



2 June 2015

Agenda Item:11

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/14/01995/CMA

**PROPOSAL: APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE
EXTANT PLANNING PERMISSION 3/03/02626/CMA IN ORDER TO
EXTEND THE TIME LIMIT FOR IMPLEMENTATION, INCORPORATING
NEW ACCESS ARRANGEMENTS**

**LOCATION: CROMWELL QUARRY, LAND TO THE EAST OF THE A1, SLIP ROAD
A1, CROMWELL, NEWARK**

APPLICANT: CEMEX UK OPERATIONS LIMITED

Purpose of Report

1. To consider a planning application for the extension in time to implement an existing planning permission for the extraction of sand and gravel from land to the east of the A1 at Cromwell, Newark. The key issues relate to the continued need for the site, HGV movements and restoration. The recommendation is to grant planning permission subject to conditions and the signing of a legal agreement.

The Site and Surroundings

2. The application site is located within a narrow band of land, approximately 700 metres wide, bordered to the east by the River Trent and to the west by the A1 (see Plan 1). The surrounding area is predominately agricultural although there are also significant existing and former sand and gravel workings in the area on both sides of the river. These include another quarry known as Cromwell Quarry to the immediate north of the application site (see Plan 1), from which sand and gravel extraction has been completed and the site largely restored, although it is now being used for the deposit and recycling of river dredgings. On the opposite side of the river is the northern extent of Langford Lowfields Quarry (see Plan 1), an area which has been worked and restored and has subsequently been designated as a local wildlife site, with the working quarry to the south of this. Approximately 850 metres to the north east of the application site, again on the opposite side of the river, is the southern extent of Besthorpe Quarry (see Plan 1).

3. The nearest residential properties to the site are in Cromwell on the western side of the A1 on the Great North Road (Main Street), which runs roughly north-south through the village, being around 200 metres from the site access (see Plan 1). There are a number of buildings of historic interest in the village, including the Grade I listed St Giles Church, which is around 200 metres to the west of the south western corner of the site, and 'The Old Rectory and Attached Cottage' which is immediately south of the church and a similar distance from the site. The village of Collingham is around two kilometres to the east of the site.
4. The application site itself covers an area of around 26.5 hectares and is predominately flat agricultural land, primarily comprising three large fields bordered by hedgerows. A mature hedgerow with hedgerow trees borders the western boundary of the site adjacent to the A1, whilst a floodbank adjacent to the river, which is also Cromwell Bridleway Number 1, forms the eastern boundary of the site (see Plan 1). Cromwell Footpath Number 5 is hard surfaced and runs from the village, across the A1, along the southern boundary of the site, before becoming Cromwell Bridleway Number 1 which heads south to Cromwell Lock.
5. The site access is via an existing access which served the former Cromwell Quarry to the immediate north of the site (see Plan 1). The proposed development would utilise the access into the former quarry for around 80 metres in an easterly direction before heading south east for around 130 metres, adjacent to a pond associated with the former quarry. The entire application site lies within Flood Zone 3.

Planning History

6. The site was first granted planning permission for sand and gravel extraction in November 1998 (reference 3/94/1169/CM) subject to 47 conditions, one of which required the development to be commenced within five years of the date of the permission, i.e. by November 2003. The development did not commence within this timescale and so, in October 2003, an application (reference 3/03/02626/CMA) to vary condition 5 and allow an extension in time to commence the development was submitted. Although it was resolved to grant planning permission in October 2006, issues regarding the drafting of the legal agreement resulted in the planning permission not being issued until April 2009.
7. This permission required the development to commence within five years of the date of the permission, i.e. by April 2014 and officers became aware of works commencing on site later in 2009. Soils and overburden had been stripped from a field earmarked for the plant site, with the soils placed in a long continuous bund running along the northern and western boundaries of the field, and the overburden placed in a stockpile in the north east corner. In addition to this, three small water bodies had been dug and a small amount of sand and gravel had been removed from the site. The works had ceased due to officer concerns and also due to poor weather conditions.
8. All of the above works had been undertaken despite a number of 'prior commencement' conditions having not been discharged but officers considered that the development had not actually commenced as the planning permission was for the extraction of sand and gravel and only a small amount of material,

thought to be around 15 HGV loads, had been removed from the site. For this reason, Condition 5 of Planning Permission 3/03/02626/CMA, requiring the permission to commence by April 2014, remained valid.

9. In January 2014, with no further works having taken place on site due to what the applicant described as 'the economic climate and decline of the aggregate market locally and nationally', an application was submitted to extend the commencement date of Planning Permission 3/03/02626/CMA for a further 12 months to allow all infrastructure works related to the discharge of water, the wheelwash and plant to be installed and an adequate quantity of sand and gravel to be extracted. This application was not validated and subsequently returned to the applicant as it had not been submitted with an accompanying environmental statement and the proposed development was considered to constitute EIA development.
10. The application was resubmitted (reference 3/14/00778/CMA) with an accompanying environmental statement in April 2014 seeking to extend the start date of Planning Permission 3/03/02626/CMA by a further 18 months but this application had to be withdrawn as the application site boundary did not include the access through the adjacent former quarry site.
11. The above matter was addressed and the application now under consideration was submitted in October 2014.

Proposed Development

12. This planning application seeks to extend the date of commencement of the development by a period of 18 months (from the date of any permission issued) in order that the operators can install all the necessary infrastructure required in relation to the discharge of water, the wheelwash and the site plant. The development itself seeks to extract 2.4 million tonnes of sand and gravel from the site over a 12 year period, based on a production rate of 200,000 tonnes per annum.
13. The phasing plans submitted show the site being worked in ten phases (see Plan 2), commencing in the south west corner and moving east across the southern half of the site in phases one to four, phase five covering the entire eastern extent of the extraction area, with phases six to ten moving across the northern half of the site from east to west. The plant would be located in the north west corner of the site in the area previously stripped of soils. The minerals would be excavated using a hydraulic excavator and would be transported to the plant site for processing by dumper trucks, in order to prevent the use of any physical structures, such as a conveyor system, within the floodplain. To this end, mobile processing plant would be installed at the site which would not exceed eight metres in height. In addition to the mobile processing plant, other built development on site would include a weighbridge, offices, a wheelwash and a generator/electricity cabin.
14. As described in paragraph 7 above, initial site preparation works have already been undertaken, insofar as soils and overburden have been stripped from the plant site area and placed into stockpiles. The proposed development would continue through the stripping of soils and overburden from phase one, in addition to the creation of the access road, which would be hard surfaced, and

the installation of the wheelwash and weighbridge. Soil bunds would be created to the west of phase one and to the south of the plant site area, with overburden being added to the existing overburden mound, to a mound in the south west corner of the site, and also to a long linear bund on the eastern boundary of the site close to the existing floodbank.

15. Mineral extraction in phase one would allow for the creation of the permanent silt settlement ponds on site, which would be kept separate from the remaining extraction area by a ten metre wide unexcavated strip of land. Further temporary silt and clean water lagoons would be created to the immediate south of the plant site, north of a topsoil bund.
16. Mineral extraction would continue into phases two, three and four with the overburden mound close to the plant site continuing to be expanded through phase two before the material is then used in the restoration of phases three and four. Top soils would be direct placed in previous phases to allow the restoration of the site to commence. In a similar fashion to the separation of the settlement pond from phase one through a ten metre wide unexcavated strip of land, an unexcavated area would be left between every two phases, as well as across the centre of the site on the northern edge of phases one to four. This would allow for each two-phase area to be discretely dewatered, with one phase being worked whilst the other is being dewatered.
17. Phased extraction and restoration would continue in a similar manner across the northern part of the site through phases six to ten, before the plant site itself is worked from south to north. The working of these later phases would include the progressive removal of the ten metre wide strips previously left in place and the removal of these strips would be coupled with water levels being allowed to progressively return to natural levels to gradually create the water body which forms a significant part of the restoration proposals. Given the need to remove the plant on site in order to extract the mineral in the plant site area, it is proposed to remove the sand and gravel from this area and transport it off site 'as dug' for direct sale or for processing at another of the applicant's operations.
18. It is proposed to operate the site between 7am and 7pm Monday to Friday and 7am to 1pm on Saturdays. The application anticipates an average of four HGVs entering and leaving the site per hour (eight movements), which would equate to approximately 48 HGVs using the site each weekday (96 movements).
19. The proposed restoration is for a combination of open water, including some ephemeral ponds suitable for amphibians; seasonal wet grassland; marginal reedbed habitat; neutral grassland meadow; and areas of tree, shrub and hedgerow planting. The application states that the Trent Valley is an important corridor for migratory and indigenous birds, in particular wildfowl and the site has the potential for the creation of a wetland habitat which could become an important feeding, resting and breeding site.
20. The main water body would cover most of the western half of the site and part of the eastern half and would include some gravel-topped islands to encourage common terns. The application states that the lake margins have been maximised to create the largest possible shallow areas for feeding wading birds such as ringed plover and little ringed plover. Two areas of the lake edge are proposed to be designed to have vertical earth banks which are ideal nesting habitat for kingfisher.

21. The marginal reedbed, seasonal wet grassland and neutral grassland would cover the majority of the eastern half of the site and would be sown with a low maintenance grass seed mix incorporating wild flowers. The tree planting proposed includes species such as field maple, alder, downy birch, ash, wild cherry, oak, white willow and crack willow, whilst the shrub planting would include dogwood, hazel, hawthorn, blackthorn, dog rose, goat willow, willow and guelder rose.
22. The application is accompanied by an environmental statement (ES) which has considered the following:

Ecology

23. Updated ecological surveys were undertaken in 2014 for great crested newts, reptiles, bats, water voles, badgers and birds. Common amphibians (common frog, common toad and smooth newt, but not great crested newt) were recorded on site and mitigation measures proposed include the fencing off of all the ponds on site with a ten metre buffer strip left to develop into rough grassland; the creation of amphibian hibernacula adjacent to the ponds; hand searching and vegetation management ahead of work in each phase; the translocation of any amphibians into the rough grassland adjacent to the ponds; the monitoring of water levels and quality in the ponds; and the maintenance of operational areas as very short sward or bare ground to deter amphibians from encroaching. The restoration works would include the creation of small ponds suitable for use by amphibians and the retention of any hibernacula previously created.
24. Although no common reptiles were recorded, the applicant considers the site to have limited potential for slow-worm, grass snake and common lizard. This extends to the river corridor on the eastern side of the site, although this area would not be impacted by the proposed development. It is proposed to fence off the eastern flank of the site; hand search and manage areas of vegetation prior to works in each phase; maintain operational areas as very short sward or bare ground; and translocate any animals found into the areas adjacent to the ponds. The ecological survey considers that the restoration scheme should include southern facing short sward banks and the creation of two grass snake egg laying piles close to the eastern boundary of the site.
25. A single tree is considered to have potential to support bats and the applicant considers that bats would forage over the site. It is proposed to retain and protect this tree throughout the proposed development, along with many hedgerows, trees and waterbodies. Habitat creation as part of the restoration of the site would provide better feeding opportunities for a wider range of bats than those which presently exist.
26. 39 species of birds were recorded in the surveys, of which eight are national Biodiversity Action Plan species (skylark, yellow wagtail, dunnock, song thrush, linnet, bullfinch, yellowhammer, and reed bunting). The applicant is proposing not to clear any vegetation on site without an appropriate nesting bird check; retain existing hedgerows and trees; protect trees and hedgerows from quarry operations; provide additional planting as part of the restoration of the site; and provide rough grassland banks on non-operational areas to provide additional foraging opportunities for birds.

27. A ten-year management plan has been included in the ES which sets out the objectives, method of establishment and ten-year management for each of key habitats proposed in the restoration scheme: the nature conservation lake with islands; reedbed; seasonally wet grassland; neutral grassland; trees and shrubs; marshy areas; and ephemeral ponds. The management plan also proposes the setting up of a Management Advisory Group, which would include representatives of the planning authority and nature conservation bodies, to review the progress of the management of the site.

Landscape

28. The ES describes the site as being within the broad, level flood plain of the River Trent with few distinguishing features. It is located in an area remote from residential properties with the A1 forming a visual barrier between the site and Cromwell village. The proposed processing plant, at eight metres in height, would only be visible from the first floor windows of properties in Cromwell due to existing hedgerows and trees and views from vehicles on the A1 would be limited, with the plant colour being chosen to mitigate these views further.
29. The ES states that the impacts of the proposed development on the landscape would be mitigated by the phased working and progressive restoration of the site; the provision of grassed screening mounds around the plant site and to the east of the site adjacent to the public bridleway; restricting the height of the processing plant to eight metres; and the management of boundary vegetation to allow hedgerows to grow to a height of between three and four metres.
30. The ES considers that the extraction process would have a medium/low sensitivity upon the local landscape and a large magnitude of change with a moderate impact. The ES further considers that the existing landscape features could be largely replaced or complimented with other land uses without adversely affecting the intrinsic character of the wider surroundings and the restoration proposals would positively contribute to biodiversity and nature conservation.

Flood risk

31. A flood risk assessment has been submitted with the ES which has modelled the site in phases 1, 3 and 10 and is based on any excavated areas being already filled with water prior to any fluvial flood flows entering the site. Each scenario has been modelled against a 1 in 100 year flood flow plus an additional 10% to take account of the effects of climate change. As a result of the modelling undertaken, the applicant considers that peak water levels would remain essentially unchanged with the largest change being immediately south of an 'L' shaped bund which was originally proposed in the south west corner of the site. The build-up of water behind this bund is anticipated to increase levels by 0.03 metres and, to mitigate this, a 20 metre gap in the centre of the bund is proposed to reduce its obstruction to the flow of water. In addition to this, it is proposed to use dumper trucks to transport excavated sand and gravel to the processing area instead of using a conveyor, to ensure that there are no structures in the flood plain which could hinder flood flows.

Noise

32. The submitted noise assessment has confirmed the existing noise levels at three locations in Cromwell village: on Church Lane close to the A1; near the entrance to St Giles Church in the south of the village; and close to the farm shop in the north of the village. The noise assessment considers that existing noise levels are dominated by traffic on the A1, along with traffic on Main Street through the village. Three scenarios have been examined in assessing the noise impacts of the proposed development: during normal operations using dumper trucks to transport minerals to the processing area; during normal operations using a conveyor; and during temporary operations such as soil stripping and soil bund formation. Noise levels are anticipated to be below 55 dB(A) $L_{Aeq, 1hr}$ during normal operations at the above locations, with the use of dumper trucks not affecting the levels, and below 70dB(A) $L_{Aeq, 1hr}$ during temporary operations, which are the limits set out in the Technical Guidance of the NPPF.
33. Measures proposed to minimise noise impacts include screening the processing plant along the northern and western boundaries of the site through the use of soil bunds, whilst utilising the existing overbridge embankment and a further soil mound to the south of the plant site; and operating all mobile plant on site in accordance with the manufacturers' specifications for noise suppression.

Air quality

34. The ES identifies that potential dust sources from the proposed development include the stripping of soils, the extraction of mineral, the transportation of mineral to the plant site and its processing, dust blow from the mineral stockpiles, and dust on the access road leading to the public highway. It is proposed to only carry out soil stripping operations when the risk of dust emissions is minimal, i.e. not in exceptionally dry conditions; the hard surfacing of the access road and the spraying of the plant area using a water bowser; limiting vehicle speeds and fitting them with upswept exhausts; limiting stockpiles; minimising drop heights when loading and unloading mineral; the sheeting of vehicles leaving the site; the seeding of soil bunds; and the phased working and restoration of the site. The ES considers that the above measures would ensure that the site operates without dust impacts on the surrounding environment or on local amenity.

Archaeology

35. The ES includes a Scheme of Archaeological Works previously submitted in 2003, along with the results of a watching brief for the topsoil stripping and limited aggregate extraction undertaken during 2009, including the recording of any archaeological or geoarchaeological remains encountered. An assessment of the site has concluded that there are no archaeological sites or other archaeological material at the application site but there is considerable evidence showing archaeological interest in the surrounding area such as cropmark sites and more deeply buried evidence.
36. The Scheme of Archaeological Works proposes watching briefs during topsoil stripping and intermittently during mineral extraction, including the observation, recognition and recording of any features of interest. The scheme also includes steps to be undertaken if the watching briefs result in remains being discovered

which it is considered warrant emergency investigation or further contingent works. The scheme also proposes to provide site archives, assessment reports and published reports based on the remains discovered. All finds shall be donated to an appropriate museum.

Transport and access

37. The ES describes the proposed access into the site which would be off the A1 slip road, which is 5.5 metres wide at the access point and can accommodate two-way traffic. The ES also describes the lorry routing agreement already in place which allows for the use of the slip road for HGVs accessing the site from the north and leaving the site and heading south; and also provides for HGVs accessing the site from the south or leaving the site and heading north to use the road which crosses the A1 and the Great North Road/Main Street through the northern part of the village (see Plan 1).
38. The extraction of 200,000 tonnes of sand and gravel per annum is anticipated to generate 106 vehicle movements per day: 96 HGVs and 10 staff cars, or 48 HGV trips and five car trips. Traffic counts have been undertaken on the A1 close to the application site which state that the average annual daily traffic is between 41-43,000 vehicles in total, with around 6,800 of these being HGVs. Taking into account anticipated traffic growth on the A1 during the life of the development, the ES considers that the vehicles associated with the proposed development would increase traffic levels by between 0.3% and 0.4% and so considers that the route would remain well within its design capacity.

Consultations

39. ***Newark and Sherwood District Council*** has no objection to the application provided that the County Council is satisfied that the proposed development complies with the relevant development plan policies.
40. ***Cromwell Parish Meeting*** has no objection to the application provided the agreed HGV route is maintained. HGVs travelling through the village are not acceptable.
41. ***Collingham Parish Council*** has no comments to make regarding the application.
42. ***NCC (Planning Policy)*** considers that the application should be considered against the National Planning Policy Framework (NPPF) and, in line with paragraphs 215 and 216 of the NPPF, due weight and consideration should also be given to the adopted Nottinghamshire Minerals Local Plan (MLP) and the emerging Nottinghamshire Minerals Local Plan (Preferred Approach) (MLPPA).
43. *The national policy context in relation to mineral extraction is clear in that great weight should be given to the benefits to be derived from mineral 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 restoration and aftercare to high environmental standards at the earliest opportunity is also highlighted.*

44. *The proposal was not allocated in the adopted MLP as it already had planning permission at the time and the plan recognised the role of Cromwell Quarry in supplying markets that had previously been met by Hoveringham Quarry and sites in the Idle Valley. The proposal for a time extension to allow the potential for extraction at the site in future needs to be considered against Policy M6.3 'Sand and Gravel Extraction in Unallocated Land' and Policy M6.2 'Sand and Gravel Landbank' of the adopted MLP. The sand and gravel landbank as of December 2013 (the latest figures available) stood at 6.74 years which is below the minimum seven years as set out in the adopted MLP and the NPPF. Annual production in 2013 was 1.39 million tonnes, well below the locally agreed apportionment of 2.65 million tonnes. The extensions at Langford and Finningley (permitted since December 2013) have increased the landbank to 7.55 years, just above the minimum requirement.*
45. *The MLPPA includes site specific allocations to meet expected demand for minerals over the plan period to 2030 (based on revised local apportionment figures set out in the Local Aggregates Assessment). The permitted capacity at Cromwell Quarry is included within the sites identified in Policy MP2 (site SGg). Given the present position of the sand and gravel landbank and the identification of the site in the MLPPA, it is considered that the principle of sand and gravel extraction at the application site is supported in policy terms. However, this is subject to the environmental and amenity impacts of the development being acceptable (the local context may have changed since the original permission). In considering these impacts, attention is drawn to the environment protection and reclamation policies set out in Chapters 3 and 4 of the adopted MLP and also the emerging development management policies in the MLPPA.*
46. **Highways England** *states that the proposed development is not expected to have a material impact on the closest strategic route, the A1 and so has no objection to the proposals.*
47. **NCC (Highways)** *considers that the principle of the development is acceptable with HGV movements not expected to increase above previously agreed levels. Access through the adjacent former quarry is acceptable. The HGV route proposed should be provided through either the old legal agreement being retained or through a replacement with the routes agreed. Conditions from the previous permission should be retained or slightly amended to take account of agreed access arrangements and wheel cleaning facilities.*
48. **The Environment Agency (EA)** *has no objection to the application subject to a number of matters being secured by condition to ensure that the proposed development accords with the National Planning Policy Framework. The development should be carried out in accordance with the Flood Risk Assessment (FRA) Addendum Report; surface water discharged from the site must not exceed the consented rate of 60 litres per second; and the proposed excavations are to maintain a minimum easement of 45 metres from the flood defence.*
49. *The FRA states that the restoration of the site would result in the lowering of existing ground levels and the EA is unlikely to approve a restoration scheme to raise ground levels above the pre-excavated topographical level at any point across the site. If this is not possible the applicant would need to demonstrate that flood risk is not increased elsewhere.*

50. *Information is also provided stating that any dewatering should form part of a surface water management plan and must not increase flood risk downstream of the site and where possible shall reduce existing flows from the site. Therefore, any surface water discharge from the site to the River Trent must be undertaken in accordance with the relevant EA Licence. Any abstraction of water greater than 20 cubic metres per day requires an abstraction licence from the EA, as would the use of dewatered water for the washing of sand and gravel. Confirmation is required as to how much water would be used per day for this operation and also for wheel washing/dust suppression. Further information on the abstraction licencing regime is provided.*
51. **Natural England** considers that the proposed development is unlikely to affect any statutorily protected sites or landscapes. The Besthorpe Meadows Site of Special scientific Interest (SSSI) is on the opposite side of the river and therefore the proposed development would not affect the hydrology of that SSSI. Natural England welcomes the commitment to handling, reinstating and managing soils in line with accepted principles of best practice. The details for the post-restoration management of the site would appear to meet the requirements for sustainable minerals development. The proposed changes to the restoration scheme are positive and would provide additional biodiversity benefits through the provision of new priority habitats that contribute to national and local biodiversity targets. These include increased length of lake margins and shallows, scrapes, ponds, marshy habitat and new tree planting. Standing advice should be applied with respect to protected species.
52. **NCC (Nature Conservation)** has no objection to the application and notes that the nearest local wildlife site, Langford Lowfields, is around 130 metres to the east of the site on the opposite side of the River Trent and so is therefore unlikely to be affected by the proposals. The nearest Site of Special Scientific Interest (SSSI), Besthorpe Meadow, is over 2.3 kilometres to the north east and again is unlikely to be affected by the proposals. However, the site lies within the Impact Risk Zone for this SSSI for quarrying and so Natural England should be consulted.
53. *Surveys have confirmed that the site supports common and widespread habitats which are mainly assessed as being of low ecological value, although the ponds are considered to be of low to moderate value and the hedgerows moderate value. No evidence of great crested newts was found, although other common amphibians are present, and a range of widespread farmland bird species were confirmed, a number of which are conservation priority species. A tree on site was considered to have some potential to support roosting bats but no evidence of reptiles, water voles or badgers was found, although parts of the site are considered to be potentially suitable for reptiles and it should be noted that direct observational surveys, as carried out by the applicant, are not considered suitable for confirming the presence or likely absence of these species.*
54. *The proposed development would give rise to the temporary loss of habitat used by breeding birds and foraging and commuting bats, including the loss of around 550 metres of hedgerows, and have the potential to affect common species of amphibians and reptiles. The mitigation measures proposed in the Ecological Appraisal and Impact Assessment are considered appropriate and a condition should require the production of a Protected Species Mitigation Plan based on these mitigation measures, to be submitted prior to the commencement of the*

development. In addition, the mitigation plan should also include a pre-commencement check for badgers, appropriate bat roost surveys should the identified tree need to be removed, and a relaxation of hedgerow management regimes to provide enhanced foraging habitat for bats.

55. *One of the mitigation measures proposed is the retention and protection of three ponds on the site but the revised phasing plans show only two of these ponds being retained with a small third pond not identified as being retained. As this third pond is only around four metres square and supports only common frog, its loss would be acceptable, subject to alternative mitigation, or revised plans should be submitted to show its retention along with a 10 metre stand-off, as per the other ponds.*
56. *The proposed restoration scheme reflects that previously submitted and is considered broadly appropriate and a number of issues previously identified have been addressed. The proposed broad zone of wetland habitats on the eastern side transitioning from open water, through reedbed and wet grassland to neutral meadow would now benefit from a varied microtopography, with shallow scrapes and hollows identified on the restoration plan. Land on the eastern side of the site adjacent to the River Trent is now included in the restoration scheme and would be restored to neutral grassland. An area of woodland planting has been removed in order to minimise the use of this area by predators such as crows as these would affect the success of any breeding waders in the wet grassland area to the north. Ash has been removed from the tree planting mix and replaced with oak and field maple, whilst the grassland species mix has been confirmed (MG4 mix), although full details of the species mix would be required through a condition. Further conditions are also required with respect to planting, including reeds, in marginal areas; details of underwater contours to ensure that sloping margins and shallow are provided; and establishment methods and maintenance regimes, including soil reinstatement works. The ten year management scheme would need to be updated in light of the amendments to the restoration scheme.*
57. **Nottinghamshire Wildlife Trust (NWT)** objects to the application. *It is satisfied with the surveys that have been undertaken and considers that there are no habitats present for which the site would qualify as a local wildlife site. There would be a loss of approximately 600 metres of hedgerows and whilst they are not notably species-rich, they are important for fauna such as nesting and foraging birds, foraging bats and reptiles.*
58. *Toads, frogs and smooth newt were surveyed on the site and the application proposes to retain ponds on site, improve the habitat by installing hibernacula, and to fence the pond area off from the development. However, it is considered that the 10 metre buffer should be extended to 15 metres and the area should be secured by amphibian/reptile fencing. It should also be confirmed that all three ponds would be retained.*
59. *The applicant proposes to fence off the eastern corridor along the River Trent to conserve existing habitat which is suitable for reptiles including grass snakes, slow worms and common lizard but no details of the fencing to be used has been provided and reptile fencing should be specified. Vegetation management is supported along with the hand searching for reptiles in advance of soil stripping and other destructive works. This should be extended to the removal of any established soil bunds as these have a high potential to attract reptiles.*

The fenced pond area would be a suitable receptor site for any reptiles found but suitable reptile/amphibian fencing should be provided.

60. *A potential tree roost has been subject to a visual survey and it is proposed to retain it as part of the application. No activity survey has been undertaken for bats, despite the presence of hedges, ditches, ponds and field margins. In the absence of surveys, a precautionary approach should be undertaken to ensure the continuation of bat foraging habitat, including the cutting of hedges on a greater than four year rotation; the establishment of 10 metre wide field margins in unworked areas which shall be seeded with high energy rapid establishment seed mixes that attract high levels of invertebrates, but not the MG4 seed mix specified in the application; and the use of similar species-rich seed mixes on soil bunds to create foraging habitat. The provision of suitable habitat in the future is not sufficient and the measures proposed would ensure that suitable habitats are present throughout the working scheme. A plan of these features and a species mix for the buffer strips and bunds should be submitted prior to determination.*
61. *Measures proposed in respect of bats and amphibians would also be of benefit to hares and hedgehogs.*
62. *The breeding bird survey has identified 39 species of birds on the site including three United Kingdom Biodiversity Action Plan species. The proposed creation of rough grassland banks in non-operational areas as mitigation is supported but it would not benefit hedgerow birds. However, the mitigation measures for bats would be beneficial whilst wet scrapes and shallow wetland/marsh/reedbed habitats should also be created in the earliest restoration phase to benefit species such as oystercatchers.*
63. *The proposed restoration scheme contains too high a proportion of open water habitat which is not a priority for re-creation in the Trent Valley. The site lies within NWT's Trent Vale Living Landscape area and Natural England's Trent and Belvoir Vales Natural Character Area. High priority habitats for restoration are therefore wet grassland/floodplain grazing marsh, reedbed, fen, swamp and marsh, wet woodland, ponds and ditches and these should be represented in the restoration scheme. Therefore, whilst wet grassland, reedbed, marsh and marginal wetland habitats are included, NWT would expect to see more wet grassland and reedbed and less open water. The creation of the kingfisher bank was previously agreed with the applicant in order to provide valuable habitat and to enable one part of the lake margin to be steep, thereby providing more material for making other margins shallower. There is more potential for this approach on the site such as creating sand martin bank with a steep drop into water. The restoration scheme does not show underwater contours so it is not possible to discern what depth it would be and whether it would be possible to over dig in one area to generate more restoration material for use elsewhere. NWT would expect all of these options to have been explored and a solution found to reducing the overall area of open water. Shallow scrapes should be provided in wet grassland areas to increase its value to waders.*
64. *The commitment to a ten year aftercare scheme is welcomed. Regarding the proposal to plant any areas which have not naturally colonised as anticipated, this should be carried out after five years so that it can be managed in years six to ten. To this end, a target list of species should be provided against which a review of success can be undertaken and monitored.*

65. *The seasonally wet grassland habitat type should be amended to one (MG4) which is the scarcest remnant grassland habitat in the Trent Valley and of highest priority for restoration and should be managed for the benefit of breeding waders and plant diversity. The removal of one of the planting areas is welcomed as it would be detrimental to the success of breeding waders and wildfowl as it would attract perching corvids to the reedbed and wet grassland areas. Hedgerows in this area should also be managed to ensure that hedgerow trees do not develop for the same reason. Passerine birds would benefit from the management of hedgerows so that they are wide and dense. Seed mixes are required for all habitat types as they have only been provided for the tree planting areas so far. Opportunities to use river reconnection to create biodiversity action plan priority habitats and sustainable flood storage should be thoroughly investigated.*
66. *Although NWT is satisfied that the areas of shallows have been maximised, a review mechanism should be conditioned which allows for additional areas of shallower restoration if the volumes of material extracted change once working commences.*
67. **NCC (Built Heritage)** *considers the proposals to be acceptable with regards to their potential impact on built heritage in the area. The site is close to the historic settlement of Cromwell but is separated from it by the A1. Cromwell is not a designated conservation area but does contain several listed buildings and buildings of local interest, the most significant of which is the Grade I listed parish church. In accordance with the NPPF, it is important to assess the impact of the proposals on the setting of heritage assets and accordingly it is clear that the potential impact on the church should be the main consideration from the historic built environment perspective.*
68. **NCC (Built Heritage)** *has reviewed the submitted information and it is considered that the level of harm caused to the setting of the church, in terms of views of it and views to it, both during and after the proposed working of the quarry, is clearly 'less than substantial'. In fact, as a result of the A1, the impact of the quarry, taking into account cumulative impact, is very much 'negligible'. The distance of the workings from the nearest settlement to the east in Collingham suggests that there would be no impact on the setting of the conservation area or designated listed buildings thereabouts.*
69. **NCC (Archaeology)** *considers that the works proposed for the site are appropriate and should be covered by a suitably worded condition which refers to the scheme and requires its full implementation to the satisfaction of the minerals planning authority.*
70. **NCC (Noise Engineer)** *notes that the site is located to the east of the A1 and the nearest noise sensitive receptors are in Cromwell village to the west of the A1. The existing background noise is dominated by road traffic noise from the A1 and is at or above the predicted noise levels from operations on the site, despite the changes to dumpers. The application complies with the noise limits in the NPPF Technical Guidance. It is therefore anticipated that there would not be any adverse impacts from operational noise associated with the proposed development. There would be no real benefit in imposing site noise limits at dwellings in Cromwell village as the A1 road traffic noise is likely to remain the dominant component of the noise climate at these dwellings.*

71. **NCC (Landscape)** has no objections to the proposals. There are no significant landscape or visual impacts identified in the information submitted.
72. **NCC (Countryside Access)** is aware of the rights of way on the southern and eastern sides of the site but the proposed working method would not affect these paths.
73. **The Canal and River Trust** has no objection to the application.
74. **National Grid (Gas), Western Power Distribution, Severn Trent Water Limited, The Ramblers' Association, British Horse Society, Defence Infrastructure Organisation** and the **National Planning Casework Unit** have not responded on the application.

Publicity

75. The application has been publicised by means of seven site notices erected around the site and in Cromwell village, along with a press notice in the Newark Advertiser. The application has been advertised as affecting a public right of way. The above has been carried out in accordance with the County Council's Statement of Community Involvement Review.
76. Councillors Bruce Laughton and Maureen Dobson have been notified of the application.
77. No representations have been received.

Observations

Need for the site

78. The National Planning Policy Framework (NPPF) recognises the importance of minerals to support sustainable economic growth and quality of life (paragraph 142) and states that it is important to ensure a sufficient supply to provide the infrastructure, buildings, energy and goods needed. Paragraph 144 states that planning authorities should give great weight to the benefits of mineral extraction, including to the economy. Policy M6.2 (Sand and Gravel Landbank) of the MLP requires the County Council to maintain a landbank of permitted reserves which equals at least seven years' worth of extraction.
79. The site is not allocated in the adopted Minerals Local Plan (MLP) as, at the time of the plan's adoption (December 2005), the site already had planning permission in place, albeit that the permission had not been implemented at that time and, as set out in the Planning History section above (paragraphs 6 – 11), the original permission has been renewed and this application seeks a further renewal.
80. In the emerging Minerals Local Plan Preferred Approach (MLPPA), the site is identified as one containing 'remaining reserves' of sand and gravel which, along with other permitted sites, provided estimated reserves of 19 million tonnes as of the end of 2011. These reserves are considered sufficient to maintain a seven year landbank of reserves for part of the plan period but

further sites containing an estimated 30 million tonnes of sand and gravel reserves have also been identified to meet anticipated demand for the entire plan period (up to 2030). The site is therefore part of the existing sand and gravel landbank in the county and so it is worth considering what impact granting or refusing this application would have on the landbank as it presently stands.

81. The MLP identifies an annual level of production for sand and gravel of 2.65 million tonnes and, based on this level of production, the sand and gravel landbank stood at 6.74 years in December 2013, the last available figures. Since then, additional reserves have been granted planning permission as part of extensions at Langford and Finningley quarries, increasing the landbank as of December 2013 to 7.55 years and it should be noted that sand and gravel production in the county in 2013 was 1.39 million tonnes, significantly less than the 2.65 million tonnes envisaged in the MLP.
82. Based on the assumption that production since December 2013 has been equal to the 2.65 million tonnes apportionment figure in the MLP, the landbank as of the end of April 2015 is approximately 6.21 years, below the requirement as set out in Policy M6.2. If production since December 2013 has been equal to production levels during 2013, the landbank as of the end of April 2015 is approximately 6.85 years.
83. In the emerging MLPPA, the annual level of production for the forthcoming plan period has changed little from that in the MLP and has been calculated at 2.58 million tonnes, based on the figure in the Local Aggregates Assessment which was adopted by the County Council in July 2013. Policy MP1 of the MLPPA also requires provision to be made to maintain a seven year landbank for sand and gravel and, based on the landbank as of December 2013 and a production level of 2.58 million tonnes per annum, there is presently sufficient permitted reserves for approximately 6.42 years.
84. These calculations against the apportionment figures in both the MLP and the MLPPA would suggest that permitted reserves in the county are slightly below the seven year landbank requirement and, given that the 2.4 million tonnes of reserves at Cromwell count towards this landbank, refusing planning permission would reduce this still further by almost a year. It is therefore considered that there is strong policy support for the proposal in terms of the landbank and so it is considered that the application accords with Policy M6.2 of the MLP and Policy MP1 of the MLPPA.
85. Policy M6.3 (Sand and Gravel Extraction in Unallocated Land) of the MLP does not allow for extraction outside allocated areas unless it is evident that existing permitted reserves and remaining allocations cannot sustain an adequate landbank. Similar provision is made in Policy MP1 of the MLPPA. Given that the site is an existing permitted reserve, it is not considered appropriate to assess this application against these policies.
86. Given the above observations, it is considered that granting planning permission for a further extension in time to implement the permission would be justified in terms of the ongoing need for the site. The application gives a strong indication that the site would commence operating soon as an extension in time of only 18 months is being sought through this application.

Highways

87. The proposed access to the site is via an access which has been used in the past to access a former quarry to the immediate north and no objection has been raised to its use, or the level of traffic that the proposed development would generate, by either the Highways Authority or Highways England and so it is considered that the proposed development accords with the first part of Policy M3.13 (Vehicular Movements) of the MLP which only allows for minerals development where the highway network can satisfactorily accommodate the vehicle movements likely to be generated. The policy also requires the level of traffic not to cause unacceptable impact on the environment and disturbance to local amenity. The HGV route being proposed would require HGVs leaving the site and heading north on the A1 to travel around 400 metres along the Great North Road/Main Street, with HGVs accessing the site from the south having to travel along this road for around 275 metres. There are a very small number of properties along this stretch of road, along with the Milestone Caravan Park, and, given the number of HGV movements involved, which would equate to around four trips per hour, or eight movements, in addition to the close proximity of the A1 and the existing background noise levels which the traffic on that road generates, it is considered that the proposed HGV route would be acceptable in terms of local amenity and the fact that the route provides access to the A1 over a short distance would minimise the environmental impact of the HGVs. Securing the HGV route through a legal agreement would accord with Policy M3.14 (Vehicular Routeing) of the MLP and the details required pursuant to the legal agreement would also require all HGV drivers to be made aware of the prescribed route, by either site notices or through the issuing of instructions to drivers.
88. The Highways Authority has recommended that previous conditions attached to the last permission are carried forward and these would ensure that only the prescribed access is used for the purposes of the development; that the access road is suitably surfaced with wheel cleaning facilities provided; that no mud or other deleterious material is carried onto the public highway; and that mineral laden vehicles leaving the site are sheeted. These matters are all considered acceptable, and some details have been previously agreed as part of the previous planning permission and would be carried forward and would ensure that the proposed development accords with Policy M3.12 (Highways Safety and Protection) of the MLP.

Noise

89. The proposed development does differ from the previous permission issued insofar as it is now proposed to transport excavated sand and gravel to the processing site by dumper truck, whereby the previous permission required all minerals to be transported by an electrically driven conveyor. The application has cited a need not to have fixed structures on site as the key reason for this, given that it is in the floodplain. The use of dumper trucks instead of conveyors has the potential to increase noise impacts and the application has been assessed on this basis. Despite this change, the existing high background noise levels generated by the adjacent A1 means that it is considered that noise generated from the site would not cause any unacceptable impacts on residential properties in Cromwell village, which is on the opposite side of the A1 to the application site. Whilst Policy M3.5 (Noise) of the MLP promotes the use

of conveyors instead of dump trucks, the policy states that this is only required 'where appropriate' and, given the site's location close to the A1 and the assessment carried out, it is considered acceptable to allow the excavated material to be transported by dump truck as it would not result in any adverse noise impacts on sensitive receptors.

90. Other matters requiring consideration in Policy M3.5 include restricting the hours of operation and a condition to this effect is considered appropriate. Although the policy does suggest the setting of maximum noise levels at sensitive locations, the County Council's Noise Engineer does not consider this necessary in light of the assessment carried out and the existing noise environment. However, an additional condition is recommended requiring 'white noise' reversing alarms to be used by all on-site mobile plant as the high pitched sound of standard reversing alarms can be audible at distance and can cause an adverse impact to amenity.
91. With the above provisions in place, it is considered that the proposed development would accord with Policy M3.5 of the MLP and with the Technical Guidance in the NPPF.

Flood risk

92. The Environment Agency (EA) has not raised an objection to the application, although it requires a number of matters to be secured by condition to mitigate any potential flood risks and other impacts on the water environment, important considerations given the close proximity of the River Trent to the site. The EA requires the site to be worked in accordance with the Flood Risk Assessment (FRA) submitted as part of the ES and has recommended a specific condition requiring water to not be discharged from the site at a rate exceeding 60 litres per second. Whilst reference to the FRA is considered an acceptable condition given that it forms part of the ES, it is considered that the reference to discharge rates is not a planning matter but rather a specific land drainage matter which would also be covered by the relevant EA licence. It is therefore recommended that this is highlighted as an informative only, rather than a condition.
93. Ensuring that the excavation of sand and gravel would not be allowed any closer than 45 metres of the flood defence is an acceptable condition. With the above conditions in place, it is considered that the proposed development would accord with Policy M3.8 (Water Environment) and Policy M3.9 (Flooding) of the MLP. The EA consultation response would be attached to any planning permission issued as there are other informatives to bring to the applicant's attention.

The historic environment

94. Whilst there are some important historic buildings in Cromwell village, including the Grade I listed parish church, it is considered that the distance between the village and the proposed quarry, in addition to the fact that the A1 lies between the two, would result in the impact of the proposed development on these heritage assets being negligible. It is also considered that there would be no impact on the setting of Collingham Conservation Area, or listed buildings in that village, given that it is on the other side of the River Trent. This consideration is reflected by the consultation response from the County Council's Landscape

Team which considers that the proposed development would have no significant landscape or visual impacts. It is therefore considered that the proposed development would accord with Policy M3.25 of the MLP which seeks to protect historic features such as listed buildings and conservation areas.

95. A scheme of archaeological works for the site was previously approved as part of the original planning permission granted for the site. In 2009, an archaeological watching brief was undertaken during the soil stripping operations carried out and this detected a number of geoarchaeological features of interest, although limited archaeological features were identified, probably due to limited area and depth of soil stripping undertaken at that time which did not penetrate the subsoil layer. However, the report submitted to accompany the archaeological works undertaken considers that there is the potential for archaeological remains to be discovered, whilst significant organic remains could be preserved.
96. The scheme of archaeological works originally proposed is still considered to be acceptable today and with this scheme secured by condition for the remainder of the proposed development, it is considered that it can be carried out with the necessary recording of any remains of interest in accordance with Policy M3.24 of the MLP.

Landscape

97. As highlighted above, the County Council's Landscape Team has not raised an objection to the application and considers there would be no significant landscape or visual impacts resulting from the proposed development. The applicant has confirmed that in addition to the processing plant on site, which would be no higher than 15 metres, other built development on site would be limited to a weighbridge, wheelwash, mobile buildings for the site office and mess facilities, and a generator/electricity cabin. These would all be located on the western edge of the site and would benefit from screening provided by hedgerows running alongside the A1 slip road. Conditions regarding the plant site details, their maintenance, and their removal upon the completion of mineral extraction, are recommended and would ensure that the proposed development accords with Policy M3.3 of the MLP.
98. Hedgerows retained on site would be managed to allow them to grow (see ecology observations below) whilst the soil bund on the eastern boundary of the site would help screen views of the site from footpath and river users. These provisions would ensure the development accords with Policy M3.4 of the MLP.

Ecology

99. Although the site is not designated as either a local wildlife site or a SSSI, and Natural England is satisfied that the proposed development is unlikely to affect any statutory protected sites or landscapes, the proposed development would result in the loss of some habitat used by breeding birds and foraging and commuting bats, including around 550 metres of hedgerows, and has the potential to impact upon reptiles. The consultation process has raised a number of matters that require addressing and would need to be addressed through the submission of a Protected Species Mitigation Plan. These are now considered in turn.

- Retention of existing ponds on site for the benefit of amphibians

100. A concern regarding the protection of three existing ponds on site, created when the site was subject to some initial works in 2009, has been partially clarified through the submission of revised phasing plans which show two of these ponds being retained and protected throughout the life of the development. Having discussed the matter further with the applicant, a condition is recommended which would require further phasing plans to be submitted showing the retention of all three ponds, in addition to the provision of ten metre buffer zones around each and their protection through the provision of amphibian/reptile fencing. Drafts of these plans, which have been seen by officers, now show all three ponds being protected and the required buffer zones provided and the formal submission of these plans via a condition addresses this matter. The recommendation from NWT that the buffer zones around these ponds be extended from the proposed ten metres to 15 metres to protect any reptiles translocated there has been discussed with the County Council's Nature Conservation Officer and the ten metres proposed is considered satisfactory for its intended purpose, although details of the fencing to be used to protect these areas would be required as part of the Protected Species Mitigation Plan condition, as per NWT's request. NWT's recommendation that the hand searching of vegetation for reptiles be extended to established soil bunds when they are being removed is also accepted as these would be suitable reptile habitat.

- Protection of reptiles

101. NWT has commented on the lack of standard methodology reptile surveys but accepts the applicant's proposal to fence off the eastern corridor of the site alongside the River Trent to preserve habitat that is suitable for reptiles. However, once again, details of the type of fencing to be used are recommended and would be secured through the Protected Species Mitigation Plan to be submitted. This would ensure that any reptiles present in this area cannot enter the working quarry.

- Protection of birds

102. The bird surveys undertaken by the applicant have identified 39 species on the site, including a number of UK Biodiversity Action Plan species such as skylark, yellow wagtail, dunnoek, song thrush, linnet, bullfinch, yellowhammer and reed bunting. The loss of hedgerows in particular would have an impact on bird species and the Protected Species Mitigation Plan would need to provide mitigation measures for birds, including the relaxation of the management of hedgerows which are to be retained in order to allow them to grow larger and more dense, and the provision of rough grassland banks in non-operational areas to provide additional bird foraging areas. In addition to this, NWT has recommended that those phases which have yet to be worked should have ten-metre wide field margins provided which should be seeded with a seed mix which attracts invertebrates for the benefit of both foraging birds and bats. This is considered acceptable and could be added to the list of requirements to be provided through the Protected Species Mitigation Plan.

- Protection of bats

103. The relaxation of hedgerow management and the provision of field margins would also be beneficial for bats which presently forage on the site. In addition to this, it is recommended that all soil bunds created through soil stripping operations are also sown with a species-rich seed mix for the benefit of bats and birds. There is also a tree on site which has been identified as being suitable for a bat roost and it is proposed to retain this tree throughout the proposed development. However, a precautionary condition is recommended which would require a full bat emergence survey to be undertaken should it be necessary to remove this tree.

Site restoration

104. The submitted restoration scheme seeks to provide areas of open water, marginal reedbed habitat, seasonally wet grassland, and neutral meadow grassland, all identified as being priority habitats in the MLP. Whilst NWT considers that the area of open water is too large, the County Council's Ecologist considers the restoration proposals to be broadly acceptable and the provision of varied microtopography in the reedbed, wet grassland and neutral meadow grassland areas on the eastern side of the site would provide additional benefits and interest.
105. The restoration proposals also include some vertical earth banks which would provide suitable habitat for kingfishers, whilst it has been confirmed that the unexcavated part of the site adjacent to the River Trent would also be restored to neutral meadow grassland, significantly increasing the area of this type of habitat being provided. The applicant has confirmed the seed mix to be used in these grassland areas which accords with consultants' recommendations.
106. A block of woodland planting originally proposed on the southern boundary of the site has been removed from the restoration plan as it would attract predators such as crows which would be to the detriment of breeding waders using the restored site. Ash has also been removed from the tree planting mix, given the continuing ash dieback problems, and has been replaced with oak and field maple.
107. A restoration condition is recommended which would require further detailed matters to be submitted, such as planting details, including reeds, in the marginal areas; details of underwater contours to ensure that shallow sloping margins and shallows are provided; and establishment methods and maintenance regimes for all planting, including soil reinstatement works. The provision of these details would accord with Policy M4.4 of the MLP.
108. It is recommended that a total of ten years of aftercare is provided, with five years of this being provided through a legal agreement. This would secure the long-term restoration of the site and would accord with Policy M4.11 of the MLP.

Legal Agreement

109. As detailed in the Observations Section above, a legal agreement would be required to secure the additional aftercare period and the HGV route. Such a legal agreement is already in place for the previous permission. Consideration

has also been given to the setting up of a liaison meeting through the legal agreement, as occurs at many quarries in the county, but, considering the lack of objections to the proposed development from local residents or the local parish councils, and given the limited impact the proposed quarry is expected to have on local residents, it is not considered necessary in this instance.

Other Options Considered

110. 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

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

Financial Implications

112. The recommendation to grant planning permission is subject to the signing of a legal agreement but the applicant would be required to cover all reasonable costs incurred by the County Council in the preparation of this agreement.

Human Rights Implications

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

Implications for Sustainability and the Environment

114. These are considered in the Observations Section of this report.
115. There are no service user, equalities, crime and disorder, safeguarding of children or human resource implications.

Statement of Positive and Proactive Engagement

116. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant policies in the Nottinghamshire Minerals Local Plan and the National Planning Policy

Framework, including the accompanying technical guidance. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; and liaised with consultees to resolve issues and progress the application towards its timely determination. Issues of concern regarding ecological mitigation and the restoration scheme have been raised with the applicant and have been addressed through negotiation and acceptable amendments to the proposals requested through a Regulation 22 submission. 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

117. It is **RECOMMENDED** that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of Town and Country Planning Act 1990 to secure an additional five years of aftercare and the HGV route.
118. It is **FURTHER RECOMMENDED** that subject to the completion of the legal agreement before the 2 September 2015, or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director for Policy, Planning and Corporate Services 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 2 September 2015, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is **RECOMMENDED** that the Corporate Director for Policy, Planning and Corporate Services 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.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

Planning and Licensing Committee is the appropriate body to consider the content of this report.

[SLB 08/05/2015]

Comments of the Service Director – Finance

The financial implications are set out in the report.

[SES 15/05/15]

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

Southwell and Caunton Councillor Bruce Laughton

Collingham Councillor Maureen Dobson

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