



20 December 2016

Agenda Item:8

REPORT OF CORPORATE DIRECTOR – PLACE

RUSHCLIFFE DISTRICT REF. NO.: 8/16/02055/CMA

PROPOSAL: VARIATION OF CONDITIONS 4 AND 5 OF PLANNING PERMISSION 8/11/00157/CMA TO EXTEND THE DURATION OF EXTRACTION UNTIL 31st DECEMBER 2016 AND RESTORATION UNTIL 31st DECEMBER 2017 AND TO AMEND THE PHASING DETAILS

LOCATION: EAST LEAKE QUARRY, REMPSTONE ROAD, EAST LEAKE

APPLICANT: CEMEX UK OPERATIONS LTD

Purpose of Report

1. To consider a planning application to extend the duration of sand and gravel extraction and the completion of restoration works until the end of December 2016 and 2017 respectively and accordingly to amend the approved phasing of these works at East Leake Quarry's south-eastern extension (Burton's Land). The key issues relate to the acceptability of working previously sterilised sand and gravel reserves in the western part of Burton's site and the sensitivity of identified archaeological remains across this part of the site, which are significant and of national importance, and bird strike and aircraft safeguarding issues at East Midlands Airport.
2. The application has been treated as a 'departure' from the Development Plan in light of the fact that the extension site is not allocated for mineral extraction in the Nottinghamshire Minerals Local Plan (Adopted December 2005). The recommendation is to grant planning permission subject to conditions and the signing of a legal agreement covering lorry routing, and an extended period of aftercare for the ecological conservation area.

The Site and Surroundings

3. East Leake Quarry is approximately 15 kilometres south of Nottingham City centre, near the county boundary with Leicestershire. Loughborough town centre and the City of Leicester being situated some 4 kilometres and 14 kilometres respectively, to the south. The quarry is located approximately 1 kilometre to the west of the centre of Rempstone Village and a similar distance to the south-east of East Leake. The quarry is located in close proximity to the major road network, with the A6006 (Melton/Ashby Road) and A60 (Loughborough Road) linking into the M1, M42, A46 and A6.

4. The quarrying operations have extended eastwards from the main quarry site (Lings Farm) into Jenks' Land, and to the south-east (Burton's Land), whilst a recently determined application proposes to work an extensive area of land, known as the Rempstone extension site, to the east of Jenks' Land (see Plan 1). The surrounding area is predominately agricultural, with the wider landscape having a defined field pattern, interspersed with blocks of woodland.
5. The application site lies directly to the north of the A6006 (Ashby Road) with an area of approximately 7.7 hectares. The proposed extraction area covers approximately 4.5 ha, comprising a single, flat, irregular shaped agricultural field separated from the wider quarry site by a mature hedgerow, which extends along the length of the existing internal haul route. The eastern part of the application site has been substantially worked out and has undergone partial phased restoration. Access to the application site for plant and machinery from the existing quarry is gained via an access point situated towards the northern corner of the site.
6. Prior to soil stripping (to facilitate archaeological survey work) the proposed extraction site was formerly in use as agricultural land with the area being generally classified as Grade 3 agricultural land with the majority of the site comprising subgrade 3a with intermittent small parcels of subgrade 3b.
7. The nearest residential development to the site is Home Farm Cottage, which directly abuts the quarry's south-western boundary along Rempstone Road approximately 126m to the north-west; and Lings Farm, Lings Farmhouse and Rempstone Hall, approximately 140m, 160m and 180m respectively, to the south-east of the site, albeit separated from the site by the A6006 (Ashby Road). Beyond this, the nearest residential development is Home Farm situated approximately 270m to the north-west, on the opposite (south-western) side of Rempstone Road (see Plan 1).
8. There is extensive mature hedgerow, interspersed with mature trees, to the site's perimeter together with attenuation soil bunds to the south-western part of the southern boundary providing screening to the surrounding area. The south of the site is bound by the A6006 (Ashby Road) and to the west by Rempstone Road, whilst to the east lies the former Jenks' extraction site. The existing quarry plant site is broadly situated to the north (Lings Farm), and comprises the main aggregate processing plant, reception facilities, and the silt and freshwater lagoons.
9. Beyond the extended quarry site lie agricultural fields to the north, together with a number of dispersed residential properties, and the Manor Farm Donkey Sanctuary, which is approximately 330m away from the application site, (to the boundary of the Sanctuary's land holding). More broadly, there is agricultural land to the east, south and west of the wider quarry site, interspersed with occasional residential dwellings and farmsteads.
10. The topography of the site and that of the surrounding landscape is broadly flat with a slight undulation to the north-east, which is typical of the Leicestershire and Nottingham Wolds. There are no rights of way crossing the site, with the nearest public footpath/bridleway being situated to the east, skirting the Jenks' extension site (Rempstone Bridleway No. 11).

11. The Sheepwash Brook Local Wildlife Site (LWS) and the Sheepwash Brook are located approximately 200-260m to the north-east of the site, respectively. Also within this vicinity lies St Peter's Church Cemetery, approximately 150m to the north-east, and beyond this a small fishing lake.
12. Access to East Leake Quarry from the public highway is via an existing haul road leading off Rempstone Road. There is a designated lorry route in place to ensure that HGV traffic travels along the Rempstone Road by turning left out of the site and then onto the A6006 (access is also gained via the same route). Traffic associated with the quarry is strictly controlled and restricted to this route so as to avoid traffic passing through the village of East Leake.

Relevant site history and background

13. The existing quarry site has three permitted planning units known as Lings Farm, Jenks' Land, and Burton's Land, presently operating under three separate planning consents (see Plan 2). Burton's Land is the current extraction site operating in accordance with a non-material amendment (Ref No. NMA/3226) to planning permission 8/11/00157/CMA, which amended the sequence of phased extraction across the site and set aside the western part of the consented extension site in its entirety, effectively sterilising remaining sand and gravel reserves. Cemex were not to work the area due to the national importance of the archaeological finds in that part of the site. This proposal now seeks to work part of that sterilised area.
14. Planning permission (Plg. Ref. 8/89/0472/P) was originally granted on appeal in January 1991 to the then operator Butterley Aggregates for sand and gravel extraction at the main quarry site (Lings Farm), with operations at the quarry commencing in January 1996. A higher silt content than originally envisaged saw extraction being completed towards the end of 2009, rather than the originally anticipated end date of 2016.
15. Planning permission was duly granted for two further extensions on unallocated sites to extend the life of the quarry until the end of 2016 when it was anticipated that the larger Rempstone extension site would come into production. In June 2009, Cemex was granted planning consent (Plg. Ref. 8/07/02187/CMA) to work agricultural land (Jenks' Land) to the south-east of the main quarry site at a rate of 180,000 tonnes per annum with a total output of 320,000 tonnes of sand and gravel across three phases of extraction.
16. The extraction of mineral reserves was anticipated to be exhausted by September 2012, but due to the economic downturn, this proved not to be the case. Consequently, planning permission 8/12/01488/CMA was granted in March 2013 to complete mineral extraction by September of that year.
17. August 2013 saw the granting of planning permission 8/11/00157/CMA for the second unallocated site on agricultural land to the immediate west of Jenks' extension site. Known as Burton's Land, this proposed a four phased extension with mineral extraction commencing in 2013. Mineral extraction at Burton's Land commenced in 2013.
18. The existing plant site on the main quarry site has subsequently been retained under a series of Section 73 planning permissions and is currently consented

under planning permission 8/14/00341/CMA. Granted in March 2014, this permission retains the processing plant and infrastructure until September 2017.

19. Planning permission 8/11/00157/CMA was amended by a Non-Material Amendment (Ref No. NMA/3226) (NMA) in March 2015 which sought to reduce the extraction area in accordance with an Archaeological Written Scheme of Investigation (WSI), from a 4 phased extraction to 2 phases. This involved the exclusion of the western part of the Burton's Land extension site, sterilising remaining mineral reserves so as to leave the archaeology in situ.
20. Finally, in October 2015, the County Council's Planning and Licensing Committee resolved to grant planning permission (Plg.Ref. 8/14/0178/CMA) for the Rempstone extension, on agricultural land extending eastwards from Jenks' Land towards Rempstone, and for the consolidation of extant planning permissions 8/11/00157/CMA, 8/12/01488/CMA and 8/14/00341/CMA (covering the permission areas of Burton's Land, Jenks' Land and Lings Farm). This permission is subject to planning conditions and a Section 106 legal agreement for lorry routing, long-term ecological conservation management and bird strike management, and is currently pending subject to completion of the legal agreement. This is anticipated to be completed by the end of January 2017.

Proposed Development

21. Planning permission is sought for an extension of time in which to complete mineral extraction and phased restoration; and to amend the method of working at the Burton's extension site. In order to achieve this, planning Conditions 4 and 5 of planning permission 8/11/00157/CMA would be varied to facilitate these changes.
22. The alterations to planning Condition 4 seek to vary the schedule of approved plans to reflect the amendments to the sequence of extraction being proposed as part of this application. This would involve a further phase of working with extraction moving into a third and final phase of working in the north-eastern corner of the western half of Burton's land. As detailed above, Burton's land was originally to be worked in four phases but due to sensitive archaeological finds the sequence was subsequently amended by way of a NMA to enable preservation in situ to be instated across the western half of the land, with the remaining land to be worked in two phases; this amendment would relax this requirement and bring forward a final phase of extraction before completing restoration.
23. Under planning Condition 5, mineral extraction at the application site is required to cease by 30 August 2016. A variation is sought for an extension of time to 31st December 2016 with restoration due to be completed by the end of the following year (31st December 2017). Cemex has given an undertaking to the MPA that all remaining mineral reserves identified in the Phase 3 extraction area would be worked by the end of December 2016. The 40,000 tonnes of sand and gravel reserves proposed to be extracted are capable of being worked in an extremely short campaign and following the recent completion of soil stripping associated with and necessary to facilitate the archaeological investigations, it is understood that it has been considered prudent by the operator to continue operating, moving into the extraction phase, thereby enabling works to be completed in a timely manner whilst weather conditions permit.

24. The principle of the development has already been established under planning permission 8/11/00157/CMA for Cemex to extract sand and gravel reserves from the entire extraction area across the whole of the Burton's extension site. This included the current planning application site. However, Cemex subsequently volunteered to 'set aside' this land due to evidence of significant archaeological finds/remains which made it uneconomic for them to work all remaining sand and gravel reserves across the western part of Burton's land. Cemex have now reviewed this decision due to the unanticipated delays in commencing extraction in the Rempstone extension area and the need to ensure a continuity of mineral production at East Leake Quarry.
25. Cemex state that they would work the mineral reserves before the legal agreement covering lorry movements and an extended period of management for the wetland conservation area is capable of being signed. However, whilst this is not ideal the lorry routing arrangements are already in place and have historically operated since planning permission was originally granted at Lings Farm (Plg. Ref. 8/89/0472/P) and these arrangements have remained in place throughout the duration of subsequent extensions at Jenks' Land and Burton's Land. Therefore, it is not anticipated that for the duration of the final sand and gravel extraction campaign there would be any alterations to the existing lorry routing, even without an updated legal agreement in place. Furthermore, arrangements for the extended aftercare of the site would be secured when Cemex sign the Section 106 legal agreement for the Rempstone extension. Therefore the arrangements to control lorry routing and provide extended aftercare management of the site would not be lost by Cemex undertaking the works in advance of the planning permission being granted and therefore it is not considered unreasonable to support the proposals as set out here.
26. As stated, the proposal seeks to extract the remaining viable sand and gravel reserves from the Burton's extension site. This would involve extracting a further 40,000 tonnes in a single campaign before the end of December 2016 with the aim of completing restoration by the end of 2017. Following completion of all mineral extraction, the site would be restored to its final contour levels and a mix of agriculture and wetland conservation. The restoration scheme would remain as previously approved under extant planning consent 8/11/00157/CMA and has been designed to both complement and integrate with the previously consented restoration schemes across the wider quarry site and enhance already established wildlife habitats (see Plan 3).

Site operations

27. Prior to extraction operations commencing, the third and final phase has already been subject to vegetation clearance and archaeological investigation in accordance with an approved Written Statement of Investigation (WSI). This has been overseen by the County Council's Archaeologist and verification has now been received by way of the consultation response at paragraphs 45 and 46 of this report as to the acceptability of the proposed development. It is confirmed that the archaeological investigation has been carried out satisfactorily and that the phasing area is capable of being worked to extract the remaining viable sand and gravel reserves without any significant impact on the local archaeology. The remaining land would continue as pasture, with preservation in situ of the archaeology across this area.

28. Soil stripping and placement of these soils has been carried out in accordance with Conditions 29 to 37 of the 2013 consent and any further handling of soils would continue in accordance with these conditions rolled forward to a new permission (Conditions 28 to 36).
29. The proposals would involve the continued use of existing infrastructure, and operational practices to extract the remaining mineral reserves in Phase 3. The site would continue to be de-watered by pumping, then excavating the remaining sand and gravel reserves using a 360 degree hydraulic excavator before transporting the mineral to the existing processing plant via dumper truck. All material would continue to be stockpiled within the existing plant site stocking area ready for processing and dispatch.
30. All other elements of the previously consented development would remain as permitted under extant planning permission 8/11/00157/CMA, including operational hours and existing traffic arrangements.

Restoration

31. The proposals continue to deliver the approved low-level restoration scheme and restoration would be completed in accordance with Conditions 46 to 50.
32. In terms of the wetland conservation, the scheme has been designed to create two lakes to the east of the proposed extraction area with the remaining land being restored to a similar pre-existing grade agricultural land. Soils stored along the application site's southern boundary would be reinstated to create a restored landform of margins and lakes. Planting to the lake fringes would comprise dry woodland of native tree species such as field maple and hazel on the upper slopes, and oak and hawthorn towards the wetland area.
33. The lakes would enhance biodiversity within the area and the proposals would achieve low-level agriculture across the remaining site.

Consultations

34. **Rushcliffe Borough Council (RBC)** *No objection subject to the County Council being satisfied that adequate mitigation and management measures are implemented as part of the restoration process to minimise the risk of aircraft bird strike. The Borough Council recommends that East Midlands Airport is consulted with regards to aerodrome safeguarding issues.*
35. **Rushcliffe Borough Council Environmental Health Officer (EHO)** *No objection to the proposal to vary Conditions 4 and 5 of planning permission 8/11/00157/CMA to extend the duration of the existing planning consent.*
36. *The decision has taken into account Government guidance, any saved policies of the Rushcliffe Borough Local Plan 1996 and the Rushcliffe Borough Non-Statutory Local Plan 2006.*
37. **The Environment Agency (EA) (Minerals)** *No objection to the proposed variations.*
38. **Highways England** *No objections.*

39. *Having reviewed the submitted information in support of this application, it is determined that these variations would have no significant impact on the SRN. Therefore Highways England has no comments to make on the proposals.*
40. **Historic England** *No objection.*
41. *It is recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of the County Council's specialist conservation advice.*
42. **Natural England - Consultation Service** *No objection.*
43. *Natural England has no comment to make on the variation of Conditions 4 and 5.*
44. **Nottinghamshire Wildlife Trust (NWT)** *have no comments to make.*
45. **NCC (Archaeology) NCC Archaeologist** *No objection.*
46. *The latest phase of extraction close to the area which is being preserved in situ is satisfactory. The archaeological work being undertaken is acceptable and has provided valuable new information about the Anglo – Saxon activity here. The archaeological fieldwork is now complete and the County Council's archaeologist has been given an outline of the reporting process, so that from an archaeological viewpoint extraction can proceed.*
47. **NCC (Highways) Rushcliffe** *No objection on the proviso that the access arrangements and haulage route to and from the site remain the same, and that the measures to control dirt, dust and detritus from being discharged to the public highway are retained. It is noted that the planning statement specifies that the existing practices at the quarry would not significantly change in terms of vehicle trip generation.*
48. **NCC (Nature Conservation)** *No objection.*
49. *The proposed variations would not give rise to any significant or additional ecological impact, other than causing a slight delay in restoration being achieved.*
50. **NCC (Planning Policy)** *No objection.*
51. *In planning policy terms the application must be considered in light of the National Planning Policy Framework (NPPF) and, in line with paragraphs 215 – 216 of the NPPF, due weight and consideration should also be given to the adopted Nottinghamshire Minerals Local Plan and emerging Nottinghamshire Minerals Local Plan (Submission Draft, March 2016) (i.e. if local policy conflicts with the NPPF, the NPPF must take precedence).*
52. *The national policy context in relation to mineral extraction is clear in that in determining planning applications for minerals development, great weight should be given to the benefits to be derived from extraction, including to the economy, whilst ensuring that there are no unacceptable adverse impacts (both individually and cumulatively on the natural and historic environment, human health and aviation safety). Securing of restoration and after-care at high environmental standards at the earliest opportunity is also mentioned.*

53. *The Minerals Local Plan Submission Draft allocates, at Policy MP2 – SGk, the remaining reserves at East Leake to contribute to an adequate and steady supply of sand and gravel over the Plan period.*
54. *Given the allocation, it is considered that the principle of an extension of time to allow the working of the permitted reserves is supported. However, this is subject to the MPA's satisfaction that the environmental and amenity impacts of the continued working of the quarry are not unacceptable – for this it is necessary to defer to the relevant teams within the Council and relevant external bodies. In considering these impacts attention is drawn to Chapters 3 and 4 and Policy M10.1 of the MLP and also the emerging development management policies in the Submission Draft.*
55. **Via (Countryside Access)** *No objection.*
56. *It is confirmed that there are no rights of way in this area.*
57. **Via (Landscape)** *No comments to make on this application with regard to landscape matters.*
58. **Via (Noise Engineer)** *No objection.*
59. *There is no awareness of any noise complaints and there are suitable noise controls included within the original permission.*
60. **Nottingham East Midlands Airport** *has made no comment with regards to this planning application, but has confirmed that they are working with Cemex on a Bird Management Plan for the wider East Leake Quarry site.*
61. **Trent Valley Internal Drainage Board** *No objection.*
62. *It is noted that the site is outside the Board's district but within the Board's catchment; and there are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development either during the extraction or restoration phases. Furthermore, the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.*
63. **Rempstone Parish Council, NCC (Flood Risk Management Team), NCC (Built Heritage), Via (Reclamation), Western Power Distribution, Severn Trent Water Ltd., National Grid (Gas), Nottingham Airport, East Midlands Helicopters, British Gypsum Limited, and The Ramblers Association** have made no response. Any responses received will be orally reported to Committee.

Publicity

64. The application has been publicised as a departure application by means of site notices, press notice and fourteen neighbour notification letters sent to the nearest occupiers on Ashby Road and Rempstone Road in accordance with the County Council's Adopted Statement of Community Involvement Review. No representations have been received.
65. Councillor Andrew Brown has been notified of the application.

66. The issues raised are considered in the Observations Section of this report.

Observations

Introduction

67. East Leake Quarry is critical to Cemex's operations within the East Midlands Region being well located to supply the South Nottinghamshire and North Leicestershire aggregate markets. The proposed development would ensure that a strategic release of sand and gravel to the south of the County is maintained.
68. There is an established need for the development with the aim of the proposals being twofold. Firstly, the working of a final phase of extraction at Burton's extension site would provide continuity in quarrying operations until the Rempstone site comes on-stream, which is anticipated to be in the early part of 2017. Without the option of working the remaining viable reserves, the operational plant site would have had to be mothballed earlier in the year, given that reserves from the eastern part of Burton's Land would have been exhausted well before the end of 2016.
69. Secondly, the proposals would facilitate the extraction of remaining sand and gravel reserves in accordance with an amended sequence of phased extraction across the site (the details of which are proposed by way of this planning application) and to ensure that all permitted and economically viable reserves have been exhausted prior to cessation of operations in Burton's Land, and its subsequent restoration.

Mineral policy considerations

70. In national planning policy terms the proposed development must be considered in the context of the NPPF and, in line with paragraphs 215 – 216 of the NPPF, due weight and consideration should also be given to the adopted Nottinghamshire Minerals Local Plan (MLP) and emerging Nottinghamshire Minerals Local Plan (Submission Draft, March 2016) (MLP). Overarching policy direction places considerable weight on the benefits to be derived from minerals development in terms of supporting sustainable economic growth and the rural economy, whilst ensuring no unacceptable adverse environmental and amenity impacts arise, both individually and cumulatively.

Need

71. The Framework seeks to ensure that adequate supplies of minerals are maintained to support the development of infrastructure, buildings, energy and goods that the Country needs (paragraph 142). As such, there is a requirement on minerals planning authorities to plan for an adequate and steady supply of aggregates, which in the case of sand and gravel means maintaining reserves equivalent to at least seven years of annual production (referred to as a 'landbank') (paragraph 145). In support of this approach, the Framework encourages local planning authorities to incorporate allocations within their local development plans, of specific sites, preferred areas and/or locational criteria, to ensure an adequate landbank is maintained.
72. It is noted that landbank provision for sand and gravel should be a minimum of seven years within the local plan, however, longer landbanks may be

appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

73. Whilst pre-dating the NPPF, the adopted MLP approach is consistent with the Framework, and requires the County Council to maintain a seven year landbank of permitted sand and gravel reserves. This is set out in adopted MLP Policy M6.2 (Sand and Gravel Landbank), and Policy MP1 of the emerging MLP Submission Draft.
74. The proposed extraction site is part of the Burton's extension site, which is an unallocated site for sand and gravel extraction in the adopted MLP. Therefore, the proposal requires assessment in the context of adopted MLP Policies M6.2 and M6.3.
75. MLP Policy M6.2 of the MLP states 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, to ensure that Nottinghamshire continues to meet its reasonable share, in terms of the regional provision of aggregates throughout the plan period.
76. The more relevant factor against which to test the proposed development is that regarding the processing or production capacity for sand and gravel. On closer analysis, the indications are that whilst there may be sufficient capacity in terms of the seven year landbank for sand and gravel overall, there has been an identified localised shortfall in supply in the southern part of the county. In this respect some 750,000 tonnes per annum of production has been lost with the closure of the Holme Pierrepont and Hoveringham quarries, in 2002 and 2007 respectively. An allocation at Gunthorpe containing an estimated 3-4million tonnes, sufficient to supply aggregate for some twelve to sixteen years, was expected to be the main replacement. However, this significant allocation within the MLP failed to come on stream due to technical difficulties.
77. Therefore, the combined loss of these two quarries with the failure of new aggregate provision at Gunthorpe resulted in a significant shortfall in supply in the south of the county. Whilst this has not resulted in any discernible impact, probably due in more recent years to economic downturn, it is noted that the MLP has identified other quarries, specifically East Leake and Cromwell, as being suitably located to make up any lost capacity, as and when required.
78. Whilst indications are that sand and gravel requirements in and around Nottingham are increasingly being met by more remote quarries, which are in turn being depleted more rapidly, it has also placed additional pressure on East Leake Quarry to supply some of the markets historically met by Hoveringham Quarry.
79. The proposed extension of time in which to complete sand and gravel extraction at Burton's site would enable East Leake Quarry to continue operating and supplying these existing local markets.
80. Therefore, it is considered that the case for extending the duration of mineral extraction at Burton's extension site involving the working of a third phase of extraction in order to maintain an adequate production capacity in the south of the county is a more convincing argument than that of the landbank argument,

and as such the proposal is provided with some support in terms of MLP Policy M6.2. It is considered that to let this quarry close, which would be the outcome if the proposed extension of time is not permitted, would inevitably place a strain on local supplies, and would make future working of the land unlikely (effectively sterilising the remaining viable mineral reserves) and would be contrary to the assumptions made in the MLP.

81. The case for permitting an extension in time in which to extract mineral reserves at East Leake in order to maintain adequate production capacity in the south of the county in line with Policy M6.2 is therefore considered to be comparatively strong. So whilst the application is a departure from the development plan, due to it being an unallocated site and the present landbank being above seven years, it is considered that there is support for the development, in terms of the need to maintain a more localised production capacity.
82. In light of the above, it is considered that material considerations offer support for the development including the fact that the duration of working is for an extremely limited time, it is high scoring in terms of sustainable market provision, and the fact that it relates to an extension development, the principle of which has already been established under extant planning permission 8/11/00157/CMA. Finally, increasing weight is to be found in the emerging MLP (Submission Draft) with policy support for the allocating of remaining reserves at East Leake Quarry (including Burton's Land) in terms of its contribution to an adequate and steady supply of sand and gravel over the Plan period. Given the allocation under Policy MP2 SGk of the emerging MLP, it is considered that the principle of an extension of time to allow the working of the permitted reserves is supported. Overall, there is sufficient compliance with MLP Policy M6.2 to lend its support to the proposals under consideration.
83. Adopted Policy M6.3 states that sand and gravel extraction, falling outside allocated areas would only be permitted when it is evident that permitted reserves and remaining allocations cannot sustain an adequate landbank and processing capacity, as required under adopted Policy M6.2 of the MLP.
84. In this respect, the recent trend has been for the sand and gravel landbank to be marginally above the minimum 7 years as set out in the MLP and the NPPF. It is noted that when the Rempstone planning application was taken to October 2015 Planning and Licensing Committee along with Newington South and Newington North, the three proposals increased the sand and gravel landbank to 8.13 years.
85. The additional reserves on the proposed extraction site comprising 40,000 tonnes of sand and gravel would add just under a week to the projected landbank for Nottinghamshire.
86. With the existing landbank being only marginally above the 7 year minimum, it is considered that the proposed extraction area would make a very minor but positive contribution in particular in terms of the continuity of mineral reserves from East Leake Quarry sustaining the 7 year landbank, as required by MLP Policies M6.2 and M6.3. It would not result in an oversupply of sand and gravel in the county and would not jeopardise the delivery of other sites allocated in the MLP. Instead, the increase in the landbank would provide some security of supply.

87. As with Policy M6.2 of the adopted MLP, Policy MP1 of the emerging MLP requires provision to be made to maintain a 7 year landbank for sand and gravel. To achieve this, Policy MP1 of the emerging MLP Draft Submission has identified provision of 49.02 million tonnes of sand and gravel to meet anticipated levels of demand over the entire plan period (2012-2030). It is anticipated that the extraction of remaining reserves at existing permitted sites, including East Leake, would initially help to maintain an acceptable landbank and ensure continuity of supplies. Attention is drawn to paragraph 144 of the NPPF, which requires planning authorities, when making decisions, to give great weight to the benefits derived from mineral extraction, including those to the economy. In this respect, East Leake Quarry is a key strategic site, ideally situated to serve the south Nottinghamshire and north Leicestershire markets with aggregates. The loss of production capacity at East Leake would impact on the strategic aim to provide a steady and adequate supply of aggregates from an established quarry in the south of the county, with its own distinct local market.
88. By way of this application, the applicant is seeking to extend the life of this quarry over the short term and support the continuation of existing operations in the south of the county until the large-scale Rempstone extension comes on-stream. Without the reserves contained within the extraction site, existing operations would cease at the quarry and the processing plant mothballed. The proposal seeks to ensure the continuation of East Leake Quarry and the effective use of any viable mineral reserve subject to its acceptability in terms of impact on sensitive archaeological remains in this part of Burton's site.
89. The MLP Submission Draft allocates, at Policy MP2 – SGk, the remaining reserves at East Leake to contribute to an adequate and steady supply of sand and gravel over the Plan period (2012-2030). It recognises that the quarry has sufficient permitted reserves until the end of 2016 at an output rate of 180,000 tonnes per annum. The remaining reserves to be worked until the end of 2016 are however situated within the western part of the Burton's extension site, the extent of which has been voluntarily sterilised by Cemex due to significant and sensitive archaeological finds. The replacement MLP is therefore supportive of the principle for an extension of time to allow the working of viable reserves subject to there being no unacceptable environmental and amenity impacts associated with the continued working of the quarry. Given the relatively advanced stage of the emerging plan, this policy is given significant weight in terms of supporting the proposed development.
90. As such, it is considered that it is appropriate to actively develop part of the previously sterilised area subject to it being demonstrated that there are no significant impacts on archaeological remains which are of national importance, in order to continue supplying an essential product to a defined local market and utilising existing infrastructure. This accords with the aims and objectives of the NPPF, which emphasises the need to supply a range of types of aggregates, secure an adequate distribution of locations of permitted reserves relative to markets, and maintain the productive capacity of permitted sites.
91. Whilst the extraction of 40,000 tonnes of sand and gravel would not make a significant contribution to the seven year landbank, its significance to the quarry's operational capacity and overall viability cannot be underestimated, and it is understood that it is crucial to the quarry remaining operational.

92. The need for the proposed extraction site is a material consideration, in line with the NPPF, which lends support to maintaining the viability of existing quarry sites (paragraph 145), and ensuring local supplies of sand and gravel (paragraph 143) to the benefit of the local economy. Therefore, material considerations would argue in support of the development.
93. Overall, there is sufficient policy support in terms of adopted MLP Policies M6.2 and M6.3 and Policy MP1 of the emerging MLP Submission Draft and other supporting material considerations to indicate that the proposal should be permitted subject to there being no unacceptable environmental and amenity impacts associated with this development.

Environmental impacts of the development

94. Any associated environmental effects of the development have previously been assessed by the County Council with regards to extant planning permission 8/11/00157/CMA, and subject to appropriate planning conditions and a legal agreement considered acceptable.
95. Policy SP2 (Minerals Provision) of the MLP Submission Draft states that all proposals for mineral development must demonstrate that they have prioritised the avoidance of adverse social, economic and environmental impacts of the proposed development, and make use of appropriate mitigation measures.

Archaeology

96. Of relevance are Paragraphs 132 to 134 of the NPPF. In particular, Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight that should be given. Paragraph 134 of the NPPF states that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
97. Also of relevance is adopted MLP Policy M3.24, which 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.
98. Whilst the archaeological assets across Burton's land have not been officially designated, their significance cannot be underestimated and both Historic England and the County Council's Archaeological Officer confirm that these remains are significant and of national importance. On balance, the evidence indicates that the quarry area as a whole including the phase 3 extraction area contains elements of equivalence in importance to scheduled monuments, and as such, it is considered proportionate to apply the NPPF's policy on designated heritage assets, as set out under paragraphs 132 to 135.
99. A core objective of the NPPF is facilitating the sustainable use of minerals. The general principle of the winning and working of a finite natural resource where it is found is established under paragraph 142 of the NPPF. It also stresses the importance of making the best use of mineral reserves to secure their long-term conservation. Minerals can only be worked where they are found and in the case of the remaining identified economically viable sand and gravel reserves at

Burton's land there is the potential for tension between the policy direction contained in the NPPF regarding the sustainable use of mineral reserves (which might otherwise be sterilised) and policy direction regarding the protection of sensitive and significant archaeological remains of national importance, which have intrinsic value in terms of providing evidence of the county's past for the benefit of future generations. Both the NPPF and local planning policy make reference to the fact that the most important heritage assets should be conserved, and that there needs to be a proportionate response when balancing the need for development against potential harm to archaeological sites.

100. The County Council has a duty of care under the NPPF to ensure the protection, conservation and enhancement of an area's historic environment in terms of its significance, character and appearance when carrying out its statutory planning functions. An emphasis is placed on the importance of protecting and recording the most significant assets.
101. It is considered that the applicant's recent treatment of archaeological remains in Burton's site is sufficiently robust to ensure that substantial harm to or loss of archaeological assets, through alteration or destruction, would be avoided. Whilst preservation in situ clearly represents the most robust form of mitigation and one that is broadly supported by the applicant and the relevant heritage organisations, it is clear that to preserve all of the western part of the Burton's site would be impractical. In this instance, this aspect needs to be balanced against the weighting given to the sustainable recovery of identified remaining reserves of sand and gravel in the 'set aside' portion of Burton's land prior to cessation of extraction operations and final restoration. There is clear policy direction that where preservation in situ is not a feasible option, there is the need for a site to be surveyed, excavated and appropriately recorded.
102. The County Council's archaeologist has confirmed that all of the survey work covering the archaeology within the extraction site has been completed in accordance with an approved Written Statement of Investigation (as approved under extant planning Condition 26), and appropriate mitigation measures have been applied. In this respect, sufficient provision has been made to accurately record and appropriately address the archaeological findings; and it is confirmed that the site is now capable of being worked for sand and gravel extraction without causing any significant impact to a heritage asset. As such, the proposed development is now capable of being carried out in accordance with policy direction contained in the NPPF. In this respect, the archaeology has been dealt with in an appropriate manner (as confirmed by the County Council's archaeologist) and there would be no significant harm or loss either through the alteration or destruction of the heritage asset. The proposals therefore accord with the NPPF and adopted MLP Policy M3.24.
103. Overall, it is understood that the excavation has proved particularly insightful and has provided valuable new information regarding the Anglo-Saxon activity within this particular area. It is considered that the proposed development would neither destroy nor degrade nationally important archaeological remains within the Burton's site.
104. As noted, the County Council's archaeologist is satisfied that the archaeological work has been undertaken in a satisfactory manner in compliance with national and local planning policy, and that this has predated any mineral extraction. As such, there is no conflict between exhausting all remaining economically viable

reserves, appropriately dealing with the archaeology in the Phase 3 extraction area, and preserving significant archaeological remains in situ within the remaining part of Burton's site.

105. On balance, in terms of these proposals, it is considered that there would be no tension between the NPPF's policy direction regarding the conserving of sensitive archaeology of national importance, and that pertaining to the working of minerals in a fully sustainable way. Both of these elements have principle policy support in terms of the NPPF and adopted MLP Policy M3.24. Therefore it is concluded that it is acceptable to work this formerly 'set aside' area.

Traffic/highways implications

106. MLP Policy M3.13 states that planning permission will not be granted for minerals development where vehicle movements cannot be satisfactorily accommodated on the highway network or where such movements cause unacceptable impact upon the environment and disturbance to local amenity.
107. Existing transport patterns at East Leake Quarry would remain unaltered by the proposed development, with the only significant change being the extended duration of operations, albeit by only 4 months. The proposed extension of time would simply involve a continuation of current production levels, and traffic movements associated with these operations would remain constant. In this respect, traffic movements would continue at approximately 72 movements per day, with a maximum of 100 vehicle movements as previously conditioned.
108. No objection has been raised with regards to the duration of operations at East Leake Quarry by the Highways Authority subject to current mitigation remaining in place and all other aspects of the proposals remain constant in terms of levels of traffic generated by the proposed development, and access and lorry routing arrangements, with the haulage route to and from the site remaining the same. It is considered that the proposals would not generate any additional environmental impacts or disturbance to local amenity. As such, the proposed development is compliant with Policy M3.13 of the Adopted MLP.
109. Overall, the proposed development would not have a material impact on either the surrounding local road network, or the closest strategic routes (namely, the M1 and A46), with the highway network remaining capable of satisfactorily accommodating the vehicle movements associated with this development, subject to previous planning conditions and lorry routing agreement remaining in place.
110. Current practices would continue. A planning condition would remain in force for the duration of site operations, controlling daily HGV movements, and requiring the applicant to maintain written records of all such movements, and to make these available to the MPA. It is considered that sufficiently robust measures exist to control vehicle numbers.
111. The Highways Authority underlines the acceptability of the proposals, with an understanding that the previous arrangements (to secure the access, routing agreement, and prevention of dust/dirt/loose aggregate onto the public highway) would be kept in place. As part of the planning application, existing access, routing arrangements and wheel wash facilities, would remain in place for the

duration of site operations, and would continue to be secured by previously attached planning conditions, and a lorry routing agreement.

112. These arrangements have proved satisfactory in the case of existing operations. As such, the proposals would continue to accord with Adopted MLP Policies M3.14 (Vehicular Routing); and M3.12 (Highways Safety and Protection), which seeks to protect the highway from damage and contamination from minerals developments through the use of wheel cleaning facilities, sheeting of lorries and the metalling of haul roads to minimise mud and other debris entering the highway. Subject to the retention of these arrangements throughout the operational life of the site, the requirements of these policies would continue to be satisfied.

Noise

113. Policy M3.5 (Noise) of the Adopted MLP enables conditions to be imposed on planning permissions to reduce the potential for noise impact. The policy advises restrictions over operating hours, sound proofing plant and machinery, setting maximum noise levels at sensitive locations, and the use of acoustic screening, such as baffle mounds or fencing.
114. Sand and gravel extraction has been carried out on Burton's site since 2013 without any noise complaints. Operations would not be subject to change and provided existing noise conditions are rolled forward into any new planning consent it is not anticipated that any noise impact associated with the development would arise.
115. Subject to existing controls over noise emissions from the development, Via's Noise Engineer is satisfied as to the acceptability of the proposals on noise grounds. In accordance with Adopted MLP Policy M3.5, planning conditions would continue to ensure that maximum noise levels at the nearest sensitive receptors are not exceeded (both for normal and temporary operations), including a requirement on the part of the applicant to undertake regular noise monitoring at six identified properties, at three monthly intervals during the operational life of the quarry. Other controls would include restrictions on operational hours, and the appropriate use of silencers and reversing alarms on mobile plant, machinery and vehicles. Furthermore, in the event that a justifiable noise complaint is received by the MPA from any residential property, the applicant would be required to undertake a noise survey, and in the event of noise limits being exceeded, identify steps to be taken to ensure future compliance.
116. Other noise mitigation measures would involve the enforcement of on-site low speed limits (10-20mph), one way haulage routes to reduce reversing alarms and good maintenance of the site road surface, as well as attenuation soil bunding to the site perimeter which acts as an acoustic barrier. In terms of plant and equipment, it is noted that the dewatering pump would continue to be located along the northern boundary towards the eastern part of the site for the duration of the proposed phased working (Phase 3) to reduce noise impact to the nearest sensitive residential receptors situated on Ashby Road and Rempstone Road.
117. Subject to the above provisions, it is considered that the proposed development would accord with Policy M3.5 of the Adopted MLP and it is considered that the

proposed extraction site is capable of being worked with noise emissions controlled to within environmentally acceptable limits.

Landscape and Visual Impact

118. Policy M3.3 of the Adopted MLP 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 seeks to reduce visual impacts through the screening and landscaping of minerals developments. Policy M3.22 requires landscape character and local distinctiveness to be fully taken into consideration as part of development proposals and does not allow for development which adversely impacts the character and distinctiveness of the landscape unless there are reasons of overriding public interest and where ameliorative measures can reduce the impact to acceptable levels.
119. In terms of landscape and visual amenity impacts, the only moderate impact would be a short delay in implementing the final phase of restoration, with operations being nominally delayed by some four months. It is not considered that this would be of any significance and given the short duration of the proposed extension of time and the minor amendments to the detailing of the phasing plans it is unlikely that there would be any adverse landscape or visual impacts associated with the proposals. The existing landscape which in the case of the western part of Burton's land is the remaining half of an agricultural field laid to pasture, is not overly sensitive to change given that the eastern part of the site has already been worked and is subject to ongoing phased restoration. The proposed extraction area has a relatively small footprint and would only be worked for a further four months.
120. The extraction area would be contained within the confines of an extremely well screened existing extension area. There is substantial mature vegetation to the site perimeter comprising a mix of mature hedgerow and trees together with attenuation screening bunding to the southern boundary of Burton's site along the Melton/Ashby Road (A6006). This together with the natural topography of the land with its gently undulating character so typical of the Leicestershire and Nottinghamshire Wolds and distance from the site of the nearest sensitive receptors would obscure or filter views of the operational development.
121. There would be extremely limited views into the site from any identified sensitive receptors including the nearest residential property (Home Farm Cottage) and along a public bridleway to the east (abutting Jenks' Land) which is the main vantage point into the site.
122. The final restoration scheme which is anticipated to be completed by the end of 2017 would mitigate the visual impacts associated with sand and gravel extraction, and restore the site to a mix of agriculture and wetland conservation mitigating impacts on the local Wolds landscape. It is noted that the proposed development is not located within a designated landscape area and the principle of the restoration scheme was established under extant planning permission 8/11/00157/CMA. It is considered that the approved restoration, which would not be revised under these proposals, comprising a mix of pasture and wetland conservation, would accord with MLP Policy M3.22 and overall the restoration would not appear out of keeping with the surrounding landscape.

123. In conclusion, the magnitude of any visual and landscape impacts associated with the proposals are considered acceptable and the amendments proposed to the duration of workings and phasing would not give rise to any significant or unacceptable landscape and visual impacts thus ensuring that the proposed development continues to comply with MLP Policies M3.3, M3.4 and M3.22 of the MLP.

Agriculture/Conservation of soil resources

124. Adopted MLP Policy M3.16 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, the policy provides 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. This approach remains consistent with current Government policy set out in paragraphs 109 and 143 of the NPPF, which seeks to protect and safeguard the long term potential of 'best and most versatile' agricultural land, and conserve valuable soil resources.
125. The extraction site was formally in use as agricultural land. The site agricultural land classification is Grade 3 agricultural land with the majority of the site being subgrade 3a, with small pockets of subgrade 3b.
126. The indications are that the restored area would attain the equivalence to the existing grade 3 classification, thereby restoring a significant proportion to higher grade agricultural land and that upon restoration the area would provide a valuable agricultural resource for the farmer restoring traditional farming activities alongside wetland nature conservation.
127. It is considered that the proposed best practice soil handling scheme would ensure that appropriate mitigation measures are implemented, so that no significant impact is caused to the soil resources on site. The quality of soils within the proposed extension area is such that it is considered appropriate to maintain agricultural land as part of the proposed restoration scheme.
128. Whilst the NPPF seeks to protect 'best and most versatile' agricultural land, it also recognises that minerals can only be worked where they are found, and that it is important to make the best use of them, to secure their long-term conservation (paragraph 142). In respect of this proposal, there is clearly a tension between these two aspects of national policy. A similar tension exists in Adopted MLP Policy M3.16 where the first part of the policy supports proposals on 'best and most versatile' agricultural land where the long-term agricultural potential of the land would not be affected, and the second part of the policy which offers support where there is no alternative and the need for development outweighs the agricultural interest. The proposal can only partially comply with the first element of this policy, as only part of the agricultural land affected by the development across Burton's extension site would be reinstated to productive agricultural after-use.
129. However, the development is considered to be compliant with the policy's second element, given that the viability of East Leake Quarry as a continuing

working quarry, with a long-term future, depends on working the proposed extraction site.

130. When the elements for and against the proposals are balanced against each other, it is considered that there is policy support for the development. It is considered that the current need for the development on balance does outweigh the adverse impact on the agricultural interest of the extraction site. Further support for this position is provided by the fact that a significant part of the application site would still be restored to best quality agricultural land and given that the non-agricultural elements of the proposed restoration would deliver significant biodiversity and green infrastructure benefits, in accordance with paragraph 118 of the NPPF. Paragraph 118 supports development proposals where the primary objective is to conserve or enhance biodiversity. On balance, whilst there is tension between the two relevant elements of Adopted MLP Policy M3.16, it is considered that subject to appropriate planning conditions to safeguard soil resources and achieve a high standard of agricultural reclamation, the proposal is capable of complying with this policy.
131. Overall, it is concluded that the planning application incorporates a satisfactory strategy to ensure that soil resources are preserved and used beneficially, in general compliance with policy set out within the NPPF and the Adopted MLP.

Public Rights of Way

132. There are no rights of way issues associated with the proposed extraction site or the wider Burton's site.

Dust

133. Adopted MLP Policy M3.7 supports the careful siting of potential dust creating activities and the implementation of dust mitigation measures to minimise the impact from dust emissions, encouraging the use of controls through planning conditions to appropriately regulate activities. Historically sand and gravel has been extracted across the East Leake Quarry site including from the Burton's extension site without giving rise to any dust complaints or dust nuisance. There is an effective dust management scheme in place which covers mineral operations and associated activities.
134. Whilst dust emissions from the actual sand and gravel extraction and processing are deemed to be low as a result of the high moisture content of the excavated material, there are a number of potential sources of dust emissions from other operations. These include large-scale earthmoving during soil and overburden stripping, bund formation, and site preparation and restoration work; dust from extraction, loading and placement of restoration materials; and finally, dust emissions from lorry movements along haul roads. There is the potential for these operations to be a source of dust, particularly when conditions are excessively dry and windy.
135. It is concluded that there is a low dust risk associated with the proposals subject to planning conditions covering dust mitigation being carried forward to any new planning permission. This combined with the fact that the proposed extraction site is relatively distant from the nearest sensitive receptors together with the location of the site in relation to prevailing winds has historically proved satisfactory in terms of mitigating dust impacts.

136. The proposals under consideration in this report would not significantly change existing operations, and dust impacts from the development are not anticipated, subject to dust conditions being rolled forward into any new planning permission. Planning controls would ensure that best practice dust mitigation measures are in place, implemented and adhered to at all times. In this respect, the potential for dust is monitored by implementing the following regime. The intensity of potential dust generating activities are both identified and monitored; weather conditions are monitored during sensitive periods; the use of water spraying and bowser reduces the potential for dust generating activities, and would involve the dampening of haul roads and the spraying of stockpiles; and finally ceasing operations when major impacts cannot be avoided. Other measures would include the seeding of soil mounds and the use of wheel wash facilities. As previously referenced, whilst the site would be dewatered the mineral would still be moist when excavated. It is not proposed that dust levels would increase through the proposed extension of time in which to work final mineral reserves. As such, the proposed development is capable of according with adopted MLP Policy M3.7 (Dust) subject to planning conditions.
137. There would be no working in areas close to sensitive receptor locations (most notably Home Farm Cottage) and no additional dust measures above and beyond those already in place are either proposed or required. There is an extremely low risk of potential dust emissions.

Ground and Surface Water/Flood Risk

138. Planning Condition 18 of extant planning permission 8/11/00157/CMA would be carried forward to any new planning permission and the approved surface water drainage scheme delivered under this condition would remain in place. The development would continue to be carried out in accordance with the approved details of the scheme. Groundwater levels would continue to be reduced for the duration of the development, however, subject to adherence to the approved drainage scheme, it is not envisaged that there would be any implications or effects on nearby properties or surrounding agricultural land.
139. The working of the mineral would continue to require some 'dewatering' of the sand and gravel aquifer, and the site would continue to be dewatered by pumping, with the pump continuing to feed into the existing surface water management system which would be utilised and retained for the duration of all extraction operations at the quarry, including those proposed in this report.
140. The development site lies in Flood Zone 1 and therefore has an extremely low probability of flooding during the working life of the quarry. Adopted MLP Policy M3.9 supports minerals development where it does not give rise to unacceptable impact on flood flows and flood storage capacity, or on the integrity or function of flood defences and local land drainage systems. The NPPF classifies sand and gravel quarries as being 'water compatible' uses, subject to it being demonstrated through a flood risk assessment that there would not be any significant adverse flooding impacts to the surrounding area.
141. As part of the original submission a Flood Risk Assessment was undertaken as part of the proposals and it was concluded that there would be no adverse impact on flooding within the area. It is considered that the relatively small-scale proposals under consideration in this report would not have any adverse impact on flooding within the surrounding locality.

142. Extant planning conditions would be carried forward to any new planning permission and would seek to ensure that any further extraction operations continue to be carried out in accordance with the approved sustainable drainage scheme, and continue to reflect the local hydrological/hydrogeological context. As such, this would prevent any increased risk of localised flooding, and enhance and protect water quality.
143. Subject to these controls, the development would be compliant with Adopted MLP Policy M3.9 and the NPPF. No significant long term impacts on surface water flows are anticipated.

Employment

144. Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, there should be support for the sustainable growth and expansion of various types of business and enterprise in rural areas. This would include support for minerals development such as the proposals under consideration in this planning application subject to environmental and amenity impacts being acceptable. The NPPF identifies a presumption in favour of sustainable development and supports building a strong, responsive and competitive economy including in terms of the rural economy.
145. The sustainable use of minerals forms part of the core objectives in terms of delivering sustainable economic growth. The NPPF recognises the importance of ensuring a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs and that minerals can only be worked where they are found. In line with the NPPF great weight shall be given to the benefits of mineral extraction to the economy including the rural economy.
146. The existing active quarry directly employs a maximum of six full-time staff with these employees living within close proximity to the quarry. The proposed extension of time in which to complete sand and gravel extraction at the active Burton's extension site would enable the retention of existing jobs for the foreseeable future until the Rempstone extension site comes into production. The quarry would allow for the continued supply of construction materials to an established local market and thus continue contributing to the local economy by way of ensuring quarrying activities can continue to be undertaken. It is clear that the proposed development offers considerable benefits and by way of extending the life of the existing mineral extraction operations at East Leake Quarry ensures continued employment for quarry staff. As such, the proposals accord with the NPPF.

Ecological impact and restoration

147. Section 11 (Conserving and enhancing the natural environment) paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, thereby contributing to the Government's commitment to halt the overall decline in biodiversity, including the establishment of coherent ecological networks that are more resilient to current and future pressures. Paragraph 117 seeks to minimise impacts on biodiversity, by ensuring that planning policy promotes the preservation,

restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets. Of relevance to the proposals are adopted MLP Policy M3.17 (Biodiversity) which seeks to protect the integrity and continuity of habitats or ecological features of UK or County importance, and Policy M3.20 which seeks to protect regional and locally designated sites.

148. As previously approved, it is proposed to create a relatively low-level restoration scheme to the site designed to complement the restoration that has been carried out across the main quarry site (Lings Farm). In this respect, the scheme would continue to deliver a mix of agriculture and wetland conservation following on from sand and gravel extraction. The restoration has taken account of Sheepwash Brook Wetlands LWS to the north-east of the site to provide a balance between agriculture and conservation, thereby contributing to the County's biodiversity targets.
149. The County Council's Nature Conservation Officer is satisfied that there would be no significant or additional ecological impacts associated with the proposals. The only identified impact arising from an extension of time in terms of completing mineral extraction would be a delay in the final restoration being achieved. However, the final restoration scheme when instated would deliver significant ecological benefit in terms of establishing wetland conservation within the eastern part of Burton's land. In this respect, the final restoration scheme would involve the creation of a two lake feature with variable shallow margins and wet woodland fringe to the lakes. The restoration of a significant part of the site to nature conservation would be beneficial in terms of assisting in meeting biodiversity targets and creating new habitats that would both complement and link into restoration across the previously restored quarry site (Lings Farm).
150. The restoration scheme would remain as previously approved under extant planning permission 8/11/00157/CMA. The purpose of the scheme remains one of seeking to enhance local biodiversity contributing towards the biodiversity targets of the Nottingham Biodiversity Action Plan. Extant planning conditions would be carried forward to any new planning permission to ensure that the approved scheme continues to be appropriately delivered. As such, the proposals would be compliant with the relevant policy direction contained in the NPPF and accord with adopted MLP Policy M3.17 subject to planning conditions.
151. The scheme would deliver positive impact in terms of habitat gain with increased biodiversity value compared to the previous agricultural land which was of low conservation value. As such, the proposal accords with the NPPF, which aims to conserve and enhance biodiversity (paragraph 118).
152. The main objective of after-care is to restore land which has been subject to the proposed development to a condition similar to that of undisturbed land and to enhance and develop the biodiversity and nature conservation. In terms of the long-term after-care phase which has previously been secured under the legal agreement this extends the benefits to be gained from the nature conservation aspects of the development. After-care would be undertaken in accordance with approved details, and would continue to be secured subject to extant planning conditions being carried forward to any new planning permission.

Aerodrome safeguarding

153. The NPPF states that when granting planning permission for mineral development, local authorities should ensure that there are no unacceptable adverse impacts on aviation safety. Policy DM10 (Airfield Safeguarding) in the Emerging MLP Submission Draft states that minerals development within the Airfield Safeguarding Areas of listed airports, including East Midlands Airport (EMA) will be supported where the applicant can demonstrate that the proposed extraction, restoration and after use will not constitute a hazard to air traffic.
154. East Leake Quarry is situated within EMA's Safeguarded Zone, being within its flight path, and therefore, aerodrome safety is a key material consideration in terms of determining this application.
155. Whilst planning Condition 49 of extant planning permission 8/11/00157/CMA placed a requirement on Cemex to deliver a bird management plan (BMP) in agreement with EMA, this to date has not been agreed. To some extent matters have since moved on and under the Rempstone extension and consolidation planning application, EMA has confirmed that they are in the process of finalising a site wide BMP that would cover the whole of the East Leake Quarry site, including Burton's extension site. Whilst to some degree this would supersede the requirement placed on Cemex by way of the Burton's planning permission and it is far more desirable to have a BMP covering the entire quarry site, it is nevertheless considered prudent to carry forward extant planning Condition 49 to any new permission. If for some reason the anticipated planning permission covering Rempstone and the wider quarry site does not go ahead or there continues to be further delays in signing off the legal agreement, a BMP for Burton's Land would still be capable of being delivered prior to the final restoration of Burton's extension site.
156. The requirement placed on Cemex at the time of determining planning permission 8/11/00157/CMA to produce an appropriate BMP recognises the constraints across the application site in terms of proximity to the airport and the potential for an increased risk of bird strike and its implications for aircraft safety. The value of such a plan would lie in designing out features that would attract a number of target bird species (geese, swans and starlings) which are either large species or gather in large dense flocks. The risk of bird strike across Burton's Land would mainly be controlled by way of appropriate habitat delivery and its subsequent longer term management. To this end, the approved restoration plan which involves a mix of agriculture and wetland conservation with featured water bodies would be checked and validated against the BMP to ensure that any unsuitable elements have been designed out prior to completing restoration, and that any remaining water features do not go on to attract waterfowl which may compromise aviation safety.
157. It is not anticipated that the proposals under consideration in this report would have any additional impacts above and beyond those considered at the time of the original planning application, and the final restoration scheme remains as approved under extant planning permission 8/11/00157/CMA. As such, the proposals are capable of according with Policy DM10 of the emerging MLP Submission Draft subject to extant planning Condition 49 being carried forward to any new planning permission.

158. At the time of the granting of extant planning permission 8/11/00157/CMA, EMA supported the proposed development subject to planning conditions requiring a BMP and placing controls over the management of the conservation grassland, water body features, and on the proviso that the conditions should remain attached to any subsequent consents for discharge upon completion of all mineral operations. In line with these comments, extant planning Conditions 49 to 52 would be carried forward to any new planning permission.
159. It is noted that Cemex has currently forwarded a site wide BMP to EMA for consultation purposes and there are positive signs that an acceptable plan is on its way to being agreed between the operator and the airport, which is to be welcomed. Furthermore, the BMP has been incorporated into the heads of terms of the draft legal agreement covering the Rempstone and the wider quarry site.

Legal Agreement

160. Any grant of planning permission for the proposed development would be subject to the prior completion of a legal agreement to secure lorry routing and an extended aftercare period for the conservation area. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of this agreement.

Other Issues

161. DCLG Circular 02/2009 identifies those circumstances in which it is necessary to refer 'departure' planning applications to the Secretary of State (SoS). The application does not trigger the thresholds for referral set out within the Circular. As such, there is no requirement to refer the application to the SoS should Committee be minded to approve.

Other Options Considered

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

Statutory and Policy Implications

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

Financial Implications

164. Any grant of planning permission for the proposed development would need to be accompanied by a legal agreement to secure lorry routing and an extended aftercare period for the conservation area. The applicant would be expected to cover all reasonable costs incurred by the County Council during the drafting and execution of this agreement.

Human Rights Implications

165. 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) may be affected. The proposals have the potential to introduce impacts such as dust, noise and visual amenity impacts on the surrounding area, and in particular upon the nearest sensitive properties to the site. However, these potential impacts need to be balanced against the wider benefits the proposals would provide such as contributing towards sustaining a local supply of aggregate to the local construction sector, which is more sustainable than hauling sand and gravel from more distant quarries; coupled with the ability to control amenity impacts by way of suitable planning conditions and a lorry routing agreement. It would also be a sustainable option in terms of continuing to use existing plant and ancillary infrastructure; thereby representing a more efficient use of resources and limiting environmental disturbance.
166. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations Section above in this consideration.

Implications for Sustainability and the Environment

167. The application has been considered against the National Planning Policy Framework, and both the adopted and emerging Minerals Local Plan, all of which are underpinned by the objective of achieving sustainable development. The development would contribute towards the sustainable use of mineral resources, with the extraction scheme representing an efficient use of remaining viable resources and one which has been designed to limit environmental disturbance. The use of existing plant and ancillary infrastructure is considered the most sustainable and environmentally acceptable option as the plant is established and screened. Both mineral extraction and restoration would be on a progressive phased basis, to limit the scale of the active quarry, and to ensure that worked land is restored to beneficial purposes at the earliest opportunity. The restoration would increase biodiversity and a net gain, in terms of the ecological value of the site.
168. There are no service user, equalities, crime and disorder, safeguarding of children or human resource implications.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

170. It is RECOMMENDED that the Corporate Director for Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a further five years extended aftercare management of the conservation area of the development site, and the HGV route.
171. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 20th February 2017 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director for Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 20th February 2017, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director for Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

Any comments received will be reported orally to Committee.

Comments of the Service Director - Finance [RWK 08/12/2016]

The financial implications are set out in paragraph 164. There are no additional financial implications for the County Council.

Background Papers Available for Inspection

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

Electoral Division(s) and Member(s) Affected

Soar Valley

Councillor Andrew Brown

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