



11<sup>th</sup> December 2018

Agenda Item: 5

**REPORT OF CORPORATE DIRECTOR – PLACE**

**PROPOSAL 1**

**GEDLING DISTRICT REF. NO.: 7/2017/1491NCC**

**PROPOSAL: 4.5 HECTARE EASTERN EXTENSION TO EXISTING SAND QUARRY WITH RESTORATION TO NATURE CONSERVATION**

**PROPOSAL 2**

**GEDLING DISTRICT REF. NO.: 7/2017/1504NCC**

**PROPOSAL: TO VARY CONDITIONS 3, 6 AND 29 OF PLANNING PERMISSION 7/2014/1156/NCC FOR AN EXTENSION OF TIME TO EXTRACT THE REMAINING MINERAL WITHIN BESTWOOD II QUARRY UNTIL 31<sup>ST</sup> DECEMBER 2028.**

**PROPOSAL 3**

**GEDLING DISTRICT REF. NO.: 7/2017/1505NCC**

**PROPOSAL: VARY CONDITION 4 OF PLANNING PERMISSION 7/2015/0320NCC TO ENABLE RETENTION OF THE VISITORS CAR PARK UNTIL FINAL RESTORATION OF THE QUARRY (31<sup>ST</sup> DECEMBER 2030 OR WITHIN TWO YEARS OF THE COMPLETION OF MINERAL EXTRACTION (WHICHEVER IS SOONER).**

**PROPOSAL 4**

**GEDLING DISTRICT REF. NO.: 7/2017/1493NCC**

**PROPOSAL: ERECTION OF A PORTABLE UNIT TO PROVIDE CHANGING FACILITIES FOR FEMALE STAFF.**

**LOCATION: BESTWOOD II QUARRY, MANSFIELD ROAD, PAPPLEWICK, NEAR RAVENSHEAD, NG15 8FL**

**APPLICANT: TARMAC TRADING LIMITED**

## **Purpose of Report**

1. To consider four planning applications in connection with Bestwood II Quarry located near Ravenshead. The most significant of these applications seeks permission for a 4.5 hectare eastern extension to the quarry to facilitate the extraction of 1.4 million tonnes of Sherwood Sandstone over a ten year period.
2. The key planning considerations relate to Green Belt policy and minerals planning policy issues concerning the allocation and extraction of Sherwood Sandstone. The report incorporates a detailed assessment of potential environmental effects resulting from the development.
3. The recommendations support a grant of condition planning permission for all four planning applications subject to imposing a Section 106 legal agreement as part of the decision to grant planning permission for the main eastern extension quarry extraction planning application to regulate the creation and management of new habitat in the nearby Calverton (Burntstump) Quarry and to regulate for the continued hosting of the quarry liaison meeting.

## **The Site and Surroundings**

4. Bestwood II Quarry is located approximately 1.1 km to the south of Ravenshead, 3.5 km to the north-east of Hucknall and approximately 4.4 km to the north-west of Calverton, Nottinghamshire. The site is located on the east side of the A60 (Mansfield Road) (see Plan 1). Access to the site is via a purpose built haul road, leading from the A60/Mansfield Road, which forms the western boundary of the quarry.
5. The quarry is located on a minor ridgeline with a local high point of 130 m above Ordnance Datum (AOD) coinciding with the southern boundary of the site. The landform falls generally to the northeast to an elevation of between approx. 113 m – 117 m AOD.
6. The quarry has been operational for many years. The consented area extends to approximately 23.5 hectares and includes land being used for mineral extraction, land undergoing restoration operations and restored former mineral working areas. In addition there is a dedicated plant site and administration area and silt lagoons in the northern part of the quarry floor. The worked out mineral voids have a maximum depth of 85m AOD (approximately 40m depth from original ground levels). The Sherwood Sandstone extracted within the quarry is used to produce high specification construction materials for local and regional needs.
7. The approved restoration scheme for the site does not permit any waste importation (landfill) and therefore the resulting landscape is dominated by a worked out void. The approved restoration scheme provides for a rise to approx. 115m AOD in the centre of the northern half of the site using overburden and soils, but would slope to the south at a gradient of approx. 1:2 to 1:4 to areas of surface water and marsh within the deepest part of the quarry void which would have a depth of approximately 85m AOD. Exposed sandstone

faces and benches are retained around the perimeter of the quarry. Landscape treatments include woodland planting, wildflower habitat and heathland areas.

8. The site of the proposed eastern extension extends to 4.5 hectares. It incorporates an oak-birch woodland forming part of the Longdale Plantation Local Wildlife Site. The site is also in the Greenwood Community Forest area and the Green Belt. The eastern extension is surrounded on its northern and eastern boundaries by woodland, by agricultural (arable) land and a covered Severn Trent freshwater reservoir to the south and the existing quarry workings on the western boundary.
9. The nearest residential properties to the Eastern Extension are located on Longdale Lane (no. 270 & 272) at a distance of about 200m. Isolated residential properties adjoin the existing quarry including Forest Farm Cottages on the A60 to the south and a group of properties on Grays Drive to the North of the quarry.

### **Proposed Development**

10. The report relates to four planning applications associated with Bestwood II Quarry.

#### Planning application for Eastern Extension to Quarry

11. The main planning application (7/2017/1491NCC) seeks permission for a 4.5ha eastern extension to the quarry. Mineral would be extracted from 3.1 hectares of this site, yielding an anticipated 1.4 million tonnes of sand and providing a further 10 years to the life of the quarry based on the current extraction rate of 140,000 tonnes per annum. The boundaries of the application site incorporate the eastern most extent of the existing quarry wherein the existing quarry face would be removed and access would be obtained to the extended quarry. (See Plan 2)
12. Prior to mineral extraction commencing the existing woodland would be cleared. These works would be undertaken in the autumn/winter period thus avoiding the bird nesting season. Subsequently soils and overburden would be stripped and either stored in specified screening / storage bunds around the perimeter of the extension area to varying heights of between 3m – 4m or placed directly for use in progressive restoration elsewhere within the quarry.
13. Sand would be extracted from the extension area and the existing quarry in three phases with the final phase incorporating the completion of sand extraction and progressive restoration within the consented areas.
14. The extraction of sand would be undertaken in a manner identical to that employed at present with mobile plant used to remove sand. This sand would be transported to the existing plant site for processing along the existing conveyor belt or by using articulated dump trucks. The maximum depth of working would be 85m AOD or 38m lower than existing ground levels. The

quarry sides would incorporate a series of benches to avoid a single vertical face to the quarry.

15. It is proposed to operate the site in accordance with existing operational conditions between 0700 hours to 2000 hours Monday to Friday and 0700 hours to 1800 hours on Saturday with no working on Sundays or Public/Bank Holidays. Operations outside of these hours will be restricted to water pumping and emergency repairs. No soil stripping or amenity bund construction would take place within 200 metres of any occupied residential property before 0800 hours Monday to Saturday, and no such activity will take place on Sundays or Public/Bank Holidays.
16. There would be no change to the vehicle movements associated with the quarry which generates an average of 25 loads per day (50 movements). The extension of the quarry would secure the retention of existing employment within the quarry which directly employs nine people.
17. The restoration of the quarry site would retain the existing void/excavation and create a variety of habitats incorporating:
  - seasonally wet and marshy areas;
  - heathland/acid grassland habitat with low nutrient sandy substrate;
  - areas allowed to regenerate naturally;
  - retention of elements of woodland plantation;
  - proposed woodland planting within the application site;
  - establishment of areas of woodland planting using woodland soils directly placed from the initial soil strip within the proposed extension area; and
  - retention of exposed sandstone faces.
18. The restoration plan is attached as Plan 3.
19. To address issues and concerns raised following the initial planning consultation process a series of modifications and additional environmental assessments have been submitted in response to formal requests made by the Council under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Reg. 25 request). The additional information has been submitted in two separate submissions. The first Reg. 25 response incorporates the following additional information:
  - a. Ecology: The broad subject areas for which further information has been submitted are as follows:
    - Assessment of habitat value of the application site: Additional ecological survey work has been undertaken to conclude that the existing woodland is generally poor in species diversity and habitat structure with little or no ground flora.
    - Breeding birds: The surveys of the site confirm that the habitat is unsuitable for breeding nightjar and woodlark. It is recognised that the location of the application site is within two important bird areas and that

night jar may occasionally be present at the site. However, given the proximity of the existing quarry and proposed extension area to other areas of much more favourable habitat, the effects of the proposed extension area on these species is considered to be negligible by the applicant's ecological consultant. One willow tit was recorded foraging at the site. Modifications have been made to the restoration arrangements for the site to provide willow tit breeding boxes and habitat for breeding and foraging nightjar.

- Bats: A supplementary assessment concludes that the semi-mature trees within the woodland contain very few potential bat roost features. Three trees with the greatest potential have been more closely examined and confirms that their suitability for bats is negligible. Subject to a precautionary inspection of the trees prior to felling it is considered the risk to bat roosting habitat as a result of the development is negligible.
  - Invertebrates: Additional invertebrate surveys have not been undertaken because there is little deadwood to support habitat. In order to mitigate for any impacts selected standing deadwood and humus/leaf litter or deadwood piles will be translocated to areas of the quarry that are being retained, as well as log piles provided to create new habitat.
- b. Compensatory habitat for the loss of Local Wildlife Site habitat: In order to mitigate for the loss of the woodland required for mineral extraction (approximately 3.48 hectares) revisions have been made to the working and restoration proposals including:
- The placement of soils in the quarry floor (1.5 hectares) in year 1, Tree stumps and dead wood would be translocated with the soils to maintain invertebrate habitat.
  - The creation of 2.55 hectares of heathland within the quarry floor and sides created progressively through the life of the quarry,
  - New woodland within the quarry floor and sides (2.42 hectares) created progressively through the life of the quarry, and
  - The creation of 3.33 hectares of heathland habitat in the nearby Calverton (Burntstump) Quarry provided in year 2 of the quarry development.
- c. Phasing of quarry development and modifications to the restoration of the site: The applicant states that the modifications to the working and restoration of the site will provide landscape enhancements for the site and therefore address reservations that have been expressed in the original landscape planning consultation. The revised scheme has enabled the retention of 0.41 Ha of existing woodland by reducing the footprint of the perimeter soil storage / screening bund. This provides a wider section of retained trees on the southern boundary of the site to enhance the visual screening of the site. The revisions to the restoration proposals provide an increased focus on higher priority habitats and landscape features and compensatory habitats, at both the application site and nearby Calverton Quarry to offset the loss of 3.48 hectares of plantation woodland.

- d. Consideration of alternative locations for the quarry development which have a lower potential ecological value: The applicant has considered potential options for the extension of the quarry to consider whether there are any feasible options for the development which would have less ecological impacts. The assessment has demonstrated that existing physical and environment features including the location of residential property and roads means that the current option is the only feasible area for developing a lateral extension to Bestwood Quarry.
- e. Noise emissions and the effect on sensitive ecological sites: As part of the revised proposals a barrier fence is proposed to replace soil stockpiles around the perimeter of the extraction area. This fence would provide a noise barrier to ecological receptors in the retained woodland surrounding the site.

20. The second Reg. 25 response provides the following additional information:

- a. Acoustic fence: The applicant confirms that the fence on the eastern boundary of the extended quarry would be installed as a single operation. The fence would provide the same acoustic properties as the soil bund which was originally proposed on this boundary and assist in reducing the level of noise to ground nesting birds which may use the adjoining land, principally woodlark and nightjar, notwithstanding the fact that the habitat is assessed as being not favourable for these species.
- b. Noise monitoring on Longdale Lane: In response to questions asked by residents on Longdale Lane the applicant has clarified that noise monitoring was undertaken from land at the rear of 282 Longdale Lane.
- c. Landscape and Ecology: An arboricultural assessment and report has been submitted to assess the impact to trees within the woodland adjacent to the extraction area and identify tree protection measures for the retained trees. The report confirms that the design of the quarry allows for the retention of sufficient trees around the periphery of the extraction area to provide screening from the wider landscape and ensure a wooded skyline is retained around the site. The submission also incorporates a planting scheme aimed at increasing the density of the retained woodland and increase its screening density.
- d. Further data has been provided which sets out the quantity of habitats created (area) within the development including the lateral extension and revisions to the existing quarry restoration scheme, as set out below:

<b>Restoration type</b>	<b>Existing permitted area. (metres<sup>3</sup>)</b>	<b>Existing permitted area with extension area. (metres<sup>3</sup>)</b>	<b>Difference between existing and proposed scheme. (metres<sup>3</sup>)</b>
Seasonally wet areas	8,847	5,089	-3,758
Heathland/acid grassland	89,850	115,389	25,539
Natural regeneration	37,033	60,204	23,171
Woodland	67,714	44,966	-22,748
Woodland incorporating soils from Eastern Extension	0	19,337	19,337

Sandstone faces	30,502	30,315	-187
Extension area existing woodland	41,354	0	-41,354
<b>Totals</b>	<b>275,300</b>	<b>275,300</b>	<b>0</b>

Extension of time for existing quarry

21. Application 7/2017/1504NCC seeks planning permission to extend the end date for the completion of mineral extraction within the existing consented quarry area.
22. The planning application has been submitted as a Section 73 submission to vary planning conditions 3, 6 and 29 of planning permission 7/2014/1156NCC to allow the extension of the end date for mineral extraction and attendant operations at Bestwood II Quarry until 31st December 2028.
23. The extant consent for Bestwood II Quarry was granted under reference 7/2014/1156NCC allowing mineral extraction until 31<sup>st</sup> December 2023 and a period of two years after cessation of mineral extraction for site restoration. This planning permission also allowed for the retention of the quarry offices and associated development including the weighbridge/wheelwash facility for this period.
24. Mineral extraction operations and progressive restoration are ongoing in a phased manner within the existing consented quarry and although around 1.3 million tonnes of mineral reserves remain in the quarry, a significant proportion of this mineral cannot be worked until extraction has progressed in the extended area due to level differences between the extracted quarry and adjoining land and due to a need to retain the existing plant site and infrastructure (which overlays a significant proportion of this mineral) until the final phase of the quarry.

Extension of time for car park area

25. Application 7/2017/1505NCC seeks planning permission to extend the end date for the retention of the car park at the quarry. The planning application has been submitted as a Section 73 submission to vary planning conditions 4 of the original planning permission to extend the end date for the retention of the car park until 31st December 2030.
26. The extant consent for the car park at Bestwood II Quarry was granted under reference 7/2015/0320NCCEIA and permitted the retention of the car park until 31st December 2025.

Provision of portable unit to provide changing facilities for female staff

27. The current welfare facilities at the quarry incorporate one changing area which does not provide any separation for male and female staff. A need for an

additional changing facility has arisen following the employment of a female member of staff at the quarry.

28. To address this problem the applicant has recently installed a portable unit to provide female only changing facilities. Planning application 7/2017/1493NCC seeks retrospective planning permission to retain this unit. The portable unit has been installed immediately adjacent but to the south of the existing office and welfare facilities compound. The unit measures 4.8 metres x 2.7 metres and is 2.9 metres in height. It is externally finished in a grey colour.

## Consultations

29. The four planning applications have each been separately publicised and advertised.
30. Most consultees have provided a joint/similar response for each of the four planning applications. In the interest of brevity, where consultees have provided similar consultation responses to all four planning applications these comments are reported collectively. In cases where different consultation responses are provided from consultees this is clearly identified in the summary of the consultees response.
31. Planning application 7/2017/1491NCC for the 4.5-hectare quarry extension has also been re-advertised on two further occasions following receipt of the two Regulation 25 supplementary environmental information submissions. Where consultees have provided responses to these consultations these are set out below:
32. **Gedling Borough Council:** *Raise no observations to all four planning applications.*
33. **Ravenshead Parish Council:** *No representation received in connection with all four planning applications.*
34. **Environment Agency (EA):** *Raise no objections to all four planning applications.*
  - *In respect of planning application 7/2017/1491NCC for the 4.5-hectare quarry extension the EA has requested planning conditions be imposed requiring details of foul water drainage and oil storage to be approved in writing prior to the commencement of the development.*
  - *The EA raise no further comments in respect to the submission of the second Reg. 25 information.*
  - *The EA raise no issues in connection with the three other planning applications.*
35. **Natural England:** *Raise no objection to planning application 7/2017/1491NCC for the 4.5-hectare quarry extension.*



- *Natural England is satisfied that the proposed development would not damage or destroy habitats of national designation including the nearby Linby Quarries SSSI. The quarry is located in the Sherwood Forest area, in proximity to habitats identified as important for breeding nightjar and woodlark and therefore Natural England recommend Nottinghamshire County Council assess the potential impacts from the development on breeding nightjar and woodlark populations within the Sherwood Forest area taking a 'risk based approach'.*
  - *Natural England were not consulted in connection with the three other planning applications.*
  - *Natural England does not wish to raise any further observations in response to the two Regulation 25 submissions.*
36. **NCC (Archaeology):** *Raise no objections to planning application 7/2017/1491NCC for the 4.5-hectare quarry extension subject to a planning condition being imposed requiring an archaeological scheme of investigation to be submitted prior to soil stripping. The methodology used within the scheme of investigation shall be informed by a Lidar survey of the development site.*
- *NCC Archaeology were not consulted in connection with the three other planning applications.*
37. **NCC (Built Heritage):** *Raise no objections and confirm that the proposed extension of quarry workings would not cause significant harm to the appreciation of the significance of heritage assets in the area. NCC Built Heritage were not consulted in connection with the three other planning applications.*
38. **Historic England:** *Do not wish to offer any comments and have reconfirmed this position in response to the additional information provided in the Reg. 25 submissions.*
39. **NCC (Highways):** *Raise no objections to all four planning applications.*
- *The permitted levels of output at the quarry are to remain unchanged and therefore the proposal would not result in an increase in daily traffic generated by the site. The existing access is adequate to serve the development and the levels of traffic flows it will generate.*
  - *NCC Highways has nothing further to add in respect of additional information supplied under Reg. 25.*
40. **NCC (Nature Conservation):** *Raise no objections to planning application 7/2017/1491NCC for the 4.5-hectare quarry extension following the receipt of the Regulation 25 supplementary ecological information.*
- *In respect of planning application 7/2017/1491NCC for the 4.5-hectare quarry extension, concerns were raised to the original planning submission with the following points being noted:*

- a. *The application site is an area of oak-birch woodland (a Habitat of Principle Importance) and designated as a Local Wildlife Site (LWS) – Longdale Plantation LWS 2/363. Its ecological value is of County importance. The scheme would result in the loss of 4.5ha of this habitat (in addition to the 3.8ha loss of habitat which occurred with the previous extension), this accounts for about 30% of the site area of the original LWS. The loss of this habitat is the main direct ecological impact, the level of impact is considered significantly negative in scale and it has not been satisfactorily demonstrated that the impact cannot be avoided or adequately mitigated through the timing of the restoration of the site which would occur many years after the original habitat is lost.*
- b. *The ecological surveys have been undertaken in accordance with the relevant guidelines and are up to date. The surveys identify:*
- *There are no active badger setts on the site, but there is evidence of historical inactive setts within the site.*
  - *The breeding bird survey confirms the site provides habitat to a typical assemblage of birds, the most notable species being willow tit. The loss of habitat used by this species is a concern and has not been considered in the ecological impact assessment (EclA).*
  - *Adequate surveys have not been carried out for nightjar. The loss of woodland habitat has potential to impact nightjar and woodlark and has not been assessed in the EclA.*
  - *Bat activity surveys confirm the site is used by foraging or commuting pipistrelle bats, but the level of activity has not been properly considered.*
  - *Concern is expressed that the level of invertebrate interest at the site has been under-estimated.*
  - *Reptiles are not present within the application area and no Great Crested Newts are present within ponds at or within 500m.*
- c. *The potential impact from noise emissions to breeding birds has not been addressed.*
- d. *Dust management should be secured through planning conditions to avoid negative ecological impacts.*
- e. *In addition to the developer addressing the concerns raised in respect to the timing of the mitigation measures, the following specific mitigation measures will be required, secured through planning condition:*
- *To minimise impacts on birds, vegetation clearance (i.e. removal of woodland) must take place outside the bird nesting season, which runs from March to August inclusive.*
  - *Nest boxes should be installed around the existing quarry site; in particular, these should target willow tit, and further details will need to be provided.*

- *Pre-commencement surveys for badgers should be undertaken, in advance of each phase.*
  - *Controls on artificial lighting, through the submission of a lighting plan, and hours of operation, to ensure that woodland edges are not illuminated.*
  - *The protection of retained habitat during site clearance, including the use of temporary protective fencing.*
  - *A detailed restoration scheme, to include species mixes, establishment methods and maintenance regimes will be required and an extended period of time for the aftercare of the site.*
- *The Reg. 25 submission incorporates a series of modifications to the scheme of working to mitigate/compensate for the ecological effects of the development. These demonstrate that:*
    - *In terms of impacts on the LWS and application of the mitigation hierarchy, further justification has been provided for the eastern extension into the LWS. Given that the loss of the LWS therefore appears to be 'unavoidable' in the context of how this site is extended, the planning assessment will need to ensure that the need for the quarry extension at this location outweighs the value of the LWS, and that sufficient mitigation/compensation is duly provided.*
    - *Notwithstanding this, the retention of 0.41ha of woodland around the perimeter of the extraction area that would otherwise have been removed is welcomed (and is, in part, avoidance of a proportion of the impact).*
    - *Further detail has been provided showing the phasing and progressive restoration of the quarry, which is also welcomed.*
    - *Off-site habitat creation is now additionally proposed, involving the creation of 3.33ha of heathland at the nearby Calverton Quarry, which is welcomed. This will need to be secured through an appropriate mechanism. Therefore, whilst there will still be a net loss of woodland, there will be an overall increase in heathland (with less reliance on natural regeneration, as requested).*
    - *Precautionary Methods of Working in relation to the felling of trees with 'low' bat roost potential, and for avoiding impacts on common amphibians, will need to be conditioned.*
    - *Installation of willow tit nest boxes should be regulated by planning condition.*
    - *The translocation of woodland soils and other woodland material (including tree root plates and selected standing deadwood) is welcomed and will provide invertebrate habitat. The submission of a detailed methodology, based on the submitted details, should be required prior to soil stripping within the extension area, secured through a condition.*
    - *The use of acoustic fencing as proposed will need to be conditioned.*

- *It is noted that an extended aftercare period has been accepted by the applicant, for a period of 25 years.*
  - *In respect of the second Reg. 25 submission, NCC Ecology are satisfied that the further information provides satisfactory clarification of the habitat totals that would be provided before and after the extension has taken place.*
  - *In respect of planning application 7/2017/1504NCC to extend the operational life of the existing quarry until 2028, NCC Ecology ask whether there are any opportunities to bring forward parts of the restoration of the quarry to an earlier date.*
  - *NCC Ecology were not consulted in connection with the other three planning applications.*
41. **Nottinghamshire Wildlife Trust:** *Nottinghamshire Wildlife Trust object to the planning application. The Wildlife Trust's concerns are set out below:*
- *In respect of planning application 7/2017/1491NCC for the 4.5-hectare quarry extension an objection was raised to the original planning submission with the following points being noted:*
    - a. *The ecological surveys are not satisfactory with the following concerns being raised:*
      - *An invertebrate survey has not been undertaken.*
      - *The bat surveys have not been undertaken to a satisfactory standard.*
      - *The breeding bird survey was undertaken from the 18<sup>th</sup> May onwards and therefore did not cover the earlier part of the breeding season and potentially could miss some key species.*
      - *A survey for nightjars has not been undertaken.*
      - *Further surveys for frogs and toads should be undertaken.*
      - *Further plant species surveys should be provided.*
    - b. *The mitigation provided for the loss of habitat and its replacement with different habitat over a decade in the future is considered to be inadequate.*
    - c. *Specific mitigation for the loss of foraging bat habitat should be provided.*
    - d. *No mitigation of ecological compensation is proposed for loss of breeding bird habitat, and in particular loss of willow tit habitat.*
    - e. *There has been no impact assessment of noise emissions and their effect on ecological receptors.*
    - f. *Badger surveys should be undertaken throughout the operational life of the quarry to ensure they do not re-occupy the site.*

- g. *Whilst the indicative restoration scheme incorporates a range of potentially suitable habitats the wildlife trust consider this would not adequately replace the loss of existing habitats. Further information regarding the methodology for carrying out the restoration scheme is required.*
  - *Nottinghamshire Wildlife Trust have reviewed the Reg.25 submission and maintain their objection to the planning application raising the following concerns:*
    - a. *There is a lack of adequate survey information which consequently results in an incomplete impact assessment. In particular concerns are raised that:*
      - *An invertebrate survey should be undertaken to provide knowledge of the species present on the site and develop an accurate mitigation strategy.*
      - *Further clarification is sought as to whether an endoscope examination was undertaken to examine potential bat habitats. The importance of the woodland habitat for bats has been underestimated.*
      - *Bird surveys should have been undertaken earlier in the season and a nightjar survey should have been carried out.*
      - *Further surveys for toads should be undertaken.*
      - *Concerns are raised that the botanical plant surveys are not comprehensive.*
    - b. *The scheme would result in the loss of a substantial area of Local Wildlife Site contrary to Minerals Local Plan and NPPF Policies.*
    - c. *The indicative restoration scheme contains a range of potentially suitable habitats that are appropriate to the area but without further detailed specification it is not possible to conclude whether this would adequately replace the loss of existing local wildlife habitat.*
    - d. *The intention to provide enhanced habitat at Calverton (Burntstump) Quarry is welcomed, but without a detailed scheme being provided it is not possible to determine whether the habitat gains would outweigh the value of habitat that would be lost.*
  - *No consultation response has been received in respect of planning application 7/2017/1504NCC to extend the operational life of the existing quarry until 2028.*
  - *Nottinghamshire Wildlife Trust was not consulted in connection with the other two planning applications.*
42. **NCC (Countryside Access):** *No definitive public rights of way are affected by planning application 7/2017/1491NCC for the 4.5 hectare quarry extension. NCC Countryside Access was not consulted in connection with the other three planning applications.*

- *NCC Countryside Access does not raise any further observations in response to the two Regulation 25 submissions.*
43. **Via (Landscape):** *Raise no objections to planning application 7/2017/1491NCC for the 4.5 hectare quarry extension.*
- *Via (Landscape) originally raised an objection to the planning application based on concerns that the extension of the quarry would result in the loss of a substantial area of woodland within a designated Local Wildlife Site/priority habitat with adverse impacts to the landscape character of the area. No satisfactory mitigation of this impact was provided.*
  - *To address these concerns an arboricultural report has been provided as part of the Reg. 25 response which confirms that the design of the quarry allows for the retention of sufficient trees around the periphery of the extraction area to provide screening from the wider landscape and ensure a wooded skyline is retained around the site. The submission also incorporates a planting scheme to increase the density of the undergrowth planting.*
  - *Planning conditions are recommended to regulate the planting mix used within the landscape works, ensure the identified tree protection measures are implemented, undertake the restoration of the site in a phased programme and provide 25 years aftercare for the restored site.*
  - *NCC Landscape was not consulted in connection with the other three planning applications.*
44. **Via (Noise Engineer):** *Raise no objections to planning application 7/2017/1491NCC for the 4.5 hectare quarry extension subject to the imposition of planning conditions to regulate the following matters:*
- *Limits on the maximum level of noise emissions at nearby property to regulate day to day and temporary operations at the quarry.*
  - *A restriction on the operating hours consistent with the existing planning permission for the site.*
  - *The use of noise abatement measures on all plant, machinery and vehicles operated on the site.*
  - *The use of 'white noise' reverse warning devices.*
  - *Via (Noise Engineer) has reviewed the Reg. 25 submission and does not wish to raise any further comments in respect to the installation of the acoustic fence other than to note it is to be installed at the beginning of Phase 1 and retained for the life of the quarry to provide acoustic screening to ground nesting birds.*
  - *Via (Noise Engineer) was not consulted in connection with the other three planning applications.*
45. **Via (Reclamation):** *Raise no objections to planning application 7/2017/1491NCC for the 4.5 hectare quarry extension*

- *The Reclamation Officer is satisfied that the correct assessments have been undertaken to assess potential impacts in relation to ground/surface waters and air quality. The applicant has addressed issues related to dust suppression, water management and ground/surface water protection. Provided the existing management and monitoring systems are maintained, adverse impacts are not envisaged in relation to the quarry extension to adjacent and/or underlying land, air quality and/or surface/groundwaters.*
  - *Via (Reclamation) were not consulted in connection with the other three planning applications.*
46. **Cadent Gas:** *Raise no objections subject to a planning condition being imposed to provide a working methodology to ensure the protection of a 610mm High pressure gas pipeline running at the bottom (southern) boundary of the proposed extension site. Cadent Gas have reconfirmed that suitable protection should be put in place for the gas pipeline.*
47. **Seven Trent Water, Western Power Distribution:** No representation received in connection with all four planning applications. Any responses received shall be orally reported.

## **Publicity**

48. The four planning applications have each been publicised as a departure by means of site notices and press notices. The decision to advertise as a departure was made because of a potential non-compliance with Green Belt Policy and because the Eastern Extension extraction area is not allocated for mineral extraction, thus potentially raising policy issues with Nottinghamshire Minerals Local Plan Policy M7.2. 34 neighbour notification letters have been posted to occupiers of the nearest residential and business properties.
49. Subsequently, planning application 7/2017/1491NCC has been re-advertised following the receipt of the supplementary environmental information provided under the Regulation 25 submission. The publicity has been undertaken in accordance with the County Council's adopted Statement of Community Involvement Review.
50. Two local residents of Longdale Lane have made representations/objections in connection with the planning application which raise the following objections and concerns:
- The extended quarry would extend to the boundary of residential property and result in the loss of a mature woodland which is home to extensive wildlife. It is unacceptable to remove this habitat.
  - The quarry provides no benefit to the local community.
  - Tarmac have ignored the fact that the road on the eastern boundary leading into the site is owned by a local resident and as such they are now denying access along this land.

- The development would have an adverse impact on residential amenity by reason of noise and disturbance. Residents state they regularly hear noise from the quarry. The extension will bring the quarry closer to residential property and it is anticipated that noise will become significantly louder resulting in a dramatic impact on the quality of life. The removal of the tree screen would also increase noise transmission.
- No. 272 Longdale Lane is currently being converted into a respite centre for autistic adults. The quarry development will affect the peace and quiet of the users of this facility.
- The area is at risk of becoming over developed with housing developments in the local area. The development of the quarry would be another intrusion into the rural area.
- The application address states the site is in Bestwood. The site is not in Bestwood but Ravenshead.
- If this application was to proceed can consideration be given to a staged approach instead of the felling of the full 19 acres of woodland.
- It is understood there is a gas pipe within this area, what safety considerations have been considered in relation to this and the land being destabilised around it?
- in the event that planning approval is granted the Council should ensure the proposed 6ft close boarded wooden fence is erected on the boundary of the site.
- The quarry workings should be undertaken in a series of strips to lessen the impact of the quarry on the environment

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

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

## Observations

### Planning Policy

53. Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the most relevant part of the development plan relating to this minerals development is the 2005 adopted Nottinghamshire Minerals Local Plan (adopted MLP). Policies within the 2014 Gedling Aligned Core Strategy and the recently adopted 2018 Gedling Borough Local Planning Document Part 2 Local Plan are also relevant to the decision.
54. In assessing the relative weight that should be given to policies within the adopted MLP the revised NPPF (published in 2018) advises that a Local Plan should not be considered out-of-date simply because it was adopted prior to publication of the NPPF. Specifically, the NPPF states that *'due weight should be given to them (policies), according to their degree of consistency with this*



*Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'*.

55. The adopted MLP focuses on meeting the supply needs of the mineral industry in Nottinghamshire for the period up to 31st December 2014. Chapter 7 of the plan relates to the supply of Sherwood Sandstone with Policy M7.1 stating that the County Council's objective is to maintain a landbank of permitted reserves of Sherwood Sandstone sufficient for at least 7 years extraction and also to maintain adequate production capacity in order that Nottinghamshire will meet its reasonable share of regional provision of aggregates throughout the plan period.
56. The most recent assessment of the Sherwood Sandstone landbank is incorporated in the Nottinghamshire and Nottingham Local Aggregates Assessment (October 2017). This identifies that as of December 2016 the landbank stood at 10 years. This meets national and Nottinghamshire's aim to maintain at least a 7-year landbank, in line with the NPPF and Policy M7.1 of the Minerals Local Plan.
57. Paragraph 7.27 of the adopted MLP concerns itself with the future supply of Sherwood Sandstone within Nottinghamshire. It recognises that the County landbank is high but that reserves are very unevenly distributed between individual quarries and some sites will run out of reserves well before the end of the plan period. The plan concludes that if the County is to maintain an adequate production capacity then further reserves would need to be released during the adopted MLP plan period. It also acknowledges that the countywide landbank does not take account of the fact that the individual quarries do not generally produce the same products. Some quarries produce mainly asphalt sand, others mortar sand where differences in colour may be important and therefore these factors should be taken into account in assessing need and adequacy of production capacity.
58. The adopted MLP incorporates three allocations for Sherwood Sandstone extraction, all extensions of existing sites, these are:
  - Policy M7.3: 7.5 hectares at Rufford Colliery – This quarry is now permanently closed and the extension was never developed.
  - Policy M7.4: 9.2 hectares at Scrooby Top – This allocation has been granted planning permission and is currently being extracted. The policy therefore has not been saved.
  - Policy M7.5: 12 hectares at Carlton Forest – This quarry is mothballed and the extension has never been developed.
59. The adopted MLP does not allocate any additional land for mineral extraction at Bestwood II Quarry. Paragraphs 7.38 and 7.39 of the adopted MLP explains that the currently consented extraction area at Bestwood II was permitted in 2001 and incorporates 2.7 million tonnes of sand which (at the time of the plan) was considered sufficient to maintain production until 2013. The plan acknowledges that further extensions at Bestwood II may be possible, but as the plan was expected to be fully reviewed by 2009 it concluded that it would be

more appropriate to assess the need for allocating further reserves of aggregate sand at that time.

60. The 4.5 hectare eastern extension sought planning permission in this planning application therefore is not within an area allocated for mineral extraction in the adopted MLP. Policy M7.2 of the plan relates to Sherwood Sandstone on unallocated land and states:

Policy M7.2 – Sherwood Sandstone extraction in unallocated land.

Proposals for Sherwood Sandstone extraction falling outside allocated areas will not be permitted unless it is evident that existing permitted reserves and the remaining allocations cannot sustain an adequate landbank and processing capacity as provided for in Policy M7.1.

61. Policy M7.2 therefore is not supportive of Sherwood Sandstone extraction on unallocated sites unless it can be demonstrated that there is not an adequate landbank of permitted reserves, (which there currently is), or the remaining allocations cannot sustain adequate processing capacity.
62. This approach is consistent with the NPPF which states that mineral planning authorities should use the length of landbank as an indicator to determine whether there is a need to permit additional mineral extraction in an area, but consideration should also be given to the availability of processing capacity to ensure that the capacity of quarries to supply a wide range of materials in an area is not compromised.
63. The Government's Planning Practice Guidance (PPG) in connection with minerals (Paragraph 084) states that "*there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank*".
64. Having regard to the approach set out within the NPPF, its supporting PPG and adopted MLP Policy M7.2 requiring the maintenance of appropriate processing capacity in the County, it is clear that a refusal of planning permission cannot be justified solely on the grounds that the landbank stands at above 7 years with a need to undertake a wider assessment of all material considerations such as the availability of processing capacity needs to be made when making a decision.
65. Mineral reserves within Bestwood II Quarry are not exhausted with around 1.3 million tonnes of consented sandstone remaining in the quarry. The recovery of this mineral reserve requires sandstone extraction to the full consented depth in the existing working area followed by mineral extraction beneath the existing plant site as a final phase. If the proposed eastern extension was not entered into before mineral extraction was completed in the existing workings it would effectively sterilise the working of the proposed eastern extension of the quarry due to the level differences which would exist between the base of the extracted quarry floor and the unexcavated eastern extension (around 40m vertical difference). This would prohibit access by plant and machinery. The operator reports that there is now a need to enter the eastern extension proposed in this

planning application to avoid the vertical difference between the two sites becoming excessive and effectively sterilising any future mineral extraction. NPPF paragraph 204 seeks to ensure that minerals are not needlessly sterilised which would in essence be the outcome if this planning application was refused planning permission at this time. It is therefore considered that refusing planning permission for the proposed development at this time would impact on the county's processing capacity, contrary to Policy M7.2, as it would significantly shorten the operating life of the quarry and impact on the processing capacity of the county as a whole.

66. NPPF paragraph 207 requires mineral planning authorities to plan for a steady and adequate supply of industrial minerals. In this respect, Bestwood II Quarry is an important source of Sherwood Sandstone, it has been operational since the mid 1940's and currently supplies around 38% of Nottinghamshire's annual Sherwood Sandstone output. The NPPF expects planning decisions to proactively drive and support sustainable economic development and assist the expansion of business. It requires significant weight to be placed on the need to support economic growth through the planning system.
67. The extension of Bestwood II Quarry would allow the quarry to continue to operate and would maintain the existing economic and employment benefits which the quarry provides, including the direct employment of nine quarry staff and supporting 50 staff in associated operations including road haulage. The socio-economic benefits of the scheme include:
  - The continued effective operation of Bestwood II Quarry;
  - security of existing employment at the site;
  - continued positive contribution of the site to the local and regional economy; and
  - maintenance of an important supply of aggregate sand into the Midlands region.
68. It is considered that the socio-economic effects of the scheme are beneficial and these are material in the determination of this planning application.
69. In conclusion, the adopted MLP acknowledges that further extensions may be possible at Bestwood II but these are not allocated in the adopted MLP because the mineral would not be required within the anticipated lifetime of the plan which was expected to be fully reviewed by 2009. Adopted MLP paragraph 7.40 concludes that it is more appropriate to assess the need for allocating further reserves of aggregate sand as part of the review of the plan. Although this review is ongoing, it has not progressed to an advanced stage and therefore limited or no weight can be given to the plan review in this decision.
70. Whilst the planning application was initially advertised as a departure to adopted MLP Policy M7.2 on the basis that Nottinghamshire currently has a landbank of Sherwood Sandstone in excess of 7 years, the NPPF/PPG and adopted MLP Policy M7.2 make it clear that having a landbank above the minimum level is not justification on its own to refuse planning permission and the wider merits of the development should be assessed including a need to maintain an adequate

processing capacity within sites. In this instance the wider benefits of the development, including the avoidance of mineral sterilisation, maintaining a continuity of Sherwood Sandstone production at Bestwood II, and the economic benefits which it brings, provide support for the development and argue in favour of granting planning permission, subject to there being no unacceptable environmental impacts. As an extension of a quarry, the development is also supported by adopted MLP Paragraph 6.36 which acknowledges that potential extensions to quarries will often have lower environmental effects than new greenfield sites.

#### Draft New Minerals Local Plan

71. On the 27th July 2018 Nottinghamshire County Council issued a draft Minerals Local Plan for consultation. The new plan will cover the period from 2016 to 2036.
72. The availability of Sherwood Sandstone reserves within Nottinghamshire is considered within this plan under Policy MP3. This policy seeks to maintain an adequate supply of Sherwood Sandstone to meet the expected level of demand over the plan period. It seeks to achieve this by allowing the completion of sand extraction with the existing consented sandstone quarries in the County including the remaining mineral at Bestwood II, and also by allocating three new extensions to existing quarries including:
  - MP3(e): Bestwood II East yielding an anticipated 1.44mt
  - MP3(f): Bestwood II North yielding an anticipated 0.75mt.
73. The boundaries of the Bestwood II East allocation identified within Policy MP3(e) coincide with boundaries of the Eastern Extension planning application site currently sought planning permission.
74. The draft plan provides some context to future planning policy direction, but given it is at a very early stage of preparation little weight can be given to the policies the plan incorporates or its proposed allocations within the decision on this planning application, at the present time.

#### Green Belt

75. The boundaries of the Green Belt within Gedling Borough are identified on the proposals map of the Gedling Borough Local Planning Document Part 2 Local Plan. The application site is within the Green Belt. Policies LPD12 – LPD16 of the plan set out Green Belt policy within the Gedling area. These policies are silent in their reference to minerals development in the Green Belt.
76. The adopted MLP does not incorporate a specific policy in relation to minerals development in the Green Belt. The supporting text of the plan at paragraph 3.59 states that mineral extraction in the Green Belt can be considered acceptable subject to there being no adverse impacts to the Green Belt, in particular its open character. It advises that industrial development associated with mineral extraction is likely to be unacceptable in the Green Belt unless very special circumstances can be identified.

77. Paragraph 146 of the NPPF states that mineral extraction is not inappropriate within the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.
78. The mineral extraction associated with both the completion of mineral extraction in the existing Bestwood II Quarry and the eastern extension are assessed as being appropriate development within the Green Belt. The excavation activities would utilise existing mobile plant with mineral extraction progressively increasing the depth of the workings and restoration of the wider quarry to provide a mixed ecological habitat undertaken on a phased basis to minimise the amount of active workings as far as practical. The extended quarry would be visually contained by existing landscaping ensuring there would be no significant impacts to the openness of the Green Belt or conflict with any of the purposes of including land in the Green Belt (as set out in Paragraph 134 of the NPPF).
79. Planning permission is also sought for a number of ancillary works including soil storage mounds, the acoustic fence, the processing plant, stockpile areas, the retention of the existing quarry offices/structures, parking areas and the retrospective retention of the new changing room. In terms of the effect that these aspects of the development would have on the openness of the Green Belt and the purposes of including land within the Green Belt it is noted that the works are required for a temporary period and will be removed upon the restoration of the quarry, thus ensuring there are no permanent impacts from these features. The soil bunds and fence around the perimeter of the site are located within woodland areas which screen these features and makes them non-prominent when viewed in wider area. The buildings, plant site, stock piles and car park/access road are all more centrally located within the quarry site, would be at a lower level to surrounding land, constructed at a low height and therefore would not be visible from outside the quarry boundaries.
80. It is therefore concluded that there would be no impact to the openness of the Green Belt or the other purposes of including land within the Green Belt (as listed in NPPF paragraph 134) from the developments sought planning permission and therefore they can be considered as appropriate development in the context of Green Belt policy.

#### Assessment of Environmental Effects

81. To assist the Council in making an assessment of the environmental effects of the development the planning application is supported by an Environmental Impact Assessment (EIA) prepared under the Environmental Impact Assessment Regulations. The EIA thoroughly assesses the environmental implications of development and its findings have been examined and appropriate technical advice taken through the planning consultation process. The conclusions of this assessment are considered below.

#### Landscape Assessment

82. Adopted MLP Policy M3.22 (Landscape Character) requires landscape character and local distinctiveness to be considered within planning decisions.

The policy seeks to minimise impacts as far as possible and not grant planning permission for minerals developments which are likely to adversely impact the character and distinctiveness of the landscape unless there are reasons of overriding public interest.

83. NPPF Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
84. The EIA incorporates a Landscape and Visual Impact Assessment which defines the existing or baseline landscape character and visual context of the site and the wider study area and then identifies likely effects of the scheme on landscape character and visual amenity.
85. The landscape and visual effects of the scheme have been assessed:
  - During the clearance and preparation of the site.
  - During the mineral extraction and initial restoration of the site.
  - 15 years after the restoration of the site.
86. The Greater Nottinghamshire Landscape Character Assessment identifies that the site is within the Papplewick Wooded Estatelands Landscape Character Area. The site does not have any statutory landscape protection of identified quality within the development plan.
87. The trees along the southern boundary of the site occupy a prominent local skyline. The clearance of the woodland within the quarry has potential to have a high adverse effect on the landscape character of the site if it results in the opening up of views into the quarry along this southern boundary.
88. To reduce the potential for this impact, alterations have been made to the quarry design as part of the Reg. 25 process to maximise the retention of a satisfactory screen along this southern boundary. This has been achieved by removing a soil bund which was originally proposed to be provided in the retained southern woodland and its replacement with a fence. This alteration reduces the number of trees that would have been felled to provide land for the soil bund thus ensuring that a denser woodland belt is retained. The Reg. 25 submission also incorporates a tree protection strategy to minimise damage to trees during the construction work and an under-planting scheme to increase the woodland density and improve its screening benefit. These measures ensure that a satisfactory landscape block of trees would be retained along the southern boundary of the site and minimise the impact on the landscape. Planning conditions are recommended to regulate tree protection and carry out the under-planting.
89. A local resident has requested the quarry development scheme be amended to enable the tree removal to be undertaken in a series of strips to delay the felling of some of the trees for a period of time. Tarmac have stated their preference to clear the entirety of the site at the start of the development, stating that if they progressed on the basis of a series of tree felling strips they would very quickly

need to complete the full felling of the trees within a year or two of the quarry extension commencing due to the level differences which would soon occur as quarrying progresses which would make access to the retained land increasingly difficult, it would also mean that the full construction of boundary screens and fencing/supplementary landscaping could not be undertaken in a single phase and would also delay the use of the soil resources and deadwood material from being utilised to create new offset habitats within the existing quarry to compensate for lost habitat from tree felling. It is therefore concluded that the phased felling of trees within the Eastern Extension would not result in any significant benefit to the development scheme.

90. The alterations to the ground levels within the site would result in a change to the landscape. In the wider landscape area these alterations would have a slight adverse effect on the landscape character of the Papplewick Wooded Estatelands.
91. Following the restoration of the site many of the adverse effects from previous phases would be reduced in scale. A moderate adverse landscape effect would remain in relation to the permanently altered topography and uncharacteristic slope profiles of the restored site. These would be in stark contrast to the profiles of the undeveloped slopes to the north, east and south although these new landform components would tie-in with those used in the existing quarry once restored. The moderate adverse effect on land cover would be reduced to slight adverse by Year 15 following restoration due to the reinstatement of land cover across the restored site.
92. The operator has sought to ameliorate impacts to the landscape as far as practical within the scheme, nevertheless, this would not overcome the landscape changes that would inevitably result from the extraction of sand and the resultant void that is created. The overall impact of the development on the landscape is therefore considered to be negative.
93. Adopted MLP Policy M3.22 advises that development which adversely impacts the character and distinctiveness of the landscape should not be granted but the policy provides scope to balance these impacts against any wider benefits that may be provided by the development. This assessment of planning balance is considered within the conclusions section of the report.

#### Visual Impact Assessment

94. Adopted MLP Policies M3.3 (Visual Intrusion) and M3.4 (Screening) aim to minimise the visual impact of minerals development, encouraging screening measures to minimise impacts as far as practicable.
95. The mature woodland around the perimeter of the existing quarry limits views of the site and application area. There would be no significant adverse visual effects resulting from the clearance of woodland at the site subject to an adequate width of woodland belt being retained and the provision of appropriate thickening along the southern boundary of the site. The retained woodland on the north-east boundary of the site would help to screen views from 280 – 284 Longdale Lane. Any visual impact which may occur would be for a

comparatively short duration whilst the quarry operates at the existing surface level. Impacts would reduce as the quarry progresses to a greater depth and supplementary woodland underplanting matures in the retained woodland belt on the south of the quarry.

96. Overall, it is concluded that the visual impacts of the development are minor and not significant and once vegetation has established the development is likely to be visually imperceptible from surrounding viewpoints.

### Ecology

97. Chapter 15 of the NPPF sets out national policy concerning the conservation and enhancement of the natural environment. Paragraph 170 and 175 set out that the overall objective concerning ecology is to minimise impacts to biodiversity. This objective is achieved by following the ecological hierarchy which gives preference to development in areas of low ecological value and avoiding development in ecologically sensitive locations. In circumstances where harm to biodiversity cannot be avoided (for example by developing an alternative site with less harmful impacts), developers are required to mitigate or, as a last resort, compensate any ecological harm that may result from the development.
98. Adopted MLP Policies M3.17 and M3.20 generally reflect NPPF policy in seeking to protect important habitats including Local Wildlife Sites from adverse effects, stating that minerals development should only be granted planning permission on such sites where it can be demonstrated that the importance of the development outweighs the ecological value of the site taking into account measures to mitigate/compensate against any adverse impact.
99. The site is designated as Longdale Plantations Local Wildlife Site (LWS) and is therefore of regional/county level ecological importance. The development would result in the loss of 4.5ha of this habitat over and above the 3.8ha loss of habitat which occurred with the previous extension and which, in combination, accounts for about 30% of the site area of the original LWS. The loss of this habitat is the main direct ecological impact. The level of impact (without compensation/mitigation) is considered significantly negative in scale.
100. As part of the Regulation 25 submission the applicant was asked to justify the choice of site in the context of the ecological hierarchy. In response the applicant states that the site selection process investigated options to develop the quarry in a less ecologically important area. It concluded that physical and environmental constraints in the surrounding area meant there were no alternative sites to undertake an extension of the quarry. The constraints include the presence of residential property and roads surrounding the site. The development of the Bestwood II northern proposed allocation would have a similar ecological effect to the current eastern extension. The applicant concludes that the current location is the only feasible option for developing a lateral extension to Bestwood II Quarry at this present time.
101. There is a clear need for the additional mineral resources from Bestwood II to ensure the long-term future of the quarry. Given the loss of the LWS is



'unavoidable' in the context of the ecological hierarchy it is concluded that the need for the quarry extension outweighs any harm resulting from the loss of part of the LWS subject to the agreed mitigation and compensatory works being undertaken. The policy requirements of adopted MLP Policies M3.17 and M3:20 and the NPPF which seek to protect habitats or species of priority from adverse effect have therefore been satisfied.

102. The Environmental Statement incorporates an ecological assessment which assesses and defines the existing ecological baseline of the site and considers the likely ecological impact of the scheme. The surveys of the site identify:
- No rare or protected plant species were found at the site.
  - Several trees within the broad-leaved woodland were identified as having limited potential to support roosting bats and the woodland edge habitat features is considered to be suitable for foraging bats.
  - The site provides habitat for birds including nesting habitats.
  - The site provides potential terrestrial habitat for Great Crested Newts, but the local biological records show no records of Great Crested Newts within 500m of the application site. The habitat within the three ponds in the quarry is considered to be poor for Great Crested Newts and therefore impacts are not anticipated.
  - Reptiles are not currently present within the application site.
  - No protected or rare terrestrial invertebrate species were recorded during the survey.
  - Badger surveys of the site and a 30m radius confirm that the species are not present on the site.
103. As part of the Regulation 25 response revisions have been made to the working and restoration of the existing quarry to compensate for ecological impacts including the placement of soils in the quarry floor and translocation of tree stumps and deadwood to provide new habitat, the creation of 2.55 hectares of heathland within the quarry floor and sides created progressively through the life of the quarry and the planting of new woodland within the quarry floor and sides.
104. Also as part of the Regulation 25 response the developer has sought to offset and mitigate the ecological impact of the development by creating a new heathland habitat within Calverton (Burntstump) Quarry to offset/replace habitat loss resulting from site clearance works. Since these works would be undertaken outside of the planning application site, their implementation would need to be regulated by Section 106 legal agreement.
105. It is noted that Nottinghamshire Wildlife Trust maintain their objection to the application raising concern that there is a lack of adequate survey information and incomplete impact assessments to justify the substantial loss of LWS. These concerns have been examined by NCC's Ecologist who is satisfied that the ecological survey, supplemented by the Reg. 25 information, satisfactorily provides sufficient ecological surveys and assessment information to accurately assess the magnitude of ecological effect from the development.

106. In accordance with the advice received from NCC's Ecological Officer a series of planning conditions are recommended to ensure that appropriate working methodologies are put in place to avoid ecological harm in connection with the following:
- To minimise impacts on birds, vegetation clearance (i.e. removal of woodland) must take place outside the bird nesting season, which runs from March to August inclusive.
  - Precautionary Methods of Working in relation to the felling of trees with 'low' bat roost potential.
  - Precautionary methods of working for avoiding impacts on common amphibians.
  - Nest boxes should be installed around the existing quarry site; in particular, these should target willow tit, and further details will need to be provided.
  - Pre-commencement survey for badgers, in advance of each phase. A written report should be provided, detailing any mitigation measures that may be required, and identifying whether a licence is required from Natural England.
  - Controls on artificial lighting, through the submission of a lighting plan, and hours of operation, to ensure that woodland edges are not lit.
  - The protection of retained habitat during site clearance, including the use of temporary protective fencing.
  - The installation and retention of acoustic fencing to minimise impacts to nesting birds in the retained woodlands.
  - The provision of extended aftercare for the restored site for a period of 25 years following its restoration.
107. In terms of effects that may occur to any future designation of a Sherwood Forest Special Protection Area, the existing habitat comprises dense plantation woodland and is not particularly suitable for nightjar and woodlark and therefore direct impacts to these species are not anticipated. The restoration proposals for the site will create areas of heathland and other habitat which is more desirable for these species. Fencing is proposed to reduce the level of noise transmission into the adjacent woodland and reduce impacts to ground nesting birds. Adverse impacts to any future designation of a Sherwood Forest Special Protection Area therefore are not anticipated.
108. Overall, it is concluded that the loss of habitat within the Longdale Plantations LWS is unavoidable in the context of how the Bestwood II Quarry can successfully be extended. Satisfactory ecological mitigation and compensation arrangements are provided to ensure that the development is compliant with policy within the NPPF and adopted MLP Policy M3.20.

### Traffic

109. Vehicular access into Bestwood II Quarry is obtained from a purpose built junction off the A60 Mansfield Road. The junction is served by a dedicated right turn facility. The extended quarry would continue to utilise these existing access arrangements and would not change the traffic flows into the site on a daily basis.
110. The access arrangements have successfully operated for many years without adverse impact to the highway network. The Highways Authority has reviewed the application and raised no objections. The vehicle movements associated with the development are therefore considered to be acceptable and compliant with adopted MLP Policy M3.13 (Vehicular Movements).
111. The quarry has an established metalled haul road, lorry sheeting bay and wheel cleaning facility which control mud and debris from entering the public highway. The retention of these facilities is recommended to be regulated by planning condition and thus ensure compliance with adopted MLP Policy M3.12 (Highway Safety and Maintenance).

#### Noise

112. Policy M3.5 of the adopted MLP states that planning permission for minerals development will only be granted where noise emissions outside the boundary of the mineral workings do not exceed acceptable levels. The policy encourages planning conditions to be imposed to control and reduce potential for noise impact including restrictions over operating hours, sound proofing plant and machinery, setting maximum noise levels at sensitive locations, and the use of acoustic screening, such as baffle mounds or fencing.
113. The Planning Practice Guidance (PPG) on minerals states that mineral planning authorities should impose limits on the maximum level of noise at surrounding properties to ensure that noise levels attributable to quarrying activities do not exceed the background level by more than 10dB(A) during normal working hours (0700-1900). The PPG acknowledges that there may be circumstances where achieving this noise limit can impose unreasonable burdens on the mineral operator. In such instances the noise limit should be set as near as possible to a 10dB(A) increase with a maximum absolute noise level of 55dB(A) LAeq 1h.
114. A noise assessment has been undertaken as part of the Environmental Statement to calculate the effect that the normal quarrying activities would have on the level of noise at six noise monitoring locations which have been selected as being representative of the nearest noise sensitive locations to the site. The results of the assessment are set out below:

Location	Existing Noise Levels (dB(A))		Predicted Worst Case (dB L <sub>Aeq,1h</sub> )	Difference (dB(A))		
	L <sub>Aeq, T</sub>	L <sub>A90, T</sub>		Existing L <sub>Aeq</sub>	NPPG L <sub>A90</sub> + 10 dB	NPPG Max 55 L <sub>Aeq</sub>
1 <sup>st</sup> Galaxy Fireworks	43	38	46	+3	-2	-9
Woodland Grange	49	43	45	-4	-8	-10
270 Longdale Lane	44	38	45	+1	-3	-10
284 Longdale Lane	45	37	46	+1	-1	-9
Longdale Plantation	44	40	42	-2	-8	-13
Forest Farm Cottages	53	37	39	-14	-8	-16

115. The predicted noise levels indicate that, without exception, all normal operations within the proposed site produce worst case noise levels that are compliant with criteria within the PPG.
116. In addition to the noise limits that are recommended in the PPG for the normal operation of the quarry, noise levels for temporary operations including soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance have been assessed to ensure that these activities are undertaken within the upper noise limit of 70 dB(A) L<sub>Aeq,1h</sub> (free field) for these temporary operations prescribed in the PPG.

No.	Location	Existing Noise Levels (dB(A))		Predicted Worst Case (dB L <sub>Aeq,1h</sub> )	Difference (dB(A))	
		L <sub>Aeq, T</sub>	L <sub>A90, T</sub>		Existing L <sub>Aeq</sub>	NPPG Max 70 L <sub>Aeq</sub>
1	1 <sup>st</sup> Galaxy Fireworks	43	38	49	+6	-21
2	Woodland Grange	49	43	45	-4	-25
3	270 Longdale Lane	44	38	48	+4	-22
4	284 Longdale Lane	45	37	48	+3	-22
5	Longdale Plantation	44	40	45	+1	-25
6	Forest Farm Cottages	53	37	40	-13	-30

117. The predicted noise levels indicate that, without exception, all temporary operations within the proposed development produce worst case noise levels that are below the criteria of PPG.
118. Specific concerns have been raised about potential for noise disturbance to users of a new respite centre for autistic adults being constructed at 272 Longdale Lane. The noise assessment incorporates a measurement point at 270 Longdale Lane, directly next door to this new facility. The noise modelling in this location identifies a maximum of 1dB increase in noise from day to day quarrying operations at this property. This level of noise increase would not be perceptible to the human ear and therefore is considered to not be significantly intrusive to users of the facility.
119. The applicant's noise assessment identifies a scheme of noise mitigation to minimise the magnitude of impact and control noise emissions with the following controls being suggested:
- a. All construction plant and equipment should comply with EU noise emission limits;
  - b. Ensure machinery is regularly well maintained and where appropriate fitted with exhaust silencers;
  - c. Avoid unnecessary revving of engines and switch off equipment when not required;
  - d. Select plant and equipment which is inherently quiet where appropriate. For example, compressors should be sound reduced models with sealed acoustic lining, pneumatic tools should be fitted with manufacturer specified silencers or mufflers;
  - e. Keep internal haul routes well maintained;
  - f. Minimise drop heights of materials, line the inside of chutes and hoppers with attenuating materials to reduce impact noise;
  - g. Ensure perimeter bunds are to the required height, with no gaps or inconsistencies.
  - h. The use of audible reversing warning systems on mobile plant and vehicles which results in a minimum noise impact on persons outside of the site.
120. The existing planning permission permits mineral extraction at Bestwood II Quarry between 7am – 8pm Monday to Friday and 7am to 6pm on Saturdays. In practice the quarry closes at around 5:30pm Monday to Friday and operates Saturday morning closing about lunchtime. This application seeks planning permission to allow the existing consented operating hours within the Eastern Extension area. The noise assessment demonstrates that the operation of the quarry over these requested operating hours would not be intrusive and it is proposed to continue to regulate the operating hours to these hours by planning condition.
121. Subject to the imposition of controls over noise emissions from the development the operation of the extended quarry is anticipated to be capable of operating in compliance with nationally set limits for minerals extraction developments as set out within the PPG. The operation of the site would therefore be compliant with adopted MLP Policy M3.5.

### Air Quality (Dust)

122. Adopted MLP Policy M3.7 (Dust) and the NPPF encourage careful siting of potential dust emitting activities and the implementation of dust mitigation measures to minimise the impact from dust emissions, encouraging the use of controls through planning conditions to appropriately regulate activities.
123. The plant that would be operated within Bestwood 2 Quarry together with associated vehicle movements have the potential to generate dust and other airborne pollutants in the immediate vicinity of their operations. The likelihood of problems caused by such pollutants is largely influenced by the effectiveness of on-site environmental controls with the objective to minimise the generation of dust.
124. The magnitude and significance of impact from dust emissions has been assessed through an air quality assessment to consider the potential for adverse dust impacts to occur using the source-pathway-receptor concept with particular regard to the potential for significant effects to occur as a consequence of uncontrolled dust emissions.
125. The current dust climate has been measured at the site boundary and closest potential sensitive receptors and these are seen to be typical of a rural area. Climatic conditions local to the site have been assessed and analysed to give an indication of how often the site could be susceptible to fugitive dust events. Significant impacts from dust are not anticipated. Also, a full PM10 assessment in line with the latest recommendations has been undertaken and this shows that the Air Quality Objectives are not expected to be exceeded.
126. Monitoring of dust emissions over a number of years in connection with the operation of the existing quarry has not identified any dust concerns. Going forward the operator proposes to routinely monitor dust emissions from the site and take action to deal with any sources of dust emissions, particularly during dry and windy periods. A complaints log is to be maintained by the operator to ensure any dust incidents are appropriately investigated and remediation action is taken. In the event of a failure of dust mitigation measures, for example in extreme weather conditions, the dust generating activity shall be temporarily suspended, until appropriate dust mitigation is implemented or until a change in weather condition occurs.
127. Significant impacts to air quality or dust emissions are therefore not anticipated, subject to the dust controls identified above being regulated by planning condition. The development therefore is compliant with adopted MLP Policy M3.7.

### Hydrology and Flood Risk

128. Adopted MLP Policy M3.8 (Water Environment) states that planning permission will only be granted for minerals development where surface water flows and groundwater levels are not altered and there are no risks of pollution.

129. An assessment of the hydrogeological and hydrological impact of the proposed quarry development at Bestwood II Quarry has considered potential impacts upon groundwater and surface water quantity and quality. Mineral extraction would be undertaken above the level of the water table and therefore no dewatering is required to operate the quarry. No disturbance to the aquifer therefore will occur, whether by lowering of the groundwater levels, or impedance or interception of groundwater flow from quarrying or restoration operations.
130. Risks from pollution incidents are considered to be very low to negligible from the scheme and subject to operational practices concerning fuel storage being regulated by planning condition, no additional mitigation is considered to be necessary.
131. Adopted MLP Policy M3.9 (Flooding) supports minerals development where it does not give rise to unacceptable impact on flood flows and flood storage capacity, or on the integrity or function of flood defences and local land drainage systems. The proposed quarry is located in Flood Zone 1 and therefore has an extremely low probability of flooding during the working life of the quarry.
132. Surface water will be managed within the site to ensure that the surface water flood risk to and from the site is appropriately mitigated. The proposed restoration of the site will provide a landform lower than the surrounding land which naturally drains freely. It is therefore concluded that the proposed quarry workings at Bestwood II Quarry are considered appropriate in accordance with adopted MLP Policy M3.9.

#### Protection of the Aquifer from Pollution

133. The Sherwood Sandstone and underlying Magnesian Limestone form major aquifers in the area with regional groundwater at a level approximately 50m AOD, this is 35m below the consented limit of extraction which is currently regulated by planning condition at 85m AOD. This 35m separation between quarry workings and groundwater provides pollution protection.
134. The Environmental Agency have not raised any objection to the extension of the quarry subject to controls being imposed on fuel storage and refuelling and foul water drainage. Planning conditions are recommended to regulate these matters.

#### Cultural Heritage

135. Adopted MLP Policy M3.25 (Listed Buildings and Conservation Areas) seeks to ensure that minerals developments do not cause unacceptable harm to conservation areas, listed buildings, historic battlefields and historic parks and gardens.
136. In line with the requirements set out in paragraphs 189 and 190 of the NPPF the applicant has identified the heritage assets in the area and considered the

significance of impact resulting from the development proposal. This has identified that:

- The earlier phases of the quarry have affected two designated listed structures, the Howe Plantation Obelisk (National Heritage ref: 1264008) and a parish boundary stone (National Heritage ref: 1264007). Both have been relocated to near their original positions as part of mitigation from earlier phase/s of quarrying and are not within the proposed new quarry working area.
  - Some impacts will be felt on the setting of the assets closest to the proposal area, most notably the boundary stone (Heritage list ref: 1268476), and the non-designated covered reservoir associated with the Papplewick Pumping Station.
  - Other impacts stemming from noise may be felt at the Papplewick Pumping Station site.
137. The Heritage Assessment has been reviewed by NCC's Heritage Officer and Historic England who are satisfied the extension of the quarry would have a less than significant impact on the heritage assets of the area. Any impacts could be mitigated through control of landscaping, in particular the retention of trees around the periphery of the site, particularly to the south and east.
138. NPPF Policy set out within paragraph 196 states that when a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
139. It is concluded in this instance the need for the mineral and the economic benefits that would be derived outweigh any harm to the heritage assets in the surrounding area. The development therefore is assessed as being compliant with NPPF heritage Policy and adopted MLP Policy M3.25.

#### Archaeology

140. The Environmental Statement submitted in support of the planning application incorporates an archaeological assessment. This assessment identifies that the site does not incorporate any known archaeological remains of national importance or features which warrant preservation. The site therefore has a low potential for yielding any significant archaeological remains.
141. Adopted MLP Policy M3.24 (Archaeology) identifies that mineral workings on sites which incorporate archaeological remains of less than national importance (as is the case here) can be worked provided it is demonstrated that the importance of the development outweighs the significance of remains and subject to provision being made through the planning permission for the appropriate excavation and recording of any remains.
142. The potential of the site to produce buried archaeological remains is low. In this instance it is concluded that the need for the quarry development outweighs the



preservation of this potentially limited resource. Notwithstanding this conclusion, the presence of archaeology cannot be dismissed and to ensure it is appropriately investigated a planning condition is recommended requiring the developer to undertake a Lidar survey of the site to inform the preparation of a written scheme of investigation and subsequent implementation of field investigations to ensure any archaeological remains are recorded. The implementation of this scheme can be secured through planning condition, thus ensuring compliance with adopted MLP Policy M3.24.

#### Consideration of cumulative and combined effects

143. Significant adverse cumulative effects are not anticipated from the scheme. This is because the individual assessments of environmental impacts do not identify any significant residual impacts associated with the proposals. Therefore, the likelihood for significant cumulative effects to occur as a result of the scheme is extremely low.

#### Duration of development

144. The eastern extension area incorporates a 1.4 million tonne mineral reserve which the applicant proposes to extract over a ten-year period. A planning condition is recommended as part of the schedule of conditions for this planning application (7/2017/1491NCC) to ensure the duration of this quarry is appropriately regulated.
145. With regard to the existing quarry area, the quarry phasing identifies that this would be extracted following mineral extraction in the eastern extension. This timetable creates some tension with the period requested for the existing quarry area including the stocking/processing areas, admin offices and haulage routes which seek consent for an extension of working in this area until 31<sup>st</sup> December 2028. Whilst it is acknowledged that this period is likely to be sufficient to allow all the remaining consented mineral reserves to be extracted from the site, it is not reasonable at this stage to give a longer period through planning condition because the proposed end date has clearly been stated in the planning application description and publicity undertaken.
146. It is acknowledged that the implication of this is that the developer may/will be required to seek further planning permission for an extension of time for the existing quarry to allow the removal remaining reserves from this area. This application would be assessed on its merits at the time of its submission.

#### Quarry Liaison Meeting

147. Bestwood II Quarry has an established liaison meeting which meets at least once a year to discuss the quarry development. As part of the proposals put forward for the eastern extension the quarry operator has suggested the arrangements for continuing the liaison meeting could be formulised through the Section 106 legal agreement. This suggestion is welcomed by officers and it is

recommended that the continuation of the liaison meeting is secured through the Section 106 agreement.

#### Land Ownership Concerns

148. Concerns have been raised by a local resident who owns a two-acre parcel of land near to the quarry which is served by a private roadway which crosses land on the eastern boundary of the quarry. The local resident states that the extension of the quarry would deny them access to their land which Tarmac have ignored.
149. These concerns have been raised with Tarmac which has researched the matter but cannot reconcile the local resident's plan with the plan the company have filed with the Land Registry. The Tarmac Land Registry plan shows different land ownership records, identifying that the planning application incorporates no land owned by the local residents. The residents have access to their land from an alternative access route which the proposed quarry extension scheme would not interfere with. Tarmac are in the process of writing to the local resident to seek further evidence in support of their claim, but as it stands at present, Tarmac do not concur with the local resident's claimed right of way through the application area.
150. It is evident from the above that there is a clear dispute in land ownership between the developer and the local resident. Whilst it is understandable that this matter is a concern to both parties, it is not the function of the planning system to arbitrate on land ownership disputes. The concerns relating to land ownership are private legal matters which any decision on this planning application would not prejudice, and therefore is not a material planning consideration in the determination of this planning application.

#### Gas Pipeline

151. Within their planning consultation response Cadent Gas has raised concerns about a 610mm high pressure gas pipeline which runs adjacent to the eastern boundary of the extension area. Cadent Gas state that the planning application does not identify the presence of this pipeline, nor does it demonstrate any stand-off or protection measures to ensure the safety of the gas pipeline is not compromised by the mineral extraction scheme. Cadent Gas has requested a planning condition be imposed requiring Tarmac to submit a scheme to ensure the pipeline is satisfactorily protected throughout the life of the quarry.
152. Cadent Gas' concerns have been raised with Tarmac which states that there is a separate legal process regulated through the Mining Code in the 1965 Deed of Grant. This provides the necessary legal framework allowing Tarmac to serve notice on Cadent Gas that they propose to extract mineral from the planning application site and require Cadent Gas to either relocate their pipeline or ensure it is maintained in a safe condition. Tarmac therefore state that a planning condition is not required to protect the gas pipeline since this matter is regulated through other legislation.

153. Paragraph 55 of the NPPF states that planning conditions should not be used when they are not necessary or not relevant to planning. The Government's Planning Practice Guidance confirms that planning conditions which require compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Since the planning condition recommended by Cadent Gas relating to the protection of the gas pipeline duplicates another regulatory regime it is concluded in this instance not to be appropriate to regulate this matter by planning condition. It is however proposed to attach an informative note to ensure this matter is not overlooked.

### **Other Options Considered**

154. Schedule 4 Part II(4) of the EIA Regulations requires an Environmental Statement to provide an outline of the main alternatives considered by the applicant and an indication of the main reasons for choosing a development having taken account of the environmental effects.
155. The applicant has considered the potential for alternative locations for the development and identified that the current location is the only feasible option for developing a lateral extension to Bestwood II Quarry at this present time. A range of restoration alternatives including various configurations in terms of landform and restored habitats have also been considered.

### **Statutory and Policy Implications**

156. 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.

#### Implications for Service Users

157. The extension to Bestwood II Quarry would ensure continuity of supply of Sherwood Sandstone to established markets.

#### Crime and Disorder Implications

158. The development would extend the existing quarry making use of the established security features within the site and extending the perimeter fencing around the perimeter of the site.

#### Data Protection and Information Governance

159. All consultees who have made representations on this application are informed that copies of their representations, including their names and addresses, are

publically available and are retained for the period of the application and for a relevant period thereafter.

### Human Rights Implications

160. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol and Article 6 may be affected. The proposals have the potential to introduce limited impacts in terms of noise and dust. These potential impacts need to be balanced against the wider benefits the proposals would provide in terms of providing a continuity of mineral resources. Members will need to consider whether these benefits would outweigh the potential impacts.

### Implications for Sustainability and the Environment

161. These have been considered within the observations section above.
162. There are no financial implications, human resource implications, public sector equality duty implications, safeguarding of children and adults at risk implications, smarter working implications or NHS constitution (public health services) implications.

### **Conclusion**

163. Although mineral reserves within Bestwood II Quarry are not exhausted, the recovery of the remaining consented mineral reserve requires sandstone extraction to the full consented depth in the existing working area followed by mineral extraction beneath the existing plant site as a final phase. This would effectively sterilise the working of the eastern extension of the quarry at a later date due to the level differences that would result between the existing quarry and the extension area and the removal of the infrastructure to process any mineral that was won, thus effectively sterilising the eastern extension mineral reserve from future working against the objectives of NPPF paragraph 204. A refusal of planning permission at this time would therefore adversely impact on the county's sand processing capacity contrary to Nottinghamshire Minerals Local Plan Policy M7.2.
164. The extension of Bestwood II Quarry at this time would allow the quarry to continue to operate and would maintain the existing economic and employment benefits which the quarry provides, including the direct employment of nine quarry staff and supporting 50 staff in associated operations including road haulage. It would also secure the continued positive contribution the site makes to the local and regional economy whilst maintaining an important supply of aggregate sand into the Midlands region.
165. The planning applications have been assessed as being appropriate development in the context of NPPF Green Belt Policy and they would not prejudice the openness of the Green Belt or the other reasons for including land within the Green Belt.

166. The operator has sought to minimise impacts to the landscape as far as practical within the scheme, nevertheless, this would not overcome the landscape changes that would inevitably result from the extraction of sand and the resultant void that is created. The overall impact of the development on the landscape is therefore considered to be negative. Nottinghamshire Minerals Local Plan Policy M3.22 advises that development which adversely impacts the character and distinctiveness of the landscape should not be granted unless the wider benefits of the development outweigh the landscape harm. In this instance it is concluded the wider benefits provided by the development including the need for the mineral outweigh the harm to the landscape.
167. In terms of visual effects there would be some potential for some filtered views into the extended working area resulting from the felling of the trees and prior to the establishment of any under-planting/thickening. These impacts are anticipated to occur for a comparatively short duration. During the course of mineral extraction visual impacts are not anticipated once screening is established and the depth of quarry workings increases which will make the development visually imperceptible from surrounding viewpoints.
168. The extended quarry would continue to utilise the existing access arrangements and would not change the traffic flows into the site on a daily basis. The access arrangements have successfully operated for many years without adverse impact to the highway network. The vehicle movements associated with the development are therefore considered to be acceptable and compliant with Nottinghamshire Minerals Local Plan Policy M3.13 (Vehicular Movements).
169. In terms of impacts on the Local Wildlife Site and the application of the ecological mitigation hierarchy, the additional justification, compensation and mitigation of ecological impacts that has been provided as part of the Regulation 25 submission is welcomed and should ensure that there would be no overall ecological detriment from the development. There is a clear need for the additional mineral resources from Bestwood II to ensure the long-term future of the quarry is sustained. Given the loss of the local wildlife site appears to be 'unavoidable' in the context of how this quarry is extended, the need for the quarry extension outweighs any harm resulting from the loss of part of the local wildlife site subject to the agreed mitigation and compensatory works being undertaken.
170. The noise emissions from the quarry would be in compliance with nationally set limits for minerals extraction developments as set out within the Government's Planning Practice Guidance. The operation of the site therefore would be compliant with Minerals Local Plan Policy M3.5.
171. Significant impacts to air quality or dust emissions are not anticipated. The development therefore is compliant with Minerals Local Plan Policy M3.7.

### **Statement of Positive and Proactive Engagement**

172. In determining this application the Mineral Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; encouraging pre-application community engagement which the

applicant acceded to by holding a pre-application exhibition and a leaflet drop; and 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 Mineral Planning Authority has identified all material considerations; forwarded consultation responses that have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant including matters concerning ecology and have been addressed through negotiation and acceptable amendments to the proposals requested through Regulation 25 submissions. 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**

### **RECOMMENDATION 1**

GEDLING DISTRICT REF. NO.: 7/2017/1491NCC

PROPOSAL: 4.5 HECTARE EASTERN EXTENSION TO EXISTING SAND QUARRY WITH RESTORATION TO NATURE CONSERVATION

173. It is RECOMMENDED that the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to:
- a. To create and thereafter manage for a period of 25 years a new heathland based habitat within Calverton (Burntstump) Quarry.
  - b. To continue to hold a liaison meeting.

It is FURTHER RECOMMENDED that subject to the completion of the legal agreement before the 31<sup>st</sup> March 2019 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. In the event that the legal agreement is not signed by the 31<sup>st</sup> March 2019, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section.

## RECOMMENDATION 2

GEDLING DISTRICT REF. NO.: 7/2017/1504NCC

PROPOSAL: TO VARY CONDITIONS 3, 6 AND 29 OF PLANNING PERMISSION 7/2014/1156/NCC FOR AN EXTENSION OF TIME TO EXTRACT THE REMAINING MINERAL WITHIN BESTWOOD II QUARRY UNTIL 31ST DECEMBER 2028.

174. It is RECOMMENDED that planning permission be granted for Planning Application 7/2017/1504NCC subject to the conditions set out in Appendix 2.

## RECOMMENDATION 3

GEDLING DISTRICT REF. NO.: 7/2017/1505NCC

PROPOSAL: VARY CONDITION 4 OF PLANNING PERMISSION 7/2015/0320NCC TO ENABLE RETENTION OF THE VISITORS CAR PARK UNTIL FINAL RESTORATION OF THE QUARRY (31ST DECEMBER 2030 OR WITHIN TWO YEARS OF THE COMPLETION OF MINERAL EXTRACTION, (WHICHEVER IS SOONER).

175. It is RECOMMENDED that planning permission be granted for Planning Application 7/2017/1505NCC subject to the conditions set out in Appendix 3.

## RECOMMENDATION 4

GEDLING DISTRICT REF. NO.: 7/2017/1493NCC

PROPOSAL: ERECTION OF A PORTABLE UNIT TO PROVIDE CHANGING FACILITIES FOR FEMALE STAFF.

176. It is RECOMMENDED that planning permission be granted for Planning Application 7/2017/1493NCC subject to the conditions set out in Appendix 4.

**ADRIAN SMITH**

**Corporate Director – Place**

### **Constitutional Comments (RHC 15/11/2018)**

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

### **Financial Comments [RWK 15/11/2018]**

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

### **Background Papers Available for Inspection**

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

### **Electoral Division(s) and Member(s) Affected**

Newstead

Councillor Chris Barnfather

Report Author/Case Officer

Mike Hankin

0115 9932582

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