



18 July 2023

Agenda Item 7

REPORT OF THE INTERIM CORPORATE DIRECTOR FOR PLACE

REF. NO.: 7/2022/0752NCC

PROPOSAL 1: VARIATION OF CONDITIONS 7, 8 AND 50 OF PERMISSION 7/2005/0263 SO TO EXTEND THE TIME TO WORK THE REMAINING MINERAL RESERVES UNTIL 7 JAN 2042 WITH RESTORATION BY 7 JAN 2043

REF. NO.: 7/2022/0751NCC

PROPOSAL 2: VARIATION OF CONDITION 2 OF PERMISSION 7/2003/1323 TO RETAIN THE WEIGHBRIDGE, ASSOCIATED BUILDINGS AND SOIL MOUND FOR THE PROPOSED DURATION OF MINERAL EXTRACTION OPERATIONS TO 7 JAN 2042

LOCATION: CALVERTON (BURNTSTUMP) QUARRY, OLLERTON ROAD (A614), ARNOLD, NG5 8PR

APPLICANT: TARMAC TRADING LIMITED – MR JOHN BRADSHAW

Purpose of Report

1. To consider two applications to vary conditions so to permit and facilitate a further 20 years in which to complete mineral extraction and restoration thereafter at Burntstump Quarry. The key issues are whether the environmental and amenity impacts from the continued operation of the quarry, along with its intended restoration, remain acceptable when assessed against up to date planning policy. The recommendation is to grant both planning applications subject to the conditions set out in Appendices 1 and 2.

The Site and Surroundings

2. Calverton (Burntstump) Quarry is an active Sherwood Sandstone quarry situated between the A614 Ollerton Road and the B6386 Oxton Road, 2.5km north of Redhill (Arnold) and 2.5km west of Calverton village. First permitted in 2001 as an extension to a then existing quarry (which became the landfill site) the site covers some 25 hectares, although the authorised extraction area is more limited. Production rates and general extraction progress in recent years

has been very limited compared with the initial years after first opening and significant mineral remains to be worked. Parts of the site therefore remain in arable farm use until future phases of extraction. The 20-year time limit for mineral extraction expired in January 2021 and completion of final restoration was required by January 2023 (this is discussed further below).

3. The site lies within the Green Belt and the surrounding land cover includes woodland, arable farmland, pasture, and sports uses. In particular directly to the north, and sharing access infrastructure, is the restored landfill site (and former quarry) incorporating woodland blocks which is under continued environmental management that includes a methane gas capture/utilisation plant.
4. To the south, across Oxton Road is Arnold Town Football Club, residential and farm buildings at Ramsdale House (also Grade II listed) which are circa 200m from the site boundary and Ramsdale Park Golf Course. The local topography is framed by Ramsdale Hill further to the south-east.
5. Abutting the site planning boundary to the east are three properties at Ramsdale Cottages, Oxton Road and their rear gardens. A rear annex to no. 3 Ramsdale Cottage has been constructed in recent years and abuts the site. The authorised extraction area commences approximately 100m to the west of the annex and 200m from the main cottages with some woodland blocks and horse paddocks intervening. A further nearby property, Robin Hood Farm, is 180m to the west across the A614. These are shown on Plan 1.
6. The site is generously screened alongside the A614 and Oxton Road by tall hedgerows and trees behind which are screening bunds/soil stores generally 3-4m high.
7. The quarry has an access road leading directly from a junction with the A614 and partly shared with the restored landfill. The road commences at 111m AOD and is initially metalled before it descends as a general haul road into the quarry void with the floor at/around 88m AOD. The quarry is currently in phase 3 of 5 working north to south. Processing is undertaken within the current phase of working using mobile screening plant. The current situation is illustrated on Plan 2.
8. The unworked/future area to the south (currently in arable cropping use) has a separate farm access from the A614. This field has a small slope to the south-east from 107m AOD down to 100m AOD near to Oxton Road. Mapping indicates that this field has been surveyed and classified as grade 3b agricultural land (moderate quality), with a strip alongside Oxton Road classified as grade 3a (Best and Most Versatile agricultural land / good quality).
9. The groundwater environment is sensitive being part of the Principal Aquifer and is in a Source Protection Zone (SPZ) 3. A SPZ 2 lies within 70m to the south west and is associated with a SPZ 1 (Most vulnerable) which is within 750m of the site. At surface level the site is at low risk of flooding being in Flood Zone 1.
10. The closest designated wildlife site is Fox Covert Local Wildlife Site, 850m north of the extraction area and 550m from the site access. There is an intervening

woodland at Gravelly Hollow some 630m north of the extraction area and 350m north of the site access which is identified as an Important Bird Area associated with a possible, potential Special Protection Area (ppSPA) for the Sherwood area.

11. The nearest Listed Building is Ramsdale House and Stables (Grade II) some 200m to the south-east of the red line boundary. The County Council has also identified this as having a park/garden of associated (but non designated) historic interest. The Grade II Cockliffe House and Granary is approximately 350m to the north-west of the site access. Woodland 330m to the west is mapped as being of historic interest, again non-designated park/garden associated with Sherwood Lodge.

Planning history

12. Historically since the 1980s mineral extraction in the area was closely tied to plans for landfilling general/municipal waste. Land to immediate north has been developed in this way and the now restored landfill remains under long term management. Around the turn of the new millennium extensions to the south, onto the current site area, were proposed including once again for subsequent waste landfilling, but the latter aspect raised controversy and instead proposals later came forward for purely mineral extraction purposes (restoration without fill) including a small 1.2ha southern extension in 2000 (ref 7/2000/0353).
13. Permission for the current quarry area (incorporating the earlier extension) stems from a 2001 planning permission (Ref: 7/2000/1522) for an 'Extension to Existing Quarry' across some 24.4ha of farmland to the south of the then quarry and later landfill site. Of the 60 planning conditions attached, condition 1 confirmed this was for the extraction of some 2.67 million tonnes of sandstone and 267,000 tonnes of sand and gravel, together with the formation of temporary soil banks and other overburden stores, and also including a sand processing plant within the same area along with the retention of a haul road with access to the A614. Restoration is to a mix of agriculture and woodland. Condition 3 defines the actual extraction area which is more limited than the red line boundary. By virtue of condition 7 the permission was limited to 20 years from the date of commencement which results in a cease date of 7th January 2022. Under condition 8 restoration of the site is required to be completed 12 months later.
14. A section 73 variation application was approved in 2005 (Ref 7/2005/0263) which allowed for the use of mobile fuel storage. A non-material amendment was approved to the phasing plans in 2014 (NMA/3172). Together these form the current/extant permission for the quarry. The restoration has however recently been amended in a minor way by virtue of a section 106 obligation in connection with the extension of nearby Bestwood 2 quarry. The Burntstump quarry restoration plan has been required to provide an additional area of sloping heathland to compensate for habitat losses associated with the extension of Bestwood 2 Quarry. Other than that the current authorised restoration scheme is unchanged from the original permission.

15. Associated with the primary planning permission is a separate time-limited planning permission (tied to the life of mineral extraction) for retention of a weighbridge, offices/cabins (which previously served the landfill site) and a soil mound (Ref 7/2003/1323). This permission was also as a result of a section 73 variation of an original permission ref 7/2000/1522. By virtue of condition 2, the weighbridge, offices/ associated buildings and soil mound are required to be removed and these areas restored by the 20th December 2021 (or within 3 months of cessation of mineral extraction if earlier).

Proposed Development

16. There are two applications; 1) seeking to extend the life of the primary mineral extraction and 2) to retain the associated weighbridge, offices etc. They were received as invalid in December 2021 owing to a deficient Environmental Statement and it was not until June 2022 that they became valid following the submission of a revised Environmental Statement. Mineral extraction has continued (still at low rates) in breach of the 20-year time limiting planning conditions. Enforcement options have been under continued consideration whilst the present applications have been progressing, wherein there has been some substantial delays on the applicant's part whilst Officers have sought further and revised information, including a necessary review of the restoration scheme, however the applications can now be brought to committee for decision.

Proposal 1: 7/2022/0752NCC – extended life for primary mineral extraction

17. Permission is sought under section 73 of the Town and County Planning Act 1990 to extend the time to work the remaining mineral reserves by a further 20 years until 7th January 2042 with restoration complete within a further 12 months. This would involve textual variations to the terms of conditions 7 (date for completion of mineral extraction), 8 (date for completion of final restoration) and 50 (use of processing plant) of planning consent 7/2005/0263. There are no proposals to vary any other element of the development, including working plans, and all existing environmental protection measures would remain in place. However as discussed further in the report the applicant has agreed to revise the site restoration plan to increase the balance for biodiversity and this effectively now forms part of the application.
18. The revised restoration plan (Plan 3) seeks to make minor changes to the final topography (compared with the extant scheme) in order to retain an area of broadleaved woodland planting in the eastern corner which was formally scheduled for removal but is now of value and worthy of saving. Generally as with the extant scheme there would still be a central low level area where two medium sized rectangular fields would be created on the floor area and bounded with new native hedgerows. The fields would be seeded with species diverse conservation grassland suitable for agricultural (hay or grazing) use. On the surrounding slopes the majority of the steeper areas to the north and west would now be restored to heathland reflecting its ecological priority locally. There would also be areas of dry and acid grassland, native species scrub and

two wetland or pond areas in the corners of the floor area (likely to be ephemeral). On the more gradual slopes up the eastern side of the site additional areas of new broadleaved woodland would be planted, supplementing the existing planting blocks which would now be retained. The hedgerows and landscaped strips around the boundaries of the quarry would also remain in place.

19. The applicant advises that the quarry has proven mineral reserves of approximately 1.5 million tonnes of sand remaining and it anticipates this will require a further 20 years of operations to complete its extraction. The applicant advises that the Sherwood Sandstone is a significant mineral reserve within Nottinghamshire and is an important aggregate mineral and source of soft building sand. Sherwood Sandstone production accounts for approximately one-third of the County's total sand and gravel production. In addition to producing sand for asphalt and mortars, it also can be used for specialist aggregate and non-aggregate uses. The yellow building sand produced at Calverton is notable for its consistent golden-yellow colour, which makes it ideal for a number of decorative uses. As such the reserves are worked and sold in a way that optimises their use in premium products such as colour sensitive mortars and specialist products where consistent colour is of particular importance.
20. This application is supported by an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The scope of this has been determined by the Minerals Planning Authority and a limited range of environmental topics have required assessment in this case, including ecology, landscape and visual impacts, noise and sustainability. Further information (under Regulation 25) has been secured from the applicant to ensure complete and necessary information is available to inform the decision. This information includes an addendum to the Landscape and Visual Assessment, the revised restoration plan and phasing plans, and an updated Ecological Impact Assessment and Biodiversity Net Gain calculations.

Proposal 2: 7/2022/0751NCC – weighbridge, offices and soil mound

21. Permission is also sought under a section 73 planning application to vary condition 2 of permission 7/2003/1323 in order to retain the associated weighbridge, offices and soil mound for the proposed extended duration of mineral extraction operations to 7th January 2042. It is expedient and necessary to consider this associated application alongside the main proposal, but the report will focus on Proposal 1.

Summary of working methods and restoration

22. The planning permission details five phases of extraction, not including the completion of restoration. Currently the site remains in phase 3. Future consented phases 4 and 5 would extend mineral extraction onto the current arable field to the south. There are several soil stores and bunds in place including along the perimeter.

23. The quarry operates with a relatively low output (circa 30,000 to 40,000 tonnes per annum) and operations are known to be intermittent.
24. Extraction is typically undertaken using mobile plant such as an excavator, dump truck, dozer and loading shovel. The latter is used to feed mineral into a mobile based sand processing plant sited within the active quarry void and then to load processed product directly into HGVs at this point. These vehicles access the void using the internal haul road/ramp and upon exiting there is a wheel wash at the top of the access ramp before the access road exits onto the A614. All HGV loads are also required to be sheeted on exit.
25. Permitted hours of operation are 07.00 to 19.00 Monday to Friday and 07.00 to 13.00 on Saturdays (no work on Sundays or public holidays). HGVs are however permitted to access the site until 16.00 on Saturdays and the servicing of plant/machinery is permitted within the hours of 07.00 to 17.00 Mondays to Saturdays.
26. In total there are currently 60 planning conditions providing various environmental protections including the aforementioned measures as well as for archaeology, noise limits and monitoring, storage of fuels, dust management and monitoring, soils handling and storage, hedgerow/tree management, restoration and planting operations and 5 years of aftercare.
27. The approved restoration currently details low-level agricultural grassland with fringing woodland planting and heathland or grass slopes. The current approved restoration does not require any importation of materials.

Consultations

28. Two rounds of consultation have taken place on Proposal 1 (initial consultation and on Reg 25 further information) with the full set of consultees as summarised below. The only response to report in relation to Proposal 2 is from Gedling Borough Council.
29. **Gedling Borough Council** – *No objections (both applications).*
30. **Calverton Parish Council** – No responses received.
31. **NCC (Nature Conservation)** – *No objections subject to conditions.*
32. *The Ecological Impact Assessment has been updated (23rd March 2023) and continues to demonstrate that the site is of overall low ecological value, with the potential for improvements to be delivered through site restoration.*
33. *A number of proposed mitigation measures in relation to vegetation clearance, mammals and reptiles should be secured through conditions. A condition should also require an ecological walkover survey to be completed in advance of each phase of extraction commencing.*

34. *Satisfied with the changes made [during consideration of the application] to the restoration scheme and a condition should require the submission of a detailed restoration and aftercare scheme.*
35. *The Biodiversity Net Gain calculation has been updated and properly applied and demonstrates there would be a 38.95% increase in habitat units and a 61.65% increase in hedgerow units from the current baseline as a result of site restoration.*
36. *An appropriate aftercare period, of at least 20 years, will be required, particularly for the heathland.*
37. **Natural England** – *has no comment.*
38. **The Environment Agency**– *does not wish to comment.*
39. **NCC (Highways)** – *No objection or concerns.*
40. **NCC (Archaeology)** – *No objection subject to condition.*
41. *The requirement for professional archaeological monitoring of the topsoil strip of each phase of the quarry should continue and can be achieved by a condition requiring a written scheme of investigation to be submitted and approved in advance of the work commencing.*
42. **NCC (Built Heritage)** – *No objections.*
43. **NCC (Lead Local Flood Authority)** – *No objections.*
44. **NCC (Planning Policy)** – *Supports, as the site is allocated in the Minerals Local Plan and the output from this site supports the existing landbank for Sherwood Sandstone.*
45. *National planning policy is clear in that in determining 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.*
46. *The site is allocated in the MLP (under MP3a), though the application seeks to extract a lower total remaining tonnage of mineral than stated in the MLP.*
47. *Given the current position of the Sherwood Sandstone landbank and the fact the proposal is for an extension of time to allow for the existing permitted reserves to be extracted, the proposal is supported subject to assessment of environmental and amenity impacts.*

48. **Via (Landscape)** – *No objections. Conditions suggested: 1) to require accelerated tree and scrub planting earlier in the operational stages where practicable and 2) measures to control invasive species/pernicious weeds.*
49. [Detailed comments were initially provided which confirmed that the submitted Landscape and Visual Impact Assessment (LVIA) had thoroughly considered impacts. A number of the findings were later found to be based on incorrect working plans which identified changes to the perimeter bunds during the mineral extraction phase. Subsequently comments have been made against the submitted LVIA Addendum and against the revised restoration plan.]
50. *Landscape and Visual Impacts have been clearly stated within the LVIA documents and affect a limited area of PZ03 and a limited number of properties in the immediate vicinity of the application area. There will also be visual effects on a short section of Calverton Footpath 21 and users of Ramsdale Hill Golf Course.*
51. *The LVIA has considered the visual effects of the proposed works on 6 representative viewpoints, including on the closest residential properties. It concludes that there are visual effects on Ramsdale House and Ramsdale Hill Farm and the external surrounding of Ramsdale Cottages during the operational period of the works (20 years) and the time taken for vegetation to mature will be longer than 15 years.*
52. *Considering the extension of time and the relative visual impact upon the three residential receptors, it would be advantageous to accelerate the planting of the proposed broadleaf woodland and native species scrub wherever possible. There are two locations shown on the Landscape Restoration Proposals that could serve to earlier mitigate the visual impact upon the identified receptors to the east and southeast of the site, provided it is practicable to do so. These locations would be:*
- *A block of proposed broadleaf woodland approximately 100m to the west of Ramsdale Cottages between contours 92m AOD and 96m AOD that remain unaffected by the operation of the minerals site.*
 - *A 5m by 50m strip of land between T2 and S1 to be planted with native species scrub and broadleaf woodland at approximately 100m AOD that potentially could be planted and left undisturbed by the later phased workings and subsequent restoration of the site.*
53. **Via (Noise Engineer)** – *No objection subject to conditions being carried forward.*
54. *A Noise Impact Assessment has been prepared and noise monitoring surveys have been carried out. The acoustic environment in the vicinity of the site predominantly comprises noise from distant and local road traffic using the A614 and B6386.*
55. *Measurements were made continuously and simultaneously at 3 locations selected to represent the closest noise-sensitive premises. These are Robin*

Hood Farm, Ramsdale Farm and Ramsdale Cottages. The results of the noise monitoring demonstrates that for worst-case noise the quarry complies with the existing conditions 21 (normal operations) and 22 (temporary operations). These should be carried forward.

56. **Via (Geo Environmental)** – *No objection subject to updated environmental management conditions.*
57. *The proposed extension of time should not result in any additional significant effects in relation to land contamination issues (including soils and hydrogeology), compared with the existing situation. However it would be useful to see a summary of the soil quality, hydrology and hydrogeology at the site, as recommended by the MPA in the scoping response. This is to confirm that any mitigation measures in place to protect these resources will be suitable for the continuation of operations.*
58. *The summary should include reference to the former landfill site immediately to the north, to confirm that the proposed time extension would not have any significant effects on (or be affected by) any ongoing management of the landfill over the next 20 years.*
59. *It is recommended that the planning conditions are amended to request updated environmental management plans (including the schemes for dust and pollution control). This is to reflect the possible changes in practice since the original documents were submitted circa 20 years ago.*
60. *Under the existing terms of the planning permission, the operator is not permitted to use any imported fill materials within the restoration works. This should perhaps be clarified within the updated planning conditions.*
61. **Nottinghamshire Wildlife Trust** and **Western Power Distribution** have not responded. Any response received will be orally reported.

Publicity

62. Both applications have been publicised by means of site notices, and a press notice. For proposal 1 (the application to extend the life of the quarry) neighbour notification letters have been sent to 24 of the nearest occupiers, whilst for proposal 2 (the associated application to retain ancillary offices etc) the adjacent landfill operator has been notified. The arrangements accord with Statutory requirements and the County Council's Statement of Community Involvement.
63. Proposal 1 was afforded a period of re-consultation and readvertisement with site and press notices upon receipt of the revised restoration scheme and updated biodiversity and landscape reports.
64. No representations have been received, however an issue with one of the plans was initially brought to the MPA's attention by a member of the public and has been resolved with the submission of a revised plan. No further response has been received.

65. Councillor Boyd Elliott has been notified of the applications.

Observations

Introduction

66. The applications are submitted under Section 73 of the Town and Country Planning Act 1990 (commonly known as a variation of conditions) in order to allow the continued operation of the quarry for a further 20 years. The report will focus on Proposal 1 (the quarry itself) whilst Proposal 2 is a minor ancillary proposal which raises no notable planning issues other than its acceptability is dependent on the outcome of Proposal 1.
67. Under the section 73 procedure the decision maker is required to focus on the changes to the conditions being sought. Usually this does not entail reconsidering afresh the overall acceptability of the development for which the original planning permission has established. Nor is it usually an opportunity to re-write or fundamentally alter an existing permission/development. It is however nonetheless a planning application and as such has to be determined against the Development Plan and material considerations as they stand today, with factors which will have inevitably changed or moved on since the original planning permission was granted, in this case over 20 years ago. If a section 73 application is granted, a new planning permission is issued containing the conditions varied as sought, along with any persisting conditions that remain necessary to regulate the development, sometimes subject to a limited review and update. If section 73 permission is refused, the existing planning permission remains intact, along with its original conditions and requirements such as for restoration.
68. The fundamental matter to consider in this case is whether further time should be afforded to complete mineral extraction and the site's restoration thereafter. The proposed variations are arguably substantial in their nature but are focussed on time/duration and are not uncommon for minerals development.
69. It is pertinent to note that the original planning permission was time-limited to 20 years and that as the current application was in the process of being submitted that period expired. Upon receipt, the application could not be validated and a delay was caused whilst noise and flood assessments were undertaken and incorporated into an updated Environmental Statement. Subsequently due to further delays in processing the planning application the secondary date for completing restoration expired in January 2023. There has therefore been a period whereby the quarry has been operating in breach of the main time limit conditions. Officers are however satisfied that the proposals fall within the scope of section 73 and that the applications can be considered and determined accordingly.
70. Clearly whilst the principle of the quarry has been established by virtue of the planning consents detailed above, these were both time limited and have now expired and there has since been a significant passage of time during which

circumstances in planning policy and other ‘facts on the ground’ will have changed. In this situation and in light of the nature of the time extension being sought, it is right that consideration is given to whether the continued operation of this quarry conforms to the current Development Plan, particularly the Nottinghamshire Minerals Local Plan which was adopted in 2021, and therefore after the original Burntstump planning permission, and whether the environmental and other impacts are, or remain acceptable, including particularly the restoration strategy.

71. The Development Plan in this case comprises the Nottinghamshire Minerals Local Plan (MLP) (adopted 2021) and the Gedling Local Plan in two parts comprising the Gedling Aligned Core Strategy (ALC) (2014) and the Local Planning Document (LPD) (2018). The Calverton Neighbourhood Plan (2017) also forms part of the Development Plan but is of limited applicability. The most important policies for determining this application are found within the MLP and include all Strategic Policies 1-7, Minerals Provision Policies MP1 and MP3 (Aggregate Provision and Sherwood Sandstone) and Development Management Policies DM1-12 (save DM7 (public access and DM10 airfield safeguarding).
72. The National Planning Policy Framework remains an important material consideration, along with technical guidance in relation to minerals development within the National Planning Practice Guidance.
73. As the application is submitted with an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the MPA must be satisfied that it has sufficient information from which to identify the proposed development’s likely significant environmental effects before granting planning permission. The MPA must take this environmental information, along with the further information and the responses and submissions into account as part of this process and has done. Officers are now satisfied that there is sufficient information in this case to proceed to a recommendation.

The need for minerals

74. Minerals, including building sands, are essential to the development needs of society. National planning policy highlights that it is important that there is a sufficient supply to provide for the infrastructure, buildings, energy and goods that the country needs. There is also a recognition that this is a finite resource which needs to be used and managed sustainably.
75. The County Council’s Minerals Local Plan (MLP) 2021 also seeks to ensure the supply of minerals locally and includes a number of site allocations. Policy MP3 is pertinent as it seeks to secure an adequate supply of Sherwood Sandstone to meet expected demand over the plan period (2018-2036). The requirement for the County is for some 7.03 million tonnes (mt) in order to maintain a minimum 7-year landbank as part of maintaining a steady and adequate supply as stipulated in the overarching aggregate Policy MP1 and national planning policy. It does so via placing a large dependence on completing the extraction of

remaining reserves at three existing quarries – including site MP3a Burntstump – where, according to the Plan, some 1.88mt are estimated to remain (this figure dates from the Plan-making period). A further 2.73mt exists at nearby Bestwood 2 quarry and 0.60mt at Scrooby Top. The policy also provides for extensions at the latter two quarries in order to meet and exceed the 7.03mt requirement.

76. In relation to Burntstump, the MLP notes that its planning permission runs to the end of 2021 and given the high level of permitted reserves the operator may apply for an extension of time, as it has now done so. It further states that restoration will be to agriculture and woodland, without giving further details. The MLP contains a number of site development briefs, but not for existing sites such as Burntstump. It is estimated to provide a steady output of 30,000 tpa throughout the plan period (delivery schedule – MLP Appendix 1) and is annotated on Inset map 13 as an 'Existing Minerals Extraction Site' (the outline of the area roughly corresponds with the areas of remaining permitted reserves rather than the entire quarry site).
77. Essentially therefore the existing minerals extraction site at Burntstump quarry is allocated in all but name and forms an integral part of the MLP and its strategy for the steady and adequate supply of Sherwood Sandstone. As anticipated by the MLP the operator wishes to continue to work the remaining reserves and as such has requested a further 20 years in which to complete the extraction. Consequently Proposal 1 is entirely in accordance with Policy MP3 and this site is required for at least the Plan period which runs up to 2036.
78. The two proposals however seek time extensions until 2042 and the applicant states that some 1.5 million tonnes are remaining (less than the 1.88mt stated in the MLP). It states that it estimates that 20 years will be required in order to fully extract the remaining reserves (with a further year to complete restoration). It is reasonable to accept the lower and more up to date estimation of remaining reserves but even so, in order for this to be a viable proposition, the rate of extraction would need to rise significantly.
79. It is understood that output has averaged approximately 39,000 tpa in recent years which explains the assumption in the MLP delivery schedule of continued rates of extraction at/around 30,000tpa for the Plan period, i.e. it assumes there would be no notable change in the intensity of quarrying operations which would remain at a relatively low output. However extracting 1.5 million tonnes over 20 years would require a rate of extraction of some 75,000 tpa- 2.5 times the recent steady average. This is not explored in the application and the applicant does not explain how the proposed 20 years has been reached.
80. It is understood that prior to the 2008 economic downturn Burntstump regularly extracted around 80,000 tpa, therefore it would appear feasible for the operator to raise output over the next 20 years and there is nothing in terms of planning conditions expressly limiting rates of output. Clearly if the current lower rates of extraction persisted then by 2042 there would still be reserves remaining which could be sterilised if no further planning permission was sought.

81. Given i) that it appears technically possible to extract the mineral in the additional 20 years sought planning permission for and ii) the existing planning permission/conditions would allow for this and iii) there are no unacceptable environmental issues bearing on the current decision (as considered below) and iv) that the MLP is not dependent on a higher rate of extraction being achieved and v) that the minerals industry is highly sensitive to economic conditions which will inevitably vary over 20 years, it appears reasonable to permit the 20 years sought permission for and this does not undermine the compliance with Policy MP3.
82. In order to allow the functioning of the quarry it follows that Proposal 2 relating to the associated retention (until 2042) of the ancillary offices, weighbridge and a screening/soil bund is also justifiable and accords with Policy MP3 as well as Policy DM16 which permits associated development such as plant and buildings which are demonstrably related to mineral extraction including by being linked to the life of the site.
83. The fullest weight can be afforded to the proposal's compliance with MLP policies MP3 and DM16, which is an up to date plan consistent with the NPPF including paragraph 211 directing that 'great weight' should be given to the benefits of mineral extraction, including to the economy.
84. The contribution this site makes to maintaining a landbank also supports the NPPF objectives at para 213 of planning for a steady and adequate supply of aggregate minerals and maintaining a 7 year land bank for this type of sand. (A separate 7 year landbank is needed for general sand and gravel). As minerals are finite, the alternative cessation of working and enforced restoration would amount to sterilisation of the resource which would be contrary to local and national minerals planning policy, particularly in light of the subsequent findings on the acceptable nature of the environmental impacts.
85. The sand produced from this site has its own unique golden-yellow character which lends itself to more specialist sales and uses such as for colour-sensitive mortars. This only adds to the finite nature of the reserve and explains why extraction is undertaken sparingly in order to ensure best use is made of these minerals. With no significant environmental or amenity indicators advising against the continuation of this quarry, Officers are satisfied that this represents sustainable mineral extraction and the applications are supported. The report will now consider the remaining relevant matters.

Green Belt

86. The quarry lies entirely within the Green Belt as confirmed in the Gedling LPD. Policy SP6 of the Nottinghamshire Minerals Local Plan sets out that proposals for mineral extraction and associated development will be supported where this maintains the openness of the Green Belt and also the purposes of including the land within it, of which there are five as replicated from chapter 13 of the NPPF (i.e. this would be appropriate development in the Green Belt). Inappropriate development on the other hand will not be approved except in very special circumstances. It adds that site restoration proposals

should seek to enhance the beneficial afteruse of the Green Belt. SP6 is entirely in line with the NPPF on this matter. Gedling LPD policies LPD12 - LPD17 are not relevant to this form of Green Belt development and therefore defer to national policy.

87. The policy position confirms that there is nothing inherently inappropriate about mineral extraction taking place in Green Belt locations. Furthermore it is clear that some level of operational development such as soil stores/bunding, ancillary buildings and processing plant which are reasonably necessary and for which minerals extraction could not otherwise practically take place, is also not necessarily inappropriate.
88. The quarry site continues to be a contained site in its Green Belt context, spatially and from a visual perspective. Extraction of the mineral reserve at Burntstump creates a circa 20m deep void space with the processing also being undertaken at the quarry floor. As per the phasing plans this void moves progressively on to unworked areas allowing some interim re-sculpting and restoration of the preceding worked out phase.
89. Several temporary soil and overburden stores are present at a higher level. These include a perimeter bund alongside the A614 and Oxton Road and stores in the north-east corner of the site. All of these are standard, typical features of quarrying, and are temporary in nature as the materials will be required to complete the phased restoration. They are not considered to be excessive or to breach a 'tipping point' as to their effect. Furthermore the perimeter bunds have, and continue to effectively screen the quarry from passing road traffic. In more recent years the frontage hedgerows have been allowed to grow up to the extent that the perimeter bunds themselves are now well screened.
90. The final restoration would be of a low level form – i.e. the land would be left at lower than pre-extraction levels and it would be put to agricultural and biodiversity uses – all appropriate and compatible with this Green Belt location. The sand processing plant together with the site offices and other infrastructure would be removed, although the access from the A614 and the separate landfill site infrastructure may be needed for the foreseeable future in order to manage the former landfill to the north.
91. It is therefore considered that the continuation and completion of mineral extraction from this site would preserve the openness of the Green Belt, both during and after the development has taken place.
92. In relation to maintaining the purposes of the land's inclusion in the Green Belt, it is again clear that there would be no conflict and that mineral extraction and the site's final restoration would actually support the purposes/objectives of the Green Belt by keeping the land permanently open.
93. Officers are satisfied therefore that both proposals – the continuation of mineral extraction, along with the supporting infrastructure – are appropriate forms of development in the Green Belt and are not harmful to its planning objectives. The proposals accord with Policy SP6 and national planning policy on this matter. As an added safeguard, conditions removing permitted development

rights should enable the MPA to control any further site infrastructure, should this be required in future.

94. Finally, Policy SP6 also seeks restoration proposals that enhance the beneficial use of the Green Belt, which could include opportunities for biodiversity gains, or public access for example. There are no proposals for the latter, but biodiversity gains have been demonstrated in the revised restoration scheme as further considered below. Again, therefore the policy aims are considered met.

Landscape and visual impact

95. Strategic Policy 5 of the MLP requires minerals proposals to deliver a high standard of environmental protection and enhancement to ensure there are no unacceptable impacts on the built, historic and natural environment. It advises that mineral working has the potential to change the landscape, but sensitive, high quality, restoration can also help to improve existing landscapes, especially those which may be of a lower quality.
96. MLP Policy DM5 (Landscape Character) provides the basis for assessing impacts. Proposals are supported where they will not adversely impact on the character and distinctiveness of the landscape. However in cases where there would be an unacceptable impact the proposal will only be permitted where there is no available alternative, the need for development outweighs the landscape interest and adequate mitigation can be provided. Restoration proposals should take account of the local landscape character assessments.
97. MLP Policy DM1 (Amenity) provides consideration of impacts including landscape and visual impacts.
98. The present situation is evidently a half worked out quarry including a large void space and surface level soil stores and bunds. There is ongoing arable farming taking place across the future areas of extraction. Planning permission to continue extraction has though now lapsed and the site should have been restored in accordance with the restoration scheme or an alternative scheme as could be approved by the MPA.
99. A detailed Landscape and Visual Impact Assessment (LVIA) has been undertaken by the applicant and subsequently accompanied with an addendum making clear that there are no proposals to vary the approved phasing and working plans. The addendum has helpfully considered the revised restoration scheme that has been negotiated from the applicant.
100. The LVIA (and addendum) considers that the prolonged presence of the quarry will result in result in *moderate adverse* effects to the local landscape character (and policy zone 3) by virtue of its semi-industrial character bearing upon the area for a further 20 years.
101. Upon its restoration, employing the revised restoration scheme that has been negotiated with the applicant, which employs a greater focus on biodiversity, including increased heathland, dry and acid grassland, as well as conservation

grassland which would support limited agricultural land use, along with the retention of an area of semi-mature broadleaved woodland in the north-eastern corner of the site previously earmarked for removal, the effects will reduce to a *slight adverse* effect.

102. The LVIA addendum states that by Year 15 post-restoration, the proposed amended restoration design changes would result in improvements beyond those anticipated under the approved restoration scheme and these would help to reduce the adverse effects of the delayed restoration of the site. The overall effect on the character of the local area, would also be reduced to *Slight Adverse* in the longer term as the benefits of the retention of the woodland and a greater amount of habitat creation mitigate for the delays imposed by the extension of time.
103. The visual effects of the quarry are limited due to the extensive site screening. Road users in passing the site boundaries see very little if anything of the site however the LVIA and its addendum have considered a number of fixed viewpoints including those representative of the nearest residential properties in the area.
104. A *Large Adverse* and Significant visual effect is still predicted during operation in relation to Viewpoint 3 at Oxtan Road and specifically Ramsdale Cottage Farm where views from upper storey windows of mineral extraction and progressive restoration would be prolonged for a further 20+ years. Extraction in phases 4 and 5 would be in closer proximity to the receptor however still at or over 200m distant and was previously approved.
105. In the longer term the effect on this visual receptor would be reduced to *Slight Adverse* and not significant. As part of the revised restoration design, additional broadleaved woodland planting is proposed along this part of the site behind Oxtan Road which would help to screen the interior of the site in views from Ramsdale Cottage Farm.
106. The retention of the semi-mature broadleaved woodland to the north-east corner is also beneficial in screening visual effects of the quarry at Ramsdale Cottages to the east.
107. The MPA's landscape advisors (Via) have further suggested that, given the prolonged quarrying stage, it would be beneficial to deliver some of the final tree and scrub infill planting in this eastern area in advance of the final restoration stage, since this area is unaffected by mineral extraction or soiling works and is currently grazing land. The possibility of some linear planting alongside soil store S1 is also raised. There is clear merit in pursuing the planting in the eastern corner in the next few years rather than in circa 20 years' time and details and a programme for this work can be conditioned.
108. The identified landscape impacts in terms of a moderate adverse significance of effect to local landscape character during a further 20 years of mineral extraction (and to a lesser degree the slight adverse to slight neutral effects once restored) should be acknowledged. This does not necessarily result in a conflict with Policy DM5 as the test under para 2 is whether the impact would be

unacceptable. This may be because quarries invariably result in landscape impacts, particularly whilst active, and that minerals, as essential to society, can only be worked where they are geologically found.

109. The significance of the landscape effects is not considered to be so elevated as to result in an unacceptable impact in this case and, furthermore, given the quarry's *de facto* allocation in the MLP, it should not be necessary to consider alternative sites. In terms of mitigation, the phased working and restoration plans ensure that worked out areas start to be restored, eventually joining up into a cohesive site restoration for agriculture and biodiversity assimilating the site back into its rural context. Perimeter bunding and roadside planting also would continue to very effectively screen the site during the active extraction period. The semi-mature woodland that was due to be removed under the existing restoration scheme will now be permanently retained. Finally the restoration scheme takes account of the local landscape character. Consequently the proposed continuation of mineral extraction and the delay in the site's restoration is considered acceptable in order to deliver the MLP and improve the standards of restoration. Policy SP5 is also satisfied in this respect.
110. The identified significant visual impact at Ramdale House Farm and Ramsdale Cottage Farm should not be dismissed but appears to be a conservative finding based on a roadside viewpoint and an assumption that views may be possible from upper storey windows looking north towards the quarry over the top of the permitter bunds and roadside hedgerows along Oxton Road. The properties are 200m distant and there are numerous barns, outbuildings and tree screens which could prevent or limit the views. If any views were possible generally the impacts could be expected when the quarry is undertaking surface level works such as initial soil stripping but it is thought that once extraction is ongoing the depression or void space should limit the visual activity that could be appreciated from these properties.
111. There are no visual impact concerns at Ramsdale Cottages, particularly now that the woodland area would be retained, thus in reality this quarry is affecting two farm based properties at most and it is not discernible to the road users which pass along its boundaries. Therefore Officers consider the visual impacts of prolonged mineral extraction and restoration to be acceptable and compliant with MLP Policy DM1 (amenity).

Biodiversity issues and restoration design

Operational impacts

112. Policy DM4 of the Minerals Local Plan is supportive of minerals extraction where it can be demonstrated that there will not be unacceptable adverse effects to a hierarchy of designated nature conservation sites, from European designated sites through to Local Wildlife Sites (different tests apply when considering impacts verses benefits). The policy also seeks to ensure that minerals development does not result in the loss of populations of priority species or priority habitats, except where the need for and benefits of the development outweigh the impacts. The policy goes on to seek overall enhancements and

net gains for biodiversity, including appropriate management so to contribute to the Nottinghamshire Local Biodiversity Action Plan. Policy SP2 (Biodiversity-Led Restoration) as discussed below is also relevant.

113. The Preliminary Ecological Appraisal submitted with the Proposal 1 section 73 application shows that the site is of relatively low ecological value – part an active quarry and part arable farmland (the future phases). Perimeter hedgerows and an area of advanced tree and shrub planting at the north east corner have developed into habitats of high ecological value. However, these are to remain in place as part of the revised restoration proposal and do not form part of the permitted extraction area.
114. No concern is raised in terms of any adverse or prolonged impacts to the nearest Local Wildlife Site (Foxcovert Plantation, some 850m the north of the working quarry area) subject to continued adherence by the operator to the various environmental management and monitoring conditions, for example controls for dust and noise. There is also no concern in terms of impacting the wider possible potential Special Protection Area for the Sherwood area and no objection has been raised by Natural England.
115. The Preliminary Ecological Appraisal did not find evidence of any notable protected species including newts, badger, bat roosts (although there is moderate potential for foraging and commuting bats along hedgerows) and the site is considered to provide low potential for reptiles and amphibians. A number of common bird species were recorded on site. The report makes a number of standard mitigation recommendations relating to vegetation clearance and species and the NCC Natural Environment Manager concurs with the conclusions and recommends that the mitigation measures are secured by planning condition, which is accepted.

Restoration design issues

116. The Nottinghamshire Minerals Local Plan (Strategic Objective 6 and Strategic Policy SP2- *Biodiversity-Led Restoration*) aims to conserve and significantly enhance the County's diverse environment and biodiversity. MLP Policy SP2 therefore seeks to maximise biodiversity gains from the restoration of mineral sites and achieve a net gain in biodiversity (in accordance with Nottinghamshire Local Biodiversity Action Plan targets and opportunities). Policy DM4 (Protection and Enhancement of Biodiversity and Geodiversity) also makes this clear. Policy SP2 and the way it flows through the Plan as a whole, marks a clear change in priorities when compared against the policy framework which existed at the time of the original permission (this included the 1996 Structure Plan Review and the 1997 MLP).
117. Policy DM12 (Restoration, aftercare and after-use) states that minerals development must include an appropriate scheme for the restoration, after care and long term after use to enable long term enhancement of the environment. It should be in keeping with the local character and contribute to the delivery of local objectives for habitats/biodiversity, landscape, the historic environment etc. Restoration plans as a minimum need to show an overall concept detailing

sufficient information (such as contours and landscaping) to demonstrate its technical and economic feasibility as well as its consistency with the Council's biodiversity-led restoration strategy.

118. The main application seeks an additional 20 years in which to complete extraction and then a year to complete restoration. Initially no changes were proposed to the restoration design. Following an initial objection from NCC's Natural Environment Manager to the continued adherence to this restoration scheme, the question arises as to whether it is permissible and correct in planning terms to seek changes to the restoration design in order to improve the outcomes for biodiversity and to maximise net gains as per Policy SP2.
119. Planning Officers are of the opinion that it is possible and justifiable to seek such changes in order to render the application for 20 further years of working acceptable. This is because the Development Plan as it stands today has changed significantly since the original grant of planning permission with a focus on biodiversity gains reflecting today's environmental priorities. Whilst Policy SP2 advises that restoration schemes for allocated sites should be in line with the relevant Site Allocation Development Brief (contained in Appendix 2 of the MLP), no such brief exists for operational sites including Burntstump Quarry. In the supporting text for Policy MP3 (Sherwood Sandstone) there is a brief mention (para 4.51 – site information for Burntstump) that the restoration will be to agriculture and woodland. However this is merely stating the facts as they were at the time and it is not a statement of policy that the site has to be or should continue to be restored to 'agriculture and woodland'. The proposed variations would result in significant delays to achieving the restored habitats and planting and it is clear that the initial objection from the Natural Environment Manager was justifiable. The current restoration design is no longer appropriate and therefore the MPA has requested details of a revised restoration design and calculations to demonstrate a biodiversity net gain.
120. Following significant delays on the applicant's part, the MPA is now in receipt of a suitable revised restoration concept plan (Plan 3), along with supporting Biodiversity Net Gain calculations. Changes to the design are focused on achieving a better balance between agricultural and biodiversity afteruses with only minor changes to the final topography compared with the extant plan. The retention of an area of planted broadleaved woodland towards the eastern corner of the site and Ramsdale Cottages is welcomed and it was not clear why it was previously scheduled for removal. Furthermore the revised restoration plan seeks to supplement this with further tree and scrub planting. The additional areas of sloping heathland and dry and acid grassland are appropriate for the local context. The new hedgerows and other planting would provide connectivity across the site and beyond for wildlife. The plan is considered to be of sufficient detail as required by Policy DM12 and deliverable.
121. The revised restoration will deliver a 38.95% net gain in biodiversity units and a 61.65% gain for hedgerow when compared with the existing situation. This will be a moderate positive outcome replacing the existing mainly low ecological value habitats with higher value habitats and with a net gain well over 10% which will be the statutory minimum in due course. The level of net gain shows

there is a balanced restoration in this case but that biodiversity has been built into all elements of the scheme including the grassland fields which can serve a useful agricultural after use.

122. The County Council's Natural Environment Manager is content with the revised restoration plan and which responds appropriately to the change in planning policy circumstances. Restoration works would be progressed in a number of phases and the exact details, including planting and establishment details, will need to be submitted to the MPA for its prior approval to ensure the overall restoration vision is successfully delivered in practice.
123. Policy DM12 specifies that as a minimum there should be five years of aftercare, but noting that biodiversity features/areas may justify a longer period of management. No further details in relation to aftercare have been provided by the applicant. Conditions on the quarry currently specify a 5-year aftercare period for the agricultural areas whilst the heathland slope is subject to 25 years aftercare by virtue of a more recent legal agreement to extend the heathland area, to offset that lost from Bestwood 2 quarry.
124. The County Council's Natural Environment Manager requests an extended aftercare period of up to 20 years (heather will take 20 years to reach its target condition), noting that in future once Biodiversity Net Gain is a legal requirement pursuant to the Environment Act 2021, this period will be 30 years. However this may not apply to all section 73 variations. For consistency the aftercare for heathland slopes should remain stipulated at 25 years unless otherwise agreed by the MPA and it is practical to also take in the immediate area of dry acid grassland, scrub and woodland areas. The two central fields of conservation grassland suitable for agricultural grazing would benefit from 5 years of aftercare.
125. Access to these fields would be via the former quarry access road with scope to potentially downgrade parts of this to a trackway, details of which can be conditioned. However, no public access is planned in this instance and nor was this originally envisaged.
126. In summary the revised restoration scheme is now acceptable, is a marked improvement for biodiversity over the extant requirements, whilst providing a balance for some agricultural grazing, and is considered compliant with the adopted Minerals Local Plan and in particular Policies SP3 and DM12. Planning conditions and the regular system of monitoring by the MPA can ensure this is successfully delivered in the future years.

Noise and amenity

127. MLP Policy DM1 (Protecting Local Amenity) supports minerals development proposals where it can be demonstrated that any adverse impacts on amenity, including noise, are avoided or adequately mitigated to an acceptable level.
128. Para 211c) of the NPPF states that when considering minerals development proposals MPAs should ensure that unavoidable noise is controlled, mitigated or

removed at source, and it should establish appropriate noise limits for extraction in proximity to noise sensitive properties. National Planning Practice Guidance provides further technical guidance including maximum acceptable noise levels.

129. Existing Conditions 13 and 20 to 24 regulate hours of working (7am to 7pm Monday-Friday and 7am to 1pm on Saturdays) and control noise from the quarry, including setting noise limits at the three closest residential receptors – Robin Hood Farm, Ramsdale Farm and Ramsdale Cottages – and also requiring periodic noise monitoring and reporting. No changes to any of these conditions have been sought, however due to the passage of time since the original permission was granted along with other factors including the de-trunking of the A614 and the introduction of a lower 50mph speed limit, an updated noise assessment has been required from the applicant to consider whether the existing noise controls and limits remain acceptable for a further proposed 20 year operational period.
130. This work, which has included new background noise surveys, has found that no new residential receptor locations have been introduced in the immediate surrounding area (though see below) and that the local noise environment is influenced by traffic using the A614 and Oxtan Road. It has modelled predicted noise at the receptors taking into account the plant contingent, vehicle movements and the phasing of the extraction areas and has concluded that resulting noise levels will remain well below the existing noise limits – between 6 and 12dB below the limits of 52 and 53 dBLAeq for regular working and also well within the 70dB limit for short term works. The existing noise limits are therefore appropriate and in line with the Planning Practice Guidance for mineral working and should be carried forward unchanged. The MPA's noise consultant agrees (see Via Noise comments above).
131. Planning Officers have noted a recent planning permission (2021/1449) issued by Gedling Borough Council at No.3 Ramsdale Cottage to the north-east corner of the quarry site. This permits the conversion of an existing detached outbuilding into 'a self-contained annex'. The building in question is an L-shaped single-storey building some 80m back from No.3 within an extensive rear curtilage. It is sited tightly against the boundary of the north-eastern corner of the quarry site, but against the landscaped corner of the site which is excluded from the extraction area. The landscaped area is operationally separate and in use as paddocks which are screened from the quarry area by a block of tree planting. Whilst this is a new building closer to the quarry and which now has an authorised residential use, Planning Officers do not consider this to be a new stand-alone residential receptor owing to the terms of the permission and condition no. 3 which restricts its occupation only as ancillary to No. 3 Ramsdale Cottage.
132. All of Ramsdale Cottages will continue to be buffered from quarrying impacts by the retained north-east corner (subject to carrying forward phasing plans) and the tree planting areas. In addition the extraction area will not move any closer to these properties than at present. However a large soil store will need lifting as part of the restoration of the quarry. The higher 70dB limit would be applicable to such short term and necessary activities.

133. In conclusion, there would be no unacceptable noise impacts to the limited number of nearby residential receptors. There are also no public rights of way or accessible land likely to receive noise impacts. Noise levels have been monitored and results over recent years have shown generally low noise effects which reflects the limited means of working that has been the trend in recent years at this site. There is also an absence of noise complaints on the record. The applicant's updated noise assessment is robust to predict noise emissions should the site be fully working and as it moves onto new phases. The existing noise controls remain appropriate and these conditions should be carried forward as part of any grant of permission under section 73. It should be noted that the properties could continue to experience some minor levels of noise emissions – and in particular from temporary operations to move soil stores – but that planning policy and guidance allows acceptable noise levels in order to facilitate essential minerals working.

Agricultural land and soils

134. This matter was scoped out of the EIA but some implications arise which could affect the planning balance.
135. Minerals Local Plan Policy DM3 relates to best and most versatile agricultural land (grades 1, 2 and 3a) as well as general soil management during the course of mineral extraction. Proposals affecting best and most versatile land can be supported subject to not affecting the long-term agricultural potential of the land/soils or, alternatively, where there is no alternative and the need for the mineral is considered to outweigh the impact on agricultural land quality.
136. The NPPF advises that the wider economic benefits of the best and most versatile agricultural land should be recognised and favours the use of areas of poorer quality land where significant land take is required.
137. It is understood from previous surveys in 1990 that the majority of the site (65%) comprises Grade 3b agricultural land with smaller areas of better quality Grades 2 and 3a which fall into the BMV classification. Mapping indicates that the better quality land (which is less stony) may follow a strip along Oxtan Road and at the eastern corner near to Ramsdale Cottages. It is noted that the permitted extraction area (which is smaller than the site red line area) largely avoids these areas and the eastern corner comprises an area of advance landscaping which will remain in place.
138. Prior to the quarry development the site comprised two large arable fields. The eastern corner was used to create the advance tree planting behind Ramsdale Cottages. Today the southern portion of the site remains in arable use but will shortly be needed for phase 4 of mineral extraction.
139. The extant site restoration masterplan is largely agricultural in design and shows the quarry floor restored as two pasture fields, the eastern one with a rising slope. The steeper peripheral slopes would be restored with grassland, heathland and tree planting. The baseline therefore is already an expected loss of arable farmland from the previous grants of planning permission.

140. As explored above the current Minerals Local Plan favours a biodiversity-led approach to site restoration and this is considered to carry more weight than the desirability of restoring agricultural land which under the extant restoration scheme would be created as general grazing pasture and mostly not involving best and most versatile soils. As such a revised balance between agricultural and biodiversity after uses has been negotiated as detailed in the revised restoration scheme now forming part of the main application.
141. The soils will still be required to create these after uses (except areas of heathland) and so the conditions relating to their management (stripping, storage and reinstatement) need to be carried forward. The soils currently stored in the peripheral landscape bunds will need to be gradually removed as restoration progresses, starting with those alongside the A614 at the north-west corner and lastly those along Oxton Road.
142. To conclude, although a further area of arable farmland would be permanently removed, the loss was previously approved and expected, and the impact is not considered significant given the limited coverage of BMV quality soils. It is the case that these soils can still be put to a form of agricultural after use as now shown on the revised restoration masterplan. The increased balance that would now be reallocated to a biodiversity after use is considered to be appropriate when seen in the context of the Minerals Local Plan overall, including the site's *de facto* allocation and thus there is a demonstratable need to complete the mineral extraction which outweighs impacts to the soil resources, following Policy DM3.

Other matters (scoped out from requiring detailed assessment)

Hydrology/ hydrogeology and flooding

143. New hydrological and hydrogeological assessments have not been required on the basis that these matters were assessed in the original application and the current planning application does not seek to alter the development previously granted. The applicant has however proceeded with producing a proportionate flood risk assessment which includes comments in terms of ground waters. The findings are entirely reasonable and notwithstanding the comments from Via (Geo Environmental) as summarised above, there does not appear to be any need for further information on these matters.
144. In summary the quarrying activity comprises a water compatible land use that is entirely appropriate in Flood Zone 1 – the lowest risk land. At the strategic level the site is also included in the Minerals Local Plan. There are no nearby watercourses that would raise fluvial flooding risks. The main flood risk, albeit low, is in terms of surface water flooding through changes to surfaces (exposed quarry) and high rainfall events. The quarry void provides a large area for flood storage and it is common for minerals operators to manage this on site. It is a known risk to the operator, but a low risk (particularly when compared with sites in river valleys) that can be locally managed with safe systems of working practice. If necessary staff and plant and equipment can be relocated to the higher ground or up to the office/administration area beside the haul road. There

will be no consequential increase in flood risk elsewhere both during extraction and at the completion of restoration. The afteruses retain a void space and return the land to greenfield condition. No objection is raised by the County Council's flood risk management team.

145. Whilst the site is situated overlying the Principal Aquifer, the Environment Agency, as statutory consultee in this matter, has not raised any concerns including at the earlier Scoping stage. The applicant states that ground water monitoring has determined that the water table sits at depth, well below the mineral horizons being worked.
146. Via Geo Environmental recommends a review of the pollution control measures to ensure they remain adequate to protect water resources. It is noted that planning conditions are in place preventing discharge of foul or contaminated drainage and concerning the safe and secure storage of fuel and the means of refuelling plant and machinery. These conditions appear adequate and should be rolled forward. For clarity it is considered necessary to add a condition that no waste materials can be imported for restoration purposes.
147. Notwithstanding the further comments from Via Geo Environmental, the continued quarrying and restoration operations should not affect, or be affected, by the ongoing management of the restored landfill site to the north as this will be fully regulated by an Environmental Permit overseen by the Environment Agency and in any event the active extraction area has and is moving southwards and away from the landfill site.
148. Overall Officers consider the proposed continuation of quarrying is compliant with MLP Policy DM2 (Water Resources and Flood Risk) as there would be no unacceptable impacts.

Traffic and transport

149. There are no Highways objections or concerns to the continuation of mineral extraction. The quarry is favourably located with direct access to the A614 via a dedicated priority junction that includes wide geometry and inter-visibility as well as a ghost right turning lane upon entry. Whilst the A614 is no longer a Trunk Road, it forms part of the Major Road Network for the County and is an important route for commerce. The quarry's location near to the Greater Nottingham market area may also assist in limiting delivery distances.
150. Traffic levels serving the quarry are likely to have been very low of late due to the reduced rates of extraction in recent years, however there are no concerns should the higher rate of extraction be reached again due to the good/direct access to the major road network. It can also be noted that the adjacent landfill site, which share the access with Burntstump quarry, has since been closed and restored thus removing that traffic contribution, apart from some occasional service vehicles.
151. Condition 10 (to become C8) relating to access to the A614 only via the existing haul road and entrance, Condition 11 (to become C9) requiring the maintenance of wheel cleaning facilities for which all HGVs need to use before exiting, and

Condition 12 (to become C10) requiring all vehicle loads to be sheeted upon exiting the site should be carried forward on any grant of section 73 permission.

152. The allied section 73 planning application (Proposal 2) seeks to retain the ancillary weighbridge and offices. These are operationally needed as part of maintaining the existing access arrangements and they do not raise any additional planning concern.
153. Therefore continued mineral extraction and its export via HGV is in accordance with MLP Policy DM9 (Highways Safety and Vehicle Movements/Routing) as the traffic movements can be safely accommodated on the highway network and will not cause unacceptable environmental or local amenity issues. No vehicle routing scheme is necessary in this case, but controls for mud and dust can be kept in place.

Dust control

154. Conditions on the quarry permission require dust to be managed and monitored in accordance with an approved dust management scheme which stipulates a number of standard industry techniques including taking into account weather conditions when deciding to undertake certain operations. Dust measurements and monitoring is stipulated as to be undertaken on a monthly basis between May to September, and between December and March. Subsequently the MPA did agree to a reduced frequency of monitoring to three times a year based upon a reduced level of quarry operations and the lack of dust instances or complaints.
155. The dust management and monitoring scheme is over 20 years old and in light of the comments from Via Geo Environmental as well as the history of informal variations to monitoring, would benefit from a refresh to ensure there will be high standards of dust control for a further 20 years of operation. As such Conditions 25 and 26 are recommended to be replaced (as new C24) to require the provision of an updated dust management and monitoring scheme. Subject to this requirement the proposals should not result in any significant or unacceptable emissions of dust, thereby satisfying MLP Policy DM1 (Amenity). It should also be noted that Condition 10 will continue to require sheeting of all vehicles transporting minerals from the site.

Built heritage

156. There are a small number of listed buildings on outlying farms in the local area, the nearest being Ramsdale House and Stables (Grade II) 200m to the south-east and Cockliffe House and Granary (Grade II) 350m to the north-west of the site access (See Plan 1). From a review of the original planning application and Committee reports it would appear that there were no concerns in relation to the quarry affecting their continued conservation and this issue was not considered further. Conditions were put in place to regulate potential indirect effects including noise and dust.
157. By way of brief reappraisal, the late C18 and early C19 Ramsdale House and adjoining stables lies within a grouping to the south of Oxtan Road that includes

Ramsdale Farm and Ramsdale Cottage Farm. The listed Ramsdale House and Stables however sit behind a cluster of farm and other buildings and do not appear to have the open aspect that Ramsdale Cottage Farm has. There is also a line of trees around the farm. Intervisibility between the listed house and the quarry is therefore either minimal and restricted to rear second storey windows or not possible. Given the separation provided by fields and Oxton Road and the distance to the House and the fact that the quarry will continue to have its own screening by what is now a well grown-out hedgerow along Oxton Road, behind which is the screening bund, it is reasonable to conclude that there will be no harm caused to the significance of the listed buildings at Ramsdale House including indirectly through setting taking into account views and emissions such as noise. As set out above the existing noise and dust controls can still be complied with and no change is proposed to the methods of operation.

158. The early 18th Century and c.1800 Cockcliffe House and granary may have some intervisibility across the fields to the A614 and the site entrance. This is not considered to form part of the setting to the listed building and no visual or other impacts are considered to arise. The hedgerow along the western side of the quarry and former landfill has been allowed to grow and provides an extremely effective screen.
159. There are other designated sites in the wider area including a scheduled monument at Cockpit Hill in Ramsdale Park 1km to the south east. However, no indirect impacts are considered to arise.
160. Consequently the earlier position that no concerns arise in relation to impacts to built heritage assets and their settings can be confirmed and this presents no barrier to a further period in which to complete mineral extraction. MLP Policy DM6 (Historic Environment) is therefore satisfied.

Archaeology

161. Existing Condition 17 (new C13) provides mitigation for any potential archaeology that might be encountered in advance of the extraction of the underlying mineral. It requires a detailed, phased scheme of archaeological investigation and treatment to be in place prior to soil stripping. Schemes have subsequently been agreed for the current phases of quarrying and the County Archaeologist is content that the requirements for archaeological monitoring can continue to be required for the future/remaining phases of the quarry. This will ensure there is provision for archaeological supervision and suitable contingency measures should remains be discovered (this could range from recording and excavating finds through to preservation in situ in extreme cases of high significance).
162. Subject to slightly amended wording to this condition, archaeology is afforded appropriate safeguards in light of the likely low significance of any finds. This overall approach could aid our understanding of the historic environment and again accords with MLP Policy DM6.

Review of conditions

163. Proposal 1 if granted sees conditions 5 (existing condition 7), 6 (existing condition 8) and 48 (existing 50) varied to extend the life of the quarry as per the application.
164. In addition:
- a) An updated scheme (new condition 12) is required to manage and supplement hedgerow and woodland planting, incorporating the requests from Via (Landscape) to secure earlier planting of woodland where practicable.
 - b) New ecology conditions (C14-17) are included as recommended by NCC Ecology.
 - c) Two noise mitigation conditions can be merged and updated (C23).
 - d) There is a requirement for an updated dust management and monitoring scheme to be submitted for approval (C24).
 - e) Various changes are needed to the restoration and aftercare conditions reflecting a mixed restoration for biodiversity, woodland and agriculture after uses. Further restoration details are to be required at the appropriate point.
 - f) Aftercare is required of 5 and 25 years for agricultural and biodiversity/woodland areas respectively.
 - g) A number of minor textual updates and insertions are also drafted for conditions 1, 4 (new condition 2), 5 (new C3), 6 (new C4), 9 (new C7), 27 (new C25), 28 (new C26), 36 (new C34), 38 (new C36), 49 (new C47), 52 (new C50) and 58 (new C55). Certain other conditions can be deleted or merged.
165. Proposal 2 seeks to amend the removal date on a single condition (2). However, it is evident that the date should also be updated on Conditions 4 and 5. An update to Condition 3 has been included to remove permitted development rights in order to assess any proposals and their impacts to the Green Belt and bringing this permission in line with the main quarry permission.

Legal agreement implications

166. As part of a previous grant of permission for an extension to nearby Bestwood 2 quarry there is a legal agreement/requirement to provide a small additional area of compensatory heathland within the restoration of Burntstump Quarry. This can still be delivered within the revised restoration scheme now under consideration and no changes to that legal agreement are required. There is no legal agreement directly related to Burntstump Quarry. All other matters relating to the regulation of the quarry are controlled via planning conditions.

Other Options Considered

167. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. A 'do nothing' approach, or a refusal of the application would effectively lead to sterilisation of the remaining mineral which is not considered to be sustainable or in line with Minerals Local Plan requirements.

Statutory and Policy Implications

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

Crime and Disorder Implications

169. None directly arising. The quarry has a range of security measures in place including perimeter fencing, security lighting and CCTV coverage.

Data Protection and Information Governance

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

Human Rights Implications

171. 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 the position of a small number of rural properties in the vicinity of the quarry. The proposals have the potential to give rise to dust, noise and visual impacts. However, these potential impacts are subject to conditions and controls and need to be balanced against the wider benefits the proposals would provide in terms of maintaining a steady and adequate supply of mineral to the wider region, and of the biodiversity enhancements from the site's eventual restoration. Members need to consider whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

Public Sector Equality Duty Implications

172. The report and its consideration of the planning applications has been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

Implications for Sustainability and the Environment

173. These have been considered in the Observations section above, including all the environmental information contained within the EIA submitted with the application.
174. There are no implications in relation to Finance, Human Resources, Safeguarding of Children/Adults at Risk, or for Service Users.

Conclusion and planning balance

175. Permission is sought to vary conditions to allow for an additional 20 years in which to complete mineral extraction at Calverton Burntstump Quarry followed by a further year to finish restoration. Associated with this the operator seeks to temporarily retain the weighbridge, offices and a soil bund near to the main entrance. An updated Environmental Assessment has been undertaken on a select number of topics and the applications fall to be assessed against up to date Development Plan Policy which has moved on since the original grant of planning permission.
176. Extraction of the remaining reserves is fully supported by the current Minerals Local Plan as the site is effectively allocated within the plan and the reserves form part of the County's landbank. The proposals have also been assessed as being appropriate development in the Green Belt. Officers have however considered it necessary to secure a revised restoration plan in order to satisfy the Minerals Local Plan's Biodiversity-Led Restoration strategy. The revised restoration scheme provides a number of improvements for biodiversity but a balanced approach remains, including grassland suitable for agriculture.
177. Updated ecological surveys have found the site to be predominantly of low ecological value whereas the revised restoration scheme is predicted to deliver a 38.95% gain in biodiversity units and a 61.65% gain for hedgerows.
178. In terms of other environmental issues, no local objections have been received. However, the continued presence of the quarry for a further 20 years beyond that originally approved would inevitably result in prolonged effects to the local landscape character, assessed as moderate adverse but reducing to a slight adverse impact once restored. In visual terms however the site is very well screened, including along its roadside boundaries.
179. A large adverse and significant visual effect is still predicted during operations at Oxtan Road and specifically Ramsdale Cottage Farm. However, this appears to be a worst case assessment and screening from the roadside hedgerows and soil bunds would remain in place and reinforced as may be required. An area of advance planted woodland to the east near to Ramsdale Cottages will now

remain in place as part of the final restoration scheme thereby protecting the amenity of these properties.

180. The site has favourable access directly onto the A614 and no traffic or highways concerns are raised. Existing noise controls remain acceptable to safeguard the amenity of the nearest residential properties. Pollution control measures remain acceptable subject to requiring an updated dust management and monitoring scheme by condition. Matters such as archaeology are regulated by conditions. The site will also continue to be subject to routine monitoring from the Minerals Planning Authority.
181. Further areas of arable farmland, including a limited Best and Most Versatile area, would be removed for the next phases of mineral extraction. However, this was previously approved and the need for the mineral, as identified in the current Minerals Local Plan, justifies its removal. The soils can however be utilised in the site restoration which include areas of grassland suitable for hay and grazing. A range of planning conditions regulate the management of soil.
182. Overall, now with the revised restoration scheme that has been secured, there are clear policy reasons for supporting the proposed extension of time and there is substantial compliance with planning policy, notably Minerals Local Plan Strategic Policies 1 to 7, Minerals Provision Policies MP1 and MP3 (Aggregate Provision and Sherwood Sandstone) and the following Development Management Policies: DM1 (Protecting Local Amenity); DM2 (Water Resources and Flood Risk); DM3 (Agricultural Land and Soil Quality); DM4 (Protection and Enhancement of Biodiversity and Geodiversity); DM5 (Landscape Character); DM6 (Historic Environment); DM9 (Highways Safety and Vehicle Movements/Routeing); and DM12 (Restoration, aftercare and after-use). The allied retention of the necessary site infrastructure for the life of the quarry is also deemed appropriate when considering Policy DM16 (Associated Industrial Development) amongst others. No other policies at the local level affect these conclusions.
183. In accordance with national planning policy great weight should be afforded to the benefits of minerals extraction, including to the economy. The combined benefits, including from the amended restoration scheme, are considered to outweigh the largely limited and temporary adverse impacts to the local landscape and views. It is therefore considered that both applications be approved subject to updated conditions.

Statement of Positive and Proactive Engagement

184. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant including by the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; highlighted consultation responses that may have been received in a timely manner; and liaised with consultees to resolve issues. Issues of concern have been raised with the applicant and have been

addressed through negotiation and acceptable amendments to the restoration proposals. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

185. It is RECOMMENDED that:

- (a) Section 73 planning permission is granted for the variation of conditions 7, 8 and 50 of permission 7/2005/0263 so to extend the time to work the remaining mineral reserves until 7 Jan 2042 with restoration by 7 Jan 2043 (Proposal 1) subject to the conditions set out in Appendix 1;
- (b) Section 73 planning permission is granted for the variation of condition 2 of permission 7/2003/1323 to retain the weighbridge, associated buildings and soil mound for the proposed duration of mineral extraction operations to 7 Jan 2042 (Proposal 2) subject to the conditions set out in Appendix 2.

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

DEREK HIGTON

Interim Corporate Director – Place

Constitutional Comments [JL 06/06/23]

187. Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

Financial Comments [PAA 04/07/23]

188. There are no specific financial implications arising directly from the report.

Background Papers Available for Inspection

189. The application files are available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4383
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4384

Electoral Division and Member Affected

Calverton - Councillor Boyd Elliott

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