



26th March 2013

Agenda Item:

**REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING &
CORPORATE SERVICES**

RUSHCLIFFE DISTRICT REF. NO.: 8/12/01488/CMA

**PROPOSAL: VARIATION OF CONDITION 5 OF PLANNING PERMISSION
8/11/01100/CMA TO EXTEND THE TIME PERIOD NECESSARY TO
EXTRACT ALL PERMITTED RESERVES OF SAND AND GRAVEL AT
THE EXTENSION TO EAST LEAKE QUARRY**

**LOCATION: JENKS' LAND, EAST LEAKE QUARRY, REMPSTONE ROAD,
REMPSTONE**

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider a planning application for an extension of time to complete extraction of all permitted reserves of sand and gravel at an extension to East Leake Quarry, Rempstone Road, Rempstone. The key issue relates to the fact that the site is not allocated for mineral extraction in the Nottinghamshire Minerals Local Plan (Adopted December 2005) and, as such, the development has been treated as a 'departure' from the Development Plan. The recommendation is to grant planning permission subject to planning conditions, as set out in Appendix 1.

The Site and Surroundings

2. East Leake (or Lings Farm) Quarry lies approximately 15km south of Nottingham city centre, towards the county boundary with Leicestershire, with Loughborough town centre and the City of Leicester being situated some 4km and 14km respectively, to the south. The City of Derby is located approximately 17km to the north-west. It is located approximately one kilometre to the west of the centre of Rempstone Village and a similar distance to the south east of East Leake. The site is located in close proximity to the major road network with the A6006 (Melton Road) linking into the M1, M42, A46 and A6. The quarrying operations have extended eastwards into a parcel of land, known as Jenks' Land, which is the subject of this application.
3. The nearest residential properties to the site are Lings Farmhouse, which is situated some 35 metres from the southern edge of the site, on the opposite (southern) side of the A6006 (Melton Road) , and Lings Farm approximately 120

metres to the south together with Holy Cross Cottage situated approximately 280m to the south east. Further residential properties comprising Home Farm, and Home Farm Cottage are all over 400m to the west of the site and the original quarry (see Plan 1).

4. The site comprises some 8.4 hectares of operational land, adjoining the original East Leake Quarry, which is situated to the immediate north-west. The permitted extension site directly abuts the existing processing site, reception offices, and silt lagoons situated on the original quarry site. Agricultural fields lie to the southwest and east, whilst to the immediate north-east lies St Peter's Church Cemetery and a small fishing lake. To the north of the site beyond the church cemetery, lies an area of land which is designated as the Sheepwash Brook Wetland Site of Importance for Nature Conservation (SINC marsh), and the Sheepwash Brook. The Melton Road (A6006) abuts the southern boundary of the site. The site is bounded on all sides by mature hedgerow, interspersed with occasional mature trees. Rempstone Bridleway No. 11 (BW11) has been diverted around the edge of the site, so that it abuts the eastern boundary for much of its length.
5. The main East Leake Quarry processing site, comprising operational plant, reception offices, silt lagoons and processing operations lies to the northwest of the permitted extension site. Extracted aggregate continues to be hauled to the original quarry site by dumper truck for processing. Mobile plant operates on the extension site for all mineral extraction and phased restoration operations.
6. The site has largely been worked out and is in its final extraction phase. Soil stripping has taken place for the final operational phase, and archaeological investigation has been undertaken. Vehicular access to the site is via the existing haul road leading from Rempstone Road. The site has a designated traffic route along Rempstone Road leading onto the A6006 (Melton Road), and all HGV quarry traffic is restricted to this route in order to avoid passing through East Leake.

Relevant site history and background

7. As noted above, the application site lies to the immediate east of the original East Leake Quarry. The original quarry site is worked out, and substantially restored, albeit retaining the processing plant and ancillary infrastructure to service the whole of the quarry workings, including the extension site.
8. A planning application for the main quarry site was originally submitted by Butterley Aggregates, to the County Council, in July 1985 (Plg. Ref. 8/J1/85/1141/P) for the extraction of 2.85million tonnes of sand and gravel. This application was refused planning permission in July 1986. A further application (Plg. Ref. 8/89/0472/P) was submitted in March 1989, which again sought to extract sand and gravel reserves, with low level restoration, including the creation of a lake, which did not require the importation of waste material. Again the planning application was refused planning permission, on grounds that there was insufficient need for the quarry.

9. The applicant appealed this second refusal, with a public inquiry being held in December 1990. The Inspector allowed the appeal, and planning permission was granted in January 1991 (Planning Inspectorate reference number APP/M3000/A/90/158492/P3) subject to 37 conditions. Operations at the quarry commenced in January 1996 but, due to operational difficulties involving the sand and gravel reserves having a much higher silt content than was originally envisaged, extraction is nearing completion, with reserves expecting to be largely exhausted around May 2010, as opposed to the original end date of 2012. Associated with this planning permission, is an April 2000 permission which varied Conditions 1 and 9 (Plg. Ref. 8/000/10/CMA) to allow for revisions to both the phasing and soil storage arrangements.
10. Planning permission (Plg. Ref. 8/07/02187/CMA) for an extension to the East Leake Quarry on adjacent agricultural land identified as Jenks' Land, was granted to the current operator Cemex in June 2009 and superseded by two further permissions in September 2010, and February 2012 respectively. Permission allows for the release of 320,000 tonnes of sand and gravel to be worked at a rate of up to 180,000 tonnes per annum, as three phases of working across the site (1a – 1c).
11. Prior to work commencing within the 2009 permission area, the applicant sought to amend the original phasing sequence and method of transporting sand and gravel to the plant site.
12. The original planning permission on Jenks' Land (Plg. Ref. 8/07/02187/CMA) required material to be transported to the processing plant, via conveyor, however, this operation would have prevented the necessary fresh water and silt lagoons from being created within the permitted time frame for mineral processing operations. Therefore a variation application (Plg. Ref. 8/10/00190/CMA) was submitted seeking to vary the method of transporting material from conveyor to dumper truck, together with amending the sequence of phasing to three horizontal phases, which allowed for the southern phases to be restored, as mineral extraction progressed. Sand and gravel extraction commenced within the 2009 permission area in September 2010.
13. A further planning permission (Plg. Ref. 8/10/00191/CMA) was granted in April 2010, to vary conditions 2 and 30 of planning permission 8/89/0472/P to retain the existing processing plant on the main quarry site for a further two years (up to 1st January 2014) in relation to adjacent sand and gravel extraction on the extension site.
14. A more recent planning permission (Plg. Ref. 8/11/01100/CMA) was granted in February 2012, with the primary objective of assisting mineral extraction, production and stocking. It sought to increase the frequency of mineral extraction, up to a maximum of six campaigns per year, with each campaign being for a maximum period of 6 weeks. As part of this application, a further revision was sought to the frequency of noise monitoring, with the applicant seeking a reduction from three monthly intervals to monitoring on an annual

basis. This is the planning permission, which the extension site currently operates under.

15. The current application seeks to extend the life of the permission by a further year, so as to complete extraction of all permitted sand and gravel extraction reserves on the extension site. Provided that permission is granted, a diversion order covering Rempstone Bridleway Number 11, would remain in place to maintain a diversion of the public bridleway around the eastern edge of the extension site.
16. The proposal under consideration in this report would enable production at East Leake Quarry to continue, until a further extension on another parcel of land identified as Burton's Land site, comes on stream, if Members are so minded to approve that application, which is also brought before Committee, elsewhere on the agenda.

Proposed Development

17. The application seeks planning permission to vary a single planning condition attached to the February 2012 permission (Plg. Ref. 8/11/01100/CMA) in order to extend the period of time permitted to work the extension site, to allow for the extraction of all permitted reserves of sand and gravel.
18. Condition 5 presently allows extraction operations up until September 2012, stating that all mineral extraction should cease by 15th September 2012. The application seeks a variation of Condition 5 to extend mineral extraction for a further twelve months.
19. This application seeks to extend the life of the extension site to enable all sand and gravel to be extracted. This reflects the fact that geological excavations, undertaken during phase 1b of the extraction works, revealed that reserves of sand and gravel were greater than was originally anticipated. Five geological auger boreholes undertaken within phase 1b indicated that the preliminary boreholes drilled under the auspices of the original geological survey of Jenks' Land, had led to an inaccurate assessment of available sand and gravel reserves across the remainder of the extension site. With regards to one of these boreholes, identified as Borehole 6, excavations revealed a more limited quantity of inter bedded waste than previously expected, thereby increasing the amount of actual mineral material in this area. Material from a further borehole revealed a better quality material than had previously been anticipated. The further three boreholes drilled during the 1b phase revealed that there was nearly double the anticipated reserve within this area.
20. The geological reassessment has indicated that there is an estimated increase of 89,000 tonnes of sand and gravel, above and beyond that originally anticipated, to give an overall anticipated output of 409,000 tonnes from the extension site.
21. As the extraction operations moved into the final phase (1c), it was anticipated that a further twelve months would be required to complete extraction, at the

current production levels of 140,000 tonnes per annum, with an anticipated completion date of September 2013.

22. Condition 5 of planning permission 8/11/01100/CMA would be varied in order to establish a new end date, which the application states as being 15th September 2013, by which time all mineral extraction shall cease.
23. The proposals would not involve any changes to the restoration phase, other than delaying the completion of the final restoration by a year. The aim is still to have the extension site completely restored within one year following cessation of all mineral extraction, and progressive phased restoration operations would continue throughout the final phase of mineral extraction.

Consultations

24. **Rushcliffe Borough Council** *raises no objections to the proposed development.*
25. **Rempstone Parish Council** *raises no objections to the planning application.*
26. **Environment Agency Midlands Region (EA)** *raises no objection to the proposed extension of time.*
27. **Trent Valley Internal Drainage Board** *raises no objections to the planning application, but it must be noted that the Board expects that the off-site discharge of surface water or foul effluent be undertaken in a controlled manner which ensures food risk to East Leake is not increased. Whilst the site is located outside of the Board's district, the site is nevertheless served by the Sheepwash Brook, which flows in a north-westerly direction through East Leake before entering the Board maintained Kingston Brook. The Board are aware of flooding issues relating to Sheepwash Brook. Attention is drawn to the fact that with regards to future applications, the Board's prior consent would be required prior to the discharge of surface water into the Board's district. An advisory note would be attached to any decision notice drawing attention to the Board's letter, a copy of which would be forwarded to the applicant.*
28. **Severn Trent Water Limited** *raises no objections to the proposal and has no further comments to make.*
29. **Nottinghamshire Wildlife Trust (NWT)** *raises no objection to this proposal and is satisfied that the additional period of disturbance is probably not significant for fauna in the area. It is noted that the habitat and faunal disturbance on the Jenks' Land has already occurred and an extension of time would extend the period of disturbance to fauna in the immediate vicinity. Other parts of the quarry, however, are now in relatively advanced stages of restoration, which provides suitable alternative habitats for the species that have been displaced from the Jenks' Land extraction. These comments are based on the assumption that the current programme of monitoring of a protected species would also continue for the extended programme of works.*
30. **Natural England** *raises no objections and states that it does not consider that this application poses any likely or significant risk to those features of the natural*

environment (cases which might affect a SSSI, Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species) for which the organisation would otherwise provide a more detailed consultation response, and so does not wish to make specific comment on the proposal.

31. **NCC (Nature Conservation)** *raises no objection to the proposal, given that the application seeks to extend the extraction period on an area that is already being actively quarried by one year. Whilst this would mean localised disturbance occurring for a longer period than was previously assessed, it is not anticipated that this would give rise to any significant ecological impacts, given the planning conditions that are already in place.*
32. **English Heritage** *does not wish to make any comments and it is recommended that the application be determined in accordance with national and local policy guidance, and on the basis of the County Council's specialist conservation advice.*
33. **NCC (Countryside Access)** *has confirmed that the temporary diversion of the Bridleway is acceptable provided the planning application extension is granted.*
34. **NCC (Planning Policy)** *raises no objections to the proposed development and considers that the proposal should be permitted provided that it does not raise any significant environmental impacts which cannot be mitigated. It states that application should be determined against Policy M6.3 of the adopted Nottinghamshire Minerals Local Plan (MLP), which does not support proposals outside allocated areas unless it is evident that existing permitted reserves and any remaining allocations cannot sustain an adequate landbank and processing capacity.*
35. *When assessing conformity with Policy M6.3, both the current landbank and processing capacity situation need to be considered.*
36. *It is noted that there is no basis for the landbank element of Policy M6.3 to apply to this proposal, given that at the end of 2010, the County's sand and gravel sandbank stood at 7.9 years, which is above the recommended 7 years.*
37. *It is noted that the processing capacity situation is the more relevant factor. Attention is drawn to the fact that a significant allocation from the MLP, Gunthorpe, has failed to come on stream and its future remains uncertain, and that combined with the loss of Holme Pierrepont and Hoveringham (2002 and 2007), a considerable shortfall of supply has resulted. Whilst there has been no discernable impact, perhaps because the recent economic downturn has reduced any impact, the Plan does however note that other quarries, specifically East Leake and an un-commenced quarry at Cromwell are suitably located to help replace lost capacity if required.*
38. *It is believed that following the closure of Hoveringham and Holme Pierrepont, coupled with Gunthorpe not progressing, other quarries have probably increased output to meet their markets. This implies that the Nottingham area is being supplied from other remote quarries which are being depleted more rapidly.*

39. *Therefore, it is considered that the case for permitting the proposed extension of time at East Leake Quarry in order to maintain an adequate production capacity in the south of the County, is more convincing than the landbank argument. Indeed, to let this quarry underutilise its resource would inevitably place a strain on local supplies, would make future working of the land unlikely (effectively sterilising the mineral supply), and be contrary to the assumptions made in the MLP.*
40. *Overall, it is considered that this proposal has not been driven by Policy M6.3 and should be considered as a departure from the Plan, under which it could be permitted on an 'exceptional circumstances' basis.*
41. **NCC (Landscape)** *raises no objection to the proposed development and whilst noting that the proposed variation to condition 5 would delay the start of the implementation of the restoration scheme by 12 months for the Jenks' Land quarry site, is generally in agreement that the proposed amendments would not alter the permitted details, and that the site would continue to be worked in accordance with planning permission 8/11/01100/CMA. It highlights the fact that the hedgerow has increased in height, the soil mounds are in place and the site is being progressively restored. As such, with these measures in place, it is considered that there would be no negative visual impact from the limited extension in time.*
42. **NCC (Highways) Rushcliffe** *raises no objections to the proposal, as the extension of the time period would not have any detrimental impacts on vehicle generation, or on vehicular access. This is based on the fact that the site would continue to use the existing access, wheel wash and routeing agreement; and no increases in HGV movements to and from the site are proposed as part of this development.*
43. **NCC (Noise Engineer)** *raises no objections to the proposed development and draws attention to the fact that granting the extension of time to September 2013 to extract all permitted reserves of sand and gravel does not change the content of earlier comments (dated March, 2010), which confirmed that despite the replacement of a proposed conveyor system with dumper trucks to move material to the processing plant, together with a change in the direction of working, the mineral extraction operations would continue to be within the existing planning noise limits and the La90 + 10dB(A) criterion, established under Mineral Planning Statement (MPS) 2, and since replaced by the National Planning Policy Framework (March, 2012) (NPPF). Furthermore, it is noted that the current operations have not resulted in any noise complaints to the County Council, as Minerals Planning Authority (MPA).*
44. **East Leake Parish Council, National Grid (Gas), Western Power Distribution, British Horse Society (Rushcliffe), The Ramblers Association, NCC (Archaeology), NCC (Built Heritage) and NCC (Reclamation)** *have made no response.*

Publicity

45. The application has been publicised by means of site notices, press notice and eleven neighbour notification letters sent to the nearest occupiers in Rempstone Road and Melton Road (A6006), and to the Manor Animal Farm & Donkey Sanctuary, Castle Hill, East Leake, in accordance with the County Council's Adopted Statement of Community Involvement. No representations have been received in relation to this planning application.
46. Councillor Lynn Sykes has been notified of the application.
47. The issues raised during the consultation process are considered in the Observations Section of this report.

Observations

Introduction

48. The application has been submitted by Cemex in order to complete sand and gravel extraction on the current mineral working area at the East Leake Quarry complex, as the applicant has not been able to complete extraction in the permitted time frame. East Leake Quarry is an integral part of the Company's operations, as a leading global producer of cement, concrete and other building materials, and the existing quarry at East Leake is a key strategic site for the supply of aggregates to locally based markets in South Nottinghamshire and North Leicestershire. The existing quarry is one of a number of quarries in the East Midlands and East Anglia Region, involved in the extraction of sand and gravel reserves for the production of concrete and mortar, for the local construction market.
49. The necessity to increase the time period for the extraction of sand and gravel has been premised on the fact that the extension site has been worked at slightly reduced production levels, of between 120,000 and 160,000 tonnes per annum rather than the anticipated 180,000 tonnes per annum. Added to this is the fact that whilst the original planning application anticipated an extraction depth of 4 to 5 metres, the maximum extraction depth within the extension site has been up to 14m, particularly as mineral extraction has progressed southwards towards the A6006 (Melton Road/Ashby Road).
50. It is noted that the applicant sought to complete extraction within the permitted time frame, which would have seen the cessation of all mineral extraction by September 2012. Continuous efforts have been made to achieve this, and as already stated, this has involved maintaining a steady output of up to 160,000 tonnes per annum over the last three years despite difficult economic circumstances, coupled with undertaking additional extraction campaigns, as permitted under the current permission (Plg. Ref. 8/11/01100/CMA), and stocking more material on site. All of these measures have been deployed over the life of the extension site, to assist production and sales, and in an endeavour to ensure that all reserves were removed within the permitted time frame. However, the continuing depth of the sand and gravel reserve has only served to counteract any increased operations. This has consequently given rise to the need to extend the permitted time frame for extracting all commercially viable aggregate prior to reclamation of the land for final restoration purposes.

51. Chapter 2 of the Nottinghamshire Minerals Local Plan (MLP) (Adopted December 2005) seeks to protect local mineral resources, including avoiding the unnecessary sterilisation of valuable mineral resources, and promoting their sustainable use. In terms of local minerals policy implications, Saved MLP Policy M2.1 indicates that there is overarching policy support for the sustainable working of minerals, as in the case of this proposal. Further weight is added to this, as the proposal is seeking to avoid sterilising a high quality sand and gravel reserve, by extending the working life of the permitted extension site.
52. Without the extension of time to complete mineral extraction, the permitted sand and gravel reserves would be left in the ground to be sterilised. Although the sand and gravel could be worked at some future date, existing operational infrastructure may have been removed by then, and therefore the material could only be sold as 'raised material' at a lower market value.

Planning policy considerations

53. Section 13 (Facilitating the Sustainable Use of Minerals) of the National Planning Policy Framework (March, 2012) (NPPF) sets out the national policy approach towards minerals development, and promotes the sustainable use of mineral resources. This is supported by a technical guidance, relating to the environmental criteria against which to assess minerals development. Regional guidance for aggregates provision in Nottinghamshire is provided within the Regional Spatial Strategy for the East Midlands RSS8 (March, 2005) (RSS). The local context for minerals development is set out under minerals policy contained in the MLP, and this continues to be valid for the purposes of determining this planning application.
54. In this respect, the NPPF's guidance as to the degree of weight that should be afforded local plans prior to the date of its publication, clearly indicates that for twelve months from the date of the NPPF's publication, which is up to the end of May 2013, planning authorities may continue to give full weight to relevant policies adopted since 2004, even where there is a limited degree of conflict with the NPPF. The MLP therefore remains valid, and its policies given full weight with policies contained in the NPPF, for the purposes of determining this planning application.
55. Reference is now made to those material considerations deemed relevant to the determination of this planning application.

Need and implications for permitting an extension of time to complete aggregate extraction

56. The RSS identifies the East Midland Region as a major producer of primary aggregates and high quality minerals, with some 21 per cent of extracted sand and gravel being exported from the county of Nottinghamshire. Of particular relevance to this proposal are RSS Policies 1 and 37, which seek to promote the prudent use of resources, as well as maintaining an appropriate supply of aggregates. Whilst the extension site benefits from an authorised planning permission to extract sand and gravel, it does so in the context of not having been allocated for aggregate extraction, within the MLP. Therefore, the proposal

needs to be assessed in the context of Policy M6.3 of the MLP which does not lend support to proposals outside allocated areas unless it is evident that existing permitted reserves and any remaining allocations cannot sustain an adequate landbank and processing capacity as provided for in MLP Policy M6.2.

57. In terms of assessing conformity with Policy M6.3 of the MLP, it is necessary to consider two distinct elements, namely the issues of landbank and production capacity, which are now dealt with in turn below.
58. The established minimum landbank for sand and gravel is seven years, as set out under the NPPF's guidelines for aggregate provision in England. Paragraph 145 seeks to ensure that Minerals Planning Authorities maintain this landbank of permitted reserves, as well as ensuring that the capacity of operations to supply a wide range of materials is not compromised. In local policy terms, maintenance of a seven year landbank of permitted reserves, to ensure that Nottinghamshire is able to meet its proportionate share of regional aggregate provision, is reflected in MLP Policy M6.2.
59. The MLP provided for a seven year landbank through its allocation of approximately 730 ha. of land, containing some 23.22 million tonnes of sand and gravel, across seven sites, evenly distributed across the county, including East Leake Quarry (Lings Farm Quarry).
60. Under Policy MLP M6.3, the critical test for unallocated sites, in terms of the acceptability of any associated minerals development on such sites, is where it can be clearly demonstrated that an adequate landbank cannot be sustained, without bringing forward additional capacity, above that already allocated. There is nothing to indicate that the current landbank is at a critical point, and in need of unallocated reserves to support it, given that at the end of 2012, the sand and gravel landbank stood at 7.3 years, which is above the recommended seven year benchmark, for sand and gravel reserves. There is therefore, no basis for the landbank element of MLP Policy M6.3 to apply to this proposal.
61. In light of the above, it is considered that the proposal has not been driven by MLP Policy M6.3 and as such, has been treated as a 'departure' from the development plan.
62. The other element of MLP Policy M6.2, in terms of the production capacity for sand and gravel, is considered to be the more relevant factor, against which to assess the proposed development. Whilst it is recognised that the current landbank for sand and gravel is sufficient, there is nevertheless an identified localised shortfall in supply. Over the past decade, South Nottinghamshire has lost approximately 750,000 tonnes of production, with the closure of its two main sand and gravel quarries at Holme Pierrepont and Hoveringham, in 2002 and 2007. This has been compounded by the fact that the main replacement allocation site, at Gunthorpe, has failed to come on stream due to technical difficulties, and its future remains uncertain. This would have made up for a significant part of the resulting shortfall, with estimated reserves of 3-4 million tonnes, enough to supply aggregate for up to sixteen years.

63. This has resulted in the south of the county experiencing a significant shortfall in local aggregate supply. The impact of this has not been discernible, probably as a result of the economic downturn. With regards to this shortfall, it is noted that the MLP had identified both East Leake Quarry and an un-commenced one at Cromwell, as being suitably located to help replace lost capacity, if required.
64. Whilst indications are that sand and gravel requirements in and around Nottingham are increasingly being met by more remote quarries, which are in turn being depleted more rapidly, it has also placed additional pressure on East Leake Quarry to supply some of the markets previously met by Hoveringham Quarry. Indeed, it is understood that East Leake Quarry is the only sand and gravel quarry now serving markets in the southern part of the county, and in north Leicestershire.
65. Therefore, there is a case to be made for permitting an extension of time at East Leake Quarry, to complete mineral extraction, on the grounds that there is an identified need to maintain an adequate production capacity in the south of the county. In this respect, there is an element of support for the proposal in terms of MLP Policy M6.2. So whilst the application is a 'departure' from the development plan due to it being an unallocated site and the present landbank being above seven years, it is considered that there is overriding support for the development, in terms of the need to maintain a more localised production capacity.
66. It would be contrary to the assumptions made in the MLP, if the quarry were to underutilise its resources, which would be the inevitable outcome if the proposed extension of time to work the minerals area, were not permitted. The outcome would be to place a strain on local supplies of sand and gravel aggregate, and it would make any future working of this land unlikely, effectively sterilising the permitted minerals reserve on the extension site.
67. Therefore, whilst the proposal has not been driven by MLP Policy M6.3 and has accordingly been treated as a 'departure' from the MLP, it is considered that the proposed extension of time to work permitted aggregate reserves is capable of being permitted on an 'exceptional circumstances' basis.
68. Giving due regard to other material considerations, there is support for the development in the respect that it is extremely time limited and of limited scale. The indications are that the remaining sand and gravel reserve is limited yet commercially viable and of strategic importance in terms of supplying the local aggregate market. The proposed duration necessary to complete all extraction is brief and the indications are that it would not detrimentally impact on the surrounding environment or on any surrounding sensitive receptors. It is considered that a period until September 2013 would be sufficient to work all permitted reserves prior to reclamation, and that a brief time-limited extension to permitted working practices would not unduly delay the final restoration of the site. All of these factors are considered to be material to the decision.
69. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer 'departure' planning applications to the Secretary of State. The application does not trigger the thresholds for referral set out within the Circular and, as

such, there is not a requirement to refer it to the Secretary of State should Committee be minded to approve.

70. Overall, it is considered that there is sufficient policy support and other supporting material considerations to indicate that the proposal should be permitted subject to there being no unacceptable environmental impacts associated with the continued working of the site. The potential environmental impacts are now considered in turn.

Environmental impacts of the proposed development

Noise impact

71. Policy M3.5 of the MLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, setting maximum noise levels at sensitive locations, and the use of acoustic screening, such as baffle mounds or fencing. The County Council's Noise Engineer is satisfied that the mineral extraction operations would continue to be within the existing permitted noise limits, and the relevant criterion established under the NPPF's Technical Guidance.
72. It is not anticipated that noise levels associated with an extension of time for permitted mineral extraction operations would be anything other than similar to those generated at present.
73. The noise levels associated with mineral operations have remained within the permitted levels, as established under paragraph 30 of the NPPF's Technical Guidance (March, 2012). The Technical Guidance states that subject to a maximum of 55dB(A) L_{Aeq} 1h (free field), noise levels should not exceed background levels by more than 10dB(A), in terms of establishing a noise limit at any sensitive residential receptors. It is noted that whilst the applicant was originally required to undertake noise monitoring at three monthly intervals this now takes place on an annual basis only. The noise monitoring regime has clearly demonstrated that current site operations do not contravene any of the permitted noise levels, and that there is no noise impact from site operations on the nearest noise sensitive properties. This is further mitigated by the fact that the final phasing operations are moving away from noise sensitive receptors on the A6006 (Melton Road), namely Lings Farmhouse, Holy Cross Cottage and Rempstone Hall. Planning conditions would continue to ensure that the permitted noise limits are adhered to, and the annual noise monitoring regime would remain in place for the duration of operations.
74. There is nothing to indicate that the extended operations are not capable of remaining within the limits set by the NPPF's Technical Guidance and the relevant planning conditions. However, there would remain a requirement for mitigation measures to be implemented should these noise limits be exceeded at any of the noise sensitive properties. It is therefore considered that the proposal would accord with the NPPF's Technical Guidance and MLP Policy M3.5 given that even with the extended working practices, noise emissions outside the boundary of the mineral workings, are not anticipated to exceed

acceptable levels and would continue to be controlled by appropriate planning conditions. The County Council's Noise Engineer is satisfied that the development would not give rise to any significant change to levels of operational noise, to the nearest sensitive residential receptors. Overall, the applicant has demonstrated that operations would continue to be within permitted noise levels, and the increase of campaigns associated with extending the mineral operations until September 2013, would not negatively impact on permitted noise levels or cause a nuisance.

75. It is acknowledged that the development would remain relatively remote from residential development, and is restricted to day time operations only.

Dust impact

76. MLP M3.7 identifies that dust emissions from minerals development can be managed and reduced by implementing appropriate dust mitigation practices. Measures include the containment of conveyors, processing plant, and dust collection equipment, the use of bowzers and sprays on haul roads, stockpiles and transfer points, the use of binders on haul roads, and appropriate soil handling strategies. Mineral operations have the potential to cause adverse impacts as a result of dust emissions. However, the extension site benefits from being relatively remote, with the nearest sensitive receptor being some 35 metres due south of the site, on the opposite (southern) side of the A6006. The remaining extraction area however lies approximately 250m distant from this property.
77. A range of dust suppression methods, (water bowser, the dampening of haul roads, spraying of stockpiles, seeding of soil mounds and the use of wheel wash facilities), which have a proven track record of controlling dust emissions at the extension site, would continue to be implemented for the duration of operations, with existing planning conditions continuing to secure these measures. It is noted that even though dewatering of the site would continue during the final phase of mineral extraction, the sand and gravel would still be moist when excavated, and therefore the extraction operations would not give rise to excessive dust generation.
78. To date, the implemented measures have proved effective in terms of controlling dust emission impact and there have been no complaints received by the MPA, regarding current operations on Jenks' Land. It is considered that the proposal, controlled by appropriate conditions, would continue to comply with Policy M3.7 of the MLP, and is also in line with the NPPF's Technical Guidance which states that unavoidable dust emissions should be controlled, mitigated or removed at source.

Landscape and visual amenity impact

79. MLP Policy M3.3 seeks to ensure that any adverse visual impacts associated with minerals development are kept to a minimum, and are suitably controlled by planning conditions. MLP Policy M3.4 seeks to retain and protect existing features of value in terms of screening, as well as promoting other appropriate

measures including earth mounding, and tree and shrub planting, together with phased working to cause the least visual intrusion.

80. The most significant impact associated with the proposal, in terms of visual amenity and landscape, is that it would delay the final restoration of the site by up to a year. However, this needs to be balanced against the benefits of the proposal, in terms of maximising the amount of viable sand and gravel capable of being recovered, prior to reclamation of the site back to agriculture and wetland conservation. The County Council's Landscape Officer has indicated that this would be acceptable, given that the perimeter hedgerow has increased in height, any gaps have been planted up, and the soil mounds are in place, all of which filter views into the site. Furthermore, the site is being progressively restored, which would continue throughout the extended working, thereby visually integrating the site back into the wider landscape setting, including the reclaimed minerals area, to the north-west of the site within the original quarry site. Given that these measures are in place, it is considered that there would be no negative visual impact from the limited extension in time, and the development would continue to accord with MLP Policies M3.3 and M3.4.
81. Visual impacts arising from the development are principally associated with the quarrying operations including from vehicular traffic on the internal haul road. This would comprise mainly dumper trucks, used during the extraction campaigns, for hauling aggregate to the processing plant on the main quarry site. The principal viewpoint is from the bridleway, which abuts the eastern boundary of the extension site, although even from this vantage point, there is a substantial degree of screening afforded the site, by a mix of soil bunding and vegetation. The proposal is in accordance with MLP Policies M3.3 and M3.4, given that any adverse visual impacts associated with this development can be kept to acceptable levels.

Ecology and restoration

82. Policy M4.10 of the MLP states that where planning permission involves the reclamation of mineral workings, schemes should include full details of the proposed after-use and be designed to maximise opportunities to enhance the environment, biodiversity and amenity of the local community. MLP Policy M4.12 states that where planning permission involves the reclamation of mineral workings to agriculture, the County Council will encourage such proposals to take full account of the Countryside Appraisal and Local Biodiversity Action Plan. Also of relevance is Policy 28 of the RSS, which seeks to ensure that there is a net gain in terms of habitat creation, and enhanced ecological benefit.
83. MLP Policy M3.16 states that planning permission for minerals development will only be granted in the best and most versatile agricultural land (grades 1, 2 and 3a) where it can be demonstrated that the proposals would not affect the long term agricultural potential of the land.
84. The relevant Conservation bodies are able to support the proposed extension of time. It is noted that the additional period of disturbance to fauna in the area, is probably not significant, given that existing operations have already caused habitat and faunal disturbance on the site. In mitigation, other parts of the wider

East Leake Quarry site are already in a relatively advanced stage of restoration, providing compensatory habitat for species that have been displaced from the mineral extraction site on Jenks' Land.

85. The proposal would involve extending the extraction period on an area that is already actively quarried, by an additional twelve months until September 2013. In terms of any cumulative impacts, it would mean that the localised disturbance would occur over a longer period of time than originally anticipated. However, it is considered that this would not give rise to any significant ecological impacts, given that appropriate controls are already in place.
86. The current programme of monitoring of a protected species would be extended to cover the extended period of working. A suite of planning conditions covering the ecology of the site area, would continue to be maintained throughout the operational life of the extension site.
87. It is noted that whilst any extended period of mineral working would postpone the final reclamation of the site, it would not materially impact on the detail of the final restoration scheme, which would deliver a mix of agriculture and wetland conservation. The proposed restoration would still involve the majority of the land being reclaimed to agriculture, with the north-western corner of the site being restored to a combination of a lake, wetland and marsh community, and wet grassland. This element of the restoration scheme would contribute to the targets for wetland habitat creation, established under the Nottinghamshire Local Biodiversity Action Plan. The proposed extension of time would not impact on the final restoration, albeit in terms of the timescale for its implementation, and the overall scheme would continue to accord with MLP Policies M3.16, M4.10 and M4.12. Any attached planning conditions, would continue to ensure that the final landform around the proposed lake takes into account the fact that the site is on the flight path of the runway approach to East Midlands Airport, so as to prevent artificially high numbers of wildfowl. The long term aftercare management of the scheme would continue to be secured under an existing Section 106 Agreement.

Archaeology

88. MLP Policy M3.24 provides guidance in respect of archaeology with mineral workings. The policy advises that archaeological remains of national importance should be preserved in situ. However, remains of lesser importance, such as those at East Leake Quarry, can be preserved by excavation, recording and publication.
89. In line with this policy, the site is subject to an archaeological watching brief, which has been approved by the County Council's Archaeology Officer, and this would continue to be the case during any extended time frame for completing mineral extraction. The scheme would continue to ensure the detailed monitoring of the site remains in place, as it moves into its final mineral extraction phase, together with the implementation of appropriate contingency measures, should significant archaeological remains be found, in accordance with MLP Policy M3.24. The archaeological interest on the site would continue to be secured by the relevant planning condition.

Ground and Surface Water / Flood Risk

90. MLP Policy M3.8 seeks to ensure that minerals development does not detrimentally alter surface water flows; affect groundwater levels, and ensure that there are no risks of polluting ground or surface waters. Policy M3.9 seeks to ensure that such development would not unacceptably impact on flood flows and flood storage capacity, or on the integrity or function of flood defences and local land drainage systems, through the imposition of appropriate conditions to mitigate both temporary and permanent adverse effects of the development.
91. It is not anticipated that the proposed extension of time would have any greater impact on ground water levels than existing operations, as it merely represents a continuation of current operations, and there is nothing to indicate that the proposal would impact negatively upon ground water levels. Activities associated with water abstraction would continue at current rates, with the site continuing to be dewatered during mineral extraction, although this would be compensated by activities associated with the progressive phased restoration, which would involve a reduction in pumping and any draw down on the surrounding environment. With regards to ground and surface water impacts, the extension site and all associated mineral operations would continue to operate in accordance with the approved surface water run-off limitation scheme, as approved by the MPA in December 2009, for the duration of operations. The appropriate planning condition relating to the approved surface water drainage scheme would remain in place throughout the duration of any extended operations.
92. Processed water used in the sand and gravel washing system would continue to be discharged into the approved settlement ponds prior to being discharged into any controlled waters. There is a duty on the applicant to maintain the settlement ponds on a regular basis to ensure the lagoons remain operational, until restoration of the site is completed.
93. It is noted that both the EA and the Trent Valley Internal Drainage Board find the proposed extension of time acceptable, although the Board has emphasised the need for any off-site discharge of surface water or foul effluent to be undertaken in a controlled manner, so as to ensure that any flood risk to either East Leake or Sheepwash Brook is not increased. Attention is drawn to the fact that the County Council's Monitoring and Enforcement Officer has investigated complaints regarding flooding of the Sheepwash Brook, and there has been no evidence to indicate that the mineral operations are responsible for this problem. It is considered that the approved surface water drainage scheme is capable of controlling this element of the operations, and any extended minerals working would continue to accord with Policies M3.8 and M3.9 of the MLP.

Right of way

94. With regards to Rempstone Bridleway Number 11, a diversion order for its temporary re-routeing around the extension site would remain in place for a further year, until all mineral extraction has ceased, in accordance with advice from the County Council's Countryside Access Officer. It is noted that as part of the restoration scheme for the site, the applicant is proposing to reinstate the

bridleway back to its original route within the extension site. This would see the right of way reinstated to a central location within Jenks' Land.

95. There would be a beneficial gain on the bridleways reinstatement, as it is proposed to extend the bridleway in a northerly direction, to a point where it would link into the existing Rempstone Footpath Number 1. This would enhance what was previously there, as historically the bridleway has not linked up with any other rights of way.

Sustainability implications

96. Policy M2.1 of the MLP states that planning permission will only be granted for minerals development which have taken into account the relevant sustainable development objectives set out in paragraph 2.5. Of particular relevance to this development are criteria (ii) and (iii) which seek to ensure that the environmental impacts caused by the mineral operations and the transport of minerals are kept to an acceptable minimum; and to encourage sensitive working, restoration and aftercare practices so as to preserve and enhance the overall quality of the environment once extraction has ceased with the creation of valuable new habitats and features.
97. Section 13 of the NPPF seeks to ensure the best use of minerals, as a finite resource, and promotes the sustainable development of mineral resources. It is considered that the proposed extension of time to complete sand and gravel extraction within the permitted minerals working area, is in itself sustainable development. Without the additional time, viable reserves of sand and gravel would have to be left unworked, which would effectively sterilise the permitted reserve, which is not considered sustainable. The continuation of extraction until all previously permitted reserves have been exhausted is deemed to be the most sustainable option, and meets a recognised local need for sand and gravel within the south of the county. In line with criteria (ii) of MLP Policy M2.1, existing operations are undertaken to appropriate environmental standards, to minimise and mitigate any adverse impacts on the local environment resulting from the minerals development, and this would continue to be the case, if operations were extended for an additional time period. Also, in line with criteria (iii) of MLP Policy M2.1, restoration of the site affords the opportunity to develop wetland habitat, which would be of net benefit in terms of increasing biodiversity in an area formerly of low ecological value. The proposal therefore accords with the principles of sustainable development, contained in MLP Policy M2.1, and as set out in the NPPF.

Highways implications

98. MLP Policy M3.13 states that planning permission will not be granted for minerals development where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable impact upon the environment and disturbance to local amenity.
99. The proposal represents a continuation of existing activities, involving up to 100 vehicle movements per day, and the continuing use of existing access arrangements onto Rempstone Road. The proposal would not involve any

increase in HGV movements to and from the site, and an existing lorry routeing agreement would remain in place, involving access to and from the site, via Rempstone Road and the A6006, thereby avoiding East Leake. The extension of time would not have any detrimental impact, in terms of either vehicle generation or vehicular access, and the proposal would continue to accord with MLP Policy M3.13.

100. It is not anticipated that the proposed increase in campaign extraction would increase the proposed production levels. It is merely seeking the flexibility to be able to meet market demand and production levels of between 145,000 and 180,000 tonnes per annum. Therefore, there would be no increase in vehicle numbers, nor would there be any impact on the surrounding highway network.

Other Options Considered

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

Statutory and Policy Implications

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

Crime and Disorder Implications

103. It is considered that there would be no particular crime and disorder implications. The site is secured by existing mature hedgerow and trees to the site perimeter, and it is understood that the applicant provides additional security, as and when required.

Human Rights Implications

104. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol may be affected. The proposals have the potential to generate impacts of noise and visual amenity upon the nearest sensitive residential receptors, as well as upon users of the bridleway. However, these considerations need to be balanced against the wider benefits the proposals would provide in terms of sustaining a local supply of primary aggregate to the local construction industry; coupled with the ability to control such amenity impacts through planning conditions. Members will need to consider whether these benefits would outweigh the potential impacts.

Implications for Sustainability and the Environment

105. The application has been considered against the National Planning Policy Framework, the Regional Spatial Strategy for the East Midlands, and the

Minerals Local Plan, all of which are underpinned by the objective of achieving sustainable development. The proposed development would ensure that all viable reserves of sand and gravel are extracted, prior to reclamation of the land back to agriculture and a wetland conservation use, so as to avoid sterilising the permitted reserve. By working the remaining sand and gravel reserves, it would continue to meet a recognised local need for sand and gravel. Restoration of the site affords the opportunity to develop wetland habitat, which would of net benefit in terms of increasing biodiversity in an area formerly of low ecological value.

Conclusions and Statement of Reasons for the Decision

106. The remaining reserve on the Jenks' Land extension site, whilst being limited in extent, is still commercially viable and strategically placed to serve the quarry's local markets in South Nottinghamshire and North Leicestershire. The proposed duration necessary to complete all mineral extraction is relatively brief, with an additional twelve months being sufficient time in which to extract all the previously permitted sand and gravel reserves, and the indications are that it would not detrimentally impact on the surrounding environment or on any sensitive residential receptors. It is considered that a brief time-limited extension to permitted working would not unduly delay the final restoration of the site.
107. In assessing the acceptability of the proposal, consideration has been given to the National Planning Policy Framework (March, 2012) (NPPF) and the accompanying Technical Guidance; Policy 1 (Regional Core Objectives), Policy 28 (Priorities for enhancing the Region's Biodiversity) and Policy 37 (Regional Priorities for Non Energy Minerals) of the Regional Spatial Strategy for the East Midlands RSS8 (March 2005) (RSS); and Policies M2.1 (Sustainable Development), M3.3 (Visual Intrusion), M3.5 (Noise), M3.7 (Dust), M3.8 (Water Environment), M3.9 (Flooding), M3.13 (Vehicular Movements), M4.10 (After-Use), and M6.3 (Sand and Gravel Extraction in Unallocated Land) of the Nottinghamshire Minerals Local Plan (Adopted December 2005) (MLP).
108. In accordance with RSS Policies 1 and 37, the development would involve the prudent use of resources, whilst ensuring that there would be a continuation of an existing local supply of sand and gravel to markets in the south of Nottinghamshire and north Leicestershire.
109. The extension site is not identified as an allocated site in the MLP. Therefore in terms of assessing the extension of time to work out all previously permitted mineral reserves, the proposal has been determined against MLP Policy M6.3. As it is not compliant with the landbank element of Policy M6.3, it is considered to be 'inappropriate development' and accordingly represents a 'departure' to the MLP. Notwithstanding this, there is some support from this policy for the proposed development, in the respect that it would maintain the production capacity of sand and gravel in the southern part of the county. By working the remaining mineral reserves, the extension of time would ensure that the remaining reserves continue to meet a local need.
110. In line with the NPPF, the RSS, and MLP Policy M2.1, the development accords with the principles of sustainable development, in terms of recognising a local

need for sand and gravel in the south of the county, minimising haulage of aggregate material from more remote quarry workings, and through an efficient use of existing resources, involving utilising existing processing plant and ancillary infrastructure. Also in accordance with Policy M2.1, the restoration would be on a progressive phased basis, which would continue throughout the extended working period, creating a final wetland and conservation grassland habitat, of ecological value and increasing biodiversity.

111. Extending the time permitted to extract the final reserves of sand and gravel on the permitted extension site, accords with the principles of sustainable development in line with the NPPF, RSS Policy 28, and Policy M2.1 of the MLP. In this respect, the additional time, would allow viable reserves of sand and gravel to be worked, thereby avoiding sterilising a previously permitted reserve. The continuation of extraction until all such reserves have been exhausted is deemed to be the most sustainable option, and would meet a recognised local need for sand and gravel. The existing operations are undertaken to appropriate environmental standards, in order to mitigate any adverse impact on the local environment, in accordance with the suite of appropriate planning conditions, and this would continue to be the case.
112. Environmental impacts of the development have been assessed against the environmental protection policies contained within Chapter 3 of the MLP. Subject to the continued use of appropriate planning conditions, which have ensured environmental compliance to date, significant adverse impacts would not result. In reaching this conclusion, consideration has been given to MLP Policies M3.3 and M3.4 relating to visual impact, Policy M3.5 relating to noise, M3.7 relating to dust, Policies M3.8 and M3.9 relating to surface and ground water drainage, and the risk of flooding respectively, and Policy M3.13 relating to traffic impact.
113. Whilst the proposed extension of time would postpone the final reclamation of the site, this delay would be relatively minor, it would not materially impact on the detail of the final restoration scheme, which would deliver a mix of agriculture and wetland conservation in accordance with MLP Policies M3.16, M4.10 and M4.12, and RSS Policy 28. Restoration of the site would deliver a wetland habitat, which would be of net benefit in terms of increasing biodiversity, in an area formerly of low ecological value. The long term aftercare of the scheme would continue to be secured under a legal agreement.
114. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions, and the extant Section 106 agreement covering lorry routing and long term aftercare of the wetland conservation area.

Statement of Positive and Proactive Engagement

115. 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. This

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

RECOMMENDATIONS

116. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director for Policy, Planning & Corporate Services

Constitutional Comments

Planning and Licensing Committee has authority to approve the recommendation set out in this report by virtue of its terms of reference. [NAB 18.03.13]

Comments of the Service Director - Finance

Any comments received will be reported orally at Committee

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Councillor Lynn Sykes Soar Valley

Report Author / Case Officer

Deborah Wragg
0115 9696510

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

W001097
PSP.JS/TEB/ep5367
18 March 2013

RECOMMENDED PLANNING CONDITIONS

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

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

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

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

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

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

Approved plans

4. The development hereby permitted shall only be carried out in accordance with the details contained within the environmental statement and its appendices and in the documents and plans identified below, unless otherwise agreed in writing with the MPA, or where amendments are made pursuant to the other conditions below:

(a) Drawing number ELQE/1 Revision A – Application Site Plan received by the MPA on 9 May 2008;

(b) Drawing number ELQE/5 – Restoration received by the MPA on 18 October 2007;

(c) Drawing number ELQE/6 – Restoration Sections received by the MPA on 18 October 2007;

(d) Planning application received by the MPA on 1 February 2010, Certificates of Ownership and Supporting Statement received by the MPA on 4th January 2010;

- (e) Noise Survey Report No. R09.5888/1/AG, titled 'Assessment of Environmental Impact of Noise for Cemex UK Operations Ltd' by Vibrock Limited, dated 31.07.09, received by the MPA on 4th January 2010;
- (f) Location Plan titled 'Site Location and Landscape Designations' No. L.01 received by the MPA on 4th January 2010;
- (g) Plan titled 'Method of Working' Drawing No. P3/689/3 Working Phases received by the MPA on 4th January 2010;
- (h) Plan titled 'Method of Working' Drawing No. P3/689/3 Phase 1a received by the MPA on 4th January 2010;
- (i) Plan titled 'Method of Working' Drawing No. P3/689/3 Phase 1b received by the MPA on 4th January 2010;
- (j) Plan titled 'Method of Working' Drawing No. P3/689/3 Phase 1c received by the MPA on 4th January 2010.
- (k) Planning Statement, dated June 2011, as received by the MPA on 27th June 2011, except for the raw stocking height of 5 metres, referenced in paragraphs 5.3 and 5.4 of that document, which is amended by email letters from Cemex received by the MPA on 12th August 2011 and 27th September 2011, to a maximum raw stockpile height of 8 metres.
- (l) Noise Survey Report No. R10.6582/1/JG, titled 'Noise Monitoring in Accordance with Planning Conditions for Cemex UK Operations' by Vibrock Limited, dated 30.09.10, received by the MPA on 27th June 2011.
- (m) Noise Survey Report No. R11.6582/2/SE, titled 'Noise Monitoring in Accordance with Planning Conditions at East Leake Quarry, Nottinghamshire for Cemex UK Operations' by Vibrock Limited, dated 31.03.11, received by the MPA on 27th June 2011.
- (n) Planning application form received by the MPA on 5th July 2011.
- (o) Planning application form and Planning Statement received by the MPA on 16th August 2012;
- (p) Plan titled 'Borehole Locations', Drawing No. SK5825350 received by the MPA on 16th August 2012;
- (q) Documentation of Borehole Logs, (Type – No) FA-02/04 received by the MPA on 16th August 2012;
- (r) Plan titled 'Quarry Survey (Dec'11) (Dig Updated Jan'12)' Drawing No. ELEK_MOD_PW_1211.PDF received by the MPA on 20th August 2012.

Reason: For the avoidance of doubt.

Duration of the planning permission

5. All mineral extraction shall cease by 15 September 2013. The MPA shall be notified in writing of the date on which mineral extraction ceases.

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

6. All restoration operations in accordance with conditions 50-52 shall be completed within one year after the cessation of mineral extraction, as notified under condition 5 above, unless otherwise agreed in writing beforehand by the MPA.

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

Quarry access and protection of the highway network

7. Vehicular access to the site shall only be gained from Rempstone Road along the existing site access as shown on drawing number ELQE/2 – Phase 1a received by the MPA on 18 October 2007. Vehicular access to the site shall not be gained from any other route. The site access road shall be removed from the site within 12 months of the completion of extraction as notified under condition 5 above.

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

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

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

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

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

10. There shall be a maximum of 100 two way HGV movements each day (50 HGVs into the site and 50 HGVs out of the site). Written records shall be maintained of all HGV movements into and out of the site during operational hours. Copies of all HGV movement records shall be made available to the MPA within seven days of a written request being made by the MPA.

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

11. The processing plant and quarry access road detailed on drawing number ELQE/2 – Phase 1a shall only be used for the processing and movement of sand and gravel arising from the development hereby permitted and that subject to the existing planning permissions 8/10/00191/CMA, modifying APP/M3000/A/90/158492/P3.

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

Hours of working

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

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

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

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

Noise

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

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

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

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

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

15. Noise levels shall be monitored in May 2013, at each of the noise sensitive locations listed in condition 13 above, except in the event that a complaint is received by the MPA, in which case noise levels shall be monitored within two weeks of a written request from the MPA. The monitoring shall take place when site equipment is operating normally and the duration of sample measurements shall be 15 minutes unless the site noise level is at or above the relevant site noise limit agreed for the location, in which event a full 1 hour sample shall be taken. The surveys shall exclude so far as possible extraneous noises such as passing traffic. The measurements shall be carried out in accordance with the provisions of BS4142:1997 (or as maybe subsequently amended) and the $L_{A90, T}$, and $L_{Aeq, T}$ noise levels shall be reported, together with the weather conditions and the sources of audible noise. On request, the operator shall, within two weeks of a written request, provide the MPA with details of the noise measurements. The monitoring locations and frequency of sampling may be varied by agreement with the MPA.

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

16. Mineral extraction shall only take place on a campaign basis, a maximum of 6 campaigns shall take place in any calendar year and each campaign shall be for a maximum period of 6 weeks. A record of the date of commencement and completion of each campaign shall be kept in writing by the operator and copies shall be made available to the MPA within two weeks of a written request. No campaign shall commence unless there is sufficient capacity within the processing plant area to accommodate the mineral won in that campaign in stockpiles of less than 8m in height, both in unprocessed and processed stockpiles. The base level from which the 8m height of the stockpiles shall be taken is a marked out point on the bottom right hand concrete step to the electrical switch house, which is given as a datum of 66.10AOD, as notified to the MPA in an email letter dated 14th November 2011, and stockpiles shall not

exceed 74.5mAOD. A level of 74.5mAOD has been marked out on the crusher house handrail, as notified to the MPA in the same 14th November 2011 email letter.

Reason: To ensure that noise and visual amenity impacts associated with the development hereby permitted are minimised in accordance with Policy M3.5 and Policy M3.3 of the Nottinghamshire Minerals Local Plan.

Dust

17. Measures shall be taken to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to, any or all of the following steps as appropriate:
- (a) The use of water bowsers to dampen haul roads, stock piles and other operational areas of the site;
 - (b) The sweeping of access and haul roads, where necessary;
 - (c) The minimisation of drop heights during the loading and unloading of sand and gravel;
 - (d) Limiting on-site vehicle speeds;
 - (e) Upon request of the MPA, the temporary suspensions of mineral extraction, conveying and processing or soil movements during periods of unfavourably dry or windy weather conditions.

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

Prevention of pollution of surface and ground water

18. A scheme for the provision and implementation of surface water run-off limitation shall be implemented in accordance with the approved details outlined in the document titled 'East Leake Quarry: surface water runoff limitation scheme' as received by the MPA on 9th December 2009 and the proposed interceptor trench as shown on Plan titled 'Proposed Interceptor Trench' Drawing No. SK 5265_CAW_D_080909_A as received by the MPA on 9th December 2009, and approved by the MPA in a letter dated 25 February 2010. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent the increased risk of flooding in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.

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

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

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

20. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Mineral processing and stockpiling

21. Excavated minerals from the development hereby permitted shall only be processed and stockpiled at the operator's adjacent plant site as detailed on Drawing Number ELQE/2 received by the MPA on 18 October 2007. No excavated mineral shall be processed and stockpiled within the permission area outlined red on Drawing Number ELQE/1 Revision A received by the MPA on 9 May 2008.

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

Buildings, fixed plant and machinery

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

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

Landscaping

23. The planting measures to improve the screening of the site shall be implemented in accordance with measures outlined in the document titled 'Extension to existing quarry involving the extraction of sand and gravel and restoration of site to agriculture and wetland conservation – Submission of details under condition

18, 23, 25, 28, 34 and 39 of planning permission 8/07/02187/CMA' dated February 2010, Section 3.0 Condition 23, as received by the MPA on 4th March 2010, and approved by the MPA in a letter dated 10th March 2011. These screening measures shall be implemented in accordance with the approved details and maintained throughout the life of the development.

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

Ecology

24. A re-survey shall be undertaken by 31st May 2013 and in the event that any protected species are identified, a working design, method statement and timetable of works to mitigate any undue adverse effects to protected species, shall be submitted to the MPA for its approval in writing. The submission shall include a plan showing the location of the protected species' habitat, suitable stand-off distances between the habitat and operational areas associated with the development, and a suitable means of demarcating this stand-off distance. The mitigation measures shall be implemented in accordance with the approved details and maintained for the duration of the development.

Reason: To ensure that protected species are not adversely affected by the development in accordance with Policy M3.21 of the Nottinghamshire Minerals Local Plan.

25. The retained trees and hedgerow shall be protected in accordance with the measurements specified on Plan titled 'Soil Mound Plan' Drawing No. P3/689/4 as received by the MPA on 8th November 2010 and approved by the MPA in a letter dated 10 March 2011. The means of protection shall accord with the provisions set out in British Standard BS 5837:2005 entitled 'Trees in Relation to Construction' (or as may be subsequently amended). The means of protection shall be implemented and maintained in accordance with the approved details and shall be retained on site until all plant and machinery have been removed from the site. No excavation shall be made within the protected area(s) without the prior written approval of the MPA.

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

26. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March to August inclusive, except when approved in writing by the MPA.

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

Archaeology

27. An archaeological mitigation scheme detailed in the document by White, Young Green Planning, dated 21st October 2009, and Plan 'Figure 1: Mitigation

Strategy' received by the MPA on 12th April 2010, approved by the MPA in a letter dated 10th May 2010 shall remain in place throughout the life of the development.

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

Public rights of way

28. The measures to protect users of the diverted Rempstone Bridleway Number 11, shall be maintained for the duration of the development, and this shall include the signage for the diverted bridleway, as outlined in the document titled 'Extension to existing quarry involving the extraction of sand and gravel and restoration of site to agriculture and wetland conservation – Submission of details under Condition 18, 23, 25, 28, 34 and 39 of planning permission 8/07/02187/CMA' dated February 2010, Section 5.0 Condition 28, as received by the MPA on 4th March 2010, and an email letter from the County Council's Area Rights of Way Officer, as received by the MPA on 9th March 2011, and approved by the MPA in a letter dated 10th March 2011.

Reason: In the interest of safety for bridleway users.

29. The diverted Rempstone Bridleway Number 11 along the southern, eastern and northern boundaries of the site, shall be maintained in accordance with the approved details on Drawing Number P3/689/3 Working Phases received by the MPA on 4 January 2010.

Reason: In the interests of safety for bridleway users and to maintain the public right of way network in accordance with Policy M3.26 of the Nottinghamshire Minerals Local Plan.

Phasing

30. Extraction operations shall progress sequentially in accordance with Drawing Numbers P3/689/3 Phase 1a, P3/689/3 Phase 1b and P3/689/3 Phase 1c, all received by the MPA on 4 January 2010.

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

31. A topographical survey of the site shall be submitted to the MPA by 31 December each year, following cessation of all mineral extraction as notified to the MPA under condition 5. The survey shall identify areas of the site which are to be restored and those already restored.

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

Soil stripping, handling and storage

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

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

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

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

34. Each phase of the development, phases 1a – 1c of the site, shall be carried out in accordance with the approved scheme, as outlined in the revised soil handling scheme as specified in the documentation titled ‘Soil Handling Scheme for East Leake, Nottinghamshire, CEMEX UK Operations – Eastern Region UK’, and Plan titled ‘Soil Mound Plan’ Drawing No. P3/689/4, as received by the MPA on 8th November 2010, and approved by the MPA in a letter dated 10th March 2011. Soils shall be stored in accordance with the details of the soil storage, as outlined in the document titled ‘Extension to existing quarry involving the extraction of sand and gravel and restoration of site to agriculture and wetland conservation – Submission of details under Condition 18, 23, 25, 28, 34 and 39 of planning permission 8/07/02187/CMA’ dated February 2010, Section 6.0 Condition 34 and Table 1.0 Soil Storage, as received by the MPA on 4th March 2010, and approved by the MPA in a letter dated 5th November 2010.

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

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

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

36. No plant or vehicles shall cross any area of unstripped topsoil, subsoil or overburden except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of topsoil, subsoil or overburden or waste or mineral deposits, until all available topsoil, subsoil and overburden has been stripped from that part.

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

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

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

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

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

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

39. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction in accordance with the seed mixture received by the MPA on 9th December 2009, and which has been agreed in writing by the MPA in a letter dated 25 February 2010. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

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

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

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

Soil Replacement

41. The MPA shall be notified in writing at least 5 working days before each of the following:
- (a) Overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
 - (b) When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out;
 - (c) On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

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

42. Overburden, subsoil and topsoil shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of overburden, subsoil or topsoil shall occur:
- (a) During the months November to March (inclusive), unless otherwise agreed in writing with the MPA;
 - (b) When it is raining; or
 - (c) When there are pools of water on the surface of the storage mound or receiving area.

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

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

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

44. Each overburden layer placed shall be ripped using overlapping parallel passes:
- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
 - (b) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid.

Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

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

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

45. Each subsoil layer placed shall be ripped using overlapping parallel passes:
- (a) To provide loosening to a minimum depth of 450mm with tine spacings no wider than 0.6m; and
 - (b) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be disposed of off-site or buried at a depth not less than 2 metres below the final contours.

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

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

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

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

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

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

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

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

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

49. The total restored soil and soil-like material profile shall have a depth of at least 120cm.

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

Restoration

50. The site shall be restored in accordance with Drawing Numbers ELQE/5 and ELQE/6 received by the MPA on 18 October 2007. Landscape planting shall be undertaken during the first seeding and planting seasons following placement of topsoils in each phase. Any seeding and planting that dies or becomes diseased, damaged or removed within 5 years shall be replaced during the first planting season thereafter with others of similar size and species and maintained, unless the MPA gives written consent for a variation to be replanted.

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

51. All tree and hedgerow planting, and grassland establishment required under condition 50 above shall be carried out in accordance with the details contained within the report titled 'Restoration to Pasture, Wetland and Open Water, Outline Five Year Aftercare Scheme' dated February 2012, including Appendix 2, received by the MPA on 14th February 2012, and approved by the MPA in a letter dated 4th May 2012.

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

52. The restored site shall not include any islands, incipient islands or narrow peninsula features.

Reason: To ensure the restored site does not result in artificially high wildfowl traffic through the runway approach of East Midlands Airport.

Aftercare

53. 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.

54. 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.

55. The aftercare scheme and strategy shall be carried out in accordance with the details contained within the report titled 'Restoration to Pasture, Wetland and Open Water, Outline Five Year Aftercare Scheme' dated February 2012, including Appendix 2, received by the MPA on 14th February 2012, and approved by the MPA in a letter dated 4th May 2012.

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

56. 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 55 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.

57. The aftercare programme shall be implemented in accordance with the details approved under condition 55 above, as amended following the annual site meeting referred to in condition 56 above.

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

Alternative restoration

58. Should, for any reason, mineral extraction from the application site cease for a period in excess of 6 months, then, within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing to the MPA for the approval of the MPA. Such a scheme shall include details of the final contours, provision of soiling, sowing of grass, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

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

59. The revised restoration scheme approved under condition 58 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of conditions 53-57 above.

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

Note to applicant

1. The applicant's attention is drawn to the content of the letter from East Midlands Airport dated 28 November 2007 which is attached to the decision letter.
2. The applicant's attention is drawn to the content of the letter from The Ramblers' Association, received by the MPA on 19th February 2010.
3. The applicant's attention is drawn to the comments from Trent Valley Internal Drainage Board, received by the MPA on 20th September 2012.

