



2nd June 2020

Agenda Item: 5

REPORT OF CORPORATE DIRECTOR – PLACE

NEWARK AND SHERWOOD DISTRICT REF. NO'S: 3/19/02231/CMM AND 3/19/02232/CMM

PROPOSAL: PROPOSED SOUTHERN EXTENSION TO THE QUARRY FOR THE EXTRACTION OF APPROXIMATELY 550,000 TONNES OF SAND AND GRAVEL, WITH RESTORATION TO NATURE CONSERVATION.

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/19/02233/CMM

PROPOSAL: VARIATION OF PLANNING CONDITIONS 1, 2, 3, 15, 21, 22 & 27 OF PLANNING PERMISSION 3/18/01737/CMA TO MODIFY THE APPROVED QUARRY RESTORATION SCHEME AND AMEND THE METHOD OF WORKING WITHIN THE QUARRY COMPLEX TO FACILITATE ITS USE IN CONNECTION WITH THE PROCESSING OF MINERAL ORIGINATING FROM A SOUTHERN EXTENSION AND THE RETENTION OF A CONTAINER UNIT HOUSING A GENERATOR.

LOCATION: LAND TO THE SOUTH OF CROMWELL QUARRY, THE GREAT NORTH ROAD, CROMWELL, NG23 6JE

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider three planning applications in connection with a southern extension to Cromwell Quarry.
2. Planning applications 3/19/02231/CMM and 3/19/02232/CMM are identical and have been submitted on a 'twin track' basis. The planning applications seek permission for the extraction of approximately 550,000 tonnes of sand and gravel from a southern extension to the quarry with restoration to nature conservation.
3. The two planning applications for southern extension are supported by an Environmental Impact Assessment which has been supplemented by a Regulation 25 submission following a request for additional information made by the County Council. The proposed southern extension is not allocated for mineral extraction within either the adopted or draft replacement Minerals Local Plan. The planning application therefore raises key issues in terms of the need and supply of minerals within Nottinghamshire. The assessment of the environment impacts identifies that the development would not result in any significantly detrimental environmental effects, but there would be changes to the landscape character of the area and some visual effects.

4. Planning Application 3/19/02233/CMM is a Section 73 submission which seeks planning permission to vary planning conditions imposed on the existing Cromwell Quarry planning permission (ref: 3/18/01737/CMA) to modify the approved quarry restoration scheme, amend the method of working to facilitate the processing of mineral originating from a southern extension and retain a container unit which houses and electrical generator. This application does not raise any significant planning issues.
5. The recommendation is to grant planning permission for all three planning applications, subject to the conditions set out in Appendices 1, 2 and 3.

The Site and Surroundings

6. Cromwell sand and gravel quarry is located on land between the River Trent to its east and the A1 to its west, approximately 7km north of Newark (see Plan 1). The closest settlement is Cromwell village, located to the west on the opposite side of the A1. Carlton on Trent village is located approximately 1.5km to the north, North Muskham village is located approximately 2km to the south and Collingham village is located approximately 2km to the east on the opposite side of the River Trent.
7. There is a long history of mineral extraction at Cromwell quarry and the surrounding area (see Plan 2). Directly to the north of the present quarry is a former quarry with permission for inert waste operations. This site has been dormant for a number of years and large parts of it have now naturally regenerated. Lying across the River Trent are the much larger expanses of Langford quarry, with its extensive wetland restoration now an RSPB reserve. To the north-east is Besthorpe quarry, again forming an expansive area of restored habitats and progressing mineral extraction.
8. The applicant's existing Cromwell quarry site extends to 26 hectares of former arable agricultural fields. The consented scheme provides for mineral extraction over 10 phases (see Plan 3). To date extraction has been completed within phases 1-6 comprising the southern field (phases 1-4) and the north eastern corner of the quarry (phases 5 and 6). The current active phases of the quarry are phase 7 and 8. Mineral has not been extracted from either phase 9, 10 or beneath the plant site which are within the north western corner of the site.
9. The proposed southern extension planning application site incorporates 13.77ha of land from which 8.63ha would be utilised for sand and gravel extraction with the balance of the site area incorporating the existing silt lagoons and a new haul route within the existing quarry area.
10. The southern extraction area currently comprises three agricultural fields which are flat and low-lying in character. There is a public footpath (Cromwell Footpath FP5) running through the extension area, which also provides vehicular access to the River Trent, Cromwell Lock and a residential property at the lock. A bridleway (Cromwell Bridleway BW1) running north-south along the Trent, to the east of the extension area, outside the site (see Plan 4).
11. The westernmost field (referred to as Phase 9a) is bound by the existing quarry soil bunds on the northern and eastern sides, and hedgerows on the northern, southern and western sides. Cromwell Footpath FP5 runs adjacent to the southern boundary.

12. The two southern fields (referred to as Phase 9b and 9c) are located to the south of Cromwell Footpath FP5 and to the east of Cromwell Bridleway BW1. The fields are bounded by a low fence on the northern side adjacent to Cromwell Footpath FP5 and hedgerows on the remaining sides. There are mature trees on the south-eastern boundary of Phase 9c, with Cromwell lock and weir beyond.
13. The nearest residential properties to the proposed southern extension extraction area are the lock-keeper's cottage to the south-east of Phase 9c, and the houses in Church Lane, Cromwell on the other side of the A1, with the rest of Cromwell village adjacent to the west.
14. The southern extension site is not covered by any ecological or landscape designations, and there are no statutory designations within 1km of the site. Cromwell village has four heritage listings which are the Grade I listed Church of St Giles, Grade II listed rectory and attached cottage, Grade II listed headstone south of the church, and the Grade II listed Pigeoncote at Willingham House. There is also a scheduled monument 800m north of the extraction area.

Planning history

15. Planning permission for sand and gravel extraction at Cromwell Quarry was first granted in 1998 (ref 3/94/1169/CM) with a requirement to commence within five years. As the development did not commence within this timescale an application was submitted (ref: 3/03/02626/CMA) seeking more time in which to commence the development. This planning permission was eventually issued in 2009 after completion of a legal agreement. Enabling and site set-up works commenced in 2009 with the stripping of some soils and formation of landscape bunds and some drainage ponds, but the quarry did not enter full production at this time.
16. Planning permission (ref 3/14/01995/CMA) seeking more time to implement mineral extraction within the quarry was granted in March 2016. Mineral extraction works recommenced shortly after this date. Conditions imposed on the planning permission require the completion of extraction by May 2028 and restoration by May 2029. Modifications to the phasing and restoration of the site were subsequently approved as part of a Section 73 consent (ref: 3/18/01737/CMA).
17. Quarry traffic accessing the public highway is regulated by an existing legal agreement controlling HGV routeing to and from the site. The agreement requires HGVs travelling on the southbound A1 carriageway to access and depart directly from the slip road serving the A1 and northbound HGV traffic to avoid passing through the centre of Cromwell village by requiring them to utilise the existing overbridge and slip roads near to the Milestone Brewery.

Proposed Development

18. Three planning applications have been submitted in connection with a southern extension to Cromwell Quarry comprising:
 - Planning Applications 3/19/02231/CMM and 3/19/02232/CMM seek planning permission for a southern extension to the quarry for the

extraction of approximately 550,000 tonnes of sand and gravel with restoration to nature conservation.

- Planning Application 3/19/02233/CMM seeks planning permission to vary planning conditions 1, 2, 3, 15, 21, 22 and 27 of Planning Permission 3/18/01737/CMA to modify the approved quarry restoration scheme and amend the method of working to facilitate the processing of mineral originating from a southern extension.

Planning Applications 3/19/02231/CMM and 3/19/02232/CMM – Southern Extension

19. These two planning applications are identical and have been submitted under a 'twin track' process. This process allows developers to submit two identical planning applications at the same time (together with two sets of planning application fees) and is generally used to provide scope for a developer to appeal one of the planning application decisions to the Secretary of State in the event that the planning authority fail to determine the planning applications within a reasonable timeframe beyond the statutory determination period, (which is 16 weeks or 3rd April 2020 for these applications), whilst providing an opportunity to negotiate and seek to progress a planning decision with the authority on the other application.
20. Planning permission is sought to extract approximately 550,000 tonnes of sand and gravel at a rate of approximately 300,000 tonnes per annum, equating to just under two years production for Cromwell Quarry at existing processing levels.
21. Mineral would be extracted on a campaign basis, with campaigns of 4-6 weeks in length, approximately 4 times per year. The mineral would be transported by dumper truck and stockpiled close to the existing plant site, in line with existing operations. The sand and gravel would then be processed in the existing quarry plant site to make various products and exported via 20-tonne tipper lorries from the existing access directly onto the A1 following existing routeing arrangements which ensure quarry haulage traffic does not travel through Cromwell village and is regulated by S106 lorry routeing legal agreement (see Plan 5).
22. Traffic movements associated with the development would remain unchanged. Based on 20t payloads, the traffic assessment identifies that the proposed operations are forecast to generate 15,000 deliveries per year, based on 275 full working days, this equates to an average 55 deliveries (110 two-way movements) each working day, or 5 deliveries (10 two-way movements) each hour.
23. The southern extension would be worked after phase 8 and before Phase 9 of the existing Cromwell quarry, with the existing Phase 9 renamed Phase 9d. Then phase 10 and the plant site of the existing quarry would be worked. (See Plan 6)
24. The southern extension would be worked in three phases, from west to east, starting with the field to the south of the plant site adjoining the existing quarry boundary (Phase 9a). This field would be worked at the same time as the existing soil storage area within the existing consented quarry area. Working

would then proceed from the western side of the field south of Footpath FP5, (Phase 9b) across to the eastern side closest to the Trent (Phase 9c). Soils and overburden would be stripped from each phase prior to mineral extraction commencing and stored around the perimeters of the fields for re-use as part of the progressive restoration of the site. Storage heights would not exceed 3m for topsoil and 4.4m for subsoil and overburden. Appropriate protection would be provided for boundary hedgerows and trees.

25. The existing internal road between the silt lagoons would be widened from 8m to 10m approx. to allow access to Phases 9b and 9c with a small gap created through the hedgerows to reach this area and enable access for dump trucks to transport mineral won from these phases to the plant site, crossing Cromwell Footpath FP5. The internal hedgerows on the eastern side of Phase 9a and between Phases 9b and 9c would be removed. Otherwise the development would retain the existing perimeter hedgerows and hedgerow trees with appropriate standoff distances maintained.
26. Phase 9a would be restored to seasonally wet grassland with a low ridge and furrow landform in the north-east corner. The south-west corner would be restored to land capable of agricultural production, with wet woodland on the western boundary next to the boundary drain. The hedgerow removed along the eastern boundary of Phase 9a would be re-instated. There would be new willow or native black poplar planting along the internal drain.
27. Phases 9b and 9c would mainly be restored to open water, given that there is no fill being imported and very limited overburden with which to restore the land. There would be an area of shallow wetland in Phase 9b, including neutral and wet grasslands, fen meadow, ponds and reed. The edges of Phases 9b and 9c would be restored to neutral meadow grassland and seasonally wet grassland, with wet woodland along the eastern edge of Phase 9c. There would be hedgerow planting along the northern and southern boundaries of Phases 9b and 9c, resulting in a double hedgerow along the southern boundary to create a wildlife corridor. A sand face would be retained for birds and invertebrates.
28. The existing Cromwell Quarry is regulated through the Section 106 legal agreement to receive ten-year of aftercare management. The applicant states that they will commit to a fifteen year extended aftercare and management period for most of the southern extension with the exception of the agricultural land which would be managed for five years, and the small area of the southern quarry area which overlaps the boundary of the original quarry which would be managed for ten years to reflect the pre-existing agreements with the landowner for this parcel of land.
29. The hours of operation are proposed to be the same as the existing quarry with mineral extraction, processing, treatment, and soil stripping requested between 7am to 7pm Monday to Friday and 7am to 1pm on Saturdays, servicing/maintenance of plant and machinery from 7am to 5pm Mondays to Fridays and 7am to 4pm Saturdays, and HGVs entering and leaving the site from 7am to 6pm Monday to Friday and 7am to 1pm Saturdays.
30. The planning application is supported by an Environmental Impact Assessment (EIA) which gives consideration to 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.

31. 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. Revisions to the restoration arrangements for the site and method of working plans (see Plan 7).
 - Modifications to the design of the eastern extent of the main lake to introduce additional areas of spits, bays and shallows.
 - Modifications to the restoration of the western field within phase 9a and the land immediately to its east in the existing extraction area within the existing quarry to create a series of ridge and furrow ecological valuable ditches within an area of wet grassland.
 - b. Supplementary and updated ecological information.
 - Further assessment of the level of impacts to bats from vegetation clearance, noise and disturbance.
 - A more detailed assessment of impacts to otters resulting from changes to their habitat.
 - Supplementary information in respect of buffers around the site survey, mitigation measures to protect hedgerows and trees, further consideration of effects to birds, modifications to the construction environmental management plan and restoration to address detailed matters raised by Nottinghamshire Wildlife Trust.
 - c. Supplementary and updated hydrogeology information.
 - Confirmation that the minimum stand-off to be retained to watercourses is 25m and not 15m that was inaccurately stated in the original submission.
 - d. Supplementary and updated flood risk assessment.
 - The flood risk assessment has been updated to clarify the modelling approach with regard to the placement of soil bunds stored within the quarry.
 - Further details regarding the implementation of an updated Flood Evacuation Plan and confirmation of the flood alert system proposed to be used.
 - e. Mitigation of Heritage Effects
 - The Reg. 25 letter incorporated a request for the applicant to make a financial contribution towards the maintenance of riverside field gates located to the north of the proposed extraction area (known as 'clappergates') to address concerns raised by NCC's Heritage Officer regarding indirect impacts to the heritage asset of the River Trent. Cemex have not agreed to make this financial payment.

Planning Application 3/19/02233/CMM - Section 73 Submission

32. This planning application has been made to reflect the changes that need to be made to the existing Cromwell Quarry planning permission (Ref: 3/18/01737/CMA) to facilitate its use in connection with the processing of mineral originating from a southern extension as well as to regularise amendments to the approved restoration scheme. The modifications sought permission comprise:
- Revised phasing and method of working within the existing quarry. to allow the working of the proposed southern extension before Phases 9, 10 and the plant site as originally approved which have been modified as a result of the alterations made through the Reg. 25 submission of additional information.
 - The use of the plant site for processing mineral won from the southern extension site and transport of this material to the public highway utilising the existing quarry access road.
 - Modifications to the approved restoration scheme to regularise changes made to the lake margins including the creation of additional shallows on the eastern shore of the restored quarry lake formed as a result of higher levels of silt recovery from the consented workings and modifications to incorporate additional wet grassland and ridge and furrow drainage made as part of the Reg. 25 submission of additional information.
 - The replacement of the existing generator with a different generator, housed inside a container in an amended location within the plant site.
33. The alterations proposed to modify the existing planning conditions are detailed below:
- Condition 1 defines the scope of works granted planning permission under 3/18/01737/CMA, specifically restricting mineral extraction to the current quarry area. It is proposed to amend this condition to be clear that the plant site will also be used in connection with mineral extracted from the proposed southern extension.
 - Condition 2 incorporates a schedule of the approved plans and documents. It is requested this schedule be amended to reference the new suite of method of working, phasing and restoration plans that have been provided.
 - Condition 3 states that no excavations shall take place outside the approved extraction areas. It is requested this condition is changed to reflect the fact that extraction would be undertaken within the southern extraction area, which is outside the area originally approved for mineral extraction.
 - Condition 15 states that the processing plant shall be removed from the site upon the completion of mineral extraction operations in the original quarry area. It is requested the condition is amended to reflect the proposal to retain the processing plant and all other plant, ancillary buildings and associated structures for the duration of working the southern extension. There is no requirement to extend the approved end date for the quarry which is regulated by Condition 25, this currently allows mineral extraction until May 2028. Even with the additional 18

months needed to work the southern extension, the whole site is likely to be completed well before this date, most likely by 2023.

- Condition 21 stipulates soils and overburden management in compliance with an agreed scheme. The condition needs to be varied because the approved soil handling scheme references the existing phasing, method of working and restoration plans. The condition should be amended to reflect the new method of working plans.
- Condition 22 requires no turf, topsoil, subsoil or overburden to be removed or brought onto the site. The condition needs to be amended because there is some overlap between soil movements on the site and the proposed southern extension. No other waste materials are proposed to be brought onto the site from elsewhere.
- Condition 27 requires the phased restoration of the site. This condition would need to be amended to reflect the updated restoration plan.

Consultations

34. The planning consultation responses section incorporates a summary of the consultation response received for the two twin tracked planning applications for the southern extension and where a response has been received a summary of any observations made in connection with the re-consultation carried out for the additional Reg. 25 information.
35. This section also incorporates a separate summary of the responses received to the planning consultation carried out for the Section 73 planning application.

Summary of Planning consultation responses received in connection with Planning Applications 3/19/02231/CMM AND 3/19/02232/CMM for a Southern Extension to the quarry including representations received following the Reg. 25 re-consultation.

36. **Newark and Sherwood District Council:** *Raise no objections*

The District Council's Environmental Health Officer requests that noise and dust emissions be fully controlled by the use of appropriate planning condition(s).

Reg. 25 Response: The district council confirm that no objections are raised to the planning application, provided that Nottinghamshire County Council is satisfied that the development complies with the relevant Development Plan policies and subject to conditions referred to above. The Environmental Health Officer confirms that the air quality report provides a detailed assessment of the potential dust (PM10 and PM2.5) emissions from the proposed quarry extension and is in agreement with the report's conclusion which confirms that provided the proposed mitigation is implemented and adhered to, the overall effect of this development on air quality will be not significant.

37. **Cromwell Parish Meeting:** *Oppose the planning application on the following grounds:*

Need. The extension is not included in the Minerals Local Plan, which is the result of considerable work over a long period, by experts with full access to the

most modern information. The parish supports the MLP and, consequently, sees no need for this aggregate.

Effect Upon Neighbouring Land. The operation of the proposed sites necessitates "de-watering" and this causes a significant lowering of the local water table. This is referred to as "water drawdown". The Parish acknowledge that mitigation is in place to protect dwellings, but farmers of adjacent land may have their yields impaired by changes in groundwater levels by water draw-down.

Effect on a Public Right of Way. The extension phases 9b and 9c will necessitate the crossing of Church Lane (aka Lock Lane or Church Meadow Lane) which was a bridle road but is now a footpath. It is regularly used by the public, the vehicles of Ashborn Angling Club, and it is the only access route to the dwelling at Cromwell Lock as well as an emergency route access. Although it may well be possible to accommodate the heavy dumper trucks safely at the chosen crossing point, there will be wear and possible damage to Church Lane. There should be a positive commitment to maintain the Church Lane in a usable state at all times.

Reg. 25 Response: Maintain their objection on the basis that the revised information does not change any of the objections which the Parish Council previously expressed.

38. **NCC (Planning Policy):** Do not object:

The planning application site is not allocated for mineral extraction either within the adopted or emerging replacement Nottinghamshire Minerals Local Plan.

Whilst the sand and gravel landbank is currently over the minimum 7-year landbank which the Council is required to plan for, the national Planning Practice Guidance makes it clear that the 7-year supply should be considered as a minimum rather than a maximum figure and therefore the level of landbank should not be used as the sole reason to refuse a planning application, with a need to consider the proposal on its merits.

The extension of quarries in many cases is more sustainable than the development of new quarries, particularly where it assists with preventing the sterilisation of mineral resource. This is reflected in planning policy which allows for additional reserves to be permitted on unallocated land where the applicant can provide a justifiable reason(s) for doing so, and also subject to the development being undertaken within acceptable environmental and amenity levels.

Reg. 25 Response: The Reg. 25 information does not raise any further issues which require additional Planning Policy comment

39. **Environment Agency:** Do not object to the planning application.

The EA originally raised an objection to the planning application on the basis that the Flood Risk Assessment did not fully assess the effect that the placing of soil bunds would have during flood events. Further information was sought regarding the stand-offs between the extraction areas and retained watercourses. The EA also requested a flood evacuation plan to be submitted

which identifies how flood events will be identified and the procedure for evacuating the quarry during periods of flooding.

Reg. 25 Response: The EA has withdrawn its objection to the planning application following the Reg. 25 submission which incorporates additional hydrological information and a revised flood risk assessment incorporating computer modelling of the proposed layout of bunds and demonstrates that the development will result in no increased flood risk elsewhere. The EA request the following planning conditions are imposed:

- The development shall be carried out in accordance with the submitted flood risk assessment and its specification regarding the placement of soil bunds and ground level contours.
- The EA strongly recommends the operator implements a flood emergency/evacuation plan.
- A scheme for monitoring of the groundwater environment during the operational life of the quarry.
- A buffer zone is maintained between mineral extraction works and the watercourse maintained by the Trent Valley Internal Drainage Board to protect otters and water-voles. An ecological management scheme for the buffer zone shall be agreed with the planning authority.
- A scheme to manage the level of suspended solids from surface water run-off.
- A standard planning condition to regulate oil and chemical storage on the site.
- An informative note to investigate the potential to connect the restored lake to the River Trent to allow fish and eels to access the restoration area for the purposes of refuge and breeding grounds.

40. **NCC Flood Risk:** Raise no objections

Reg. 25 Response: Confirmation of no objections to the planning applications.

41. **Highways England:** Raise no objections

Reg. 25 Response: The amendments will have no material impact on the Strategic Road Network in terms of traffic movements nor will they impact upon the structural integrity on the highway earthworks (embankments). As such Highways England have no further comments to make.

42. **NCC (Highways):** No objections

The development would result in no change in the traffic impact of the site. The proposal extends the quarry of the site but would not intensify the use. Therefore, the daily level of lorry movements will remain unchanged in their volume and routeing. No objections are raised subject to the continuation/application of relevant S106 requirements previously applied to operations at this site.

43. **Natural England:** Raise no objection

Natural England is satisfied that the development would not adversely affect Besthorpe Meadows SSSI. Natural England encourage opportunities to be taken to achieve net environmental gains and recommend that DEFRA Biodiversity Metric 2.0 should be used to demonstrate the level of biodiversity gain. It is highlighted that there may be opportunities to increase the extent of rarer habitats through restoration instead of the creation of ponds and open water, which are plentiful in the vicinity.

Natural England note the development would extend to approximately 13.78 ha, including some 3.29 ha of 'best and most versatile' (BMV) agricultural land. In view of the area and ALC grading of land affected, Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, but would encourage some agriculture in the restoration and planning conditions are imposed to safeguard the soil resource within the restoration of the site.

Reg. 25 Response: No further comment to make on the proposal, confirming they maintain their position of no objection.

44. Nottinghamshire Wildlife Trust: *Object to the planning application*

The Wildlife Trust's objection is based on the fact that the site is not allocated for mineral extraction either within the adopted or emerging Minerals Local Plan, there is an incomplete ecological impact assessment and unexceptional restoration proposals.

In terms of the surveys and ecological impacts assessment:

- Data on species and habitats has only been collected for a 1km radius where as the norm is for 2km.*
- Potential impacts to bats have not been fully assessed.*
- No overwintering bird surveys have been undertaken.*
- Bird nesting habitat would be lost without satisfactory compensation being provided.*
- A further assessment of the indirect impact to otters is required.*
- No invertebrate surveys have been undertaken.*
- There has been no assessment of the level of increased nitrogen deposition on nearby habitats, particularly Cromwell Meadows LWS.*
- Dewatering draw-down impacts have not been assessed in terms of its impact on Cromwell Pits LWS and Ness Trentside LWS.*
- The applicant has not quantified the levels of habitat loss and gains and therefore it is not possible to determine whether there would be a net gain in biodiversity as a result of the development.*

In terms of the restoration of the site, NWT would expect a restoration scheme in this location to maximise the priority habitats for this area, which are wet grassland, reedbed, wet woodland and small ponds suitable for amphibians, not more large areas of open water. The proposed 10-year aftercare period is not considered sufficient and this should be extended to at least 20 years.

Reg 25 Response: NWT maintain their objection to the planning application raising the following observations:

- NWT do not agree in principle with applications for unallocated sites, particularly in this instance where an adequate mineral resource has been identified for more than 7 years in the draft MLP. NWT do not consider the applicant has demonstrated any exceptional need or benefit for the development.
- NWT accept that impacts on LWS within the 1-2km zone were scoped out through assessment in the hydrogeological, air quality, flood risk and ecology reports, notably due to the short-term nature of the proposed extraction. NWT therefore accept that a 1km buffer zone for assessment of potential impacts to LWS is appropriate in this instance.
- The methodology to avoid direct killing or injury of amphibians and reptiles should be regulated by planning condition. Soil bunds should be seeded with species rich grassland to off-set habitat losses.
- NWT acknowledge that 328m of hedgerow would be permanently lost. To mitigate for this loss of hedgerow the existing hedgerows which are retained should be managed to allow them to grow taller and enhance their ecological value.
- The breeding bird survey has not been updated to include an early season survey of breeding birds in March/April and therefore NWT consider the survey is incomplete.
- NWT consider bird nesting habitats would be lost with no meaningful mitigation for many years, further mitigation during the operational period should be provided.
- NWT acknowledge that potential indirect impacts on foraging and commuting otters from water pollution in the ditch, changes in surface water levels, noise and disturbance are unlikely to occur, but it is recommended that a resurvey should be undertaken before any works start on the site, as these species are highly mobile and may establish a holt or couch in the vicinity of the site.
- NWT is satisfied that invertebrate surveys are no longer required for the site.
- There is potential for some limited dust pollution impacts on the LWS to east and south east.
- The issue of NO_x (the most serious pollutant to habitats in Europe) has still not been addressed.
- Restoration: NWT consider that given that this proposed extension has no extant or draft allocation, the restoration would need to achieve exceptional outcomes for biodiversity to justify grant of permission. The overall area of deep lake is still too large, and NWT remain to be convinced that all possible options such as under-digging to generate more restoration material to provide shallower edges to part of the lake, and thus create more marginal habitat, have been properly investigated. The small areas of wet grassland would be unsuitable for breeding waders due to their limited extent and proximity to trees and there is no provision for reedbed around the margins of the lake. A connection between the lake and the River Trent has not been provided. More

ponds suitable for amphibians should be created. Extended aftercare should be provided for 20 years.

- NWT therefore conclude the restoration scheme as currently proposed does not maximise the creation of priority floodplain habitats, does not capitalise on the opportunity for floodplain reconnection, nor is it sufficiently ambitious to justify granting permission to a site with no allocation in the MLP, for which the restoration would need to be exceptional.

45. **NCC (Nature Conservation):** Following the receipt of additional information provided as part of the Reg. 25 response, no objections are raised to the development, subject to a series of planning conditions to regulate the ecological effects of the development.

Overall, the site is considered to be of low ecological value, comprising two arable fields and improved grassland, but some sections of hedgerow will be removed to accommodate the extraction of mineral. With regard to specific ecological effects:

Loss of hedgerow: The loss of three relatively short lengths of hedgerow does not represent a significant impact on foraging and commuting bats given extensive similar habitat in the surroundings. A more favourable management regime should be applied to the retained hedgerows making provision for reduced cutting frequency to mitigate for hedgerow losses which should be secured by planning condition.

Bat Roosts: Retained trees on the site's boundary have high potential to support roosting bats, further assessment is required to understand the magnitude of any indirect impacts to bats that may be within these trees.

Amphibian and Reptiles: Site clearance works which minimise impacts to amphibians and reptiles should form part of a construction and environment management plan (CEMP) regulated by planning condition.

Breeding Birds: There will be a small loss of nesting and foraging habitat due to the development but given the abundance of this habitat in the wider area, this cannot be considered a significant impact. Nevertheless, mitigation such as seeding soil bunds with nectar and seed-rich mixes would be beneficial and should be secured by planning condition. A standard approach to controlling vegetation clearance during the bird nesting season should be conditioned (or included in a CEMP).

Otters: A more detailed assessment of impacts on habitats used by otters needs to be carried out.

Invertebrates: Given the habitats affected by the scheme (improved grassland, arable farmland and short sections of hedgerow), an invertebrate survey is not considered necessary.

Badgers: A pre-commencement badger survey should be conditioned to take place in advance of works in each phase of extraction (or included in a CEMP).

Nitrogen Deposition: An assessment of the potential impacts of nitrogen deposition on nearby Local Wildlife Sites is not considered necessary because

there will be no change to the machinery or HGV traffic levels currently operated at the site which have the potential to alter existing emission levels.

Restoration: *Whilst the restoration is biodiversity-led, a large part of the restored site is taken up by a single, steep-sided waterbody, which is the lowest priority wetland habitat for mineral sites. It would be desirable to know if anything can be done to improve this through the construction of spits, bays and shallows. It is suggested that the western field (Phase 9a), and the adjacent field to the east in the existing quarry could be used to create a larger area of wet grassland with a 'ridge and furrow'-type design (to which scrapes could be added), with the dividing hedgerow removed. In addition, it is suggested the woodland planting on the eastern boundary of the restoration should be removed, and that additional ponds are created.*

Aftercare: *An extended aftercare period would be highly beneficial (i.e. greater than the 5+5 years as currently proposed).*

Reg. 25 Response: *The additional information submitted by the applicant addresses the comments and concerns raised regarding the original submission, specifically, further information and assessment has now been provided in relation to bats and otters and modifications have been made to the restoration scheme. In relation to bats, a condition should require further survey and assessment of the two trees (T1 and T6) adjacent to Phase 9, prior to works in that phase commencing, with any additional mitigation measures provided.*

46. **Government Planning Casework Unit:** *Raise no comments*

47. **Canal and River Trust:** *Do not object but raise comments regarding the submission.*

The Canal and River Trust is the navigation authority for the River Trent and own Cromwell Lock and associated house which is accessed by Cromwell Public Footpath No. 5. The trust would like to see more details on the arrangements for the haul road crossing Cromwell Footpath No. 5 prior to determination of the application so they can assess the potential impacts and identify any risk of adverse operational impacts, however they acknowledge that this detail could be provided via a suitably worded planning condition to secure the submission and implementation of a detailed scheme of works to include the provision of suitable surfacing, sight lines/visibility splays, signage, control of mud and a monitoring scheme to ensure appropriate implementation. Should this be secured by planning condition, the Canal and River Trust request they are consulted on the submission.

Reg. 25 Response: *No further comment to make on the proposal, confirming that their comments previously made still stand.*

48. **NCC (Built Heritage):** *Raise no objections*

The application site does not incorporate any built heritage assets but it is acknowledged that heritage of the River Trent landscape would be negatively affected by noise and aesthetic impacts. These impacts could be potentially mitigated by the applicant funding the repair of some historic wooden 'clapper' gates on the Trentside route near to the extraction area.

Reg. 25 Response: Concern is expressed that the applicant is not willing to make a financial contribution to the repair of the clapper gates and giving proper weight to the impact that a quarry development has on the Trent valley heritage landscape. It is recommended that a condition is made of any permission to mitigate these impacts, in particular on the setting of C18th non-designated clapper gate heritage assets in the vicinity of the development. A condition should ensure the heritage assets (several sets of 'clapper gates') is attended to at an appropriate point in the operational timetable of quarry.

49. **Via (Countryside Access):** Raise no objections

The haul road will cross Cromwell Public Footpath No. 5 which is a track leading to Cromwell Lock from the village and also a private vehicular access to land and property at Cromwell Lock. The Rights of Way Team require the haul road crossing Cromwell Public Footpath No. 5 to be at the same level and be of a suitable surface for walkers. Public safety is paramount, so the Rights of Way team would ask that public using the footpath are kept safe, for example by using clear warning signage for both public footpath users and for lorry/dump truck drivers (haul road users). An appropriate speed limit for haul road drivers should be regulated by condition. There should be clear visibility leading to the crossing for both haul road drivers and footpath pedestrians (as well as other users of the private track) and consideration of visibility should be included in the design of any bunds alongside the Public Footpath. Given the quantity of traffic likely to be using the haul road and the nature of the site it is likely that the surface of the crossing will become muddy so there is a requirement for the surface of the crossing to be cleared/swept of debris on a regular basis.

50. **Via (Landscape):** Raise no objections

None of the landscape and visual effects arising from this development are significant. The landscape character of this site will change from an agricultural one to a working sand and gravel quarry for the duration of 1½ years following which the restoration works will primarily create open wetland and waterbodies which are already established in the surrounding landscape.

Should planning permission be granted it is recommended that planning conditions are imposed requiring advanced hedge planting and hedgerow management prior to works on site and the detail of appropriate management proposals and funding mechanism for the future maintenance and management works.

Reg. 25 Response: No objections are raised to the biodiversity led revised restoration scheme which includes the replacement of wet woodland planting blocks P1 and P2 along the western site boundary with native willow/black poplar standards along the eastern edge of the internal drainage channel. This modification will allow a more open view to the site on restoration for visual receptors at Viewpoint 6 but intervening vegetation in the wider landscape will ensure predicted impact remains as an overall slight beneficial impact upon completion of the restoration scheme.

51. **Via (Noise Engineer):** Raise no objection

It is requested that planning conditions are imposed to regulate:

- *the maximum level of noise at any residential property is limited to not exceed 55dBLAeq,1hr for normal operations and an upper limit of 70dBLAeq,1hr for temporary operations,*
- *noise silencers and baffles are installed and properly maintained on all mobile plant, and*
- *white noise reversing alarms are used on all plant and machinery operated in the quarry.*

Reg. 25 Response: *No further comments in respect of the additional information.*

52. **Western Power Distribution:** *Raise no objections*
53. *Western Power Distribution advise that there is 11kV network pylons currently running through the site which will need to have a diversion prior to extraction. The restoration scheme incorporating ponds are likely to be attractive to birds which can cause damage to power lines. Western Power therefore favour the use of underground cables within any power cable diversion scheme which may be carried out.*
54. **Via (Reclamation), NCC (Archaeology), Newark Area Internal Drainage Board, Severn Trent Water Limited, Cadent Gas Limited Company:** *No representations received. Any response received shall be orally reported.*

Summary of Planning Consultations received in connection with Planning Application 3/19/02233/CMM to amend the existing planning conditions imposed under Planning Permission 3/18/01737/CMA.

55. **Newark and Sherwood District Council:** *Raise no objections.*
56. **Cromwell Parish Meeting:** *No separate representation received in connection with this planning application.*
57. **Environment Agency:** *Raise no objections.*
58. **Highways England:** *Raise no objections.*
59. **NCC (Highways):** *No separate representation received in connection with this planning application.*
60. **Natural England:** *No objection.*
- Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.*
61. **Nottinghamshire Wildlife Trust:** *No separate representation received in connection with this planning application.*
62. **Canal and River Trust:** *No comments.*
63. **NCC (Nature Conservation):** *No separate representation received in connection with this planning application.*

64. **Via (Countryside Access):** *No separate representation received in connection with this planning application.*
65. **Via (Landscape):** *Raise no objections.*
- The revised design restoration that uses excess silt to create shallow margins along the eastern edge of the water body as shown on drawing P1/1379/9/J is acceptable.*
66. **Via (Noise Engineer):** *No objections, on the basis that the variation of the planning conditions will not materially impact on the level of noise emissions from the site.*
67. **Western Power Distribution:** *Raise no objections.*
- Western Power Distribution advise that there is 11kV network pylons currently running through the site which will need to have a diversion prior to extraction. The restoration scheme incorporating ponds are likely to be attractive to birds which can cause damage to power lines. Western Power therefore favour the use of underground cables within any power cable diversion scheme which may be carried out.*
68. **Via (Reclamation), Severn Trent Water Limited, Cadent Gas Limited Company:** No representation received. Any response received shall be orally reported.

Publicity

69. The three planning applications have each been publicised by means of site notices, press notice and neighbour notification letters. Further re-consultation by site/press notices and neighbour notification letters has been undertaken following the receipt of the Reg. 25 submission in accordance with the County Council's adopted Statement of Community Involvement. No representations have been received.
70. Councillor Bruce Laughton has been notified of the planning applications.

Observations

71. 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.
72. The Development Plan in the context of this minerals proposal comprises:
- The Nottinghamshire Minerals Local Plan (2005) (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).
73. The following are material considerations:

- The National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG);
 - The new Nottinghamshire Minerals Local Plan (Publication Version August 2019).
74. Most of the policies of the 2005 adopted Minerals Local Plan 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 out of date, 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 guide otherwise.
75. The replacement/new MLP has been submitted to the Secretary of State for its 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 plan 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

76. 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’.*
77. 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’.*
78. Cromwell 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. It is therefore important that quarries such as Cromwell are able to supply the construction industry during future months, particularly as the country’s economy is re-stimulated following the restrictions arising from the coronavirus lockdown.
79. Mineral reserves are currently depleting at Cromwell and it is likely that the sand and gravel reserves within the quarry will be exhausted within the next year. The applicant is therefore concerned that they will not have sufficient supplies of sand and gravel to ensure mineral supplies at Cromwell continue to be available.
80. A grant of planning permission for a southern extension to Cromwell will secure a short term 20 month extension to mineral extraction at Cromwell ensuring that

it 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.

Landbank

81. In understanding whether there is a need for the extraction of the mineral originating from the Cromwell Southern extension, in planning policy terms the starting point is to understand the position of Nottinghamshire's sand and gravel landbank and how this demand for minerals is proposed to be met by the site allocations identified within both the adopted and replacement MLPs.
82. 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.
83. The landbank is calculated by comparing the level of permitted reserves against the average level of mineral production over the last ten years. The current landbank of mineral reserves within Nottinghamshire is published within the Council's Local Aggregate Assessment (LAA). The latest version was published in December 2019 and calculates the sand and gravel landbank at 13.76 years based on permitted reserves of 20.1 million tonnes and a 10-year sales average of 1.46 million tonnes.
84. Although Nottinghamshire's sand and gravel landbank is substantially above the minimum 7-year level, paragraph 84 of the Government's Planning Practice Guidance 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. There are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank. These could include:

- *significant future increases in demand that can be forecast with reasonable certainty;*
- *the location of the consented reserve is inappropriately located relative to the main market areas;*
- *the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and*
- *known constraints on the availability of consented reserves that might limit output over the plan period.'*

Site allocations within the Minerals Local Plan

85. 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 with the aim of ensuring that sufficient mineral resources are identified for extraction to meet the anticipated levels of need.
86. Adopted MLP Policy M6.2 confirms that the County Council will endeavour 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 will meet its reasonable share of regional provision of aggregates throughout the plan period.
87. The adopted MLP incorporates a series of allocations to maintain a seven-year sand and gravel landbank. Most of the original land allocations within the adopted plan have now been worked out/exhausted. The adopted plan did not identify any allocation for extensions to sand and gravel extraction at Cromwell. Paragraphs 6.76- 6.78 of the adopted MLP states that at the time the plan was adopted (2005) extraction at Cromwell had not commenced despite planning permission having been granted in 1998. The adopted plan anticipated that extraction would begin in 2005 and the quarry would have sufficient reserves until 2017 and so no further provision was required at the site during the plan period.
88. The Cromwell Quarry planning permission was implemented in 2009 but was mothballed shortly after, re-entering production in 2016. The current permission for the quarry allows extraction until May 2028, however the applicant has stated that at the current rate of extraction, consented reserves will be exhausted by December 2020.
89. Due to the age of the MLP, which was adopted in 2005 and covered a period up to 31st 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 minerals local plan.
90. The proposed southern extension to Cromwell Quarry, for which permission is being sought through this planning application, is not allocated for sand and gravel extraction within the adopted MLP. This planning application must therefore be assessed as an unallocated site in the context of adopted MLP policy.
91. The new MLP incorporates calculations of future sand and gravel requirements for the plan period until 2036 and a range of site allocations to ensure that sufficient mineral resources are available to meet this demand. The proposed southern extension to Cromwell Quarry is not identified within the new MLP for allocation for minerals extraction. One of the reasons for the site not being identified as an allocation in the new MLP is because the developer has not at any time through the plan preparation process made a request to include Cromwell South as a prospective allocation. This means that the merits of the Cromwell southern extension have not been assessed in any comparative way with alternative potential sand and gravel sites elsewhere in Nottinghamshire and therefore it cannot be assumed that the southern extension of Cromwell

Quarry would have been allocated if it had been promoted through the MLP at the appropriate time.

Minerals Local Plan policy in relation to the development of unallocated sites

92. 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).’*
93. The current level of the landbank at 13.76 years indicates strongly that there is an adequate supply of sand and gravel within Nottinghamshire and therefore no pressing need at the present time to grant planning permission for further sand and gravel extraction as part of a southern extension to Cromwell Quarry to maintain satisfactory levels of sand and gravel production across Nottinghamshire.
94. However, it is considered that Policy M6.3 is not entirely consistent with up-to-date Government advice which, as detailed in paragraph 84, confirms that there is no maximum landbank level and so the present healthy sand and gravel landbank should not be used as the sole reason to refuse a planning application. Each planning application is required to be assessed on its own merits, having regard to the need to ensure there is capacity to supply a wide range and type of aggregates in a variety of locations of permitted reserves relative to markets, and productive capacity of permitted sites and competition should not be stifled by bounding resources in a limited number of sites. These further considerations need to be assessed to understand whether there is a specific need for further extraction within the Cromwell southern extension.
95. The approach set out within paragraph 84 of the Government’s Planning Practice Guidance is reflected within Policy MP1(c) of the new MLP which states that ‘proposals for aggregate extraction outside those areas (allocated for extraction) will be supported where a need can be demonstrated’.
96. 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.
97. 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 include the prevention of the unnecessary sterilisation of mineral resources. The prevention of the sterilisation of mineral resources is consistent with NPPF paragraph 204.

98. Mineral extraction at Cromwell Quarry has rapidly progressed and it is anticipated the existing consented reserves will be exhausted within the next 12 months at current extraction rates.
99. The approved phasing scheme for Cromwell Quarry will see the completion of sand and gravel extraction within the existing Phases 7 and 8 later this year. The current applications seek planning permission to extract mineral from the southern extension area following the working of the existing Phase 8. This timetable is important because it enables the mineral extracted from the southern extension to be processed in the existing quarry plant site. After Phase 8, the final phases of the quarry extract mineral which underlays 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 scope to process further mineral would be seriously jeopardised and would almost certainly result in the effective sterilisation of mineral in the southern extension area. There is therefore a limited time window within which it is operationally possible to work the southern area using the existing site infrastructure and this is the reason why the planning application has come forward at this stage.
100. The quantity of mineral within the southern extension area is unlikely to be sufficiently large enough to justify the reinvestment in a new processing facility being established in the future as a standalone mineral extraction scheme. The removal of the existing plant site would also take away the existing access to the public highway network with no readily available alternative route of access to the public highway which could be reinstated at a later date. The continued use of the existing Cromwell plant site and infrastructure would almost certainly have a lesser impact on the local environment and amenity than setting up a brand-new site.
101. If permitted, the additional mineral from the southern extension would extend the life of the quarry to around 2023, but this is well within the end date currently regulated within the existing planning permission which requires all mineral extraction to be completed by May 2028. This extra 20 months of working at the quarry would secure the continuity of existing jobs within the quarry for a longer duration than presently envisaged.
102. The additional 550,000 tonnes of mineral which would be recovered from the southern extension is a comparatively small amount of mineral in comparison to the Nottinghamshire's overall annual sand and gravel production levels, equating to about four months of the county's annual production rate which currently stands at an average 1.46 million tonnes per year. It is therefore concluded it would not strategically affect the wider timetable for mineral extraction within nearby quarries or prejudice the implementation of site allocations identified within the new MLP.
103. In conclusion, although the site is not allocated for mineral extraction and there is little need for the sand and gravel in the context of maintaining a landbank of minerals as required under MLP Policy M6.3, this policy is not considered to fully reflect the NPPF/PPG which make it clear that having a landbank above the minimum level is not justification on its own to refuse planning permission and the wider merits of the development should be assessed. The NPPF, at paragraph 207 (f), also provides support for the continued operation of the

quarry by requiring 'that the capacity of operations to supply a wide range of materials is not compromised'.

104. In this instance there are benefits derived from the development including the avoidance of mineral sterilisation, maintaining the continuity of sand and gravel production at Cromwell Quarry to serve established markets and the economic benefits which it brings to the local environment. The proposed extension would not result in an oversupply of sand and gravel in Nottinghamshire and therefore not prejudice the delivery of other mineral extraction sites which are proposed to be allocated within the new MLP. Instead, the increase in the landbank would provide some increased security of mineral supply. A timely decision on this planning application is now required so that the mineral within the southern extension can be worked on a phased basis so as to enable it to be processed within the existing plant site.
105. Subject to there being no unacceptable environment impacts, these factors argue in favour of granting the development planning permission, subject to there being no unacceptable environmental impacts.

Assessment of Environmental Impact

106. 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. 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

107. MLP Policy M3.22 (Landscape Character) requires landscape character and local distinctiveness to be fully taken into consideration as part of development proposals.
108. The site and surrounding study area are not designated for their landscape value. The regional Landscape Character Assessment of the site considers it to be of low landscape sensitivity and the landscape policy for most of the site is 'Reinforce and Create'. The landscape condition is described as moderate.
109. The primary effect on the landscape would arise from the change in land use from arable/pasture to a mineral extraction site and subsequent restoration to pasture and nature conservation end use. The proposals would result in the loss arable farmland and a couple of lengths of hedgerow.
110. During the operational period the proposals would temporarily change the characteristics, features and elements that contribute to the rural agricultural character to one of a semi industrial landscape over approximately a 30-month period (18 months operation, 12 months restoration) and will result in the loss hedgerows and arable farmland. There will also be impacts from mobile plant crossing the footpath and Cromwell Lock access road during the planned

extraction campaigns which would occur four times per year, each with a 4-6 week duration.

111. Although the change to the landform is permanent, vegetation loss will be mitigated through additional planting and areas of grazing land reinstated on Phase 9a.
112. The proposed restoration accords with relevant landscape policies contained within the extant Nottinghamshire Minerals Local Plan in particular, the creation of priority habitats including wet woodland, reedbed, ponds, lakes, species rich hedgerows and neutral grassland. The proposal also accords with the Draft MLP in terms of its biodiversity led restoration and landscape character enhancement approach.
113. It is therefore concluded that the magnitude of landscape change during the extraction period has been assessed as slight adverse. The negative impacts relate to effects on landform, land use, vegetation, rights of way and the pattern and scale of the landscape. Following restoration, the significance of landscape effects would change to slight beneficial. None of the effects during operation and restoration are considered significant. Significant cumulative landscape impacts are not anticipated due to the comparatively small size of the southern extension and the short duration of operational works. The modifications made to the lake as part of the Reg. 25 submission create a less uniform shaped lake with greater areas of shallows, spits and bays on its eastern bank and are therefore welcomed. The Section 73 modifications to the existing planning permission would generally have a neutral landscape impact. It is therefore concluded that the landscape effects of the development are compliant with MLP Policy M3.22.

Visual Impact Assessment

114. 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.
115. Of the 9 locations chosen to represent views from key receptors, the most significant impacts are anticipated to occur from receptors in closer proximity to the site including the users of the public rights of way network which adjoin the northern and eastern boundaries of the site and for users of the River Trent car park and the property at Cromwell Lock. These locations would experience significant 'moderate adverse' visual effects during operation of the extraction area subsequently changing to 'slight or moderate beneficial' on restoration.
116. More distant views of the southern extraction area are filtered by woodland along the River Trent and hedgerows/trees which extensively screen the site and accordingly the magnitude of these visual impacts is much lower. The proximity of the A1 immediately to the west of the quarry forms a dominant and distracting visual feature and provides visual separation of the quarry from residential properties in the village thus ensuring that there would be no significant visual impacts between these locations.

117. Any adverse visual effects predicted during the operational phase (18 months) and restoration phase (12 months) would be short term and temporary, changing to a permanent beneficial change on restoration. All works are undertaken at or below ground level thus ensuring the works are kept as low as practicable. The installation of the replacement generator container within the quarry plant site would have a negligible visual impact.
118. Significant cumulative adverse visual impacts from the southern extension are unlikely to occur due to the short-term duration of the extraction, the comparatively small area of extraction area and the level of screening to adjacent mineral sites in the wider area. The Section 73 modifications to the existing planning permission would have a neutral visual impact.
119. 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

120. 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.
121. 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 site is remote from any designated habitat.
122. The development of the quarry would result in the loss of arable land (11.5 ha) which is of little intrinsic ecological value. The development retains most of the existing boundary hedgerows and trees but 328m of hedgerow which divide the existing fields internally of the site would be lost. Overall the impact of habitat loss is considered to be minor.
123. Ecological surveys of the site have been carried out and mitigation strategies have been drawn up to address potential ecological impacts. These have been supplemented through the Reg 25 submission to address concerns raised by Nottinghamshire Wildlife Trust and/or 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. The following specific conclusions have been reached:
 - The use of a 1km radius (rather than the more normal 2km) for the basis of the desktop ecological assessment and identification of ecological

constraints in the area surrounding the quarry is accepted as being appropriate.

- Whilst it is acknowledged that the normal April survey for breeding birds was not carried out resulting in only two of the normal three survey visits being made, given the nature of the habitat on site, the level of surveys carried out are considered sufficient in this case given the abundance of this habitat in the wider area. Mitigation of impact by seeding soil bunds with nectar and seed-rich mixes would be beneficial and is recommended to be secured by planning condition.
- A wintering bird survey is not considered necessary, as there is no evidence to suggest that the arable agricultural fields are important for wintering birds such as waders or wildfowl, the affected area is small in size, and is abundant in the surrounding area.
- Given the habitats affected by the scheme (improved grassland, arable farmland and short sections of hedgerow), an invertebrate survey is not considered necessary.
- An assessment of the potential impacts of nitrogen deposition on nearby LWSs is not considered necessary. This view is reached based on the fact that the existing plant site will be used, that HGV activity will be the same as currently occurs and that on-site plant will be limited to a small number of hydraulic excavators and articulated dump-trucks (or similar) and therefore the development will not change the level of current emissions. Defra's TG16 publication supports this conclusion which, in paragraph 7.26, states that "Experience of assessing the exhaust emissions from on-site plant (NRMM) and site traffic suggests that, with suitable controls and site management, they are unlikely to make a significant impact on local air quality and therefore in the vast majority of cases they will not need to be quantitatively assessed".
- The assessment of potential hydrological impacts on Cromwell Pits LWS and Ness Trentside LWS and the conclusions reached are acceptable.
- Accidental killing or injury to fauna including common amphibians and small mammals would be avoided by the implementation of a Construction Environmental Management Plan (CEMP). Items to be covered by the CEMP are documented in para 10.7.1 of the revised ecological assessment provided through the Reg. 25 response and are listed as common amphibians and reptiles, badgers and other small mammals, otters, bats and breeding birds. A request will also be made for the applicant to investigate the potential to create a greater number of amphibian breeding ponds as part of the detailed submission of restoration proposals for each phase of the site.
- The development would result in a comparatively minor loss of 326m of hedgerow. Mitigation of this impact is proposed by retaining other boundary features (hedgerows & scattered trees) and introducing a relaxation of the current management regime to allow these hedges to grow thicker and taller to enhance their ecological value and maximise their value for bat foraging and commuting habitat, secured through planning condition.
- A supplementary assessment of the scope for indirect impacts to bats has been provided. The assessment considers effects to potential roosts

in retained trees close to the extraction area, concluding that appropriate stand-offs are likely to be in place to avoid significant impacts but recommending that a planning condition is imposed to require an assessment of the retained trees (T1 and T6) to be carried out prior to extraction commencing in Phase 9 with mitigation measures proposed if deemed necessary, based on the findings of those assessments.

- Avoidance of accidental killing or injury to nesting birds would be secured by timing initial clearance outside the breeding season, or undertaken following a pre-clearance nesting check by a suitably qualified ecologist, with works only proceeding once declared free of nesting activity.
- A more detailed assessment of potential impacts to otters has concluded that there would be negligible indirect impacts to ditches from water pollution, changes in surface water levels, noise and disturbance. Planning conditions are proposed to ecologically manage the strip of land adjacent to the drainage channel to enhance its value for otters, as recommended by the Environment Agency, and for a re-survey of the drainage channel before any works start on the site, acknowledging the mobility of these species and potential to establish a holt or couch in the vicinity of the site, as recommended by NWT.
- The restoration plans have been modified to enhance the ecological value of the new habitat including the introduction of additional areas of shallows within bays and projecting spits of land within the main lake to create a more varied ecologically interesting lake and a series of ridge and furrow ditches within an area of wet grassland proposed to be created in the western field within phase 9a and the land immediately to its east in the existing quarry.

124. In the longer term and following restoration it is concluded that the development will be beneficial for wildlife as a consequence of the creation of a variety of habitats of greater ecological value than the current situation. Whilst it is noted that Natural England have encouraged the magnitude of net ecological gain be calculated using tools such as DEFRA's Biodiversity Metric 2.0, in this instance it is clearly evident that the development would result in an ecological gain across the site following restoration with intensively managed arable farmland being replaced by a much more varied and ecologically valuable habitat including wet grassland and meadows, ponds/scrapes, open water with reedbed margins and wet woodland, as well as replacement hedgerows and scattered trees. These habitats will ensure the provision of terrestrial and aquatic habitat for a variety of fauna that is present on and adjacent to the application site and these habitats are proposed to be managed by the applicant for a 15-year period to ensure their successful establishment.
125. The modifications to the restoration of the existing quarry sought consent under the Section 73 submission would introduce additional areas of shallows into the approved quarry lake which provide greater opportunities for planting and habitat enhancement and an extended area of wet grassland incorporating ridge and furrow landform.
126. NWT maintain their objection to the planning application on a number of grounds including the fact that they consider the restoration scheme is not 'exceptional' and not sufficiently ambitious to justify granting permission to a site with no allocation in the MLP. There is not a policy requirement for the

restoration of the site to be ecologically 'exceptional'. The development satisfies the ecological policy requirements set out within MLP Policy M3.17 and the NPPF and following its restoration would make a positive contribution to the ecological value of the site.

Heritage

127. Adopted MLP Policy M3.25 seeks to ensure that minerals development do 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.
128. The application site does not contain any built heritage assets and there would be no significant indirect impacts to heritage assets in the locality of the application site.
129. The development would result in the loss of arable agricultural land and its replacement with new wetland habitats resulting in a change to the historic landscape character of setting of the River Trent. NCC's Heritage Officer has identified that this change in landscape character would have a less than significant indirect impact to the historic setting of the River Trent with users of the River Trent pathway experiencing visual, landscape and temporary raised noise.
130. There are two 'clapper gates' on the river bank to the north of the southern extraction area which are in a poor state of repair and in need of renovation. These clapper gates form part of the historic character of this section of the River Trent for their distinctive style of self-closing double field gates originating from the 18th century.
131. NCC's Heritage Officer recommends that the impacts to the setting of the River Trent heritage routeway should be taken into consideration and the adverse impact should be compensated by encouraging the applicant to contribute to a Council managed fund administered by the Council's Rights of Way team to pay for the repair of these clapper gates.
132. In response to the Reg. 25 request the applicant states that they have discussed this request with the company's Corporate Social Responsibility Specialist, who has advised that Cemex's Global Antibribery Policy would prevent such a payment occurring before permission is granted. They have advised that, should permission be granted, Cemex could look again at this in the future.
133. The indirect impacts to the heritage asset of the area are considered to be less than significant in magnitude. 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. A requirement to formally regulate the payment of a contribution to the repair of clapper gates to compensate for

heritage impacts is therefore considered to be unnecessary and would not meet the tests for imposing a planning condition set out within paragraph 55 of the NPPF. This matter has therefore been left to the discretion of the developer through an informative note recommended to be included as part of the decision notice should planning permission be granted. The development therefore does not have a significant impact on the heritage asset and is compliant with MLP Policy M3.25.

Archaeology

134. 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.
135. 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, trial trenching borehole surveys and 1km radius setting assessment. This identifies that there are no designated or non-designated assets within the application site.
136. The excavation of the application site would remove an existing palaeochannel (a remnant of an inactive river or stream channel that has been filled or buried by younger sediment) and potentially expose unrecorded archaeological deposits. To mitigate for these potential impacts, archaeological fieldwork would be carried out as part of the soil stripping to monitor and record any remains including the recovery of palaeoenvironmental remains which would hold dating evidence and evidence for reconstructing the historic landscape. Archaeological mitigation would also record the nature and extent of archaeological deposits and finds. The results of the archaeological monitoring and recording would increase knowledge of the area and contribute towards regional research objectives and therefore largely mitigate for any adverse effects.
137. In terms of the wider study area there are 6 designated and 73 non-designated archaeological assets within the 1km study area. The development would not directly impact these archaeological remains. The removal of the historic landscape setting of the site has potential to negatively impact the archaeological setting of some of these assets, however, with mitigation through archaeological monitoring and recording during soil stripping which would directly inform the archaeological knowledge of the area, this would reduce the predicted level of impact to neutral.
138. Whilst acknowledging the potential for some minor adverse archaeological effects of the development, 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 ensures that the level of archaeological impact is

substantially reduced, and potentially neutral, thus ensuring the development complies with adopted MLP Policy M3.24.

Agriculture/Conservation of soil resources

139. 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, 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.
140. The agricultural land within the extension area incorporates 3.29 ha of subgrade 3a (best and most versatile agricultural land) with the remaining 7.98 ha being of moderate quality (grade 3b). A further 2.51 ha of non-agricultural land is also included within the application site boundary. Natural England, in their consultation response, confirm that it would be appropriate to specify agriculture as an after use as part of the restoration of the site.
141. The restoration of the site will ensure that 3.29 ha of BMV land is returned to agricultural production with soil profiles which are equivalent or slightly better than the existing and therefore the impacts on best and most versatile soils at this site will be minor adverse reducing to almost negligible in the longer term, thus ensuring compliance with MLP Policy M3.16.
142. The adoption of good practice and techniques during soil stripping, storage and replacement activities would be regulated by planning condition to ensure that soil quality is preserved across the site.

Traffic and Access

143. 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. In this instance the quarry does not offer any potential to utilise non-road transport for haulage.
144. The southern extension planning application would not change the existing transport patterns at Cromwell Quarry. In terms of vehicle numbers the traffic assessment identifies that the proposed operations are forecast to generate 15,000 deliveries per year, based on 275 full working days, this equates to an average 55 deliveries (110 two-way movements) each working day, or 5 deliveries (10 two-way movements) each hour. These forecasts are validated by data provided by a traffic survey carried out over a working week in July 2019

which showed 262 deliveries (524 two-way movements) being undertaken in the week, or an average of 53 deliveries (106 two-way movements) per day.

145. In terms of lorry routing, all delivery traffic would access from the A1. Southbound A1 traffic would continue to access directly from the A1 utilising the existing slip road. Northbound A1 traffic utilises the existing bridge over the A1 and pass a number of properties at the northern edge of Cromwell village, avoiding the main village centre. (see Plan 5) The routing arrangements are regulated under the existing planning permission by a Section 106 agreement and these controls would roll forward as part of any Section 73 consent in accordance with MLP Policy M3.14. These controls would supplement the existing environmental weight restriction within Cromwell village which restrict vehicles in excess of 7.5t weight entering the village heading north off A1 and from the north beyond the bridge over the A1 to the quarry.
146. The southern extension would not alter the number of HGVs accessing the site or the output of the quarry during each operational day, but the extraction of additional mineral originating from the southern extension would extend the time that mineral extraction and associated vehicle movements would be undertaken by around 18 months. Even with the additional 18 months needed to work the southern extension, the whole site is likely to be completed by 2023 and therefore there is no requirement to extend the approved end date for the quarry which allows mineral extraction at Cromwell Quarry until May 2028.
147. The existing quarry is accessed by an existing tarmac surfaced road and wheel washing facilities. All vehicles leaving the site are securely sheeted prior to leaving the quarry. Again, these controls would roll forward as part of the Section 73 consent, thus ensuring highway safety is maintained and satisfying the requirements of MLP Policy M3.12.

Public Rights of Way

148. Adopted MLP Policy M3.26 (Public Access) seeks to ensure that existing public rights of way are not detrimentally affected by minerals development.
149. Cromwell Footpath FP5 divides the existing quarry from the southern extension area. The footpath is also used by vehicular traffic which use it to access land and property adjacent to the River Trent. The mineral extraction works would not directly affect the footpath but quarry plant would need to cross it to access between the main plant site and Phases 9b/9c.
150. The Rights of Way Team do not object to this crossing point but they want to ensure the footpath is kept open to users at all times. This advice is consistent with the request made by British Waterways in their consultation response. This can be regulated by planning condition to require the submission of a footpath protection scheme including arrangements for the maintenance of an acceptable surface, signage, visibility and speed limits to ensure acceptable levels of safety are maintained.
151. Cromwell Bridleway BW1 is routed along the bank of the River Trent running north-south along the river to the east of the extension area. This route would not be directly impacted by the development.

Noise

152. 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.
153. 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.
154. The noise assessment references relevant standards incorporated in the Planning Practice Guidance. 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.

Location	Background Noise Level.	Predicted Noise Level from quarrying activities.	Predicted Noise Level from temporary operations.	Predicted Noise Level from operation of water pumps.
The Elms Church Lane	52dB LA90,1hr	50dB LAeq,1h	59dB LAeq,1h	35dB LAeq,1h
The Old Rectory (St Gile's Church)	47dB LA90,1hr	49dB LAeq,1h	55dB LAeq,1h	32dB LAeq,1h
Cromwell Lock Cottage	49dB LA90,1hr	46dB LAeq,1h	61dB LAeq,1h	36dB LAeq,1h

155. The noise assessment demonstrates that noise emissions from the mineral extraction and temporary operations would not exceed Planning Practice Guidance levels. It also demonstrates that the night-time water pumping would comply with the 42dB(A) LAeq.1hr standard set out within the Planning Practice Guidance.
156. With respect to the variation of conditions in 3/18/01737/CMA to facilitate the southern extension, this will not materially impact existing noise emissions from the site and the existing planning conditions regulating noise would be carried

forward into any subsequent S73 consent. The volume of HGV traffic travelling to and from the site is unchanged and therefore increases from traffic noise are not anticipated.

157. 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:
- The provision of 3m high perimeter bunds as detailed on the working drawings for the extraction operations nearest to the dwellings at Cromwell Lock Cottage and Cromwell village to provide acoustic screening of operational noise.
 - Limits imposed on the maximum noise emissions from site operations shall not exceed 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 – 7pm 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

158. 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.
159. The magnitude and significance of impact from dust emissions has been assessed through an air quality assessment which has been supplemented as part of the Environmental Statement.
160. 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 tractor and water bowser continuing to be used regularly and utilised correctly, bunds used effectively and seeded as soon as practical with minimal mechanical disturbance, and the site speed limit being adhered to. The dust assessment has been reviewed by Newark and Sherwood's Environment Health Officer who agrees with the conclusions.
161. With respect to the variation of conditions on planning permission 3/18/01737/CMA to facilitate the southern extension, this will not materially

impact existing dust emissions from the site and the existing dust control planning conditions would be carried forward into any subsequent S73 consent.

162. 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.

Ground and Surface Water

163. 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.
164. 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, the lowering of the water table within the quarry is likely to influence groundwater levels in the surrounding area. The modelling which supports the hydrology assessment identifies that a lowering of groundwater levels by more than 5cm could extend up to 1.75km from the boundary of the quarry, if the quarry dewatering was undertaken without any mitigation measures being put into place.
165. The Parish Council have raised concerns 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 Cromwell 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 Cromwell is typically 2 – 3m 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 of 2 - 3m 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.
166. There is the potential for groundwater-fed surface water bodies including the adjacent two small ponds, former quarry ponds to the north and fishing ponds to the west to see a reduction in water levels as a result of un-mitigated quarry dewatering. Negative impacts to buildings from dewatering are not anticipated due to the underlying sand and gravel geology of the area which does not shrink or expand when dried out and saturated.
167. Mitigation is proposed to reduce potential impacts from quarry dewatering by using a combination of clay barriers (on the western and southern side of Phase 9a, and western side of Phase 9b), with two recharge trenches to the west of Phase 9a and 9b (a trench is excavated into permeable ground and water is

then pumped into this trench which has the effect of raising groundwater levels on land beyond the trench). Modelling of these proposed mitigation measures demonstrates that drawdown levels are substantially reduced, but not eliminated. Planning conditions are recommended to require the installation of the low permeability barriers and recharge trenches to ensure appropriate mitigation of dewatering impacts including the monitoring of groundwater levels during the operational life of the quarry.

168. To ensure surface and ground water quality is not adversely impacted by the development, planning conditions are recommended following the advice of the Environment Agency to require the submission of a scheme to manage the level of suspended solids from surface water run-off discharges from the quarry and also to regulate the safe storage of oils and chemicals within the site.

Flood Risk

169. The planning application site is located within the River Trent floodplain and has a high probability of flooding during its working life. 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.
170. The planning application is supported by a flood risk assessment which incorporates detailed modelling of the effects of carrying out the development on local flood risk. The flood model demonstrates that the proposed quarrying works are not predicted to change local flood risk. The loss of floodplain storage is minimal relative to the volume associated with the River Trent. The development would not impede flood flows and would not increase flood risk elsewhere. The Reg. 25 submission has re-evaluated the effects that the placement of soil bunds would have on flood flows and addresses concerns originally raised by the Environment Agency which has withdrawn its objections subject to a planning condition being imposed to ensure that the soil bunds and ground level contours are constructed in full accordance with the specification incorporated in the flood risk assessment.
171. The River Trent at Cromwell is not defended by flood defences, but the existing river channel provides protection from flooding equivalent to a 5-year peak flood event. The quarry workings are carried out below the level of the river bank in the functional floodplain meaning the excavation area is at particular risk from sudden onset rapid flooding once flood water overtops the river bank. The operator has had preliminary discussions with the Environment Agency regarding the terms of a flood evacuation plan which would be put in place at times of expected flooding which would utilise the existing Cromwell Weir to Gainsborough flood warning and provide a telephone alert when flooding is imminent with a two-hour lead time which should offer sufficient time for personnel and equipment evacuation from areas of the site predicted to flood. A planning condition is recommended to require these arrangements to form the basis of an emergency flood evacuation plan which shall be implemented throughout the operational life of the quarry, in accordance with the advice provided by the Environment Agency.

172. It is therefore concluded that the proposed quarrying works would not increase flood risk and an appropriate flood evacuation plan is in place and thus the development is compliant with adopted MLP Policy M3.9.

Cumulative Impact

173. The River Trent area north of Newark has extensively been quarried for its sand and gravel reserves. The restoration of these areas has resulted in large sections of land being taken out of agricultural use and restored to wetland uses.
174. The current development would add to the amount of quarry workings in the area and upon restoration an increased wetland habitat. Adopted MLP Policy M3.27 (Cumulative Impact) seeks to restrict cumulative quarry extensions that would result in significant adverse impact on the environment or amenity of local residents. Since the current development would not result in significant adverse environmental or amenity impacts it is not considered to be contrary to requirements of the policy.

Restoration

175. The planning submission incorporates a phased sequence of extraction, reclamation and implementation of planned after-use.
176. Large parts of the site are proposed to be restored to UK Biodiversity Action Plan (BAP) habitat comprising a mixture of low-lying seasonally wet grassland, wet woodland, neutral grassland, fen meadow, ponds and reed. There will be a retained sand face, marginal reed shelf and additional and replacement hedgerow planting. These parts of the restoration scheme will provide significant ecological benefits.
177. The removal of the sand and gravel would create a worked-out void which the operator proposes to re-engineer and allow to backfill with water upon completion of dewatering to create a large lake as part of the restoration of the site. This area of open water restoration is less ecologically valuable, but it is unavoidable given that the extraction is undertaken below the water table, there is little overburden which can be used to backfill the void and the proposals do not include the importation of fill material. The restoration scheme originally submitted with the planning application identified a very regular shaped lake with linear bank edges. Modifications have been made to this lake design following a request made through the Reg. 25 process to create a more varied shaped lake including the introduction of additional areas of spits, bays and shallows on the eastern edge of the lake to create a visually and ecologically more interesting restored landform.
178. Replacement MLP Policy DM12: Restoration, aftercare and after-use requires that restoration proposals will be subject to a minimum five year period of aftercare, but where proposals or elements of proposals, such as features of biodiversity interest, require a longer period of management the proposal will only be permitted if it includes details of the period of extended aftercare and how this will be achieved. Most of the restored habitats within the Cromwell south extension would be managed by the applicant for a 15-year period. An area of agricultural land would be reinstated to compensate for the loss of 3.29ha of subgrade 3a (best and most versatile agricultural land). Natural

England, in their consultation response confirm that the reinstatement of this agricultural land is appropriate for the site. The agricultural area of the site would receive five years aftercare reflecting the less complex characteristics of restoring land to agricultural use. Also part of the southern extension which overlaps its boundary with the original Cromwell Quarry area would be managed for ten years in accordance with the existing arrangements for this parcel of land. These aftercare arrangements would be regulated by planning condition.

179. Overall, the restoration proposals for the southern extension would provide ecological benefits and complement restoration works undertaken elsewhere in Cromwell and within surrounding quarries including Langford, Besthorpe and Girton, providing new wetland and seasonally wet grass and woodland habitats. The proposed landscape planting scheme would ensure the restored quarry is re-established into the surrounding landscape thus ensuring compliance with adopted MLP Policy M4.4 (Landscape Treatment). A period of 15 years extended management is proposed for the restored site, which can be secured through planning condition.
180. As part of the Section 73 planning application relating to the existing quarry area minor alterations are proposed to the approved restoration scheme to beneficially utilise surplus materials to create additional areas of shallow margins within the existing lake and provide much welcome ecological enhancements over and above the scheme granted planning permission. This modification is consistent with adopted MLP Policy M4.8 (Reclamation Proposals for Existing Sites) which supports reclamation proposals coming forward on existing sites that result in improved environmental conditions.

Other Options Considered

181. 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:
 - Without an extension Cromwell Quarry will very quickly be exhausted of minerals. This would put pressure on surrounding sites to make up for the shortfall in processing capacity and potentially increase travel distances for haulage.
 - If an alternative location was developed this would result in the sterilisation of the mineral within the southern extension. There are no other alternatives to extend Cromwell.
 - There is no suitable alternative to dewatering the site given the position of the water table.
 - The development needs to be worked at this time. As part of the wider phasing of the quarry, any delay would mean that the quarry would continue in compliance with the approved phasing scheme resulting in the removal of the plant site and with it the opportunities this facility provides to process the extracted sand and gravel.

Statutory and Policy Implications

182. 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

183. 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

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

Financial Implications

185. No implications.

Human Resources Implications

186. No implications.

Human Rights Implications

187. 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

188. None arising.

Safeguarding of Children and Adults at Risk Implications

189. 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

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

Implications for Sustainability and the Environment

191. 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.

Conclusion

192. The planning application site is not allocated for mineral extraction within either the adopted Nottinghamshire Minerals Local Plan or identified to be allocated for minerals extraction within the new Mineral Local Plan.
193. Adopted Minerals Local Plan Policy M6.3 states that planning permission should be refused for new mineral development on unallocated sites 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. The current level of the sand and gravel landbank at 13.76 years indicates strongly that there is an adequate supply of these minerals within Nottinghamshire and therefore no pressing need at the present time to grant planning permission for further sand and gravel extraction on unallocated sites.
194. The additional 550,000 tonnes of mineral which would be recovered from a southern extension to Cromwell Quarry is a comparatively small amount of mineral in comparison to the Nottinghamshire's overall annual sand and gravel production levels, equating to about four months of the county's annual production rate which currently stands at an average 1.46 million tonnes per year.
195. The National Planning Policy Framework and Planning Practice Guidance in connection with minerals clearly explains that having a landbank above the minimum level is not justification on its own to refuse planning permission and the wider merits of the development should be assessed.
196. In this instance the wider benefits of the development include the avoidance of mineral sterilisation, maintaining the continuity of sand and gravel production at Cromwell Quarry to serve established markets and the economic benefits which it brings to the local environment. The proposed extension would not result in an oversupply of sand and gravel in Nottinghamshire and therefore not prejudice the delivery of other mineral extraction sites which are proposed to be allocated within the new MLP. Instead, the increase in the landbank would provide some increased security of mineral supply. A timely decision on this planning application is now required so that the mineral within the southern extension can be worked on a phased basis so as to enable it to be processed within the existing plant site. The economic benefits derived from the development are

acknowledged and these should be given significant/great weight in this planning decision. These factors argue in favour of granting the development planning permission, subject to there being no unacceptable environmental impacts.

197. The Environmental Statement incorporates a comprehensive assessment of the potential environmental effects of the development. These assessments have been reviewed by the Council and relevant consultees where it is concluded that significantly harmful environmental impacts would not result from the development, subject to the imposition of the planning conditions listed in appendices 1, 2 and 3 of this report.

Statement of Positive and Proactive Engagement

198. 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.

RECOMMENDATIONS

199. It is RECOMMENDED that:
- a. Planning permission be granted for planning application 3/19/02231/CMM, subject to the conditions set out in Appendix 1.
 - b. Planning permission be granted for planning application 3/19/02232/CMM, subject to the conditions set out in Appendix 2.
 - c. Planning permission be granted for planning application 3/19/02233/CMM subject to the conditions set out in Appendix 3. The existing legal agreement dated 9 March 2016 which regulates the extended management provisions and lorry routing controls imposed on the existing quarry would be carried forward into this new planning permission, in the event that planning permission is granted.

Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments (RHC 14/5/2020)

Planning & Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments [RWK 06/05/2020]

There are no specific financial implications arising directly 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

Muskham & Farnsfield

Councillor Bruce Laughton

Report Author/Case Officer

Mike Hankin

0115 9932582

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

ES/4081, ES/4082 & V/4086
W002029.doc