Nottinghamshire County Council

Report to Planning and Licensing Committee

17th November 2015

Agenda Item:

REPORT OF CORPORATE DIRECTOR – PLACE

GEDLING DISTRICT REF. NO.: 7/2014/1382NCC

PROPOSAL: **VARY CONDITIONS 2 AND 18 OF THE DISCONTINUANCE ORDER TO ALLOW THE CONTINUATION OF MINERAL EXTRACTION UNTIL 2035 AND TO AMEND THE LIMIT ON TRANSPORT MOVEMENTS FROM A DAILY TO WEEKLY FIGURE**

LOCATION: **YELLOWSTONE QUARRY, QUARRY LANE, QUARRY BANKS, LINBY**

APPLICANT: **NOTTINGHAM BULWELL STONE LTD.**

Purpose of Report

1. To consider a planning application to extend the working life of Yellowstone quarry for an additional 20 years to allow for extraction of remaining limestone reserves and a variation to the current condition limiting HGV movements from a daily cap to an equivalent weekly cap. The key issues to consider relate to the impact of further and deeper working upon the adjacent Site of Special Scientific Interest (SSSI), the impacts from the change in patterns of HGV movements upon local amenity and other highway safety considerations. The economic and heritage value of the 'Bulwell Stone' is also considered in the balance. The recommendation is to grant planning permission, albeit with the retention of an increased daily cap of HGV movements and subject to a suite of modern planning conditions governing its operation and eventual restoration. A Section 106 legal agreement is also recommended to secure an additional five years of aftercare, thereby providing ten years in total.

The Site and Surroundings

2. Yellowstone quarry is a long-established Limestone quarry, producing the locally distinctive 'Bulwell Stone' which features in the historic built environment in and around Nottingham and is commonly associated with boundary walls. The quarry lies just outside of the small village of Linby, (see plan 1) itself situated just to the north of Hucknall on the B6011 and in the borough of Gedling. Nottingham lies some 11km distant to the south and the Robin Hood railway line skirts the village to the west. Papplewick is a further mile east along the B6011, which along with Linby is subject to an Environmental Weight Limit for vehicles over 7.5 tonnes. Linby village is characteristically linear in form with traditional stone-built properties lining the B6011 Main Street which is notable

for its wide central verges and greens alongside a small watercourse. These are known as the 'Linby Docks'. There are two ancient standing crosses at each end of the Docks known as the top cross and bottom cross and both are Scheduled Ancient Monuments. A number of the stone-built cottages are Grade II Listed and the wider village was designated a Conservation Area in 1972. Facilities in the village include a public house, the County Council run Brooke Farm and Farmshop and a primary school (Linby cum Papplewick C of E).

3. The quarry is situated in a relatively remote wooded area known as Quarry Banks which lies to the north of the village and accessed from it by Quarry Lane. This narrow and private lane, comes off the eastern end of Main Street by the Bottom Cross and proceeds northwards, past a care home (on its left/west side) a community/girl guides hall (Hanson House -to the right) and then passing alongside the primary school also on the right hand side. (see plan 2) Up to this point the lane is metalled and has speed bumps. There is also a segregated (fenced) walkway for school pupils which involves a crossing point over the lane leading into the school site. Separate vehicular access for the school is a further 100m along the lane. There are mature trees and hedges lining the lane on both sides, including a small wooded area within the corner of the school grounds. Beyond the school, Quarry Lane continues northwards as an unmetalled lane for approximately 700 metres through open countryside, before reaching the woods at Quarry Banks (see plan 1).

4. On the edge of the woods, there is a restored former quarry (Abbey Quarry). The lane then reaches a single property (Keepers Cottage). Passing immediately adjacent to Keepers Cottage, through a shared gateway, the route then becomes a woodland track leading to the quarry itself. One further residential property lies within the woods -Weir Mills Farm-which along with a range of barns is Grade II listed and the house itself being approximately 130m south of the quarry, whilst the listed barn is closer to 60m distant, (see plan 3).

5. The woods have naturally re-colonised after centuries of stone quarrying activity of which Yellowstone is the last remaining, working the distinctive Bulwell Stone. The woods are protected as a Site of Special Scientific Interest (SSSI) by reason of their progressive mixed calcareous scrub. There are also several calcareous pools and marshes and a small tributary of the River Leen, bridged by the quarry access track. A Local Wildlife Site designation (Quarry Banks LWS) also covers the woodlands and the quarry itself.

6. The quarry itself is approximately 3.7 hectares in size and the quarry floor has been excavated by about 3-5m below original ground levels. It is bordered on three sides by the SSSI woodland, the boundaries with which generally slope down into the quarry. (see plan 3) The eastern side has an exposed vertical cliff face beyond which lie open fields. Newstead Abbey Registered Park and Garden starts approximately 500m to the north-east and the Abbey itself around 1.5km distant. The site is also wholly situated within the Green Belt and overlies an aquifer.

7. The quarry has been worked prior to the inception of the Town and Country Planning Acts in the 1940s and more recently on a fairly ad-hoc and small scale

basis and today ranges in depth from 85m AOD to 95m AOD with all topsoils and vegetation having previously been stripped. Present on site are a series of storage cabins, a cutting saw and a weighbridge all near the entrance on its western side. Other equipment is brought in when the quarry is operational. There are numerous stockpiles of overburden and interburden covering the site, many lying on top of, and blocking access to, the remaining stone reserves below. Two bodies of water are present, one at the deepest and narrowest point in the quarry in the southern corner and another more ephemeral pond is sited centrally (see plan 4).

Proposed Development

8. The applicant (Nottingham Bulwell Stone Ltd) is seeking permission to vary two conditions of the current planning approval (the 1996 Discontinuance Order) concerning the time limit for the cessation of extraction activities (and subsequent restoration) and the restriction on the numbers of daily permitted HGV movements.

9. First operations at the quarry pre-date the planning regime and it operated for a while without planning controls. In order to regularise and govern the situation, the County Council as the Minerals Planning Authority (MPA), issued a Discontinuance Order in 1996, which is the current permission.

10. Condition 2 of the 1996 Order requires the cessation of limestone extraction by 31st December 2015, with restoration completed by 31st December 2017. The application seeks to extend the period for extraction for an additional 20 years until 2035 as there are reserves of limestone remaining. Final restoration would be completed within 12 months of the ultimate cessation of quarrying.

11. Condition 18 of the 1996 Order requires there be no more than 12 HGV movements (6 in and 6 out) per working day. The application seeks to amend this to an equivalent weekly cap of 72 HGV movements (36 in 36 out) based on a six day working week. The current limit is said to have restricted the company's ability to service certain contracts, particularly as such contracts have a campaign basis of quarrying.

12. The application does not propose to change the permitted hours of operation or any other operational controls. The quarry would be operated in much the same way as at present, with occasional campaigns followed by periods of inactivity.

13. The following operational controls would continue to apply, but are subject to review, as may be necessary, in the application:

- The red line site area restricting the quarry area.
- Operations (other than water pumping, servicing, maintenance, testing of plant) to take place between 07.00-19.00 hrs Mondays to Fridays and 08.00 to 13.00hrs Saturdays.
- No working on Sundays/Public Holidays

- HGVs only permitted to enter or leave the site between 08.00-17.00 Monday-Fridays and 09.00 to 13.00 Saturdays.

- No HGVs permitted to enter or leave the site between 08.30-09.00 and 15.30-16.00 Monday to Friday during school terms.

- No importation of waste or other materials for processing or disposal.

- No water discharges to watercourse

- Various restoration and after care provisions

14. Between 5,000 -10,000 tonnes of stone is typically quarried per year, of which the majority (80%) is the Bulwell Stone with the remaining 20% being 'Linby Blue', a secondary stone which the applicant is exploring uses for. Based on estimated remaining reserves of 120,000 tonnes of Bulwell Stone remaining in the quarry and extraction rates continuing at a median 7,000 tonnes per year, the applicant seeks an extension of 20 years to extract this stone.

15. Stone is currently extracted utilising an excavator and loading shovel, with materials graded and stocked for various potential uses. Larger blocks are set aside for building stone, which is later dispatched to a cutting and dressing facility at Calverton, although a saw is also present on site. Smaller blocks are either cropped for use in walling, or stockpiled for crushing into aggregate. A mobile crusher is brought in when such a stockpile has built up. Thus a variety of building, walling, rockery stone and aggregate can be produced to meet local contracts or be supplied to local builders merchants. The applicant states that around 40% of the extracted stone is typically suitable for building stone, 20% is suitable for either walling or rockery stone, 20% is processed into decorative aggregate, with the remaining 20% consisting of fines which are left on the site.

16. Extraction would generally run in a northerly direction across the quarry, with progressive restoration taking place when possible. The southern tip of the quarry would be restored within the first 5 years. Final restoration to calcareous grassland and water bodies would be completed within 12 months of completing extraction and further details on its restoration are set out below and also illustrated on plan 5.

Consultations

17. **Gedling Borough Council -** *Raises no objection.*

18. **Gedling Borough Scientific Officer- Public Protection –** *Confirmed that the additional Dust Evaluation and Action Plan submitted negates the need for further air quality impact assessment.*

19. **Linby Parish Council –** *The Parish Council wishes to strongly object to the current limit on HGV movements being lifted due to the various safety issues.*

The movement of large vehicles up and down Quarry Lane pose an ongoing safety risk to both the parents and children travelling to school and the elderly residents at Sherwood House nursing home.

Access onto Main Street from Quarry Lane will also prove problematic for large vehicles due to the high traffic volume and parking congestion in the village.

In addition to the noise and dust created by these vehicles, the narrowness of Quarry Lane also causes a problem, with members of staff and visitors to the Primary School often being asked to move their cars to allow the lorries to pass.

20. **Papplewick Parish Council -** *Have not responded. Any response received will be orally reported.*

21. **Natural England -** *No objection subject to conditions*

This application is in close proximity to Linby Quarries Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.

Natural England is satisfied that the proposed change to HGV movements from a daily cap to a weekly cap is unlikely to have any significant impact on the SSSI notified features. The peak volumes of traffic are still well below the significance threshold used to assess the potential impacts of air pollution from traffic on ecological habitats (Design Manual for Roads & Bridges, Highways Agency).

Natural England acknowledge a hydrological assessment has been undertaken in support of the application to predict the impacts of the proposed extraction on the surrounding water supply mechanisms and the likely effects to the nearby SSSI habitats.

The results of the assessment demonstrates that future workings could be achieved to 75m AOD without any risk to the habitats and therefore this limit should be imposed by use of an appropriate condition to ensure that the development, as submitted, will not impact upon the features of special interest for which Linby Quarries SSSI is notified.

The Planning Authority should assess and consider the other possible impacts including on; protected species; local sites; local landscape character; and local or national biodiversity priority habitats and species.

Natural England are pleased the restoration principles aim to contribute to local biodiversity priorities and the long-term safeguarding of the adjacent SSSI, by delivering habitats that complement the SSSI interest features and are in keeping with the wider landscape. In addition the restoration proposal includes preservation of representative quarry faces that will provide an interesting geological feature on the restored site. The restoration scheme can also help to create an enhanced green infrastructure network.

22. **NCC (Nature Conservation) -** *No objection*

Although the site lies within the boundaries of the Linby Quarries Local Wildlife Site (LWS) 1/35, it is evident that the site is an active quarry with limited ecological potential. No evidence of, and limited potential for, protected (or other notable) species was found during an Extended Phase 1 Habitat Survey.

The continuation of quarrying could result in a draw-down of ground-water in the area around the site, potentially affecting nearby groundwater-dependant habitats, and the tributary to the River Leen. This is located 50m to the west of the site and provides habitat for White-clawed Crayfish (a protected species) as well as being within the boundaries of the Linby Quarries SSSI.

The submitted hydrological assessment concludes that the distance is large enough to ensure that impacts are unlikely to occur, and that no groundwater-dependent habitats are present in the vicinity of the quarry. Natural England advice should be sought in this respect.

In relation to amending condition 18, it is appreciated that the number of vehicles entering and exiting the site weekly will not exceed the number of transport movements currently taking place. Therefore the proposed change will not have any significant ecological effect. However, given that the access route passes through the Linby Quarries SSSI, confirmation from Natural England is advised.

The site has significant ecological potential post-restoration due to the calcareous nature of the substrate, and has potential to contribute to and enhance the biodiversity of the adjacent SSSI. Further restoration details should be sought, including whether it will be left to regenerate naturally or seeded artificially. If it is to be seeded artificially, details of the species of seed and type of seed mix will be needed.

Extended (10 years) of aftercare should be sought, because in allowing natural regeneration to act substantially as the agent for restoration, there is a risk that the target habitat (calcareous grassland) may fail to establish in a timely manner and that remedial works are required (such as seeding or scrub clearance).

Existing controls on dust and noise should be retained, to ensure that the indirect impacts of these are minimised as far as is practicable.

Whilst the site lies within the 5km buffer zone around the 'prospective' Sherwood SPA, the site and its surroundings do not support suitable habitat for woodlark or nightjar and on that basis no likely significant effects are envisaged.

23. **Nottinghamshire Wildlife Trust** - *Objection*

Based on the information submitted, NWT object to this scheme, which lacks the necessary detail, particularly given the ecological sensitivity of the location and provides no certainty as to how any measures to prevent deterioration of the watercourse could be secured.

The existing Quarry lies immediately adjacent to the Linby Quarries SSSI and within the boundary of the Quarry Banks Local Wildlife Site. The extended period of working for the Quarry would mean a further 20 years of impacts of noise, dust, hydrological changes etc. on these habitats and fauna.

No rare or notable plants or assemblages would be lost as a result of an extension of time for this Quarry. The site does not appear to be suitable for bats, badgers or water voles but if this extension were to be granted, a condition should be imposed to ensure that surveys are undertaken prior to each new phase of development, as it is highly possible that this situation may change over the course of 20 years. No surveys were deemed necessary for reptiles or amphibians. It is essential that this is regularly reviewed during the life of the Quarry. No scarce invertebrates would be affected but this should be kept under review before each phase of working.

The bare nature of the Quarry would make it unsuitable for most bird species, although Little Ringed Plover can be found nesting on quarries that have intermittent extraction. All site staff should be made aware of the possible presence of this species and that extraction must stop in that area if found to be present.

NWT disagree with the consultant's view that the site is currently unsuitable for reptiles- the topsoil storage mounds clearly show it to be suitable for reptiles. NWT request that further surveys or suitable conditions be made to survey for reptiles prior to new phases of extraction.

The River Leen in this area contains the protected white-clawed crayfish, it is not known whether they are also in the tributary to the west of the Quarry. It is essential to ascertain that there would be no effects on this species through changes in water quality or quantity.

The Consultants have assessed that the groundwater drawdown zone would extend up to 42.4m, as a result of further dewatering. There is unlikely to be an effect on the tributary that runs to the west of the Quarry. The woodland of the SSSI is not thought to be groundwater-dependent, and so should not be affected by dewatering. For certainty borehole monitoring should be undertaken once dewatering commences.

A programme of monitoring of water levels and quality in the tributary should also be undertaken both to determine the effects of any discharges and also of other operational effects, such as the HGV route, as it is clear that the current road is depositing silt into the watercourse, which may be detrimentally affecting the species in the watercourse.

No assessment has been made of the impacts of noise from the Quarry on any adjacent birds and bats. It is reasonable to assume that local fauna has acclimatised to the noise impacts over many years. If the character of the extraction changes then the noise impacts should be assessed. The impacts of the potential increase in HGV noise and disturbance over shorter periods should also be assessed.

No detailed restoration plan has been submitted. There are outline suggestions of allowing the site to colonise naturally and to retain some shallow waterbodies. NWT would welcome the restoration of this site to calcareous habitats, which are scarce and threatened in the County and would be complemented by shallow wetlands. Further restoration details and methodologies are requested.

The Applicant is proposing only the statutory 5 year aftercare period, but it would not be possible to deliver a high quality restoration scheme through natural colonisation in this time. It is probable that at least a 10 year aftercare would be required. Provision should also be made for the protection and management of the habitats in the long term.

In response to the supplementary information relating to water quality and resident white-clawed crayfish, the NWT reiterates the view that there is evidence of silt being deposited in the stream from the quarry access road which may be detrimentally affecting species such as crayfish known to occur downstream.

NWT do not accept the consultant's view that there appears to be no effects from the quarry on the watercourse in the past and that therefore there would be no impacts from a further 20 years of quarrying. As with all ecological systems, there are tipping points where increased impacts can result in damaging effects to biodiversity, where conditions change from sub-optimal to entirely unsuitable.

There is a statutory duty to planning authorities to contribute to the achievement of Water Framework Directive objectives, through ensuring that decisions do not result in the degradation of the quality and ecological status of watercourses.

The applicant should provide a methodology for water quality monitoring and provide details of how sediment would be managed. The applicant should also commit to good site management measures to prevent the run-off of sediment-laden waters from the site access track and stocking area.

24. **Environment Agency** – *No objection*

The Agency has no objections but requests measures be implemented to limit run-off of sediment into the nearby stream, over which HGVs pass.

A meeting has recently been held with the operator where ideas were discussed to improve the sediment issue that is being experienced in the upper reaches of the River Leen, however it is worth pointing out that the quarry is not solely responsible for the sediment issues and there is further work to be done with upstream landowners. The operator was in agreement with all the improvement measures discussed. These measures include:

- The provision of a sleeping policeman type barrier at the quarry entrance gate to prevent run-off leaving the site through the main gate.

- The formation of a built lip or edge to the bridge over the stream to prevent silt washing into the stream.

It would be beneficial to condition the fulfilment of these works to prevent runoff or sediment leaving the site. Measures should be monitored for 1 year and if found to be insufficient further preventative measures should be undertaken such as a ditch to redirect any flows back into the site. The second part of the condition should relate to the protection of the River Leen. All practicable measures should be taken to prevent overland flows and fugitive emissions entering the watercourse by means of improving the road infrastructure to a level where no material can enter the watercourse even under heavy rain conditions.

25. **NCC (Highways) Gedling -** *No objection*

The overall figure [for HGV movements] is still at 72 per week (36 in and 36 out). However it is very unlikely that the applicant would use all this quota on one day, but would extract stone as and when there is demand.

If however, 72 movements are split over an 8 hour day, this is not a high figure in the context of the B6011 carrying some 9450 vehicles per day.

Given the location being next to the school and various other conditions attached not allowing vehicles entering at school times being in place, together with the access not directly being from the main highway, there are no highway concerns.

26. **NCC (Noise Engineer)** – *No objection*

Theoretically the change from daily cap on HGV movements to an equivalent weekly cap could mean that the applicant could use its weekly quota in 1 day, however it is acknowledged that this is unlikely. The change means that there is potential for increased noise impact due to a higher number of HGV movements on some days though this would be countered by a lesser number of movements on other days (and therefore lower impact) within the same week to ensure there is no increase in the weekly total of HGV movements to/from the site.

A review of sensitive receptor locations reveals that there are a number of sensitive receptors located in the village of Linby in close proximity to Linby Lane. Existing noise levels in the village adjacent to the Sherwood House Cottages and Hanson House is dominated by existing traffic movements along Linby Lane and while the change from a daily cap to a weekly cap may lead to an increase in HGV movements on certain days, it is not considered likely that this would lead to a notable increase in noise levels above that from existing permitted HGV movements at these properties.

Two further receptors located on Quarry Lane north of Linby Village are Keepers Lodge and Weir Mills Farm. Weir Mills Farm is the closest receptor to the operational boundary of the quarry but is set back from the main access route to the site, while Keepers Lodge is located immediately adjacent to the access route. Due to the nature of the access road at this location, (a quiet rural lane away from any other major noise sources) the removal of the daily cap would lead to an increased noise impact at Keepers Lodge on days when a greater

number of HGV movements occur, however this will be countered by quieter days due to a below average number of HGVs in order to meet the cap on weekly HGV movements.

Operational noise from the quarry site should not change significantly as a result of the proposals when considered against the existing permitted quarrying activities as there are no proposals to increase the permitted number of HGV movements and it is acknowledged that quarrying has been ongoing in this area historically for many years without noise complaints. The extension of time variation does however mean that operations will continue for a further 20 years beyond the current permission of December 2015 to 2035. In addition, it should be considered that the existing operation of the site is only on an ad hoc campaign basis and it is likely therefore that the site currently operates well below the current level of "permitted activity" at present. As such future operations may be perceived as an increase in activity despite the site continuing to operate at a level which is considered to be within existing "permitted" levels, particularly if the greater flexibility afforded by the change to a weekly cap HGV movements leads to more frequent extraction operations, due to being able to commit to a greater number of orders. With this in mind it is recommended that a condition be imposed which requires a noise assessment to be undertaken by the applicant in the event of any future justifiable noise complaints.

The proposed amendments to Conditions 2 and 18 are considered acceptable on noise grounds subject to maintaining existing controls on hours of operations.

27. **NCC (Reclamation) -** *No objection*

The main issue is that by its very nature, the quarry penetrates the underlying strata, and thereby puts the underlying aquifer at risk. However it is noted that there are no proposals to import fill material, just extraction of the stone. The restoration proposals are to encourage a natural restoration with surface water features and a range of battered rock faces. The quarry faces, once the activities at the site cease, should be battered to provide a stable slope.

The quarry site acts as a natural sustainable drainage feature in the general landscape and as such may provide local benefit in that it allows a degree of interception of surface waters draining south toward Linby.

Any bulk fuel or chemical storage at the site should be subject to environmental controls and containment.

28. **NCC (Planning Policy)-** *No objection.*

Given the limited building stone production in Nottinghamshire and wider support for this type of activity it is considered that the principle of the current application is supported. However, this is subject to the proposal not causing an unacceptable impact on the environment and disturbance to local amenity.

The application should be considered in light of the National Planning Policy Framework (NPPF) and due weight and consideration should also be given to

the adopted Nottinghamshire Minerals Local Plan (MLP) and emerging Nottinghamshire Minerals Local Plan (Preferred Approach) (PA).

The national policy context 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 aftercare at high environmental standards at the earliest opportunity is also mentioned.

The current Yellowstone quarry has an existing planning permission and has been worked for many years and therefore is not allocated in the current Minerals Local Plan. The current MLP recognises the importance of maintaining a supply of locally won building stone to help preserve and enhance the local distinctiveness of the area as long as the submitted scheme of working and reclamation is environmentally acceptable. This positive approach remains broadly in-line with the more recent guidance published in the NPPF.

Yellowstone quarry is the only active building stone quarry in Nottinghamshire and no new building stone quarries were promoted by the industry as part of the development of the Minerals Local Plan Preferred Approach published in October 2014.

29. **NCC (Built Heritage) -** *No objection*

The potential for some harm to the character of Linby (and Papplewick) Conservation Areas resulting from increased traffic levels during certain periods must be viewed in light of the contribution that the continued quarrying would provide for the historic environment. Yellowstone quarry is the only opportunity [the officer is aware of] for the continued sourcing of any stone from the Cadeby Formation, as such it is a very considerable potential benefit to the built heritage of the county for the stone to remain available for as long as is feasible.

The securing of stone for conservation repairs to some of the most significant buildings in the county (such as Newstead Abbey) could be enabled through these proposals.

Yellowstone Quarry is the most recent quarry within an area known as 'Quarry Banks' which has been a source of Magnesian Limestone. This stone has been used in the immediate locality for many centuries and has led to the distinctive local vernacular architecture of Papplewick, Linby, Hucknall and further afield. The stone has been used for architecture of the highest calibre since medieval times (as can be seen in the ruins of Newstead Augustinian Abbey).

Bulwell/Linby stone from Quarry Banks was used extensively around Nottingham during the late C19th and early C20th particularly in distinctive rusticated boundary walls to some of the highest quality Victorian buildings. It

is a stone that is in demand for conservation repair work and it is often preferred for new buildings where it is important to retain local distinctiveness (such as within Conservation Areas).

The safeguarding of building stone for conservation work is referred to in the NPPF and acknowledged by English Heritage. English Heritage guidance notes that it can be a rare combination of circumstances for stone to be worked and secured for heritage conservation works- it must be suitable and present in sufficient quantity; acceptable to a local authority; accessible and economically viable; and found on land with a willing owner, and with a willing commercial operator.

The application advances that the proposals will have minimal impact on the nearest Listed Buildings and Conservation Area of Linby village. Although it does not mention the presence of two nearby designated historic parklands (Newstead Abbey and Papplewick Hall) there would be very minimal impact on the setting of either of these and as such no concern is raised.

There is likely to be some impact on the setting of both the listed barn and Weir Mills Farmhouse, primarily in the form of dust and noise, since both buildings, although shielded from view by mature vegetation are close to the quarry site.

Linby has the appearance of a 'tranquil village' but the road has considerably higher levels of traffic than would be expected of a rural village. It is unclear as to how the noise impact of more concentrated vehicular movements through the conservation area will be dealt with so that it does not impact on the rural character of the village. The 2011 Linby Conservation Area Appraisal states that heavy traffic is having an 'indirect impact', as such it is safe to assume that any increase in traffic volumes would have some further harmful impact.

It is queried as to whether there is any way to link a grant of permission to extend the life of this quarry to the need for the stone in historic building conservation. This could ensure that the benefits were demonstrable and delivered.

30. **NCC (Archaeology) –** *No objection*

The Quarry is recorded as present by 1835. Also recorded in the general vicinity are a number of limekilns and other features associated with extractive industries, some of which are likely, if they still survive, to be of considerable antiquity. There are a number of extractive sites like this in the Sherwood area, the planning permissions for which predate consideration of archaeological issues in the planning process. If the proposal is simply to carry on deepening existing modern quarry levels, then the chances of affecting archaeological remains are relatively limited.

Publicity

31. The application has been publicised by means of site notices, a press notice within the Nottingham Post and by 14 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement Review.

32. Two objections have been received from local residents and a further two objections have been made by the Chair of Governors of the Primary School and the Head Teacher. The residents raise the following concerns:

a) Unsuitability/constraints of lane

(i) Lack of any passing space on the lane -lorries will not give way to residents from past experience and sometimes access to property is blocked.

(ii) Damage to Quarry Lane- will the applicant repair?

b) Cessation date

(i) One resident explicitly believes the existing cessation date should be retained. Extending the period extends the damage being done to the local environment which will increase as local circumstances have changed since its imposition.

(ii) Since the cessation date was set the volume of traffic through the village has increased dramatically.

(iii) During periods when the Quarries have been busy there have been queues of HGVs waiting to gain access or egress from the single track access of Quarry Lane. The traffic flow will be reduced if the cessation date is retained.

c) Noise, dust, pollution

(i) During busy periods, HGVs generate dust which blows along the lane and onto neighbouring property, including the school and playground, Hanson House (used as a day nursery and Brownies base), despite this part of the lane being metalled.

(ii) Noise and pollution from the HGVs emits directly into the neighbouring properties. This part of the road has been raised up so that HGVs pass at eye level to the property.

(iii) Speed humps on the lane slow the traffic but the lorries accelerate away from them and when empty the noise they make crossing the humps is considerable.

d) Safety

(i) School and children at the end of Quarry Lane.

(ii) Damage to a boundary wall.

(iii) Lorries speeding with no respect.

(iv) Contrary to the applicant's statement there have been plenty of incidents at the junction of Quarry Lane and the B6011. In one case a vehicle left the road ploughing through the timber railings and coming to rest in the car park of the Public House.

e) Enforcement issues

(i) During times when the quarries have been active HGVs frequently commence before 7.00am and the limit of 6 movements each way each day is often exceeded by many multiples.

(ii) The restriction of access during school arrival and departure periods is also often ignored.

(iii) These breaches have continued after NCC involvement.

(iv) Will lorries be allowed to bring in loads as they have in the past?

f) Other

(i) Damage to SSSI woodland.

(ii) Drivers throwing rubbish out on lane.

33. The views received from/ on behalf of the Primary School are summarised as follows.

Quarry Lane is a single lane, roadstone track unsuitable for significant (particularly heavy) traffic. This private road has been upgraded to the school to provide safe and clean access. It was not constructed for heavy vehicle traffic and over a short time it will deteriorate. There are no public funds to restore it and there are no maintenance contributions from the quarry owners. Its improvements were funded by local charities and there is no opportunity to seek further funding should it require it.

The heavy traffic poses a considerable danger to the children as they come and go. Although there is a footpath running along the road, the children have to cross over to get to the school gate. At the bottom of the lane as it reaches Main Street the children congregate to cross the main road or await pick up. There is a high risk for an accident with heavy vehicles with reduced visibility. The narrowness of the lane causes problems – the school day is regularly disrupted as vehicles parked outside the school gate by staff/volunteers/visitors to the school (the car park is not large enough to accommodate all vehicles) have to be moved to allow for the lorries to pass.

The vehicles cause considerable disturbance in terms of noise, dirt and dust. The surface of Quarry Lane just beyond the school gate is compacted stone and mud which in dry conditions results in fine dust to the school which is very unpleasant for children outside at playtime or undertaking outdoor learning and

it exacerbates some children's breathing restrictions/conditions. The teaching staff will have to consider the extent to which they can offer outdoor education because of the impact of the noise and dirt on the learning of the pupils. Any increase in traffic will affect them substantially.

Although this application is not for an overall increase in the number of journeys but for flexibility over the week it suggests that the change will be of significant detriment to the school. The requirement for flexibility suggests that the quarry prefers to operate on fewer number of days (rather than currently spread over 6 days). The consequence of this is that there could be a maximum of 72 journeys on just one day. This could equate to 10 lorries an hour, one every 6 minutes which will present constant traffic flow with the associated disruption and risk to the health and safety of the children. With the welfare of the children in mind this is unacceptable.

Over the past few years of operations, observations have suggested that the owners have not been adhering to the existing planning conditions with exceedances of HGV trips. The operators have not demonstrated their concern for their neighbours, and in particular for the young people directly affected by their activities.

34. Councillor Chris Barnfather has been notified of the application.

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

Observations

Principle of continued mineral working

36. Yellowstone is the last remaining quarry sited in the 'Quarry Banks' area to the north of Linby village. Magnesian Limestone known as Bulwell Stone has been quarried from this locality for centuries and can be seen in the high quality architecture of the ruins of Newstead Abbey, for example, but is better known for its extensive use during the Victorian era as a characterful local building stone and ornamental walling stone, as can be seen in high status and civic buildings, schools, churches and mansions in and around Nottingham. Contemporary uses include its use in flood defences along the River Trent and for repairs or sympathetic additions to historic buildings.

37. As many as seven quarries were recorded to be operational locally in the 19th C, with Yellowstone known to be worked at least back to the 1930s and well before the Town and County Planning Act in 1947. However following the exhaustion and closure of the nearby Abbey Quarry, and other closures in the Mansfield area, Yellowstone is the now the last remaining active building stone quarry in Nottinghamshire and also the sole source of Bulwell Stone.

38. As the workings predated the planning regime, in 1996 the County Council issued a Discontinuance Order which applied formal planning controls to the operation of the site for the first time and it is under these conditions which the

quarry has since been permitted to operate. Under these, permission to work the site ceases on the 31st December 2015.

39. Extraction rates at the Quarry have fluctuated and have been intermittent over recent years, but have typically been low at around 5,000 to 10,000 tonnes per year. The quarry has not been fully worked out and there remain quantities of Bulwell Stone across the northern part of the quarry. Although no detailed quantification of reserves has been undertaken, based on the relatively constant thickness of the stone in the quarry, at 2.5m, it is estimated that there is around 120,000 tonnes of this stone is remaining in this portion of the site. The southern portion of the site has been exhausted and would be restored.

40. The quarry operators are also looking to extract a secondary mineral from the quarry. A grey-blue- dolostone known as 'Linby Blue' lies deeper than the Bulwell Stone and below around 3m of a mudstone interburden. It has been worked from the southern portion of the site and has been found to be a decorative stone suitable for a number of uses such as for decorative aggregate. The operator intends to further explore its potential, although due to variability in its quality, it may have a more limited potential use and as such it is not possible to quantity its potential economic reserve. Thicknesses of over 5m of this stone have though been found.

41. The continued supply of Bulwell Stone to local markets for both use in new developments to maintain local vernacular and for the sympathetic repair of historic buildings is a key benefit arising from any further extraction. The stone is relatively easy to extract, given that the reserves are stripped of soils and given that dewatering has not always been needed in the past. The site is a low intensity operation and rather than sterilise the remaining reserves it makes sense in terms of sustainability to fully extract the remaining Bulwell Stone, whilst also permitting the extraction of the deeper Linby Blue.

42. The Bulwell Stone is recognised in the adopted Minerals Local Plan, as having a very important role in preserving and enhancing local distinctiveness and in particular for the sympathetic repair of historic buildings. Policy M8.2 (Non-aggregate Limestone Provision) states that proposals to extract limestone *primarily* [emphasis given] for building and ornamental purposes will be permitted where the stone is needed to maintain traditional, small scale levels of production and where the methods of working and reclamation are environmentally acceptable.

43. Guidance in the National Planning Policy Framework (NPPF) is clear, in that in determining minerals applications great weight should be afforded to the economic benefits of such extraction, whilst ensuring that there are no unacceptable adverse impacts to the natural and historic environment, or to human health, both individually and cumulative. (para 144). Local Planning Authorities should also:

'…consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and

recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.'

44. The NPPF recognises that it is important to make the best use of what is a finite resource and that minerals can only be worked where they are found. High environmental standards of restoration and aftercare are expected and should be undertaken at the earliest opportunity.

45. The emerging replacement Minerals Local Plan recognises the important role of locally sourced building stone in the repair of heritage assets and in maintaining local distinctiveness (Strategic Objective 7) and identifies Yellowstone Quarry as a suitable site to maintain a future supply of building stone (Policy MP10-Building Stone Provision). No other sites for extracting building stone have been put forward during this plan making process.

46. The emerging new plan has a subtle change in emphasis over the current plan towards promoting a more sustainable and efficient use of primary mineral resources, as per the thrust of the NPPF and as reflected at Strategic Objective 1 of the emerging plan. Policy MP10 states that proposals for the extraction of building stone will be permitted where it can be demonstrated that extraction will be *primarily for non-aggregate use*. This test is included to ensure that the best use is made of such specialist and finite resources, such as producing stone for historic building repairs, rather than creation of large quantities of aggregate. In accordance with the terms of paragraph 216 of the NPPF, policies in emerging local plans may be taken into account in decision making with greater weight given if the policy is consistent with the approach in the NPPF. Policy MP10 reflects the approach of the NPPF and is therefore a material consideration afforded a reasonable degree of weight.

47. In applying the test within new Policy MP10 it is helpful to consider current/recent production figures as supplied in the application. The applicant indicates that past working of the Bulwell Stone has resulted in some 20% of total production being processed as aggregate with the remainder as building stone (40%) and rough rockery or walling stone (20%). There is no planned change to the means of working this stone and the applicant company primarily exists to provide local building stone. Such stone would attract a greater market value than general aggregate and it should remain the main product as a result, however, inevitably, there will always be a level of smaller stone fragments generated and the last option to make commercial use of such stone is to crush it to generate a decorative aggregate suitable for garden landscaping for example. Such production of aggregate is sustainable so long as larger stone is not diverted for this purpose, so that aggregate always remains the minor aspect of stone production.

48. With regards to the planned extraction of the deeper 'Linby Blue', the ratio of stone to aggregate production, is less clear at this stage. The Linby Blue is a poorer quality stone and depending on its characteristics across the site, it is possible that a greater proportion of aggregate may result when compared with the primary Bulwell Stone. The Linby Blue is not needed, as the Bulwell Stone

is, for historic building repairs or for sympathetic building proposals and if a commercial outlet for the Blue can be established, it makes sense to extract it from within the site in principle, even if it were for just aggregate. This blue stone (at 20% of total production) is though, secondary to the main Bulwell Stone (80%) and therefore as long as the Bulwell Stone is continued to be extracted primarily for non-aggregate uses, such as local building stone, then the proposal would accord with Policy M8.2 and emerging Policy MP10.

49. Whilst the operator clearly wishes to continue with the current means of working, given that Yellowstone is now unique in being the sole active source for Bulwell Stone it is nevertheless, considered necessary to specify in a recommended condition that production should continue to be primarily for non-aggregate use in accordance with emerging Policy MP10 and Policy M8.2. Annual reporting of production figures would back this up to ensure that quarrying over a further 20 years would continue in an acceptable and sustainable manner. Subject to all other environmental, amenity and transport impacts being found satisfactory, there are strong economic, sustainability, heritage and policy grounds to support the continued working of this quarry.

Green Belt Issues

50. The site lies within the Nottinghamshire Green Belt as designated by the Gedling Borough Replacement Local Plan. This has been predominantly carried forward in the Gedling Aligned Core Strategy under Policy 3. Relevant and up-to-date policy relating to development in the Green Belt is now set out in the NPPF, paragraph 90 of which states that mineral extraction is 'not inappropriate' in the Green Belt provided proposals preserve the openness of the Green Belt and do not conflict with the purposes of the land's inclusion within the Green Belt.

51. The site satisfies these two criteria, in that it is visually contained by woodland and the proposal does not seek to alter or expand the lateral quarry area nor add any built development to affect openness. The continuation of quarrying would not conflict with any of the five purposes for including this land within the Green Belt, as set out at para 80 of the NPPF. The continued supply of local building stone would in fact be beneficial to one of these purposes, in that it would help preserve the special character of historic settlements. The eventual restoration of the site, including the removal of temporary buildings would assist in the enhancement of the Green Belt by providing biodiversity and Green Infrastructure benefits compatible with the adjacent SSSI woodland.

Ecological and Hydrology Impact

52. The quarry is sited within an ecologically sensitive context in terms of being enveloped by a SSSI woodland as well as being included as part of a wider Local Wildlife Site (Quarry Banks LWS). Some exposed quarry faces are also noted as a Geological SINC. There is also a stream within the SSSI woodland- a tributary of the River Leen- which supports a population of White Clawed Crayfish - a European protected species. Particular consideration has therefore

been given to the potential ecological impacts relating to the proposed continuation of quarrying, including impacts related to the quarry access.

53. At the request of Natural England, the applicant has submitted a combined ecological appraisal and hydrological and hydrogeological assessment to assess impacts on the SSSI, ground waters and the ecology it supports. The quarry and its immediate surroundings were surveyed for the habitats, notable flora or fauna and any protected species that may be present. This work found no evidence of protected or notable species in the search area and as an active quarry it had low ecological or conservation value at this time.

54. Natural England, as the statutory consultee in the case of the SSSI, has reviewed the application and is satisfied with the findings of the ecological and hydrological/ hydrogeological work with respect to any impact on the SSSI and its notified features. Natural England concur with the findings that future quarrying could be achieved down to a lower depth of 75m AOD (around 10m deeper in places) without adversely impacting the flows within the nearby water course and that such working would not adversely impact on the SSSI woodland as it is not dependent on ground water. They recommend that a condition be included, in the event of planning permission being granted, to set 75m AOD as the maximum depth of working. Separately they consider that the change to the daily cap on HGV movements would not adversely impact on the SSSI habitats as the levels of HGV movements would still be relatively low. The County Council's Ecologist concurs that the change would not result in any significant ecological effects. Natural England do not wish to assess impacts on protected species (which include White Clawed Crayfish) or local habitats and such impacts have been assessed by the County Ecologist as well as the Nottinghamshire Wildlife Trust.

55. The Wildlife Trust has made detailed objections to the application on a number of matters. The Trust raised concerns relating to silting up of the nearby stream- that silt is currently being mobilised by HGVs and in wet conditions is being carried down the slope of the access track and washing into this stream. There is a small concrete bridge over which HGVs pass at the foot of this slope approximately 30m from the quarry entrance. There is no kerbed edge or wall to this simple bridge to prevent debris and silt being pushed over into the water.

56. The original ecological survey work did not identify the known presence of White Clayed Crayfish in this stream just to the south of the quarry, which can be affected by the suboptimal water quality. The applicant's consultants were requested to undertake an additional assessment in relation to this species and the water quality issues in the stream. The findings of this work conclude that the continuation of quarrying would be unlikely to contribute significantly to the existing sediments within the watercourse and thus does not propose any specific mitigation measures. It does though recognise there may be an opportunity to work collaboratively with other land owners to address the problem outside of the planning regime.

57. The Environment Agency has provided specific comments in relation to the siltation issues and have discussed how the situation can be improved with the applicant's agent. Two engineered solutions have been identified as a means of

combatting the siltation. These would entail the provision of a sleeping policeman type barrier at the top of the quarry entranceway to prevent the unimpeded run-off currently taking place. The second item relates to providing a barrier or edge to the small bridge over the stream. The Agency would request that these items are implemented by condition and for an initial period of monitoring to be undertaken to check their effectiveness thereafter. The applicant is agreeable to undertake these works and working positively to improve water quality in the stream. Conditions are recommended to require such a programme of mitigation and monitoring in accordance with Policy M3.8 (Water Environment) of the adopted Minerals Local Plan. Whilst this is not a panacea to removing all silt in the stream, this positive approach from the applicant, working with the Agency and other ecological interests would assist in improving the water quality and the aquatic environment which supports the crayfish population and would provide mitigation in terms of there being a potentially more intensive rate of daily HGV movements crossing the watercourse. Ultimately other landowners, such as local farmers would also have to address the silting up which may be taking place both upstream and downstream of the quarry.

58. With regards to managing ground and surface waters during continued and deeper quarrying, the applicant indicates that in the past dewatering has not been necessary at this site. If the water table is breached by deeper working and dewatering becomes necessary, then this water would simply be pumped to the southern, lower waterbody, from which water then permeates naturally into the aquifer. Dewatering to the watercourse is not required. The underlying aquifer will not be adversely impacted, there would be no importation of any materials and a condition would be carried forward to ensure there is the correct and safe storage of any fuels or oils on the site. These measures would again ensure compliance with Policy M3.8 of the Minerals Local Plan.

59. The County Council's ecologist is satisfied that, with appropriate conditions, the continued quarrying would be ecologically acceptable. The detailed comments from the Wildlife Trust have been taken into account in identifying where new safeguards by condition are necessary. The Trust's suggestion for borehole monitoring has not been requested by Natural England or the County Council's ecologist and would likely intrude into the SSSI. It is notable how the quarry has successfully operated alongside a SSSI and it is not accepted that a further 20 years would amount to a tipping point in terms of affecting the suitability of the surrounding high quality habitats.

60. Details for the eventual restoration of the quarry primarily through natural re-colonisation will also form part of the planning conditions should Members support the application. There is a risk that natural colonisation may not successfully establish itself without further human intervention. The County ecologist with the support of the Wildlife Trust would request extended aftercare for a total of 10 years to ensure the desired restoration is successfully achieved. The first five years of aftercare can be secured by a planning condition, whilst years 6-10 would need to be secured through a legal agreement.

61. The natural environment is capable of being protected during the remaining operational life and indeed enhanced in the long term with a high quality bio-

diversity led restoration. The application thereby accords with Policy M3.17 with regards to Biodiversity and Policies M3.19 and M3.20 in protecting the SSSI and LWS.

Traffic and Access

62. The quarry is accessed via Quarry Lane which runs from Main Street in the village centre. This lane is a private road serving several users and landowners as well as providing access to the primary school. The lower 250m from the village is a metalled driveway which has several road safety features on the approach to the school. There is a pedestrian path for school children to use, which is segregated from the roadway by a metal fence along the left hand side on the approach to the school. The path then has a crossing point and continues on the school side of the lane towards a pedestrian entrance. There are speed bumps and school road markings along this approach. The vehicular entrance to the school is a further 100m along the lane at which point the lane becomes an unmetalled rural track towards Quarry Banks.

63. This means of vehicular access has been used until relatively recently to serve both Yellowstone and Abbey Quarries, the latter of which is now closed and restored. The potential total levels of HGV traffic along this route should therefore now be reduced. To illustrate this the former Abbey Quarry, under the terms of its own permission (Discontinuance Order), allowed up to 20 two-way HGV movements per working day (10 in 10 out) with no more than 300 per calendar month (150 in 150 out). Yellowstone itself is simply permitted 12 daily HGV movements (6 in 6 out) and it is the rigidness of this condition which the applicant seeks to vary.

64. It is proposed to vary this condition and to turn it into an equivalent weekly figure based on the as current Monday-Saturday working week. This equates to a figure of 72 two-way movements (36 in 36 out) and would enable the operator to accommodate peaks in demand which can arise at certain times when a large order for quarried product has been placed. The applicant states that the current cap has proved to be unduly restrictive which has led to difficulties in meeting demand and subsequently led to the loss of orders. They state that the overall numbers of HGV movements would not change, but the added flexibility sought would allow the opportunity to deliver larger quantities of material than are currently allowed for.

65. The applicant does not seek to vary the permitted hours of operation which, in the case of the movement of HGVs, is restricted to 08.00-17.00hrs on weekdays and 09.00-13.00hrs on Saturdays. There is an added restriction to such movements on school days for 30 minutes at the start and end of the school day whereby HGVs are not permitted to run between 08.30-09.00 and 15.30-16.00, although this requires review.

66. Several objections have been received against the change to the permitted HGV levels including from the Parish Council and from the Governors and Head Teacher of the primary school. The concerns are primarily relating to road safety outside of the primary school, but associated noise, dust and congestion are also cited as concerns, as has been summarised above.

67. The points raised have been considered by the Highways Authority in their consideration of the application. No objections to the application are raised in their assessment on highway capacity or safety grounds and it is noted that the overall number of HGV movements would not increase over the course of a week. If 72 movements were to take place on a single day there would be highway capacity to accommodate these movements, however the operator would be unlikely to use all of this quota on any single day. Whilst the access route is shared with the primary school, the controls to restrict the movement of HGVs at the start and end of a school day would be carried forward so to protect the public and avoid undue disruption at these busy times.

68. The Highways Authority have also reviewed accident data in the village and have not identified any issue of concern in this respect. The geometry of the lane and its junction with Main Street, along with the various road safety features requires drivers to take due care in this area and such drivers would in all likeliness have familiarity with the quarry and the access.

69. Other issues to emerge from local representations include the issue of impeded or blocked access for a resident living at Quarry Banks and issues with cars parked outside of the school. Such issues can be resolved between parties on what it a private lane. Issues of its upkeep are likewise a private matter. The quarry itself has a long-established right of access along this lane and school staff should park in appropriate locations if they are unable to find space within the school car park. Whilst an objector has noted previous non-compliance for permitted hours HGVs can run, reports of such would and are investigated and if necessary enforcement action would be enacted by this Authority to bring the operator into compliance.

70. Concerns relating to noise, vibration and dust from passing HGVs in relation to residents at the foot of Quarry Lane are noted as existing concerns, however the added flexibility sought to run HGVs could, in the absence of any daily cap, exacerbate such emissions on a given day, albeit that over the course of a week there would be no change. The concerns from the primary school are also fully noted, but would be partly addressed by maintaining controls on the hours of HGV movements on school days to provide the necessary safeguards to pupils.

71. It should be noted that the quarrying from two quarries (Yellowstone and Abbey) and their access has had a long established coexistence with the primary school and the village in general. Whilst the nature of quarry operations is very intermittent and generally of low scale the potential for more intensive traffic may have an indirect effect on the village, on its local amenity and on its Conservation Area, by virtue of associated noise, vibration, dust and general disruption.

72. MLP Policy M3.13 states that permission for mineral development will only be granted where the highway network can satisfactory accommodate the vehicle movements and where this would not cause unacceptable environmental impact or disturbance to local amenity. Paragraph 32 of the NPPF directs that proposals should only be refused on transport grounds where the residual cumulative impacts would be ‘severe’.

73. It has been assessed that, whilst there is no identified highway capacity or safety objection to the proposal, the potential for more intensive movement of HGVs through the village on a single day, would at 72 movements be considered to be potentially harmful to local amenity and would be a significant increase over and above the 12 daily movements currently permitted. It is considered that in order to ensure the proposal is made acceptable in terms of local amenity an appropriate daily cap is necessary in combination with the proposed weekly cap sought by the applicant.

74. In deciding on an appropriate daily cap, attention is drawn to the HGV movements which were permitted at the now closed Abbey Quarry, also on Quarry Lane. This allowed for 10 HGVs in and 10 out per day (20 movements). As this quarry is now closed and restored, its permitted movements could be re-assigned to Yellowstone Quarry to be added to its existing permitted numbers of 6 in and 6 out (12 daily movements). A figure of 16 HGVs in and 16 out (32 two-way daily movements) is therefore reached and which would strike an acceptable balance in providing the quarry operator with additional daily HGV movements in which to serve customers and meet contracts, whilst also ensuring that there would be no increase in the historic, daily HGV movements which have been permitted to travel along the main part of Quarry Lane and into and out of Linby village. It is therefore recommended that the condition relating to HGV movements provides for no more than 32 two-way daily movements and no more than 72 movements over a week.

75. Officers have also reviewed the times for restricting HGV movements at the start and end of the school day. The school has confirmed their school day as 08.50 to 15.30, and at present there is very little leeway particularly at the end of the school day between school movements and quarry related movements. Currently the afternoon restriction starts at the same time as school finishes, which does not take into account the build-up of parental traffic in the time beforehand. In the morning there is only 10 minutes after the start of school to allow for traffic to clear or for any latecomers. It is recommended that, as a further safeguard the restrictions should be extended to fully avoid conflict with pupils and parents and associated car traffic in this constrained area. It is suggested that the restriction should be between 08.20-09.20 and 15.00-16.00.

76. The above analysis shows that whilst there is no identified highway capacity or safety issues with respect to the public highway, there is justification for maintaining a daily cap in order to protect residential amenity. Any pre-existing amenity impacts identified by representations are resolvable and a higher daily cap for a further period of quarrying would not result in unacceptable impacts. The safety of school users would improve as a result of the additional restrictions at the start and end of the school day. Issues relating to HGVs leading to silt build up in a stream has been considered above and a course of action to address this has been identified so as to protect the water environment and the SSSI in general. The continued extraction at the quarry and the recommended change to HGV controls as set out above would therefore accord with the terms of Policy M3.13 by preserving local amenity without leading to a severe level of transport impact. Members may wish to consider whether the establishment of a liaison group or similar, between the operator and

representatives of the school and the community, may be an advantage in this case should they resolve to grant planning permission.

Noise

77. The quarry is set within a relatively remote rural setting at the woods at Quarry Banks, away from main roads and other sources of background noise. When operational the quarry can be expected to generate noise from the movement of plant and machinery and the operation of equipment such as mobile screeners and crushers or a cutting saw, as they are occasionally employed. Whilst the site is well contained and remote, there are two immediate properties which are potentially impacted, in terms of continuing quarrying for a further 20 years, as well as a result of the change to the pattern and frequency of associated HGV movements. It is appropriate to consider also those properties and other receptors at the foot of Quarry Lane, in Linby village, which again could be impacted from the passing HGVs.

78. Policy M3.5 states that planning permission will only be granted for minerals development where noise emissions do not exceed acceptable levels and that suitable conditions will be imposed.

79. In terms of national planning policy on minerals related noise emissions, the NPPF and associated technical guidance advise that for noise sensitive receptors a noise limit that does not exceed the background level by more than 10dB(A) should be the target. However it also recognises that this may be difficult to achieve in certain circumstances without placing unreasonable burdens on minerals operators and so permits a maximum limit of 55dB(A) LAeq 1hr (free field) for daytime operations (7am to 7pm). Certain temporary more noisy activities can be permitted up to 70 dB(A) LAeq 1hr (free field) so to, for example, undertake restoration works.

80. The applicant states that the proposed hours of operation would remain between 7am and 7pm (the times for HGV movements are separately controlled) and would employ a variety of operational best practice measures to minimise noise from their activities, including the use of effective vehicle/plant silencers; paying due regards to engine noise generation and the maintenance of all plant and machinery. They state that no previous noise complaints have been received and that noise impacts to the two nearby properties would continue to be within acceptable levels (ie. within the 55dB(A) limit). The limited restoration works at the southern tip of the quarry may result in some short term additional impact on Weir Mills Farm, however the workings would now move northwards and away from this property, thereby lessening potential noise impacts.

81. Noise impacts and other closely related concerns have been raised in objections in relation to the proposed removal of a daily cap on HGV movements, but as detailed above, it is proposed to retain a daily cap equal to historic permitted traffic levels from Yellowstone and Abbey quarries combined. Such a daily cap would prevent an unacceptable level of HGV movements on any given day which would otherwise have a significant adverse impact on Keepers Cottage in particular. This should mean properties at the foot of Quarry

Lane would not experience greater numbers of HGVs and associated noise impacts than has been recently permitted. The same would not apply to Keepers Cottage which lies north of the former Abbey Quarry and therefore did not historically have HGVs from Abbey Quarry passing it and which would, in effect, now be reallocated to Yellowstone. The suggested daily cap combined with a weekly cap would though provide protection to residents at this property from excessive noise and amenity impacts. Other points from the Noise Engineer are noted, particularly in relation to the ad-hoc nature of recent working and that activity levels in general would likely be perceived locally as an increase in the scale of operations, but that this would not represent an increase in the permitted scale of operations-just that the added flexibility could allow the operator to run a more busy operation and meet larger orders. The requirement to meet the NPPF noise limit, as well as being bound by controls on the numbers of HGVs per day and per week would continue to control the level of operations at the site. In any case the operator foresees that the level and means of quarrying would on the whole not differ from that presently undertaken.

82. In terms of vehicular noise impacts to properties at the foot of Quarry Lane and in the village in general, the Noise Engineer notes that whilst there are a number of sensitive receptors, these are at locations which experience high levels of background traffic noise from the B6011 and as such there should not be a notable increase in noise levels resulting from quarry related HGVs. This would be further reinforced with the addition of a daily cap.

83. The Noise Engineer, whilst not raising any objection to the proposals, would wish to have an added condition in place to require an appropriate noise assessment (and any remedial mitigation as may be needed), should a justifiable noise issue arise. In addition the current operational hours should be retained. Whilst quarrying activities and its potential impacts would be extended for a further 20 years, this must be seen in the historical context of local limestone quarrying in this community and balanced against the benefits of extracting this locally important stone. With appropriate controls by condition and the added daily cap to HGV movements the proposal is considered to accord with Policy M3.5 and the quarry would continue to be bound by the requirements of the NPPF noise limits, whereby noise impacts would continue to remain at acceptable levels in the interests of local amenity.

Dust/Air Quality

84. Most quarrying operations have potential to generate some levels of dust, however it takes a combination of certain dry and windy meteorological conditions combined with particular dust generating activities for fugitive dust beyond the quarry site to be generated. As such dust emissions would be expected to be very localised, infrequent and of short duration and with appropriate working mitigation measures, fugitive dust can be largely avoided.

85. The applicant has undertaken an evaluation of the potential for nuisance dust emissions to affect local receptors and has provided supplementary dust management information at the request of the Gedling Borough Scientific Officer (Public Protection). This work identifies that within the quarry site, various

operations have potential to generate dust- such as the movement of plant and machinery; through the loading or stockpiling of loose aggregates or through crushing/screening operations –the latter of which is considered to have the highest potential for dust generation. The haulage movements in and out of the site also have potential to cause dust along Quarry Lane which from the quarry to the primary school is an unmade stone track.

86. In terms of potential receptors, although the quarry is in a remote situation, there are two properties within proximity – Weir Mills Farm and Keepers Cottage. The former lies just to the south of the quarry and is screened by mature woodland. As the southern part of the quarry has now been exhausted and will now be restored, the potential for dust affecting this property should now be minimal. Keeper Cottage lies on the access track and could be affected by vehicular dust, however this is an existing and long established shared access whereby vehicles have to proceed at slow speeds, such that significant dust impact should be unlikely and not significantly greater than at present.

87. Mitigation measures have been identified, which are considered best practice means of working. Such measures include the use of water sprays on crushing/screening plant; damping of internal haul roads; minimising drop heights when handling loose materials; and having a responsible person whose duties would include monitoring site conditions and providing additional controls as may be needed. A Dust Action Plan will be maintained as a living document to respond to operational practices. A complaints procedure would also be put in place.

88. Dust has been cited as a particular concern at the village primary school and at neighbouring properties at the foot of Quarry Lane. The Head Teacher and Chair of Governors state that children on the playground or in the outdoor work area are being exposed to dust from passing quarry vehicles (particularly in the summer) and that this may be contributing to some breathing difficulties/conditions experienced by some pupils. It is stated that any increase to the vehicle movements would affect them substantially and they may have to review the use and provision of outdoor play and learning.

89. Dust may result from vehicles passing along the final part of the unmade road surface before going onto the metalled part just prior to the school. However there will always be other sources of localised dust, such as wind-blown dust off adjacent open arable fields. If vehicles drive appropriately to the conditions along the unmade part of the lane, the potential for dust should be minimised especially, as, the road directly outside the school is fully surfaced into the village. Quarry vehicles have a right of access along this lane, along with farming and residents' traffic. The added flexibility sought to the permitted HGV numbers, is not considered likely to adversely impact on local dust emissions or air quality, given that such movements would continue to be capped each day as well as over the course of a week.

90. MLP Policy M3.7 states that permission for mineral development will only be granted where dust generation would not lead to an unacceptable impact and that appropriate controls should be required. The Gedling Borough Scientific Officer is content with the submitted dust assessment and proposed mitigation

measures which concern the operation of the quarry itself. With the setting of a daily vehicle movement cap it is considered that dust associated with the HGVs can also be managed to an acceptable level and would provide a safeguard to prevent an overly-intensive daily operation and associated potential for dust. A further condition requiring the use of dust management measures is also recommended and should also include measures to limit dust associated with HGVs. The operator would then abide by this scheme and maintain a dust plan as a living document for the remaining quarry life, thereby controlling dust impacts to acceptable levels.

Impact on the school

91. The primary school stands aside Quarry Lane, on the edge of the village and has a shared access with residents, farmland and the quarry. This is a private road and the quarry has a right of passage along it. Quarrying related traffic has been using the lane concurrently with the school since it (the school) was built in the 60s/70s when at least two quarries were operational. The remaining quarry, Yellowstone has operated somewhat infrequently in recent times.

92. The objections from the school are summarised above and raise considerable concerns about the continued passage of HGVs in relation to the safety of pupils and the effect on their continued learning and general wellbeing. The school's concerns about there being an intensive and constant flow of lorries as a result of being allowed greater flexibility over any given week is noted and a daily cap limiting movements to historical levels would satisfy this concern and prevent any overly- intensive haulage campaign. The passage of lorries would also be restricted such that pupils will be within the confines of the school during the day and mostly inside the building which is set back from the lane. With regards to children playing outside or undertaking outdoor learning, there is a mature hedge and fence separating the playground and the lane and any vehicular traffic, particularly quarry related traffic should proceed with due care, speed and caution until exiting onto the main road. Importantly there would be no change to the permitted numbers of HGV movements over any week and no more than is historically allowed for on any given day. With these controls continued quarrying is unlikely to result in any significant detrimental impact to the health and wellbeing of pupils.

Overall impact on local amenity

93. The application if granted would see quarrying extended for a further 20 years. However this is a community with a long association with local limestone extraction and such quarrying is and would continue to be of small scale and often intermittent. Operational impacts are similarly low impact. The quarry itself is relatively remote from residential properties, with the exception of two such properties which are again set within this context of long term quarrying within a rural setting. There should be no significant detrimental change to their standard of amenity and the imposition of a daily cap to vehicle numbers would serve to limit disturbance to Keepers Cottage in particular.

94. HGVs accessing the site through Linby village would be infrequent, reflecting the intermittent nature of working this quarry and set within the context of a well trafficked main road. The added flexibility sought for the passage of HGVs would not significantly affect local amenity provided an appropriate daily cap is set in combination with a weekly cap. Associated noise and dust is thereby minimised and can be further minimised through appropriate measures and by considerate driving. There may be some initial local perception of increased activity such as from the passage of HGVs, but this would reflect the fact that quarrying has been at a lower rate in recent times.

95. If planning consent is granted, Members may wish to consider the establishment of a liaison meeting to include representatives of the local community, the school, and the operator which could allow for the coordination or forewarning of events/activities, such as those taking place at the school or when a quarry campaign is being undertaken. This would assist in fostering a better understanding between parties and allow for any concerns to be discussed.

Landscape and Visual Impact

96. The quarry is sited within a secluded area known as Quarry Banks, which has a long and rich history of stone quarrying. Over time, old workings have become wooded resulting in what is now a large block of woodland (a SSSI) which surrounds Yellowstone Quarry on three sides. The site is therefore very much part of the landscape character of this area, but is also very well contained and almost completely screened on all sides. The only open side of the quarry, on the eastern side, abounds arable fields and there are no public vantage points offering any views into the Quarry, with an intermittent hedgerow providing further screening and containment. Furthermore the quarry floor is now below the surrounding ground levels so that any stockpiles or plant and machinery are also well screened.

97. The Landscape Character Assessment places the area within the Linby Wooded Farmland Landscape Policy Zone, which references the large arable field patterns, alongside areas of woodland, parkland and mining relics. Several small streams are also noted. The landscape has a 'moderate' overall condition and the strategy is one of 'enhancement'. Such enhancement actions could include; the enhancement of woodlands though management; hedgerow planting; and also *"conserving the traditional village character of Linby through use of similar building styles and materials in any new development"*- something which the stone from the quarry could help to achieve.

98. The continued extraction sought by the application would not extend the lateral area of the quarry and all perimeter vegetation would remain during both extraction and restoration phases. The restoration strategy would be largely to promote natural vegetation of the quarry which is considered an appropriate response and which would maintain local landscape character. Overall therefore the proposed continuation of quarrying would continue to be compatible with local landscape character in accordance with MLP Policy M3.22. Restoration proposals would ultimately serve to enhance the landscape character in accordance with MLP Policy M3.22 and Policy 16 of the Gedling Aligned Core Strategy. The quarry and its associated operations would result in very minimal

visual impact with only the occasional HGV traversing along Quarry Lane. All other operations would continue to be very well if not completely screened at Quarry Banks. The application would therefore accord with MLP Policy M3.3 with regards to visual impact.

Heritage Impact

99. In assessing heritage impact there are two broad aspects to consider. Firstly the impact or harm (if any) to local designated historic assets resulting from further quarrying requires assessment. Secondly some recognition of the heritage benefits arising from the extraction and supply of local Bulwell Stone is needed, in terms of its contribution to the repair and restoration of historic buildings and for sympathetic new development.

100. In the immediate context of the quarry there are two Grade II listed buildings- Weir Mill House (and adjoining cottage) and its associated barn/stable and cart shed. The house and cottage are sited in a clearing within the adjacent woodland 150m to the south of the southern tip of the quarry. The cart shed is on the edge of the woods and adjoining fields and is 60m from the southern tip of the quarry.

101. Due to the surrounding mature trees and that the quarry floor is now much lower than the surrounding land levels, there is limited to non-existent intervisibility between the quarry and these buildings. No further extraction would be undertaken in the southern area, and it would be restored within five years. Such restoration works would be limited to the battering of the perimeter cliff edges utilising limestone fines to provide for a stable landform, whilst retaining the water body in this corner. These limited restoration works, and the quarry operations in general, may result in some impact in terms of dust and noise, but otherwise the setting of these adjacent Listed Buildings would continue to be preserved and indeed the progressive restoration would further ensure this.

102. Beyond the quarry, the Registered Park and Garden for Newstead Abbey starts approximately 500m to the north-east across open farmland. The Abbey itself is more distant and in the case of both the Abbey and Registered Park lie at distances whereby any impacts would be very unlikely due to intervening vegetation and distance itself and as such the Heritage Officer raises no concerns.

103. The village of Linby has an attractive Conservation Area made up of many characterful (and Listed) buildings clustered along Main Street. Many of the buildings exhibit the same stone extracted from Yellowstone and other former quarries. On the green at the foot of Quarry Lane stands one of two standing crosses in the village- Bottom Cross- which is designated a Scheduled Ancient Monument.

104. The village Conservation Area Appraisal identifies that heavy traffic is having an indirect impact on the Conservation Area and clearly the quarry traffic is an element of this overall traffic. The village benefits from a local Environmental Weight Limit which limits heavy traffic for local access purposes only, such as for the quarry or for local farms.

105. The applicant has sought permission to remove the current daily restriction on HGVs entering and leaving the site (6 in and 6 out) but, as detailed above, a new daily cap reflecting historic HGV traffic from Yellowstone and Abbey Quarries is recommended. It is considered that this level of resultant traffic would result in a less than substantial impact or harm to the character of the Conservation Area.

106. The Bottom Cross at the turn into Quarry Lane should not be placed at any greater risk of damage from collision as a result of this application. Vehicles have to turn into/out of Quarry Lane at low speed along what is effectively a shared pedestrian and vehicular driveway.

107. With regards to the use of the stone, the NPPF and Heritage England recognise the conservation value of building stone extraction. Policy ENV 15 of the Gedling Borough Replacement Local Plan also recognises the need to use 'building materials and finishes [which] respects local traditional materials and building techniques.' Paragraph 144 of the NPPF states that in determining mineral applications, planning authorities should consider how to meet any demand for small-scale extraction of building stone…needed for the repair of heritage assets. The Heritage Officer highlights that Yellowstone Quarry is now the only opportunity to source stone from the Cadeby Formation and that there is "a very considerable potential benefit to the built heritage of the County for the stone to remain available for as long as is feasible."

108. In weighing up the heritage implications, the Heritage Officer recognises that there may have been some limited harm to the character of Linby (and Papplewick) Conservation Areas resulting from increased heavy traffic at certain operational times, but this has been addressed through the retention of a daily cap. There may also be a very limited and very short term impact in terms of noise and dust to the setting of the Grade II Listed Weir Mills Farm as this corner of the quarry is restored. Such impacts would fall as 'less than substantial harm' and in accordance with paragraph 134 of the NPPF such harm should be weighed against the public benefits arising from the proposal. Those potential benefits have been identified in terms of maintaining a unique opportunity to safeguard a supply of local building stone, which could be used to repair some of the County's most significant buildings, such as Newstead Abbey, thereby enabling their conservation for future generations. Equally supply of Bulwell Stone could also be used in sympathetic new developments to reflect and reinforce local character.

109. The identified 'less than substantial harm', whilst part of the overall balancing exercise, is not considered to amount to an unacceptable level of harm to the character, appearance, condition or setting of the Conservation Area, to Listed Buildings or to historic parks and gardens and thereby the proposal accords with Policy M3.25.

110. The Heritage Officer wishes to explore whether there is a means of linking the continued production of the stone to its use for conservation and heritage led projects, however it is also important to have a supply for use in more general construction projects to enable them to fit with local character and enhance the quality of the built environment in general. The important consideration

therefore is maintaining the life of the quarry so that all such building and conservation needs are able to be met, thereby outweighing any less than substantial harm arising from its continued operation.

Archaeology

111. Whilst the surrounding area has good potential for industrial archaeological remains, given that the quarry has been completely stripped of soils and the proposal does not involve any lateral extension of the quarry area, the chances of there being any archaeological remains is limited, as has been confirmed by the County Archaeologist.

Employment and Economic Considerations

112. Previous working at the site supported four full time members of staff. There is national policy support towards the economic value of the minerals extraction industries and the proposed continuation of quarrying would support a locally based business and the wider building supply chain, including operations at the Calverton cutting facility as well as contractors and local builders.

Restoration

113. Restoration proposals have been developed with the advice of Natural England who advocate the approach of allowing the natural colonisation of vegetation to create calcareous grassland alongside maintaining water features and some geological features such as quarry faces/cliffs. This approach would be complementary with the adjacent SSSI and provide a valuable contribution to local and regional biodiversity aims. No importation of material would be necessary.

114. The proposal is to undertake an initial restoration of the southern part of the site, around the deeper waterbody. Mineral reserves have been largely exhausted in this area and it is proposed to be restored within 5 years. This would involve creating a raised landform, utilising on-site interburden and fines, to separate the remaining active part of the quarry from the southern restored area. This would then gradually slope southwards into a bowl around the retained waterbody which would have more marginal areas then is currently the case. The top covering of limestone fines would provide a suitable substrate for the establishment of this area as calcareous grassland. The perimeter quarry faces would be battered with quarry fines to provide for their long term stability (whilst retaining 1-3m of exposed cliff face in the interests of geology/biodiversity). This early, partial restoration would be in line with the requirements of Policy M4.1 and the aims of the NPPF in terms of providing high quality restoration at the earliest possibility.

115. Subsequent restoration would be undertaken on a progressive basis if possible, as areas are exhausted and are no longer needed within the operational area and it is likely that this would follow the general direction of working towards the northern edge of the quarry, although it is not practicable to set strict phasing for

such small scale operations. To accord with Policy M4.2 an overall concept restoration plan has been drawn up for the site.

116. The overall restoration concept shows the creation of essentially a large shallow bowl for up to 2.5ha of calcareous grassland, with a central large, ephemeral waterbody with marginal wetland areas whereby water levels will naturally fluctuate during the seasons. The western and northern quarry faces with the adjacent SSSI woodland would again, be buttressed with quarry interburden and fines to provide a stable slope down into the site thereby integrating it with the woodland. There is also potential for some scree slopes for added interest. There is an area of emergent woodland on the southern side within the quarry and this would be retained. A large stockpile of topsoils originally from the quarry is also positioned on this side and is starting to be covered with self-set trees and vegetation. It is proposed to bury this material across the site as part of the restoration works. The nutrients in the soils would not be conducive to the creation of calcareous grassland which is why limestone fines would be used as the top cover.

117. Final restoration details would be required by condition, and would broadly accord with the submitted restoration concept and strategy. Within 12 months of the completion of mineral extraction, the site office and associated structures and infrastructure would be removed and the site secured, but permitting maintenance access.

118. Natural England, Nottinghamshire Wildlife Trust and the County Ecologist all support the broad aims of the restoration strategy for the site which would protect the SSSI and fit with the calcareous nature of the local substrate. Such conditions and the ecology it supports are scarce and threatened within the County and this would be a good opportunity to enhance local habitat and bio-diversity at the end of the quarry's working life. Further details on the actualities of the means of restoration are needed and can be subject to a planning condition. Therefore in accordance with Policy M4.8 the proposal would provide for a satisfactory reclamation/restoration with improved environmental after/use following quarrying. The restoration scheme also brings up-to-date and supersedes the current restoration provisions which are no longer appropriate.

Aftercare and Long Term Management

119. The applicant envisages a five year period of aftercare as being required to successfully establish the calcareous landscape. In practice this would require intervention to check and clear any encroaching scrub or invasive species which are threatening the overall restoration aims, although some self-set trees would be allowed to remain, as long as they do not conflict with the primary aim of establishing calcareous grassland.

120. The Wildlife Trust and the County Ecologist questions whether five years would be sufficient and suggest a 10 year period of aftercare would be more appropriate. They would also expect to see further details of the monitoring and remedial intervention as may be needed.

121. It is possible that calcareous grassland may not immediately establish through natural colonisation and therefore further intervention in the form of seeding or hay strewing may be necessary. This may take longer than the usual five years and so five years of extended aftercare beyond the initial five years is supported. The additional five years of aftercare would need to be secured through a legal agreement. The particular circumstances of this case, in terms of its location adjacent to a SSSI and the potential difficulties in achieving the desired restoration justify this extended approach and would comply with Policy M4.9 and does not conflict with national policy guidance.

122. Long term management would be a matter for the landowner, however Natural England have highlighted examples of where such sites have been formed into networks of green infrastructure, in some cases with public access. It is more likely in the present case that the site remains private, with the primary purpose of allowing nature to reclaim the site.

Conclusions

123. This application seeks to extend quarrying activities for a further 20 years so that remaining limestone reserves can be fully extracted from within the existing quarry area. The quarry operator is also seeking greater flexibility with respect to the permitted numbers of associated HGVs per day, whilst not increasing this number over the course of a working week.

124. Subject to satisfactory methods of working and restoration, the continued quarrying is considered to accord with Policy M8.2 and emerging Policy MP10 in providing local building stone primarily for non-aggregate uses. Strong support is also offered from the NPPF in principle.

125. Whilst concerns have been raised locally about potential impacts resulting from both aspects of the proposal, including from the Parish Council and the village primary school, there are no statutory objections from respective consultees.

126. Operational impacts with respect to traffic, road safety, potential noise, dust and ecological issues have been explored and considered to be acceptable if an appropriate daily cap to HGV movements is reinstated by condition in addition to the weekly cap sought in the application. A daily cap of 16 HGVs in and 16 out has been derived from re-assigning historically permitted movements from the recently closed Abbey Quarry which shares its access off Quarry Lane. In effect, therefore there would be no increase in historically permitted HGV movements entering and leaving Quarry Lane in Linby village. A daily cap would also prevent any overly-intensive haulage operation taking place, which would be detrimental to residential amenity.

127. The continued quarrying would not have a detrimental impact on the notable ecology in the area. In particular the adjacent SSSI would be safeguarded and measures have been identified to improve water quality in a nearby stream, supporting a population of White Clawed Crayfish. There would be no adverse landscape impacts and there would be overall benefits to landscape and biodiversity in particular, as the quarry is progressively restored.

128. In terms of heritage impacts, some 'less than substantial' harm is probable to the character of the village Conservation Area, from the continued HGV movements, albeit that the area has a long association with quarrying. Whilst special regards should be paid to the preservation of the Conservation Area, the limited harm needs to be weighed against the value of maintaining a supply of limestone or Bulwell Stone from what is its last remaining source, in order to maintain the County's historic built environment and to complete new developments which are sympathetic to local character.

129. It is therefore considered that, as quarrying can be undertaken in an acceptable and sensitive manner, that in order to maintain a supply of building stone, planning permission should be granted subject to a suite of modern planning conditions governing its remaining operation and restoration, in addition to a legal agreement to cover long term aftercare.

Other Options Considered

130. 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

131. 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.

Human Rights Implications

132. 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 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to situation of residential, educational and other sensitive land uses along the quarry access route. The proposals have the potential to generate residual impacts such as dust, mud, noise, and traffic upon these residents and establishments. However, these potential impacts have existed to date when the quarry and other local quarries have been operational and the continued operation of the quarry and its impacts, as appropriately mitigated, need to be balanced against the wider benefits the proposals would provide in terms of supplying a unique building stone resource beneficial for maintaining the County's historic built environment as well as supporting local employment. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Safeguarding of Children Implications

133. Related issues are addressed in the body of the report.

Crime and Disorder Implications

134. Although the quarry is relatively isolated, nearby residents provide some passive security and steps are taken by the operator to secure plant and machinery, including its removal off site during periods of inactivity. The operator is responsible for securing the site from trespass.

Implications for Sustainability and the Environment

135. The proposal has been assessed and is considered to be a sustainable extraction of minerals operation which will be compatible with and will safeguard surrounding high quality ecology and habitats. Restoration will be bio-diversity led and will create scarce and valuable habitat complementary to the adjacent SSSI.

136. There are no human resource, financial or equalities implications.

Statement of Positive and Proactive Engagement

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

RECOMMENDATIONS

138. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure five years of extended aftercare.

139. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 17th February 2016 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 17th February 2016, or within any subsequent extension of decision time agreed with the Minerals/Waste/County Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the

measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

TIM GREGORY

Corporate Director – Place

Constitutional Comments

The recommendations in the report fall within the Terms of Reference of the Planning and Licensing Committee.

[LM 02/11/15]

Comments of the Service Director - Finance (SES 09/11/15)

There are no specific financial implications arising directly from this report.

Background Papers Available for Inspection

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

Electoral Division and Member Affected

Newstead – Councillor Chris Barnfather

Report Author / Case Officer
Joel Marshall
0115 9932578
For any enquiries about this report, please contact the report author.

APPENDIX 1

RECOMMENDED PLANNING CONDITIONS

Scope and Duration of Planning Permission

1. This permission relates to the extraction and processing of limestone from the area outlined by the broken red line shown on Drawing No.0731-1-4 Rev A 'Initial Restoration and General Extraction Areas' dated 24th November 2014. No extraction shall take place outside of this area.

   Reason: For the avoidance of doubt and to define the permission hereby granted.

2. Limestone extraction hereby approved shall be primarily as non-aggregate form. The operator shall produce and submit to the Minerals Planning Authority (MPA) annually production figures including split between non-aggregate and aggregates produced to demonstrate compliance.

   Reason: In the interests of maintaining a sustainable supply of building stone from what is a finite resource in accordance with Policy MP10 of the Nottinghamshire Minerals Local Plan and para 142 of the NPPF and Policy MP10 of the emerging Nottinghamshire Minerals Local Plan.

3. The extraction of limestone shall cease on or before 31st December 2035 and the site restored, in accordance with the approved restoration details and timescales pursuant to conditions 26 and 27 with final restoration no later than 31st December 2036. The MPA shall be notified of the date of cessation of mineral extraction within one month of its occurrence.

   Reason: For the avoidance of doubt and to define the permission hereby granted and to ensure proper restoration thereafter.

Approved Documents

4. The development hereby permitted shall be carried out in accordance with the following documents, or where amendments are made pursuant to other conditions below:

   a) Completed planning application forms and certificates, received by the MPA on 26th November 2014.
   b) Drawing No. 0731-1-1 'Site Location Plan' dated 4th September 2014 and received by the MPA on 26th November 2014.
   c) Drawing No. 0731-1-2 'Site Boundary Plan' dated 4th September 2014 and received by the MPA on 26th November 2014.
   d) Drawing No. 0731-1-3 Rev A 'Topographic Survey' dated 24th November 2014 and received by the MPA on 26th November 2014.
   e) Drawing No. 0731-1-4 Rev A 'Initial Restoration and General Extraction Areas' dated 24th November 2014 and received by the MPA on 26th November 2014.

f) Drawing No. 0731-1-5 Rev A 'Final Restoration Concept' dated 24th November 2014 and received by the MPA on 26th November 2014.

g) Supporting Statement by Hughes Craven dated November 2014 and received by the MPA on 26th November 2014.

h) Preliminary Ecological Appraisal by SLR dated July 2014 and received by the MPA on 26th November 2014.

i) Hydrological and Hydrogeological Assessment by SLR dated August 2014 and received by the MPA on 26th November 2014.

j) Dust Evaluation, Action Plan and Complaints Procedure from Hughes Craven, dated and received by the MPA on 28th July 2015.

Reason: For the avoidance of doubt and to define the permission hereby granted.

Copy of permission

5. The applicant shall be responsible for ensuring that a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, are available at the site for inspection.

Reason: To ensure the development hereby permitted is carried out in accordance with the approved details.

Commencement

6. The operator shall provide written notification of commencement of this planning permission at least seven days but no more than fourteen days prior to the commencement of the planning permission.

Reason: To assist with the monitoring of the planning permission.

Annual survey

7. Annually, starting from the date of commencement of the development, or within four weeks of a written request from the MPA, a topographical survey of the entire site shall be supplied to the MPA showing the levels related to Ordnance Datum and the relationship with the levels of surrounding land indicating unworked, operational and restored areas.

Reason: To assist with the monitoring of the planning permission.

Hours of operation

8. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the MPA within 48 hours of their occurrence), the following shall not take place except within the hours specified below:

Operation	Mondays to Fridays	Saturdays	Sundays, Bank/Public Holidays
Servicing, maintenance and testing of plant	07.00-19.00	07.00-19.00	Not at all
All operations other than water pumping, servicing, maintenance and testing of plant	07.00-19.00	08.00-13.00	Not at all
HGV movements-non-school days	08.00-17.00	09.00-13.00	Not at all
HGV movements-school days	08.00-08.20 09.20-15.00 16.00-17.00	N/A	N/A

Reason: *To minimise the impact of the development on the amenity of the local area in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan, to minimise the impact of the development on highway safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

Traffic

9. The number of HGVs entering the site shall not exceed 16 per day (32 two-way movements) nor exceed 36 in any working week, (72 two-way movements). A written record shall be kept by the site operator of the number of HGVs entering and leaving the site and it shall be made available to the MPA in writing within 7 days of a written request from the MPA.

Reason: *To minimise the impact of the development on local amenity and in the interests of ensuring highway safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

Operational controls

10. No excavation shall take place below a depth of 75m AOD.

Reason: *In the interests of protecting the special interest of the adjacent Linby Quarries SSSI and its associated hydrology in accordance with Policies M3.8 and M3.19 of the Nottinghamshire Minerals Local Plan.*

11. There shall be no discharge or pumping of waters off site and any surface waters shall only be discharged to soakaway within the site.

Reason: *In the interests of protecting the special interest of the adjacent Linby Quarries SSSI and its associated hydrology in accordance with Policies M3.8 and M3.19 of the Nottinghamshire Minerals Local Plan.*

12. No non-indigenous materials shall be imported to the site and no materials other than those won from the quarry shall be processed on site.

Reason: *In the interests of protecting the special interest of the adjacent Linby Quarries SSSI and its associated hydrology in accordance with Policies M3.8 and M3.19 of the Nottinghamshire Minerals Local Plan.*

13. No blasting shall take place.

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

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

Reason: *To prevent pollution of the water environment and the underlying aquifer in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent amended legislation, no additional buildings, fixed plant or machinery shall be erected or placed on the site without the prior written approval of the MPA.

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

Noise

16. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate broadband reversing warning devices, be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications, and shall be serviced and maintained to ensure that noise emissions do not exceed the manufacturers' specifications.

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

17. In the event of a noise complaint being received by the MPA regarding the development hereby permitted which the MPA deems justifiable, the operator shall, within one month of a written request from the MPA, undertake a noise impact assessment, assessed in accordance with the Planning Practice Guidance "*Assessing environmental impacts from minerals extraction; Noise emissions*" (paras 019-022), or any other such replacement guidance, and shall include where necessary, measures to mitigate noise impacts at affected receptors and the timescales for their implementation. The noise assessment shall be submitted to the MPA for its approval in writing within one month of the written request and where noise mitigation is recommended, such measures shall be implemented in accordance with the timescales detailed in the approved assessment.

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

Dust

18. Measures shall be employed to prevent and minimise fugitive dust arising from operations. The measures employed shall include those specified in tables 1, 2 and 3 of the submitted Dust Evaluation, Action Plan and Complaints Procedure pursuant to condition 4 j). For the avoidance of doubt such measures shall include, but not necessarily be restricted to the following measures:

a) The sheeting of vehicles carrying loose aggregates;
b) Provision of a water bowser, maintained in proper working order and supply of clean water to dampen stockpiles and circulation areas;
c) Provision, maintenance and correct operation of water suppression equipment on mobile crushers/screeners;
d) Minimising vehicle and mobile plant speeds;
e) Minimising distances material is moved around the quarry void and minimising material drop heights when loading;
f) Consideration to the location of stockpiles to avoid wind whipping;
g) Regular staff environmental awareness training on the means to minimise fugitive dust.

Reason: *To minimise fugitive dust in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

19. Notwithstanding the requirements of condition 18 above, within 3 months of the date of implementation of this permission a Dust Action Plan to minimise dust emissions resulting from the movement of HGVs shall be submitted to the MPA for its approval in writing. The approved measures shall be implemented in accordance with the approved details.

Reason: *To minimise fugitive dust in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

Ecology

20. No excavation or movement of the soil stockpile as marked on drawing No. 0731-1-4 Rev A 'Initial Restoration and General Extraction Areas' shall be undertaken until a survey for the presence/absence of reptiles has first been undertaken and submitted to the MPA for its approval in writing and until any recommended mitigation measures, as may be agreed by the MPA, have been satisfactorily completed.

Reason: *In the interests of biodiversity and to provide satisfactory protection to species protected by the Wildlife and Countryside Act 1981 (as amended).*

21. Woodland identified on drawing No. 0731-1-4 Rev A 'Initial Restoration and General Extraction Areas' shall be retained and no further works or extraction shall take place in these areas.

Reason: *In the interests of biodiversity and to safeguard the adjacent Linby Quarries SSSI in accordance with Policy M3.19 of the Nottinghamshire Minerals Local Plan.*

22. Notwithstanding the requirements of condition 21 operations that involve the removal and/or destruction of vegetation shall not be undertaken except with the prior written approval of the MPA which shall only follow the submission of a report to the MPA confirming that the vegetation to be removed and/or destroyed has been checked for protected species by a suitably qualified ecologist and that any necessary mitigation measures to protect active habitats have been (or shall be) put in place, and provides for a further check immediately prior to the vegetation being removed and/or destroyed following the MPA's approval in writing.

Reason: *In the interests of avoiding disturbance to protected species and their habitats, in the interests of biodiversity.*

23. If mineral extraction ceases for a period in excess of 24 months then updated surveys, for the presence of any protected or notable species or habitats that may be affected shall be completed by a suitably qualified ecologist and submitted to the MPA for its approval in writing prior to further development taking place. In the event that impacts on protected species or habitats are

identified, the survey shall include a scheme of mitigation which should thereafter be implemented following written approval of the MPA.

Reason: *In the interests of biodiversity and to provide satisfactory protection to species protected by the Wildlife and Countryside Act 1981 (as amended).*

24. Within 3 months of the date of this permission, a scheme to provide measures to reduce siltation to and improve water quality within the watercourse to the south of the quarry entrance shall be submitted to the MPA for its written approval. Measures shall include but not necessarily limited to; a) the provision of a 'sleeping policeman' type barrier at the quarry entrance; b) a kerbed edge to the bridge. In addition the operator shall ensure vehicles leave the site in a manner which does not transport mud or silts from the quarry site. Such agreed measures shall thereafter be implemented no later than 6 months following the approval of the scheme by the MPA and thereafter maintained for the operational the life of the quarry.

Reason: *In the interests maintaining and improving the aquatic environment from the effects of siltation and in the interests of safeguarding a population of White Clawed Crayfish in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan and para 144 of the NPPF.*

25. No later than 12 months following the implementation of the scheme for the reduction of siltation to the watercourse approved under condition 24, a report detailing the findings and review of the scheme's effectiveness shall be submitted to the MPA for its written approval. Any additional mitigation measures or works, as may be required by the MPA from this review, shall thereafter be fully implemented and thereafter maintained for operational the life of the quarry. Such measures shall be subject to further review from time to time at the request of the MPA.

Reason: *In the interests maintaining and improving the aquatic environment from the effects of siltation and in the interests of safeguarding a population of White Clawed Crayfish in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan and para 144 of the NPPF.*

Restoration

26. The southern part of the site as defined within the black dotted line on drawing No. 0731-1-4 Rev A 'Initial Restoration and General Extraction Areas' shall be restored in accordance with the details shown on drawing No. 0731-1-4 Rev A 'Initial Restoration and General Extraction Areas' no later than 5 years from the date of this permission.

Reason: *To ensure an early restoration of exhausted areas of the site, to ensure restoration is to a high environmental standard, compatible with the SSSI and in the interests of delivering biodiversity enhancements in accordance with Policy M4.4 of the*

Nottinghamshire Minerals Local Plan and paragraph 144 of the NPPF.

27. The site shall be restored broadly in accordance with drawing No. 0731-1-5 Rev A 'Final Restoration Concept' and, in accordance with a detailed restoration plan which shall have been submitted to the MPA for its approval writing at the same time as the MPA is notified of the cessation of mineral extraction as notified under condition 3. The detailed restoration plan shall provide details of the following:

    (a) The final topography of the site;

    (b) Areas of any seeding, planting or hay strewing, or areas left to naturally re-colonise to promote the creation of calcareous grassland;

    (c) Seed mixes of native genetic origin, hay strewing and methods of establishing calcareous grassland;

    (d) Details of any replacement of planting/seeding which fails during the first five years following planting/seeding;

    (e) Wetland areas including ephemeral wetland and marginal habitats and their cross sections;

    (f) Selected exposure of some quarry faces and provision of scree slopes;

    (g) Details of any battering of quarry faces to ensure stability;

    (h) Details of deposition of soils from the soil stockpile so to ensure that this material is buried at depth;

    (i) Details for the complete removal of buildings and other structures;

    The site shall be restored in accordance with the approved details within 12 months of the date of the cessation of mineral extraction and in any event no later than 31st December 2036.

    Reason: *To ensure the site is restored to a high environmental standard, compatible with the SSSI and in the interests of delivering biodiversity enhancements in accordance with Policy M4.4 of the Nottinghamshire Minerals Local Plan and paragraph 144 of the NPPF.*

Aftercare

28. Following the restoration of the site, it shall undergo aftercare management for a 5 year period and the date of entry into aftercare shall first be agreed in writing with the MPA.

    Reason: *To provide for the aftercare of the restored site, to ensure the desired high standard of restoration is achieved and in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan and paragraph 144 of the NPPF.*

29. The site shall be managed during the aftercare period in accordance with an aftercare plan which shall first be submitted to the MPA for its written approval within 6 months of the completion of mineral extraction or by 21st June 2036

whichever is sooner. The plan shall comprise a strategy and a programme of works for the first five years of aftercare and shall provide details of but not be limited to:

a) Monitoring of plant colonisation against targeted plant communities;
b) Scrub and weed management details and arrangements to manage unsuitable species;
c) Details of any additional seeding or hay strewing as may be needed.
d) Any drainage interventions as may be required;
e) Other remedial measures as may be identified;
f) The frequency of site management meetings as agreed with the MPA;
g) Details of future site management provision.

The aftercare plan shall be subject to review at regular site inspections which shall take place annually or at another frequency agreed with the MPA. Any amendments to the approved aftercare scheme resulting from these site inspections shall be detailed in a programme of management works which shall be submitted to the MPA within the first 2 months following each site meeting until the conclusion of aftercare.

Reason: *To provide for the aftercare of the restored site, to ensure the desired high standard of restoration is achieved and in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan and paragraph 144 of the NPPF.*

Alternative Restoration

30. Should, for any reason, extraction operations cease for a period exceeding 24 months, or in any other circumstances where such cessation is in the reasoned opinion of the MPA, a permanent cessation of operations, then, within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted to the MPA for its approval in writing. Such a scheme shall include details of the final contours, and habitat creation in a similar manner to Drawing No. 0731-1-5 Rev A 'Final Restoration Concept' received by the MPA on 26th November 2014. The scheme shall be implemented in accordance with the approved details within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions in Conditions 28 and 29 above.

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

Notes to applicant

1. The operator should be alerted to the possibility of ground nesting birds breeding on the quarry floor, particularly after periods of inactivity. Such species may include Schedule 1 protected species such as Little Ringed Plover and it would be an offence under the Wildlife and Countryside Act to disturb this species whilst nesting or rearing young. Site operatives should be made aware of the possible presence of such ground nesting birds when working the quarry, following periods of closure, and should any nesting birds or families be present, extraction should temporarily cease.

2. The operator should be alerted to the potential presence of reptiles and amphibians on site (all species of which are protected by the Wildlife and Countryside Act 1981 as amended). The advice of a suitably qualified ecologist shall be sought should they be discovered and appropriate mitigation agreed with the MPA to ensure works do not put them at harm.

3. Consideration should be given to the formation of a local liaison meeting, comprising representatives of the quarry operator; the primary school; Parish Council and other appropriate representatives as may be agreed, which could meet at regular intervals to share information and discuss any local concerns related to the quarrying operations. As a minimum, it would be beneficial if points of contact can be shared between the operator and the primary school.