



**8<sup>th</sup> September 2020**

**Agenda Item: 5**

**REPORT OF CORPORATE DIRECTOR – PLACE**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/19/01929/CMM**

**PROPOSAL: PLANNING APPLICATION FOR AN EASTERN EXTENSION TO BESTHORPE QUARRY, (WITH RETENTION OF EXISTING PLANT SITE, ACCESS AND ANCILLIARY FACILITIES) ALONG WITH RESTORATION TO WATER BASED NATURE CONSERVATION**

**LOCATION: BESTHORPE QUARRY, COLLINGHAM ROAD, COLLINGHAM, NEWARK, NG23 7HQ**

**APPLICANT: TARMAC AGGREGATES LIMITED**

**Purpose of Report**

1. To consider a planning application for an eastern extension at Besthorpe Quarry, near Newark. The planning application seeks planning permission for the extraction of three million tonnes of sand and gravel from 36.5 hectares of land over a seventeen-year period. Following completion of mineral extraction the quarry would be restored to provide a nature conservation habitat.
2. The planning application site is not allocated for mineral extraction within the adopted Minerals Local Plan but is identified as an allocation within Policy MP20 of the emerging new Nottinghamshire Minerals Local Plan (Publication Version August 2019).
3. The planning application therefore raises key issues in terms of the supply of sand and gravel within Nottinghamshire and the development of a new mineral extraction scheme in advance of the adoption of the new Nottinghamshire Minerals Local Plan and the weight that should be given to policies within the new Minerals Local Plan within this decision.
4. The main environmental issues resulting from the development relate to the level of change to the visual and landscape character of the area and the level of ecological benefit derived from the restoration of the site.
5. The recommendation is to grant planning permission for the planning application, subject to the conditions set out in Appendix 1 and a Section 106

legal agreement to regulate lorry routing and water level monitoring/mitigation in a watercourse.

## **The Site and Surroundings**

6. Besthorpe Quarry lies approximately 1 km north-east of the village of Collingham and 8 km north of Newark-on-Trent. The quarry has been established for around 20 years and incorporates around 105 hectares of land. The quarry is served by a purpose-built access road leading from the A1133 (Besthorpe Road), which links in with the A57 and primary road to the north (see plan 1).
7. The boundaries of the current planning application site area have been drawn to incorporate 36.2 hectares of land which would form an eastern extension to the quarry and the existing operational quarry at Besthorpe including the plant site, stocking area, haul road and network of settlement lagoons (see Plan 2).
8. The proposed eastern extension incorporates four arable agricultural fields ranging in size from 5Ha to 12.5Ha in area. The boundaries of the extension area are enclosed by hawthorn dominated hedgerows which range between 2m to 5m in height and 1m to 2.5m wide to the north, south and west. There are also two hedgerows which cross the extension site. Overhead powerlines run north/south across the site.
9. The extension site is separated from the existing quarry by North Collingham Byway 41. The application site is also crossed by North Collingham Public Footpath No. 17C close to its southern boundary. The River Fleet (being a tributary of the River Trent) lies to the eastern boundary of the proposed extension area, whilst open fields lie beyond (see Plan 3).
10. Besthorpe Nature Reserve is located to the north-west and Besthorpe Meadows Site of Special Scientific Interest (SSSI) is to its immediate north. The site is located approximately 1km east of the River Trent and is within its floodplain and designated by the Environment Agency as having a high probability of flooding (Zone 3). The closest residential area is located at Pitomy Drive to the south, on the northern edge of Collingham (see Plan 4).

## **Planning history**

11. Planning permission for sand and gravel extraction at Besthorpe Quarry was originally granted in April 1995 under planning reference 3/20/89/0904. The mineral reserve granted consent under this planning permission incorporated 105 hectares of land and included an estimated 7.7 million tonnes of mineral. It was anticipated that this mineral would be extracted at a rate of 250,000 tonnes per year leading to mineral reserves being exhausted in 2014.
12. Subsequently, planning permission was granted under planning permission 3/14/02200/CMA to allow an extended period to complete the extraction of the

remaining consented mineral reserves, extending the end date of the quarry until 31<sup>st</sup> December 2022.

## **Proposed Development**

13. Planning permission is sought for an eastern extension to Besthorpe Quarry incorporating approximately 36.5 hectares of land. The mineral extraction scheme is projected to yield 3 million tonnes of saleable sand and gravel over a fifteen-year period with final restoration of the quarry completed in seventeen years. It is anticipated the extension would become operation from 2021/2022 and would have an operational capacity of approximately 200,000 tonnes per annum.
14. The development of the Eastern Extension Quarry area would incorporate the following key elements:
  - The continued use of the consented mineral washing plant and ancillary facilities including the silt lagoons, internal haul roads, main site access, weighbridge and site offices.
  - The development of two crossing points over the North Collingham Byway 41 right of way, to facilitate the transport of mineral between the extraction area and the plant site for processing by dump truck.
  - The eastern extension area is bisected by the quarry access road. The phasing plan is based on two main working phases, Phase D located north of the access road and Phase E located south of the access road. Phase D would incorporate four sub phases (Phase D1-D4) and Phase E would incorporate three sub phases (E1-E3)
  - Dewatering of the sand and gravel within the proposed extension with all the water pumped back into the existing quarry lakes.
  - Soil and overburden would be removed and directly placed for restoration purposes within the previous phases of quarry working, it is therefore not proposed to stockpile and soils originating from the eastern extension.
  - Sand and gravel would be extracted using hydraulic excavators and articulated dump trucks to transfer minerals to the existing processing plant;
  - The quarry would be progressively restored in phases using a combination of soils and overburden from the site;
  - The site would be operated in line with existing permitted hours, (0700 hours to 1800 hours Monday to Friday, and 0700 hours to 1300 hours Saturday). Outside these hours would be restricted to pumping of water (to keep workings dry) and emergency repairs of plant/equipment.
  - Following the completion of mineral extraction within the eastern extension (Phases D & E), extraction would be completed within the

existing quarry beneath the existing stocking areas and processing plant to facilitate the final closure of the quarry and the completion of restoration (see Plan 5).

15. The existing quarry benefits from a purpose-built access to the A1133 (Besthorpe Road). Lorry routeing associated with the quarry is currently regulated by a Section 106 legal agreement which requires all HGVs with a gross laden weight of over 7.5 tonnes to access and exit the site via the A1133 in a northbound direction. These vehicles are prohibited from travelling through the village or parish of Collingham to the south. It is proposed to reimpose these controls as part of any new planning permission.
16. All sand and gravel is currently transported by road as the historic barge loading facility has not been used since 2013 due to its economic viability. In terms of vehicle movements, the proposed operational capacity of 200,000 tonnes per annum would generate average daily HGV movements equating to 80 daily movements (i.e. 40 in, 40 out). This represents an increase of 20 movements per day (10 in, 10 out) from recent production levels at the quarry which has operated at nearer 150,000tpa in recent years.
17. The proposed restoration of the eastern extension would create three new lakes. The water level of these lakes would be in continuity with the groundwater table. The lakes would be engineered with shallow perimeter margins. The eastern margin of all three lakes would be restored to a broad zone of islands and shallows to provide a wildlife corridor that would link up Collingham along the line of the Fleet to the existing nature reserve at Mons Pool. The restoration would also provide for meadows around the lake margins, willow carr regeneration and wetland hollows (See Plan 6).
18. Excavated materials originating from the eastern extension would also be used to modify the southern lake area in the existing quarry to provide a series of shallow channels enhancing the approved scheme.
19. The planning application is supported by an Environmental Impact Assessment (EIA) which assesses the main environmental effects of the proposed development and their likely significance of impact. The conclusions reached within the EIA are considered within the planning observations section of the report.
20. To address issues and concerns raised following the initial planning consultation process, a series of modifications and additional environmental assessments have been submitted in response to a formal request made by the Council under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Reg. 25 request). The Reg. 25 submission incorporates the following additional information:
  - a. Mitigation of visual impacts of proposed development: The Reg. 25 request seeks to mitigate and reduce the level of visual impact for users of the right of way by improving the field boundary hedgerow between the footpath and extraction area. The applicant has reviewed the structure of the hedgerows in response to the Reg. 25 request and concluded that the

existing hedgerows are well established and provide satisfactory screening of the site and therefore does not propose to carry out any further planting of these hedgerows. However, the applicant has confirmed the existing hedgerows will be retained and managed throughout the life of the quarry, except where new crossing points are to be installed.

- b. Working plans and restoration proposals: The Reg. 25 submission incorporates the following modifications to the submitted scheme:
- Additional screen planting along southern boundary: The revised working plan identifies that screen planting would be carried out adjacent to the southern boundary of the site to reduce the visual impact of the development when viewed from Collingham village.
  - Grassland aftercare arrangements: The applicant has confirmed that they will submit a detailed scheme of restoration and aftercare for the areas restored to grassland as part of a planning condition.
  - Re-shaping the two northern water bodies: The Reg. 25 requested modifications to be made to the shape of the two northern water bodies to provide a more undulating edge and increased marginal/edge habitat. The Reg. 25 response does not propose any modifications to the shape of the water bodies due to there being insufficient material available on site to create the shallow areas. The applicant states that the submitted design maximises sand and gravel recovery (thereby ensuring minerals are not needlessly sterilised) and minimises over dig (which is costly in both financial and environmental terms).
  - Conservation grassland management: The applicant has confirmed that the conservation grassland management area will utilise low fertility subsoils which are more suitable for seeding for species rich grassland.
- c. Noise calculations: A supplementary noise assessment document has been prepared to address questions raised in the initial consultation response from VIA's noise engineer.
- d. Flood risk assessment: An updated flood risk assessment has been submitted to address concerns raised by the Environment Agency in their original planning consultation response.
- e. National Grid overhead power cables: A supplementary working methodology statement has been provided to address concerns raised by National Grid regarding safe working in the vicinity of the National Grid control high voltage overhead power lines which cross the site.
- f. Ecological issues: A suite of additional ecological information has been provided to address concerns raised through the Reg.25 request relating to:
- An assessment of the potential for hydrological impacts within Besthorpe Meadows SSSI.
  - Clarification on types of habitats created through the restoration of the site.

- Consideration of the scope for hydrological impacts on the Black Pool Local Wildlife Site (LWS)
  - Noise assessment in relation to bird and bat habitats within Mons Pool
  - Consideration of options to increase shallow margins within the restored lakes
  - The potential for a connection to be made between the Fleet watercourse and the restored ponds.
  - An agreement to provide an additional five years aftercare for the restored habitats.
  - Consideration of the potential to under-dig the mineral reserve to source additional restoration material to create more varied ecological habitats.
  - Habitat creation along margin of fleet corridor.
  - Potential to create additional habitat for turtle dove.
  - Further justification setting out the reasoning for not carrying out an invertebrate survey.
- g. Protection of rights of way: A scheme to protect the users of the public right of way from quarry traffic.
21. The information provided within the Environmental Statement and supplemented by the Reg. 25 request are examined within the Observations section of the report.

## Consultations

22. The County Council has carried out two separate rounds of consultation coinciding with the initial submission of the planning application and the submission of the Reg. 25 supplementary information. This section of the report sets out the responses that have been received from each consultee, providing a summary of any response received to the initial consultation followed by a summary of any subsequent response received to the subsequent Reg. 25 consultation.
23. Newark and Sherwood District Council: *Raise no objections.*
24. *The Environmental Health section of the Council ask for noise and dust to be fully controlled by use of an appropriate planning condition.*
25. *Reg 25 Response: No further comments to make.*
26. Collingham Parish Council: *Support the planning application.*
27. *Reg. 25 Response: The Parish has no further comments to make.*
28. Besthorpe Parish Meeting: *No representation received. Any response received shall be orally reported.*

29. NCC (Planning Policy): *The site is not allocated for mineral extraction within the adopted Minerals Local Plan, but is proposed to be allocated for mineral extraction within Policy MP2o within the emerging Minerals Local Plan (Publication Version, August 2019). Whilst not yet adopted, the emerging plan should be given some weight as a material consideration when determining this application.*
30. Reg 25 Response: *The planning policy team does not have any further comments to make in addition to the previous comments submitted in December 2019.*
31. NCC (Highways): *No objection.*
32. *Raise no objections in terms of highway safety or highway capacity terms subject to the existing S.106 legal agreement being re-imposed so that it regulates the access arrangements of this new development.*
33. Environment Agency: *No objections but recommend planning conditions are imposed to regulate flood risk, require a flood warning system is in place and monitor the effects of quarry dewatering on surrounding land.*
34. *The EA initially issued a holding objection to the planning application on the basis that they considered the flood risk assessment was inadequate and failed to specify whether ground levels would be raised, or new structures added within the red-line boundary of the application and it failed to specify a minimum stand-off distance between quarry excavations and the River Fleet.*
35. Reg 25 Response: *The Reg. 25 submission addresses the EA's original concerns regarding the planning application and enables the EA to withdraw its original holding objection subject to planning conditions being imposed as follows:*
- *The development is carried out in accordance with the submitted flood risk assessment and specifically no ground levels are raised, no new fixed plant or machinery is installed in the quarry, a 20m stand-off is maintained to the River Fleet and restoration is carried out in accordance with the submitted details.*
  - *An ongoing flood warning system should be put in place during the operational life of the quarry to protect workers and quarry equipment who are at risk from sudden onset rapid flooding of the site in the event of a breach of the River Trent flood defences due to the workings potentially being located ten metres below ground level in the functional floodplain*
  - *The hydrogeological risk assessment identifies that dewatering may impact local water features, including Fleet Drain, Besthorpe Meadows SSSI and the Mons Pool local wildlife site. The quarry dewatering requires an abstraction (transfer) licence from the EA, this application will give consideration to potential impacts on local water features.*

*The licensing process is separate to the planning regime and there is no guarantee that the applicant will be able to obtain an abstraction licence for these operations. As part of the planning process the EA would like to request a condition requiring a monitoring and mitigation scheme for local water features to assess ongoing possible impacts of dewatering at the quarry to be submitted.*

36. *The EA consider the proposed development provides great opportunities to work together to provide significant outcomes for fish and eel. Wetland habitats provide great habitat, acting as a nursery for juvenile fish / fry, offering protection from riverine predators and shelter from faster river flows. This project could see some excellent gains through a potential connection of the nearby River Fleet to the extended wetland. Such a project would not only greatly assist eel in completing their complex lifecycle, but also wider fish species. With these point in mind; the EA strongly encourage the applicants to look into this further and we are happy to provide advice and guidance accordingly.*
37. Trent Valley Internal Drainage Board: *Raise no objection.*
38. Reg 25 Response: *No further comments raised.*
39. NCC Flood Risk: *Raise no objections.*
40. Natural England: *Raise no objection to the planning application.*
41. *Natural England initial consultation response raised concerns that the planning application could have potential significant effects on Besthorpe Meadow Site of Special Scientific Interest. Natural England requested further information be submitted in order to determine the significance of these impacts and the scope for mitigation. The following information was requested:*
  - *Potential for the proposals, particularly the dewatering and flow of groundwater, to change and affect the groundwater levels beneath the SSSI.*
  - *Clarification and evidence on how Mons Pool LWS will provide the SSSI with protection from draw down during dewatering.*
  - *Details of a monitoring programme of the ground and surface water alongside vegetation surveying of the SSSI.*
42. *In addition, Natural England advise on the following issues:*
  - *Natural England encourage the development to demonstrate that it provides a net gain in biodiversity assets and delivers an overall increase in biodiversity, suggesting the use of DEFRA's Biodiversity Metric 2.0 measurement tool to demonstrate this.*
  - *Natural England note the application site incorporates 4.6ha of 'best and most versatile' (BMV) agricultural land. Natural England do not*

wish to comment in detail on the loss of this comparatively small amount of BMV agricultural land, but encourage the use of good practice for soil handling to ensure soil resources are preserved.

*Reg. 25 Response: Natural England have withdrawn their original objections concerning potential impacts to Besthorpe Meadows Site of Special Scientific Interest subject to mitigation measures being put into place to ensure water levels are maintained or improved in the Collingham Drain and to require vegetation monitoring in the SSSI secured by planning condition or legal agreement.*

43. Nottinghamshire Wildlife Trust: *Object to the planning application. NWT do not disagree in principle with the proposal for an extension to Besthorpe Quarry in this location, however, the scheme as currently submitted needs further ecological information and impact assessment and also further improvements to the restoration scheme. NWT's observations are summarised below:*
44. *The quarry's potential to improve the wetness of the ground conditions within Besthorpe Meadows SSSI has not been satisfactorily investigated. The development does not incorporate a rigorous monitoring regime to regularly check the ground and surface water levels in the Besthorpe Meadows SSSI with an associated programme of monitoring the soil wetness and plant assemblage composition.*
45. *The impact of any increases in localised NOx from plant and HGVs and how this might impact the SSSI and other features of ecological interest has not been assessed.*
46. *It is not clear why groundwater changes in Black Pool have been ruled out as it lies less than 500m from the northernmost excavation. This therefore requires further explanation. There should be a robust water monitoring regime to ensure that there are no impacts on water levels in Mons Pool, and also to check whether the predictions for Black Pool are correct, as there are no current water levels data available.*
47. *There should be an assessment of the current and predicted noise levels for birds and bats using the Mons Pool area.*
48. *Measures need to be put in place to create improved habitat for breeding birds which may be displaced by quarry development works.*
49. *A method statement is required to ensure reptiles and amphibians are not harmed during the works.*
50. *A further bat assessment should be made.*
51. *Explanation is required as to why invertebrate surveys have not been carried out.*

52. *The restoration scheme does not incorporate satisfactory shallow habitats and should have more variability of shape and form to the lakes. Opportunities to connect the Fleet with the restored wetlands should be investigated.*
53. *The site should receive extended aftercare over and above the normal 5-year period.*
54. *Within the pre-application negotiations Tarmac agreed to carry out improvements to the current Besthorpe Quarry southern lake through the creation of additional shallows using materials generated by under-digging the worked-out void in this area. NWT are disappointed to see that the improvements to the lake will be achieved by materials sourced from the eastern extension area rather than an under-dig. This change results in greater vehicle movements on the site and additional disturbance to users of the public right of way.*
55. *Reg 25 Response: NWT have comprehensively reassessed their consultation response following the receipt of the Reg. 25 consultation response. They maintain their objection but have identified the following observations.*
56. *Besthorpe Meadows SSSI: NWT want to see a rigorous programme to monitor groundwater levels and plant assemblages in the SSSI and a scheme to mitigate any adverse impacts in the SSSI to ensure that the SSSI condition does not decline further. NWT manage the SSSI and are about to carry out engineering works to increase moisture levels in the SSSI, they ask that a planning condition is imposed to ensure there is close liaison between NWT, Tarmac and Hafren to allow the interception of water outfalls from the quarry outfall to increase moisture levels in the SSSI. The latest air quality report has not assessed the impact of any increases in localised NOx from plant and HGVs and how this might impact the SSSI. This requires assessment.*
57. *Local Wildlife Sites: Groundwater changes in Black Pool have been ruled out subject to mitigation of lining the void walls with clay, this should be conditioned. There is still no information provided on indirect impacts due to NOx on sensitive habitats, such as species-rich grasslands at Northcroft Lane Meadow LWS and Black Pool LWS, which requires investigation.*
58. *Birds: The noise assessment identifies that there is potential for increased noise levels in the eastern end of Mons Pool up to 65dBA. This has potential to detrimentally effect breeding birds. To mitigate for these adverse impacts NWT expect Tarmac to undertake the noisiest operations close to Mons Pool outside the breeding season for both birds and bats, and that this should be conditioned.*
59. *All retained hedges should be cut on a 3-year cycle, in rotation, thus ensuring that dense, habitat suitable for breeding birds and winter food is present during the entire scheme.*

60. *The field margins should be widened to at least 20m to provide a proper buffer of feeding and breeding habitat. The buffer zone along the Fleet should be widened to at least 30m, to protect breeding birds using this habitat, as well as other important species such as bats, grass snakes, amphibians and water voles. A larger stand-off, at 75m should be made around the tree known to be used by barn owls, a Schedule 1 species.*
61. *Any soil mounds, and fields that will not be removed until the later phases, should be seeded with a seed-rich mix, containing a mix of native wildflowers and high energy seed plants, to provide feeding habitat for the displaced red list BoCC species such as linnet and yellowhammer.*
62. *A reptile and amphibian method statement to minimise potential impacts to these species should be agreed in advance of determination of the planning application. The proposed off-site habitat area to the east of the fleet would provide compensatory habitat for losses within the application site and should be established prior to the quarry development.*
63. *Bats: There is the potential for impacts on bats from artificial lighting, recommendations have been made in the Ecological Report to minimise lighting and these should be conditioned.*
64. *Otters and Water Voles: Trail cameras should have been used to enable a proper understanding of these species.*
65. *Invertebrates: NWT is now satisfied that invertebrate surveys are not necessary.*
66. *Restoration: NWT would expect to see a greater area of shallow habitats and less deep, open water. NWT would expect much more variability of shape and form to the lakes (such as islands and peninsulas). It may be that other materials would have to be imported to ensure a high quality wetland restoration to the 3 main priority habitats – wet grassland, reedbed and marsh – or that some lower grade mineral could be left in situ so that a more shallow restoration can be achieved in parts of the site. NWT consider the ecological benefits of the restoration scheme have been over-estimated and disagree with the conclusions of the biodiversity metric calculation. Further information is required regarding the restoration habitats that would be required, specific planting arrangements and aftercare arrangements. NWT welcome the proposal for the continuation of restoration and ecological advisory working group attended by the operator, the MPA and NWT.*
67. *NWT note that a construction environmental management plan (CEMP) is proposed, which is essential and should be secured by condition.*
68. *NCC (Nature Conservation): Raise no objections to the planning application following the receipt of the additional information submitted through the Reg. 25 response, subject to the imposition of planning conditions to regulate the level of ecological effects of the development.*

69. *With regard to the original planning submission, a series of observations were raised in respect of the ecological effect of the development, these are summarised below.*
70. *Further information is requested to understand the level of noise impact to the breeding site for Grey Heron, Little Egret and Cormorant on the island within Mons Pool. In other respects, noise emissions from site activities would not significantly impact bird habitats in the surrounding area.*
71. *The buffer zones around the site are considered to be sufficient. Retained vegetation should be ecologically managed (e.g. placing hedgerows on a 3-year management rotation and seeding soil mounds with a seed-rich mix).*
72. *A method statement for the creation of shallows and small ponds in the fields to the east of the Fleet, outside the proposed extension area should be regulated by planning condition. These works should be carried out in advance of the first phase of extraction commencing.*
73. *The current level of assessment and mitigation for foraging bats is considered appropriate.*
74. *The level of survey in relation to Otter is sufficient.*
75. *Emissions from mobile plant and HGVs on Besthorpe Meadows SSSI and various LWS is unlikely to make a significant impact on local air quality and therefore a quantitative assessment of these emissions is not necessary.*
76. *The extension area is crossed by high voltage powerlines. Given that the proposed lakes can be expected to attract wildfowl, which are vulnerable to flying into such powerlines (especially in poor weather), it will be necessary to install warning/visual markers to improve their visibility and reduce the likelihood of such collisions. This should take place within 6 months of extraction in the extension area commencing.*
77. *The improvements to the restoration of the existing main lake should be carried out using materials generated by the under-digging of the eastern part of this lake, rather than bringing in material from the eastern extension as currently proposed. This would allow the improved restoration to be achieved more quickly, and for material from the extension to be used to increase the area of shallows in that part of the site.*
78. *Site restoration should be regulated by planning condition. An extended aftercare period for site establishment and management is considered appropriate.*
79. *Reg 25 Response: The additional information submitted by Tarmac as part of the Regulation 25 submission has been reviewed. The information is acceptable and addresses the points raised. Natural England's views in relation to potential hydrological impacts on the Besthorpe Meadow SSSI should be sought.*

80. NCC (Archaeology): *Raise no objections.*
81. *The nature of the sediments and the topography of the site mean it is likely that there is only limited potential for “dry-land” archaeology. There is some potential for archaeological deposits associated with rivers and water’s edge locations (such as boats, fish weirs). This kind of archaeology is extremely difficult to prospect for. Because there could be archaeology at any depth almost anywhere within the site, and there is no way of prospecting for it in advance, it is recommended that the archaeology is regulated by planning condition requiring a mitigation strategy for any archaeological remains to be investigated at the point of soil stripping through the submission of a programme of investigation to be approved and its subsequent implementation.*
82. Reg. 25 response: *Re-iterate the above observations and the request to impose a planning condition requiring a programme to monitor and investigate the archaeology during the soil stripping.*
83. NCC (Built Heritage): *Raise no objection.*
84. *There would be a level of harm caused to the setting of the designated Collingham Conservation area during the extraction period, but the magnitude of impact is considered ‘less than substantial’ and could be fully mitigated by a screen planting scheme at the outset of the extraction process. There is also some potential for impacts to Besthorpe and Girton Conservation areas as a result of HGV movements passing nearby, but the magnitude of impact is considered to be less than substantial in the context that the quarry haulage traffic would be viewed in the context of existing HGV traffic flows in these areas.*
85. Via (Countryside Access): *Raise no objections.*
86. *North Collingham Public Footpath No 17C and North Collingham Byway No. 41 are affected by the proposals. The Rights of Way Team welcome the applicant’s proposed mitigation measures to the affected public rights of way which comprise:*
- *The installation of a post and wire fence along the eastern boundary of North Collingham Byway 41, subject to the fence being installed to maintain appropriate width on the right of way.*
  - *The submission under planning condition of a footpath protection and safety scheme for the haul road crossing points on North Collingham Byway no. 41 to regulate the provision of signage, speed limits, visibility, and surfacing.*
  - *The applicant will be required to secure the necessary approvals for a temporary diversion of Public Footpath No. 17C during phase E3 to extract the underlying minerals.*

87. *Reg. 25 Response: The submitted 'footpath protection scheme' provides a satisfactory level of protection for the North Collingham Byway No.41. The implementation of the footpath protection scheme should be regulated by planning condition.*
88. Friends of Trent Valley Trail: *Do not object*
89. *The Trent Valley Trail shares the route of North Collingham Byway 41 adjacent to Besthorpe Quarry. Quarry plant will cross the route of the byway/trail. Further information is requested in terms of how the crossing points will be managed including details of sight lines, warning signs, possibly traffic signals and surfacing. It is requested that the warning signs to be installed should reference the presence of cyclist using the trail. Concerns are expressed that plant drivers may turn onto the trail and it is requested measures are put in place to prevent this happening (provision of barriers on trail and signage).*
90. Via (Landscape): *Do not object, but identify some landscape and visual effects from the development and recommend some supplementary planting works to mitigate these negative impacts.*
91. *The assessments of landscape and visual impacts have been carried out appropriately. These assessments conclude that the physical impact from the development on the landscape would be moderately adverse during the extractive phase, but this would change to moderately beneficial following the maturity of the restoration. In terms of visual impact, the development would have a moderate/minor adverse impact during extraction to users of the adjacent public right of way, but this would change to a moderate minor beneficial effect following restoration. In the event that planning permission is granted it is recommended the following control measures are imposed:*
- *To mitigate adverse visual effects from Northcroft Lane, hedgerow/tree planting works to the east of Northcroft Lane site should be carried out as advanced works.*
  - *Woodland and tree planting along the southern boundary should be shown on the restoration drawing if it is part of the scheme.*
  - *Plant species should be suitable for the Trent Washlands Landscape Character area but not include Fraxinus excelsior.*
  - *The detail of appropriate management proposals and a funding mechanism for the future maintenance and management works should be incorporated into planning conditions should planning permission be granted.*
92. *Reg. 25 Response: No further comments to make*
93. Via (Noise Engineer): *Raise no objections subject to the level of noise emissions being regulated by planning conditions.*
94. *Whilst the magnitude of the predicted noise emissions identified within the original planning submission were considered appropriate and not intrusive,*

further information was requested to verify the accuracy of the assumptions used in the noise calculations.

95. *Reg. 25 Response: A noise impact assessment has been submitted in support of the application. Baseline noise surveys have been conducted to inform the background noise levels. The assessment predicts noise levels from site operations and compares predicted levels with measured background noise levels and guidance limits in PPG for Minerals. The noise assessment has considered a range of typical plant and that the predicted noise levels represent the 'worst case' noise prediction. The predicted noise levels for both temporary and normal operations have been compared against the background noise levels at each receptor using the noise criteria in the PPG for Minerals. The assessment demonstrates that the noise impact is predicted to fall within the acceptable range for noise in the PPG for Mineral workings for both normal operations and temporary operations. Planning conditions are recommended to regulate the maximum level of noise emissions associated with quarrying operations at nearby properties associated and the use of broadband reversing alarms on plant and machinery.*
96. Defence Infrastructure Organisation: *Raise no aircraft safeguarding objections to the development.*
97. *Reg. 25 response: No further comments to make.*
98. Network Rail: *Raise no comments.*
99. Planning Casework Unit: *Raise no comments.*
100. Cadent Gas Limited: *Have identified that the company has apparatus in the vicinity of the development site.*
101. National Grid: *Raise a holding objection on the basis that the planning application does not demonstrate that statutory electrical safety clearances have been maintained to overhead power cables which cross the planning application site.*
102. *National Grid has been consulted in connection with the Reg. 25 submission which incorporates a scheme to protect the overhead power cables but have not provided any further response.*
103. Western Power Distribution: *Raise no objections to the work and are satisfied that the development doesn't appear to affect any of the LV/HV network.*
104. Severn Trent Water Limited: *No representations received. Any responses received shall be orally reported.*

## **Publicity**

105. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers. The application has also been re-advertised by the posting of site notices and publication of a press notice following the receipt of the Reg. 25 supplementary information. The publicity has been carried out in accordance with the County Council's adopted Statement of Community Involvement.
106. One letter of representation has been received from a resident of Collingham which raises objections to the planning application on the following grounds:
- a. *The land is not allocated as a mineral extraction area in the Minerals Local Plan, and the replacement plan has not been agreed by the Secretary of State.*
  - b. *The recommended distance of the development from the village is 500 metres, but in this case it is only 375 metres.*
  - c. *There is a footpath which crosses the proposed site which will be closed during workings. No notice has been sited on this part to make people aware of the changes.*
  - d. *On the south side of the proposed area a number of fields have access to the River Fleet as watering holes for livestock. Once extraction begins the level of the fleet will drop making the watering holes useless.*
  - e. *The water table will drop as water is pumped out to keep the workings dry. This will affect the productivity of neighbouring agricultural fields.*
  - f. *There will be an increase in weed distribution from the gravel workings, impacting on neighbouring land.*
  - g. *Sand and gravel is present in areas further away from Collingham village which would be less intrusive.*
107. Councillor Maureen Dobson has been notified of the application. Councillor Dobson has confirmed that she is supportive of the planning application.
108. The issues raised are considered in the Observations Section of this report.

## **Observations**

109. In accordance with the statutory requirements, this planning application must be determined in accordance with the Development Plan, unless there are material considerations which indicate otherwise.
110. The Development Plan in the context of this minerals planning application comprises:
- The 2005 adopted Nottinghamshire Minerals Local Plan (adopted MLP);

- The Newark and Sherwood Amended Core Strategy Development Plan Document (March 2019);
  - The Newark and Sherwood Allocations and Development Management Plan Document (July 2013).
111. The following are material considerations:
- The National Planning Policy Framework (NPPF) and associated Planning Practice Guidance, notably the guidance concerning minerals development;
  - The new Nottinghamshire Minerals Local Plan (Publication Version August 2019) (new MLP).
112. Most of the policies of the 2005 adopted MLP have been saved until such time that they are replaced by the new replacement plan. However, because of its age, some parts of this plan are now considered to be very dated, particularly the various site allocations and the minerals supply/requirement figures underlying them. Other aspects of the plan including its environmental protection policies remain generally consistent with national planning guidance and continue to apply, unless materials considerations indicate otherwise.
113. The replacement/new MLP has been submitted to the Secretary of State for independent examination, however the timetable for holding the examination has been delayed because of coronavirus restrictions with it currently scheduled to take place later in 2020. Notwithstanding this delay, for the purposes of considering this planning application the new MLP is considered to be at an advanced stage of preparation and in accordance with paragraph 48 of the NPPF a level of weight can be afforded to its policies depending on the extent to which there are unresolved objections to it. This matter is further explored in relation to key planning policies below.

#### Need for Development

114. National Planning Policy Framework (NPPF) Paragraph 80 identifies that:
- ‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future’.*
115. Paragraph 205 of the NPPF reinforces the above policy and confirms that ‘when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy’.

116. Besthorpe Quarry is one of a number of sand and gravel quarries in Nottinghamshire which are vital to the supply chain of the construction industry both within the county and neighbouring areas. Mineral reserves are becoming depleting at Besthorpe. Excluding the reserves under the plant site (approximately 200,000 tonnes) which has been incorporated into the proposed development as the final working phase, it is anticipated that the currently permitted reserves will be exhausted within the next two years.
117. The proposed eastern extension contains approximately 3 million tonnes of saleable sand and gravel. The planning application envisages that this would be recovered over a fifteen-year period from 2021 at an average yearly extraction rate of approximately 200,000 tonnes. This additional mineral reserve would maintain the continuity of mineral supplies and ensure continued supply of aggregates to the North Nottinghamshire and South Yorkshire markets, maintaining the applicant's customer base and ensuring that the quarry continues to positively contribute to the economy, a fact that the NPPF requires the council to give significant/great weight to in this planning decision. The economical emphasis of this development is particularly relevant having regard to the challenges which there are likely to be in future years as the economy emerges from the coronavirus restrictions.

#### Minerals landbank and the development of new mineral resources

118. NPPF Paragraph 207 states that mineral planning authorities should plan for a steady and adequate supply of aggregates. It identifies the landbank as one of the most important indicators to assess how long the current stock of permitted mineral reserves is likely to last and encourages the maintenance of a landbank of at least 7 years for sand and gravel. The landbank is calculated by comparing the level of permitted reserves against the average level of mineral production over the last ten years. The approach is generally consistent with adopted MLP Policy M6.2 which endeavours to maintain a landbank of permitted reserves of sand and gravel sufficient for at least 7 years extraction and also an adequate production capacity in order that Nottinghamshire meets its reasonable share of regional provision of aggregates throughout the plan period.
119. The current landbank of mineral reserves within Nottinghamshire is published within the Council's Local Aggregate Assessment (LAA). The latest version of the LAA was published in December 2019 and identified the level of permitted reserves within Nottinghamshire stood at 20.1 million tonnes and the 10-year sales average was 1.46 million tonnes, equating to a sand and gravel landbank of 13.76 years.
120. Adopted MLP Policy M6.3 (Sand and Gravel Extraction in Unallocated Land) has been saved and states:
- 'Proposals for sand and gravel extraction falling outside allocated areas will not be permitted unless it is evident that existing permitted reserves and the remaining allocations cannot sustain an adequate landbank and*

*processing capacity as provided for in Policy M6.2 (Sand and Gravel Landbank).'*

121. The Besthorpe eastern extension site is not allocated for minerals extraction within the adopted MLP. Since the current sand and gravel landbank is in excess of 7 years, adopted MLP Policy M6.3 is not supportive of the development.
122. However, it is considered that MLP Policy M6.3 is not consistent with Central government guidance incorporated in Paragraph 84 of the Planning Practice Guidance (PPG) which states that:

*'There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need.'*
123. The approach set out within the PPG therefore takes a more pragmatic approach than adopted MLP Policy M6.3 when considering planning applications for new minerals extraction schemes in cases where there is a landbank in excess of seven years as is the case in Nottinghamshire.
124. Since the adopted MLP is not consistent with the PPG and the publication of the PPG postdates the adopted MLP, it is concluded that this planning application should be considered on its merits rather than the more stringent approach set out within adopted MLP Policy M6.3 which would indicate planning permission should be refused for the development.
125. The approach within Policy MP1 of the new MLP is more consistent with the PPG insofar that it states, in paragraph 3, that 'proposals for aggregate extraction outside those areas (allocated for extraction) will be supported where a need can be demonstrated'.

#### Site allocations within the adopted and new Minerals Local Plan

126. Both the adopted and new MLPs incorporate projections of the level of need for sand and gravel production throughout the period of each plan and identify a series of site allocations to ensure that adequate mineral resources are identified to meet the anticipated level of need throughout the life of the plan.
127. The adopted MLP does not identify any allocation for extensions to sand and gravel extraction at Besthorpe. The reasoning for this is set out within paragraph 6.83 of the plan which states:

*'Current permitted reserves (December 2005) should be sufficient until 2013, based on annual production of 400,000 tonnes. Further extensions at Besthorpe are possible, but as the Plan is expected to be fully reviewed by 2009 it is considered more appropriate to assess the need for allocating further reserves at that time.'*

128. The Besthorpe Quarry has operated at a lower level of production to the 400,000tpa figure identified in the adopted MLP and therefore the mineral reserve has depleted at a slower rate. The current planning permission for the Besthorpe Quarry allows extraction until 31<sup>st</sup> December 2022.
129. Due to the age of the adopted MLP, which was adopted in 2005 and covered a period up to 31<sup>st</sup> December 2014, the plan is considered to be out of date in terms of its allocation of sand and gravel extraction sites. It is almost inevitable that any new sites which come forward to permit further sand and gravel extraction within Nottinghamshire prior to the adoption of a replacement minerals local plan would be undertaken on land that is not allocated for minerals extraction within the adopted MLP. Since the eastern extension of Besthorpe Quarry is not allocated for sand and gravel extraction within the adopted MLP this planning application must be assessed as an unallocated site in the context of adopted MLP policy.
130. The new MLP incorporates calculations of future sand and gravel requirements for the plan period until 2036 within Policy MP1. These projections are used to identify a series of site allocations which aim to ensure that sufficient mineral resources are available throughout the life of the plan. The eastern extension to Besthorpe Quarry is identified as a site allocation within the new MLP under Policy MP2o.
131. In terms of the weight that should be given to policies in emerging or new development plan documents when making planning decisions, Paragraph 48 of the NPPF states:
- 'Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*
132. The criteria set out within NPPF paragraph 48 are considered below where it is concluded that:
- a. The new MLP is at an advanced stage and therefore considerable but not full weight can be given to its policies within this decision (point a).
  - b. In terms of unresolved objections to the allocation of the eastern extension at Besthorpe Quarry in the new MLP (point b), it is a matter of record that the draft publication of the MLP did not incorporate the eastern extension at Besthorpe. The decision to not

allocate Besthorpe East in the draft plan resulted in representations being received which supported its allocation. Furthermore, as a result of a number of sites proposed for allocation being withdrawn by the minerals industry following the Draft Plan consultation there was a need to re-appraise the proposed site allocations and this resulted in a reappraisal of the sites selected to meet forecast demand and the decision to include the eastern extension at Besthorpe as an allocation (Policy MP2o) in the publication version of the new MLP.

It can also be confirmed that the inclusion of the eastern extension in the publication version of the new MLP did not result in any objections being received when the publication version of the plan was subject to consultation. This lack of objection further supports the considerable weight that can be attached to this policy in advance of the adoption of the new MLP.

- c. In terms of consistency between the emerging plan and the NPPF (point c), the publication version of the new MLP is considered to be consistent.

- 133. It is therefore concluded that new MLP Policies Policy MP1 and MP2 can be given considerable weight in this decision, as MP1 sets out the overall need over the life of the plan and MP2 identifies the sand and gravel allocations that will meet this need – one of which one is Besthorpe East (MP2o). As a result, this planning application is a key part of meeting future need and isn't going above and beyond the assumptions set out in the new MLP.

#### Planning merits of permitting an eastern extension to Besthorpe Quarry

- 134. Paragraph 84 of the PPG requires minerals developments to be assessed on their own merits, even in cases where the landbank exceeds 7 years. This approach is consistent with Policy MP1 of the new MLP which states, in paragraph 3, that '*proposals for aggregate extraction outside those areas (allocated for extraction) will be supported where a need can be demonstrated*'.
- 135. Strategic Objective S01 of the new MLP concerns itself with improving the sustainability of minerals development and gives priority to the improved use or extension of existing sites before considering new locations. MLP paragraph 6.36 explains this is because potential extensions to quarries will often have lower environmental effects than new greenfield sites. Policy SP1 incorporates a strategy for the supply of minerals in Nottinghamshire and gives priority to the extension of existing sites, where economically, socially and environmentally acceptable.
- 136. Adopted MLP Policy M2.1 (Sustainable Development Objectives) states that minerals development will only be granted planning permission where it has been demonstrated that the plan's sustainable development objectives have been fully addressed. Supporting paragraph 2.5(vi) states that part of these

sustainable development objectives includes the prevention of the unnecessary sterilisation of mineral resources. The prevention of the sterilisation of mineral resources is consistent with NPPF paragraph 204.

137. Mineral extraction at Besthorpe Quarry has steadily progressed and it is anticipated the existing consented reserves will be exhausted at the end of 2022 when the current time limited planning permission expires.
138. The approved phasing scheme for Besthorpe Quarry provides consent for the extraction of the minerals which underlay the plant site and stocking area resulting in the removal of these facilities prior to extraction and necessitating the use of mobile plant for processing this remaining mineral. Once the plant site infrastructure is removed the operator's ability to process additional mineral reserves in the Besthorpe area, including mineral originating from the eastern extension, would be seriously jeopardised and could effectively result in the sterilisation of this mineral.
139. The site area (red line) of the eastern extension planning application incorporates land within the existing Besthorpe Quarry and identifies a revised phasing scheme which would see mineral extraction beneath the plant site and stocking areas carried out following the completion of mineral extraction in the eastern extension. The silt lagoon system in the existing quarry would also be retained and extended to provide capacity to process the mineral originating from the eastern extension with modifications made to the restoration scheme.
140. There is therefore a limited time window within which it is operationally possible to work the eastern extension area using the existing site infrastructure and this is the reason why the planning application has come forward at this stage.
141. The continued use of the existing Besthorpe Quarry plant site and infrastructure would almost certainly have a lower impact on the local environment than developing a new plant site and associated infrastructure within the eastern extension site area which would be closer to Collingham village.
142. If permitted, the additional mineral from the eastern extension would secure the future of Besthorpe quarry for a further fifteen years, providing continuity to the existing jobs within the quarry for a longer duration than presently envisaged.
143. The additional three million tonnes of sand and gravel that would be recovered from the eastern extension would make a welcome addition to Nottinghamshire's landbank of sand and gravel reserves, despite the landbank already being relatively healthy at 13.76 years as at December 2019. The additional reserves equate to approximately two years additional productive capacity based on the county's annual production rate which currently stands at an average 1.46 million tonnes per year, thus providing more security of sand and gravel reserves.

144. The size of the mineral reserve within the eastern extension at Besthorpe quarry is sufficiently large to strategically influence market conditions and the pattern of mineral supply within the wider Nottinghamshire area. However, since Besthorpe East is identified as a site allocation in the new MLP, a grant of planning permission at this time would not result in any unforeseen adverse impacts to the implementation of the new MLP following its adoption, particularly given the lack of unresolved objections to the allocation in the publication version of the new MLP heading into the examination.

Planning policy conclusions relating to mineral supply issues in relation to the development of an eastern extension to Besthorpe Quarry

145. The Besthorpe eastern extension site sought planning permission is not allocated for mineral extraction within the adopted MLP.
146. Adopted MLP Policy M6.3 is not supportive of a grant of planning permission for minerals extraction within unallocated sites, particularly when the County currently has a landbank of consented sand and gravel reserves of 13.76 years which exceeds the minimum requirement to maintain a 7-year landbank.
147. However, Policy M6.3 is not consistent with more recently published national policy incorporated in the Government's Planning Practice Guidance which states there is no maximum level of landbank and that planning applications should be assessed on their own merits. This approach is consistent with Policy MP1 of the new MLP which states, at paragraph 3, that proposals for aggregate extraction outside those areas allocated for extraction will be supported where a need can be demonstrated and therefore consideration should be given to the wider merits of the development.
148. The new MLP will replace the 2005 adopted MLP but it has not yet been adopted. However, the new plan is at an advanced stage of preparation and its policies, notably Policy MP20 which identifies Besthorpe East as an allocation for sand and gravel extraction and which is not subject to any outstanding objections going into the plan's examination, can be given considerable weight in this planning decision, particularly since the allocation is a key part of the plan's strategy to ensure Nottinghamshire maintains an adequate supply of minerals. The new MLP therefore is supportive of this planning application.
149. In terms of assessing the wider benefits of the development, the eastern extension of Besthorpe Quarry will assist in avoiding minerals becoming sterilised. The quarry extension will maintain the continuity of sand and gravel production at Besthorpe Quarry to serve established markets and the economic benefits which it brings to the local environment. The increase in the landbank would provide some increased security of mineral supply. The new MLP acknowledges that the extension of existing sites often has less significant environmental impacts than the development of a new quarry.

150. A timely decision on this planning application is now required so that the mineral within the eastern extension can be worked on a phased basis so as to enable it to be processed within the existing plant site.
151. These factors argue in favour of granting the proposed development planning permission, particularly when considered in the context of Paragraph 205 of the NPPF which requires that '*when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy*', subject to there being no unacceptable environmental impacts.

#### Assessment of Environmental Impact

152. To assist the Minerals Planning Authority (MPA) in making an assessment of the environmental effects of the development the planning application is supported by an Environmental Impact Assessment (EIA) prepared under the Environmental Impact Assessment Regulations (EIA Regs). This EIA has been supplemented by additional information provided under Regulation 25 of the EIA Regs. The EIA thoroughly assesses the environmental implications of development, its findings have been examined and appropriate technical advice has been taken through the planning consultation process. The conclusions of this assessment are considered below.

#### Landscape Impact Assessment

153. MLP Policy M3.22 (Landscape Character) requires landscape character and local distinctiveness to be fully taken into consideration as part of development proposals.
154. The site is situated within the National Character Area Profile No. 48 Trent and Belvoir Vales. At the county level the site is within the Trent Washlands character area as described within the Nottinghamshire County Council Landscape Character Assessment 2010. The Newark and Sherwood District Landscape Character Assessment 2013 describes the local landscape character of the area. This application site lies within the Besthorpe River Meadowlands (TW17) which has the following characteristic features:
  - A flat, low lying landscape against the River Trent.
  - Medium to large scale fields in arable production.
  - Hawthorn hedgerows with hedgerow trees along lanes and tracks.
  - Deciduous woodland scrub associated with restored quarry sites.
  - Open long-distance views often with pylon lines and power stations on the skyline.
155. The landscape condition is defined as moderate with a low landscape sensitivity leading to a landscape action of 'create and reinforce'. The landscape actions for the area are stated below together with observations as to how the proposals contribute to these actions.

| <u>Landscape action for Besthorpe River Meadowlands</u>  | <u>Assessment of how much the development contributes to the landscape action</u>  |
|--|--|
| Seek opportunities to recreate the historic field pattern where appropriate.   | The proposals partially meet this objective. There will be the loss of two existing hedgerows to allow for mineral extraction. One hedgerow is to be reinstated following restoration of the northern area of the site but the land-use will change following the restoration of the site and therefore the existing field pattern will be lost. |
| Seek opportunities to restore arable land to permanent pasture.  | The application area is to be restored to water-based nature conservation with grasslands proposed to the water's edge and therefore does not meet this objective.   |
| Promote measures for strengthening the level of tree cover through appropriate small-scale woodland planting and hedgerow tree planting. | The restoration drawing shows no proposed tree or woodland planting across the eastern extension site. This is because much of the site is to be returned to open water and within the dry parts of the site woodland planting is not viewed as a priority habitat from an ecological point of view.   |
| Reinforce and strengthen the continuity and ecological diversity of stream and ditch corridors.  | The restoration of the site has an ecological focus and therefore this objective is met.   |
| Conserve pastoral character and promote measures for enhancing the ecological diversity of alluvial grasslands.                          | This is a priority habitat for the area and the restoration scheme incorporates these habitats.  |
| Conserve and enhance the pattern and special features of meadowland hedgerows.   | The development retains and manages the perimeter hedgerows around the site.   |

156. The proposals would temporarily change the characteristics, features and elements that contribute to the rural agricultural character to one of a semi industrial landscape and will result in the removal of two lengths of hedgerow which cross the extraction area.
157. The long-term restoration of the quarry accords with some of the landscape actions for the Besthorpe River Meadows landscape area insofar that it retains the hedgerows around the site and enhances biodiversity through the creation of priority habitats including wet woodland, reedbed, ponds, lakes,

species rich hedgerows and neutral grassland. However, the loss of the agricultural fields and agricultural character of the site is not in keeping with the landscape actions for the area.

158. The sand and gravel reserve within the extension is relatively deep (up to 9.6m). This means that the extraction of this material results in a large quantity of sand and gravel yield in relation to the site area when compared to similar sites in the Trent Valley. The overburden thickness is relatively thin and these factors result in there being limited backfill material to reshape and restore the mineral void. The restoration design incorporates the extensive use of clay extracted from the base of the excavation (estimated at approximately 447,000m<sup>3</sup>) to increase the amount of available backfill material to create shallows around the perimeter margin of the final restored lakes. Nevertheless, the proposed lakes that would be created through the restoration of the site are of a relatively rectangular and linear appearance with deep water and only limited shallow areas at the lake edges.
159. As part of the Reg. 25 request a review of the shape of the two northern water bodies to reduce their linear and rectangular shape and provide additional shallow areas at the lake edges was requested. In response the applicant states that the submitted design has sought to maximise sand and gravel recovery (thereby ensuring minerals are not needlessly sterilised), maximises the use of available materials to backfill the mineral voids, and creates an undulating edge to the lakes whilst limiting the amount of over dig which is costly in both financial and environmental terms. The applicant has therefore not modified the restoration scheme as part of the Reg.25 process.
160. In landscape terms, the shape of the restoration lakes would be quite linear with limited marginal habitats, despite the fact that the applicant has taken opportunities to under dig the mineral reserve to recover additional restoration materials. Further significant modifications to the restoration scheme would only be achieved if less mineral was extracted from the site. This would sterilise the mineral resource which would not be sustainable. There is a balance to be reached between mineral extraction and restoration habitat. In this instance it is considered that the three lakes and surrounding habitat would provide a visually attractive restoration scheme which would not be alien in character to surrounding restored habitats in this part of the Trent valley where the landscape has already been highly modified as a result of mineral extraction.
161. Overall the significance of effect on the local landscape character during extraction works would be minor adverse. These effects would occur for a temporary short-term duration during the operational phase of the development. Following the restoration of the site the effect on the landscape is assessed as a moderate beneficial effect which would be long lasting in duration. It is concluded that the impact of the development on the landscape is compliant with MLP Policy M3.22.

#### Visual Impact Assessment

162. MLP Policy M3.3 (Visual Intrusion) seeks to reduce the visual impact of minerals developments to acceptable levels by controlling the location, colour and height of any plant, buildings and structures on site. Policy M3.4 (Screening) seeks to reduce visual impact through the screening and landscaping of minerals developments.
163. Six locations have been selected for the purposes of carrying out the visual assessment to represent views from key receptors.
164. The greatest visual impacts from the development would occur to those receptors in closest proximity to the site, notably users of the public footpath which runs along the western boundary of the site. The users the rights of way are already subject to a degree of visual impact from HGVs using the main site access road. Two new haul roads to serve Phase D and Phase E either side of this haul road are proposed to be created which would require the removal of small sections of hedgerow opening up views into the working area. In other respects, the boundary hedgerows between the right of way and the eastern extension area are well established and, subject to normal hedgerow management regulated by planning condition, should satisfactorily screen site operations and the magnitude of visual impact to users of this right of way is considered to be moderate adverse.
165. As part of the Reg. 25 response the applicant has confirmed that planting would be provided to the immediate south of the extraction area to increase the depth of hedgerows and it is proposed to plant some additional trees to improve the screening of the extraction area from the northern edge of properties in Collingham. The provision of this screen planting would be regulated by planning condition.
166. The existing hedgerows and woodland in the surrounding landscape would assist in softening and screening views of the proposed extended quarry area. The overall significance of visual effect upon residential locations during the operational phase of the proposed scheme is assessed as negligible adverse. At year 15 following the final phase of restoration, the significance of visual effect arising from the areas of wetland and woodland is assessed as minor beneficial.
167. It is therefore concluded that the visual impacts have been minimised as far as practical and there would not be any significant long term negative visual effects from the development, thus ensuring the development is compliant with MLP Policies M3.3 and M3.4.

### Ecological Assessment

168. Paragraphs 170 and 175 of the NPPF seek to minimise biodiversity impacts by carrying out development on land which is of lower ecological value and avoiding impacts to protected species. Where possible development should provide net gains to biodiversity and take opportunities to incorporate biodiversity in and around developments. MLP Policy M3.17 (Biodiversity)

also seeks to minimise/avoid impacts to biodiversity, requiring that if the loss of habitat or ecological features cannot be avoided or appropriately mitigated, provision should be made for the creation of new habitat.

169. New MLP Policy SP2 (Biodiversity-Led Restoration) aims to ensure mineral sites are reclaimed in a way that maintains and significantly enhances the County's diverse environment and maximises biodiversity gains. The policy requires restoration schemes for allocated sites be designed in line with the relevant Site Allocation Development Briefs contained within Appendix 2 of the plan. The development brief for the Besthorpe East allocation states:

*Restoration of this site should be biodiversity-led as it has the potential to provide new areas of wetland to increase the overall resource and in doing so contribute to aspirations for this habitat over a 50 year time frame, as per the Trent Valley Biodiversity Opportunity Mapping Project. Target restoration will depend on landform, hydrology and substrate characteristics. However, priority habitats could include:*

- *Lowland Neutral Grassland*
- *Floodplain Grazing Marsh*
- *Marsh and Swamp*
- *Reedbed*
- *Ponds*
- *Wet Woodland*

*Restoration of this site has the potential to provide significant new areas of wetland habitats to increase the overall resource and in doing so contribute to aspirations for these habitats over a 50-year time frame, as per the Trent Valley Biodiversity Opportunity Mapping Project. The approach to restoration across this site and the other sites in the Collingham and Besthorpe area should ideally be co-ordinated through a Master-planning process, or similar, to ensure that opportunities are maximised.'*

170. A Preliminary Ecological Appraisal followed up by further/species specific surveys and an Ecological Impact Assessment ("EclA") were undertaken to provide an evaluation of the potential ecological impacts of the proposed works along with mitigation, compensation and enhancement recommendations. These have been supplemented through the Reg 25 submission to address concerns raised by Natural England, Nottinghamshire Wildlife Trust and NCC's Ecologist regarding the adequacy of the original ecological survey and impact assessments which supported the planning application and provide sufficient information to make an informed judgement regarding the magnitude of ecological effects from the development and the appropriateness of the mitigation measures being proposed.
171. The development site is predominantly arable. It is not designated for its ecological value and overall is considered to have a comparatively low ecological interest. The key features of ecological interest relate to the boundary hedgerows and boundary trees to the field edges. The assessment

of the ecological effects of the development and proposed mitigation are set out below.

172. Designated Sites: The site is not designated for its ecological value. Two designated nature conservation sites are located immediately adjacent to the proposed extension area (Mons Pool Gravel Pit LWS and Northcroft Lane Meadows LWS). These sites would not be directly affected by the works with appropriate standoffs to be put in place. The development would continue to provide connective habitat with Northcroft Lane Meadows LWS and arable habitat to the south and Besthorpe Nature Reserve to the north which would assist in minimizing negative impact on breeding birds or other fauna. Additional noise modelling has been provided as part of the Reg. 25 submission to consider the potential impacts on birds and bats within the Mons Pool LWS. This assessment finds that the operation of the extended site is unlikely to adversely affect bats and birds within these habitats. Notwithstanding this conclusion, NWT have identified that there is potential for increased noise levels in the eastern end of Mons Pool up to 65dBA, notably under Phase D3-4. Mons Pool contains a number of sensitive breeding bird species which could potentially suffer disturbance from elevated noise levels. It is recommended a precautionary approach should be used to require the noisiest operations (soil stripping) in these phases to be undertaken outside the breeding season for both birds and bats regulated by planning condition. To reduce the level of water flows and associated potential lowering of groundwater levels along the northern boundary which could potentially negatively affect water dependant habitats within Mons Pool LWS it is recommended that the outer wall of the northern quarry void has clay placed along it, and it is recommended that this is regulated by planning condition requiring the submission of a scheme to be submitted to carry out these works.
173. Besthorpe Meadows SSSI is located at its closest approximately 290m north west of the planning application site. Besthorpe Meadows SSSI incorporates two unimproved alluvial grasslands representing an extensive area of a distinctive plant community now nationally rare and reliant upon seasonal flooding and traditional forms of management for their survival. The Reg. 25 response incorporates a supplementary assessment to consider potential for changes to groundwater levels within Besthorpe Meadows SSSI resulting from quarry dewatering. This assessment confirms that the estimated radius of dewatering influence would not extend as far as the SSSI and therefore would not impact the existing habitat in the SSSI.
174. The level of the water table and hydrology within the SSSI is influenced by water levels within the Collingham drainage ditch. Collingham drainage ditch connects to Mons Pool which Tarmac use to discharge clean water from the operational quarry. Natural England have identified that the operation of the quarry has potential to influence water levels in this drainage ditch and consequently the hydrology of the SSSI. They therefore request that water levels within Collingham Drain are monitored throughout the life of the quarry to ensure that the quarry development does not change the water levels in the ditch. In the event that the monitoring of water levels identifies a reduction in

water levels below an appropriate target based on historical data Natural England would recommend these impacts are mitigated. Natural England also recommend that vegetation surveys within the SSSI are carried out to ensure that the SSSI does not deteriorate as a result of this development. Since these mitigation measures would be undertaken on land outside the planning application site the implementation of these monitoring and mitigation works require regulation by Section 106 legal agreement to require the submission for approval of a water monitoring and vegetation survey scheme and its subsequent implementation.

175. Nottinghamshire Wildlife have confirmed that they are shortly to embark on some capital works to try to reinstate some periodic water inundation to the SSSI which they manage. To undertake this work NWT would seek to intercept water from the Mons Pool water outfall from the quarry. They confirm they are liaising with Tarmac over these works. NWT have requested through this planning decision to have a planning condition imposed to regulate these matters. However it is not considered appropriate to regulate these matters through this planning decision since the works to be carried out by NWT are not required to mitigate adverse impacts from the quarry development. It is considered more appropriate to cover the issue through an informative note.
176. Adverse impacts are not anticipated from HGV/mobile plant exhaust emissions on habitats within Besthorpe Meadows SSSI and nearby LWSs. This conclusion is reached on the basis that HGV activity will be much as currently occurs and on-site plant will be limited to a small number of hydraulic excavators and articulated dump-trucks with comparatively low levels of emissions. Defra guidance confirms that exhaust emissions from on-site plant and site traffic are unlikely to make a significant impact on local air quality and therefore in the vast majority of cases will not need to be quantitatively assessed.
177. Habitats: The habitats to be lost as part of the proposed development include arable land, a 400 m length of species-poor hedgerow located centrally within the extension area, and one mature crack willow tree.
178. The loss of the 400m section of hedge would not have significant ecological effects having regard to the limited length of hedgerow removed and quantity of hedgerow retained elsewhere on the site. With regard to the crack willow tree located in the northern half of Phase D proposed for removal, this has potential to provide bird nesting habitat and therefore a planning condition is recommended to ensure the tree is not removed during the bird nesting season without appropriate ecological surveys being carried out with mitigation provided by undertaking additional tree planting as part of the restoration of the site.
179. The primary habitat loss from carrying out the development is arable land. This arable land has limited ecological value for nesting and foraging birds. There is a plentiful supply of arable land in the surrounding area and therefore the loss of this habitat will not have any significant harmful ecological impacts.

180. The following mitigation and compensation measures for habitat losses are proposed with planning conditions identified to regulate the works being undertaken:

- the zones of retained habitats (ie watercourse and the hedgerows, including standard trees) should be maintained throughout the development and not utilised for storage of materials, plant or machinery and should be clearly demarcated with marker posts to prevent ingress;
- the hedgerows along the northern boundary of the proposed extension area should be gapped up with native hedgerow species;
- all retained hedges should be cut on a 3-year cycle, in rotation, thus ensuring that dense, habitat suitable for breeding birds and winter food is present during the entire scheme.
- where field margins/buffer zones are to be widened or where new field margins are to be created, these should be sown with a native species rich meadow mix, such as Naturescape's "Long-season Meadow Mix CN5" that consists of a species mix similar to the existing species-rich field margins. Notwithstanding the comments of NWT, it is considered there is no overriding ecological need to increase the stand-offs to the River Fleet and field boundaries which would further constrain a sand and gravel extraction area that is already quite narrow;
- all field margins should be cut once per year in September on a two-year rotation, and some longer sward retained so that cover and shelter is continuously available for faunal species;
- It is proposed to create an area of small ponds and wetland scrapes in the field to the east of the Fleet outside the planning application site. These works are outside the planning application site boundary but on land identified as being within the control of the applicant (blue edged land) and therefore the implementation and management of these works can be regulated by planning condition to require the submission of a detailed scheme of works including timings and management arrangements.

181. Subject to the above mitigation measures being implemented, adverse impacts from the clearance of the existing habitat would not result in any significant detrimental ecological impacts.

182. Protected and notable species

- Bats: No bat roosts were identified during the surveys and no mature trees with features providing potential for roosting bats would be directly impacted. Bat foraging activity was high across the site particularly along the River Fleet corridor where a number of bat species were recorded. The section of central hedgerow to be removed had relatively low foraging activity and therefore its removal would have a low impact to foraging bats. A planning condition is recommended to ensure any external lighting is kept to a minimum to

avoid disturbance to bats and bat boxes are to be installed on the site to mitigate for any adverse impacts to bats. The restoration of the site would create substantial areas of potential new bat foraging habitat which would have a major positive benefit for the species.

- **Breeding Birds** A number of bird species were recorded during the breeding bird survey, of which 22 were considered to be breeding and a further 3 as potential breeders. Five of these species are red-listed (comprising turtle dove, skylark, song thrush, linnet and yellow hammer), and are also UK and Local BAP priority species, whilst nine were amber-listed (comprising mute swan, mallard, oyster catcher, swallow, dunnock, whitethroat, willow warbler, bullfinch and reed bunting). Barn owl, which is a Schedule-1 species and protected under the Wildlife and Countryside Act 1981, was also recorded. In terms of impacts, these were assessed as being of a site level of importance and although arable land would be lost, boundary hedgerows and field margins would be retained with other arable habitat in the surrounding landscape to provide nesting opportunities. Following the restoration of the site, a wide variety of habitat types for a large number of different bird species complementing restored wetland habitat in the wider area would be created and therefore it is concluded the development would result in a long term major positive impact for nesting birds. As further mitigation it is recommended that around 20 nest boxes and the maintenance of a buffer zone around the barn owl nest site during the bird breeding season is required by planning condition.

The extension area is crossed by high voltage powerlines. Given that the proposed lakes can be expected to attract wildfowl, which are vulnerable to flying into such powerlines (especially in poor weather), it is recommended that warning/visual markers are installed on the powerlines to improve their visibility and reduce the likelihood of such collisions, regulated by planning condition with a requirement to install the visual markers within 6 months of the commencement of extraction in the extension area.

The Reg. 25 submission has reviewed the opportunities to provide improved turtle dove habitat and identifies arrangements for the provision of an off-site habitat area to the east of the River Fleet. The provision of this habitat would be regulated by planning condition.

- **Reptiles:** no reptiles were recorded by the ecological surveys, however a dead grass snake was recorded on the quarry access road, indicating that this species is present within the area. The report goes on to state that as the majority of potential reptile habitats will be retained within buffer zones and in some cases extended by the widening of such habitats, no adverse impacts to reptiles are expected to occur. The mosaic of wetland, marginal and terrestrial habitats to be created during restoration will greatly enhance the area for reptiles, particularly grass snake.
- **Otter and Water Vole:** The development will not directly affect any riparian habitat and the 20-metre-wide buffer that will be put in place

adjacent to the watercourse will prevent indirect disturbance. No evidence of otter was recorded during the field survey. On completion of restoration there will be a greater extent of wetland habitat and reedbeds, and margins of the new lakes could provide foraging and burrowing habitat for water voles and potential habitat for otters. The magnitude of change/impact was therefore assessed as being “major-positive” in the long term.

- Common Amphibians: The central hedgerow in Phase D provides potential terrestrial habitat for amphibians of no greater than local-level importance. To ensure amphibians are not harmed during site clearance works it is recommended that a finger-tip search of the hedgerow is carried out immediately prior to its removal, regulated by planning condition. The restoration of the site will result in the creation of shallow lake margins and smaller ephemeral and permanent waterbodies which will provide potential breeding habitat for common amphibians.
- Protected Species: The field surveys identified no setts within the application site but there was evidence of protected species commuting and foraging on the site. A planning condition requiring appropriate mitigation measures in respect of species protection, including monitoring of inactive holes prior to the commencement of development and standoffs to sensitive areas is recommended.
- Invertebrates: The Reg. 25 submission incorporates a further justification statement setting out that detailed invertebrate surveys were not completed because the development would not impact any potential species-rich invertebrate habitats.

183. The Reg. 25 submission incorporates a calculation to evaluate and compare the ecological quality of the existing site and the restored habitats. This has been calculated using DEFRA’s Biodiversity Metric 2.0 methodology. The results of the calculations identify that the existing habitat baseline equates to 87.89 units. Following the successful establishment of the restoration works the habitat quality would equate 247.56 units, representing a gain of 159.67 units and a net increase of 181.67%. This ecological enhancement has primarily been achieved through the replacement of the existing arable agricultural land which is of low ecological value with extensive wetland areas which have higher ecological value.

184. The implementation of the mitigation/compensation/maintenance provisions ensures that the proposed development would not have any significant adverse ecological impacts and therefore ensure compliance with NPPF paragraphs 170 and 175 and adopted MLP Policy M3.17 which seek to minimise biodiversity impacts associated with development. The implementation of the proposed restoration scheme will result in substantial biodiversity benefits in the long term. The development is therefore compliant with new MLP Policy SP2 (Biodiversity-Led Restoration) insofar that, following restoration, it will enhance the environment and provide biodiversity gains.

185. It is acknowledged that potentially greater levels of ecological benefit could be derived from the development, particularly if further areas of shallow habitats were to be created within the restored ponds. However, the creation of these shallows would almost certainly result in a loss of mineral reserves and this would not be sustainable insofar that it would sterilise the mineral resource. The tensions in planning policy between maximising ecological benefit and maximising the sustainable use of minerals require balance within the planning assessment. Within the consideration of this planning balance it is acknowledged that the scheme incorporates arrangements to under-dig the quarry void to recover additional restoration material to be used to create greater areas of shallows around the edge of the lakes. However, the applicant has stated that the level of under-dig proposed represents the maximum that is economically and environmentally achievable.
186. Consultees including the Environment Agency and Nottinghamshire Wildlife Trust have encouraged the applicants to investigate the potential for the restored lakes to be connected to the River Fleet on the basis that they consider it would provide ecological benefit for juvenile fish and eel populations by offering protection from riverine predators and shelter from faster river flows. The applicant has considered these requests but cannot see any distinct benefits in this regard and would be reluctant to interfere with the drainage regime of the River Fleet, unless necessary.
187. The assessment of the planning balance concludes that the submitted scheme provides a favourable solution between providing ecological benefit and ensuring minerals are sustainably recovered. Whilst it is acknowledged that alternative working methods and restoration schemes have potential to offer enhanced ecological gains, the submitted scheme is nevertheless acceptable from an ecological viewpoint.
188. The implementation of the phased restoration scheme would be regulated by planning condition requiring the submission of a detailed landscaping scheme to include species mixes, establishment methods and maintenance regimes, submitted in advance of each phase of extraction commencing, recognising that restoration schemes often evolve with time. The extended period of 10-year aftercare management for the restored site is welcomed. A planning condition is recommended to secure the implementation of the aftercare.

#### Archaeology

189. Adopted MLP Policy M3.24 states that planning permission will not be granted for minerals development which would destroy or degrade nationally important archaeological remains and their settings, whether scheduled or not. Planning permission will only be granted for development which would affect archaeological remains of less than national importance where it can be demonstrated that the importance of the development outweighs the regional or local significance of the remains and where appropriate provision is made for the excavation and recording of the remains.

190. The environmental statement incorporates an assessment of the archaeological resource of the site and its surroundings. The assessment has been informed by a desk-based assessment, a geophysical survey and trial trenching.
191. The desk-based assessment identifies that there are no designated or non-designated archaeological assets within the application site. The development therefore would not result in a direct adverse impact upon any designated or known undesignated archaeological assets.
192. A geophysical survey of the site trench surveys was excavated. Evaluation of these surveys has demonstrated limited evidence of archaeology from human activity at the application site. The palaeo-environmental assessment has demonstrated the presence of channel sequences dating from the Mesolithic to Bronze Age, but given the poor preservation of both the pollen assemblage and the worked wooden find and the current groundwater levels, the application site is considered to have limited potential for waterlogged remains.
193. It is therefore concluded that the application site is located in an area of limited archaeological potential and only limited findings were obtained generally relating to the historical agricultural use of the site.
194. Whilst some minor adverse archaeological effects cannot be ruled out, in this instance the need for the mineral reserves outweighs the overall importance of the archaeology within the site. The imposition of a planning condition to ensure that appropriate archaeological mitigation is followed during the soil stripping of the site ensures that the level of archaeological impact is substantially reduced, and potentially neutral, thus ensuring the development complies with adopted MLP Policy M3.24.

### Heritage

195. Adopted MLP Policy M3.25 seeks to ensure that minerals development does not result in unacceptable impacts to conservation areas, listed buildings, historic battlefields and historic parks and gardens. This policy pre-dates the NPPF. The NPPF strengthens the level of protection to the historic environment insofar that it requires prospective developers to undertake heritage appraisals as part of planning submissions so that the significance of impact to 'heritage assets' (both designated and non-designated heritage assets) including their settings can be quantified. Planning authorities are required to give consideration to the scale of any harm or loss and value of the heritage asset affected in reaching their planning decisions.
196. The application site does not incorporate any built heritage assets and therefore the extended quarry would not result in any direct impacts to the built heritage asset of the area. There are designated and non-designated built heritage assets within the surrounding area, notably Collingham and Besthorpe Conservation Areas. The development of the quarry has potential

to indirectly impact these heritage assets with potential for visual impacts and additional noise as a result of the quarrying activities.

197. With regard visual impact, the eastern extension site is separated from Collingham Conservation area by intervening agricultural land and screened by trees and hedgerows. The level of visual impact from the extended quarry within Collingham Conservation Area is minimal and the development would not detrimentally harm the character and appearance of the Conservation Area. There is no inter-visibility between the extended quarry and Besthorpe Conservation Area.
198. With regard to noise emissions from the quarry, the noise assessment submitted in support of the planning application demonstrates that there would be no significant change in noise levels within either Collingham or Besthorpe Conservation Areas from the extraction and processing of the mineral.
199. The lorry routeing arrangements for the quarry directs all HGVs northwards on the A1133 resulting in these vehicles travelling through both Besthorpe and Girton Conservation Areas. The quarry extension has potential to increase the existing quarry traffic on this road by an additional 20 lorry movements per day. Whilst it is acknowledged that the passage of additional traffic has potential to negatively impact an area of heritage value, in this instance the increase in HGV numbers is low and the section of the conservation area through which the traffic passes is part of the 'A' road highway network and therefore already has HGV vehicles passing through it. The potential small increase in HGVs resulting from this development would be readily absorbed into the existing flows of traffic on the A1133 ensuring that the level of impact on these heritage assets is very minor and less than significant.
200. It is concluded in this instance the need for the mineral and the economic benefits that would be derived outweigh any harm to the heritage asset of the surrounding area. The development therefore is compliant with MLP Policy M3.25.

#### Agriculture/Conservation of soil resources

201. Adopted MLP Policy M3.16 (Protection of Best and Most Versatile Agricultural Land) seeks to protect the best and most versatile agricultural land (grades 1, 2 and 3a) from development. Where development of best and most versatile land is unavoidable, planning conditions provide scope to grant planning permission where it can be demonstrated that the proposals do not affect the long term agricultural potential of the land, or where there are no alternatives and the need for the development outweighs the agricultural interest, or where available land of a lower agricultural standard is less sustainable for development.

202. The eastern extension site comprises four arable fields incorporating 31ha of subgrade 3b land and 4.6ha of subgrade 3a (best and most versatile agricultural land (BMV land)). This BMV land is located in the north west corner of the site. A further 0.6ha of non-agricultural land is also included within the application site boundary including the hedgerows and roadway.
203. Natural England has considered this loss of agricultural land in the light of their statutory duties under Schedule 5 of the Town and Country Planning Act 1990 (as amended) and the Government's policy for the sustainable use of soil as set out in paragraphs 170 and 171 of the National Planning Policy Framework (February 2019). In view of the comparatively small area of BMV land affected, Natural England does not wish to comment in detail on the soils and reclamation issues subject to planning controls being imposed to ensure soils are stripped and managed in accordance with industry best practice.
204. The planning application is supported by a soils management plan which confirms that the soil resource would be handled in compliance with industry best practice set out within the MAFF Good Practice Guide for Handling Soils. It is recommended that these controls are regulated by planning condition to ensure that the soil resources are protected and beneficially used within the restoration of the site.
205. The restoration of the site would not reinstate the best and most versatile agricultural land, instead targeting habitat creation to compliment restoration works carried out in the existing quarry. Whilst it is acknowledged that MLP Policy M3.16 gives preference to the re-instatement of BMV agricultural land following minerals extraction, the policy acknowledges that the loss of agricultural land can be justified when there is a clear need for the mineral extraction. A need for the minerals originating from Besthorpe is identified by the fact that the eastern extension site is proposed to be allocated for minerals extraction within the new MLP. It is also noted that new MLP Policy SP2 prioritises biodiversity led restoration scheme, and this reflects a clear change in policy from the priority given to agricultural restoration favoured by MLP Policy M3.16.
206. Overall, it is concluded that the loss of BMV agricultural land within this planning application is minor and does not give rise to any objection from Natural England. The biodiversity led restoration scheme proposed is considered appropriate, and the scheme ensures that the existing soils will be put to beneficial use as part of this scheme.

#### Traffic, Access and Highway Safety

207. MLP Policy M3.12 (Highways Safety and Protection) states that planning permission for minerals development will only be granted where measures are in place to prevent damage to the highway to prevent mud and other deleterious material contaminating public highways. Policy M3.13 (Vehicular Movements) states that planning permission for minerals development will only be granted where the highway network can satisfactorily accommodate

the vehicle movements likely to be generated and there would not be unacceptable impacts upon the environment and local amenity. Policy M3.14 (Vehicular Routeing) encourages the use of lorry routeing controls. Policy M3.15 (Bulk Transport of Materials) encourages the use of sustainable modes of transport which are not reliant on road transport.

208. Although the existing processing plant has a maximum processing capacity of 250,000 tonnes per annum, the level of production of the quarry is directly linked to market demands which in recent years has averaged 150,000 tonnes per annum. All aggregate transport is currently undertaken by road haulage. The existing Besthorpe Quarry planning conditions do not impose any limits on the number of HGVs accessing the quarry.
209. The future projected production capacity of Besthorpe Quarry is 200,000 tonnes per annum, representing a 50,000 tonnes per annum increase over recent production levels. In terms of vehicle movements, the transport of 200,000 tonnes per annum would generate an average of approximately 80 HGV movements (ie 40 in, 40 out) each day, an increase of 20 movements per day (10 in, 10 out) from recent production levels. This comparatively small increase in HGV movements would not raise any highway safety or capacity concerns and the local highway network can satisfactorily accommodate the vehicle movements likely to be generated without any unacceptable impacts upon the environment and local amenity. The access arrangements are therefore considered appropriate in the context of MLP Policy M3.13. It is recommended that HGV numbers are regulated based on a 5½ day working week to allow some flexibility within the working week for daily fluctuations in demand which the highway network is capable of absorbing. A weekly limit of 440 HGV movements (220 in, 220 out) is therefore suggested. The opportunity to impose limits on HGV movements through this planning decision on an existing operational facility which currently has no regulatory limits on vehicle numbers is considered beneficial.
210. Under the terms of the existing Section 106 Agreement dated 25 April 2017, delivery traffic associated with Besthorpe Quarry is only permitted to journey to/from the application site via the A1133 to the north. These controls have a successful track record of ensuring that haulage traffic does not travel through the centre of Collingham village and therefore avoid adding to the existing levels of congestion and disturbance to amenity which result from the restricted width of the public highway through the village. It is recommended to impose the existing lorry routeing controls to the extended quarry, with the controls administered under a new Section 106 Agreement in accordance with the approach set out within MLP Policy M3.14.
211. The application site benefits from a purpose-built access on to the A1133 (Besthorpe Road), which links in with the A57 to the north. The access conforms to modern day standards for HGVs and has wheel cleaning facilities to prevent the potential deposit of mud on the public highway and ensure compliance with MLP Policy M3.12.

212. With regard to MLP Policy M3.15, the quarry has an existing wharf facility which will be maintained for the duration of the eastern extension. Whilst it is acknowledged that market conditions mean that the company do not currently utilise this wharf facility, if this situation was to change the company confirm that the facility would re-enter operation.

#### Public Rights of Way

213. Adopted MLP Policy M3.26 (Public Access) seeks to ensure that existing public rights of way are not detrimentally affected by minerals development.
214. The Definitive Map of recorded Public Rights of Way confirms that North Collingham Byway No. 41 (which is also an 'Adopted highway') and North Collingham Public Footpath No 17C are affected by the proposals. Therefore the planning application has been advertised as affecting a public right of way.
215. North Collingham Byway No. 41 runs along the western boundary of the proposed extended extraction area. The byway would be retained on its current route through all phases of the development but it would be necessary to establish two crossing points over the public right of way to facilitate heavy plant crossing from the east to the west of the route during extraction activities in the proposed extension. The Reg. 22 submission incorporates a detailed design of footpath protection scheme including haul road widths, signage, protection of users of the path, surfacing, visibility and speed limits to ensure acceptable levels of safety are maintained. NCC's rights of way team are satisfied that the implementation of this footpath protection scheme would satisfactorily protect users of the footpath. The implementation of the footpath protection scheme can be regulated by the recommended planning condition.
216. The Trent Valley Trail is a multi-user route which links Newark to Besthorpe and villages to the north. Near Besthorpe Quarry the multi-user route shares the route of North Collingham Byway No. 41. The footpath protection scheme proposed for North Collingham Byway No. 41 would ensure access is satisfactory maintained along the multi-user route throughout for the life of the extended quarry. The Friends of the Trent Valley Trail have not raised objections to the planning application, but request measures are put in place to ensure the operators of plant are alert to the potential presence of cyclist on the trail. The footpath protection scheme would provide this level of protection. The friends of Trent Valley Trail raise concerns that plant operators may potentially drive along the right of way and request restrictive fencing and signage is installed to prevent access. These measures are considered to be overly precautionary and not reasonably necessary.
217. Operations in the final southern phase of the eastern extension (phase E3) would require the temporary diversion of the public right of way (North Collingham FP17C) which crosses the southern end of this phase. This temporary diversion of the footpath would require a separate application to be made to the Council's Rights of Way Team to authorise this temporary

closure. The footpath diversion order would require local consultations to be carried out. The applicant confirms this application would be made at the appropriate time.

218. The arrangements for the protection of the public right of way network ensure that the development is compliant with MLP Policy M3.26.

Noise

219. Adopted MLP Policy M3.5 (Noise) states that planning permission will only be granted for minerals development where noise emissions outside the boundary of the mineral workings do not exceed acceptable levels. The policy encourages the use of planning conditions to regulate noise emissions.
220. A noise assessment has been undertaken to consider the magnitude of noise emissions from the southern extension. Three monitoring locations have been identified representing the nearest residential properties. Noise predictions were then made based upon the methodology set out in 'BS 5228-1: 2009 + A1:2014, Code of Practice for Noise and Vibration Control on Construction and Open Sites Part 1: Noise'.
221. The noise assessment references relevant standards incorporated in the PPG. This advises that the maximum noise level for quarrying development during the normal working day (0700-1900) should not exceed 10dB over existing background levels up to a maximum level of 55dB (A) LAeq, 1hr, with an allowance for temporary operations such as soil stripping or forming earth bunds not exceeding 8 weeks in any calendar year which shall not exceed 70dB(A) LAeq, 1hr. The results of the noise assessment are set out in the table below.

| <u>Location</u>   | <u>Background Noise Level</u> | <u>Predicted Worst Case Noise Level from temporary operations</u> | <u>Predicted Noise Level from day to day quarrying operations</u> | <u>Predicted Noise Level from operation of water pumps</u> |
|-------------------|-------------------------------|---|---|--|
| West View Farm    | 42dB<br>LA90,1hr              | 49dB<br>LAeq,1h   | 47dB<br>LAeq,1h   | 23dB<br>LAeq,1h  |
| Brickyard Cottage | 42dB<br>LA90,1hr              | 47dB<br>LAeq,1h   | 46dB<br>LAeq,1h   | 19dB<br>LAeq,1h  |
| Pitomy Drive      | 45dB<br>LA90,1hr              | 47dB<br>LAeq,1h   | 46dB<br>LAeq,1h   | 22dB<br>LAeq,1h  |

|                  |                  |                 |                 |                 |
|------------------|------------------|-----------------|-----------------|-----------------|
| Ferry Lane Ferry | 38dB<br>LA90,1hr | 48dB<br>LAeq,1h | 44dB<br>LAeq,1h | 18dB<br>LAeq,1h |
| Wharf Cottage    | 46dB<br>LA90,1hr | 50dB<br>LAeq,1h | 46dB<br>LAeq,1h | 22dB<br>LAeq,1h |

222. The noise assessment demonstrates that noise emissions from the mineral extraction and temporary operations would not exceed PPG levels. It also demonstrates that the night-time water pumping would comply with the 42dB(A) LAeq.1hr standard set out within the PPG.
223. It is therefore concluded that the noise emissions from the development would not be intrusive. In accordance with adopted MLP Policy M3.5 (Noise) planning conditions are recommended to regulate the noise emissions from the development, with the following matters being controlled:
- Limits imposed on the maximum noise emissions from site operations shall not exceed the existing background noise level plus 10dB up to a maximum of 55dB LAeq, 1hr at any residential property.
  - Timings of temporary works shall be recorded by the operator and must not exceed 8 weeks in a calendar year. The free-field noise level shall not exceed 70dB LAeq,1hr at any residential property.
  - The operating hours are restricted to 7am – 6pm Mon-Fri and 7am – 1pm Saturday (with an exception for dewatering which would be allowed 24 hours a day as required).
  - All plant and machinery used on the site is regularly serviced and appropriately silenced, using low noise plant and machinery and switching off when not in use.
  - The use of environmentally sensitive white noise reverse warning devices instead of reversing beepers and the avoidance of unnecessary horn usage.

#### Air Quality/Dust

224. Adopted MLP Policy M3.7 (Dust) and the NPPF encourages careful siting of potential dust creating activities and the implementation of dust mitigation measures to minimise the impact from dust emissions including the imposition of appropriate planning conditions to regulate activities.
225. The magnitude and significance of impact from dust emissions has been assessed through an air quality assessment which has been submitted as part of the Environmental Statement.
226. The dust assessment identifies those activities within the development site that could lead to dust emissions but considers that the effective use of the

current dust control measures would minimise the level of dust emissions to a level where they would have a negligible effect on nearby residential properties. These controls include the minimisation of drop heights of plant unloading material, the regular use of a tractor and water bowser, the effective seeding of soil bunds as soon as practical with minimal mechanical disturbance, and the adherence to site speed limits.

227. Subject to dust controls being regulated through the planning conditions, it is concluded that the development would not result in significant dust nuisance at surrounding dust sensitive properties and therefore MLP Policy M3.7 is satisfied.

### Flood Risk

228. The planning application site is located within the River Trent floodplain and one of its tributaries, the River Fleet, which is located along the eastern perimeter of the proposed extension. The application site's location between and adjacent to the River Trent and River Fleet means that it is located in Flood Zone 3 with a greater than 1:100 annual probability of flooding. Flood defence structures in the vicinity of the quarry and application site protect at up to a 1:50 year return event. The application site is situated at the furthest limit of tidal influences on the River Trent and as a result there is potential for fluvial, tidal and groundwater flooding at the application site.
229. Adopted MLP Policy M3.9 (Flooding) and the supporting technical guidance to the NPPF identifies that sand and gravel quarries are 'water compatible' uses which can be appropriate in flood risk areas subject to it being demonstrated through a flood risk assessment that there would not be any significant adverse flooding impacts to flood flows, reductions of flood storage capacity, or negative effects on the integrity or function of flood defences/local land drainage systems.
230. A detailed flood risk assessment has been carried out to support the planning application. This assessment has been supplemented with additional information submitted in response to the Reg.25 to address questions raised by the Environment Agency in connection with site levels, new structures, and stand-off distances to water courses.
231. Sand and gravel extraction is a 'water compatible' use in the context of the Flood Risk Vulnerability Classification set out within the Government's Flood Risk and Coastal Change Planning Practice Guidance document and therefore is appropriate within flood zone 3 subject to it being demonstrated through a flood risk assessment that there would not be any significant adverse flooding impacts to flood flows, reductions of flood storage capacity, or negative effects on the integrity or function of flood defences/local land drainage systems.
232. The flood risk assessment which has been supplemented through the Reg. 25 submission demonstrates that the quarry would continue to retain floodwaters

during periods of flooding, thereby assisting in reducing the volume of water conveyed downstream during a flood event. The submission of this supplementary flood risk assessment has enabled the EA to withdraw its initial holding objection and recommend that the development can now proceed without creating additional flood risk in the local area subject to planning conditions being imposed to require the quarry to be developed in accordance with the submitted flood risk assessment and the quarry maintaining a flood evacuation plan during its operational life.

233. The development is therefore assessed as being compliant with adopted MLP Policy M3.9 (Flooding) which states that planning permission will not be granted for minerals development where there would be unacceptable impacts during periods of flooding.

#### Hydrology

234. Adopted MLP Policy M3.8 (Water Environment) states that planning permission will only be granted for minerals development where surface and groundwater flows are not detrimentally affected, and pollution risks are satisfactorily controlled.
235. The mineral extraction would be undertaken below the water table within permanently saturated ground. As part of the working of the site it is proposed to 'dewater' the ground to lower the ground water level in the excavation area. Because the sand and gravel geology of the underlying soils is highly permeable, lowering the water table within the quarry is likely to influence groundwater water levels on adjacent land.
236. Concerns have been raised by a local resident that the dewatering of the quarry may reduce the moisture of soils on surrounding agricultural land which in turn could affect the agricultural productivity of the land. Whilst these concerns are noted, the situation proposed at Besthorpe is not untypical of most other sand and gravel quarries in Nottinghamshire where dewatering occurs and the adjacent agricultural land continues to be successfully used for arable purposes. This is because the crops usually take their water from the unsaturated zone of soils above the water table. The water within these soils generally originates from rainfall which is held within pores in the soil and is not connected to the water table which at Besthorpe is greater than 1m below ground level. Any capillary action from the water table will be limited only to a few centimetres above the water table so a water depth in excess of 1m is unlikely to have any connection with the rooting zone of the crops. If the crop roots were permanently submerged it is likely that they would die because this would have the effect of restricting the plant of oxygen.
237. There is the potential for adverse impacts to groundwater-fed surface water bodies surrounding the site as a result of the lowering of the water table from quarry dewatering. Three receptors have been identified where the level of significance of impact requires mitigation measures to be put in place, as set out below:

- a. Mons Pool Local Wildlife Site: The existing quarry water management process discharges clean water from sand processing into Mons Pool Local Wildlife Site, a restored area of former quarry workings which are immediately to the north of the eastern extension. The water that gets pumped into Mons Pool recharges water levels in the pond, mitigating for the lowering of groundwater levels that occurs from the quarry dewatering. The process also ensures that water levels within Besthorpe Meadows SSSI are not negatively affected by quarry dewatering. It is recommended that a requirement to continue pumping water into Mons Pool during periods of quarry dewatering is maintained and that this is regulated through the planning condition.
  - b. Fleet Drain: There is potential for quarry dewatering to impact flows in the Fleet if leakage from the drain increases as a consequence of lowered groundwater levels. This impact on flow may affect downstream licensed abstractions, or the Local Wildlife Site at Girton. The impacts are proposed to be mitigated by pumping water from the quarry into the Fleet at a suitable agreed location. Pumping rates would be set so as to maintain the existing flow regime in the watercourse. Pumping would cease at times when the outfall sluice gates at Oak Doors and Collingham Sluice were shut due to high water levels in the River Trent. It is recommended that such details can be addressed by way of a monitoring and mitigation plan provided through a suitably worded planning condition.
  - c. Licensed Abstraction: A licensed water abstraction is located within the potential radius of influence of dewatering. Lowered groundwater levels may prevent abstraction. Impacts are likely to be short term and limited to the period of working the closest phases (Phase E3 and potentially E2). It is recommended that a monitoring and mitigation plan can be regulated by a suitably worded planning condition. In the event that water is not available in the catchpit due to lowered water levels alternative arrangements would be made for either a new source of supply (borehole), or a temporary source (for example water from the quarry) until groundwater levels have recovered.
238. The EA recommend that groundwater levels are monitored throughout the life of the quarry and where necessary mitigation measures are put in place to off-set any negative effects and have suggested a planning condition which is incorporated in the schedule of suggested planning conditions.
239. Groundwater levels would return to historical levels following the completion of quarry dewatering and therefore no long term mitigation would be required. Negative impacts to buildings from dewatering are not anticipated due to their distance from the quarry and the fact that the underlying sand and gravel geology of the area does not shrink or expand when dried out and saturated.
240. Best practice for storage and handling of fuels and chemicals is in force at the site and no pollution incidents have occurred in the past. It is recommended

that these existing controls are regulated by planning condition, these measures include:

- a. All refuelling of mobile plant being undertaken on hardstanding in the plant area, minimising the risk of spillages reaching the sand and gravel aquifer.
  - b. Fuel being stored in a double-sided tank located on a concrete base and bunded.
  - c. All plant being maintained in accordance with best practice and manufacturer's specification. Where possible, all maintenance is carried out off-site or on areas of hardstanding.
  - d. Written procedures being in place for responding to an accidental spill of hydrocarbons, which will minimise the risk to the environment.
241. Subject to appropriate controls being put in place with appropriate regulation by planning conditions, surface and groundwater flows would be satisfactorily protected during the course of the development and the development would be compliant with Adopted MLP Policy M3.8 (Water Environment).

#### Protection of overhead power lines

242. Mineral extraction is proposed to be carried out beneath a National Grid high voltage overhead power line which bisects the proposed extension area. The statutory minimum safety clearance for working below a power line is normally 7.6m to ground and 8.1m to a normal road surface. The power cables crossing the eastern extension have a minimum height of approximately 6.5m and therefore National Grid have raised a holding objection to the development, but invited further information be submitted from the developer with a view to resolving the concerns.
243. The Reg. 25 submission incorporates supplementary information which confirms that low level machinery would be used in the vicinity of the power cables comprising articulated dump trucks and bulldozers instead of hydraulic excavators to avoid risks of contact with the cables. It has also been confirmed that any planting undertaken within the vicinity of the pylons and cables would not incorporate tall species, thus ensuring no interference with the pylons.
244. National Grid have been requested on three separate occasions to review the supplementary working strategy provided in the Reg. 25 response and advise whether it overcomes their original holding objection. Unfortunately, no response has been received from National Grid to these requests.
245. In the absence of a consultation response from National Grid, it is recommended a planning condition is imposed to require the agreement of a safe working scheme prior to the commencement of the soil stripping beneath the cables. It is acknowledged that the scheme to be submitted would be based on the Reg. 25 details already presented to National Grid, but this

approach would ensure that this planning application can be determined at this time whilst protecting National Grid's and the operators interests to ensure safe working in the vicinity of the power cables.

#### Distance from Collingham Village

246. Concerns have been raised by a local resident that the extended quarry is located at a distance of 375m from Collingham village and less than 500m which the local resident understands is the minimum recommended distance between a village and a quarry.
247. The distance between the quarry and the outer edge of the village has been measured at circa 490m (acknowledging that the exact boundary of the village needs a level of determination). Officers are not aware that there is a minimum distance set out within UK Law to define the distance between a quarry and a residential property/village boundary. The assessment of what is an appropriate distance would normally be reached following a review the environmental effects of the quarry (notably noise/dust and visual effects).

#### Legal Agreement

248. Any grant of planning permission for the proposed development would be subject to the prior completion of a legal agreement to secure the creation and management of the off-site habitat improvements, habitat monitoring within Besthorpe Meadows SSSI and the control over lorry routeing. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of this agreement.

#### **Other Options Considered**

249. In accordance with 'Schedule 4 – Information for Inclusion in Environmental Statements' of the EIA Regs, the Environmental Statement submitted by the applicant sets out the alternative options which have been considered by the developer. These are summarised below:
- No alternative sites for mineral extraction have been considered as the application is to work a mineral since minerals can only be worked where they are found and because the proposed extension is identified as a preferred area for mineral extraction in the emerging Minerals Local Plan.
  - A range of restoration alternatives have been considered for the final restoration scheme including various configurations in terms of landform and restored habitats, with the ultimate decision being to integrate as much nature conservation habitats as possible.

#### **Statutory and Policy Implications**

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

#### Crime and Disorder Implications

251. The development would extend an existing quarry, making use of existing security features within the site including the use of the established plant site which benefits from security lighting.

#### Data Protection and Information Governance

252. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

#### Financial Implications

253. As detailed above, the applicant would be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required legal agreement.

#### Human Resources Implications

254. No implications.

#### Human Rights Implications

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

#### Public Sector Equality Duty Implications

256. None arising.

### Safeguarding of Children and Adults at Risk Implications

257. The quarry would continue to comply with health and safety guidelines in terms of suitable boundary treatment to ensure the general public, and in particular young children, are safeguarded. Appropriate safeguarding would also apply in relation to footpath users.

### Implications for Service Users

258. The proposed extensions to Besthorpe Quarry would assist in ensuring a continuity of local sand and gravel supplies to the construction industry.

### Implications for Sustainability and the Environment

259. The development would contribute towards the sustainable use of mineral resources which would contribute to the country's economic growth and quality of life. The extraction scheme has been designed on a phased basis to minimise the size of the active quarry and ensure that land is restored to beneficial purposes at the earliest practical opportunity. The development would ensure that mineral resources do not become sterilised. The issues have been considered in the Observations section above, including all the environmental information contained within the EIA submitted with the application.

## **Conclusion**

260. The Besthorpe eastern extension site sought planning permission is not allocated for mineral extraction within the adopted Nottinghamshire Minerals Local Plan (adopted MLP).
261. Adopted MLP Policy M6.3 does not support the grant of planning permission for minerals extraction within unallocated sites, particularly since Nottinghamshire currently has a landbank of consented sand and gravel reserves of 13.76 years which exceeds the minimum requirement to maintain a 7-year landbank.
262. However, Policy M6.3 is not consistent with more recently published national policy incorporated in the Government's Planning Practice Guidance which states there is no maximum level of landbank and that planning applications should be assessed on their own merits. This approach is consistent with Policy MP1 of the new Nottinghamshire Minerals Local Plan (Publication Version August 2019) (new MLP) which states, at paragraph 3, that proposals for aggregate extraction outside those areas allocated for extraction will be supported where a need can be demonstrated.
263. The new MLP will replace the 2005 adopted MLP but it has not yet been adopted. The new plan is at an advanced stage of preparation and its policies, notably Policy MP2o which identifies Besthorpe East as an allocation

for sand and gravel extraction, can be given considerable weight in this planning decision, particularly since the allocation is a key part of the plan's strategy to ensure Nottinghamshire maintains an adequate supply of minerals. Furthermore, it can be confirmed that there are no outstanding objections to the allocation of Besthorpe East in advance of the plan's examination. The new MLP therefore is supportive of this planning application.

264. In terms of assessing the wider benefits of the development, the eastern extension of Besthorpe Quarry will assist in avoiding minerals becoming sterilised. The quarry extension will maintain the continuity of sand and gravel production at Besthorpe Quarry to serve established markets and the economic benefits which it brings to the local environment. The increase in the landbank would provide some increased security of mineral supply. The new MLP acknowledges that the extension of existing sites often has less significant environmental impacts than the development of a new quarry.
265. A timely decision on this planning application is now required so that the minerals within the eastern extension can be worked on a phased basis so as to enable them to be processed within the existing plant site.
266. These factors argue in favour of granting the proposed development planning permission, particularly when considered in the context of Paragraph 205 of the NPPF which requires that '*when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy*', subject to there being no unacceptable environmental impacts.
267. The Environmental Impact Assessment (EIA) and supplementary Regulation 25 response have been referenced to assesses the environmental implications of development and its findings have been examined. The key environmental issue relates to the extent of benefits that are derived from the restoration of the site.
268. The shape of the restored northern lakes are comparatively rectangular with linear straight edges and provide limited marginal habitat. The applicant has taken opportunities to under dig the mineral reserve to recover additional restoration materials, but further significant modifications to the restoration scheme would only be achieved if either less mineral was extracted from the site, which would sterilise a significant amount of the mineral resource which would not be sustainable, or if additional under-digging was undertaken, which the applicant has indicated cannot be achieved for environmental and economic reasons. There is a balance to be reached between the level of mineral extraction and the complexity of the resulting restoration scheme. In this instance it is considered that the restored lakes and surrounding habitat would provide a visually attractive restoration scheme which would not be alien in character to surrounding restored habitats in this part of the Trent valley where the landscape has already been highly modified as a result of mineral extraction.

269. The implementation of the proposed restoration scheme would result in biodiversity benefits in the long term. The development is therefore compliant with new MLP Policy SP2 (Biodiversity-Led Restoration) insofar that it will enhance the environment and provide biodiversity gains. Potentially greater levels of ecological benefit could be derived from the development through the creation of additional areas of shallow habitats within the restored ponds, but the creation of these shallows would almost certainly result in a sterilisation of mineral reserves. The tensions in planning policy between maximising ecological benefit and maximising the sustainable use of minerals require balance, but it is concluded the submitted scheme provides a favourable solution between providing ecological benefit and ensuring minerals are sustainably recovered.
270. The development would have some minor impacts to both built and archaeological heritage assets, however the level of harm is assessed as less than substantial and in this instance the need for the mineral extraction and the economic benefits outweigh any harm to the heritage asset.
271. Operational controls regulated by planning conditions would provide satisfactory control over the day to day quarry operations and minimise their effects on the environment and local communities.
272. It is therefore concluded that planning permission should be granted for the eastern extension of Besthorpe Quarry, subject to the planning conditions set out within appendix 1 and the applicant entering into a Section 106 agreement to regulate lorry routeing, water monitoring/mitigation for changes to water levels in the Besthorpe Drain and habitat surveys in Besthorpe Meadows SSSI.

### **Statement of Positive and Proactive Engagement**

273. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework including the accompanying technical guidance. The Mineral Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATION**

274. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and County Planning Act 1990 to control lorry routeing and to implement a scheme for the monitoring of water levels in the Collingham drainage ditch including the implementation of mitigation measures in the event that quarry dewatering results in a lowering of water levels within the drainage ditch and for vegetation surveys to be carried out within Besthorpe Meadows SSSI.
275. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 8<sup>th</sup> December 2020 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed before the 8<sup>th</sup> December 2020, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments [SG 17/07/2020]**

The recommendation falls within the remit of the Planning and Licensing Committee by virtue of its terms of reference. Responsibility for the regulatory functions of the Council in relation to planning.

### **Financial Comments [RWK 16/07/2020]**

The applicant will be expected to cover all reasonable legal costs incurred by the County Council during the drafting and execution of the required legal agreement. Therefore there are no specific additional costs to the County Council arising from the report.

## **Background Papers Available for Inspection**

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

## **Electoral Division(s) and Member(s) Affected**

Collingham                      Councillor Maureen Dobson

Report Author/Case Officer

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