction materials for local and regional needs.
5. Mineral extraction is currently progressing within the 4.5 hectare eastern extension under planning permission 7/2017/1491NCC granted in December 2018 as shown on Plan 2. This area formerly incorporated an oak-birch woodland forming part of the Longdale Plantation Local Wildlife Site. The site also falls within the Greenwood Community Forest area and the Green Belt. The eastern extension is surrounded on its northern and eastern boundaries by woodland, by agricultural (arable) land and a covered Severn Trent freshwater reservoir to the south.
6. The nearest residential properties to the Eastern Extension are located on Longdale Lane (no. 270 & 272) at a distance of about 200m. Isolated residential properties adjoin the existing quarry including Forest Farm Cottages on the A60 to the south and a group of properties on Grays Drive to the North of the quarry.

Background

7. In December 2018 planning permission (7/2017/1491NCC) was granted for a 4.5 hectare eastern extension to the existing quarry. This planning permission has subsequently been implemented with mineral extraction ongoing. The consented reserve is anticipated to yield a total of 1.4 million tonnes of sand, providing for the continuation of mineral extraction at the quarry until January 2029.
8. The area prior to extraction incorporated part of a larger Local Wildlife Site designation (Longdale Plantation Local Wildlife Site (LWS)) noted for its oak-birch woodland habitat. In order to provide appropriate compensation and mitigation for the loss of LWS habitat, Condition 27 of Planning Permission 7/2017/1491NCC requires the submission of a scheme to provide for:
 - The methodology for creating a receptor site for 3.48ha of woodland soils stripped from the Eastern Extension development site including arrangements for direct placement of stripped woodland soils and translocated tree root plates and selected felled timber under Condition 27(a).
 - The methodology for creating 2.55ha of additional heathland within the quarry floor and side slopes under Condition 27b).

- The methodology for creating 2.42ha of additional woodland within the quarry under Condition 27c).
 - The methodology for creating 1.15ha of new heath grassland within the quarry under Condition 27d).
 - The methodology for creating 0.34ha of new wetland within the quarry under Condition 27e).
 - The establishment and subsequent management of a new heathland habitat within the nearby Calverton (Burntstump) Quarry regulated by Section 106 legal agreement, as sufficient mitigation could not be provided on the Bestwood 2 Quarry site.
9. A compensation and mitigation scheme for creation and management of the off-set/mitigation habitats was agreed pursuant to Condition 27 on 17 September 2019. Specifically in terms of Condition 27a), the approved scheme provided for the transfer and direct placement of woodland soils from Longdale Plantation Local Wildlife Site to three woodland soil receptor sites located west, centre, and east along the southern wall of the existing quarry void, as shown on Plan 3. Deadwood sourced from the felling of the trees was then to be placed into these three receptor sites and in varying arrangements with some root clumps placed directly into the ground, some lengths of deadwood stood vertical by setting them into the ground, and also lying deadwood on the ground. The deadwood provides habitat for plants and invertebrates and support a wider ecosystem to develop.

Proposed Development

10. This Section 73 Planning Application seeks planning permission to implement a revised scheme for creation and management of the off-set/mitigation habitats utilising imported felled trees, replacing the scheme previously approved under Condition 27a) of planning permission 7/2017/1491NCC. The scheme does not seek to alter the details previously approved under Condition 27b)-e) for creation of heath, woodland, heath grassland and wetland habitats elsewhere within the Bestwood II Quarry, nor the new heathland habitat creation scheme in the nearby Calverton (Burntstump) Quarry.
11. In their supporting statement the applicant explains that they have been unable to fully deliver the deadwood placement in compliance with the scheme approved under Condition 27a). The operator sets out the events leading to non-compliance as follows:
- *The transfer and direct placement of woodland soils was undertaken and completed in 2019 in accordance with the agreed scheme.*
 - *The transfer and placement of tree root plate monoliths was undertaken in 2019, but the tree roots were placed into a single temporary receptor store area in the western soil receptor site pending subsequent placement across the three receptor sites.*

- *The onset of very wet weather in late 2019 and early 2020 delayed the further transfer of the felled timber into the other woodland soil receptor sites and site closures/business continuity issues arising from COVID restrictions meant that the timber was not relocated in 2020 and 2021.*
 - *An ecological assessment of the temporary timber store was undertaken in September/October 2021 in preparation for the transfer of timber during Winter 2021. The ecological survey identified the temporary timber store was providing important habitat for amphibians (common frog, toad, smooth & palmate newts) and invertebrates, particularly species of Coleoptera, Gastropoda, Orthoptera, and Hymenoptera.*
 - *A decision to not re-distribute timber from the temporary store was made in consultation with NCC Ecology on the grounds of the ecological value of the store at present, and the likely negative impact on biodiversity caused by the disturbance to the wood store.*
12. The applicant states that following the decision taken to not re-distribute timber from the temporary store, Planning Permission is sought for a modified ecological mitigation scheme. Since no further timber is available from Longdale Plantation LWS and from the Bestwood site generally, the applicant seeks to amend the compensation scheme by using deadwood imported into the site from another Tarmac quarry for habitat creation works.
 13. The revised scheme therefore seeks to import felled timber into Bestwood II quarry to provide the deadwood habitat within the three woodland soil receptor sites (as shown in Plan 3) and retain the existing logs which have been placed in the western extension. The area of logs to be imported would equate to an area no more than 1500m² (0.15ha) and would be spread across the three off-set/mitigation areas.
 14. The applicant has identified a number of from which species such as Crack Willow, Alder, Silver Birch, Hawthorn, Ash, Oak, Sycamore and Beech would be available either as logs or stumps. The applicant estimates that the wood could be brought to site in not more than 24 loads using a 14 tonne tractor and trailer.
 15. With the exception of the source of the felled timber, the scheme submitted as part of this planning application incorporates detailed arrangements for the establishment and management of the compensatory habitats across all three receptor sites.
 16. The revised scheme now sought planning permission results in an overall increase in the quantity of deadwood habitat to be provided. Deadwood habitat is proposed to be provided in several discrete areas rather than one large area as is the current situation within the western receptor site.
 17. During the course of processing the planning application, modifications have been made to reduce the quantity of felled timber proposed to be imported into the site and the extent of its placement within the woodland creation areas, to ensure the timber is evenly distributed between the three separate receptor blocks.

Consultations

18. **NCC (Nature Conservation) – Raise no Objection**
19. *The general approach of the revised off-set/mitigation scheme which seeks to retain the existing deadwood pile that was created in 2019/2020 in situ given that it now appears to be a valuable area of habitat in its own right and allowing the importation of deadwood from off-site to ensure that the original objectives for the woodland creation are still met is generally supported.*
20. *Concerns were originally raised in respect of the volume of deadwood to be brought in. The existing deadwood pile in the western woodland area is approximately 2000m² (0.2ha) in extent, and was originally proposed to be distributed across the three new woodland areas therefore equating to 665m² in each area.*
21. *The originally submitted Section 73 submission proposed the importation of a further 4000m² (0.4ha) of deadwood habitat to establish new habitat using imported wood in the central and eastern woodland areas, with 2000m² in each area, in 3-5 piles per area. It was recommended that the extent of deadwood habitat is scaled back to closer to what was originally approved, and that some deadwood is also placed onto that part of the western woodland area where there is currently none. On this basis it was recommended that the equivalent of no more than 1500m² (0.15ha) of deadwood is brought to site, and that it is distributed at a ratio that is proportionate to the area of each of the three woodland creation areas.*
22. *Since the updated scheme incorporates these modifications, the scheme is now supported.*
23. No response has been received from Gedling Borough Council, Ravenshead Parish Council, Papplewick Parish Council and Nottinghamshire Wildlife Trust.

Publicity

24. The application has been publicised by means of site notice, press notice and in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
25. Councillor Chris Barnfather has been notified of the application.

Observations

26. During the initial planning application assessment for the Eastern Extension under application 7/2017/1491NCC, the ecological effects of removing a section of Longdale Plantations LWS woodland was carefully examined, with the development only considered to be acceptable as long as adequate habitat

compensation was carried out. The provision of deadwood habitat was an important consideration in the determination of this planning application, insofar that it ensured that appropriate compensation was provided for the habitat that was lost within the Longdale Plantation LWS, and is important in linking complementary associated habitats within the overall restoration scheme. There is therefore still a continuing need to provide the previously agreed deadwood habitat within the central and eastern woodland soil receptor sites, and to achieve the required compensation for loss of the area of LWS woodland.

27. Planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the most relevant part of the development plan relating to this ongoing minerals development is the Minerals Local Plan (MLP) adopted in 2021. Policies within the 2014 Gedling Aligned Core Strategy and the 2018 Gedling Borough Local Planning Document (LPD) Part 2 Local Plan are also relevant to the decision. The National Planning Policy Framework (NPPF) is a key material consideration.
28. NPPF Paragraph 179 states that sites of ecological importance should be identified and the planning system should protect and enhance biodiversity. Paragraph 180 states that when determining planning applications, planning authorities should seek to ensure development avoids significant harm to biodiversity by undertaking developments in locations which avoid ecological impacts as the preferred option (through locating on an alternative site with less harmful impacts). If alternative sites are not available, development decisions should ensure ecological impacts are adequately mitigated and as a last resort, impacts should be appropriately compensated. Nottinghamshire Minerals Local Plan (2021) Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity and Gedling LPD (2018) Policy 18 – Protecting and Enhancing Biodiversity are consistent with the NPPF in terms encouraging the identification and protection of ecological assets within development proposals, and seeking to avoid impacts to these ecological assets as far as possible.
29. The above policies require compensation measures to be put in place where ecological impacts cannot be avoided. The scheme originally approved under Condition 27 ensured that the appropriate compensation/mitigation measures were put in place, to mitigate for ecological impacts resulting from the clearance of part of the Longdale Plantation LWS, to facilitate the eastern extension.
30. Although the quarry operator has stored deadwood to deliver the ecological compensation scheme previously approved under Condition 27a), operational constraints relating to wet weather and COVID interruptions meant that these stockpiled logs were not placed across the wider compensation area. Now that the wet area of stored logs has established as beneficial habitat in its own right, it is considered appropriate to retain them in situ.
31. The revised mitigation scheme now sought planning permission utilising deadwood imported into Bestwood II Quarry, in lieu of wood sourced from the eastern extension, is considered appropriate. There is still some uncertainty as to the source and species of deadwood to be brought onto the site and a

condition is recommended requiring these details, in particular to ensure that the species are appropriate. The scheme retains the habitat which has established within the stored deadwood whilst also ensuring satisfactory compensation continues to be provided across the wider compensation area, in accordance with the original objectives of Condition 27a). The revised scheme for offset/mitigation habitats is supported by NCC Nature Conservation, who have accompanied a routine site inspection to view the area in question, and have advised on the best course of action.

32. It is therefore concluded that these revised compensatory measures continue to be compliant with MLP Policy DM4, Gedling LPD (2018) Policy 18 and NPPF Paragraph 180, and provide satisfactory ecological compensation for previously approved site clearance operations, associated with the development of the eastern extension.
33. Other aspects of ecological mitigation and compensation required under Condition 27b)-e) and the offset mitigation provided through establishment of an area of heathland at the nearby Calverton (Burntstump) quarry regulated through the imposition of a Section 106 legal agreement will continue as originally approved.
34. The existing drafting of the Section 106 legal agreement does not provide scope for it to 'roll forward' to provide regulatory control to any future planning permission issued under Section 73 and therefore a deed of variance or new Section 106 agreement would be required to ensure that these existing controls continue as part of any new Section 73 planning permission for the site. The recommendation to support a grant of planning permission therefore reflects this fact and if Members are minded to support a grant of planning permission it will be necessary for a deed of variance or new Section 106 legal agreement to be entered into between the operators and the planning authority.

Consideration of Wider Environment Effects of the Proposed Modification

Green Belt

35. Green Belt policy was previously examined during the policy assessment for the Eastern Extension planning application, and concluded that the proposal was considered appropriate development, and that there would be no impact upon openness, in accordance with the NPPF and Policies contained in the MLP. This application does not change this assessment as it principally relates to enhancing restoration works and therefore is considered to be in accordance with Green Belt policy.

Traffic, Access and Parking

36. It is estimated by the operator that the importation of timber will be carried out by up to 24 trips. Trip numbers may reduce if larger capacity heavy goods vehicles are used, depending on availability. The vehicle movements associated with the

importation of felled timber will therefore be minimal and short term in nature, and would result in no significant adverse impacts, considering that the site is served by a well-established access directly from the A60, with frequent aggregate traffic having accessed the site for many years without issue. Vehicle parking remains provided within the site in the site cabin area. Outgoing heavy goods vehicles pass through the existing wheelwash, and are required by a planning condition under the wider site planning permission to leave site without depositing any material on the public highway. The proposal is therefore considered in accordance with Minerals Local Plan Policy DM9: Highways Safety and Vehicle Movements / Routeing.

Noise

37. Works associated with the soil receptor sites are to be carried out in the lower areas of the previously worked void, and are short-term in nature. Limits for noise emissions remain controlled by planning conditions, along with the requirement for noise monitoring to be carried out in the event of a complaint being received which is considered justified by the MPA. The proposal is therefore considered to be in accordance with MLP Policy DM1: Protecting Local Amenity.

Other Issues

38. Since the original schedule of planning conditions were approved a number of schemes have been approved by the MPA. The schedule of planning conditions has therefore been updated to reflect the latest schedule of approved documents. The applicant has been consulted on the latest schedule of planning conditions and is agreeable to their imposition.

Other Options Considered

39. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. As part of the assessment of the planning application careful consideration has been given to the amount of deadwood required to be imported to the site to ensure adequate ecological mitigation is maintained for the Eastern Extension development, resulting in a reduction in the quantity of material imported into the site.

Statutory and Policy Implications

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

consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

41. The quarry remains gated which are locked shut outside of working hours and there are no other access points.

Data Protection and Information Governance

42. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

Financial Implications

43. The applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required legal agreement.

Implications for Sustainability and the Environment

44. These have been considered in the Observations section above.
45. There are no human resources, human rights, public sector equality duty, safeguarding of children and adults at risk implications or implications for service users.

Statement of Positive and Proactive Engagement

46. In determining this application, the Minerals Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

47. It is RECOMMENDED that the Service Director – Investment and Growth be instructed to enter into a legal agreement under Section 106 of Town and Country Planning Act 1990 to secure the creation and thereafter management for a period of 25 years of a new heathland based habitat within Calverton (Burntstump) Quarry, and to provide for the continuation of a liaison meeting as

set out in its constitution, between the operator, Minerals Planning Authority and representatives of the local community.

48. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 1 February 2023 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Service Director – Investment and Growth 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 before the 1 February 2023, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Service Director – Investment and Growth 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. Members need to consider the issues set out in the report and resolve accordingly.

MATTHEW NEAL

Service Director – Investment and Growth (Place)

Constitutional Comments

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

[JL 20/10/22]

Financial Comments

The financial implications are set out in Paragraph 43 of the report. There are no specific financial implications arising directly from the report.

[RWK 13/10/2022]

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at: www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4406

Electoral Division and Member Affected

Newstead

Councillor Chris Barnfather

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RECOMMENDED PLANNING CONDITIONS

1. This permission is for continued operation of 4.5hectare eastern extension of Bestwood II Quarry with restoration to a mixed ecological based habitat, subject to a modification to the off-set/mitigation scheme originally approved under Condition 27a) on 17th September 2019 allowing for the importation of felled tree deadwood equating to an area no more than 1500m² (0.15ha) to be spread across the three off-set/mitigation areas. The planning permission is issued subject to a Section 106 legal agreement which regulates habitat creation and management works as off-set habitat at Calverton (Burntstump) Quarry.

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

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application as amended, documents and recommendations of reports, and the following plans:
 - a. Drawing No. SPS 1: Site Plan dated April 2017 and received by the MPA on 21st November 2017.
 - b. Landscape and restoration strategy (Chapter 2) setting out the restoration objectives for the wider quarry area incorporated within the Submission of further Information made in respect of Planning Application 7/2017/1491NCC received by the MPA on 20th July 2018, and in particular:
 - Drawing No. D16PD118.PDF, 218/PDF, 318.PDF 418.PDF, 518.PDF Eastern Extension Area Phase 1-5 development (incorporating overburden and soil storage arrangements in original quarry area) received by the MPA on 20th July 2018.
 - Drawing No. D16/PD618.PDF – Bestwood II Eastern Extension Final Restoration dated 25/06/2018.

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

Duration of Planning Permission

3. All sand extraction operations shall cease by 11 January 2029.

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. The quarry shall be developed on a phased basis incorporating ongoing extraction and restoration in accordance with the details shown Drawing No.'s D16PD118/218/318/418/518.PDF: Eastern Extension Area – Phase 1 – Phase 5. Final quarry restoration works within the Eastern Extension shall be completed within one year of the completion of mineral extraction, or by 11th January 2030, whichever is sooner.

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

Buildings, Fixed Plant and Machinery

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any future replacement order), no buildings, fixed plant, or machinery, other than approved by this permission shall be erected or placed on the site without the prior written approval of the MPA.

Reason: To enable the Minerals Planning Authority to control the development and minimise its impact on the amenity of the local area, in particular the openness of the Green Belt, in accordance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Quarry Access

6. All mineral extracted from the Eastern Extension shall be processed within the existing sand processing plant in the original quarry area and thereafter transported via the existing quarry access road to the A60. There shall be no vehicular, plant or pedestrian access in connection with the quarrying operations hereby approved from any other point on the boundary of site.

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

Annual Topographical Survey

7. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following the commencement of the planning permission. The survey shall identify areas of the site which are unworked, those restored, those undergoing mineral extraction and those to be restored.

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

Working Hours

8. Mineral extraction, movement/conveying, soil stripping and quarry restoration works shall only take place within the Eastern Extension between the hours of 7.00 am and 7.00 pm Monday to Friday, 7.00am to 6.00pm on Saturdays and at

no time on Sundays, Public or Bank Holidays, except in cases of emergency which shall be notified to the MPA in writing within 48 hours of their occurrence.

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

Drainage and Pollution Prevention

9. There shall be no discharge of foul or contaminated drainage from the Eastern Extension site into either groundwater or any surface waters, whether direct or via soakaway.

Reason: In the interests of groundwater protection, in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

10. Any facilities for the storage of oils, fuels or chemicals and their associated filling points, vents, gauges, sight glasses and pipework shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10% or, if there is more than one container within the system, of not less than 110% of the largest container's storage capacity or 25% of their aggregate storage capacity, whichever is the greater. There must be no drain through the bund floor or walls.

Reason: In the interests of groundwater protection, in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

Noise

11. The free field noise levels associated with the operation of the development attributable to normal operations at the site, when measured at any of the noise-sensitive properties listed below, shall not exceed the following limits measured as Equivalent Continuous Noise Level and 1 hour LAeq:

Location	Maximum site noise limit dB LAeq,1h (free-field)
Former 1 st Galaxy Fireworks	48
Woodland Grange	53
270 Longdale Lane	48
284 Longdale Lane	47
Longdale Plantation	50

Forest Farm Cottages	47
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Reason: To minimise the impact on the amenity of the local area, in accordance with Policies M3.5 and M3.7 of the Nottinghamshire Minerals Local Plan

12. For temporary operations such as restoration operations, the LAeq level at any noise sensitive properties shall not exceed 70 dB(A). Temporary operations which exceed the normal day to day criterion set out within Condition 11 shall be limited to a total of eight working weeks in any twelve-month period at any individual noise sensitive property.

Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

13. All plant, machinery and vehicles used on the site shall incorporate such noise abatement measures as, from time to time, may reasonably be required by the MPA and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

14. All reversing warning devices fitted to plant and machinery operated on the site shall utilise white noise warning devices. Reversing beepers shall not be utilised.

Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

15. In the event that a complaint is received regarding noise arising from the development hereby permitted which the MPA considers may be justified the operator shall, within 1 month of a request of the MPA, undertake and submit to the WPA for its written approval a BS4142:1997 noise survey to assess whether noise arising from the development exceeds the limits set out within Condition 11 or Condition 12 above. The monitored noise levels are to be "free-field" carried out at a height of 1.2m to 1.5m above ground level and presented as a Laeq1hour, value. In the event that the noise survey indicates that the levels set out within Condition 11 or Condition 12 are exceeded then the submitted survey shall include further measures to mitigate the noise impact so as to ensure compliance with the noise criterion. Any additional noise mitigation measures approved by the MPA shall be implemented within one month of the date of their approval and shall thereafter be maintained in accordance with the approved details.

Reason: To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.

Dust

16. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to any or all of the following steps as appropriate:
- a. The use of water bowzers to dampen haul roads, stock-piles and other operational areas of the site;
 - b. The sweeping of access and haul roads, where necessary;
 - c. The minimisation of drop heights during loading and unloading of sand and gravel;
 - d. Limiting on-site vehicle speeds;
 - e. 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.

Tree protection

17. Tree protection shall continue in accordance with the Bestwood Tree Protection Scheme received by the Minerals Planning Authority on 21st December 2018, together with the Arboricultural Report (ref: CE-BS-1034-RP08-Final) submitted in response to a Regulation 25 response.

Individual trees which are identified to be retained within the Arboricultural Report (Reference: CE-BS-1034-RP08 – FINAL: specifically, chapter 5 and supporting Drawing no. D16 Ext East (Drawing D16 Bestwood 2)) shall be protected from damage/felling throughout the life of the quarry development. Individual trees which are identified to be retained shall be tagged to assist with their identification prior to the commencement of any tree felling work. Works in the vicinity of the retained trees shall thereafter be undertaken in compliance with the approved tree protection methodology at all times.

It should be ensured that site contractors are in possession of the approved documents when carrying out the development.

Reason: To protect the integrity of the boundaries of the site in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan and provide opportunities for ecological enhancements.

Screening of site during its operational life

18. Supplementary woodland planting shall be maintained along the southern boundary of the application site in accordance with the scheme submitted as part of the Arboricultural Report (Reference: CE-BS-1034-RP08 – FINAL) Paragraphs 5.3.1 – 5.3.7. Any supplementary trees that fail shall be replanted like for like in the first available planting season. The species mix used within the woodland planting area shall be as set out below (and not as detailed in paragraph 5.3.7 Table 3):

- 15 No Rowan
- 15 No Scots Pine
- 10 No Holly
- 5 No Oak
- 5 No Sweet Chestnut.

Reason: To protect the integrity of the boundaries of the site in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan and provide opportunities for ecological enhancements.

Ecology

19. 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.

20. Prior to any tree removal, a licensed bat worker shall re-survey all trees to be felled. The results of the bat survey shall be submitted in writing to the MPA. If bats are present, a working design, method and timetable to mitigate any undue adverse effects on the species involved 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.

21. 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 badger setts 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

22. Any protected amphibians or reptiles encountered during the operational life of the quarry shall be removed carefully by hand and moved to a safe location.

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

23. No floodlighting shall be installed on the site without the prior written consent of the MPA. In the event that consent is sought for floodlighting, the operator shall provide a specification of the proposed floodlighting including its location, angling, shielding and hours of operation which shall be submitted to and approved in writing by the MPA prior to its installation on site. Development shall be carried out in accordance with the approved details.

Reason: To minimise impact on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan and to minimise disturbance to bat activity and their roosts.

24. The creation and subsequent management of the off-set/mitigation habitats that are to be created in the existing quarry as stated below, shall be completed in accordance with the Revised Scheme for the Creation & Subsequent Management of Offset/Mitigation Habitats (Report D016/2022/A1.3 Revision 1.3 May 2022) received by the MPA 18 May 2022:

- a. Soil receptor site (3.48ha) including arrangements for importation of deadwood timber.
- b. Additional heathland (2.55ha) within the quarry floor and side slopes.
- c. Additional woodland (2.42ha) within the quarry.
- d. New heath grassland (1.15ha) within the quarry.
- e. New wetland (0.34ha) within the quarry.

Within 2 months of the date of this permission, details of timescales for implementation for the above habitats shall be submitted in writing to the MPA.

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

25. Prior to importation of deadwood for the purposes of supplementing the soil receptor sites as under Condition 24a above, details of source, species and size of felled timber shall be submitted to the MPA for their approval in writing. Importation of deadwood shall thereafter be carried out in accordance with the approved details.

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

26. Placement of deadwood across the three soil receptor sites shall be carried out in such a way as to mitigate damage to the existing receptor site, and to minimise harm to existing ecology.

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

27. The acoustic fence identified along the eastern boundary of the extraction area as identified on Drawing No. D16PD218.PDF – Eastern Extension Phase 2 Development shall be maintained throughout the operational life of the quarry in accordance with the details provided as part of Appendix 4 of the Regulation 22 submission.

Reason: To minimise noise emissions from the development into potentially noise sensitive bird breeding habitats, in accordance with government policy set out within the National Planning Policy Framework.

Soil Handling and Storage

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

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

29. All soil handling shall be carried out in accordance with the MAFF '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 proper restoration and in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

30. All soil handling shall be carried out in accordance with the Soil Handling Scheme report (Ref No: D016/2019/A") dated August 2019 and received by the MPA on 27th August 2019.

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

31. All soil storage mounds shall be maintained free of weeds until used for restoration purposes.

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.

Soil Replacement

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

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

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

33. Subsoils shall only be replaced on those parts of the site which are restored above water level when the ground on which they are to be placed is in a dry and friable condition and no movements, re-spreading, levelling, ripping or loosening of subsoil or topsoil shall occur when there are pools of water on the surface of the storage mound or receiving area.

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

34. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for purposes of carrying out ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

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

35. Subsoil shall be re-laid so that the total thickness of settled subsoil is no less than 0.7 metres.

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

36. Each subsoil layer shall be cross-ripped:

- a. to provide loosening to a minimum depth of 450mm with tine spacings no wider than 1.5m, and
- b. any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

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.

37. Topsoil shall be evenly re-spread on the land to achieve at least a minimum of 300mm settled depth.

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.

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

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

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

39. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil and overburden.

Reason: To ensure proper restoration and in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.

Restoration

40. The phased restoration plan and landscaping scheme for the total application site shall be carried out in accordance with Drawing No. D16PD618.PDF: Eastern Extension Area – Final Restoration received by the MPA on 20th July 2018. The implementation of the restoration and landscaping scheme shall be carried out progressively in general compliance with the timetable shown on Drawing No.'s D16PD118/218/318/418/518.PDF: Eastern Extension Area – Phase 1 – Phase 5. The backfilled material shall be levelled and graded in accordance with the restoration contours identified on the plan and the level of the site.

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

41. At the completion of each phase of restoration the operator shall meet on site with representatives of the MPA, and other parties with an interest in the land. The purpose of the meeting shall be to agree that the replacement material conforms generally with the landform and levels as set out in the agreed restoration plan.

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

Aftercare

42. Following restoration the land shall undergo aftercare management for a 25 year period.

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

43. 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 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.

44. An aftercare scheme and strategy shall be submitted for the written approval of the MPA no later than 3 months before the spreading of subsoil commences within each phase. The strategy shall outline the steps to be taken, the period during which they are taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to a satisfactory condition. The aftercare scheme shall include but not be restricted to details of the following:

- a) cultivations;

- b) weed control;
- c) sowing of seed mixtures;
- d) soil analysis;
- e) keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;
- f) drainage arrangements;
- g) subsoiling and underdrainage proposals;
- h) management practices such as the cutting of vegetation;
- i) tree protection;
- j) remedial treatments;
- k) irrigation; and
- l) fencing.

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

45. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 44e) above, having regard to the condition of the land; progress in its rehabilitation and necessary maintenance.

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

46. The aftercare programme shall be implemented in accordance with the details approved under Condition 43 above, as amended following the annual site meeting referred to in Condition 44 above.

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

Cessation of Workings

47. Should, for any reason the winning and working of minerals from the application site cease for a period in excess of 6 months which in the reasonable opinion of the MPA constitutes a permanent cessation of mineral extraction, then within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA. Such a scheme shall include a schedule of timings, final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions. The

revised restoration scheme shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 42– 46 above.

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

Informatives/notes to applicants

1. Cadent Gas advise that there is a 610mm high pressure gas pipeline which runs adjacent to the eastern boundary of the extension area. The applicant is reminded of their legal obligations to ensure the safety and integrity of this pipeline is protected. The scheme of protection shall have regard to the legal obligations imposed through the 1965 Deed of Grant which includes the provisions under the Mining Code.