



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 13 February 2025 at 2.00 pm**

Location: **Sparkenhoe Committee Room, County Hall, Glenfield**

Contact: **Mr E. Walters (Tel: 0116 3052583)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. L. Phillimore CC (Chairman)

Mr. R. G. Allen CC	Mr. D. J. Grimley CC
Mr. N. D. Bannister CC	Mr. D. Harrison CC
Mr. M. H. Charlesworth CC	Mr. B. Lovegrove CC
Mr. J. G. Coxon CC	Mr. K. Merrie MBE CC
Mr. D. A. Gamble CC	Mr. B. Walker CC

Please note: this meeting will be filmed for live or subsequent broadcast via You Tube https://www.youtube.com/playlist?list=PLrIN4_PKzPXjar7IOtLtNZvlwZ4xT_8yU – Notices will be on display at the meeting explaining the arrangements.

AGENDA

Item

1. Minutes of the meeting held on 9 January 2025. (Pages 3 - 4)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 35.



Reports of the Chief Executive on Planning Applications - County Matter Applications.

7. 2022/10125/04 & 2022/01384/07 (2022/EIA/0100/LCC) - Midland Quarry Products Ltd - Continuation of mineral operations overburden disposal and ancillary activities - Cliffe Hill Quarry, West Lane, Coalville. (Pages 5 - 120)
8. 2024/10117/04 (2024/EIA/0081/LCC): Forterra Building Products Ltd - To continue the development of Desford Brickworks and Quarry by amending the provisions of Condition 2 of Planning Permission 2018/0669/04, in so far as it relates to the phasing of mineral extraction - Land at Desford Brickworks, Heath Road, Desford (Pages 121 - 164)
9. Delegated Decisions issued 1 October 2024 - 31 December 2024. (Pages 165 - 166)
Reports of the Director of Environment and Transport on Tree Preservation Orders.
10. Delegated Decisions for works to trees protected by Leicestershire County Council Tree Preservation Orders - 1 July 2024 - 31 December 2024. (Pages 167 - 176)
11. Any other items which the Chairman has decided to take as urgent.
12. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 9 January 2025.

PRESENT

Mr. L. Phillimore CC (in the Chair)

Mr. R. G. Allen CC	Mr. D. Harrison CC
Mr. N. D. Bannister CC	Mr. B. Lovegrove CC
Mr. M. H. Charlesworth CC	Mr. K. Merrie MBE CC
Mr. J. G. Coxon CC	Mr. B. Walker CC
Mr. D. J. Grimley CC	

44. Minutes of the previous meeting.

The minutes of the meeting held on 21 November 2024 were taken as read, confirmed and signed.

45. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

46. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

47. Urgent items.

There were no urgent items for consideration.

48. Declarations of interest in respect of items on the agenda.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

49. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 35.

50. Application for a Public Path Diversion Order - Footpaths E53 and E54 (parts) at Edmondthorpe.

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

In accordance with the procedures for making representations to the Board, Louise Duffin (Fisher German LLP) spoke on behalf of the applicant.

It was reported that the local member Mr. J. T. Orson CC was in support of the officer's recommendation.

A member suggested that should the application to divert the footpath be approved there should be an additional waymarker sign at point C on the plan no. 2647/a and officers agreed to give this consideration. Reassurance was given that there would be clear signposting at both ends of the footpath section that was to be diverted to ensure that the public did not continue to use the old route.

RESOLVED:

That an Order be made under Section 119 of the Highways Act 1980 to divert Public Footpaths E53 and E54 at Edmondthorpe as shown on the Plan No. 2647/a appended to the report.

51. Chairman's announcements.

The Chairman announced that the next meeting of the Board would take place on Thursday 13 February 2025 at 2.00pm.

2.00 - 2.25 pm
09 January 2025

CHAIRMAN



DEVELOPMENT CONTROL AND REGULATORY BOARD

13TH FEBRUARY 2025

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

**AMENDMENT SHEET FOR REPORT TAKEN TO MEETING ON 21ST
NOVEMBER 2024**

APP.NO. & DATE:	2022/10125/04 & 2022/01384/07 (2022/EIA/0100/LCC). Valid Date: 12/08/2022.
PROPOSAL:	Continuation of mineral operations overburden disposal and ancillary activities at Cliffe Hill Quarry including an easterly extension to Old Cliffe Hill Quarry with new screening landform requiring the relocation of parts of Cliffe Lane, Cliffe Hill Road and Stoney Lane, the demolition of Peak Hayes Farm and 'Sunny Cliffe', the construction of a new access into Old Cliffe Quarry with landscaping, habitat creation and restoration of the quarry void to water
LOCATION:	Land at and adjoining Cliffe Hill Quarry, West Lane, Coalville LE67 1FA
APPLICANT:	Midland Quarry Products Ltd
MAIN ISSUES:	Principle of the continued use of the site, location, noise, dust, air quality impacts, local amenity, public rights of way, ecology, landscape, transport (road and rail), highways, restoration and aftercare of the site.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the Appendix A of the main report dated 21 st November 2024 and the prior completion of a legal agreement to secure provisions for a liaison committee (to include dust and blasting sub-liaison committees).

Board decision of 21 November 2024

1. On 21 November 2024 the Development Control and Regulatory Board considered the above application and resolved that the application be permitted subject to:
 - (a) The conditions nos. 1-74 as set out in Appendix A to the report;
 - (b) The prior completion of a legal agreement to secure provisions for a liaison committee (to include dust and blasting sub-liaison committees).

A copy of the report that the Board considered at that meeting can be found here: <https://democracy.leics.gov.uk/documents/s186546/2022-10125-04%20Committee%20Report%20-%20FINAL%20FOR%20REVIEW.pdf>

Background to latest report

2. The Ministry for Housing, Communities and Local Government (MHCLG) published its revised National Planning Policy Framework (NPPF) on the 12th of December 2024. All changes to the NPPF are immediate, other than those relating to plan-making which are set out in the transitional arrangements.
3. The revised NPPF presents an updated policy context for those decisions which have been resolved for approval by the Development Control and Regulatory Board, but a decision has not yet been issued. For example, for those applications which required a legal agreement to be secured prior to a decision notice being issued.
4. The County Planning Authority finds it both necessary and in the best interest of applicants, the public and the Authority to refer items back to committee where there has been a delay between the resolution and notice issue for committee items, where considered appropriate in light of this new policy context.
5. This is with regard to the case of *Kides v South Cambridgeshire District Council and others at the Court of Appeal in 2002*, which concerned matters arising from the issue of decision notices sometime after the original decision to grant permission was taken. It was held that there was a duty to have regard to any new factor that had arisen for the first time between the committee decision and the signing of the decision notice. We consider it prudent to have regard to that ruling for planning application reference 2022/10125/04 & 2022/01384/07 (2022/EIA/0100/LCC).
6. As such, the County Planning Authority has sought updated responses from consultees where necessary. This has informed an updated assessment of the proposal as set out below.

Revised Planning Policy

7. The revised planning policy context for this application is the National Planning Policy Framework (NPPF), dated December 2024. The following paragraphs are relevant.

8. Amended paragraph 96 (Promoting healthy and safe communities) states that planning decisions should aim to achieve healthy, inclusive and safe places which... c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
9. Added paragraph 102 (Promoting healthy and safe communities) states that planning policies and decisions should promote public safety and take into account wider security and defence requirements by: a) anticipating and addressing possible malicious threats and other hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development.
10. Amended paragraph 116 (Highways) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
11. Amended paragraph 161 (Climate change) states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
12. Further to this, added paragraph 163 (Climate change) states that the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.
13. Paragraph 182 (Planning and flood risk) states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have

maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

14. A footnote within the superseded NPPF (December 2023) aimed to make the availability of agricultural land for food production an explicit consideration in determining if sites are appropriate for development. This footnote has now been removed. However, the NPPF remains clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Consultations

15. In light of the above, the following statutory bodies have been reconsulted for a period of 33 days on the application for a revised response. Given that no revisions to the application are proposed, an additional round of public consultation was not considered necessary. However, those who previously made representation on the application were notified of its return to Board for decision.
16. **Local Highway Authority (Leicestershire County Council) – No objection.** The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.
17. In the highway observations sent to the County Planning Authority (CPA) in July 2024 the Local Highway Authority (LHA) advised approval of the planning application subject to conditions. The LHA understands that whilst a decision resolving to grant permission was reached at Development Control and Regulatory Board (DCRB) in November 2024, a Decision Notice was not issued by the CPA prior to the changes in the National Planning Policy Framework, being published in December 2024. Therefore, the LHA understands there is a requirement for the application to be referred back to the DCRB.
18. After a review of the application, the LHA understands the applicant has not changed the proposals; therefore, the LHA continues to advise approval of the planning application subject to recommended planning conditions and informative notes. The full justification and reasoning for this can be found in the previous highway observations of 11 July 2024, which are not repeated here.
19. **Lead Local Flood Authority (LLFA, Leicestershire County Council) – No objection.** Leicestershire County Council as the LLFA advises the LPA that the proposed development is considered to be acceptable based on the surface water design provided within the application. The development should be constructed in accordance with the details provided.
20. **Public Health (Leicestershire County Council) - No revised comments.**
21. **Hinckley and Bosworth Borough Council (Planning) – No objection.** Despite the amendments to the National Planning Policy Framework, Hinckley and Bosworth Borough Council do not have an objection to the proposal. However,

Hinckley and Bosworth Borough Council would still like to refer to their previous comments from 21 May 2024 and 15 December 2023 and the requirement to ensure a high standard of amenity for existing residents in accordance with Paragraph 135 of the National Planning Policy Framework (2024).

22. **Hinckley and Bosworth Borough Council (Environmental Health)** – No revised comments.
23. **North West Leicestershire District Council (Planning)** – No revised comments.
24. **North West Leicestershire District Council (Environmental Health)** - No objection.

Assessment of the Proposal

25. Following publication of the Officer's report main report and accompanying corrections report which were presented and considered at Development Control and Regulatory board on the 21st November 2024, the new NPPF (2024) was published on the 12th December 2024.
26. Careful regard is had to the new relevant material considerations presented and set out within this report and the consultation responses received from the relevant technical consultees. The main considerations are the revised policy regarding the presumption in favour of sustainable development, climate change, highways, promoting healthy and safe communities and planning and flood risk. These considerations are assessed below in turn.
27. The updated NPPF contains significant amendments concerning climate change, which make explicit that climate adaptation and mitigation are now central to decision-making. Given that the application was supported by a detailed Environmental Statement which included a dedicated climate change chapter (Chapter 14) which provided an assessment of impacts from emissions related to the proposed development, it is considered that the previous recommendation had already considered the full range of potential climate change impacts, including emissions, and that the previous assessment of the proposal with regards to climate change remains. Given this, no further consideration of climate change impacts, adaptation or mitigation is required to inform the assessment set out in the report dated 21st November 2024.
28. With regard to highways, after a review of the application, the Local Highway Authority understands the applicant has not changed the proposals; therefore, the Local Highway Authority therefore continues to advise approval of the planning application subject to recommended planning conditions and informative notes. Given this, no further consideration of highways or transportation matters is required to inform the assessment set out in the report dated 21st November 2024.
29. With regard to promoting healthy and safe communities, the main relevant revision to the NPPF relates to ensuring and considering the safety of children and other vulnerable users in proximity to open water, railways and other potential hazards in planning and assessing proposals for development. The development does propose continuation of the existing operations. These are secured where necessary from public access. It is not proposed to allow

children or other vulnerable users in proximity to the railway sidings or open water. A condition is recommended to require the operator to ensure that throughout the period of the operation until such time as the reclamation and aftercare of the Site has been completed, the boundary to the Site shall be secured. Additionally, it is considered that these health and safety matters are also appropriately controlled under the separate relevant health and safety legislation surrounding quarries. Given this, no further consideration of the health and safety of communities is required to inform the assessment set out in the report dated 21st November 2024.

30. In respect of the NPPF updates to considering flood risk, surface water and Sustainable Urban Drainage Systems (SuDS), the development does incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff which are proportionate to the nature and scale of the proposal. These would provide multifunctional benefits. Throughout the iterative application process the applicant has taken account of advice from the LLFA with respect to the drainage, flooding and the proposed SuDS. As previous, subject to the development taking place in accordance with the proposed plans and recommended conditions with respect to maintenance and management of these systems, the proposal is considered acceptable. The LLFA have provided a revised consultation response and do not object to the application. Overall, the revised changes to the NPPF have no impact on the previous recommendation with respect to flood risk, surface water and SuDS.
31. In respect of the minor modifications to the NPPF with regards to consideration of the availability of agricultural land for food production, the previous assessment of the development was undertaken with consideration to the detailed footnote which has now been removed. Therefore, the previous assessment is considered appropriately robust against the background of this negligible policy change.
32. In view of the above updated assessment of the development, it can be concluded that a revised consideration of cumulative impacts arising from the development is not required. As such, the previous assessment of cumulative impact remains.

Conclusion and Recommendation

33. Overall, the new material considerations presented by the updated NPPF do not alter the findings of the original assessment, the given overarching summary and conclusion or the recommendation as set out in the main report dated 21st November 2024. As such the recommendation as set out in the main report dated 21st November 2024 remains and is repeated below for clarity.

Recommendation

- A. PERMIT subject to the conditions as set out in the Appendix A of the main report dated 21st November 2024 and the prior completion of a legal agreement to secure provisions for a liaison committee (to include dust and blasting sub-liaison committees).

Circulation Under the Local Issues Alert Procedure

Mr. P. Bedford CC and Mr. D. Harrison CC.

Officer to Contact

Amelia Mistry.

Email: planningcontrol@leics.gov.uk

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DEVELOPMENT CONTROL AND REGULATORY BOARD**21st November 2024****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2022/10125/04 & 2022/01384/07 (2022/EIA/0100/LCC). Valid Date: 12/08/2022.
PROPOSAL:	Continuation of mineral operations overburden disposal and ancillary activities at Cliffe Hill Quarry including an easterly extension to Old Cliffe Hill Quarry with new screening landform requiring the relocation of parts of Cliffe Lane, Cliffe Hill Road and Stoney Lane, the demolition of Peak Hayes Farm and 'Sunny Cliffe', the construction of a new access into Old Cliffe Quarry with landscaping, habitat creation and restoration of the quarry void to water
LOCATION:	Land at and adjoining Cliffe Hill Quarry, West Lane, Coalville LE67 1FA
APPLICANT:	Midland Quarry Products Ltd
MAIN ISSUES:	Principle of the continued use of the site, location, noise, dust, air quality impacts, local amenity, public rights of way, ecology, landscape, transport (road and rail), highways, restoration and aftercare of the site.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the Appendix A and the prior completion of a legal agreement to secure provisions for a liaison committee (to include dust and blasting sub-liaison committees).

Circulation Under Local Issues Alert Procedure

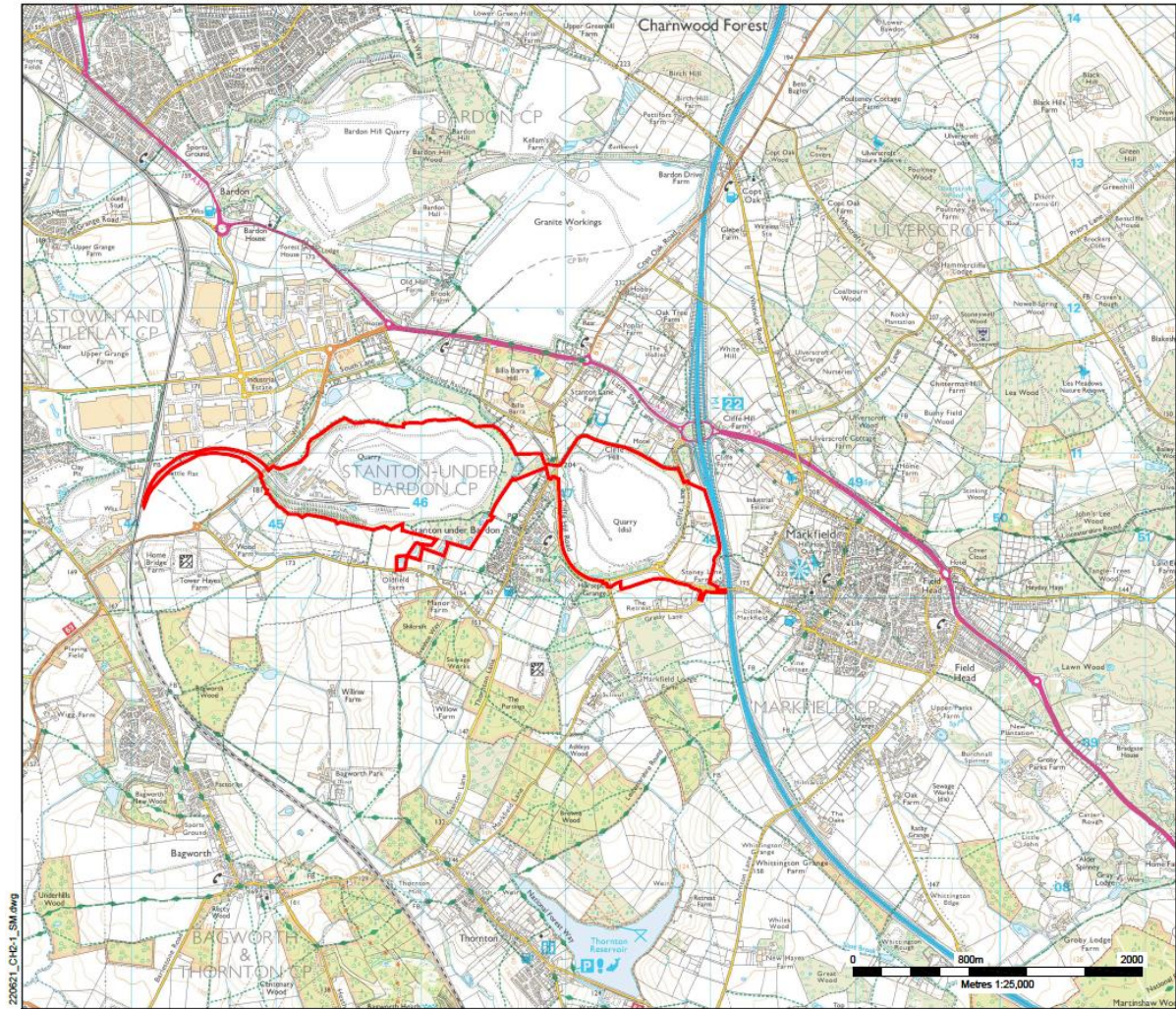
Mr. P. Bedford CC and Mr. D. Harrison CC.

Officer to Contact: Amelia Mistry, Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Location and Setting of Site

1. Cliffe Hill Quarry is located approximately 5km to the south-east of Coalville, south of the A511 and west of the M1, straddling Hinckley and Bosworth Borough and North West Leicestershire District, within the County of Leicestershire. Cliffe Hill Quarry comprises two separate quarries, Old Cliffe Hill Quarry (OCH) and New Cliffe Hill Quarry (NCH), which comprise a single planning unit and are currently regulated by a number of planning permissions. The two quarries are referred to in this document as both the 'Site' and the 'Quarry Complex' and these terms are interchangeable, referring to the whole of the site subject to the current application. NCH is located about 250 metres to the west of the village of Stanton under Bardon, with OCH being located approximately 180 metres to the east of the village. The two quarries are connected by a 700 metre tunnel, known as the Joskin Tunnel, which runs about 50 metres below Cliffe Hill Road. Cliffe Hill Quarry is a long running strategic site producing high quality construction aggregates and coated roadstone (asphalt) for the East Midlands construction and infrastructure business sectors and (via the integral rail link) ballast to the national rail network. Approximately 30% of production is exported by rail.
2. Access to NCH is gained from West Lane (B585) on the western side. OCH is accessed via a roundabout to the south of OCH at the junction of Cliffe Lane, Cliffe Hill Road and Stoney Lane. All processed stone is required to leave the site via the NCH access, with permission existing for the exportation of overburden and poor quality toprock only from OCH.
3. The nearest properties to NCH are located approximately 280 metres to the north of the quarry along South Lane. NCH is effectively screened from views from outside the site due to extensive screening bunds and topography which have been established for many years with the tree and scrub planting well established. The surrounding land uses are agriculture and areas of tree planting.
4. Cliffe Lane and Cliffe Hill Road form the eastern, western and southern boundaries to OCH, surrounded by agricultural fields, several residential properties and an area of woodland used by a local paintballing business. The nearest residential properties to OCH are located approximately 30 metres to the east beyond Cliffe Lane, including Lilac Cottage. Within the Site are Stoney Lane Farm (SE corner); Peak Hayes Farm (central); and the properties of Sunny Cliffe and Lane Cliffe (western boundary). The site is located within the wider setting of several designated heritage assets, including those within the Markfield Conservation area and its setting. The farmhouses within the development area proposed for demolition are identified as non-designated heritage assets.
5. The main ancillary buildings, offices and processing facilities relating to quarrying operations are located within an area of hardstanding at the western end of NCH, utilising the previously described vehicular access to the B585. The only processing facility within OCH is the primary crusher, which is located on the western side of the quarry, approximately 50 metres down from the quarry's top face.



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Application Boundary

6. Footpaths around OCH include R5, R6 and R100, which skirt the northern boundary of the site. Footpaths R3, R18 and R23 are located to the south of the quarry beyond Cliffe Hill Road. Footpath R15/3 lies within the proposed extension area.
7. Footpaths around NCH include R7, R8 and N48 to the north and east and footpaths R114 and R31 to the south. All these footpaths are located on land contained within the application area.
8. The site is identified within the Hinckley & Bosworth Local Plan as Countryside, within a Local Landscape Improvement Area and within the boundaries of the National and Charnwood Forests. Within its location in the Charnwood Forest, the site also lies within the Charnwood Forest Geopark, an aspiring UNESCO Global Geopark.
9. The northern faces of OCH are designated as a Site of Special Scientific Interest (SSSI), named Cliffe Hill Quarry SSSI due to their features of geological interest which include structures in the igneous bedrock, the interface with Mercia Mudstone and the presence of fossils.
10. At the north-western corner of OCH, lying within the application area is a parcel of land, known as the 'Brown Land', which has permission for mineral extraction under planning permission reference 2007/1059/07. It is anticipated that extraction will take place in this area in the near future under the existing planning permission. Removal of overburden is currently being undertaken within this area.

Planning History

11. Mineral extraction has taken place at Old Cliffe Hill Quarry since the 19th Century, with the first planning permission being dated 1947. A small extension to the existing workings to the north east of OCH was permitted in 1976 (permission reference 1971/6279/17). In 1983, permission was granted for an extension to quarrying operations at OCH, the re-alignment of Cliffe Hill Road and the development of a new quarry which is now known as NCH. In 1990, permission was granted to amend Condition 44 of the 1983 permission to vary the approved hours of blasting (permission reference 1990/0419/04).
12. Under the 1983 permission, NCH was developed and all processing facilities transferred from OCH. The aim was to fully exhaust NCH and then move back to OCH at a future date, keeping the processing facilities in NCH, adjacent to the rail loading facilities. All production blasting in NCH ceased in June 2007 and the eastern part of the quarry is being in-filled with overburden from OCH, which is transported to NCH through the Joskin tunnel. With the exception of a permitted temporary period of blasting to create a drainage sump in the base of NCH, reserves at NCH quarry are exhausted.
13. In 1992 planning permission (permission reference 1989/1483/04) was granted for a lateral extension to the east of NCH, taking quarry workings much closer to Stanton under Bardon. This permission included requirements for the erection of extensive landscaping bunds around NCH. Subsequently, permission references 1994/1026/07 and 1994/0891/04 amended the limit of extraction at NCH as defined under the 1992

permission.

14. In accordance with the provisions of the Environment Act 1995 Review of Old Mineral Permissions (ROMP), the historic planning permissions at the Quarry Complex as set out above have since been 'reviewed' and a new set of planning conditions issued in a decision notice dated 18 March 2008 (ROMP Reference 2007/1059/04). This provides a full set of planning conditions across the Quarry Complex. During this process a full Environmental Impact Assessment was undertaken, which addressed the full suite of environmental issues relating to the development of the Quarry Complex.
15. Since the issuing of this decision, several applications have been made pursuant to Section 73 of the Town and Country Planning Act 1990. These are summarised below;
 - Permission 2007/1464/04: Variation of condition to allow for a temporary period of blasting in New Cliffe Hill Quarry to create a drainage sump (approved);
 - Permission 2012/0305/04: To permit the importation of road planings for processing into recycled asphalt product (approved);
 - Permission 2013/0537/04: To permit the operation of the quarry on Good Fridays (approved).
 - Permission 2015/0045/04: To carry out drilling operations seven days a week to 31st August 2015 (approved).
 - Permission 2016/0020/04: To extend the limit of extraction (approved).
16. The most recent permission granted (2016/0020/04) is subject to 12 conditions. Condition 12 states that "In all other respects extractive and associated quarrying operations at Cliffe Hill Quarry shall be carried out in accordance with the planning conditions and plans attached to ROMP approval notice reference number 2007/1059/04". In view of this, the current operations have to be considered in the light of both the 2007/1059/04 and 2016/0020/04 decision notices.

Other planning controls

17. A number of historic legal agreements have been signed pursuant to the now superseded planning permissions for the site. Given that these permissions have been superseded, since then, only one legal agreement remains extant for the existing operations. This is the agreement dated 8th October 2012 made under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 relating to blast design and monitoring. This agreement sets out the arrangements which must be followed for the design and monitoring of blasting at the Quarry. These include, but are not limited to, the following controls:
 - Designing the blast using the most up to date prediction tools and software, to a 95% confidence level such that ground vibration levels at all the susceptible vibration sensitive properties will not exceed 6mm per second in any mutually

perpendicular plane at the point of the closest façade of that property;

- All seismographs used by the operator to monitor blasts shall be manufactured to the required specifications and calibrated by an independent company on an annual basis;
- The operator will record blast predictions and submit records to the Authority ahead of each blast taking place. The operator shall monitor and tabulate blast results and submit these to the Authority on a monthly basis to be made available for discussion at the Committee and Blasting Sub Committee Meetings;
- The operator shall provide the Authority with an updated blast design and prediction method statement every 3 months;
- In the event that a blast recording exceeds 6mm PPV (the maximum value of particle velocity in any stress wave is the parameter of significance and is generally termed Peak Particle Velocity, or PPV) at any of the monitoring points, the operator shall report the event to the council within 24 hours and provide the associated data
- In the event of either the operator or the council having concerns about blasting then a meeting shall take place to review blasting practices. All blast complaints received by the operator shall be recorded and kept in a monthly summary and provided to the authority. Individual complaints that give rise to concern shall be discussed within 24 hours of receipt.

Description of Proposed Development

18. Midland Quarry Products are proposing an easterly extension of OCH into agricultural land lying between the quarry workings and the M1 motorway. This proposed extension would release around 30 million tonnes of reserves which would be sufficient to sustain the quarry workings for an additional ten years of production.
19. Additionally, this planning application seeks to update the extant working scheme for the entire Quarry Complex to allow the proposed extension to be assimilated into the wider workings and to allow the overburden from the eastern extension to be placed within the void at NCH. Additionally, it is sought to extend the life of the quarrying and associated operations beyond the current expiry date of 31st December 2032 to 31st December 2042, with final land restoration to be completed by 31st December 2044. It is proposed to retain all existing established vegetation and screening except where it would be directly affected by the eastern extension. To screen the eastern extension, replacement screening is proposed in the form of a new landform and habitat planting.
20. The Eastern Extension would be approximately 22 hectares (ha) and this area is predominantly in agricultural use, but also contains two residential properties (Peak Hayes Farm and Sunny Cliffe Cottage) which would be removed as part of the development. Sections of Cliffe Lane, Cliffe Hill Road, Stoney Lane and the eastern periphery of OCH would also be removed. The proposals would increase the

extraction area of OCH Quarry by around 9ha, with a further 5.5ha used for the creation of a peripheral landscaped screen mound. No new or additional mineral working is proposed for NCH quarry.

21. The proposed development is described in further detail in the following sections. The development of the Eastern Extension can be summarised in the following stages:
- a) Site preparation (construction phase) – including diversion of Cliffe Lane and construction of replacement site access, demolition of buildings, clearance of vegetation, stripping of soils and overburden, construction of screening landform.
 - b) Operational phase – to include mineral extraction, mineral transfer, mineral processing and export.
 - c) Restoration/Decommissioning Phase.

Construction Phase

22. The majority of established site infrastructure would remain in place including site access points onto the public highway, the western access road off the B585, processing plant, internal haul roads and tunnel linking the two quarries, weighbridge, wheel wash, workshops, laboratories and administrative facilities, rail sidings and loading infrastructure and two roadstone coating plants. At OCH is a parking area with an assortment of cabins and welfare units. These items, in addition to two shipping containers for storage purposes, would be relocated 225m to the south-west. The additional tree and hedge planting, creation of a permissive footpath from Cliffe Hill Road and new viewpoint on the west of OCH would be carried out prior to the commencement of soil stripping.
23. The construction phase would also include the diversion of Cliffe Lane and works to Stoney Lane. A section of the old road would be stopped up to allow the eastern extension to progress. The diversion would include a new pavement; the permanent diversion of public right of way footpath R15 which currently crosses the land; a new grass verge and hedgerow with trees; new screening landform and adjacent woodland planting; and mixed native woodland planting on adjacent areas of agricultural land to the east of the diverted road. A new four arm roundabout would be created to the west of Stoney Lane Farm.
24. The new road would conform to modern highway standards and would include a two metre wide pavement for pedestrians which would create a circuit around the OCH.
25. A new quarry service entrance would be located on Cliffe Hill Road. The access would be used as existing, for the purposes of mobile plant delivery, staff access and small amounts of armour stone (heavy large stone suitable for use in retaining walls and landscaping).
26. During these initial stages of construction, Peak Hayes Farm and Sunny Cliffe cottage would be demolished following a survey for recoverable and recyclable materials and necessary ecology surveys to check for protected species.

27. Vegetation clearance and soil stripping along proposed highway works would be undertaken under ecological and archaeological supervision.
28. Once the new section of road has been completed to the satisfaction of the Highway Authority, only then would the old section of Cliffe Lane be formally stopped up. Old sections of highway material and road would be removed and reused in the production of secondary aggregate or fill.

New Screening Landform to OCH Quarry

29. The existing screening landform would remain in place whilst the new screening landform is constructed. Hedgerows and vegetation would be removed from the footprint of the extension under ecological supervision and/or following surveys. Soils would be stripped under archaeological supervision. The new screening landform would be constructed from overburden and a mudstone borrowpit which would be located within the south-eastern corner of the extension. During construction, surface water infrastructure would be provided to allow adequate drainage and to prevent run off onto the road or neighbouring land. On completion of the screening landform, trees, shrubs and grass would be planted.

Operational Phase

30. It is proposed to work the extension so that it is progressively assimilated into the wider quarry workings through soil stripping and direct overburden excavation by excavator. This would be followed by the top-down advancement of quarry faces from the existing quarry. The larger footprint of the void would mean that there would be sufficient room to deepen the existing quarry floor from -15m OD to -60 OD. Extraction would take place by working the rock in semi vertical faces, 15m in height with horizontal benches for access. Blasting would liberate the rock as per existing practice on the site. This material would be loaded onto dumpers and taken to the primary crusher which is located within OCH. As per existing practice, the material would then be transferred to the processing and plant area at NCH via the existing Joskin tunnel. Quarry development would progress into the eastern extension area in 2028. A borrow pit created during the initial extractive works would be used to store overburden and subsequently this material would be transferred via trucks to the tunnel and deposited within the void at NCH.

Restoration (Decommissioning) Phase

31. The existing approved restoration scheme for the site shows two open areas of water and a mixture of woodland, scrub and grassland with exposed rock faces. The proposed landscaping works and restoration scheme in this application can be summarised as follows;
 - The formation of a screening landform with woodland planting
 - Interim restoration management of upper quarry benches, slopes, perimeter woodland and grassland habitats,
 - Final restoration which would comprise an enlarged water body within the void at OCH and a reduced volume waterbody within the void at NCH with exposed rock faces and areas of woodland and scrub.

32. The site access via West Lane (B585) would be retained for maintenance or emergency use. As per the existing approved restoration scheme it is proposed that all existing buildings, plant and structures would be removed from the site. All hardstanding would be broken up and used or removed from the site. A ramp would be retained into the water body at NCH for maintenance and safety purposes.
33. When considering mitigation, planting and restoration works, the scheme would deliver a net gain in biodiversity when compared with the ecological baseline which was present on the site at the time of survey and assessment. Some habitats would be lost, retained, enhanced or created. This information, by habitat type, is provided within Table 1.

APPENDIX

Broad Habitat Type	Existing or Proposed Habitat Categories	Loss	Creation	Enhancement	Balance	Net Outcome
Grassland	Poor Semi-Improved Grassland	9.21 ha			Loss/disturbance of 16.04 ha of low-quality grassland. Restoration to create 24.1 ha of species-rich grassland on the quarry benches and 5.68 through improved pastureland.	Net Gain of 13.74ha in extent and quality.
	Semi-Improved Grassland	0.72 ha				
	Improved Grassland	6.11 ha		5.68 of Species - Rich Grassland		
	Species-Rich Grassland	0.00 ha	24.1 ha			
Native Hedgerow	Species-Rich	750m	1,310 m		Gain of 561m	Net gain of 374m of hedgerow. No net loss of species-rich hedgerow.
	Species-Poor	187m			Loss of species poor hedgerow. Not recreated due to low wildlife value.	
Woodland and Scrub	Broad-leaved Woodland	0.39 ha	27.82 ha		Loss of 2.16ha of woodland and creation of 27.82 ha of woodland.	Net gain of 25.66ha of Lowland Deciduous Woodland.
	Mixed	1.77 ha				
	Plantation Woodland	0.001 ha				
Other	Hardstanding (including road) and Buildings	2.35 ha	Some temporary gain during extraction.		Loss of 3.95ha of features/habitats of low ecological value.	Net loss of 3.95ha.
	Quarry (bare ground)	1.17 ha				
	Not Surveyed (Sunny Cliffe farm buildings and curtilage)	0.43 ha				
Waterbody	Pond	0 ha	0.075 ha (new pond)	0.15 ha, existing small pond to be enhanced	Nil loss of pond habitats. Gain of 0.075 ha and 0.15ha of pond enhancement.	Net gain of 74.675 ha (74.6 ha of which post-extraction)
	Lagoon	0 ha	74.6 ha			

Table 1. Total habitat loss, creation, enhancement and net outcome for the proposed development.

APPENDIX

Aftercare and Management

34. All restored areas would be managed through an aftercare management plan, subject to later approval by the Mineral Planning Authority. The proposed aftercare period is five years. The upper levels of the quarry would be completed first then progress as the workings advance. The five-year scheme would be a rolling programme and would be the subject of a number of five year approved schemes over the life of the scheme until final completion in 2042.

Existing pollution controls

35. Outside of planning controls, operations onsite and their environmental effects are controlled by permits issued by the Environmental Health teams at the district and borough councils, and the Environment Agency. For example, emissions to air or water discharge consents.

Environmental Statement

36. The planning application is accompanied by an Environmental Statement (ES), which provides technical appendices and an assessment of the following predicted potential environmental impacts: landscape and visual impact; ecology and nature conservation; noise and vibration; dust and air quality; cultural heritage; traffic and transportation; the water environment; climate change; accidents, disasters and hazards; lighting; public rights of way; alternatives and cumulative effects. A summary of the impacts of the proposed development identified in the ES, together with proposed mitigation and any compensation measures is set out below.

Landscape and visual impact

37. A Landscape and Visual Impact Assessment (LVIA) has been undertaken by specialists. The LVIA has assessed the potential landscape and visual implications of the proposal, including a baseline study of the existing site and its surroundings, a study of the landscape and visual characteristics of the proposed development, and an assessment of the residual landscape and visual effects likely to be generated after mitigation has been considered and their significance. This assessment covered a study area of 3km around the site perimeter, comprised desk and field-based findings including summer and winter views across a number of sightline cross sections. The site lies within the defined National Character Area 73, a recognised unique landscape for its geological and upland qualities, including exposures of rugged, rocky outcrops which contrast with the surrounding gentle lowlands. It comprises a mosaic of heathland, farmland, parkland and woodland. It is a relatively well wooded landscape, with many areas of mixed, deciduous and coniferous woodlands. The application site does not form part of any national valued landscape designation. However, at the county level, it is located within the National and Charnwood Forests, classified as 'strategic green infrastructure'.
38. The proposed extension would follow the established method of landscape and visual mitigation at the site, through the formation of a new perimeter screening landform with extensive woodland planting on the slopes and crest. The assessment concluded that this would be effective in screening the extended quarry workings,

whilst also using landscape elements and features which are characteristic to the local area.

39. It was found that visibility of the proposed development would be restricted to relatively close-in locations to the north-east, east and south-east. For example, to those local residents within nearby individual properties and farmsteads (such as Lilac Cottage to the north), travellers along roads (such as Cliffe Hill Road, Cliffe Lane and Stoney Lane which would be diverted) and users of the public right of way (including the route R15/3 which currently passes through the site and which would instead connect to the diverted Cliffe Lane and follow a purpose-built pavement) and other recreational facilities (such as visitors to Hill Hole Quarry nature reserve, the Altar Stones nature reserve and Jubilee Playing Fields and Markfield Cricket Pitch). The LVIA identified short-term significant adverse effects for those receptors listed above. These impacts would be limited to construction phases. Impacts would reduce as the roadworks and construction of the landform are completed and once the grass seeding and replacement planting establishes and matures.
40. No permanent (post mitigation) significant landscape and visual effects are predicted as a result of the proposed development.
41. It was found that the character of the restored landscape would mimic the approved scheme, an enlarged waterbody within the OCH Quarry void and smaller waterbody in the NCH quarry void, surrounded by woodland, scrub and grassland slopes, with areas of exposed rock face. The proposed after use which comprises nature conservation and recreation, also reflects the approved scheme. The proposed alterations and improvements to access to the landscape would relate well to the broader character of Charnwood Forest and the objectives of the National Forest.

Ecology and Biodiversity

42. The ES considers the likely effects of the proposal upon ecological receptors informed by an Ecological Impact Assessment (EclA) that was undertaken in 2022. The EclA undertaken assessed the potential ecological effects arising from an eastern extension to OCH Quarry. This assessment covered the whole application site, to assimilate the new proposals. The scope of the work undertaken to inform the EclA comprised a desk study and consultation, habitat and species surveys in 2019 and 2020, mainly of the Eastern Extension, but where necessary also of the wider application site and off-site features, as appropriate. The study area for the desk study extended to a 2km radius from the boundary of the Eastern Extension.
43. The nearest biological SSSI is Ulverscroft Valley SSSI, which is around 1.8km to the north-west at its closest. The SSSI is noteworthy because of a mosaic of habitats including grassland, heath, woodland and wetlands of high botanical diversity and value in addition to faunal interest. Billa Barra Hill, a Local Nature Reserve lies 1km north-west. There are two areas of ancient and semi-natural woodland, located approximately 1.5km to the east to north-east of the Eastern Extension. There are also three areas of ancient (replanted) woodland situated slightly closer, at around 940m to the east. No ancient trees are present. Five trees could be regarded as sharing some of the characteristics of veteran trees.

44. The data search also identified the presence of 34 Local Wildlife Sites (LWS) designations within the 2km search area. However, none of the identified LWS occur within or immediately adjacent to the Eastern Extension or have been recorded as being adversely affected by quarrying operations at NCH and OCH Quarries.
45. The area for the proposed eastern extension is agricultural in character and contains two farmsteads surrounded by pastureland used for grazing. In general, the fields have a low botanical diversity, however more diverse grassland and a stream are present at Stoney Lane Farm. The fields within the Eastern Extension are bound by a mixture of fence lines and hedgerows, some of which are species-rich. Mature trees (including a small number of veteran trees) are present in small numbers usually within younger scrub/woodland strips or hedgerows. A small pond is present along the M1 corridor. Collectively, the habitats within the application site have been evaluated as being of ecological value at no more than a “local” level of importance in a geographic context. The Eastern Extension contains native hedgerow, lowland meadow and lowland broad-leaved woodland which meet the broad descriptions given of the respective UK Priority Habitat Types; however, with the exception of some species-rich hedgerows, they are considered to represent poor examples of these habitat types, being small in extent and often species-poor. None of the habitats present within the Eastern Extension (and which would need to be removed) were considered to meet the criteria for selection as Local Wildlife Sites (LWS).
46. Initial habitat-based appraisals undertaken in 2018 found that the Eastern Extension had the potential to support great crested newt, reptiles, badger and breeding birds (including peregrine falcon) and to provide a roosting and foraging / commuting resource for bats. Extensive surveys of the relevant buildings, habitats and other features, both on and off-site, to establish their likely importance for protected and notable species were undertaken in 2019 and 2020, where considered necessary.
47. In respect of site habitats, there would be a loss of farm buildings, species-poor pastureland (16 ha), native hedgerow (937m of which c.750m is species-rich), broad-leaved woodland (0.39ha), plantation woodland (1.77ha) and a tree with veteran characteristics. The remaining area (3.95ha) comprises bare ground (quarry), hardstanding / buildings and a small area of land to which no access was possible. There would be a short-term loss of cliff faces in Old Cliffe Hill Quarry until the Eastern extension is worked, whereupon a larger area of upper bench/inland cliff habitat would be created.
48. Surveys identified that the Eastern Extension is not considered to be of crucial importance for bats or breeding birds and in particular crucial to the maintenance of populations of species or assemblages of high ecological importance. The presence of nesting peregrine falcon is of local interest.
49. The proposed development has been designed to avoid any un-necessary loss of habitats in accordance with the mitigation hierarchy and to deliver gains for biodiversity by creating new habitats of high value through phased landscaping and restoration. The development proposals provide the opportunity to create extensive areas of species-rich grassland (29.7ha) which is currently absent from the Application Site and to provide compensatory species-rich hedgerow (1.3km) and woodland planting (27.82 ha).

50. There would be temporary (2-5 years) impacts on habitats and species. Where possible losses would be avoided or minimised through the mitigation and compensation measures which are proposed within the ES. Much of the proposed mitigation planting can be incorporated during the road development stages and need not wait for quarry restoration. An overall significant adverse residual effect on important ecological features has not been predicted, indeed, the proposed restoration scheme would deliver significant gains in both the extent and quality of UK Priority Habitat Types.

Geology

51. Cliffe Hill Quarry SSSI is designated for exposures of the contact between the southern-type diorite (Markfieldite) and the volcanic and sedimentary rocks of the Precambrian Charnian Maplewell Series. Under the extant planning permission, there is a scheme secured for the monitoring, surveying and recording of the geological SSSI. The scheme is required to be reviewed on a rolling five-year basis. A scheme was submitted and approved in 2009 and subsequently reviewed in 2014. It has not been considered expedient to review the scheme. It is proposed that this scheme would be carried forward and would then be reviewed on a five yearly basis.

Noise

52. The ES considers the likely effects the proposed development would have on the noise climate at nearby receptors. It is based on a Noise Assessment prepared by independent consultants in 2022.
53. The Noise Assessment reviewed the existing site noise limits for the nearest dwellings in the current planning permission for the site with regard to the relevant guidance contained within Planning Practice Guidance and with regard to measured background noise levels in August 2021. Site noise calculations have been undertaken for seven locations nearest to the proposed extension area taken to be representative of the nearest dwellings. The existing noise limits for mineral extraction, processing and overburden tipping operations are reviewed in relation to the background noise levels observed in August 2021 and also the historical results from the routine noise monitoring.
54. It was found that the calculated site noise levels for all operations, routine or temporary, in association with the proposed extension area and the retention of ongoing permitted processing activities would conform to existing noise limits and the advice set out in the Planning Practice Guidance (Minerals). It was concluded that the proposed extension area could be worked while keeping noise emissions to within environmentally acceptable limits.
55. Construction of the landform to the east of the proposed extension area and the re-routing of Cliffe Lane was also considered. The calculated noise levels arising from this proposed activity have been demonstrated to be below the appropriate levels based on the ABC Method for construction noise outlined in BS 5228-1: 2009 +A1:2014 "*Code of practice for noise and vibration control on construction and open*

sites – Part 1: Noise” apart from at Stoney Lane Farm, where restrictions on operations are proposed to achieve an appropriate noise level.

56. Overall, it was recommended that the current site noise limits be retained for existing and proposed noise sensitive receptors. The noise assessment indicates that the retained site noise limits can be complied with for the proposed operations. However, there are general noise mitigation measures that can further reduce noise levels at source.
57. The assessment recommends that routine noise monitoring continues at the existing receptors in accordance with the noise monitoring scheme approved under the existing planning consent until the commencement of development of the extension.
58. It is recommended that once operations commence in the Eastern Extension, that compliance with the retained site noise limits is demonstrated by a continuation of site noise monitoring. This revised scheme would be broadly in line with the existing noise monitoring scheme albeit with modifications to the survey locations. This would be secured through a revised noise monitoring scheme.
59. It is also recommended that a Construction Environmental Management Plan (CEMP) is prepared for the temporary Eastern Extension development work. This should include a Construction Noise Management Plan (CNMP) for the proposed works, to ensure that noise levels at neighbouring buildings remain within reasonable limits throughout the works. The CNMP would need to include a description of the construction works including location plans, confirmation of the timeframe and construction work hours. With regard to construction noise limits, BS 5228-1:2009+A1:2014 “Code of practice for noise and vibration on construction and open sites – Part 1: Noise” gives recommendations for basic methods of noise control relating to construction sites, including sites where demolition, remediation, ground treatment or related civil engineering works are being carried out, and open sites. This part of BS 5228 provides guidance concerning methods of predicting and measuring noise and assessing its impact on those exposed to it.
60. The Assessment also contains general noise mitigation measures with reference to the construction works, relevant thresholds and the nearest noise sensitive receptors.

Lighting

61. No additional artificial lighting is proposed either on a temporary or permanent basis, for example street lighting along the newly diverted Cliffe Lane.

Blasting and vibration

62. An assessment of the potential impacts of ground borne vibration and air overpressure from quarry blasting in the proposed extraction area has been undertaken in a Blast Vibration Assessment and forms part of the ES.
63. Current planning controls on the site limit vibration associated with blasting. Conditions on permission reference 2007/1059/04 provide the following controls;

- A vibration limit of 6mm/s at the 95% confidence limit with no individual blast exceeding a peak particle velocity of 12 mm/s;
- No secondary blasting to be undertaken;
- Every blast to be designed to minimise air overpressure, with a limit of 120dB peak linear measured externally at any vibration sensitive property;
- The submission of a scheme for the monitoring of each blast.

64. A legal agreement dated 8th October 2012 relates to blast design, monitoring, recording and the registering of complaints. The agreement reinforces best practice and forms part of the operating procedures of the quarry. It is proposed to retain these controls through a monitoring scheme which would be secured by way of planning condition.

Operating hours

65. It is proposed that operations would utilise the existing approved operating hours. These are:

- (a) Servicing, maintenance and testing of static and mobile plant and the operation of the roadstone coating plants and railhead shall be 24 hours Monday to Sunday including Public and Bank Holidays;
- (b) No production of concrete shall take place at the ready-mix concrete plant outside the hours of:
 - 0700 hours to 1900 hours Monday to Friday
 - 0700 hours to 1400 hours Saturdays
 [There is currently no concrete mixing plant in the Plant Site];
- (c) No mineral extraction or processing operations at the site, including the operation of the conveyor between Old Cliffe Hill Quarry and New Cliffe Hill Quarry and the stripping of overburden within Old Cliffe Hill Quarry below 185 metres Above Ordnance Datum (AOD) shall take place outside the hours of:
 - 0600 hours to 2200 hours on Monday to Saturday, subject to no operations taking place on any Sunday, Public or Bank Holiday;
- (d) No HGVs shall leave the site via the Old Cliffe Hill Quarry access outside of the hours of:
 - 0600 hours to 1800 hours Monday to Friday;
 - 0700 hours to 1400 hours Saturdays, or at any time on a Sunday, Public or Bank Holiday;
- (e) Within Old Cliffe Hill Quarry, operations, on the periphery of the site in the vicinity of any noise sensitive property or above 185 metres AOD or on unscreened locations, such as the formation, removal and alteration of spoil tips, baffle mounds, screening and storage embankments, formation or maintenance of drainage works, and the stripping and replacement of soils shall not be carried out

except between the following times: 0700 hours to 1900 hours on Monday to Saturdays;

- (f) No blasting shall take place except between the hours of: 1000 hours to 1800 hours on Monday to Friday;
- (g) Except where stated no operations, other than environmental monitoring and otherwise in accordance with an agreed schedule shall be carried out on Sundays, Bank or Public Holidays.
- (h) Crushing and screening operations within Old Cliffe Hill Quarry undertaken above a height of 175 metres AOD shall be limited to between 08:00 and 17:00 Monday to Friday and between 08:00 and 13:00 on Saturdays.

Crushing and screening operations undertaken within Old Cliffe Hill below 175 metres AOD shall not be undertaken outside the hours of 06:00 to 22:00 hours Mondays to Saturdays. There shall be no crushing or screening operations within Old Cliffe Hill Quarry on Sundays or Public Bank holidays.

Dust, air quality and vehicle emissions

- 66. An assessment of the baseline environment for dust on site and potential impacts of the proposed development on dust and air quality has been undertaken. The assessment included a baseline review of the relevant receptors, background pollutant concentrations and meteorological conditions. An assessment was undertaken of potential impacts arising as a result of dust deposition, including effects on amenity and ecological receptors. An assessment was undertaken of potential impacts arising as a result of dust with a diameter of less than 10 microns (PM10). Additionally, the assessment including a review of the existing dust control measures at the current operations and recommendations for additional controls was undertaken.
- 67. The proposed development would not generate any additional vehicle movements above the existing permitted movements associated with current site operations. Therefore, an assessment of road vehicle emissions from the proposal has been scoped out of requiring dust and air quality assessment.
- 68. The conclusions of the air quality assessment were that it is considered that the proposal would not have a significant effect upon amenity, the effect on PM10 concentrations at human receptors is considered to be 'not significant'; and the effect from dust on ecologically sensitive receptors is considered to be 'not significant'.
- 69. The assessment outlined mitigation measures which should be adopted. For example, in advance of the new works and during the development stages temporary baseline and impact assessment monitoring should commence near to residential receptors at Lilac Cottage, Stoney Lane Farm and Spring Cottage – located closest to the Eastern Extension. On account of the mitigation measures being effectively implemented on site, there are not considered to be any significant residual effects as a result of the proposed working of the site.

70. There is the potential for cumulative effects from dust emissions to occur when a receptor lies within a potential catchment for more than one dust source. The assessment ensured a cumulative approach by the inclusion of all potentially dust generating activities/areas across the Quarry Complex – OCH Quarry plus Eastern Extension, and NCH Quarry. Where receptors screened within 400m of both OCH Quarry and NCH Quarry, the potential impacts were assessed for both. When considering the locality, there are other quarries which have the potential to generate dust. For example, the quarrying, infilling and plant operations at Bardon Quarry. The number of sensitive receptors that lie within 400m of both the Quarry Complex and the operations at Bardon Quarry is considered minimal. All sites would be required to implement appropriate mitigation measures to control the release of dust.
71. The assessment highlighted other factors which impede dust emissions in the area; including natural vegetation and woodland and topography.
72. Overall, in terms of PM10 concentrations, the maximum annual mean PM10 background concentrations at assessed receptor locations is below the 17µg/m³ recommended screening value. This is with current site operations and the wider locale forming part of the current baseline. The extension would not result in an increased output of dust from the operations and as such, the proposed activities are not predicted to increase baseline PM10 concentrations. Consequently, the cumulative effects in terms of dust and air quality are considered 'not significant'.

Archaeology & cultural heritage

73. An archaeology and cultural heritage assessment supports the application. The assessment includes the extent and importance of known archaeology and features of cultural heritage interest in and around the application site. It identifies the potential impacts of the proposed development on archaeology and features of cultural heritage interest, and a range of mitigation measures to minimise those potential impacts.
74. Specifically, the chapter evaluates direct and indirect impacts on archaeological finds and sites and any potential indirect impacts on other cultural heritage components in the surrounding landscape. Registered Parks and Gardens, Historic Battlefields and World Heritage Sites were not considered as there are none within the landscape.
75. The assessment of direct impacts on archaeology and cultural heritage assets within the proposed development boundary indicates that there would be impacts to three non-Listed historic buildings, known as Sunny Cliffe; Peak Hayes Farmhouse and Peak Hayes farm buildings. Should permission be granted, it is proposed that these buildings be subject to an appropriate level of historic building recording prior to demolition to mitigate the perceived impact to the heritage resource.
76. No features of archaeological importance were identified during the trench evaluation, therefore no mitigation is considered necessary. The assessment of indirect impacts on all cultural heritage assets within the study area shows that there are no identified significant indirect effects on the archaeological and heritage resource as a result of the proposed Eastern Extension. The site is not located within

the primary setting of any surrounding cultural heritage asset. There may be changes to long distance and/or obscured views in some circumstances, but none of these changes are relevant to planned views or vistas from cultural heritage assets and those changes are not assessed as compromising the understanding or historic significance of any heritage site or feature.

77. Overall, there are no identified cumulative impacts on archaeological or other cultural heritage assets during the construction or operational phases of the proposed development.

Transport

78. A Transport Assessment has been submitted with the application which assesses the likely highway impacts of the proposed development. The assessment considers the road borne element of the export of aggregates from the proposed development, against the baseline conditions, policy and relevant technical guidance. Therefore, the rail borne element of the export of aggregates has not been covered. The likely transport impacts that may arise resulting from the development as identified by the Assessment are summarised below.
79. There would be no impact in terms of vehicular trip generation on the highway network as it is not proposed to intensify operations by increasing production levels. However, there would be an extension in duration of existing operations, and associated vehicle trips, to 31st December 2042. The Assessment noted that the routes used by vehicles associated with the Quarry Complex in the vicinity of the site would likely be improved during this period.
80. The assessment of road safety on the highway network that is currently used and would be used by vehicles associated with the proposal concluded that there are no road safety concerns with the condition or layout of the existing local highway network.
81. Production levels would remain at their current level and the existing routes for the majority of HGVs would not change. Therefore, it was found that there would be no impacts upon the local highway network and the surrounding environment.
82. The assessment identified some positive impacts which would result for pedestrians, cyclists and equestrians. There are no proposals for new infrastructure for cyclists or equestrians. However, the new footway proposals on Cliffe Lane, Cliffe Road and Stoney Lane would result in fewer pedestrians walking in the carriageway.

Impact on the water environment and flood risk

83. A hydrogeological impact assessment and flood risk assessment have been submitted in support of the application. The assessment included a determination of the baseline conditions of the water environment and environmental setting at the site and the surrounding area, identification of the potential impacts of the proposal on the water environment and environmental setting, assessment of the magnitude and significance of potential impacts of mineral extraction and the proposed

subsequent restoration on the water environment and mitigation measures for any identified potential impacts.

84. Mineral would be worked dry, which would be achieved by active dewatering. The Assessment concluded that given this, the proposals essentially represent a continuation of the current operations and would use the existing water management system.
85. The 'poor' aquifer properties of the superficial deposits and 'bedrock' which comprise the site, mean that the volume of groundwater contained within them is small and their ability to transmit groundwater is commensurately small. For these reasons the radius of influence of drawdown associated with watertable lowering is very restricted.
86. Numerous water-related features are present within a 2 km radius of the site. These include licensed and unlicensed surface and groundwater abstractions, springs, watercourses and waterbodies. The baseline assessment was used to identify potential impacts which may arise from the proposal, upon those water features. Impacts of the proposed operation were assessed against current conditions, whilst impacts following restoration have been assessed against the predevelopment situation. The significance of all but one of the identified impacts was 'none', during both the operational and post-restoration phases. This assessment of low impact is corroborated by site experience. Mineral extraction and associated groundwater lowering has been maintained at the site for a prolonged period, without reported adverse impacts upon the local water environment.
87. The flood risk assessment identified that flood risk to the site from surface water is precluded due to the elevation of the site in relation to its surroundings and the presence of large screening bunds. Groundwater flooding is and would be addressed by the active water management system.
88. A potential for flood risk from the site may arise due to the requirement to discharge 'excess' water off-site. However, the rate of discharge would remain unchanged from existing operations. The assessment found that the proposed works would be within the consented discharge limit.
89. Overall, the potential of the proposals to cause detrimental impact upon water features would be extremely limited. Where they exist, they can be readily managed by the continuation of currently adopted measures. The overall effects of the restoration scheme upon the water regime have been found to be negligible.
90. With regards to Cliffe Hill Quarry SSSI, as the SSSI is of geological importance and not a water-dependent feature, it is not at risk from site operations. The features at Billa Barra Local Nature Reserve are not groundwater-dependent, therefore they are not at risk from site operations. With regards to restoration and post-restoration, activities would not affect the SSSI or Billa Barra Local Nature Reserve.

Groundwater contamination

91. The submitted hydrogeological impact assessment and flood risk assessment considers potential sources of pollution from the operations upon local water quality, during the operational phase and post operational phase. There is potential for impact to the local qualitative status of the groundwater due to the accidental release of contaminants, for example from the range of chemicals and fuels used onsite. Robust control measures are already in place as part of the existing operations to minimise this risk and these measures are proposed to continue. It is considered that the pollution/suspended sediment control procedures and water management systems will prevent water contamination and impact on the qualitative status of the surface water system. Restoration would only use material generated from within the site. There is, therefore, no potential for pollution arising from restoration materials.
92. The proposal would have no negative impact on the current or future chemical status of groundwater or surface waterbodies. After the completion of mineral extraction, the processing plant would be removed from site and a reduction in mobile plant. The potential sources of contamination will therefore reduce substantially. Post-restoration these sources of contamination would not be present.

Waste

93. The blending of tuffs (volcanic rock) with diorite (igneous rock) allows a high utilisation of the volcanic rocks in the production of crushed rock with minimal waste. Once the overburden is removed all the igneous material is worked. Losses due to fragmentation at the face or dust through the crushing and washing process is as little as 2% which is seen as silt in water settlement, or a small volume of dry material tipped along with the overburden. Overall, the operations produce little waste from production processes as mineral utilisation is around 98-99%.
94. With regards to waste and the management of surface and rainwater drainage and flooding, precipitation falling within the workings is collected in the floor of the void and pumped to a settlement pond. This 'grey' water is used for dust suppression and for wheel cleaning and then recirculated. Water requiring discharge is pumped to OCH and discharged to a tributary of Stanton Brook running adjacent to Cliffe Lane under an Environment Agency discharge consent. The use of mains water at the site's facilities is thus kept to a minimum.
95. Scrap metal and waste oils from repairs is sent for recovery, recycling or for disposal at a licensed facility. Office waste is either recycled or disposed.

Climate change

96. Chapter 14 of the ES outlines the potential issues relating to climate change and the vulnerability of the proposal to risks of major accidents and/or disasters. The extraction, and subsequent processing and dispatch of minerals, result in carbon emissions through, for example, the use of quarry plant and machinery. This can be either directly from diesel powered mobile plant (e.g. exhaust emissions) or indirectly from static processing plant that is powered by electricity. Quarries can also be

susceptible to the effects of climate change, for example exacerbating flooding off site due to changing the landform within the site.

97. The ES outlines wider measures in relation to climate change that the applicant is undertaking. With regards to site specific aspects, the extraction of minerals at OCH involves the use of mobile plant and excavators, dump trucks and bulldozers amongst other machinery. Currently, all mobile plant is powered by diesel engines, thus resulting in direct carbon emissions. The number of plant operated is a function of the annual output; i.e. the greater the output, the more plant is required. This can be offset to a degree through 'economies of scale', which allow larger items of plant to be used, increasing efficiency.
98. In terms of processing, the plant is predominantly powered by electricity supplied by the National Grid and does not result in any direct carbon emissions. The current arrangement of plant and conveyors significantly reduces the number of dumper movements (and associated emissions). The company purchases electricity certified carbon free (i.e. from nuclear or renewables sources).
99. The proposals do not seek to increase the intensity of operations or change the way the quarry is developed, and so the number of items of plant and machinery would not alter from those existing onsite at present. Therefore, the proposals would result in a continuation of the current emissions for the duration of the development; there would be no increase in emissions because of developing the Eastern Extension. The applicant notes that over the life of the development it is conceivable that electric or hydrogen powered mobile plant or other technological advances may come forward to reduce carbon emissions onsite.
100. The use of recycled asphalt pavement (RAP) in the production of new asphalt is an established part of processing on the site. The plant utilises an average of around 15% of RAP.
101. Approximately 30% of processed aggregate from the site is transported by rail. The Department for Transport Rail Freight Strategy (2016) states "*Each tonne of freight transported by rail reduces carbon emissions by 76 per cent compared to road and each freight train removes 43 to 76 lorries from the roads - meaning rail freight has real potential to contribute to reducing UK emissions as well as building a stronger economy and improving safety by reducing lorry miles*". To transport 1,000kg (1t) from the quarry to London by rail and road would generate 3.69kg and 18.52kg respectively. For a 1500t train, the comparative figures are 3,553.36kg (rail) vs 12,266.88kg (road), which is a 71% saving.
102. The CO₂ emissions from quarry transport depend on haulage distance. Secondly, the fleet of vehicles has big role to play. The applicant operates a 10 year old lorry replacement policy. The current fleet is 100% Euro 6 emission compliant (the current highest adopted EU emission standard).
103. Extensions to quarries offer environmental advantages due to the ability to utilise existing infrastructure. This would be the case at Cliffe Hill, thus making the best use of 'embedded carbon' associated with the construction of the processing plant and ancillary infrastructure.

104. In the absence of the development, the operations at Cliffe Hill Quarry would cease once the remaining consented reserves are exhausted. This would result in the loss of productive capacity in the County, and loss of a rail connected quarry. The three remaining rail connected quarries within the County may need to increase the amount of aggregate exported by rail to maintain the supply to markets. There would also be a need for the other quarries in the County to increase outputs to meet the capacity transported by road from Cliffe Hill. So, whilst there would be reduction in carbon emissions from the Quarry Complex, there would be an increase in emissions from other quarries as production levels increase to meet the loss in capacity.
105. With regard to mitigation measures for reducing carbon emissions, the development has been designed to avoid any un-necessary loss of habitats in accordance with the mitigation hierarchy and to deliver gains for biodiversity.
106. It is stated that if permission is granted the company would upgrade the two asphalt plants on the site with a single modern plant which could enable an increase in processing RAP onsite from 15% to 40%.
107. With regards to climate change effects on the development, the main effect for consideration is whether the development would be affected by flooding or exacerbate flood risk elsewhere in the locality. This has been addressed within the Flood Risk Assessment, which found that the proposed extension is not at risk to external sources of flooding during operations and following restoration.

Accident and disaster risk

108. The risk of 'man-made' incidents and naturally occurring events has been considered (e.g. landslides, earthquakes, extreme low temperatures and high winds etc). The existing Quarry Complex is well understood from experience. Much of the plant, machinery and technology proposed is already in use and employees are familiar with the measures required to operate safely in that environment. There would be robust safety measures, as already in place. The consideration of potential accident and disaster has not identified any additional risk to population or the environment.

Soils

109. A Soil Resources Report has been submitted, supported by a soils and agricultural quality survey. One topsoil horizon and two sub-soil horizons have been identified. The agricultural land grades (*MAFF, Agricultural Land Classification for England and Wales: Guidelines and Criteria for Grading the Quality of Agricultural Land 1988*) and the areas occupied are shown in Table 2 below. These would be stripped and stockpiled separately and re-used in restoration and habitat creation. Soil stripping would only take place in the drier parts of the year and in accordance with soil handling guidance.

Grade/subgrade	Area (ha)	% of the land
Subgrade 3a	2.7	16
Subgrade 3b	13.2	77
Non agricultural	1.2	7
<i>Total</i>	<i>17.1</i>	<i>100</i>

Table 2. Soil grade areas of the application site.

Alternatives

110. The EIA regulations (Regulation 18(3)(d) and paragraph 2 of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017) require that the ES outlines the alternatives that have been considered. The applicant sets out the following alternatives which they considered.
111. The 'do nothing' scenario, in which operations continue in line with the approved scheme and finish by 2032. In this scenario, further reserves of diorite would need to be identified to allow for the continued supply to established markets.
112. The proposed extension area was subject to assessment by the applicant. It was considered that there was no alternative to the demolition of Peak Hayes Farm and Sunny Cliffe as these properties overlie the most accessible mineral with regard to overburden depth and mineral quality and extent.
113. The applicant notes that the quarrying and highways work designs have been through an iterative design process throughout the planning of the scheme, including the height and screening afforded by the proposed bunds. Additionally, the option to build an interim stockpile and borrow pit provides additional localised screening while the upper levels of the quarry are developed, avoids the sterilisation of mineral in OCH Quarry (by premature overburden tipping in the base before all the mineral is worked). The landscape planting and permissive footpaths and their routeing has also undergone an iterative design process.

Cumulative impacts

114. A Cumulative Impact Assessment has assessed the cumulative impacts of the proposed development and the potential cumulative effects when combined with existing operations in the area. The assessment investigates the potential for cumulative impacts arising from a number of situations, including the interaction or proximity of two or more current mineral operations (not necessarily for the same type of mineral) or developments of a similar nature; the continuation of a particular working over a period of time through successive extensions; the interaction or accumulation of different impacts at one site, affecting a range of sensitive receptors; and a combination of the above scenarios.
115. Within 2km of the site lies Bardon Quarry operations which lie to the north of the A511. The operations are similar in that it is an extraction site including the processing and dispatch of mineral products. The potential for cumulative effects has been considered. The proposed development would not alter the current conditions significantly in that it does not introduce any new or substantially different operations

to that currently present onsite. The proposed extension would take operations away from the other quarries by increasing the separation distance.

116. Other development that would have similar effects to the quarrying operations would be the construction of housing and industrial development, with regard to noise, dust, movement of machinery and removal of vegetation and soils. Large commercial developments have the potential to generate HGV movements which could lead to cumulative traffic effects. New distribution centres are being constructed in the locality which should be completed shortly, making it unlikely that cumulative effects would arise. With regards to traffic, the proposal does not propose to increase annual production or the number of HGVs leaving or entering the site from current conditions. Notwithstanding this, the extant planning permission still has 10 years to run. In granting planning permission for any new development in the area, the Local Planning Authority (whether District or County) would have to have taken into account the HGV movements to and from the Quarry Complex as part of the current baseline highway conditions. The transport assessment has considered the situation in 2032 and has not identified any significant effect on the highway network.
117. Each chapter of the ES which addresses an environmental issue has considered the potential for cumulative effects to arise. Based on the findings of the EIA it was found that there would not be any cumulative effects.

Need for the Development

118. The applicant has outlined a case of need for the proposed development. In summary, under the current planning permission, the winning and working of minerals and the deposition of mineral waste is to cease by the 31st December 2032. Average production is approximately 3Mt a year and around 1Mt per year is exported by rail. The permitted reserves in OCH Quarry in 2022 were around 26 Mt, which equates to around 8.5 years of reserves currently remaining. The Eastern Extension would yield around 30Mt, extending the life of extraction by about 10 years. To allow some flexibility in production levels an extraction end date of 31st December 2042 is proposed. The extension would provide a security of supply to established road and rail markets which purchase differing specialist products.

Economic and Socio-Economic Considerations

119. The site-specific and wider economic considerations of the proposal are set out by the applicant. In summary, the site is an established provider of crushed rock serving local and regional markets and supporting the direct employment of around 120 personnel, across a range of jobs. The site is one of the largest single payers of business rates. Indirectly, the site contracts a range of local businesses who supply goods and services. Furthermore, the site employs haulage drivers.
120. The proposed development would therefore help retain the jobs of those already directly and indirectly employed as part of the existing operations, contributing to the local economy through wages. Nationally, the quarry contributes to the economy through the aggregates levy and other taxation processes. The proposals would enable employment to be maintained across a range of industries, many of which depend upon the existing quarrying operations.

121. During the application process representations raised concerns of the potential impacts upon local businesses, raising that some may have to close due to disruption, especially that during construction and highways works. It is not proposed to close any length of road which provides access to local businesses. Where a section of Cliffe Lane would be temporarily closed, a diversion would be put in place prior to its closure. The northern end of Cliffe Lane would remain open to enable access to the nearest local business. It is not considered that any unacceptable impacts on businesses would arise from the proposed development, including any environmental impacts.
122. With regards to mineral quality, the mineral at Cliffe Hill is a high quality aggregate suitable for a range of applications. The quarry contains diorite and tuff material, which is blended together to create suitable product with specific quality criteria. The mineral at Cliffe Hill Quarry (in common with the other rail connected quarries in Leicestershire) are viewed as being nationally important. One key characteristic of the aggregates produced is the 'hardness' value which means that it is used as high strength crushed rock aggregate and roadstone (e.g. in preference to crushed limestone), in hot rolled asphalt and rail ballast which has specific quality criteria.
123. Some material has a specification with a Polished Stone Value (a measure of skid resistance) in excess of 55. This means it is capable of being classified and used as a High Specification Aggregate (HSA) in more specialist road surface applications. This characteristic is not common to all stone deposits, with the number of quarries in the UK capable of supplying HSAs limited. As such, the quality of the aggregates makes the quarry regionally and nationally important.
124. The applicant notes the role that construction aggregates play in contributing towards local and national economies.
125. Although the proposals would not generate any additional jobs as a result of granting permission for this scheme, it would nevertheless maintain these, or similar, roles going forward for a substantial period of time.
126. The proposal includes the demolition and loss of Peak Hayes Cottage and Sunny Cliffe cottage and associated buildings. This would result in the displacement of the associated residents. However, whether the properties and/or any associated land gets sold to the applicant remains purely a matter of private interest and thus any social or economic effects upon the residents are not considered as part of this application.

Planning Policy

National

127. *The National Planning Policy Framework 2023* (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. The NPPF advocates a presumption in favour of sustainable development at paragraph 11, and for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or,
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

128. Section 11 of the NPPF covers the effective use of land. Paragraph 124 states that planning decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.
129. Paragraph 135 requires decisions to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting.
130. Paragraph 136 states that trees make an important contribution to the character and quality of urban environments and mitigate and adapt to climate change. Decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.
131. Section 17 of the NPPF covers “Facilitating the sustainable use of minerals”. Paragraph 215 recognises that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It is also acknowledged that minerals are a finite resource and can only be worked where they are found and best use needs to be made of them to secure their long-term conservation.
132. Paragraph 217 advises that, when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. MPAs should ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; provide for restoration and aftercare at the earliest opportunity, to be

carried out to high environmental standards, through the application of appropriate conditions.

133. Paragraph 220 states that mineral planning authorities should plan for a steady and adequate supply of industrial minerals by maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment.
134. Section 8 of the NPPF covers promoting healthy and safe communities. Paragraph 104 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
135. Section 14 of the NPPF covers flooding and climate change. Paragraphs 173 and 174 relate to flood risk and seek to ensure that this is not increased elsewhere from the effects of development.
136. Section 15 of the NPPF covers conserving and enhancing the natural environment. Paragraph 180 advises that planning decisions should: contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
137. Section 16 of the NPPF covers conserving and enhancing the historic environment. Paragraph 189 relates to proposals affecting heritage assets, and requires that in determining applications, the applicant should be required to describe the significance of any heritage assets affected, and where this involves heritage assets with archaeological interest, an appropriate desk-based assessment and, where necessary, a field evaluation is required. Paragraph 193 requires that when considering the potential impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
138. Planning Policy Guidance (PPG) provides additional guidance to ensure the effective implementation of the national policy set out in the NPPF in relation to mineral extraction. It identifies the principal issues to be addressed including the following relevant matters: noise, dust, air quality, lighting, landscape and visual impact,

heritage features, flood risk, ecology, restoration and aftercare.

139. The PPG advises that a programme of work should be agreed which takes account of potential impacts, including the positioning of any plant, having regard to the proximity of occupied properties, as well as legitimate operational considerations. It advises on the control and mitigation of dust and noise emissions, and establishes the use of noise limits. Maximum limits at noise sensitive properties during normal working hours, evening and night-time periods are given, together with higher limits for certain short-term activities.
140. The PPG seeks to implement the NPPF requirements to provide for the restoration and aftercare of mineral sites at the earliest opportunity, carried out to high environmental standards. It advises on the use of a landscape strategy, reclamation conditions and aftercare schemes to achieve the desired after-use of the site following working.
141. Paragraph 7 of the National Planning Policy for Waste (NPPW) states that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment, amenity and the locational implications of any advice on health from the relevant health bodies; ensure that waste management facilities are well-designed and contribute positively to the character and quality of the area in which they are located; do not concern themselves with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
142. The Waste Management Plan for England, January 2021 (WMPE), sets out the Government's intention to secure greater reuse and recycling rates across all waste streams, moving waste up the hierarchy.

Development Plan Policy (and emerging plans)

143. Given the large extent of the application area, it spans administrative boundaries. The majority of the application area lies within the borough of Hinckley and Bosworth. A minor proportion of the application area lies within the district of North West Leicestershire. The following development plan documents and policies which are therefore relevant to the determination of this application are as follows: Leicestershire Minerals and Waste Local Plan (adopted 2019) (LMWLP); Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009); Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies DPD (adopted July 2016); North West Leicestershire Local Plan (as amended by the Partial Review) (adopted March 2021) and the Markfield Parish Neighbourhood Plan 2020-2039 (made September 2021).
144. The following policies within the Leicestershire Minerals and Waste Local Plan (adopted 2019) (LMWLP) are relevant: Policy M4 (Crushed Rock), Policy M13 (Associated Industrial Development), Policy W1 (Waste Management Capacity), Policy W4 (Non-Strategic Waste Facilities), Policy W5 (Locating Waste Facilities), Policy DM1 (Sustainable Development), Policy DM2 (Local Environment and Community Protection), Policy DM3 (Strategic Green Infrastructure), Policy DM5

(Landscape Impact), Policy DM6 (Soils), Policy DM7 (Sites of Biodiversity/Geodiversity Interest), Policy DM8 (Historic Environment), Policy DM9 (Transportation by Road), Policy DM10 (Public Rights of Way), Policy DM11 (Cumulative Impact) and Policy DM12 (Restoration, Aftercare and After-use).

145. The following policies within the Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009) are relevant: Policy 7: Key Rural Centres, Policy 8: Key Rural Centres Relating to Leicester, Policy 12: Rural Villages, Policy 20: Green Infrastructure (site lies in North Eastern GI Zone), Policy 21: National Forest and Policy 22: Charnwood Forest.
146. The following policies within the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) DPD and supporting documents are relevant: Policy DM1 Presumption in Favour of Sustainable Development, Policy DM 4 Safeguarding the Countryside and Settlement Separation, Policy DM 6 Enhancement of Biodiversity and Geological Interest, Policy DM 7 Preventing Pollution and Flooding, Policy DM 10 Development and Design, Policy DM 11 Protecting and Enhancing the Historic Environment, Policy DM 12 Heritage Assets, Policy DM 13 Preserving the Borough's Archaeology, Policy DM 17 Highways and Transportation and Policy DM 18 Vehicle Parking Standards.
147. The following policies within the North West Leicestershire Local Plan (as amended by the Partial Review), (adopted March 2021) are relevant: Policy D1 Design of New Development, Policy D2 Amenity, Policy Ec5 East Midlands Airport: Safeguarding, Policy IF4 Transport Infrastructure and new development, Policy IF7 Parking provision and new development, Policy En1 Nature Conservation, Policy En3 The National Forest, Policy En4 Charnwood Forest Regional Park, Policy En6 Land and air quality, Policy He1 Conservation and enhancement of North West Leicestershire's historic environment, Policy Cc2 Flood Risk, Policy Cc3 Sustainable Drainage Systems.
148. The following policies within the Markfield Parish Neighbourhood Plan 2020-2039 (made September 2021) are relevant: M1: Countryside, M2: Landscape Character, M3: Green Infrastructure, M4: Ecology and Biodiversity, M5: Trees, M9: Locally Valued Heritage Assets and M10: Design.

Relevant Material Considerations

149. At the national level, draft revisions to the NPPF were announced on 31st July 2024 and these went out for consultation for a period of eight weeks. This consultation has now ended. The proposed changes are numerous but nuanced in relation to the proposed development. The weight attached to the draft NPPF is limited as it is still subject to change.
150. The following supporting documents of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) DPD are relevant: Landscape Character Assessment (LCA) (2017) and Rural Needs SPD - adopted February 2011.

151. Additionally, Hinckley and Bosworth Borough Council (HBBC) has published the Regulation 18 Consultation Draft Plan (July 2024) version of the Hinckley and Bosworth Local Plan 2020-2041. The Hinckley and Bosworth Borough Local Plan has been prepared in light of the Leicester and Leicestershire Strategic Growth Plan. At present, the Plan has been published by HBBC in order for representations to be made on it. This consultation has now ended. As the revised plan has not yet been submitted for examination or adopted, the policies within the Plan form a material consideration in decision-making but do not yet form part of the Development Plan. The following relevant policies can be given limited weight: SS01 Sustainable Development, SS02 Development Strategy, SS10 Strategy for the Rural Hamlets, CC01 Mitigating and Adapting to Climate Change, CC02 Flood Risk, CC03 Sustainable Drainage Systems, CC05 Sustainable Design and Construction Measures, PMD01 High Quality Design, PMD02 Active Design and Travel, PMD03 Preventing Pollution, HE01 Conserving and Enhancing the Historic Environment, HE02 Heritage Assets, HE03 Preserving the Borough's Archaeology, NAT01 Green Infrastructure, NAT02 Green Wedges, NAT03 Trees, Hedgerows, Woodlands and Development, NAT04 National Forest, NAT05 Charnwood Forest Regional Park, NAT07 Protecting Biodiversity, NAT08 Enhancing Biodiversity and Habitat Connectivity, NAT09 Development in the Countryside and Settlement Separation, NAT10 Landscape Character, NAT11 Blue Infrastructure, NAT12 Soils and Best and Most Versatile Agricultural Land, HT01 Highways and Transportation, HT02 Parking Standards, INF02 Water Supply and Wastewater Management,
152. North West Leicestershire District Council are now working on a new Local Plan. A consultation was undertaken on three documents (Proposed Policies, Proposed Housing and Employment Allocations and Proposed Limits to Development) and the consultation period ended in March 2024 and the responses are being analysed. The draft documents can be given limited weight. The following draft policies are relevant: Policy S4 Countryside, Policy AP2 Amenity, Policy AP4 Reducing Carbon Emissions, Policy AP5 Health and Wellbeing, Policy AP7 Flood Risk, Policy AP8 Sustainable Drainage Systems, Policy Ec9 East Midlands Airport: Safeguarding, Policy IF5 Transport Infrastructure and New Development, Policy IF8 Parking and New Development, Policy En1 – Nature Conservation/Biodiversity Net Gain, Policy En3 – National Forest, Policy En4 – Charnwood Forest Regional Park, Policy En6 – Land and Air Quality, Policy En7 – Conservation and Enhancement of the Historic Environment.
153. The Bagworth, Thornton & Stanton-under-Bardon Neighbourhood Plan (2019-2039) has been drafted. As the draft plan has not yet been submitted for examination or adopted, the policies within the Plan form a material consideration in decision-making but do not yet form part of the Development Plan. The following relevant policies can be given limited weight: Policy ENV2: Sites of Natural Environmental Significance, Policy ENV3: Biodiversity Protection and Enhancement, Policy ENV4: Local Heritage Assets, Policy ENV 5: Protection of Sites of Historic Environmental Significance, Policy ENV 8: Important Views, Policy TT1: Traffic Management,

Consultations – initial consultation

154. An initial consultation period was undertaken. Throughout this report, comments and representations received are outlined in a summarised form for ease.

155. **North West Leicestershire District Council – Planning:** No objection.
156. **Hinckley & Bosworth Borough Council – Environmental Health:** No objection. However, the following comments do not address impacts from blasting/vibration. The current environmental controls afforded by the current planning permission will apply to the operations and so no objection is made. The noise environment for some noise sensitive residential premises will be affected by the extension. However, the ES demonstrates that the current noise limits/guidance can be achieved.
157. A Construction Environmental Management Plan will be required for the development of Cliffe Lane, prior to commencement of development. Site preparation and construction shall be limited to the following hours; Monday – Friday 07:30 – 18:00, Saturday 08:00 – 13:00 and no working on Sundays/Bank Holidays.
158. **Archaeology – Leicestershire County Council:** No objection subject to conditions. The assessment undertaken has presented a sound appraisal of the likely implications of the development. There is a low potential for the presence and survival of archaeological remains, based upon a lack of known sites and finds, the results of the geophysical survey and trenching results. The only apparent heritage features of significance are Sunny Cliffe and Peak Hayes farmhouse and farm buildings.
159. It is not considered that any of the assessed buildings are deemed worthy of preservation based on their historic significance. None of the buildings are Listed, and none are seen to be particularly fine or rare examples of their type. Nevertheless, they are of some historic interest. It is considered that they be subject to an appropriate level of historic building recording prior to their demolition in line with Historic England's guidance. Sunny Cliffe and Peak Hayes farm buildings, would be suitable for an Historic England Level 3 record (to address their intrinsic significance and total loss as a results of the development proposal), whilst the later Peak Hayes Farmhouse be subject to an Historic England Level 2 record (also reflective of the buildings more modest significance, but also reflecting its total loss).
160. It is recommended that the applicant complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 205). This should be secured by condition. It is recommended that any planning permission be granted subject to a planning conditions requiring that no demolition/development shall take place until a written scheme of investigation has been submitted to and approved by the local planning authority.
161. **Ecology – Leicestershire County Council:** Further information required. This includes; BNG metric and net gains plan (including detailed management for a 30 year period) for the area affected by the western extension, more detailed surveys of the habitats present on the site and those for the grassland areas will need to be undertaken between May-Sept, bat surveys of Sunny Cliffe and Peak Hayes farm and any outbuildings, investigation of the tunnel's suitability for roosting or

hibernating bats, updated badger surveys, details on mitigation for roosting bats, breeding birds, potentially badgers and precautionary methods of working statements for reptiles and GCN.

162. Additionally, consideration should be given to any dry-stone walls that would be lost. They are a rare and valuable habitat resource for reptiles, small mammals and lichens. Consideration should be given to their re-construction elsewhere. Updated surveys for peregrines, roosting bats and badgers need to be conditioned.
163. **Environment Agency:** No objection. However, clarity is required around the source of the water that is proposed to be dewatered to allow dry working of the resource. The applicant should remain compliant with water abstraction licensing.
164. **Forestry (Leicestershire County Council):** Further information required. The following is required; an appropriate tree survey and arboricultural impact assessment, along with suitable replanting or remuneration for loss of LCC trees. It is requested that the developer reconsider the proposed road layout to retain the existing trees.
165. **Health and Safety Executive:** Further information required. It is not clear whether the development will store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to The Planning (Hazardous Substances) Regulations 2015 and The Control of Major Accident Hazard (COMAH) regulations 2015.
166. **Heritage – Leicestershire County Council:** No objection. The distances involved, topography and disruption to the rural environment from the motorway means that the proposed quarry extension is unlikely to unduly harm the current setting of the listed buildings and conservation area in Markfield.
167. There is no reason, therefore, to consider that the conclusions reached in the submitted information, are incorrect in respect of the potential impact of the development on the significance of these designated heritage assets. Several historic buildings to be demolished are described in a Farm Buildings Assessment. It is accepted that these structures do not appear to be outstanding or rare examples and have suffered from unsympathetic alterations. All are shown on old mapping and given that age is a key contributor to heritage significance and features of interest may remain unrecorded internally, particularly in the agricultural outbuildings, professional archaeological recording, and possibly a firm commitment to the reuse of local historic building materials, should be considered.
168. It is noted that Stoney Lane Farm, to the southeast of the site, is also shown on early mapping. This is not described in the information, but it appears that this will not be directly affected by the development. Appendix 12-1 Archaeology & Cultural Heritage Assessment advises that 'the potential direct impacts during construction/establishment' on the setting or significance of various designated heritage assets is predicted to be negligible.
169. A legal ruling in 2019, established that in this context 'negligible' effects are material. It may equate to a minimal level of harm but it is sufficient to engage the relevant

conservation legislation and policies, including the balancing exercise described in paragraph 202 of the NPPF.

170. **Highways – Leicestershire County Council:** Without the following further information the Local Highway Authority is unable to provide advice:

- A Stage 1 RSA of the proposed site access and off-site works, including the roundabout and new road links;
- Further consideration of visibility splays at the new site access, including provision of an automatic speed survey and the types of vehicle to be using the access, consideration of a 4.5m setback distance for visibility;
- Provision of vehicle tracking for the new site access and various other access points as detailed above;
- Amendments to the proposed off-site works as detailed above;
- Updated PIC analysis to consider the most recent five year period;
- Further consideration of trip distribution;
- Clarity as to whether the percentage impacts of the quarry traffic were based on one way or two way trips;
- Updated baseline traffic data which is no more than three years old;
- Capacity assessments of the proposed new site access and new roundabout, as well as the existing site access;
- Capacity assessments of the surrounding highway network; and
- Consideration as to the level of traffic which may re-route to Grassy Lane and whether any improvements are required to the route.

171. **Historic England:** Concerns raised. The development site concerns several designated and non-designated heritage assets. No designated heritage assets are located within the site. However, several listed buildings and Markfield Conservation Area are in some proximity to the proposed quarrying extension, including the Church of St Michael, which is listed at Grade II* for its more than special architectural and historic interest. Also located within the Conservation Area is the Old Rectory, Listed at Grade II for its special interest.

172. The church and Conservation Area derive a large part of their setting from the surviving inclined wider rural agrarian landscape to the west of the village. The tranquil streets, parcels of green within the historic village, and lengths of dry stone and bonded historic boundary walling, also form an important part of the setting of the church, contributing positively to the character and appearance of the Conservation Area, and as such to their respective significances. Historic boundary walling along parts of Forest Road are particularly of note.

173. Two groupings of historic farm buildings (Peak Hayes and Stoney Lane) and a cottage known as Sunny Cliffe have been identified in the site as being established by the mid-19th century and are described as non-designated heritage assets for their architectural and historic interest in the application documents.

174. Though altered by the M1, the footpath leading to and from the west end of the Conservation Area from Hillside street runs across the proposed development site to the historic farmsteads at Peak Hayes. The kinetic experience of approaching and

arriving to the church, and Conservation Area from the west through a hilly rural agrarian environment forms an important part of its setting.

175. The proposals will result in the complete loss of several unlisted historic buildings and the loss of the setting to Stoney Lane Lodge which have been identified in the application documents as being non-designated heritage assets. The detrimental effects of the proposals on these heritage assets will need to be balanced, weighing the loss of these impacts and harm to their respective significances in the planning balance.
176. The proposals have the potential to result in greatly increased traffic volumes, specifically of HGVs transporting aggregate, and secondary traffic avoiding routes congested by HGVs which is likely to increase in frequency and magnitude vibrations to historic buildings. Through these vibrations, and other vibrations associated with the quarrying/extraction works, the proposals may detrimentally impact historic buildings within the Conservation Area including the Church of St Michael and its boundary walling, and the Old Rectory susceptible to damage through frequent vibration. There is also potential for damage to roads and verges, historic road-side walling through increased heavy traffic, which would be detrimental to the character and appearance of the Conservation Area, and also its wider approaches which positively contribute to its setting.
177. It is positive to see that Historic Building recordings of the non-designated cottages and agricultural buildings is proposed. Were the application to be approved, it is important that these recordings are secured at an appropriate level.
178. There may also be opportunities for enhancing and restoring the setting of the designated heritage assets and the experience of approaching/arrival at them. Were the application to be approved, the local authority should take the opportunity to secure enhancements to the setting of heritage assets concerned such as schemes of landscape reinstatement and management. Such schemes may have the potential to improve and/or preserve the setting of the heritage assets concerned.
179. Historic England has concerns on heritage grounds with the proposals. Concerns are raised regarding the levels of impact the proposals would have on the setting of the Conservation Area and Church through the reduction of the remaining rural agrarian setting to these assets. Furthermore, there are concerns with the detrimental impacts on setting, and the complete loss of several non-designated heritage assets identified in the application documents.
180. **Landscape – Leicestershire County Council:** Further information required. The quarry extension would not have a significant adverse visual or landscape character impact *post* mitigation. However, the following information is requested;
 - Confirmation that the proposed landform will tie in favourably with the existing landform around the existing quarry workings. Clarification on proposed slope profiles. Drawings indicate a permanent screening landform with a steep profile which may compromise the establishment and maintenance of vegetation. A reduced profile in this location with a flattened plateau would

reduce its visual prominence, aid plant establishment and its screening potential.

- The proposed temporary overburden stores – confirmation of how long these features will be in place and whether they would be seeded or planted.
- A plan showing existing field boundary hedgerows and trees to be retained and methods of protection during construction works.
- A detailed planting scheme including planting and seeding specifications, ground preparation, mixes, protection and aftercare should be submitted in due course.

181. **Lead Local Flood Authority (LLFA) – Leicestershire County Council:** No objection. The site will, if necessary, discharge surface water drainage in the existing manner to adjacent field ditches in the Stanton Brook catchment. The proposal is acceptable based on the surface water design provided. The development should be constructed in accordance with the details provided.

182. **Markfield Parish Council:** Markfield Parish Council do not object to an extension in principle. However, the proposed extension will bring the quarry much closer to the village and will negatively impact Markfield. A northerly extension would be the preferred option. Concerns and objections were raised on the following matters:

- Dust, noise and vibrations have historically been an issue to residents despite Midlands Quarry upholding high levels of monitoring and controls. With quarrying taking place closer to the village these will be magnified considerably. The quarry is currently visually enclosed by the surrounding banks. The proposed extension will change this and will become visible from parts of the village. In particular, the quarry workings would be visible from hill hole nature reserve. Possible mitigation measures are suggested including community funds, tighter restrictions on dust, noise and vibration levels and continuous monitoring including from independent inspectors.
- The protection of Biodiversity. No arboriculture report has been provided, so effects on biodiversity cannot be assessed in full. A section of verge on Cliffe Hill Road is of high importance. The current plans conflict with policy M4 of the neighbourhood plan. Possible mitigation measures are suggested including the end of use of the site as a nature reserve should be safeguarded and irreversible. A tree assessment should be completed to identify trees suitable for relocation to the land assigned for biodiversity enhancement to reduce the impact on biodiversity in the direct area.
- The new road layout is a primary pedestrian route to South Charnwood High School. The pathway is narrow and near the road on many sections. With additional housing being built in Markfield and Stanton under Bardon, as well as a proposed change to traffic flow to/from the A511, this junction has the potential of being much busier than it is today. Possible mitigation measures including extra attention on student safety should be given when designing the junction layout.

183. **Markfield, Desford & Thornton ED – Mr Peter Bedford CC MP:** Comments. The applicant should introduce a community fund to help offset the environmental impact

of the extension. Otherwise, LCC should include a condition for such a requirement.

184. **National Forest Company (NFC):** Further information required. The proposal would result in the loss of 2.1ha of established woodland which is regrettable. The existing woodland provides valuable woodland connectivity around the quarry, the loss of which will act as a barrier to species movement.
185. The NFC are unable to quantify the area of proposed habitats in the restoration plan but consider that the proposed woodland must mitigate the woodland clearance, as well as providing adequate mitigation for the quarry extension. In determining whether the proposed woodland planting is sufficient mitigation, regard must be had to the difference in maturity of the existing woodland and the proposed woodland. The woodland and other habitats should be quantified to allow this to be considered.
186. Further woodland or parkland creation could be accommodated in land to the south of Lilac Cottage if there is no ecological reason for the species rich grassland. In terms of the species mix and density of new woodland and hedgerow planting specified, the NFC considers these to be appropriate subject to agreeing the number and size of the trees and shrubs.
187. The NFC requests phasing details. Woodland planting should be provided at the earliest opportunity to allow trees to establish, mature and provide the intended screening and habitat connectivity. A 10-year aftercare period is required. A management plan should be conditioned to ensure successful establishment of the habitats proposed.
188. The extension would provide greater and safer connectivity towards Markfield than exists currently. Given the importance of R15/3 as a key connecting route, the NFC would want to see appropriate temporary rerouting of R15/3 to keep this connection open until the proposed new route is open.
189. With reference to the geodiversity within the National Forest and the Charnwood Forest Geopark: The quarry is designated a SSSI due to the site hosting rare examples of the contact between the Bradgate Park Formation, and Markfieldite and Ediacaran fossils of international significance. Conditions are recommended:
 - Confirmation if the proposed extension would include the removal of material including Ediacaran fossils. Fossiliferous bedding planes should be documented before work begins, workers briefed, and protection measures put in place to preserve fossil horizons. If the extension does include the removal of fossil material, then before work begins the fossiliferous bedding planes should be documented, scanned and/or casted, and the material removed in consultation with palaeontologists, Natural England, and appropriate Museums. Guidance should be provided to site workers on Ediacaran fossils. Opportunity should be provided for palaeontologists to visit the site.
 - If any material is to be removed that includes the contact between the Bradgate Formation and the South Charnwood Diorites, then opportunity should be afforded for its study. Specimens of this could be saved and be made publicly accessible place, e.g. rights of way. Examples should be made available to

appropriate local and national geological repositories, including Museums.

- Confirmation that the geological contact between the Bradgate Formation and the South Charnwood Diorites, will remain present.

190. The restoration plan should be modified to ensure that samples of the Bradgate Formation-South Charnwood Diorites contact and the fossil surfaces are removed and placed in a publicly accessible area before the quarry is allowed to flood. The restoration plan presents an opportunity to interpret the quarry and its geological and cultural heritage for the local community. The applicant should include specific funds and proposals for geoheritage interpretation on site.
191. **National Highways:** No objection. Junction impact assessments were not considered necessary at any SRN junctions. The current development proposals seek to extend the lifespan of the existing quarry and do not seek to increase production at the quarry. Therefore, the level of existing HGV movements and distribution will remain in line with existing movements. The proposals should not have a severe impact on the operation or capacity of the SRN.
192. **Natural England:** No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
193. **Mr K. Merrie CC (Coalville South ED) and Mr D. Harrison CC (Ibstock & Appleby ED)** were notified of the application.
194. **Cadent Gas – Plant Protection:** No objection, subject to an informative.
195. **Coal Authority:** No comment.
196. **Network Rail:** No comment.
197. **Public Health England (East Midlands):** No advice.
198. No response were received from the following consultees: **Council for the Protection of Rural England, Friends of Charnwood Forest, Ellistown & Battleflat Parish Council, Hinckley & Bosworth Borough Council – Planning, Leicestershire & Rutland Wildlife Trust, Leicestershire Footpaths Association, North West Leicestershire District Council – Environmental Health, Severn Trent Water Ltd, Ibstock Parish Council, Stanton under Bardon Parish Council.**

Publicity

199. The planning application and accompanying ES has been publicised by site notices on the 31st August 2022 and neighbour notification letters on 7th September 2022 and by press notice in the Hinckley Times on 7th September 2022.

Representations Received

200. A total of six representations were made during the first consultation process, of which three were objections, two raised comments and one made comments but did not

object nor support. Some of these comments were received outside of this formal consultation period but were made ahead of the second formal consultation period starting and so are included within this section. Several queries regarding the application and the determination process were received and these were responded to.

201. Objections were raised on the grounds of:

- existing traffic levels and highways issues and that these would be exacerbated;
- the existing rail link is not utilised enough for the output;
- A proviso should be put on to ensure that rail transport is used to move as much output as possible to protect the local environment;
- existing litter levels;
- Mountsorrel Quarry has applied to extend their workings and Whitwick quarry has reopened lately so concerns who would be buying the output;
- the proposal would be detrimental to the local environment;
- existing detrimental blast effects and that these would be exacerbated;
- existing detrimental dust from the existing operations and its exacerbation;
- Concerns regarding independent dust monitoring when consultancy has contracts with the company;
- the effects of the proposal upon South Charnwood College and local children, especially those with health issues;
- impacts upon quality of life;
- heavy machinery on local roads;
- devaluation of local property values.

202. One objection was received from Matthew Lay, the former Ward Councillor for Markfield, Stanton and Field Head, Hinckley and Bosworth Borough Council. The following comments were made:

“It is evident that the new workings will create a significant scarring effect on the visible landscape form when viewed from Markfield, notably Hill Lane and Hill Hole nature reserve. The removal of the existing landscape bund and the trees plus the opening up of the land will ensure the workings are very prominent. The mitigation landscaping cannot adequately shield the workings as the topography of the land does not allow this. The net result will be a highly visible industrial landscape replacing a present rural view in which none of the present workings can be seen. This scarring of a sensitive landscape is not acceptable and causes harm to the amenity of local people and changes the character of the local area. The land in question is in both the Charnwood Forest and National Forest defined areas and the Leicestershire Round passes by. Although the present workings are substantial they are not currently prominent, not intrusive and present planning restrictions have ensured a high level of mitigation. This is also the case with the Bardon Quarry extension in which screening is highly effective. This will all be lost, and the landscape will be damaged irreparably. Alongside the considerable harm to the landscape character the opening of the workings will increase both noise from blasting and working and increased air pollution and dust due to the topography and lack of suitable screening as the effective screening will have been removed. Properties close by off Cliffe Lane and Grassy Lane, will be devastated by this

proposal and will suffer a major loss of amenity. They will also be forced in some part to move which is unacceptable. Finally, the quarry unlike its neighbour Bardon quarry has done precious little to engage the community. It provides no assistance or support to the local community and its recent consultation was poorly advertised so few were aware. If the application is considered for consent the quarry should be made to create a community fund no less generous than the one created with the Bardon quarry extension for the benefit of Markfield and Stanton communities.”.

203. The following comments were received raising concerns but did not object nor support the application:

- concerns the void would be used as a landfill site;
- noise and impacts regarding existing and additional blasting;
- concerns regarding damage to house infrastructure;
- concerns regarding safety of air overpressure to human health;
- impacts of existing and proposed workings upon mental wellbeing;
- significant quarry traffic is likely to impede on parts of Markfield where the road infrastructure is not suitable creating excessive traffic on small lanes;
- dust and debris from the existing and proposed operations;
- the routing of traffic will mean that areas where families take sanctuary and walks will be impacted;
- change of landscape from rural to industrial activity;
- loss of views and green space;
- village infrastructure is not being upgraded to meet local demands;
- consideration should not just be given to the needs of the business but also the health and wellbeing of the community;
- there is a need for more tranquillity in our environment;
- environmental impacts of the proposals upon local businesses and their ability to operate.

Regulation 25 Further Information Request

204. On the 14th December 2022 further information was requested from the applicant under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In response, the applicant submitted a formal package of further information on the 13th November 2023. The package comprised a response to the Authority's request, supplemented by an addendum in relation to highways design matters, associated appendices, and revised plans. Outside of planning, the applicant has also submitted applications for the 'Stopping Up and Diversion' of public highways (Cliffe Lane, Cliffe Hill Road and Stoney Lane). This process has required the applicant to make slight amendments to the design of the new sections of road, mainly to accommodate changes to the public rights of way network, but also to include additional tree planting. Therefore, these new drawings were included within the formal response. In summary, this package included:

205. Information relating to biodiversity: regarding the loss, replacement and gain of features of biodiversity and environmental mitigation and an overall breakdown of the total area for each category for each habitat type. The proposals aim to deliver a mosaic of priority habitat types (Lowland Meadow, Lowland Deciduous Woodland,

Inland Cliff, Ponds and Native Hedgerow) to result in a significant net gain in both the extent and quality of the habitats present.

206. Further details regarding the proposed loss of Cliffe Hill Road Side Verge (RSV) were given. Due to the need to amend the road alignment in this location it is not possible to avoid harm to this feature. An approximately 500m linear length of road would be affected. It is possible to reinstate the roadside verge along the new road alignment, to ensure the continued presence of the RSV as species-rich grassland in this location to the same extent as before. This can be subject to planning condition and include soils translocation. Additionally, a section of 97 metres of dry-stone wall would be removed. This wall lies within the existing planning consent and thus would be lost irrespective of this proposal. An equivalent wall would be constructed from recovered stones and its construction would be secured by planning condition.
207. With regards to landscape and visual impact, independent consultants provided supplementary analysis of the proposed screening landform. No changes to the proposed landform were put forward. With regards to its construction, a temporary overburden store would be in place for c. 5-8 years (it will be constructed in one operation but removed sequentially from the quarry side out, so that the eastern outer flank is removed last). The flanks would be grass seeded as soon as formed and maintained for the duration. Additional planting during this temporary period is considered inappropriate because of the limited benefit it would provide.
208. With regards to wider landscaping and the proposed scheme, the extant planning conditions require the operator to submit for approval a landscape planting and maintenance plan for the site every five years. The timing of the landscaping could therefore be additionally secured through a similar condition. Overall, the information contained in the response provided additional clarification and does not affect the conclusions reached in the ES.
209. With regards to forestry, an Arboricultural Report has been submitted. The technical requirements of highway design, coupled with the desire to keep the new screening landform to the same height to provide the desired degree of visual screening has meant the option of realignment to avoid the proposed tree loss is not feasible. However, the scheme has been amended to widen the verge on the eastern side of the realigned carriageway by 10m to accommodate the translocation of trees and the addition of new trees, on the basis of a 3:1 replacement ratio. The verge and translocated trees would form part of the newly adopted highway and increase the number of trees in the County's stock. This amendment has been incorporated into the detailed design drawing for the highway and the planning application drawings have been updated. Trees on Stoney Lane to be lost, totalling some 3,563m² in area, would be compensated by planting on the southern side of the realigned Cliffe Hill Road, totalling an area of 4,456m². This planting would be within the boundary of the highway.
210. With regards to highways, supplementary technical information and amended plans were submitted. Overall, the information submitted is design related to satisfy the requirements of the Local Highway Authority and to demonstrate that the proposed highway design would not materially affect highway safety. Overall, it is considered that the proposed design changes and additional supporting information to not affect

the Conclusions reached in Chapter 13 of the ES submitted in support of the application as originally submitted.

Consultation Responses to Regulation 25 Further Information Request

211. **Ecology:** Further information required. The applicant must provide a full rationale for not submitting a completed DEFRA metric as a way of demonstrating measurable biodiversity net gain.
212. **Environment Agency:** No objection. The water is wholly or mainly derived from rainfall and does not require an abstraction licence. The applicant has sufficiently addressed our request for clarification.
213. **Health and Safety Executive:** Comments. From the information provided it is not clear whether the development will store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to The Planning (Hazardous Substances) Regulations 2015 and The Control of Major Accident Hazard (COMAH) regulations 2015. Such major accidents are of low likelihood but could have significant effects on the population at the proposed development and on local populations. The applicant should consider whether they need to apply for planning consent for the presence of hazardous substances under The Planning (Hazardous Substances) Regulations 2015.
214. **Highways – Leicestershire County Council:** Further Information required. The Local Highway Authority does not consider that the application fully assesses the highway impact of the proposed development. To summarise, the following additional information should be submitted for consideration by the LHA: long sections demonstrating that the visibility requirements in the vertical plane can be achieved at all accesses; a capacity assessment of the proposed new roundabout; a Speed survey of Grassy Lane demonstrating approach speeds to the new roundabout and forward visibility designed as appropriate; and further information in respect of the design of the proposed new roads and details of the initial proposed highway boundary extents.
215. **Hinckley & Bosworth Borough Council – Planning:** No objection, subject to the development according with the relevant policies of the development plan.
216. **Markfield Parish Council:** Objection. The Planning & Highways Committee discussed this application at its meeting on Wednesday 17 January 2024 and objected to the plans because of the lack of mitigation, permanent monitoring and local resident consultation. The Committee requested that affirmative action on behalf of the Markfield residents most impacted and affected by the quarry works be considered such as permanent air quality, noise monitoring, noise dampening, screening as well as regular structural assessments of these properties. If LCC is minded to approve this application then the Parish Council seeks section 106 funding (or similar) to mitigate the quarry's impact on village life by strengthening Markfield through the provision of new community assets and to improve existing community assets. Further details can be made available.
217. **Markfield, Desford & Thornton ED – Mr Peter Bedford CC MP:** Joint

observations from Mr Peter Bedford CC MP and **Borough Councillor Claire Harris of Hinckley and Bosworth Borough Council** were submitted: “Several residents of Markfield and Stanton under Bardon are concerned about blasting affecting their properties. There are already tremors from time to time and residents are concerned that the extension will make the situation worse. The Environmental impact of the proposals *are such that we feel a "community fund", like the one established for Bardon Hill Quarry expansion, must be a planning condition. This would ensure that there is at least some local 'offset' of the environmental harm inflicted by the expansion.* E.g. with the Bardon Hill scenario a Community Fund of £500k ensured that local community groups, *who's focus was on environmental causes, could take forward projects to enhance biodiversity and nature projects*”.

218. **National Forest Company:** Comments received. Habitat details have been provided. Woodland habitat creation has been quantified as 27.82ha (a gain of 25.66ha). In respect of our other comments (including habitat connectivity, additional woodland or parkland creation, species density, mix and size, the inclusion of oak and wild cherry in the hedgerow, phasing, aftercare, the requirement for a management plan and ensuring the right of way remains open) we would request that these continue to be considered.
219. It is recognised that the applicant cannot commit to the ongoing documentation and recording of all bedding plane surfaces whilst blasting progresses on the extension. Training for site personnel is welcomed. The request on the matter of the documentation and recording of fossils surfaces was not in regard to those that may be found in the future, but rather those which are currently known to exist within the quarry. It is suggested that a planning condition be added that is similar to the previous condition 68 of 2007/1059/04 which required a scheme for the monitoring, surveying and recording of the geological SSSI in Old Cliffe Hill Quarry for the written approval of the planning authority in consultation with Natural England. The Charnwood Forest Geopark would be happy to be party to any new scheme which is proposed. Any new agreement should include; the recognition, recording and conservation of significant geodiversity features, provide for reasonable access to the site, provisions for the opportunity for the documentation, recording and removal of fossils if the quarrying affected known fossil sites, education/training to site staff, provisions for sample collection, provisions for large samples to be placed at publicly accessible locations on the edge of the site and ensuring that specimens of the SSSI remain visible post restoration.
220. **Natural England:** No objection, subject to appropriate mitigation being secured for the Cliffe Hill Quarry SSSI. To make the development acceptable, the following mitigation measures are required: Management of the Geological interest of the SSSI, including the provision of ongoing monitoring, surveying and recording of the SSSI.
221. **North West Leicestershire District Council – Environmental Health:** No objection. The proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.
222. **Leicestershire County Council Public Health:** Comments received. As a party with an interest in broader air quality as part of our overall duty to take steps to improve the health of the population we would wish to highlight the below for consideration in the

context of air quality and health. There is not an Air Quality Management Area for this site. Inhale – Interactive Health Atlas of Lung conditions in England (Office for Health Improvement and Disparities - Fingertips Public Health data) information indicates the following:

- COPD: Quality and Outcome Framework prevalence (all ages) for 2022/23 is 1.9% for Hinckley and Bosworth which similar to the regional figure of 2% and England value of 1.8%
- Mortality rate from chronic obstructive pulmonary disease, all ages for 2020-2022 is 29.3 per 100,000 for Hinckley and Bosworth which is lower than the England value of 42.8 per 100,000 and regional value of 42.7 per 100,000
- 2022/2023 data for Asthma: Quality and Outcome Framework prevalence 6+ for Hinckley and Bosworth is 7.6% higher than the regional figure of 6.8% and England value of 6.5%
- Under 75 mortality rate from respiratory disease considered preventable for 2020-2022 for Hinckley and Bosworth is 12.6 per 100,000 in comparison to 16.7 per 100,000 for the region and 17 per 100,000 for England.

223. **Coal Authority, National Gas Transmission, Archaeology – Leicestershire County Council, National Grid Electricity Transmission, Lead Local Flood Authority – Leicestershire County Council, Hinckley & Bosworth Borough Council – Environmental Health, Historic England, Landscape – Leicestershire County Council, North West Leicestershire District Council – Planning:** No further comments. Previous comments remain relevant.
224. **Ellistown & Battleflat Parish Council, Stanton under Bardon Parish Council, Ibstock Parish Council, Council for the Protection of Rural England, Friends of Charnwood Forest, Leicestershire & Rutland Wildlife Trust, Heritage – Leicestershire County Council, Leicestershire Footpaths Association, Severn Trent Water Ltd, Public Health England (East Midlands), National Highways, Cadent Gas – Plant Protection, Network Rail:** No response received.
225. **Coalville South ED – Mr. K. Merrie and Ibstock & Appleby ED – Mr D. Harrison CC** were also notified.

Publicity

226. The planning application, accompanying ES and all further information as set out above, has been publicised by press notice in the Leicester Mercury on 13th December 2023, by site notices and neighbour notification letters on the 6th December 2023.

Representations Received

227. A total of six representations were made during the second consultation process, of which four were objections, and two raised concerns. The objections, as summarised, were raised on the grounds of:
- The existing issue of blasting and vibration upon local properties and businesses. Bringing the workings closer will exacerbate these issues;
 - Businesses rely on quiet;

- Devaluation of local properties;
- Pollution from mining affects local residents;
- Mining affects the character of the area by reducing green spaces and wildlife habitats;
- Visual changes to the landscape currently enjoyed by residents in Markfield.

228. Additionally, the following concerns were raised:

- If permitted, proximity of workings to properties and that workings would be too close;
- Existing levels of dust and vibration, impacts upon health and these impacts would be exacerbated;
- Concerns regarding existing structural damage to local properties;
- Concerns regarding impacts upon local business;
- Concerns regarding access of emergency service vehicles to properties off Cliffe Lane;
- Concerns regarding supply of utilities to properties along Cliffe Lane,
- Impacts upon quality of life;
- Concerns regarding the impacts of closure/works on Cliffe Lane upon local highway capacity and traffic.

Further and Revised Information Provided (30th April 2024)

229. Following the second period of consultation the Authority issued a second request for further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, predominantly regarding the detailed highway design, along with health and safety and biodiversity net gain. A package of further information responding to this request was submitted by the applicant on 30th April 2024. This information included a response to the matters requested, including further highways technical drawings.

Further Consultations

230. A further period of full consultation was undertaken. The following responses were received from consultees. Other consultees which did not respond are not reported here.

231. **Hinckley and Bosworth Borough Council Planning:** Previous comments remain. Confirm their support of the views of Ecology and Highways. Whilst Hinckley and Bosworth Borough Council are not objecting to the development, the Council supports Markfield Parish Council's concerns regarding the impact of the development on the residents of Markfield. Therefore, the Council would like to re-emphasise that Paragraph 135 of the National Planning Policy Framework (December 2023) and Policy DM10(a) of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016) requires developments to ensure a high standard of amenity for existing residents, and does not result in significant adverse effects to their residential amenity as a result of light pollution, air quality (including odour), noise pollution, vibration, and visual intrusion.

232. **Hinckley and Bosworth Borough Council Conservation Officer:** Comments. Whilst the proposal is located within the wider setting of a small number of designated heritage assets, in my opinion the proposal would result in no adverse impacts upon their significance, and as such the proposal would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 16 of the National Planning Policy Framework, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The farmhouses within the development area proposed for demolition are of some age and have a level of historic and architectural value – they are identified as non-designated heritage assets within the submitted documentation. As such the total loss of their significance will need to be part of a balanced judgement against the merits of the proposal in accordance with paragraph 209 of the NPPF, with a consideration being whether a level of historic building recording as specified by LCC Planning Archaeology undertaken prior to their demolition is likely to be a suitable level of mitigation to offset the loss of their local heritage interest.
233. **The Local Highway Authority (LHA):** No objection. The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined.
234. Site Access: The LHA previously advised it accepted the continued use of the New Cliffe Hill Quarry access on to West Lane as the primary access for the export of aggregates. In respect of the access to Old Cliffe Hill Quarry, the LHA requested long sections were provided for the visibility splay and that swept path analysis was undertaken of the HGV at a design speed of 15kph. The Applicant has submitted drawings in order to resolve the LHA's previous comments. After reviewing the drawings, the LHA is now satisfied that a safe and suitable access to the site can be achieved. The LHA highlight to the County Planning Authority (CPA) as per the LHA's observations dated 11th October 2022 that the Applicant has stated that movement of vehicles into and out of the Quarry Complex would be in accordance with the extant operating hours prescribed by Condition 43 of application reference 2007/1059/04 (updated by planning permission 2016/0020/04) and that trip generation levels and distribution would remain as per the existing arrangements. The Applicant has advised that the proposals do not seek to alter the level of aggregate sales from the Quarry Complex i.e. it is not proposed to increase production.
235. The LHA have considered the site access arrangements as well as trip distribution on this basis. It is advised that the CPA include and carry over existing conditions for the existing quarry operations in respect of the hours of operation and any restrictions on trip generation/access usage to this application. In addition, conditions in respect of any wheel cleansing requirements should be carried over to prevent material such as mud or stones from being deposited in the highway.
236. Highway Safety: The LHA previously advised that after reviewing the Applicant's Personal Injury Collision (PIC) analysis and on the basis the proposals would

maintain the existing level of traffic to/from the site, the LHA consider the review of the PIC data to be acceptable. The LHA are satisfied the proposals are unlikely to exacerbate an existing highway safety concern on the network.

237. Trip Generation: The LHA understand the Applicant is proposing no change to trip generation levels/ trip distribution/ operating hours/ aggregate sales levels etc and that there would not be an intensification in use of the existing West Lane access, or the new (replacement) access onto Cliffe Hill Road. The LHA advise the CPA that it will need to be ensured that the relevant and appropriate conditions on vehicle movement/operating hours and sales levels etc are carried over from existing planning permission to the new planning permission as necessary.
238. Junction Capacity Assessments: Existing Highway Network: Given that the proposed development is not anticipated to result in any increase of mineral output rates, or alter the mode and frequency of material transport, there would be no material change in the volume of daily vehicle movements to and from the site. On this basis, the LHA advised it is content that there would be no significant adverse effect upon the highway network, with current traffic volumes simply extending for a further 10 years from 2032. The LHA advised it would be unable to demonstrate a contribution towards improvements to key junctions along the A511/ A50 as part of the Coalville Transport Strategy is required.
239. Cliffe Lane/ Stoney Lane/ Grassy Lane – Proposed Roundabout: The LHA previously advised that a capacity assessment needed to be undertaken on the proposed new roundabout. It was highlighted H&BBC application references 20/01283/FUL (282 dwellings, London Road, Markfield) and 21/00787/OUT (93 dwellings, land northeast of Ashby Road, Markfield) would also need to be considered within the assessment. The Applicant has submitted a Technical Memorandum dated 4th April 2024, which includes a capacity assessment of the proposed roundabout. The following scenarios have been considered:
- 2023 reassigned surveyed traffic flows as set out in the original Technical Note (April 2023)
 - 2032 reassigned traffic flows (using TEMPRO growth factors from Hinckley & Bosworth 001, all road types); and
 - 2032 reassigned traffic flows plus committed development.
240. The LHA previously accepted the re-distribution of traffic along Grassy Lane due to the proposals making this the most direct route to J22 of the M1 for drivers travelling from Markfield Lane. The LHA has reviewed the TEMPRO growth factors and considers these to be acceptable. In addition, the Applicant has stated that the '2032 reassigned traffic flows plus committed development' scenario does not include any trips for application 21/00787/OUT as no movements along Stoney Lane were shown as part of that application. This is accepted by the LHA.
241. Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the

capacity. Typically a value of 0.85 is seen as the threshold of practical capacity, with results higher than this more likely to experience queuing or delay.

242. The RFC of the proposed roundabout is not predicted to exceed 0.85 with the development in place in 2032, with a maximum RFC in the AM peak of 0.26 on the Stoney Lane (east) arm. In addition, the maximum delay at the roundabout would be 4.64 seconds and maximum queue length 0.3 vehicles. The LHA is satisfied the junction will operate within capacity.
243. Off-Site Implications: The LHA previously advised several comments in respect of the re-alignment of Cliffe Hill Road/ Cliffe Lane. The LHA previously requested a speed survey of Grassy Lane demonstrating approach speeds to the new roundabout and forward visibility designed into the proposals as appropriate. The Applicant has now undertaken a speed survey on Grassy Lane on the approach to the existing junction between Wednesday 10th – Tuesday 16th April 2024. The results of the speed survey indicate 85th percentile speeds of 40.4mph northeast bound and 37.3mph southwest bound.
244. AECOM drawing number CLIFF-ACM-XX-XX-DR-CE-02212 Rev P6 details forward visibility of 100m for northeast bound traffic and this is considered to be acceptable. The LHA have reviewed the revised drawings submitted by the Applicant in respect of the new road layout and advise that this is now considered acceptable and that all remaining points could be addressed at detailed design. The LHA wish to highlight the following points in particular:

CLIFF-ACM-XX-XX-DR-CE-02200 rev P6 GEOMETRY AND PAVING SHEET 1

- Drawing Rev P6: The proposed residential access construction to the north of the scheme serves what appears to be a working farm. More substantial carriageway construction will be required here in accordance with Leicestershire Highway Design Guide (LHDG) Standard Drawing SD/11/9. This can be agreed at the detailed design stage.

CLIFF-ACM-XX-XX-DR-CE-02202 rev P7 GEOMETRY AND PAVING SHEET 3

- Drawing Rev P7: Timber edges would not be suitable for the pond access track which would be tracked by vehicles. The LHA consider this could be changed and addressed by the Applicant at the detailed design stage.
- Drawing Rev P7: Entry Widths should be no greater than 4.5m (5.8m to 6.1m currently shown) unless a multilane entry is proposed. Hatched road markings can be used to reduce the entry width down to the required dimension. The applicant will need to confirm what the proposals are at the roundabout. While the entry angles are considered acceptable, the exit widths should be between 7.0m and 7.5m in width, whereas the drawing shows widths of 6.7m to 6.9m. The LHA considers there should be scope to amend this at the detailed design stage, without requiring significant changes to the overall roundabout.

It should be noted that the Applicant will be required to install any necessary

directional signage or road signs as part of the off-site works at their expense.

245. Public Highway Extents: The LHA advise the comments raised within the 11th October 2022 observations in respect of stopping up/diverting the highway to enable the expansion of the quarry remain in full. As advised within those observations, the LHA will require the Applicant to create the new roads before the existing highway is stopped up. Therefore, the relevant Section 38 / Section 278 agreements will still be needed to create the diverted highways as the S247 alone does not constitute permission for this. It should be noted that the LHA believe some of the existing highway the Applicant is proposing to stop up does not appear to be within their registered ownership (it is unregistered), although this does not necessarily mean that it is not within the Applicants legal ownership. However, any stopped up highway that falls outside of the Applicants legal ownership will revert to its legal owner, and not the person making the stopping up application. Therefore, the Applicant needs to satisfy themselves that they will have legal control of the former highway should Leicestershire County Council not object to the stopping up of the highway. It should be noted that a S247 application is processed and decided by the National Transport Casework Team (part of the Department for Transport) on behalf of the Secretary of State for Transport. Leicestershire County Council is a statutory consultee as the Highway Authority.
246. Highway Trees: In respect of highway trees and the highway boundary extents, after further consideration, the LHA is satisfied that these can be dealt with by means of an appropriately worded condition and by consideration of the landscaping scheme at detailed design.
247. Public Rights of Way: Public Footpaths R15, R23 and R100 are within or beside the site. Leicestershire County Council's Public Rights of Way (PRoW) section has been liaising with the Applicant in respect of the proposals. As advised previously, to ensure the walking route around the entire Old Cliffe Hill Quarry is useable all year, it is requested that the Applicant could improve the surface along Footpath R100, in particular, where it forms the northern site boundary and is wholly or partly within the Applicants ownership by virtue of the 'ad medium filum' rule. The LHA advises a condition in respect of a treatment scheme for the affected public rights of way, which includes details such as surfacing, widths, structures, barriers, signage and landscaping as well as the management of the PRoW's during construction.
248. Conditions: As advised further above, the LHA advise that the CPA to include and carry over existing conditions for the existing quarry operations in respect of the hours of operation and any restrictions on trip generation/access usage and wheel cleansing to this application.
249. The LHA recommend:
- a) a condition requiring a construction traffic management plan to be secured;
 - b) a condition requiring that no part of the existing roads shall be permanently closed until the proposed roadworks have been constructed in full and made available for use by through traffic;
 - c) a condition requiring that no part of the development permitted shall be used until the access arrangements have been implemented in full;

- d) a condition requiring that no part of the development permitted shall be used until site drainage details have been approved and maintained;
- e) a condition requiring that no part of the development permitted shall be used until the access drive and any turning space has been surfaced with tarmacadam, or similar hard bound material and maintained in perpetuity;
- f) a condition requiring that, notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary, nor shall any be erected within a distance of 15 metres of the highway boundary unless hung to open away from the highway;
- g) a condition requiring that the site shall be landscaped strictly in accordance with details first submitted to and agreed in writing by the Mineral Planning Authority;
- h) a condition requiring that no development shall take place until a scheme for the treatment of the Public Rights of Way (PRoW) including R15, R23 and R100 has been submitted to and approved in writing by the Mineral Planning Authority.

250. **North West Leicestershire District Council Environmental Health:** No objection. The proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

251. **North West Leicestershire District Council Conservation:** No objection, there would be no harm to designated heritage assets in NW Leicestershire.

252. **Natural England:** Conditions recommended. Natural England's position remains unchanged from previous advice. Further comments are made. The response suggests conditions should be used to secure large interpretation samples of rock to be included within the restoration. NE welcome this, however, consider further commitment should be made to retain the geological interest and legacy of the SSSI post-restoration. For example, a geodiversity plan. Details of such measures may not be possible to agree at this stage, but conditions could be used to ensure this is provided later.

253. **Markfield Parish Council:** Comments. Members of Markfield Parish Council wish to know what the impact of the new road will have on the residents of Markfield. Also could the Parish Council be provided with a management plan timetable please?

254. **North West Leicestershire District Council Planning and National Highways:** No objection.

255. **Landscape, Coal Authority, National Grid Electricity Transmission, Lead Local Flood Authority, National Forest Company, Environment Agency:** No new comments. Previous comments remain.

256. **Stanton under Bardon Parish Council:** No response received.

Further publicity and representations

257. The planning application, accompanying ES and all further information as set out above, has been publicised in a third period of consultation. This was done by press notice in the Leicester Mercury on 15th May 2024, and by site notices and neighbour notification letters on the 9th May 2024.
258. A total of one representation was received during the third consultation period and up until the publication of the report. The representation was an objection, raised on the grounds of devaluation of local property prices; that businesses would have to close; and dirt and dust would impact upon quality of life and businesses.

Assessment of Proposed Development

259. The application relates to an existing quarry located within the open countryside and on a strategic site for crushed rock. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant considerations in determining the acceptability of this proposal are (inter alia) the location, nature and need for development, highways, ecology, landscape, environmental impacts and restoration and aftercare of the site.
260. The application seeks planning permission for a lateral extension to the mineral extraction area at the existing Cliffe Hill Quarry complex, ongoing use of the existing aggregate processing area (plant area at 'New Cliffe Hill Quarry'), new screening landform, the relocation of parts of Cliffe Lane, Cliffe Hill Road and Stoney Lane and replacement roundabout, the demolition of Peak Hayes Farm and Sunny Cliffe properties, the construction of a new access into Old Cliffe Quarry with landscaping, ongoing use of the current stocking areas, workshop, weighbridge and wheel wash, rail infrastructure within the site, office accommodation, retention of access from the B585 West Lane and habitat creation and restoration of the quarry void to water.

Relevant matters to be assessed

261. Since minerals extraction is an on-going use of land, the majority of the development activities related to the mineral operation will be for the Mineral Planning Authority to address and these matters are set out within the Assessment continued below. However, separate licensing, permits or permissions relating to minerals extraction may be required. These include permits relating to surface water, groundwater and waste, which the Environment Agency is responsible for issuing or European Protected Species Licences, issued by Natural England (where appropriate). There may also be additional consents, such as stopping up rights of way or section 278 agreement which is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council (in our capacity as the Highway Authority) to make permanent alterations or improvements to a public highway must be obtained. These matters are not considered within this report.

Principle of and need for the development

Crushed Rock Provision in Leicestershire

262. The Mineral Planning Authority needs to be satisfied that a steady supply of mineral can be produced throughout the plan period, and that its contribution to national aggregates provision can be met. The NPPF advises authorities to use landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply and to maintain a landbank of at least 10 years for crushed rock (paragraph 219).
263. The production of crushed rock within Leicestershire accounts for 65% of the igneous rock output in England. Therefore, the igneous rock quarries of Leicestershire, including Cliffe Hill Quarry are of national importance. The Leicestershire Minerals and Waste Local Plan states that there are already permitted reserves for crushed rock in Leicestershire sufficient to provide for the next 30 years of estimated demand for crushed rock aggregate. The latest Leicestershire Local Aggregate Assessment (2022) details that the estimated permitted reserves on 31st December 2022 were 304 million tonnes. Based on the current 10-year provision rate, there are currently sufficient permitted reserves for 23 years. This exceeds the 10-year landbank which is the required minimum landbank required for crushed rock as outlined in paragraph 219 of the NPPF (2023). Notwithstanding this, sales of crushed rock within the County in 2022 were 11.42 million tonnes, which was a 7% decrease on sales observed in 2021. Present sales figures aside, it should be noted that industry comes forward with proposals where demand requires additional material, and it is likely that proposals come forward to the Authority ahead of reserves dwindling on existing sites.
264. Furthermore, there is no maximum landbank and the latest Leicestershire Local Aggregate Assessment (2022) recognises that not all existing sites would be able to contribute to future requirements without the benefit of extensions to their currently permitted operations. Cliffe Hill Quarry is amongst the four rail-connected igneous quarries in Leicestershire providing crushed rock across the country, including to areas like the South East and London via rail.

Need for the Development

265. An objection was received on the grounds that Mountsorrel Quarry has applied to extend their workings and Whitwick quarry has reopened lately and there are concerns about who would be buying the output. It should be noted that the planning application for the extension of Mountsorrel Quarry (reference 2023/1864/02) remains undetermined. The issue of need for the development is set out in the Planning Statement which sets out the specialist nature of the mineral extracted and the local and national markets which would be served by the proposal.
266. Cliffe Hill Quarry produces high quality aggregates with a range of applications. The quarry contains diorite and tuff material. These are specifically blended to meet the quality criteria for end markets. Some material has a specification with a Polished Stone Value (PSV) in excess of 55 which means it is capable of being classified and used as a High Specification Aggregate (HSA) in more specialist road surface

applications. HSAs are relatively rare and highly specialised aggregates which can be obtained from limited areas. In England, 23 quarries are capable of producing HSAs. It is not known how many of these are rail linked to serve national markets. Cliffe Hill Quarry comprises one of four rail linked quarries in Leicestershire, of which Whitwick quarry is not one.

267. Policy M4 of the Leicestershire Minerals and Waste Local Plan states that priority will be given to proposals for extraction to be worked as extensions to existing rail-linked site operations where they are required to ensure sustainable supply. This assists in ensuring the sustainability of operations through use of existing infrastructure, minimises impacts on the wider landscape by focusing operations in a confined area. Furthermore, for the output which is not exported to further markets by way of rail, it is considered that the proposal remains located in close proximity to local markets and the County's lorry route network, where road traffic can largely avoid residential and minor roads. Therefore, it is considered that the proposal accords with Policy M4.

Waste Provision

268. The existing site recycles waste road planings and processes them into Recycled Asphalt Product (RAP) (permission 2012/0305/04). At present these operations are limited until 31st December 2032 (permission 2007/1059/04) or until the cessation of the use of the asphalt plants on the site, whichever is sooner. This comprises the use of two asphalt plants present onsite.
269. There is likely to be continued transport and environmental benefits arising from allowing waste road planings to be processed alongside primary aggregate from the adjacent quarry. The recycling of waste road planings into a product would reduce the use of primary aggregate and the amount of bitumen required in the process of creating asphalt. It would also reduce the amount of waste going to landfill. The substitution of part of the primary won aggregate by alternative products lessens the need for quarrying with the associated benefits of reduced social and environmental impacts and efficient use of a finite resource. In this instance, it is considered that a location within a rural area can be justified.
270. The recycling of waste road planings would not lead to any unacceptable adverse impacts on the natural and built environment, as is currently demonstrated at the site, and would require an environmental permit from the Environment Agency (EA) which would provide additional controls on the proposed development. The EA and the district/borough Environmental Health departments have raised no objections to this element of the proposal.
271. The access to the site has been designed to cater for large numbers of HGVs, and the existing consent places no limits on the number of HGVs that can attend the site. There is no proposal to significantly increase the recycling operations or associated HGV movements. Controls on the waste operations and any associated noise, dust or odour from these operations would be maintained by way of planning conditions and environmental permits. The proposal would continue to make provision for meeting Leicestershire's recycling targets as set out in the LWMLP. Overall, the continuation of producing RAP at the site conforms with the requirements of Policies

M13, W1, W4 and W5 of the LMWLP, Paragraph 7 of the NPPW and the goals of the WMPE.

Location

272. The site is identified within the Hinckley & Bosworth Local Plan as Countryside and within the boundaries of the National and Charnwood Forests and the Charnwood Forest Geopark, an aspiring UNESCO Global Geopark. The site is also in proximity to the villages of Stanton under Bardon and Markfield.
273. The proposal would result in a significant lateral extension of the existing site. The planning application area is some 218 ha of which the proposed extension area amounts to around 22 hectares (ha) and is predominantly in agricultural use but also includes two properties which would be removed. The proposals would increase the extraction area by around 9ha, with a further 5.5ha used for the creation of a peripheral landscaped screen mound. This is clearly a significant lateral extension; however, when considering the principle of the development in this location, great regard is given to its position at an established quarry which is already located within the open countryside and on a strategic site for crushed rock which would provide continuity of supply of a specialist material serving national and local markets.
274. Mineral extraction is not outlined within the criteria as permissible within the countryside as set out within Policy DM 4 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016). This policy states that development in the countryside will be considered sustainable where: it significantly contributes to economic growth and job creation and; it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements;...and if within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and if within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
275. With regard to the first relevant criteria above, economic growth and job creation, the proposal would result in the retention of jobs as operations on the site would be permitted to continue for the medium-long term rather than cease at the site's current expiry date. Regard is had to Paragraph 217 of the NPPF, in which great weight should be given to the benefits of mineral extraction, including to the economy so long as there are no unacceptable adverse impacts on the natural and historic environment. An in-depth analysis of the environmental and socio-economic impacts of the proposal is explored further below within this assessment.
276. Policy M4 of the LMWLP states that priority will be given to proposals for extraction to be worked as extensions to existing rail-linked site operations where they are required to ensure sustainable supply. This assists in ensuring the sustainability of operations through use of existing infrastructure, and minimises impacts on the wider landscape by focusing operations in a confined area. Furthermore, for the output which is not exported to further markets by way of rail, it is considered that the proposal remains located in close proximity to local markets and the County's lorry

route network, where road traffic can largely avoid residential and minor roads. Therefore, it is considered that the proposal accords with Policy M4.

277. Policy M1 of the Markfield Parish Neighbourhood Plan 2020-2039 states that the Countryside will be protected for its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. The proposal does not constitute the types of development to be supported in a countryside location (recreation and tourism, development by statutory undertakers/utility providers; or residential). Criteria 4 of the policy states that development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan will be supported in a countryside location.
278. In consideration of the above, the location of the proposal accords with Policy M4 of the LMWLP, Policy DM 4 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) and Policy M1 of the Markfield Parish Neighbourhood Plan 2020-2039 (made September 2021) subject to its environmental impacts being considered and found appropriate within the rest of this assessment below, with particular regard but not limited to, landscape and visual impact, compliance with the relevant policies on the National and Charnwood Forests; and demonstrable socio-economic benefits.

Environmental and Other Effects

Working Programme

279. The applicant has outlined the various stages of the proposed development through to site restoration. Consideration is given to the proposed timescales of the development. Although a temporary permission is sought, the scale and length of timescales for achieving the working programme and restoration scheme within the proposed timescales is considered as well as the length of time environmental effects upon the locality may occur for and how these may be controlled.
280. In summary, the proposal involves:
- the continued day to day operation of the existing operations within its currently approved limits until c. 2026/7;
 - from 2026/7 commencement of the initial site preparation works of the extension over the course of 24 months;
 - retention of all *in situ* landform and landscape planting adjacent to the existing operations, except that directly affected by the Eastern Extension;
 - development of the Eastern Extension, to include *inter alia*:
 - (a) Hedgerow and tree clearance;
 - (b) Demolition of Sunny Cliffe Cottage and Peak Hayes Farm buildings;
 - (c) Soil stripping and storage/use within the quarry site for landscaping works and restoration;

- (d) Stripping of overburden and use in landform screening and/or NCH Quarry within the existing tip area;
 - (e) Progressive extraction of rock from within the existing footprint of the quarry towards the extension;
 - (f) advance peripheral landscaping works (screening landform and tree planting) on the eastern flank of the extension area;
 - (g) construction of a section of Cliffe Lane and Stoney Lane along their new alignment, including new footways (subject to separate approval from LCC Highways);
 - (h) construction of surface water management infrastructure to manage drainage for the new road and screening landform;
 - (i) new woodland planting on the western boundary of OCH;
 - (j) creation of a new permissive footpath and a viewing point on the western boundary of OCH adjacent Cliff Hill Lane;
 - (k) the stopping up and removal of the affected section of the existing Cliffe Lane;
 - (l) temporary diversion of the public right of way R15/3 then stopping up and reconnection on the new Cliffe Lane,
- the continuation of progressive extractive operations from 31st December 2032 to 31st December 2042, plus 2 years to complete land restoration works. Restoration would not include the importation of material for disposal by landfill. The void would be allowed to naturally flood.

281. Subject to the imposition of conditions to monitor and review the proposed working and phasing programme including ongoing landscaping, its management and progressive restoration, it is considered that an appropriate level of control and certainty would be provided to assist in the overall monitoring of the proposal, having regard to the objectives of the LMWLP.

Design of the Development, Landscaping and Visual Impact

282. It is clear that landscape and visual impacts are one of the most notable considerations of the proposal given its lateral extent and the scale of the proposed landscaping works. There is a clear potential for visual impacts upon the wider landscape and upon residents and users of the locality which must be considered in full.

283. The application site occupies a substantial area, extending to around 213 hectares. The existing workings at Old Cliffe Hill cover around 67ha and remain well screened from much of the local area owing to extensive screening which was secured, delivered and is maintained under a number of planning permissions. The site is uniquely located within designated Countryside, within the central part of National Character Area (NCA) 73 Charnwood, which is described as “*a unique landscape, marked out by its geology and upland qualities, which contrast with the surrounding gentle lowlands. It is formed by a mosaic of heathland, farmland, parkland and woodland. The underlying Precambrian geology has given rise to the distinct area of land characterised by exposures of rugged, rocky outcrops. It is a relatively well wooded landscape, with many areas of mixed, deciduous and coniferous woodlands*”. The site lies within the boundaries of both the National and Charnwood Forests. The

site does not form part of any national valued landscape designation.

284. The NPPF requires that planning decisions ensure development is visually attractive because of good architecture, layout and appropriate and effective landscaping; sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (paragraph 135) and protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside (paragraph 174). The NPPF also describes how the National Forest offers valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife (paragraph 146).
285. Concern has been raised over the visual impact of the proposed development, on the loss of views from residential properties, particularly those in Markfield and the destruction of farmland and on views of the quarry. These elements are explored further below.
286. It is acknowledged that the most noticeable changes, and therefore the greatest adverse visual effects, are likely to be upon those receptors relatively close-by to the north-east, east and south-east. For example, residents within nearby individual properties and farmsteads, travellers along local roads and users of the public right of way and other recreational facilities such as the nature reserves. There would be some significant adverse effects on landscape character in the short term as the full lateral extension is developed, but these effects would diminish over time as the screening landform is constructed, tied into the wider existing screening landform, and planted.
287. Given the established screening landform which would be in place post-construction, no adverse visual impacts would be visible beyond the site boundary. Visually, there would be some short-term increase in the visual impacts associated with the quarry as a result of the net gain in woodland planting and other habitat creation. With regard to the representations received, the LVIA concluded that there would be no permanent (post mitigation) significant landscape and visual effects as a result of the proposed development.
288. However, the short-term impacts identified above must be balanced against the longer-term outcomes for the local and wider landscape. There would be some long-term medium scale effects upon landscape character as a result of the final void which would become a dominant feature as a lake, would remain upon completion of the works as it replaces existing farmland and properties. However, this effect would be localised and limited to the immediate area adjacent to the remaining void within the boundary of the site only. It is considered that this medium scale permanent change would be appropriate within the locality, forming what would appear to be a natural extension to the voids which exist at present.
289. The majority of the short-term and long-term adverse effects identified would be mitigated as a result of the proposed landscaping details and final restoration scheme which are considered to be consistent with the site's landscape context within the broader character of the Charnwood Forest and aligns with the objectives of the National Forest.

290. A number of conditions are proposed to ameliorate the short and long term visual and landscape impacts upon the locality by requiring landscaping and planting works at the earliest opportunity to limit temporary adverse visual impacts. The quarry would ultimately be restored to beneficial use in this countryside location through the creation of a mosaic of new habitat areas including substantial coverage of tree planting. These conditions can control the development to be undertaken as per the submitted details. More detailed consideration on restoration is provided below. Overall, the proposal accords with Policy DM 10 Development and Design of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016), Policies D1 and D2 of the North West Leicestershire Local Plan (as amended by the Partial Review), Policies M2 and M10 of the Markfield Parish Neighbourhood Plan 2020-2039 (made September 2021) and paragraphs 135, 146 and 174 of the NPPF.

Green Infrastructure, Biodiversity and Ecology

291. Mandatory biodiversity net gain (BNG), where developers must deliver a BNG of 10% as required by Schedule 7A of the Town and Country Planning Act 1990 was legally introduced on the 12th February 2024. However, applications submitted prior to this date such as this one, are legally exempt from this requirement. As such, there is no policy or legal requirement to provide a BNG assessment or documents.
292. The main operational areas of the site at present offer relatively limited opportunity to local and native wildlife. The existing quarry itself is a working environment along with adjoining plant site which accommodates ancillary and other industrial features including the stocking areas, rail link and loading area, offices and car park.
293. However, the extension to the quarry working would be located on agricultural land and would require the removal of two properties. Therefore, there is the potential for significant ecological implications. Adverse impacts upon protected species can be avoided by imposing suitable conditions to ensure their suitable identification and ensuring appropriate mitigation measures where encountered.
294. The proposals would deliver a mosaic of priority habitat types (Lowland Meadow, Lowland Deciduous Woodland, Inland Cliff, Ponds and Native Hedgerow) and overall, the result of the development would be a significant net gain in both the extent and quality of the habitats present. Subject to conditions to ensure that protected species are suitably handled, habitats are delivered at the earliest opportunity, appropriate methods are used to deliver, maintain and manage the habitats and suitable periods of aftercare the proposal is considered to accord with Policies DM3, DM7 and DM12 of the LMWLP and Policies 20, 21 and 22 of the Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009).
295. In addition to the above, and, with regard to high environmental standards, delivery of strategic green infrastructure and supporting the delivery of the Charnwood Forest Regional Park and the National Forest Strategy the proposal accords with Policies 7, 8 and 12 of the Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009), Policy DM 6 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development

Management Policies (adopted July 2016) DPD and Policies En1, En3 and En4 of the North West Leicestershire Local Plan (as amended by the Partial Review) and Policies M3, M4 and M5 of the Markfield Parish Neighbourhood Plan 2020-2039 (made September 2021).

Geodiversity

296. The northern faces of OCH are designated as a Site of Special Scientific Interest (SSSI) due to their geological interest. Under the extant planning permission, there is a scheme secured for the monitoring, surveying and recording of the geological SSSI between the applicant and British Geological Survey (BGS). This went out to consultation with Natural England as the statutory advisors on the designated site. The scheme is required to be reviewed on a rolling five-year basis. Natural England and the National Forest Company on behalf of the Charnwood Forest Geopark have no objection to the proposal subject to the mitigation measures and ongoing monitoring as set out in the extant scheme being retained. The Charnwood Forest Geopark have noted that they would welcome being involved with any new scheme should a revised one be secured in the future in addition to the BGS. This is noted, however it is not considered necessary that a revised scheme be secured should permission be granted in this instance.
297. Overall, subject to a condition to retain the scheme and review it on a five yearly basis the proposal is considered to accord with Policy DM7 of the LMWLP and Policy DM 6 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) DPD.

Restoration, Management, Aftercare and After-use

298. It is considered that the restoration concept is in keeping with the local character of the National Forest and Charnwood Forest, and provides for a mosaic of priority habitats as set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan which would deliver a significant net gain in biodiversity.
299. Given the timescales involved it is considered that the conceptual after-uses are generally acceptable. A scheme requiring details regarding the various elements of after-use across the entire complex would be the most appropriate method of maintaining control of the future land uses. This could be made a requirement of any planning permission and tied to particular stages of the proposed development.
300. Subject to the control of the matters outlined above by planning condition, it is considered that the proposed restoration, land management and aftercare and after-use are capable of being satisfactorily secured and the proposal accords with Policies DM3, DM7 and DM12 of the LMWLP and Policies 20, 21 and 22 of the Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009). In addition to the above, and, with regard to high environmental standards, delivery of strategic green infrastructure and supporting the delivery of the Charnwood Forest Regional Park and the National Forest Strategy the proposal accords with Policies 7, 8 and 12 of the Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009), Policy DM 6 of the Hinckley and Bosworth Borough Council Local

Plan Site Allocations and Development Management Policies (adopted July 2016) DPD and Policies En1, En3 and En4 of the North West Leicestershire Local Plan (as amended by the Partial Review) and Policies M3, M4 and M5 of the Markfield Parish Neighbourhood Plan 2020-2039 (made September 2021).

Cultural and Built Heritage and Archaeology

301. Prior to submission, there has been discussion with the applicant in relation to the scheme with regards to cultural and built heritage and archaeology. This has resulted in suitable geophysical and trial trenching surveys being undertaken to support the ES, including the Archaeological and Heritage Assessment (Appendix 12) amongst other supporting assessments and data. The assessment found there is a low potential for the presence and survival of archaeological remains, based upon a lack of known sites and finds, the results of the geophysical survey and trenching results.
302. With regards to built heritage, including designated and non-designated heritage assets and their settings, a historic buildings assessment has been undertaken.
303. The assessment included the complete loss of several unlisted historic buildings including the Sunny Cliffe and Peak Hayes farmhouse and farm buildings and the resultant loss of, and harm to, the existing setting of the Stoney Lane Lodge non-designated heritage asset. With regard to the former, none of the unlisted historic buildings to be lost are considered particularly fine or rare examples of their type. They are, however, features of historic significance and interest. Based upon the advice of the County heritage advisor and the submitted Assessment, it is not considered that any of the assessed buildings are deemed worthy of preservation based on their historic significance. It is considered appropriate that they be subject to an appropriate level of historic building recording prior to their demolition in line with Historic England's guidance, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part). It is considered that this would be a suitable level of mitigation to offset the loss of their local heritage interest, proportionate to their importance (NPPF Section 16, paragraph 205). This can be secured by condition. This approach would be in accordance with paragraph 211 of the NPPF.
304. With regard to the latter, Appendix 12-1 Archaeology & Cultural Heritage Assessment advises that 'the potential direct impacts during construction/establishment' on the setting or significance of various designated and non-designated heritage assets would be negligible. In this context 'negligible' effects are material and must be considered and weighed against the public benefits of the proposal in accordance with paragraph 208 of the NPPF. Although negligible effects may equate to a minimal level of harm, this harm must be considered. When considering public benefit, regard is had to Paragraph 217 of the NPPF, in which great weight should be given to the benefits of mineral extraction, including to the economy so long as there are no unacceptable adverse impacts on the natural and historic environment. It is clear that the scheme accords with the NPPF in supporting economic growth and this should be given great weight in favour of the application as this would result in public benefit. The potential negative economic effects of this proposal are closely linked to its environmental effects, which are considered within

this report. If these are considered to be acceptable, then it is considered the potential negative socio-economic effects for the public would be likely to also be minimised. Further to this, when considering the total loss of the farm buildings and the impacts upon the setting of the non-designated Stoney Lane Lodge, regard is had to Paragraph 205 which requires that when considering the potential impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Overall, it is considered that the harm identified above would be justified and outweighed by the identified public benefit.

305. Furthermore, it is considered that the loss of, and harm to, the setting of Stoney Lane Lodge can be mitigated through the proposed landscape and visual screening measures including the proposed seeding and planting measures.
306. With regards to designated heritage assets, the proposal is located within the wider setting of a number of designated heritage assets. The impacts upon which are included in the ES documents. Historic England raise concerns regarding the levels of impact the proposals would have on the setting of the Markfield Conservation Area and the Grade II* Listed Church of St Michael, Markfield which would occur through the reduction of the remaining rural agrarian setting to these assets and wider impacts upon their setting. Table 12/2 of Chapter 12 of the ES sets out a summary of the potential indirect impacts which may occur during construction and establishment of the proposal upon scheduled monuments, listed buildings and Markfield Conservation Area (CA) within 3km of the eastern extension. For each receptor identified, the predicted impacts are of negligible significance and no mitigation is considered necessary.
307. With regard to the Markfield CA, there are no significant or historically important landscape views from the Conservation Area to any parts of the Site. The setting of the majority of buildings within the CA have a decidedly inward focus. Views to be protected as detailed in the CA Appraisal are *within* the designation and in most instances inward-looking. No '*views to be protected*' or '*vistas to be protected*' are in the direction of the site. With regard to Grade II* Church of St Michael, the special interest of this Church derives from its fabric, age and historic association. Its setting is within the historic core of the settlement and this does not extend to the site. Its significance will not be affected by the proposed development. The proposed quarry extension will have no impact upon the setting or significance of this high sensitivity receptor and therefore the predicted impact is negligible.
308. Notwithstanding the predicted impacts of negligible significance, as above, and in accordance with paragraph 208 of the NPPF, the Mineral Planning Authority must assess whether the impacts and potential low level less than substantial harm to the identified designated heritage assets would be justified or outweighed by any perceived public benefit. Again, regard is had to Paragraph 217 of the NPPF, in which great weight should be given to the benefits of mineral extraction, including to the economy so long as there are no unacceptable adverse impacts on the natural and historic environment. It is clear that the scheme accords with the NPPF in supporting economic growth and this should be given great weight in favour of the application as this would result in public benefit. The potential negative economic effects of this proposal are closely linked to its environmental effects, which are

considered within this report. If these are considered to be acceptable, then it is considered the potential negative socio-economic effects for the public would be likely to also be minimised. There would be some localised overall environmental benefits in the form of habitat creation and biodiversity net gain within the Charnwood and National Forests.

309. When considering the harm against the public benefits identified, given the findings of the assessments and distances involved, topography and disruption to the rural environment from the motorway means that the proposed quarry extension is unlikely to unduly harm the current setting of the listed buildings and conservation area in Markfield. There may be changes to long distance and/or obscured views in some circumstances, but none of these changes are relevant to planned views or vistas from cultural heritage assets and those changes are not assessed as compromising the understanding or historic significance of any heritage site or feature. On this basis, although great weight is given to the importance of the identified assets, it is considered that the less than substantial harm identified would be justified and outweighed by the identified public benefit set out above.
310. Historic England raised concerns regarding the potential for increased traffic volumes (notably HGVs) and the potential for an associated increase in frequency and magnitude vibrations to relevant historic buildings from traffic and blasting. Concerns are raised that these may detrimentally impact historic buildings within the Conservation Area through frequent vibration. Additional concerns are raised regarding the potential for damage to roads and verges, and historic road-side walling through increased heavy traffic. It is not proposed to vary the operating hours, production rates, hourly, daily, monthly or annual traffic movements beyond those currently permitted at the existing quarry.
311. The routes currently used by HGVs associated with material processed at the plant site would not change. The route currently used by HGVs associated with the export of low grade material from OCH Quarry would slightly alter, by using a 250m section of Cliffe Hill Road and 300m of Stoney Lane between the proposed service access and the relocated Cliffe Lane. However, there would be no impacts as result of this minor routing change, given there are no receptors that would be sensitive to a change in vehicle movements between the site access and the new roundabout on the new section of route. No vehicles are proposed to travel through either Stanton under Bardon or Markfield and therefore no vibrations would impact upon historic buildings from traffic.
312. With regards to blasting and vibration impacts upon the historic environment, an assessment of the potential impacts of ground borne vibration and air overpressure from quarry blasting in the proposed extraction area has been undertaken, and forms part of the ES. The predictions for these impacts are based on measurement data obtained from monitoring representative production blasts at the existing quarry. A criterion of 6mm/s for 95% of events has been proposed and is recommended to be secured by way of condition, in order to minimise the vibration impact of blasting operations to nearby residents and structures. This would reflect guidance included in the relevant British Standards which ensures that there would continue to be no impacts upon the structure of local properties. Given that many local properties sit closer to the proposed workings than any heritage assets, the vibration levels at any

heritage asset would be below the criterion of 6mm/s. Although great weight is given to the importance of the identified assets, it is considered that the less than substantial harm identified would be justified and outweighed by the identified public benefit set out above.

313. Given the submitted supporting information and the above assessment, the proposal complies with Policy DM8 of the LMWLP, Policies DM 11, DM 12 and DM 13 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016), Policy He1 of the North West Leicestershire Local Plan (as amended by the Partial Review), Policy M9 of the Markfield Parish Neighbourhood Plan 2020-2039 (made September 2021) and Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
314. In recommending a decision on this application the Mineral Planning Authority has had consideration to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Soils and Loss of Agricultural Land

315. Planning practice guidance for agricultural land, soil and brownfield land of environmental value (Paragraph: 001) advises that there are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1 to 3a. It advises that planning decisions should take account of the economic and other benefits of the best and most versatile agricultural land.
316. The proposed lateral extension comprises large-scale non-agricultural development on best and most versatile land. The proposal would affect 2.7 ha of Subgrade 3a quality. With regards to other agricultural grades, 13.2 ha of subgrade 3b quality would be affected. A total of 15.9 ha of agricultural land would be lost as a result of the proposal with the soils to be used for landscaping and supporting the habitats proposed by the scheme. For stripping, stockpiling and handling the soils, methods recommended by the relevant guidance would be adhered to.
317. Footnote 62 of the NPPF (2023) states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development. It can be interpreted that this footnote can be applied to any agricultural land and not just the best and most versatile grades. To this end, any loss or other impacts of agricultural soils are considered below.
318. Chapter 3 of the ES set out the alternative locations considered by the applicant. The location of the extension was based upon detailed geological information and whilst the quarry development design and relocation of roads underwent many iterations, the location of the scheme cannot be avoided due to the nature of the geology.

Therefore, should the scheme be granted permission the loss of agricultural land would be necessary. Regard is had to paragraph 215 of the NPPF (2023) which states that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. In this instance, the specialist nature of the stone and its properties which underlies the soils and the economic benefits which would result from its extraction and its contribution to national construction markets is considered to outweigh the loss of agricultural land which would otherwise be available for food production.

319. With regards to impacts upon the soils to be moved, handled, stockpiled and reused in landscaping and restoration, a detailed soil handling strategy covering these matters, would suitably control soil handling activities and avoid any adverse impacts upon the properties of the soils. Subject to these controls by planning condition, it is considered that any impacts relating to soils are capable of being satisfactorily resolved and the development accords with Policy DM6 of the LMWLP.

Socio-Economics

320. The planning statement contains an assessment of the economic and socio-economic impacts of the proposal on the area surrounding the site. The economic importance of Cliffe Hill Quarry, and the implications for future economic and social conditions relating to the proposed development are summarised below.
321. In summary, the site is an established provider of crushed rock serving local and regional markets and supporting the direct employment of around 120 personnel, across a range of jobs. The site is one of the largest single payers of business rates in Hinkley and Bosworth district. Indirectly, the site contracts a range of local businesses who supply goods and services.
322. The proposed development would therefore help retain the jobs of those already directly and indirectly employed as part of the existing operations, contributing to the local economy through wages. Nationally, the quarry contributes to the economy through the aggregates levy and other taxation processes as well as providing the raw material for construction-based growth. The proposals would enable employment to be maintained across a range of industries, many of which depend upon the existing quarrying operations.
323. During the application process representations raised concerns of the potential impacts upon local businesses, raising that some may have to close due to disruption, especially during the construction period. It is not proposed to close any length of road which provides access to local businesses. Where a section of Cliffe Lane would be temporarily closed, a diversion would be put in place prior to its closure. The northern end of Cliffe Lane would remain open to enable access to the nearest local business. It is not considered that any unacceptable impacts on businesses would arise from the proposed development, including any environmental impacts.
324. As identified in earlier paragraphs, the mineral at Cliffe Hill is a high quality aggregate suitable for a range of applications. The mineral at Cliffe Hill Quarry is

viewed as being nationally important and contributes towards local and national economies through the construction industry.

325. With regard to the social aims of sustainable development, although the proposals would not generate any additional jobs, it would nevertheless maintain these, or similar roles, going forward for a substantial period of time for the local and wider populations.
326. The proposal includes the demolition and loss of Peak Hayes Cottage and Sunny Cliffe cottage and associated buildings. This would result in the displacement of the associated residents. However, whether the properties and/or any associated land gets sold to the applicant remains purely a matter of private interest and thus any social or economic effects upon the residents are not considered as part of this application.
327. Overall, the balancing of the positive and negative socio-economic effects of development is not a well-defined process; there is no absolute calculation of either, and no policy on whether this should be a simple sum of revenue, jobs, or some other factor, or whether there should be a particular weighting, other than the 'great weight' given to the benefits of mineral extraction. It is clear that the scheme accords with the NPPF in supporting economic growth and this should be given great weight in favour of the application. The potential negative economic effects of this proposal are closely linked to its environmental effects, which are considered above. If these are considered to be acceptable, then it is considered the potential negative socio-economic effects would be likely to also be minimised. To conclude, it is found that the proposal accords with the economic and social elements of sustainability as set out in the NPPF.

Hydrology, Hydrogeology and Flood Risk

328. The ES is supported by a hydrogeological impact assessment and flood risk assessment. The assessment included the determination of the baseline conditions of the water environment and environmental setting of the site and its surroundings, identification of the potential impacts of the proposed extension on the water environment and environmental setting, assessment of the magnitude and significance of potential impacts of mineral extraction and the proposed subsequent restoration on the water environment and derivation of appropriate mitigation measures for any identified potential impacts.
329. The site currently has a range of measures/practices and a water management system in place that are protective of the water environment. These would continue to operate as part of the proposed development and no further measures are proposed. The site will, if necessary, discharge surface water drainage in the existing manner to adjacent field ditches in the Stanton Brook catchment. The potential for flood risk from the site arises due to the requirement to discharge 'excess' water off-site. However, the rate of discharge will remain unchanged and calculation has shown that the total volumes associated with working within the proposed extension area are well within the consented discharge limit.

330. The findings of the assessment have demonstrated that the potential of the proposals to cause detrimental impact upon water features is extremely limited. Where they exist, they can be readily managed by the continuation of currently adopted measures. The overall effect of the current and proposed mineral extraction and subsequent restoration upon the water regime is concluded to be benign.
331. Overall, the EA and the LLFA do not object to the proposal subject to conditions to secure the proposed works. With regard to hydrology, hydrogeology and flood risk, the proposed development is considered to be acceptable subject to it being undertaken in accordance with the recommended conditions to control the development. The proposal accords with Policy DM2 of the LMWLP, Policy DM 7 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016), Policies Cc2 and Cc3 of the North West Leicestershire Local Plan (as amended by the Partial Review) and paragraphs 173 and 174 of the NPPF.

Potential for Ground Contamination

332. The application site comprises the existing plant area, for which suitable drainage is already installed and environmental permits are secured, and, other than the highways and the farmhouses and associated buildings to be demolished, the application site largely comprises greenfield agricultural land. On this basis, the potential for ground contamination when undertaking the development is considered low. Notwithstanding this, conditions can be imposed to ensure that there is no discharge of foul or contaminated drainage from the site, and that all necessary measures are undertaken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system or soils and if any suspected contaminated materials are excavated as part of the new quarrying activities, they must be tested, removed from site and disposed of appropriately at the earliest opportunity. Subject to these controls the development accords with Policy DM2 of the LMWLP, Policy DM 7 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) and Policy En6 of the North West Leicestershire Local Plan (as amended by the Partial Review).

Amenity of residents

333. Policy DM2 of the LMWLP states that planning permission will be granted for minerals and waste development where it is demonstrated that the potential effects from bird strikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses and users and those in close proximity to the proposal would be acceptable. Where appropriate, separation distances between a development and other land uses will be applied.
334. The majority of the existing quarrying and related operations are contained entirely within the application site with the distance to neighbouring properties and intervening landscaping and topography mitigating the most significant impacts. However, due to the large scale and nature of the proposed lateral extension and proposed earthworks relating to the creation of the landform bunds and the proposed highway works, the development has the potential to result in significant impacts due to changes to the wider landscape and locality. This is discussed in specific detail

below under respective headings.

335. The main areas for concern in terms of impact upon neighbouring homes and the environment include:
- a) Vibration and blasting;
 - b) Noise;
 - c) Air quality and dust;
 - d) Lighting;
 - e) Hours of operation;
 - f) Traffic Movements, Transport and Highway Impacts;
 - g) Public Rights of Way.
336. Many of the amenity related controls are subject to existing planning conditions which are monitored to ensure compliance. The liaison committee, also referred to below, ensures that any ongoing issues can be raised and addressed.
337. The application is supported by the ES. Chapters within this assesses the impacts set out above and mitigation measures which would reduce such impacts. For example, with regards to air quality and dust, it includes locations of monitoring stations around the quarry, the permissible levels, suppression and mitigation measures.
338. Subject to appropriate controls, the development would not have an adverse impact on the amenity of local residents or wider environment. On this basis, the proposal meets the terms of Policies DM1 and DM2 of the LMWLP, Policy DM1 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016), Policies D2, IF4, If7 and En6 of the North West Leicestershire Local Plan (as amended by the Partial Review), Paragraph 135 of the National Planning Policy Framework (December 2023) and Policy DM10(a) of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016), which requires developments to ensure a high standard of amenity for existing residents, and to ensure they do not result in significant adverse effects to residential amenity as a result of light pollution, air quality (including odour), noise pollution, vibration, and visual intrusion.

Vibration including Blasting

339. Representations were received concerning and objecting to, the vibration effects of the existing operations at the site and concerns that these issues would be exacerbated. Specific concerns have been raised with regards to vibration impacts upon the structure of local properties and mental wellbeing.
340. A criterion of 6mm/s for 95% of events has been proposed and is recommended, in order to minimise the vibration impact of blasting operations to nearby residents and structures. This would reflect guidance included in the relevant British Standards which ensures that there would continue to be no impacts upon the structure of local properties. It is also recommended that as approved within the existing operations, the operator be required to undertake measures in designing each blast, to minimise

the resultant air overpressure by use of the latest available techniques such that air overpressure does not exceed 120dB peak linear as measured externally at any vibration sensitive property. A programme of blast monitoring would continue to be implemented on the site to monitor results and be used to update the regression analysis for future blast design.

341. Concerns have been raised that the extension of OCH would bring blasting closer to residential properties and businesses. Whilst blasting would be brought closer to some residential properties and businesses, the permissible levels of ground-borne vibration and air overpressure would continue to be in accordance with the requirements of those extant planning permissions on the site through the imposition of conditions. Blasts may have to be designed to be reduced in order to comply with the proposed and existing limits and to ensure limited impacts from blast vibration upon local amenity.
342. Consideration has been given to the effects of vibration on mental and physical health within the Public Health section of this Assessment. Given the above proposed controls and consideration of public health, it is considered that the effects of vibration and blasting can be suitably controlled.

Noise

343. A noise assessment was undertaken which considers the potential impact of all aspects of the proposed development including both routine and temporary operations (e.g. soil stripping). The assessment reviewed the existing site noise limits with regard to the relevant Planning Practice Guidance and having regard to measured background noise levels in August 2021. The assessment included the calculated site noise levels for routine and temporary operations in the proposed extension area and the processing and transportation activities. It was found that the operations would comply with the site noise limits at the nearest dwellings, including those nearest to the proposed extension.
344. Since the proposed operations would conform to the advice set out in the Planning Practice Guidance (Minerals) with regard to both routine and temporary operations, it is considered that the proposed extension area can be worked while keeping noise emissions to within environmentally acceptable limits. Notwithstanding this, the noise assessment sets out a number of general mitigation measures that would further reduce noise levels at source.
345. Construction of the landform to the east of the proposed extension area and the re-routing of Cliffe Lane has also been considered and the calculated noise levels due to this activity have been demonstrated to be below the appropriate levels based on the ABC Method for construction noise outlined in BS 5228-1: 2009 +A1:2014 "*Code of practice for noise and vibration control on construction and open sites – Part 1: Noise*" apart from at Stoney Lane Farm, where restrictions on operations are suggested to achieve an appropriate noise level.
346. Subject to conditions to ensure that the best practicable means and mitigation measures are used to control the emission of noise from the site and conditions to secure a noise monitoring scheme for the life of the development and a Construction

Environmental Management Plan for the construction phase, the development would not have a detrimental impact upon neighbouring residents with regards to noise.

Air Quality and Dust

347. The ES considers the likely effects the proposed development would have on the air quality in the vicinity of the site. It is based on an Air Quality Assessment prepared in June 2022.
348. With regards to potential impacts upon air quality, the main considerations are with regards to the proposal to extend the site operations laterally, introducing quarry workings in closer proximity to a number of sensitive receptors than exists at present. The proposed soil and overburden stripping and construction of the screening landform is likely to lead to a potential increase in fugitive dust. Dust can be exacerbated by climatic conditions (for example high winds or very dry weather). Further to this, great consideration needs to be given to the effects arising from the continuation of the existing extraction, processing and dispatch operations and any impacts upon air quality which would otherwise cease if permission was not granted.
349. Additional proposed operations which have the potential to create fugitive dust emissions include; overburden removal, bench working, vehicle movements, rail loading, stockpiles, the creation of the screening landform and the processing of material. The receptors that have the highest potential sensitivity to these operations are individual rural properties in the vicinity of the application site and those properties in proximity to the application site within Stanton under Bardon and Markfield. An ongoing monitoring regime is present on the site as part of its extant planning permissions. Additional controls are placed on the existing operations by the environmental permit issued and monitored by HBBC.
350. With respect to amenity impacts, the sensitivity would relate to the level of amenity that can be reasonably expected. For example, residential dwellings and schools are typically more sensitive than industrial units or farm buildings. Impacts upon ecological receptors were also assessed.
351. Representations have been received objecting to the development with regards to ongoing dust impacts and the potential for further dust impacts upon properties and human health.
352. Leicestershire County Council Public Health have a duty to take steps to improve the health of the population. In their consultation response, they provide local health statistics but do not provide comment or objection on the proposals. They advise that air quality cannot be controlled by geographical boundaries and note that collective and systematic efforts are required to reduce air pollution and its harmful effects on health. They raise no objections, and their advice is considered in this assessment of the proposal. North West Leicestershire and Hinckley and Bosworth Borough Council Environmental Health teams do not object to the development subject to a Construction Environmental Management Plan being secured for the development of Cliffe Lane prior to commencement in order to minimise the environmental effects from the construction phase. A variety of conditions are recommended to minimise incidence of airborne particles and ensure a robust scheme for monitoring and

reporting is in place to ensure compliance with appropriate set limits.

353. Furthermore, cumulative effects from dust emissions are considered. There is the potential for cumulative effects from dust emissions to occur when a receptor screens within the threshold distances for more than one dust source; and may therefore experience an impact from more than one source. The ES considers other sources of dust in the locality and it was found that the cumulative effects in terms of dust and air quality are considered 'not significant'.
354. Regard is had to specialist advice received from technical consultees, the relevant policies of the development plan and planning practice guidance for minerals. Subject to the above controls being applied, the development would not generate excessive levels of fugitive dust or would have an unacceptable adverse impact upon local air quality and is found to accord with Policy DM2 of the LMWLP and Policy En6 of the North West Leicestershire Local Plan (as amended by the Partial Review) and Paragraph 180 of the NPPF.

Lighting

355. Due to the times the quarry operates it is necessary to include elements of floodlighting. In particular quarrying operations may commence at 0600 and end at 2200 whilst rail-based loading and unloading can occur on a 24 hour basis. Although much of this floodlighting would be contained within the application site, the extent of this and – in certain areas – proximity to boundary, may cause intrusion to neighbours through light pollution.
356. Whilst operations on the existing site are already established, this is a new proposal and it is recommended that conditions requiring details to be submitted of the location, height, design, sensors, hours of operation and luminance of all proposed permanent and temporary lighting, and a programme for its installation, would ensure that the proposal is acceptable in terms of Policy DM2 of the LMWLP. Whilst not specifically covered in the application documents, the applicant may wish to utilise mobile floodlighting on occasions (e.g. during winter) and so this would allow this matter to be suitably controlled so as to avoid adverse impacts upon local amenity or wildlife populations.

Hours of Operations

357. No variations to the hours of operations are proposed in excess of those which already operate at the quarry. Notwithstanding this, the application is to be assessed on its own merits and predetermination of the acceptability of proposed operating hours is not to be assumed. The proposed hours of operation vary depending on the proposed operations. For example, the operating hours would continue to restrict extraction, mineral processing or overburden stripping to between 0600 and 2200 Mondays to Saturdays and not at all on Sundays and Public/Bank Holidays. However, the servicing, maintenance and testing of static and mobile plant and the operation of the roadstone coating plants and railhead would be 24 hours Monday to Sunday including Public and Bank Holidays.
358. Subject to the restriction of the hours of operations being controlled by condition in

line with the current practice, and subject to other recommended planning conditions in relation to noise, dust and vibration controls and mitigation measures, they are considered to remain satisfactory and in accordance with the requirements of Policy DM2 of the LMWLP.

Traffic Movements, Transport and Highway Impacts

359. It is not proposed to vary the operating hours, production rates, hourly, daily, monthly or annual traffic movements beyond those currently permitted at the existing quarry.
360. Notwithstanding this, it is recognised that the transport of minerals from quarries can impact upon local amenity, cause public safety concerns and environmental problems such as noise, vibration, air pollution and spreading of deleterious material. The proposal would result in the continuation of HGVs and other vehicles associated with the operations to and from the site for a continued temporary period of time until 31st December 2042. Therefore, the proposed HGV movements for the export of mineral after 31st December 2032 would be additional to those currently expected after that date under the existing permission. This has been assessed and is considered in full. Further to this, to accommodate the lateral extension, it would be necessary to stop up, and divert, an 800m section of Cliffe Lane and alter the alignment of sections of Cliffe Hill Road and Stoney Lane. Cliffe Lane would remain open whilst the new road is constructed. Therefore, emergency service vehicles would still be able to access properties off Cliffe Lane.
361. To assess the proposal, the application is supported by a Transport Statement (TS) associated technical data and drawings. The highways elements of the proposal, which were initially shaped by a Scoping Opinion issued by the Mineral Planning Authority on the 20th November 2019, have since undergone detailed revisions supported by further supplementary technical information as requested and informed by expertise from the Local Highways Authority.
362. The routes currently used by HGVs associated with material processed at the plant site would not change. The route currently used by HGVs associated with the export of low grade material from OCH Quarry, which is not processed at NCH Quarry would slightly alter, by using a 250m section of Cliffe Hill Road and 300m of Stoney Lane between the proposed service access and the relocated Cliffe Lane. However, there would be no impacts as result of this minor routeing change, given there are no receptors that would be sensitive to a change in vehicle movements between the site access and the new roundabout on the new section of route.
363. There would be minimal disruption to any vehicle movements associated with the NCH and OCH Quarries during the construction of the relocated Cliffe Lane and associated works, given that the main vehicle movements associated with the NCH and OCH Quarries use the NCH site access and routes, which are not affected by the new highway infrastructure proposals; and that the existing Cliffe Lane would be kept open until the new roundabout and relocated Cliffe Lane has been constructed and therefore general traffic on the highway network and the HGV movements that use the access from OCH Quarry, would not be affected.
364. There would be some positive impacts for pedestrians, cyclists and equestrians,

whereby the safety for these users would be improved with the provision of footways on highway links where there is currently no provision, including a significantly improved footway connection from public footpath R15 towards public footpath R100.

365. Objections have been received stating that the rail link is not utilised enough for output and that rail transport should be maximised to protect the local environment and that a stipulation should be put on to ensure that rail transport is used to move as much output as possible to protect the local environment. It should be noted that the sustainability of rail movement depends on the distances travelled and whilst it can be encouraged for the operator to increase the transport of aggregate by rail where it would be more sustainable than the use of HGVs (e.g. over longer distances), it would be unreasonable and unenforceable for the Mineral Planning Authority to ensure that this happens as this is the responsibility of the mineral operator who relies upon contracts and the agreement of rail operators and those operating suitable rail depots across the country.
366. Objections and concerns have been received regarding the impacts of heavy machinery upon local roads and local buildings. Subject to conditions in respect of the hours of operation, access usage and wheel cleansing and the requirement of a construction traffic management plan to management local environmental impacts during the construction phase, in addition to further conditions as set out in Appendix A which were recommended by the Local Highway Authority in this report, it is considered that these concerns can be satisfactorily addressed.
367. Having considered the analysis set out in the highways assessment and subsequent dialogue and consultation responses from the Local Highway Authority and Highways England, the impacts of the development on highway safety are not considered unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to the conditions and/or planning obligations outlined in the report above and as set out in Appendix A. The proposals would accord with the requirements of Policy DM9 of the LMWLP, Policies DM 17 and DM 18 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) DPD and Policies IF4 and IF7 of the North West Leicestershire Local Plan (as amended by the Partial Review) subject to those conditions.

Public Rights of Way

368. Various public rights of way surround the sites boundary (N47, R7, R114, R100, P100, R23, R3) in particular, N50 which runs across the access, and R31, R8, N48, and R15 all of which run through the site at different points. The network of public rights of way in the locality would be affected by the proposed development. Notably, public footpaths R15, R23 and R100 which lie within or beside the site. This has been included in the ES, assessed within the relevant chapters, and publicised as part of the consultation process. Additionally, these proposed disturbances and alterations have been the subject of detailed discussion with rights of way officers.

369. The proposal would result in the closure and diversion of the public right of way R15 and its subsequent reconnection on the new Cliffe Lane. It is evident that this would cause disruption to users in their locality and impact upon the amenity and usage of the routes for users. However, these negative impacts would be experienced by users on a temporary basis.
370. Footpath improvements are proposed as part of the proposed highway works. There is currently no footway provision for users walking along Cliffe Lane between the end of R15 and the start of R100; which is a distance of approximately 400m. The proposals for the relocated Cliffe Lane include a 2m footway adjacent to the northbound carriageway, between the crossing point of R15 towards R100 and therefore would result in an improvement for users of these rights of way. A footway is also proposed adjacent to the southbound carriageway of the relocated Cliffe Lane between the new roundabout with Stoney Lane and R15 at the crossing point. These improvements would provide a safe walking route around the entirety of OCH for the first time. In addition, there would be the creation of a permissive footpath and viewing area. The NFC welcome the improvements to connectivity within the National Forest.
371. Overall, when considering the temporary negative impacts upon users in the locality, the proposals are considered to be acceptable on balance, as the rights of way network would ultimately be enhanced by the additional and also improved public access. However, these works should be subject to conditions to secure the delivery of these works in a timely manner for public benefit and measures to secure the safety and protection of users of public rights of way during the construction period. Subject to these conditions, the development is acceptable in terms of effects of the rights of way network and the users of the routes and in accordance with Policy DM10 and Paragraph 104 of the NPPF.

Public Health

372. During the consultation process for this planning application objections and concerns on the grounds of health and well-being have been received.
373. National planning policy stresses the importance of health and well-being, and this includes both physical and mental health. The NPPF (2023) is organised around three core sustainable development objectives, of which, the social objective is to, 'support strong, vibrant and healthy communities'. Section 8 of the NPPF 'Promoting Healthy and Safe Communities', states that planning policies and decisions should, 'aim to achieve healthy, inclusive and safe places' and 'c) enable and support healthy lifestyles'. The NPPF includes people with mental health needs within its definition of disability but does not specifically mention mental health elsewhere. It should be noted that where a policy refers to disability this can be taken to include mental health conditions as the definition of disability under the Equality Act 2010 refers to a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a someone's ability to carry out normal daily activities.
374. Consultations were sent to the relevant Environmental Health teams and the Leicestershire County Council Public Health team. No objections or concerns were raised by these consultees with regards to either physical or mental health and

wellbeing. Overall, it is not considered, subject to the controls recommended by this report, that the proposal would result in any unacceptable adverse impacts upon human health.

Airport Safeguarding

375. The internationally accepted safeguarding area with reference to bird hazards is defined by the International Civil Aviation Organisation as a 13km radius around any aerodrome. The site is approximately 14km south from East Midlands Airport and over 18km from Leicestershire Aero Club. It is not considered that the restoration concept would attract birds, other than peregrine falcons which are known to be present at the site already. Given the distance to any aerodromes, this is considered acceptable. Overall, the proposal would not have an adverse impact on airport safeguarding in line with objectives of the LMWLP and accords with Policy Ec5 of the North West Leicestershire Local Plan (as amended by the Partial Review) (adopted March 2021).

Restriction of Development Rights

376. Under the terms of Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), certain rights are granted for a range of operations, including the erection, installation and replacement of buildings, structures and plant. Whilst these are subject to a 15m height restriction and in other cases, the prior approval of the Mineral Planning Authority, it would be accepted practice to make all the rights granted subject to prior approval given the nature of the proposed operations and the sensitivity of nearby land-uses. The current permission for the quarrying operations includes such a condition, and it is considered that a similar control should be imposed in respect of the current proposal. Subject to the imposition of such a planning condition, it is considered that the permitted development rights are capable of being satisfactorily controlled in accordance with the aims of the LMWLP.
377. As referenced above, it is proposed to also restrict the opportunity to install mobile floodlighting to within certain limits.

Community (including liaison committee)

378. The existing Cliffe Hill Quarry liaison committee and dust and blast sub-liaison committee would be retained formally by way of legal agreement to allow continued representation for the residents of Stanton Under Bardon, Markfield, Ellistown and Little Shaw Lane. This forum has proved effective in maintaining lines of communication between the quarry operator and neighbouring residents and is an effective technique to mitigate against any adversarial relationships developing. It also allows for effective dissemination of information and a medium for reporting non-urgent issues.
379. Representations received have requested that the applicant should introduce a community fund to help offset the environmental impact of the extension and that this should be imposed upon the applicant. These requests have been considered. However, the proposed development does not comprise chargeable development

under Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. Additionally, as community funding is not proposed by the applicant, nor considered necessary to fund or secure any compensation or mitigation measures, it does not meet the tests as set out in paragraph 57 of the NPPF (2023) in so far that planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

Sustainable Development and Climate Change

380. The climate change chapter (14) of the ES provides an assessment of impacts from emissions related to the proposed development. Given that the intensity of the proposed development would be no different from what is happening at present in terms of operations and the number of items of plant and machinery on the site, the proposals would result in a continuation of the current emissions for the duration of the development. It is not anticipated that there would be an increase in emissions during the day-to-day operational running of the site. However, given that the proposal extends the life of the quarry it is recognised that this represents a continuation of carbon emissions from the site as opposed to the alternative, which would be cessation of extraction and all other operations on the site and ultimately a diminishment and cessation of emissions.
381. Transportation related climate change impacts would be mitigated through the exportation of products outbound from the site by rail. The alternative, if permission was not granted, is that material may have to be sourced for markets from alternative sites and supplied either still by rail or by HGV, travelling an unknown distance.
382. The proposal would re-use the embedded carbon within the site and make best use of existing resources, namely the existing void, plant site, rail link and existing access road which further reduces its impacts.
383. Officers have noted with the applicant the lack of quantitative carbon assessment submitted in support of the application. In response to this, the applicant notes the arbitrary nature of assessing the whole life carbon associated with the proposals.
384. The applicant notes that internal quarry transport is a significant portion of total emissions and CO₂ production, and this amount varies by the distance travelled. There is a significant difference in the travel distance when working in the various parts of the quarry. Obviously working close to the primary crusher at the same level is only a short haul, but, due to the need to maintain even haul road gradients working at a higher or lower level (all be it in the same geographic area) requires a circuitous haul route. Thus, where the quarry is being worked at any time would be a highly influencing factor as to whether there was a reduction or increase in calculated CO₂/tonne and a headline reduction (or increase) emissions would not be the result of any new measures either undertaken or imposed upon the applicant.
385. Secondly, emissions depend greatly upon which products are being produced by the site in response to sales and demand. The greater amount of crushing and processing the greater use of energy and other resources, including wear on plant

and machinery. An increase in demand for smaller grade materials thus increases overall CO₂/tonne than for large grade aggregates and vice versa. As above, any reduction or increases in emissions from the site could therefore be misleading and difficult to reduce further.

386. At present, about a third of production leaves the site by rail, some of which is transported as aggregate (to London and elsewhere) and some as railway ballast. The latter of which is high volume and under contract tendered for. There is no guarantee that the site would be awarded the same contract. Alterations in contracts would affect the operation of the quarry and its energy use because the way it is configured, and the balance of products could change radically. This is ultimately down to market demand and competition, factors which lie outside of the site's control.
387. In Cliffe Hill's case materials produced varies and includes asphalt but not concrete nor cement. It is not known with certainty the end uses to which the aggregates will be put or where; indeed, some (possibly the majority) of those uses would have no downstream carbon emissions. The end use to which the aggregates are put will be subject to market conditions that vary over time for each product / end use. This makes it unlikely to be possible to accurately identify the downstream effects or to make a meaningful assessment of those effects in practice. For this reason, no further quantitative analysis on the emissions arising from creation and use of products is considered necessary in order to support this application.
388. It is considered that a condition requiring replacement efficient plant and machinery, renewable energy sources and other measures to reduce the quarry's carbon footprint would be excessive considering the proposal would not be intensifying the current operations and would not meet the six test for planning conditions as set out in Paragraph 55 of the NPPF (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects). Instead, officers encourage the company to work with the Liaison Committee and planning officers to seek ways to reduce the carbon footprint outside this planning application.
389. The development would not have a significant impact upon the local environment in terms of hydrology/ hydrogeology or flood risk. As part of the longer-term impacts of the development, the overall scheme once fully delivered would result in a significant net gain in biodiversity including tree cover and the provision of other habitats. This would have benefits for carbon sequestration, biodiversity and would create habitats resilient to a changing climate. Overall, the development accords with Policy DM1 of the LMWLP, Policy DM1 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) and paragraph 11 of the NPPF.

Cumulative Impact

390. The application has been assessed taking into account individual and linked impacts and each issue(s) has been considered to be acceptable having regard to available mitigation and monitoring. When added together these effects may have broader impacts that may be individually acceptable, but having regard to the accumulation

of these, they may not. In this instance, the individual impacts are not considered to amount to unacceptable adverse impacts when considered cumulatively.

391. Under the EIA Regulations, the planning authority is also bound to assess the cumulative impacts of this scheme and surrounding developments in combination. The ES makes an assessment of cumulative effects in the locality, including those developments with similar operations. For example, Bardon Quarry which is a nearby and analogous hard rock extraction site including the process and dispatch of minerals via rail and HGV. Beyond this, the ES also assesses those permitted or planned developments in the locality with similar characteristics and thus, potential for cumulative environmental impacts. For example, the construction of housing and industrial development, with regard to noise, dust, movement of machinery and removal of vegetation and soils. The assessment identifies the timing and completion dates for these projects and developments, in combination with the traffic assessment and cumulative assessments within the appendices of the ES, to conclude that it is unlikely that cumulative effects would arise if permission were granted.
392. Consideration has been given above to the various potential environmental impacts associated with the proposed development, and in consultation with specialist advisors, the proposed controls recommended would limit impacts to recognised, satisfactory limits. Overall, it is considered that the cumulative impacts are satisfactory in accordance with Policy DM11 of the LMWLP.

Section 106 Legal Agreement Matters

393. The site is currently bound by the terms of a legal agreement dated 8th October 2012 relating to blast design and monitoring. It is considered that these controls would be better secured by way of planning condition. This would allow the applicant more flexibility in altering the scheme, still remaining subject to approval by the planning authority, should it be required in response to complaints arising or changes to working directions for example. A new legal agreement would be required to secure the provisions for a liaison committee (to include dust and blasting sub-liaison committees).

Other matters

394. Representations raise concern/objection regarding impacts upon the supply of utilities to properties along Cliffe Lane and a potential for decrease in local property values. The applicant would liaise with the relevant utility companies as necessary, outside of the planning process. With regard to the potential for a decrease in property values, this is not a material consideration in this decision.

Overarching summary and conclusion

395. The proposed development comprises the extraction of approximately 30 million tonnes of crushed rock, the erection of a new screening landform, the relocation of parts of Cliffe Lane, Cliffe Hill Road and Stoney Lane, the demolition of Peak Hayes Farm and 'Sunny Cliffe', the construction of a new access into Old Cliffe Quarry with landscaping, habitat creation and restoration of the existing and proposed Quarry

Complex.

396. The scheme has a number of environmental and amenity related impacts which may be in excess of that which would ordinarily be considered acceptable.
397. All of the environmental and potential impacts upon the environment and amenity of neighbours has been carefully considered, including any potential for cumulative impacts. Whilst this application is considered on its own merits, it has been demonstrated that the existing site and current operations can be suitably controlled by conditions. In this instance, it is also considered that the proposal and its impacts can also be suitably controlled through the imposition of suitably worded conditions. These conditions would ensure protection of the natural and built environment as well as residential and local amenity. An assessment has been made of the cumulative impacts of the proposed development and the potential cumulative effects when combined with other developments within the locality. Given the assessment set out above, and the controls to be imposed, it is not considered there would be any unacceptable cumulative effects associated with the development.
398. In consideration of the scheme, significant regard is given to the locational factors of extracting this type of mineral. Mineral resources are a finite resource and fundamentally must be extracted at source, and, where possible, by utilising existing infrastructure. This is recognised in national planning policy and guidance. In this instance, the scarcity of the mineral to be extracted and its specialist qualities as a high specification aggregate and its existing rail link renders it a resource of national significance. Notwithstanding this, the assessment of the proposal found the location of the proposal accords with Policy M4 of the Leicestershire Minerals and Waste Local Plan (adopted 2019), Policy DM 4 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) and Policy M1 of the Markfield Parish Neighbourhood Plan 2020-2039 (made September 2021).
399. Furthermore, the alternatives have also been considered. The creation of a similar quarrying operation in the area where this mineral is to be found would likely have a greater impact, and indeed, without the certainty that such a location would exist. Infrastructure is already in place including a viable rail freight link to the national rail network. Ongoing use of the site would make best use of the existing resources, infrastructure and embedded carbon within the site. Established liaison groups and a sound working relationship with the local community are also in place and can be retained.
400. Once fully operational the proposed development would make a significant contribution to meeting Leicestershire's crushed rock apportionment into the medium to long term future, securing local employment and other economic benefits to the area. Once restored, there would be significant long term biodiversity gains through the future management of the whole Cliffe Hill Quarry Complex, including the addition of supplementary trees to the County's stock of highway verge trees, to mitigate and compensate for ecological losses. There would be negative impacts experienced by users of public rights of way in the locality that would occur during the initial and construction stages of the proposed development, on a temporary basis. However, the resultant changes to the highway are considered acceptable

and improvements to public rights of way overall in the locality would result in benefits for users.

401. Officers have worked with the applicant to adjust and fully evaluate the scheme to ensure a thorough assessment of the impacts. These have primarily included ensuring habitats, including county trees, are suitably translocated, enhanced, mitigated or compensated for through suitable replacement and ensuring that the proposed highway works would be safe and appropriate for the locality and expected demand.
402. The application has received numerous representations concerning HGV movements to and from the site and the resultant impact on the highway network, resultant impacts upon local businesses and local residents and the general amenity of residents of nearby villages with regards to the main environmental factors which can be summarised as impacts upon climate change, dust and air quality, noise, vibration and visual impacts. The balance of vehicle movements to and from the site should almost exclusively be confined to the strategic highway network as is currently the case through the imposition of conditions controlling access and egress of HGVs from the site. Other environmental impacts can be suitably controlled by way of suitable mitigation measures and controls placed on the site by way of planning condition.
403. The proposed development is time limited up to the 31st December 2041 plus restoration, and ultimately represents a temporary use of this land (albeit an extended temporary period). Following completion of operations at the site, the land would be restored to a matrix of habitats including extensive areas of species-rich grassland (29.8 ha), compensatory species-rich hedgerow (1.3km) and woodland planting (27.82 ha). Although there would be a net loss of hardstanding and bare ground habitats of 3.95ha, this is considered minimal against the net gain of 13.74ha of grassland, 374m of hedgerow, 25.66 ha of woodland and scrub and 74.68 ha of waterbody habitats. This significant net gain in habitats including tree cover and the provision of other habitats would have benefits for carbon sequestration, biodiversity and would create habitats resilient to a changing climate.
404. On balance, and subject to the controls and limitations set out in the conditions, it is considered that the benefits of the scheme outweigh the negative temporary impacts. Subject to these controls, the development accords with Policy DM1 of the LMWLP, Policy DM1 of the Hinckley and Bosworth Borough Council Local Plan Site Allocations and Development Management Policies (adopted July 2016) and paragraph 11 of the NPPF and planning permission should be granted.

Statement of Positive and Proactive Engagement

405. In determining this application, the Minerals Planning Authority has worked positively and proactively with the applicant by the scoping the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance and European Regulations. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses that may 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, such as impacts upon the local highway 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, and the Minerals Planning Authority has also engaged positively in the preparation of the proposed legal agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

- A. PERMIT subject to the conditions as set out in the Appendix A and the prior completion of a legal agreement to secure provisions for a liaison committee (to include dust and blasting sub-liaison committees).

Officer to Contact

Amelia Mistry (Tel: 0116 305 7326)

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Appendix A

Conditions

Scope of Permission

1. This permission shall only relate to the extraction and processing of mineral within the Cliffe Hill Quarry complex comprising the New Cliffe Quarry and Old Cliffe Hill Quarry voids and the lateral extension of the Old Cliffe Hill Quarry void, exportation of mineral via road and rail, ancillary operations and the subsequent restoration and aftercare management of the land edged red on the Drawing reference C205/47C dated June 2022. In all subsequent conditions where there is reference to the “Site”, the Site is defined as the area of land edged red on the approved Drawing reference C205/47C dated June 2022.

Reason: For the avoidance of doubt.

2. The winning and working of minerals shall only take place within the extraction area and to the depths as defined by the shaded grey area denoted ‘Quarry Workings’ on the drawing reference EE-DEV-005-REV-A dated Nov 2023.

Reason: For the avoidance of doubt and to ensure that mineral extraction is confined to the permitted areas.

Adherence to approved details

3. Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the approved details including the following drawing numbers and references;
 - (a) C205/47c Planning Application Area – dated June 2022
 - (b) EE-BASE-003 Old Cliffe Hill – Quarry Development c2022-26 – dated June 2022
 - (c) EE-DEV-001-REV-A New Roads and Screening Landform Construction – dated Nov 2023
 - (d) EE-DEV-002-REV-A New Roads and Screening Landform Landscaping – dated Nov 2023
 - (e) EE-DEV-003-REV-A Quarry Development Stage 1 – dated Nov 2023
 - (f) EE-DEV-004-REV-A Quarry Development Stage 2 – dated Nov 2023
 - (g) EE-DEV-005-REV-A Quarry Development Stage 3 – dated Nov 2023
 - (h) EE-DEV-006-REV-A Old Cliffe Hill Restoration Plan – dated Nov 2023
 - (i) EE-DEV-007-REV-A Illustrative Cross Sections A and B – dated Nov 2023
 - (j) EE-DEV-008-REV-A Illustrative Cross Sections C and D – dated Nov 2023
 - (k) EE-DEV-009-REV-A Illustrative Cross Sections E and F – dated Nov 2023
 - (l) EE-DEV-010-REV-A Cliffe Lane Road Diversion Landscaping Plan – dated Nov 2023
 - (m) EE-DEV-011-REV-A Cliffe Lane Road Diversion Aerial Base – dated Nov 2023
 - (n) EE-DEV-012-REV-A Stoney Lane Road Diversion Landscaping Plan – dated Nov 2023

- (o) EE-DEV-013-REV-A Stoney Lane Road Diversion Aerial Base – dated Nov 2023
- (p) EE-DEV-014-REV-A Vegetation Comparison Plan – dated Nov 2023
- (q) EE-DEV-015 Proposed Permissive Route and Viewing Areas – dated June 2022
- (r) EE-DEV-016-REV-A Access Comparison Plan – dated Nov 2023
- (s) EE-DEV-017-REV-A Proposed Elements on Aerial Base – dated Nov 2023
- (t) NQ-DEV-001 New Cliffe Hill - Backfilling Plan – dated June 2022
- (u) NQ-DEV-002 New Cliffe Hill - Restoration Plan – dated June 2022
- (v) NQ-DEV-003 New Cliffe Hill Illustrative Cross Sections – dated June 2022
- (w) PBSE7631 Rev A Office and Welfare Plan and Elevations – dated 8/09/2020
- (x) CLIFF-ACM-XX-XX-DR-CE-02200 Rev P6 Geometry and Paving Sheet 1 – dated 04.04.24
- (y) CLIFF-ACM-XX-XX-DR-CE-02201 Rev P6 Geometry and Paving Sheet 2 – dated 04.04.24
- (z) CLIFF-ACM-XX-XX-DR-CE-02202 Rev P7 Geometry and Paving Sheet 3 – dated 04.04.24
- (aa) CLIFF-ACM-XX-XX-DR-CE-02203 Rev P6 Geometry and Paving Sheet 4 – dated 04.04.24
- (bb) CLIFF-ACM-XX-XX-DR-CE-02204 Rev P6 Geometry and Paving Sheet 5 dated 04.04.24

except in so far as the approved documents and plans listed above are amended by the conditions specified below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.

Commencement and monitoring of the permission

4. The development hereby approved shall be deemed to have commenced from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

5. The Mineral Planning Authority shall be notified, in writing, of the date of commencement of operations in the Eastern Extension, where the Eastern Extension is defined by the land outside of the Boundary of Current Planning Permission but within the Application Boundary, as illustrated on the drawing titled 'Old Cliffe Hill - Quarry Development c2022-26', reference EE-BASE-003 and dated June 2022, within 14 days of such commencement.

Reason: To enable the development to be monitored to ensure compliance with this permission.

Duration

6. The winning and working of minerals and the depositing of mineral waste at the Site shall cease no later than the 31st December 2042. Final restoration of the Site shall be completed by 31st December 2044 by which time the development hereby permitted shall have ceased and all buildings and structures removed, and the land fully reinstated in accordance with the restoration details approved pursuant to Conditions 69 and 71 (or Condition no. 74 in the event of premature cessation).

Reason: For clarity and to ensure the completion and restoration of the site within the approved timescales.

Working Programme

7. Prior to works commencing within the area hatched brown and denoted 'Exposed Overburden / Soils Slopes' on Drawing reference EE-DEV-001-REV-A, a working plan covering the operational matters of the development hereby permitted shall be submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of:
- a) a summary of the forthcoming working programme;
 - b) phasing and timing of operations for vegetation clearance, soil and overburden stripping and removal;
 - c) phasing and timing of operations for overburden and soil replacement including the construction of new landforms and new planting and seeding;
 - d) direction of mineral working;
 - e) depth of working;
 - f) extraction rates;
 - g) the extent and height of waste and mineral stockpiles and waste and mineral storage areas;
 - h) the extent and details of processing areas, including aggregate production and the asphalt plants.

The working plan shall be updated and submitted at least every five years following the approval of the initial plan and show the progress of the operations over the previous time period and anticipated progress over the forthcoming five year period. More than one submission could be made within the five-year period, if required. The working of the Site shall be undertaken only in accordance with the approved details.

Reason: To enable the Mineral Planning Authority to monitor and adequately control the development and to minimise its impact on the amenities of the local area. To accord with policy DM2 of the Leicestershire Minerals and Waste Local Plan (LMWLP) paragraph 180 e) of the National Planning Policy Framework (2023).

8. All operations on the Brown Land shall be undertaken in accordance with the plan titled 'Detailed Northern Screen Bund Drawing 1 – Rev A', dated May 2018, and email from Mark Page dated 15th May 2018 which were submitted under cover of email to the Mineral Planning Authority on the 16th March 2018.

Reason: To protect the amenities of local residents and to accord with policy DM2 of the LMWLP paragraph 180 e) of the National Planning Policy Framework (2023).

Hours of Operation

9. The hours of operation at the Site shall be as follows:

- a) Servicing, maintenance and testing of static and mobile plant and the operation of the roadstone coating plants and railhead shall be 24 hours Monday to Sunday including Public and Bank Holidays;
- b) No mineral extraction or processing operations at the site, including the operation of the conveyor between Old Cliffe Hill Quarry and New Cliffe Hill Quarry and the stripping of overburden within Old Cliffe Hill Quarry below 185 metres AOD shall take place outside the hours of;

0600 hours to 2200 hours on Monday to Saturday;

- c) No HGVs shall leave the Site via the Old Cliffe Hill Quarry access outside of the hours of:
 - i. 0600 hours to 1800 hours Monday to Friday;
 - ii. 0700 hours to 1400 hours Saturdays.

No HGVs shall leave the Site via the Old Cliffe Hill Quarry access at any time on a Sunday, Public or Bank Holiday.

- d) Within Old Cliffe Hill Quarry, operations, on the periphery of the Site in the vicinity of any noise sensitive property, or above 185 metres AOD, or on unscreened locations, such as the formation, removal and alteration of spoil tips, baffle mounds, screening and storage embankments, formation or maintenance of drainage works, and the stripping and replacement of soils shall not be carried out except between the following times: 0700 hours to 1900 hours on Monday to Saturdays;
- e) No blasting shall take place except between the hours of: 1000 hours to 1800 hours on Monday to Friday;
- f) Except where stated no operations, other than environmental monitoring and otherwise in accordance with an agreed schedule shall be carried out on Sundays, Bank or Public Holidays.
- g) Crushing and screening operations within Old Cliffe Hill Quarry undertaken above a height of 175 metres AOD shall be limited to between 08:00 and 17:00 Monday to Friday and between 08:00 and 13:00 on Saturdays.

Crushing and screening operations undertaken within Old Cliffe Hill below 175 metres AOD shall not be undertaken outside the hours of 06:00 to 22:00 hours

Mondays to Saturdays.

Reason: To protect the amenities of local residents and in the interests of the local environment and to comply with policy DM2 of the LMWLP.

Traffic, Transportation and Access

10. With the exception of the tunnel link with Old Cliffe Hill Quarry, the sole vehicular access to and from New Cliffe Hill Quarry shall be via the approved site access off B585 West Lane.

Reason: For clarity and in the interests of highway safety, to ensure safe access and egress to and from the site and to comply with policy DM9 of the LMWLP.

11. The access into Old Cliffe Hill Quarry off Cliffe Lane may be used to export lower grade materials including overburden, block stone and gabion stones, subject to a maximum of 100,000 tonnes of material in any calendar year. Written notice shall be given to the Mineral Planning Authority when the first exportation of material from Old Cliffe Hill has commenced. Such notice shall be given within seven days of the commencement date.

Reason: For clarity and in the interests of highway safety, to ensure safe access and egress to and from the site and to comply with policy DM9 of the LMWLP. Additionally, for the purposes of monitoring compliance.

12. A written record of all HGV movements connected with exportation of lower grade materials including overburden, block stone and gabion stones from the access into Old Cliffe Hill Quarry off Cliffe Lane shall be maintained at all times. Back records shall be kept for a minimum of 12 months and access to these records shall be afforded to the Mineral Planning Authority upon request.

Reason: For clarity and in the interests of highway safety, to ensure safe access and egress to and from the site and to comply with policy DM9 of the LMWLP. To allow the Mineral Planning Authority to monitor and ensure compliance with the approved conditions for the site.

13. Except in an emergency, no excavated material shall be carried from Old Cliffe Hill Quarry to New Cliffe Hill Quarry via the public highway. In emergency situations, the Mineral Planning Authority shall be notified of operations within 24 hours.

Reason: In the interests of highway safety and the amenities of the area and to comply with policy DM9 of the LMWLP.

14. No excavated material shall be carried from New Cliffe Hill Quarry to Old Cliffe Hill Quarry via the public highway.

Reason: In the interests of highway safety and the amenities of the area and to comply with policy DM9 of the LMWLP.

15. No mineral shall be brought onto the Site for processing in the primary crusher.

Reason: For clarity and to restrict development and highways movements not authorised by this permission. To ensure compliance with policies DM2 and DM9 of the LMWLP.

16. All HGVs departing the Site carrying materials other than armour stone shall be securely sheeted or otherwise covered to prevent spillage of material onto the public highway.

Reason: To ensure that deleterious material is not carried onto the public highway in the interests of highway safety and local amenity and to comply with policies DM9 and DM2 of the LMWLP.

17. At the New Cliffe Hill quarry access on to the B585 West Lane, vegetation shall be managed to ensure that 4.5 metre visibility splays are maintained at all times to the maximum achievable distances across the Site's frontage.

Reason: To ensure the ongoing maintenance and provision of suitable visibility at the access point, in the interests of highway safety and to comply with policy DM9 of the LMWLP.

18. No HGVs shall leave the plant site at New Cliffe Hill without first passing through a wheel cleaning system to ensure that no deleterious material is deposited on the public highway. For the avoidance of doubt this provision applies to all HGVs, irrespective of their purpose or reason for being on site. Details of the wheel cleaning system including its specification, location, manner of operation and discharge point of wastewater shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to any soil stripping within the new extraction area commencing (as defined by condition 5 (a)). In the event that any material is deposited on the public highway it shall be immediately removed.

Reason: To ensure that deleterious material is not carried onto the public highway in the interests of highway safety and local amenity and to comply with policy DM9 of the LMWLP.

19. Prior to works within the new extension area commencing (as defined by condition 5) a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, shall be submitted to, and approved in writing by, the Mineral Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the public highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to comply with policy DM9 of the LMWLP.

20. No part of the existing alignment of Cliffe Hill Road, Stoney Lane, Cliffe Lane or the associated roundabout junction shall be permanently closed to through traffic

until such time as the replacement road as shown on the drawing referenced EE-DEV-001-REV-A and titled New Roads and Screening Landform Construction has been constructed in full, adopted by the Local Highway Authority, and made available for use by through traffic.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

21. Prior to the permanent closure of the existing vehicular access to Old Cliffe Hill Quarry, the replacement access as shown on AECOM drawing numbers CLIFF-ACM-XX-XX-DR-CE-02204 P6 (Geometry and Paving Sheet 5) and CLIFF-ACM-XX-XX-DR-CE-02214 - P6 (Visibility Layout Sheet 5) shall have been constructed and made available for use.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

22. Prior to coming into first use, the replacement access to Old Cliffe Hill Quarry (and any turning space) shall have been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, maintained for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

23. Prior to the new highways works coming into first use, the site drainage details within the vicinity of the new highways works shall have been submitted to, and approved in writing by, the Mineral Planning Authority. Thereafter, drainage shall be constructed in accordance with the approved details and maintained for the life of the development.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

24. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary, nor shall any be erected within a distance of 15 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

Operations relating to stockpiles, products, importation of waste road planings for processing into recycled asphalt product and re-use in asphalt plant

25. The types of waste to be disposed of within the New Cliffe Hill Quarry void as shown on drawing reference NQ-BASE-001 dated June 2022 shall be restricted to inert waste generated at the Site only. No waste materials shall be imported for disposal at the Site, other than soils and soil making materials required for restoration purposes as may be approved under conditions 69 and 71.

Reason: For the avoidance of doubt as to the development which is permitted.

26. The only waste that may be imported to the Site shall be waste road planings for the purpose of recycling this material to create recycled asphalt products. Any waste road planings or waste products derived thereof identified as being unacceptable for recycling shall be removed from the Site to a suitably licensed facility within one week of being identified.

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in the interests of the amenities of the area.

27. The importation of waste road planings shall cease immediately upon the permanent cessation of production of asphalt at the Site.

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in the interests of the amenities of the area.

Care of Boundaries and Boundary Vegetation

28. Throughout the period of the operation until such time as the reclamation and aftercare of the Site has been completed, the boundary to the Site shall be secured.

Reason: To ensure appropriate management of the land within the locality.

29. Those tree, shrubs and hedges along the boundaries of the Site which are to be retained, shall be protected and maintained throughout the duration of the operations. Whilst operations, including the passage of vehicles, are occurring within the vicinity of hedges to be retained an area around the hedges at a distance equivalent to not less than 3 metres shall be cordoned off with distinctive markings. Whilst operations, including the passage of vehicles, are occurring within the vicinity of any tree(s) to be retained, an area around the tree(s) shall be cordoned off with distinctive markings in accordance with the recommendations of BS 5837:2012.

Reason: To ensure adequate protection of existing boundary hedges and trees for the life of the development, in the interests of visual amenity, wildlife and biodiversity.

Geodiversity

30. All geological management and conservation work shall be carried out in accordance with the approved document titled 'Memorandum of Understanding between Midland Quarry Products Limited and the British Geological Survey' dated 1st December 2008 for the duration of the development. The scheme shall be reviewed on a five-yearly basis in conjunction with the Mineral Planning Authority, Natural England and the Charnwood Forest Geopark (The National Forest Company) or any other relevant interested party, from the date of commencement of development (as defined under Condition 5).

Reason: To minimise the effects on geological conservation interests and provide access to the key geodiversity features and to comply with policies DM7 and DM12 of the LMWLP.

31. Following commencement of development (as defined under Condition 5); every five years, a progress report shall be submitted to the Mineral Planning Authority detailing the works to record and preserve the features of geological interest at Cliffe Hill Quarry SSSI which have been undertaken in accordance with approved document titled 'Memorandum of Understanding between Midland Quarry Products Limited and the British Geological Survey' dated 1st December 2008 or any such subsequent document that has been approved under Condition 32.

Reason: To minimise the effects on geological conservation interests and ensure details to be lost are accurately recorded and preserved where possible, in the interests of geodiversity. To monitor and ensure mitigation and compensation measures are undertaken in accordance with the approved documents and to comply with policies DM7 and DM12 of the LMWLP.

Restriction of Development Rights

32. Notwithstanding the provisions the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order, with or without modification, no development falling within Part 17, Classes A and B of Schedule 2, comprising:

- external fixed plant or machinery, building, structures and erections,

with a floor space exceeding 100m² or exceeding an elevation of 180m AOD shall be erected, extended, installed, or replaced within the Site without the prior written approval of the Mineral Planning Authority following the submission of relevant details and plans.

Reason: There is an exceptional need here to secure control over additional plant and machinery, in the interests of the amenity of the area and bearing in mind the degree of discretion otherwise allowed by the Order.

Redevelopment of part of Cliffe Lane, Cliffe Hill Road and the redevelopment of the Cliffe Lane/ Stoney Lane/ Grassy Lane Roundabout and Highway Vegetation/Trees

33. Prior to any works within the new extension area commencing (as defined by condition 5), a Construction Environmental Management Plan (CEMP) covering environmental matters regarding the redevelopment of part of Cliffe Lane, Cliffe Hill Road or the Cliffe Lane/ Stoney Lane/ Grassy Lane Roundabout and the associated highway works shall be submitted to, and approved in writing by, the Mineral Planning Authority. The development shall take place in accordance with the approved CEMP.

Reason: To protect the amenities of local residents and to comply with policy DM2 of the LMWLP paragraph 180 e) of the National Planning Policy Framework (2023).

34. The site preparation and construction works taking place on Cliffe Lane, Cliffe Hill Road or the Cliffe Lane/ Stoney Lane/ Grassy Lane Roundabout and the associated highway works, to which Condition 35 refers shall be limited to the following hours; Monday – Friday 07:30 – 18:00, Saturday 08:00 – 13:00 and no working on Sundays, Public and Bank Holidays.

Reason: To protect the amenities of local residents and to comply with policy DM2 of the LMWLP and paragraph 180 e) of the National Planning Policy Framework (2023).

35. Prior to any works within the new extension area commencing (as defined by condition 5) landscaping details for the translocation and replacement of highway vegetation and trees for those specimens to be disturbed and/or lost during the approved highway works shall be submitted to, and approved in writing by, the Mineral Planning Authority. The work shall thereafter be carried out in accordance with the approved details.

Details shall include:

- a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted and/or transplanted;
- b) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - i. permeable paving;
 - ii. tree pit design;
 - iii. underground modular systems;
 - iv. Sustainable urban drainage integration;
 - v. use within tree Root Protection Areas (RPAs).
- c) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- d) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

e) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless approved in writing by the Mineral Planning Authority. The landscaping which is covered by the above approved details shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Mineral Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the National Planning Policy Framework (December 2023).

Safeguarding of Public Rights of Way and enhancement of footpath provision

36. Prior to any works within the new extension area commencing (as defined by condition 5), a scheme for works affecting the Rights of Way network shall be submitted to, and approved in writing by, the Minerals Planning Authority. The scheme shall include details of measures to ensure the safety of users of the affected public rights of way within the Site. The measures shall include stone surfacing at any vehicle crossing point and advisory notices erected for the benefit of footpath users and drivers of plant and machinery, to be implemented and maintained in situ until the footpath works are completed. Additionally, the scheme shall detail the stopping up of routes, temporary closures, provision of diverted routes, new permissive and dedicated routes based upon the drawing titled 'Access Comparison Plan', Reference EE-DEV-016-REV-A and dated Nov 2023. Thereafter, the development shall take place in accordance with the approved scheme.

Reason: In the interests of protecting users of the rights of way network and to accord with Policy DM10 of the LMWLP and paragraph 104 of the National Planning Policy Framework (2023).

37. The additional tree and hedgerow planting, creation of a permissive footpath from Cliffe Hill Road and new viewpoint on the west of OCH as set out in Drawing EE-DEV-015 shall be carried out and constructed in full within twelve months from the completion of works approved under condition 20 and shall thereafter be maintained for the life of the development.

Reason: In the interests of enhancing provisions for users of the rights of way network and to accord with Policy DM10 of the LMWLP and paragraph 104 of the National Planning Policy Framework (2023).

38. No stripping of soils and overburden from the new extraction area as defined by the area hatched brown and denoted 'Exposed Overburden / Soils Slopes' on Drawing reference EE-DEV-001-REV-A shall take place unless and until a scheme for the treatment of the Public Rights of Way (PRoW) R15, R23 and R100 within the Site has been submitted to, and approved in writing, by the Local Planning Authority. Such a scheme shall include any changes and improvements to existing boundaries, surfacing, widths, structures and barriers, signage, landscaping affecting the PRoWs, and their management during construction in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers (or otherwise updated guidance). Thereafter, the development shall be carried out in accordance with the approved scheme and timescales.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way, to protect and enhance Public Rights of Way and access in accordance with the National Planning Policy Framework (December 2023).

Soil Handling

39. No stripping of soils and overburden from the new extraction area as defined by the area hatched brown and denoted 'Exposed Overburden / Soils Slopes' on Drawing reference EE-DEV-001-REV-A shall take place unless and until a Soil Handling Strategy has been submitted to, and approved in writing by, the Mineral Planning Authority. The Strategy shall be based on the DEFRA *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites* and have regard to the report titled 'SOIL RESOURCES AND AGRICULTURAL QUALITY OF LAND EAST OF CLIFFE HILL QUARRY' dated 22nd October, 2021 and the GOOD PRACTICE GUIDE FOR HANDLING SOILS In Mineral Workings by The Institute of Quarrying.

All soil handling and storage shall be carried out in accordance with the approved Strategy for the duration of the development.

Reason: In the interests of the protection of the soil resource and to comply with policy DM2 of the LMWLP and paragraph 180 e) of the National Planning Policy Framework (2023).

Dust

40. The mitigation measures recommended within the Air Quality Assessment Version No: v4.0 and dated June 2022 shall be fully implemented at all times to ensure that the best practicable means are used to control the emission of dust from the Site and to ensure so far as is reasonably practicable that dust emissions from the operations carried out within the Site are minimised.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

41. Within three months from the date of this permission, a dust monitoring scheme shall have been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of:
- a) dust monitoring at agreed locations to assess whether the limits specified in condition no. 42 are being complied with;
 - b) monitoring equipment to be used including the installation of appropriate equipment to continuously measure PM₁₀ concentrations at suitable locations outside the Site boundary;
 - c) presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant dust emissions recorded;
 - d) specific measures to control dust emissions arising from soil stripping and mound construction including when necessary the suspension of operations when weather conditions are creating conditions where the amenities of local residents would be affected;
 - e) maintenance and availability of monitoring results;
 - f) procedures to be implemented if dust emissions exceed approved levels; and
 - g) a methodology to keep the scheme under regular review subject to written agreement with the Mineral Planning Authority.

Dust monitoring shall be undertaken in full accordance with the approved details.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

42. Notwithstanding the details contained within condition 41, in the event that monitoring results at any location exceed a trigger level of 300 mg.m⁻²/day, the operator shall report in writing, within 14 days of the results being known to them, to the Mineral Planning Authority on the monitoring results and the quarry operations undertaken for the relevant period. If required by the Mineral Planning Authority, within 28 days the operator shall submit in writing a proposed scheme of measures to reduce dust levels for approval. The scheme shall be implemented as soon as practicable following its approval by the Authority.
43. In order to control dust from internal traffic movements, as necessary, all haul roads within the Site shall be kept damp, and all hard surfaced areas including the access road off West Lane B585 shall be subject to regular sweeping and all spillages shall be removed without delay.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

44. Measures shall be taken within the Site to ensure that the best practicable means are used to control the emission of dust from the Site and to ensure so far as is reasonably practicable that the operations carried out within the Site do not give rise to significant adverse impacts at nearby residential properties. Any stockpiles of materials capable of generating windborne dust shall be either physically contained or sufficiently dampened with water to ensure an adequate surface crust

to prevent such an occurrence.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

45. Notwithstanding the provisions of Conditions 43 and 44 above, a water bowser shall at all times be available for use on the Site. All haul roads within the Site shall be kept damp as necessary to control dust to the satisfaction of the Mineral Planning Authority.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

46. If during adverse weather conditions (e.g. strong winds combined with dry weather), significant adverse impacts by way of dust are being caused to nearby residential properties as a result of any operations, activities or use of land within the Site; then that operation, activity or use shall be temporarily suspended or amended until such time as the operations can be resumed without causing such significant adverse impacts, either by a change in working, weather conditions or by taking other additional dust suppression measures.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

Noise

47. Measures shall be taken to ensure that the operations carried out on the Site do not give rise to significant adverse impacts in the locality. Such measures shall include:
- (a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
 - (b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;
 - (c) the minimisation, so far as practicably possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles;
 - (d) the minimisation, so far as practicably possible, of the level and penetration of noise in relation to loading activities of material to be transported by rail.

Reason: To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

48. Noise levels shall not exceed the below levels at any noise sensitive property;
- 55dB (A) L_{Aeq} , 1h (freefield) between the hours of 06.00 to 19.00;
 - 45dB (A) L_{Aeq} , 1h (freefield) between the hours of 19.00 to 22.00;
 - 38dB (A) L_{Aeq} , 1h (freefield) between the hours of 22.00 and 06.00;

Reason: To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

49. The noise levels referred to in Condition 48 above may be exceeded for noise emitted from temporary operations related to soil stripping, overburden removal, and construction and removal of soil mounds, and restoration activities. During such operations noise shall be minimised as far as is reasonably practicable and, in any case, shall not exceed 70dB LAeq (1 hour) freefield at any noise sensitive property. Such noisier activities shall not exceed a total of eight weeks in any 12-month period. At least three days prior notice of the commencement of such noisier activities shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available to the Mineral Planning Authority upon request.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity. To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

50. No stripping of soils and overburden from the new extraction area as defined by the area hatched brown and denoted 'Exposed Overburden / Soils Slopes' on Drawing reference EE-DEV-001-REV-A shall take place until a Construction Environmental Management Plan (CEMP) is prepared for the temporary Eastern Extension development work and submitted to, and approved in writing by, the Mineral Planning Authority. The CEMP shall include a Construction Noise Management Plan (CNMP) for life of the construction works, a framework for construction noise management to ensure that noise levels at neighbouring buildings remain within reasonable limits throughout the works, including any measures for limiting noise arising from operations, plant or machinery within 100m of Stoney Lane Farm. The CNMP shall demonstrate how compliance with the approved site levels can be achieved.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity. To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

51. Within three months from the date of this permission, a noise monitoring and mitigation scheme for the Site as a whole, shall have been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of:
- a) noise monitoring at agreed locations to assess whether the limits specified in conditions numbers 48 and 49 are being complied with;
 - b) monitoring equipment to be used at suitable locations outside the Site boundary;
 - c) frequency of monitoring;

- d) presentation of monitoring results, including details of dates, times and comments on significant noise emissions recorded;
- e) specific measures to control noise emissions including those arising from soil stripping and mound construction including, when necessary, the suspension of operations when noise emissions arise where the amenities of local residents would be affected;
- f) maintenance and availability of monitoring results;
- g) procedures to be implemented if noise emissions exceed approved levels; and
- h) a methodology to keep the scheme under regular review subject to written agreement with the Mineral Planning Authority;
- i) mitigation measures to be deployed to ensure noise emissions remain within permitted limits and do not impact adversely upon local amenity, including any specific measures for the protection of amenity at Stoney Lane Farm as highlighted in the Old Cliffe Hill Quarry Eastern Extension Noise Assessment dated 14 June 2022.

The development shall thereafter take place in accordance with the approved noise monitoring and mitigation scheme.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity. To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

Lighting

52. No additional fixed flood lighting shall be erected on the Site unless and until a lighting scheme has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of the location, height, design, sensors, hours of operation and luminance of the existing and proposed lighting. The additional lighting shall be designed to minimise the potential nuisance of light spillage to the locality and shall be implemented in full accordance with the approved details.

Reason: To minimise the adverse impact of light generated by the operations on the local community and the historic and natural environment and to comply with policy DM2 of the LMWLP.

53. Notwithstanding the provisions of S55 of the Town and Country Planning Act (1990) (as amended) or the Town and Country (General Permitted Development) (England) Order 2015 (as amended) or any Act or Order re-enacting or revoking said Act or Order; no mobile floodlighting shall be placed, sited, used or operated on the Site at any time unless:

- (a) It is illuminated only between the hours of 0600 and 2200 Monday to Friday or 0600 and 2100 on Saturdays;
- (b) Does not exceed 4 metres in height;
- (c) It is shielded to minimise light spillage and primarily directed towards the ground.

Reason: To minimise the adverse impact of light generated by the operations on the local community and the historic and natural environment and to comply with policy DM2 of the LMWLP.

54. All reasonable measures shall be taken to ensure that the operations carried out on site do not give rise to nuisance in the locality by reason of illumination.

Reason: To minimise the adverse impact of light generated by the operations on the local community and the historic and natural environment and to comply with policy DM2 of the LMWLP.

Blasting

55. No blasting shall be carried out within the Site except between the hours of 1000 and 1800 Mondays to Fridays, provided that no blasting shall take place during the hours of darkness. No blasting shall take place on any Saturday, Sunday or Bank or Public Holiday. Prior notice of each blast shall be given to the Mineral Planning Authority at least 24 hours (excluding weekends) in advance of this occurring.

Reason: To minimise the adverse impact of blasting on the local community and environment and to comply with policy DM2 of the LMWLP.

56. Every blast shall be designed with a 95% confidence level that ground vibration levels recorded at any vibration sensitive property arising from any blast shall not exceed a peak particle velocity of 6mm per second measured in any mutually perpendicular plane. No blast shall exceed a peak particle velocity of 12 mm per second as measured at any vibration sensitive property. Every blast shall be designed to minimise noise or air overpressure by use of the latest available techniques such that air overpressure shall not exceed 120dB peak linear as measured externally at any vibration sensitive property.

Reason: To minimise the adverse impact of blasting on the local community and environment and to comply with policy DM2 of the LMWLP.

57. No secondary blasting shall be carried out within the Site.

Reason: To minimise the adverse impact of blasting on the local community and environment and to comply with policy DM2 of the LMWLP.

58. Within three months from the date of this permission, a blast monitoring scheme shall have been submitted to, and approved in writing by, the Mineral Planning Authority. The Scheme shall include details of:

- a) blast monitoring at agreed locations including the use of permanent and fixed monitors to assess whether the limits specified in condition no. 56 have been complied with;
- b) the type of monitoring equipment to be used;
- c) presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant blast results;
- d) maintenance and availability of monitoring results;

- e) procedures to be implemented if blasting exceeds approved levels; and
- f) a methodology to keep the scheme under regular review.

Blast monitoring shall only be undertaken in full accordance with the approved details. The approved blast monitoring scheme shall be reviewed, and updated where required, at least every five years from the date of its approval, to ensure its relevance, applicability to the Site, to reflect best practice and to take account of any altered circumstances that may have occurred in the intervening period(s). More than one submission could be made within the five-year period, if required.

Reason: To ensure the Mineral Planning Authority can monitor compliance of the approved development and to minimise the adverse impact of blasting on the local community and environment and to comply with policy DM2 of the LMWLP.

Ecology

59. Prior to demolition of the Peak Hayes Farm and Sunny Cliffe buildings and associated structures, ecological surveys for the potential for roosting bats within these buildings and structures and details for any required mitigation work and a method statement for their protection during the development shall be submitted, to and approved in writing by, the Mineral Planning Authority. Thereafter, demolition shall take place in accordance with the approved details.

Reason: Up to date survey information is required to ensure the protection of any UK protected species present within the site. To secure appropriate mitigation to avoid adverse impacts upon protected species and wildlife within the site.

60. Prior to any works within the new extraction area commencing (as defined by condition 5) updated ecological surveys for badgers, reptiles, great crested newts and peregrines, and details for any required mitigation work in the form of a method statement for their protection during the development, shall be submitted to, and approved in writing by, the Mineral Planning Authority. The mitigation measures as set out within the approved details shall be undertaken throughout the life of the development.

Reason: Up to date survey information is required to ensure the protection of species present within the site. To secure appropriate mitigation to avoid adverse impacts upon species and wildlife within the site.

61. Prior to the removal of any length of dry stone wall within the Site, details of the length, condition and nature of the dry stone wall to be lost and details for its relocation or replacement including a construction method statement, mitigation and safe working practice for wall removal including provision of hibernacula for relocation, length, height, materials and location shall be submitted to, and approved in writing by, the Mineral Planning Authority. The replacement dry stone wall to which the details refer shall be erected within 12 months of the approved details. The replacement and retained dry stone walls within the Site shall be maintained throughout the life of the development.

Reason: To replace the loss of dry stone wall ecosystems within the site, in the

interests of biodiversity and to accord with Policy DM7 of the LMWLP.

62. Prior to the removal of the Cliffe Hill Road Side Verge (RSV) details for the reinstatement of the RSV habitat along the new road alignment shall be submitted to, and approved in writing by, the Mineral Planning Authority. The details shall include methodology for soils translocation, later inspection and suitable measures for ongoing monitoring and maintenance. The development shall take place in accordance with the approved details.

Reason: To ensure the continued presence of the RSV as species-rich grassland in this location, in the interests of biodiversity and to accord with Policy DM7 of the LMWLP.

Pollution Control

63. There shall be no discharge of foul or contaminated drainage from the Site into the ground, groundwater or any surface waters, whether direct or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system or soils.

Reason: To prevent pollution of the water environment and to comply with policy DM2 of the LMWLP.

64. If any suspected contaminated materials are excavated as part of the new soil stripping or other quarrying activities, they must be tested, removed from site and disposed of appropriately at the earliest opportunity.

Reason: To ensure that the development does not contribute to, or risk unacceptable levels of soil or water pollution and to accord with the aims and objectives of paragraph 170 and 178 of the NPPF.

Surface Water

65. The development shall be constructed, operated and maintained for the life of the development in accordance with the following approved details in relation to surface water design, hydrology and hydrogeology;

- The report titled, 'Water Environment - Hydrogeological Impact Assessment and Flood Risk Assessment', Report ref: 2766/HIA_FRA, Date: May 2021

Throughout the life of the development the mitigation and management measures as set out within the approved details shall be undertaken and maintained.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

Archaeology and Heritage

66. Prior to any soil stripping of any given area, a written scheme of investigation (WSI) covering the area to be stripped shall be submitted to, and approved in writing by, the Mineral Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the approved WSI, which shall include the statement of significance and research objectives, and,
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss.

Complaints

67. Following the receipt of any complaint about operations on the Site affecting neighbouring land users or the environment the operator shall notify the Mineral Planning Authority within 24 hours. Details of the investigation and any mitigation measures shall be submitted to the Mineral Planning Authority for its written approval. Mitigation measure shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the amenities of local residents and the local environment and to comply with policy DM2 of the LMWLP.

Restoration

68. Within one year from the date of commencement (as defined by condition 5) and at least every five years thereafter, a detailed scheme of progressive reclamation for the following five-year period shall be submitted to the Mineral Planning Authority for its written approval. Such scheme shall, inter alia, include provision for:
- a. Final contours for the parts of the Site which will become exhausted during the period;
 - b. The treatment of any remnant quarry faces and benches;
 - c. Location, species, numbers, sizes, ground preparation works and protective measures for tree and shrub planting;
 - d. Detailed grass and/or wildflower seed mixes, fertiliser or other treatments;
 - e. Hydroseeding of internal overburden batters;
 - f. The monitoring and maintenance of any dry-stone walling habitat within the relevant area;

- g. The provision of fences, gates and stiles; and
- h. Removal of any redundant quarry buildings, plant or machinery;
- i. Provisions to protect the geological value of the Site and preserve key geodiversity features during the working and restoration of the site, and measures to improve access to key geodiversity features in restored areas;
- j. Timings for the completion of the above details.

More than one submission may be made within the five-year period, if required.

Reason: To ensure that the operational site areas are reclaimed at the earliest opportunity given the overall life of the development. To ensure restoration works are undertaken in an orderly manner to a condition capable of beneficial after-use and to comply with policy DM12 of the LMWLP. To provide for access to, and preservation of, the key geodiversity features of the site and to comply with policies DM7 and DM12 of the LMWLP.

69. Within 12 months of the cessation of mineral extraction details for the treatment, reclamation and aftercare of the processing plant site coloured grey and labelled 'Potential Industrial Land' on drawing NQ-DEV-002 dated June 2022, stockpile areas and other hardstanding and roadways and the timing of such operations, shall be submitted to the Mineral Planning Authority for its written approval. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the operational site areas are reclaimed in an orderly manner to a condition capable of beneficial after-use and to comply with policy DM12 of the LMWLP and paragraph 217 e) of the National Planning Policy Framework (2023).

70. Within 24 months of the date of mineral extraction finishing at the Site the operations within the area coloured grey and labelled 'Potential Industrial Land' on plan NQ-DEV-002 dated June 2022 shall cease and all the buildings removed and the land shall be reinstated in accordance with the reclamation scheme approved under Condition 69.

Reason: To ensure the proper restoration of the site in an orderly manner and in the interests of habitat creation and diversity and to comply with policy DM12 of the LMWLP and paragraph 217 e) of the National Planning Policy Framework (2023).

71. Within six months of the date of cessation of mineral extraction a final detailed restoration scheme, generally in accordance with the approved outline restoration plans (EE-DEV-006-REV-A dated Nov 2023 and NQ-DEV-002 dated June 2022) detailing a mosaic of the following priority habitats targets:

- (a) Creation of Species-Rich Grassland,
- (b) Creation of Species-Rich Native Hedgerow,
- (c) Creation of Broad-leaved Woodland,
- (d) Enhancement of existing Improved Grassland,
- (e) Creation of pond habitat,
- (f) Creation of lagoon habitat,

shall be submitted to the Mineral Planning Authority for its approval in writing. The scheme shall be thereafter implemented in accordance with the approved details.

The restoration scheme shall include:

- (i) details of soil and substrate specification and placement, techniques and management;
- (ii) delineation of area retained, areas for natural regeneration, areas for intervention through habitat creation, habitat enhancement;
- (iii) habitat creation and enhancement methodologies;
- (iv) Details of planting and seeding specification; including species, numbers/rate of sowing, size of stock at planting, method of planting and reference to relevant British Standards and Codes of Practice;
- (v) final details of measures to allow access to key geodiversity features in restored areas;
- (vi) final details of provisions for the retention of large rock samples to be placed at publicly accessible locations on the edge of the site;
- (vii) measures to ensure that representative specimens of the SSSI notified features or other features of geodiversity remain visible post restoration;
- (viii) access arrangements for long term management and maintenance.

Reason: To ensure that the operational site areas are reclaimed in an orderly manner to a condition capable of beneficial after-use and to comply with policy DM12 of the LMWLP and paragraph 217 e) of the National Planning Policy Framework (2023).

Aftercare Provision

72. Following the restoration of any part of the Site in accordance with the agreed reclamation scheme, the restored land shall be treated and managed in accordance with an aftercare scheme, which has previously been approved in writing by the Mineral Planning Authority. The approved scheme shall provide a strategy for a five-year aftercare period for all newly restored areas and a strategy for a ten-year aftercare period for any tree or woodland planting and specify the steps that are to be taken in order to bring the newly restored land to the required standard for the approved after-use. The scheme shall:

- a. be submitted to the Mineral Planning Authority for its written approval within six months of the date of approval of the corresponding reclamation schemes submitted under conditions nos. 69 and 71 above;
- b. provide an outline strategy for the 5-year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken;
- b) provide for annual meetings between the operator, the Mineral Planning Authority and other agencies as appropriate in respect of the restored areas of the Site; and
- c) provide for the annual review of the aftercare measures for those areas still in aftercare and the measures to be implemented in the next year.

The development shall be undertaken in accordance with the approved details.

Reason: To ensure that appropriate periods of aftercare and high environmental standards are secured for the habitats created, to accord with Policy DM12 of the LMWLP and paragraph 217 e) of the National Planning Policy Framework (2023). To secure a ten year aftercare period for tree and woodland planting on the site, to ensure that the development accords with The National Forest Strategy 2014 – 2024 and paragraph 151 of the National Planning Policy Framework (2023).

73. Records of all aftercare operations undertaken shall be kept by the operator throughout the period of aftercare and the records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority between 31 October and 31 December of each year.

Reason: To allow monitoring of compliance with the approved schemes and to ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment. To comply with policy DM12 of the LMWLP.

Premature Cessation

74. Notwithstanding the requirements of Conditions nos. 69 and 71 above; in the event of:

- (a) the cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme of reclamation as defined in this schedule of conditions, and
- (b) which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990;

a revised scheme, to include details of reclamation and aftercare, shall be submitted to the Mineral Planning Authority within six months of the cessation of winning and working of minerals for its approval in writing. The revised scheme shall be implemented fully within 12 months of the written approval and otherwise in accordance with the terms and conditions of this decision notice.

Reason: To enable the Mineral Planning Authority to control the development and to ensure that the land is restored to a condition capable of beneficial after-use and to comply with policy DM12 of the LMWLP.

Informatives**1. Clarity on the Conditions set out in Appendix A**

1.1 For the purposes of clarity regarding the Conditions set out in Appendix A:

- i) The noise level is expressed as 1 hr freefield LAeq. Freefield shall be defined as a point 3.5 metres in front of the facade of any noise sensitive property facing the mineral extraction operation. Any measurements to check compliance shall have regard to the effects of noise and shall be corrected for such effects.
- ii) A noise sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by an increase in noise levels and which was before 13th March 2008 such use, or was under construction for such use or was the subject of a planning permission (not being outline permission) for such use granted under Part 3 of the Town and Country Planning Act 1990
- ii) A vibration sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by any increase in vibration levels and which was before 13th March 2008 such use, or was under construction for such use or was the subject of a planning permission (not being outline permission) for such use granted under Part 3 of the Town and Country Planning Act 1990.

2. Surface Water Management and Maintenance

2.1 Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

3. Cadent Gas Standing Advice

3.1 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have

apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4. Surface Water

4.1 Consent: Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

4.2 Maintenance: Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works. Additional information and guidance is available here: <https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>

5.0 Local Highway Authority

5.1 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

5.2 Planning permission does not give you approval to work on the public highway. If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works. Further information is available at: - <https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments>. If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>

- 5.3 If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 5.4 If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
- 5.5 Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
- 5.6 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
- 5.7 All proposed off-site highway works shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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**DEVELOPMENT CONTROL AND REGULATORY BOARD****13TH FEBRUARY 2025****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****AMENDMENT SHEET FOR REPORT TAKEN TO MEETING ON 21ST
NOVEMBER 2024**

APP.NO. & DATE:	2024/10117/04 (2024/EIA/0081/LCC) – 9 th July 2024.
PROPOSAL:	To continue the development of Desford Brickworks and Quarry by amending the provisions of Condition 2 of Planning Permission 2018/0669/04, in so far as it relates to the phasing of mineral extraction. This application seeks to amend the chronological order the quarry phases are worked, promoting one phase to be worked at an earlier stage in the quarry development programme.
LOCATION:	Land at Desford Brickworks, Heath Road, Desford, Leicestershire, LE67 1DL.
APPLICANT:	Forterra Building Products Ltd.
MAIN ISSUES:	Landscape and Visual Impacts, Noise Impacts
RECOMMENDATION:	Permit subject to the conditions set out in Appendix A and a legal agreement.

Circulation Under Local Issues Alert Procedure

Mr. P. Bedford CC MP
Dr. R. Hills CC

Officer to Contact

Charlie Cookson (Tel. 0116 305 5658)
Email: planningcontrol@leics.gov.uk

Decision of 21 November 2024

1. On 21 November 2024 the Development Control and Regulatory Board considered the above application and resolved that the application be permitted subject to:
 - (a) The conditions nos. 1-53 as set out in the appendix to the report, subject to amendment to conditions 36, 49 and 51 as set out in the Addendum report;
 - (b) The prior completion of a legal agreement to ensure existing obligations are attached to the new permission.

A copy of the report considered by the Board at that meeting can be found here:

<https://democracy.leics.gov.uk/documents/s186544/Desford%202024-EIA-0081-LCC%20DCRB%20Report.pdf>

Background to latest report

2. The Ministry for Housing, Communities and Local Government (MHCLG) published its revised National Planning Policy Framework (NPPF) on the 12th of December 2024. All changes to the NPPF are immediate, other than those relating to plan-making which are set out in the transitional arrangements.
3. The revised NPPF presents an updated policy context for those decisions which have been resolved for approval by the Development Control and Regulatory Board, but a decision has not yet been issued. For example, for those applications which required a legal agreement to be secured prior to a decision notice being issued.
4. The County Planning Authority finds it both necessary and in the best interest of applicants, the public and the Authority to refer items back to Board where there has been a delay between the resolution and notice issue for Board items, where considered appropriate in light of this new policy context.
5. This is with regard to the case of *Kides v South Cambridgeshire District Council and others at the Court of Appeal in 2002*, which concerned matters arising from the issue of decision notices sometime after the original decision to grant permission was taken. It was held that there was a duty to have regard to any new factor that had arisen for the first time between the committee decision and the signing of the decision notice. We consider it prudent to have regard to that ruling for planning application reference 2024/10117/04 (2024/EIA/0081/LCC).
6. As such, the County Planning Authority has sought updated responses from consultees where necessary. This has informed an updated assessment of the proposal as set out below.

Revised Planning Policy

7. The revised planning policy context for this application is the National Planning Policy Framework (NPPF), dated December 2024. The following paragraphs are relevant.
8. Amended paragraph 96 (Promoting healthy and safe communities) states that planning decisions should aim to achieve healthy, inclusive and safe places which...
 - c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived

communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

9. Added paragraph 102 (Promoting healthy and safe communities) states that planning policies and decisions should promote public safety and take into account wider security and defence requirements by: a) anticipating and addressing possible malicious threats and other hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development.
10. Amended paragraph 116 (Highways) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
11. Amended paragraph 161 (Climate change) states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
12. Further to this, added paragraph 163 (Climate change) states that the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.
13. Paragraph 182 (Planning and flood risk) states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
14. A footnote within the superseded NPPF (December 2023) aimed to make the availability of agricultural land for food production an explicit consideration in determining if sites are appropriate for development. This footnote has now been removed. However, the NPPF remains clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Consultations

15. In light of the above, the following statutory bodies have been reconsulted on the application for a revised response. Given that no revisions to the application are proposed, an additional round of public consultation was not considered necessary. However, those who previously made representation on the application were notified of its return to Board for decision.
16. **Local Highway Authority (Leicestershire County Council)** – No objection.
17. Stated, “The LHA understands that whilst a decision resolving to grant permission was reached at Development Control and Regulatory Board (DCRB) in November 2024, a Decision Notice was not issued by the CPA (County Planning Authority) prior to the changes in the National Planning Policy Framework, being published in December 2024. Therefore, the LHA understands there is a requirement for the application to be referred back to the DCRB.
- After a review of the application, the LHA understands the applicant has not changed the proposals; therefore, the LHA continues to advise ‘No Objection to Variation of Condition 2’ planning application”.
18. **Lead Local Flood Authority (LLFA, Leicestershire County Council)** – No revised comments.
19. **Hinckley and Bosworth Borough Council (Environmental Health)** – No revised comments.

Assessment of the Proposal

20. Following publication of the Officer’s main report and accompanying addendum report which were presented and considered at Development Control and Regulatory board on the 21st November 2024, the new NPPF (2024) was published on the 12th December 2024.
21. Careful regard is had to the new relevant material considerations presented and set out within this report and the consultation responses received from the relevant technical consultees. The main considerations are the revised policy regarding the presumption in favour of sustainable development, climate change, highways, promoting healthy and safe communities and planning and flood risk. These considerations are assessed below in turn.
22. The updated NPPF contains significant amendments concerning climate change, which make explicit that climate adaptation and mitigation are now central to decision-making. It is noted that this application solely relates to the amendment of Condition 2 of permission reference: 2018/0669/04, in so far as it relates to the phasing of mineral extraction whereby the upper part of Phase 7 would be worked in advance of opening up the extension areas south of Heath Road. Given all other aspects of the development would remain as approved under permission reference: 2018/0669/04, potential impacts surrounding climate change are considered negligible. Therefore, no further consideration of climate change impacts, adaptation or mitigation is required to inform the assessment set out in the report dated 21st November 2024.

23. With regard to highways, a revised assessment of the proposals in light of the revised NPPF has been undertaken by the Local Highway Authority, which confirm that its previous observations and recommendation remains. Given this, no further consideration of highways or transportation matters is required to inform the assessment set out in the report dated 21st November 2024.
24. With regard to promoting healthy and safe communities, the main relevant revision to the NPPF relates to ensuring and considering the safety of children and other vulnerable users in proximity to open water, railways and other potential hazards in planning and assessing proposals for development. The development does propose the continuation of the existing operations established by permission reference: 2018/0669/04, albeit promoting one phase to be worked at an earlier stage in the quarry development programme. It is not proposed to allow children or other vulnerable users in proximity to railway sidings or open water. Additionally, it is considered that these health and safety matters are also appropriately controlled under the separate relevant health and safety legislation surrounding quarries. Given this, no further consideration of the health and safety of communities is required to inform the assessment set out in the report dated 21st November 2024.
25. In respect of the NPPF updates to considering flood risk, surface water and Sustainable Urban Drainage Systems (SuDS), potential impacts regarding the water environment were considered within an addendum to the Environmental Statement (ES) submitted as part of this application. In relation to quarry development, the assessments as part of permission reference: 2018/0669/04 considered the water environment as a whole and not on a phase-by-phase basis. Therefore, altering the phasing of the quarry working would not affect the conclusions reached in previous assessments. Moreover, altering the phasing would not give rise to any significant effects as it does not alter the profile of the overall excavation. The existing water management would continue to operate in the same fashion (i.e. water directed to the lowest part of the workings). The nature of the development (including large voids) and proposed drainage arrangements (runoff predominantly directed to voids) will inherently slow and hold storm water runoff in line with the principles of sustainable drainage. A revised assessment of the proposals in light of the revised NPPF has been undertaken by the Lead Local Flood Authority who provided no additional comments. Therefore, subject to the development taking place in accordance with the relevant surface water drainage and groundwater monitoring conditions, the revised changes to the NPPF have no impact on the previous recommendation with respect to flood risk, surface water and SuDS.
26. In respect of the minor modifications to the NPPF with regards to consideration of the availability of agricultural land for food production, it is important to note that this application does not seek to introduce any new physical development to the site, expand the site area, or intensify operations. Therefore, the potential impacts against the background of this negligible policy consideration which has now been removed, are considered insignificant.
27. In view of the above updated assessment of the development, it can be concluded that a revised consideration of cumulative impacts arising from the development is not required. As such, the previous cumulative impact considerations remain.

Conclusion and Recommendation

28. Overall, the new material considerations presented by the updated NPPF do not alter the findings of the original assessment, the given overarching summary and

conclusion or the recommendation as set out in the main report dated 21st November 2024. As such the recommendation as set out in the main report dated 21st November 2024 remains and is repeated below for clarity.

Recommendation

A. PERMIT subject to the conditions as set out in Appendix A of the main report dated 21st November 2024, as amended by the addendum dated 21st November 2024, and the prior completion of a legal agreement to ensure existing obligations are attached to the new permission.

Circulation Under the Local Issues Alert Procedure

Mr. P. Bedford CC MP and Dr. R. Hills CC.

Officer to Contact

Charlie Cookson.

Email: planningcontrol@leics.gov.uk

21 NOVEMBER 2024**REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2024/10117/04 (2024/EIA/0081/LCC) – 9 th July 2024.
PROPOSAL:	To continue the development of Desford Brickworks and Quarry by amending the provisions of Condition 2 of Planning Permission 2018/0669/04, in so far as it relates to the phasing of mineral extraction. This application seeks to amend the chronological order the quarry phases are worked, promoting one phase to be worked at an earlier stage in the quarry development programme.
LOCATION:	Land at Desford Brickworks, Heath Road, Desford, Leicestershire, LE67 1DL.
APPLICANT:	Forterra Building Products Ltd.
MAIN ISSUES:	Landscape and Visual Impacts, Noise Impacts
RECOMMENDATION:	Permit subject to the conditions set out in Appendix A and a legal agreement.

Circulation Under Local Issues Alert Procedure

Mr. P. Bedford CC MP

Dr. R. Hills CC

Officer to Contact

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Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

The Site and Surroundings

1. Desford Brickworks is located approximately 3.7 kilometres (km) to the northwest of the village of Desford, 2.7km southeast of Bagworth, 2.4km northeast of Newbold Verdon, 1.1km to the southwest of Thornton and immediately to the south/southwest of Bagworth Heath Woods. Merrylees Industrial Estate is situated to the east of the site, from which the Leicester to Burton on Trent railway line runs to the north/east beyond the Merrylees Industrial Estate. The original quarry (which supplies clay to the brickworks) is located immediately to the south of the brickworks east of Heath Road and north of Merrylees Road. The approved extension to the original quarry is located to the south of Heath Road and north of Merrylees Road and north of a public footpath (number S14) which runs from Merrylees Road to Bagworth Road (B585).
2. The application site covers 82.4 hectares (ha) of land and encompasses the brickworks and ancillary development, the existing quarry (including unworked areas) and the approved extension to the south of Heath Road (see Figures 1 and 2).
3. The brickworks, stockyard and ancillary infrastructure are located in the north of the overall site, with the current quarry void, which supplies clay to the brickworks, located south of the brickworks and stockyard and north of Heath Road. The remaining area left to be worked is east of the brickworks (including the area currently occupied by the stockyard), south of Merrylees Industrial Estate and north of Merrylees Road. Since the grant of planning permission in 2019, buildings associated with Heath Farm have been demolished. Surrounding the original quarry area are belts of woodland that have been planted by the applicant along the boundaries with Heath Road and Merrylees Road, as well as part of the eastern boundary adjacent to the industrial area, forming a woodland screening belt. The working area within the north-western and western flank of the quarry workings have been restored following previous clay extraction.
4. The land associated to the south of Heath Road and north of Merrylees Road forms the approved extension to the quarry working area, which currently comprises approximately 26ha of agricultural land.
5. Access to the brickworks is from a private road, approximately 380 metres (m) in length, leading off Heath Road. The private road is also used as an access to a car park for visitors of Bagworth Country Park. A further access, referred to as 'The Sidings', is available to the south-east of the quarry through the Merrylees Industrial Estate.
6. The nearest residential properties outside of the site boundary include:

- Heath House which lies to the north of Heath Road, on the southern boundary of the existing quarry, and on the northern boundary of the quarry extension area;
 - Woodside Farm which is located north of Heath Road, approximately 200m from the south-west boundary of the existing site;
 - The Swallows lies to the south-east of the existing quarry, across Merrylees Road;
 - Fox Covert Stables and The Lodge lie immediately south of the quarry extension area.
7. Footpaths around the application site include R70, which encloses the northern section of the site in a horseshoe shape, linking Heath Road in the west and Footpath R71 to the north-east of the brickwork's buildings. Footpath S14 runs parallel to the southern boundary of quarry extension.
 8. The site is identified within the boundary of the National Forest and lies within Flood Zone 1 (low risk – less than 1 in 1,000 year probability of flooding).
 9. There are five listed buildings and two Scheduled Monuments within 2km of the site, the closest of which being the Grade I listed Church of St Peter, situated approximately 1.05km north of the site.
 10. A series of small ponds have also been established within a restored area as part of a mitigation scheme for the translocation of Great Crested Newts, situated within the western area of the original quarry site.

Figure 1. Site Location

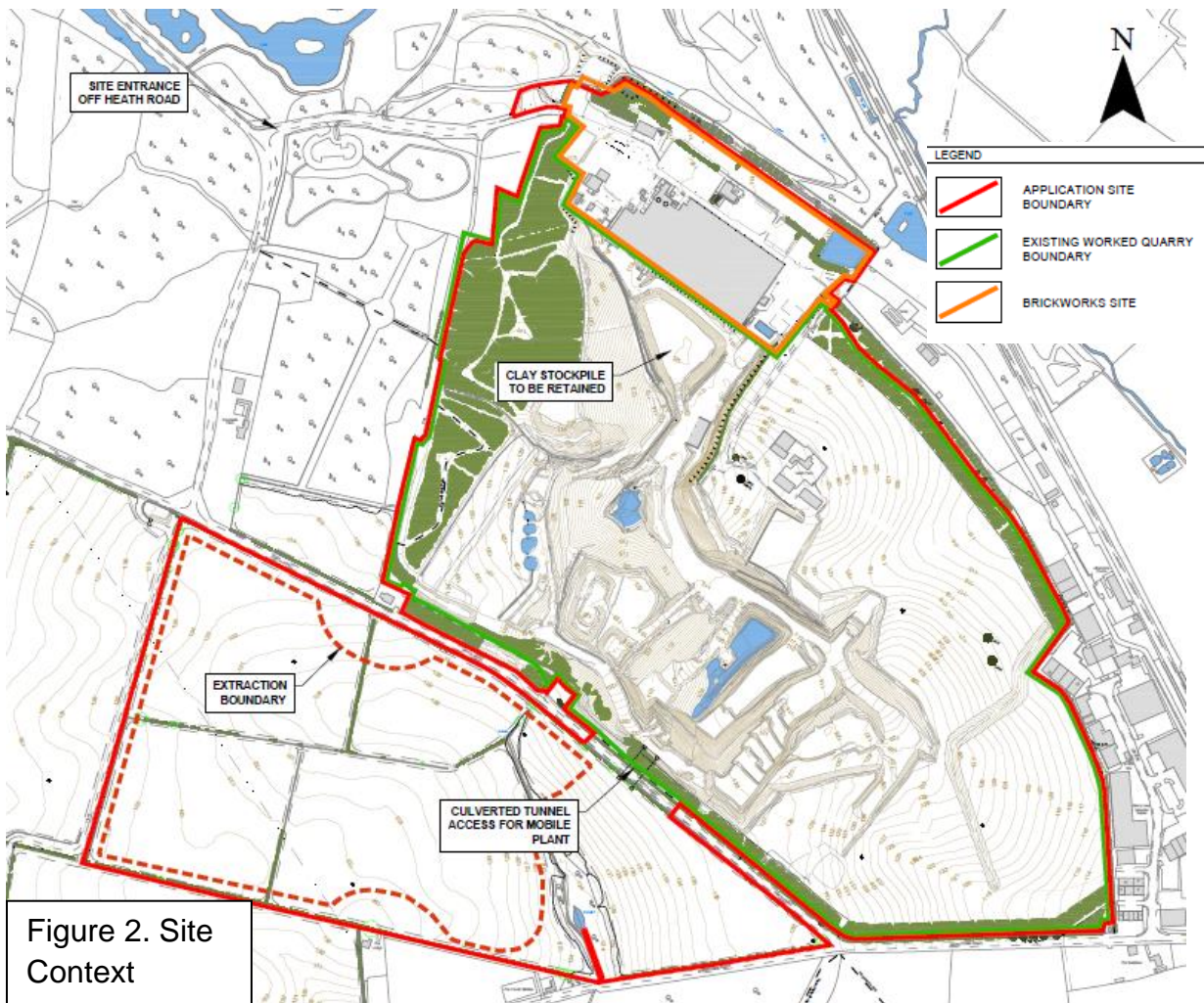
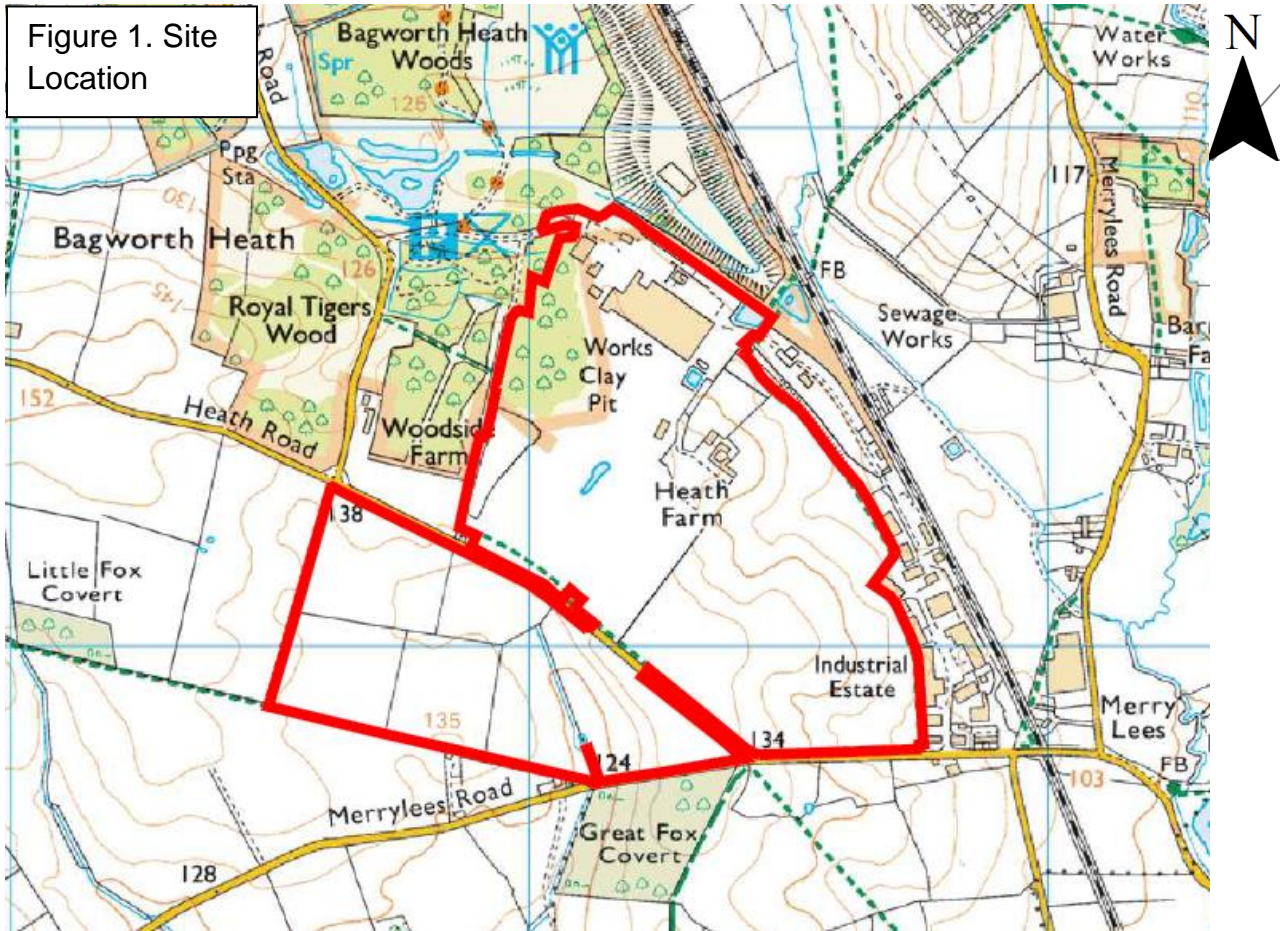


Figure 2. Site Context

Planning History

11. Mineral extraction has taken place at the Desford Brickworks site since the 19th Century, with the first workings mainly for coal at the previously adjoining Desford Colliery. The first planning permission for clay extraction dates back to 1948 (ref. A. 68/48). Further small quarry extensions were permitted in 1957, 1967 and 1987. The current extraction operations were permitted in 1998 under reference: 1997/0659/04. This permission consolidated older quarrying permissions and allowed for a large extension to the east, known as the 'Heath Farm Extension'. The brickworks buildings operate under a number of stand-alone permissions, all of which link the use of the buildings to the life of the quarry serving the brickworks.
12. In 2013, the mineral planning permissions at the site were subject to a review under Schedule 14 of the Environment Act 1995, as amended by the Growth & Infrastructure Act 2013. The review process allowed the County Council to update the mineral planning permissions by imposing modern operating, restoration and aftercare conditions. The conditions were approved in 2013 under reference: 2013/0599/04.
13. Planning permission was granted in June 2019 (reference 2018/0669/04) for the construction and operation of a new brickworks with ancillary development (including office, welfare, canteen accommodation, gatehouse, stockyards and clay preparation plant); extension to quarry workings and amendments to the approved working and restoration scheme for the existing quarry workings. It is condition 2 of this permission which this application is seeking to amend.
14. Planning permission was granted in 2022 for the installation of 7,768 solar PV panels split across four buildings (main brick manufacturing building, clay preparation building, crusher building and feed hopper building). The permission has since been implemented and the panels are now in situ.

Description of Proposal

15. Forterra Building Products Limited seeks to continue the operation of the quarry at Desford under an amended Condition 2 of planning permission reference 2018/0669/04, which varies the previously approved phasing of development at the site.
16. Clay is extracted at the site on a 'campaign' basis two to three times a year, totalling approximately 340,000 tonnes per annum. Each campaign typically lasts for six to eight weeks. The applicant is proposing to work the upper part of Phase 7 in advance of opening up the extension areas south of Heath Road, as illustrated on figure 3. This would constitute the early removal of a pinnacle of clay from within this phase down to a level of around 110m above ordnance datum (AOD), prior to

commencing Phase 1 within the extension. This would facilitate a larger area for clay stockpiling adjacent to the factory infrastructure which in turn results in two larger rather than three smaller clay campaigns per year. The Phase 7 area currently forms a pinnacle of remnant high ground and covers around 4.2ha. This includes a small area of grassland (0.5ha) sloping from 135-130m AOD, with soils and mineral stockpiles (2.2ha) and excavation batters and access ramp (1.5ha) sloping down to meet the previously worked out areas surrounding at typically circa 115m AOD. It is flanked by quarry workings to the south-west, ancillary buildings associated with the brick factory to the north/north-west and the stockyard to the north-east. To the south-east lies areas of agricultural land containing future reserves of clay.

17. Under permission reference: 2018/0669/04, Condition 2 reads as follows:

'Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details:

- a) *Planning application reference 2018/0669/04 (2018/CM/0110/LCC) and accompanying environmental statement;*
 - b) *The Regulation 25 Further Information Submission and drawings DB 3/2, DB 3/3, DB 3/5 and DB 3/6 (submitted under Regulation 25); DB 3/4 and DB 3/15, dated December 2018 and H001 and H002, dated October 2018'.*
18. It is noted that all other aspects of the development would remain as approved under permission reference: 2018/0669/04. The proposal does not seek to introduce any new physical development to the site, expand the site area, or intensify operations. Similarly, it does not seek to amend the approved restoration scheme for the quarry.

Figure 3. Existing Phasing Plan

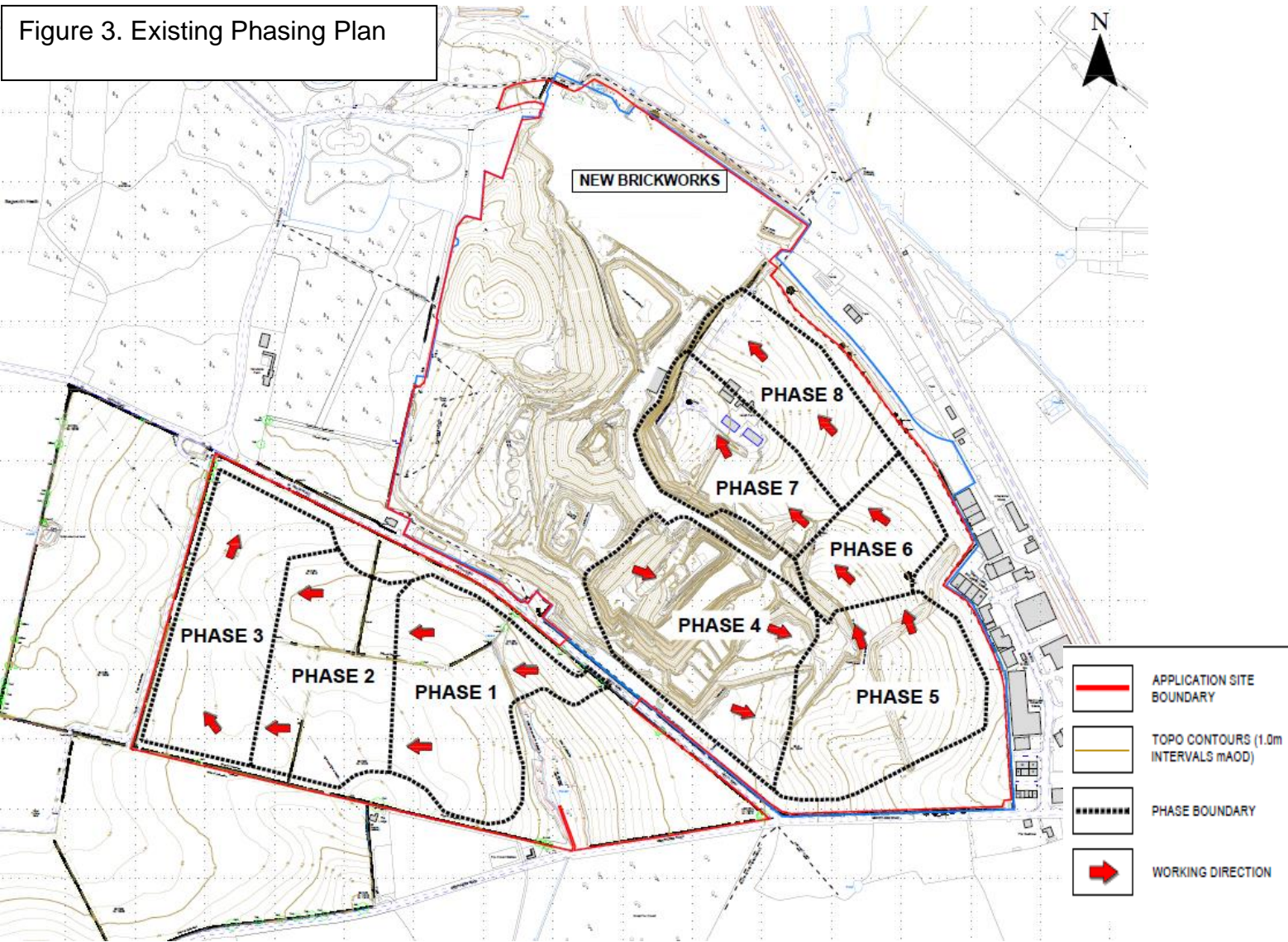
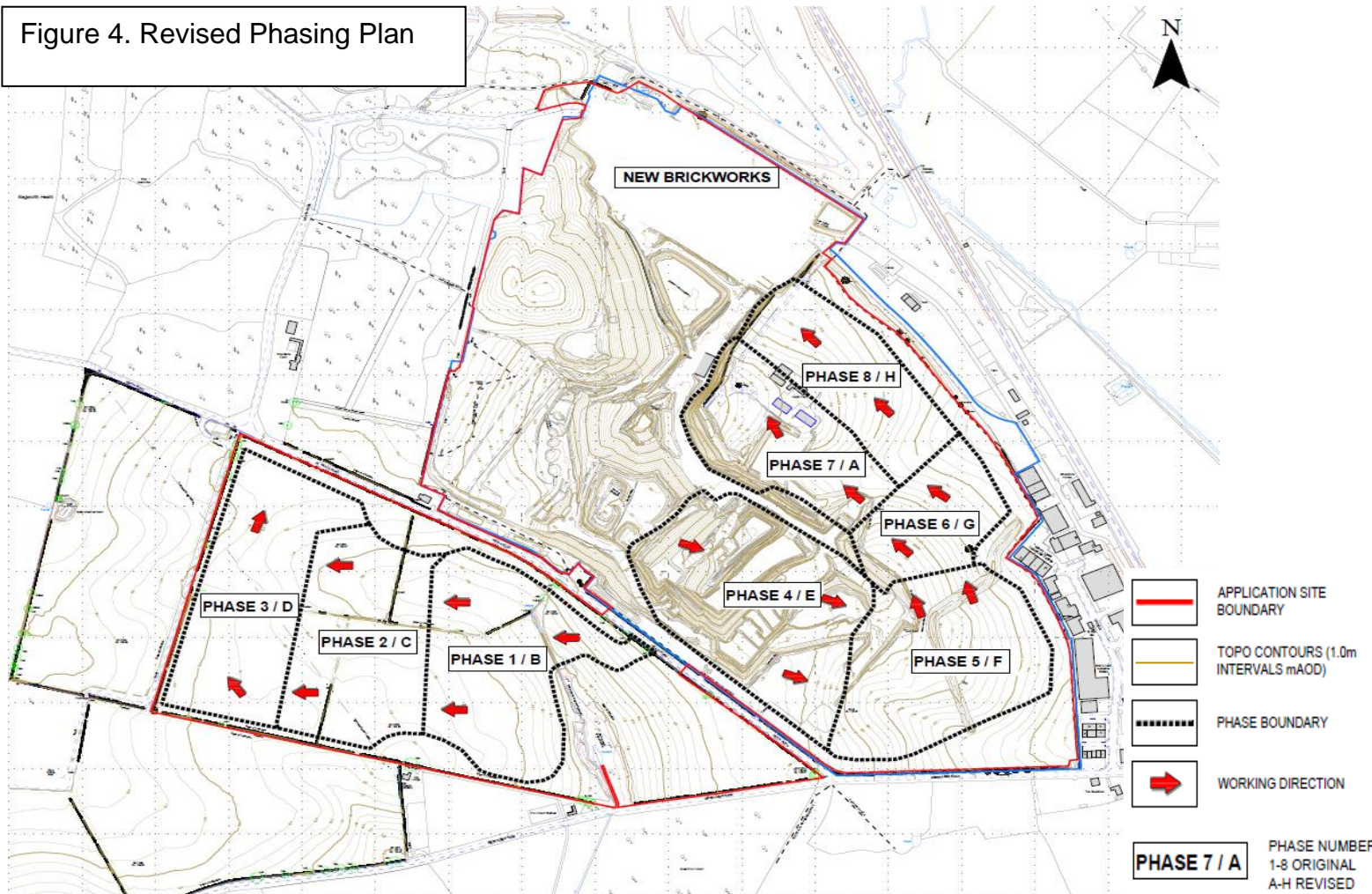


Figure 4. Revised Phasing Plan



PHASE 7 / A
PHASE NUMBER
1-8 ORIGINAL
A-H REVISED

Environmental Statement Addendum

19. The planning application is accompanied by an addendum to the Environmental Statement (ES) that was submitted in support of permission reference: 2018/0669/04. The addendum provides an update to the ES in respect of the following environmental impacts which the applicant considered would have the potential to be affected by altering the proposed phasing:
- Landscape and Visual Impacts;
 - Noise Impacts.
20. A number of topics have been scoped out of the addendum. Such topics and the reasoning for this are set out below:
- Air Quality: Previous assessments were not based on the order phases were worked, or any topographical change within the site, rather, consideration was given to the likely sources of dust coupled with the effectiveness of mitigation measures. Mitigation measures have been captured through conditions attached to the extant planning permission. Changing the order of phasing would not have any effect on these conclusion or mitigation measures.
 - Archaeology and Cultural Heritage: There would be no ground disturbance in addition to that consented as a result of the proposals. Furthermore, there would be no overall change to the appearance of the site and so no change to the setting of any listed buildings in the vicinity of the site.
 - Ecology: There would be no additional loss of habitats within the application site as a result of the proposals, or introduction of new features (such as lighting) that have not previously been assessed.
 - Transport: There would be no change to the rate of brick production as a result of altering the phasing of clay extraction.
 - Water Environment: There would be no change to the profile, levels or surfacing of the site which would affect drainage or groundwater resources. There would also be no change to the nature of site operations which would increase the risk of surface or groundwaters being polluted.

Landscape and Visual Impacts

21. An update to the Landscape and Visual Impact Assessment (LVIA) has been provided, concluding that there would be no significant landscape and visual effects predicted as a result of the proposed re-phasing and early removal of the pinnacle of clay from within Phase 7, prior to commencing Phase 1 to the south of Heath Road. The proposed mitigation would be considered effective, with the maintenance and management of existing established perimeter planting belts and along Heath Road hedge to retain the screening benefits currently being offered, with additional infill planting carried out as necessary. The progressive working and restoration phasing south of Heath Road would be unchanged and the final restoration of the site would be unchanged. Therefore, the addendum concludes that the conclusions reached in the 2018 ES would remain unchanged.

Noise Impacts

22. An update to the Noise Assessment has been provided which specifically assesses the proposed re-phasing of the clay extraction areas against the original

assessment, taking into account the current baseline conditions and approved schemes. As such, the following updates have been undertaken:

- Revision to the relevant table to include the additional plant (dumper truck and wheeled loader) that would be in operation at the new clay stockpile area.
 - Revision to the phasing to be assessed.
 - Revision to the relevant table to include the revised phases (Stages) and the inclusion of the stockpile noise sources in each stage.
23. The updated assessment concluded that all of the noise sensitive receptors for each of the different stages of the quarry working scheme are likely to be below the prescribed limits contained in Condition 30 of the existing planning permission for the quarry. Accordingly, the proposed change in phasing of the quarry workings would not affect the conclusions of the 2018 ES.

Alternatives

24. The EIA regulations require that the Environmental Statement outlines alternatives that have been considered. Potential alternatives may also arise as the proposal is refined, and subject to appropriate approvals, as the development proceeds. Given that the nature of the proposal is a change to an approved scheme, the other potential alternative is a 'do nothing' scenario whereby the quarry working continues to progress in accordance with the approved phasing scheme. This alternative has been fully assessed as part of the 2018 ES.

Planning Policy

The Development Plan

25. Leicestershire Minerals and Waste Local Plan 2019-2031 (adopted September 2019) (LMWLP):
- Policy M5: Brickclay
 - Policy DM2: Local Environment and Community Protection
 - Policy DM3: Strategic Green Infrastructure
 - Policy DM5: Landscape Impact
 - Policy DM10: Public Rights of Way
26. Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document (adopted July 2016) (HBDPD):
- Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
27. Hinckley and Bosworth Borough Council Core Strategy (Adopted December 2009) - The Core Strategy (HBCS) forms part of the development plan, setting out the primary strategy and key policies guiding development within the borough until 2026. However, no policies from the Core Strategy are pertinent to the proposed works.

National Policy

28. National Planning Policy Framework (NPPF) 2023:

- Paragraph 104: Planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users by adding links to existing rights of way networks.
 - Paragraph 180: Planning decisions should prevent new and existing development from contributing to unacceptable levels of noise and water pollution.
 - Paragraph 191: Planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
 - Paragraph 215: It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It is also acknowledged that minerals are a finite resource and can only be worked where they are found.
 - Paragraph 217: Advises that, when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. MPAs should ensure that: there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account any cumulative effects; any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; restoration and aftercare are achieved at the earliest opportunity to high environmental standards, through the application of appropriate conditions.
 - Paragraph 220: Relates to mineral planning authorities planning for a steady and adequate supply of industrial minerals through maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment; and taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.
29. Planning Practice Guidance 2014 (PPG) provides additional guidance to ensure the effective implementation of the national policy set out in the NPPF in relation to mineral extraction. It identifies the principal issues to be addressed including visual intrusion and landscaping and noise control and monitoring.

Other Policy Considerations

30. Hinckley and Bosworth Borough Landscape Character Assessment (September 2017) (HBBLCA)
31. Bagworth, Thornton and Stanton-under-Bardon Draft Neighbourhood Plan. The draft plan has been published for consultation under Regulation 14 of the Town and Country Planning (England) Neighbourhood Planning (General) Regulations 2012. The consultation period ran between 15 March 2021 to 4 May 2021 however a Regulation 15 submission is yet to follow. Therefore, this currently has little weight in the decision-making process.

Consultations

32. **Hinckley & Bosworth Borough Council** – No Comment.
33. **Hinckley & Bosworth Borough Council Environmental Health** – No Objection.
34. **Mr P. Bedford, MP, CC** – Responded to say he had no comments to make.
35. **Dr. R. Hills, CC** – No Formal Comment.
36. **Leicestershire County Council Highways** – No Objection.
37. **Leicestershire County Council Landscape** – No Objection.
38. **Leicestershire County Council Ecology** – No Objection.
39. **Leicestershire County Council Lead Local Flood Authority (LLFA)** – No comment but referred to standing advice stating that the Mineral Planning Authority should ensure that flood risk is not increased elsewhere, and users of the development are not put at risk.
40. **Leicestershire County Council Public Rights of Way (PROW)** – Comments- Recommended the amendment of the previous PROW condition (24) attached to permission reference: 2018/0669/04, to the following:

‘In the event that alterations are proposed to a boundary between the application site and public rights of way R70 or S14, full details of the works shall be submitted to, and approved in writing by, the Mineral Planning Authority before installation. Details shall include any new links from permissive paths, and construction of the culverted underpass beneath Heath Road where it affects Footpath R70, and a programme of implementation. The development shall then be implemented as approved’.
41. **Environment Agency** – No Objection.
42. **National Forest Company** – No Comment.
43. **Natural England** – No Comment.
44. **Historic England** – No Comment.
45. **Coal Authority** – No Comment.
46. **Health and Safety Executive** – No Comment.
47. **Newbold Verdon Parish Council; Bagworth & Thornton Parish Council; Markfield Parish Council; and Leicestershire County Council Archaeology** have not responded at the time of writing this report. Any response received will be reported in an addendum or orally.

Publicity and Representations

48. The application has been publicised by means of site notice, press notice (Hinckley Times) and neighbour notification letters sent to the nearest occupiers in accordance with the County Council’s adopted Statement of Community Involvement (SCI).

49. One representation was received from a local resident as a result of the publicity raising concern about the potential effects over time on natural water levels and water supply from a borehole within close proximity to the application site.
50. The issue raised has been considered in the Assessment of Proposal section of this report.

Assessment of Proposal

51. This application should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant considerations in determining the acceptability of this proposal relate to the principle of development, landscape and visual impacts, noise impacts, and impacts on the public rights of way network.
52. The applicant seeks to vary condition 2 of planning permission reference: 2018/0669/04, to replace the approved plans with alternatives which would allow the phasing of quarry development to work the upper part of Phase 7 in advance of opening up the extension areas south of Heath Road.
53. Of all the policy outlined in the policy section which holds material weight, it is only the LMWLP that has been adopted since the assessment of 2018/0669/04.

Principle of Development

54. The principle of mineral development at this site has been established by the 2019 planning permission (code ref: 2018/0669/04). Planning permission 2018/0669/04 has been implemented and is the main permission under which the Desford Brickworks site currently operates. The principle of development related to the proposed rephasing remains the same of that assessed under permission reference: 2018/0669/04, associated with the supply and maintenance of mineral reserves including brickclay, although the applicant now seeks to make amendments to the previously approved phasing plan to work the upper part of Phase 7 prior to opening up the extension areas south of Heath Road. This remains unchanged given that the proposal does not seek to introduce any new physical development to the site, expand the site area, or intensify operations. It is not considered, therefore, that the proposed amendments would result in a development that is significantly different from the development previously approved, which was found to be acceptable in this location.
55. The LMWLP was adopted in September 2019 after the previous consent was issued. Policy M5 seeks to ensure a steady and adequate supply of brickclay by allowing extensions to existing sites where they are required to maintain a landbank of at least 25 years of permitted reserves to support the level of investment required to maintain and improve existing brick-making plant and equipment. The policy also gives priority to proposals for extraction to be worked as extensions to existing sites with associated brickworks. This proposal relates to a wider, existing scheme releasing an additional 5.7 million tonnes (Mt) of useable reserves, ensuring a suitable landbank of raw materials is provided to support the investment at the brickworks. Therefore, it is considered to accord with Policy M5 of the LMWLP and paragraphs 215, 217 and 220 of the NPPF.

56. The potential environment and amenity impacts of this development were assessed and found to be acceptable during the consideration of the original application. However, in the context of the current development plan, the NPPF and PPG, consideration has been given as to whether the development, as changed, would be likely to give rise to any significantly different or additional aspects to what was previously considered. In this respect, it is considered that the main issues that need to be considered for this proposal are the need for the proposed amended phasing, landscape and visual impacts and noise.

Need for Development

57. The applicant is looking to amend the phasing in order to facilitate a larger area for clay stockpiling adjacent to the factory infrastructure which in turn results in two larger, rather than three smaller, clay campaigns per year. This is deemed to be a fair operational reason in the determination of this application.

Amenity and Environmental Impacts

58. The applicant has submitted an addendum to the original ES covering landscape and visual impacts and noise in light of the proposed amendments to phasing. The revised assessment concludes that there would be no additional significant cumulative or increase in effects as a result of the proposed changes.

Landscaping and Visual Impact

59. The landscape and visual impacts associated with the early removal of the pinnacle of clay from within Phase 7 prior to commencing Phase 1 to the south of Heath Road have been considered within the ES addendum.
60. Although the pinnacle within Phase 7 would be removed at an earlier stage, this would be initially taken to a similar depth to the adjacent areas whilst the land south of Heath Road is worked and then the area would be worked to the currently agreed base levels. The overall footprint of disturbance for mineral workings would remain unchanged. Therefore, it is considered there would be a negligible level of landscape change relating to the proposed amended sequence and timings of disturbance to areas of approved mineral workings, including exposure of overburden and reddish-brown clays within Phase 7.
61. The sensitivity of aesthetic and perceptual aspects of the proposed rephasing are anticipated to be low given the low susceptibility of Phase 7 which is surrounded by the existing medium to large scale operational brickworks and mineral extraction areas north of Heath Road. Furthermore, this area of land is enclosed by tree plantations and landform to varying degrees. There are no changes to the proposed management and enhancement of the wider site boundaries. Overall, the landscape and visual sensitivities of Phase 7 would be limited to a relatively small area within a much wider operational mineral site.
62. The proposal is situated within the Charnwood Fringe Settled Forest Hills landscape character area (LCA) as outlined within the HBBLCA. Further assessments predict that there would be no impacts on the overall landscape characteristics of the Charnwood Fringe Settled Forest Hills LCA.
63. The visibility of the pinnacle within Phase 7 is relatively limited in extent due to the undulating topography, in conjunction with mature woodland blocks and tree belts

around the site boundary, as well as hedgerows and hedgerow trees in the wider landscape. Notwithstanding such, the addendum to the ES has considered the potential visual impacts of the proposal from a number of viewpoints including nearby settlements, properties, road and public right of way networks and Bagworth Heath Woods Country Park. These assessments conclude that the proposed changes would cause negligible visual impacts overall.

64. LCC Landscape officers have been consulted as part of the decision-making process, providing no objection, stating there are no significant landscape and visual effects predicted as a result of the proposed re-phasing and outlining that the final restoration of the site would be unchanged. The National Forest Company were also consulted, providing no objection for similar reasons.
65. Therefore, it is considered that there would be no significant landscape and visual effects as a result of the proposed development and subject to the continuation of conditions controlling the proposed landscaping as per the details outlined within the condition section of this report. As such, the proposal is deemed acceptable and meets the terms of Policy DM2, DM3 and DM5 of the LMWLP and Policy DM10 of the HBDPD.

Noise

66. Potential noise impacts associated with the proposed development have been considered as part of the ES addendum. The additional assessment concluded that the noise limit value of 55 dB LAeq, 1h would not be exceeded and consequently there would be no concerns regarding impact magnitude and level of effect. This is concurrent with the findings of the 2018 ES. Additionally, the predicted noise levels would comply with the limits conditioned within the condition section of this report.
67. Hinckley and Bosworth Borough Council's Environmental Health Officer was consulted as part of the decision-making process and provided no objection.
68. Therefore, it is considered that subject to the continuation of conditions monitoring noise compliance, as per the details outlined within the condition section of this report, there would be no significant noise impacts as a result of the proposed development. As such, the proposal is considered to accord with Policy DM2 of the LMWLP; Policy DM7 of the HBDPD; and paragraphs 180 and 191 of the NPPF.

Rights of Way

69. The proposed re-phasing is not anticipated to produce impacts over and above those previously assessed as part of permission reference: 2018/0669/04, including those on rights of way. However, LCC Rights of Way were consulted as part of the decision-making process and provided comments recommending updates to the previously attached public rights of way condition.
70. Therefore, subject to the imposition of the recommended condition, the development is considered acceptable in terms of effects of the rights of way network and the users of the routes in accordance with Policy DM10 of the LMWLP and paragraph 104 of the NPPF.

Other matters

71. Regarding the representation raised by a member of the public, given the nature of the proposals solely altering the phasing of the development, impacts on the water environment, including hydrology and hydrogeology, are considered negligible given the depth assumptions of the final worked out landform for this area of the site do not change. This position is outlined within paragraph 4.12 of the ES addendum. Furthermore, the EA were consulted as part of the decision-making process and provided no objection.
72. Therefore, it is considered that the proposed development accords with Policy DM2 of the LMWLP, Policy DM7 of the HBDDP and paragraph 180 of the NPPF.

Section 106 Legal Agreement Matters

73. The grant of planning permission 2018/0669/04 was subject to a legal agreement imposing planning obligations on the site, replacing an earlier legal agreement which bound the planning permissions of 97/0659/4 and the review permission 2013/0599/04.
74. The provisions of the current legal agreement dated 20 June 2019, as modified by a Deed of Variation dated 25 January 2022, include the operation of a liaison committee; annual review of the possible use of the Ivanhoe Railway Line for the transportation of materials in connection with the use of the Site; and HGV Routeing. It is considered that all of these obligations should be carried forward to any permission granted.

Conclusion

75. Having assessed the main issues and potential impacts of the proposed development, there are no unacceptable impacts, either individually or cumulatively.
76. When considering the proposed rephasing as part of the wider, existing scheme, the release of an additional 5.7 million tonnes (Mt) of useable reserves of brickclay attracts a great degree of supportive weight, as does the associated direct and indirect economic benefits. Since the grant of permission reference: 2018/0669/04, the Leicestershire Minerals and Waste Local Plan 2019-2031 has been adopted in which Policy M5 provides additional support for the steady and adequate supply of brickclay.
77. The proposed rephasing facilitates a larger area for clay stockpiling adjacent to the factory infrastructure which in turn results in two larger, rather than three smaller, clay campaigns per year. This is deemed to be a fair operational reason in the determination of this application. All other aspects of the development would remain as approved under permission reference: 2018/0669/04; the proposal does not seek to introduce any new physical development to the site, expand the site area, or intensify operations. Similarly, it does not seek to amend the approved restoration scheme for the quarry.
78. Potential impacts relating to: air quality; archaeology and cultural heritage; ecology; transport; and water environment have been considered as part of an addendum to the Environmental Statement submitted as part of permission reference:

2018/0669/04 and are not anticipated to give rise to impacts over and above those previously assessed.

79. Similarly, potential landscape and visual impacts, noise impacts, and impacts on the public rights of way network have been assessed. It is accepted that the potential impacts arising from the proposal would be minimal, negligible, and contained to a relatively modest area of a much larger operational site.
80. The concerns raised by the local community and the issues raised by consultees have been taken into account and have been satisfactorily addressed.
81. By reason of the above assessment, it is considered that the proposal is in general accordance with the relevant policies outlined within: the Leicestershire Minerals and Waste Local Plan 2019-2031 (adopted September 2019); Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document (adopted July 2016); National Planning Policy Framework 2023; and Planning Practice Guidance 2014
82. It is considered that with the imposition of appropriate planning obligations and planning conditions the proposed development is acceptable.

Statement of Positive and Proactive Engagement

83. In determining this application, the Mineral Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and the valid representations received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

- A. PERMIT subject to the conditions as set out in Appendix A and the prior completion of a legal agreement to ensure existing obligations are attached to the new permission.

Officer to Contact

Charlie Cookson: (Tel: 0116 305 5658)
E-Mail: planningcontrol@leics.gov.uk

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Appendix A

Conditions

Scope of Permission

1. This permission shall relate only to the construction and operation of new brickworks with ancillary development (including office, welfare, canteen accommodation, gatehouse, stockyards and clay preparation plant); extension to quarry workings; amendments to the approved working and restoration scheme for the existing quarry workings, at Desford Brickworks, all within the land edged red on Plan titled 'Site Context, referenced DB 2/2 and dated June 2018 submitted with the Environmental Statement.

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.

Adherence to Approved Details

2. Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details:
 - a) Planning application reference 2018/00669/04 (2018/CM/0110/LCC) and accompanying environmental statement, as amended by planning application reference 2024/10117/04 (2024/EIA/0081/LCC) and accompanying Environmental Statement Addendum:
 - i. The accompanying rephasing plan, drawing ref: DB 3/8R, entitled 'Working Phases Plan', dated October 2024;
 - ii. Drawing ref: DB 3/9 – Rev A, entitled 'Phase 1', dated May 2023;
 - iii. Drawing ref: DB 3/10 – Rev A, entitled 'Phase 2', dated May 2023;
 - iv. Drawing ref: DB 3/11 – Rev A, entitled 'Phase 3', dated May 2023;
 - v. Drawing ref: DB 3/12 – Rev A, entitled 'Phase 4', dated May 2023;
 - vi. Drawing ref: DB 3/13 – Rev A, entitled 'Phase 5', dated May 2023;
 - vii. Drawing ref: DB 3/14 – Rev A, entitled 'Phase 7',

dated May 2023.

- b) The Regulation 25 Further Information submission and drawings: DB 3/3, DB 3/5 and DB 3/6 (submitted under Regulation 25) dated June 2018; DB 3/15, dated December 2018; H001 and H002, dated October 2018; and DB CS 1 and DB CS 2, dated March 2021.

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.

3. A copy of this permission and the accompanying section 106 agreement, the plans and documents referred to in condition no. 2, including any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept on site and made available for the duration of the development.

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.

Commencement

4. The development hereby permitted shall be deemed to have commenced on the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Notification of Commencement

5. Written notification of the commencement of:

- a. Mineral extraction from within the area entitled Phase 7/A within drawing ref DB 3/8R, entitled 'Working Phases Plan', dated October 2024
- b. Mineral extraction from within the extension area; and,
- c. Recommencement of mineral extraction within the Heath Farm working area.

shall be provided to the Mineral Planning Authority within seven days from the date of such commencement.

Reason: To enable the various stages of the development to be monitored to ensure compliance with this permission.

National Forest Planting

6. At all times, the development hereby approved shall be undertaken in accordance with drawing ref DRAWING NF-1, entitled 'Condition 6 National Forest Planting', dated June 2019 as approved by the Mineral Planning Authority under ref 2018/0669/04/CS/06 on 21/08/19.

Reason: To provide for the required woodland planting in accordance with the National Forest Strategy. There is an exceptional need here to secure control over the required advanced planting by ensuring appropriate measures are in place prior to works commencing.

7. The planting referred to in condition no. 6 shall be completed within the first available planting season following the grant of this permission.

Reason: To ensure that the National Forest Planting is undertaken in a coordinated manner with the new brickworks development.

Duration

8. All operations for the winning and working of minerals authorised or required by this permission shall be completed no later than 10/09/2059. After which time the development hereby permitted shall have ceased and all buildings and structures removed and the land reinstated in accordance with the restoration details approved under condition no. 49.

Reason: To provide for the completion and restoration of the site within the approved timescale.

Working and Phasing Details

9. The development hereby permitted shall be carried out in accordance with drawings referenced DB 3/8R dated October 2024 and DB 3/9 Rev A to DB 3/14 Rev A inclusive, dated May 2023. All mineral extraction and associated operations in Phases 1/B to 3/D inclusive, shall only be accessed via the use of the culverted tunnel.

Reason: To ensure the working of the site and the follow-on restoration works are undertaken in a phased manner and large areas of the site do not remain unrestored.

10. No excavation of clays shall be carried out within the following limits:

- a. within 30 metres of Heath Road within the existing quarry area;
- b. within 20 metres of Heath Road within the Heath Farm Extension Area;
- c. within 30 metres of the eastern boundary with Merry Lees Industrial estate;
- d. within 20 metres of the north eastern boundary;

Reason: To protect the land uses and users adjacent to the site boundary.

11. No materials shall be brought onto the site for the purposes of infilling the excavated area or restoring the site. Infilling and restoration shall be carried out using only materials derived from within the application site.

Reason: To provide for the creation of an acceptable landform in the interests of biodiversity enhancement.

12. Clay stockpiles shall not exceed a height of 10 metres when measured from adjacent ground levels.

Reason: To limit the visual impact of the stocking area in the interests of local amenity.

Restriction of Permitted Development Rights

13. Notwithstanding the provisions of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modification:

- No fixed plant or machinery, building, structures and erections, or private ways, sewers, mains, pipes, cables or other similar apparatus, shall be erected, extended, installed, or replaced within the site without the prior written approval of the Mineral Planning Authority following the submission of relevant details and plans.

Reason: To limit the impact of the development in the interests of local amenity.

Hours of Operation

14. Site preparation and external construction works for the new brickworks building shall take place between the following hours:

- Monday – Saturday 07:30 – 18:00; and,
- No working on any Sunday, Public or Bank Holiday.

Reason: To limit the impact of the construction and quarrying activities in the interests of local amenity.

15. Quarrying operations (including soil stripping, overburden removal, mineral extraction, and clay haulage to the stocking area) shall take place between the following hours:

- Monday – Friday 07:00 - 19:00;
- Saturday 07:00 - 13:00hrs; and
- No working on any Sunday, Public or Bank Holiday.

Reason: To limit the impact of the construction and quarrying activities in the interests of local amenity.

Lighting

16. Any lights required for the construction of the development hereby permitted shall be sited, angled and shielded such that they do not illuminate residential properties adjacent to the development. Such lights shall only be turned on during the hours of construction as specified in condition no. 14.

Reason: To safeguard residential amenity from light pollution during construction activities.

Risks and Contamination

17. At all times, the development hereby approved shall be undertaken in accordance with the remediation strategy as set out in the following documents: Preliminary Land Quality Assessment (Report ref: 402.05921.00050), entitled 'Proposed Re-Development of a new brickworks and associated infrastructure', dated June 2019 and associated appendices; Site Investigation – Land Quality Risk Assessment (Report ref: 402.05921.00050), dated June 2019 as approved by the Mineral Planning Authority (code ref: 2018/0669/04/CS/17) on 21/08/19.

Reason: To minimise the effects of any contamination present on site and prevent the pollution of controlled waters.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Mineral Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Mineral Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To minimise the effects of any contamination present on site and prevent the pollution of controlled waters.

Highways

19. At all times, the development hereby approved shall be implemented in accordance with the following: Highways Safety Scheme (Report ref: 403.05921.00038 version R1), dated August 2019 and Drawing ref 403.05921.00038.14.H003.1, entitled 'Health Road Safety Scheme', dated May 2019 as approved by the Mineral Planning Authority (code reference: 2018/0669/04/CS/20) on 21/08/24.

Reason: To mitigate the impact of the development in the interests of highway safety. There is an exceptional need here to safeguard highway safety by ensuring appropriate measures are in place prior to works commencing.

20. Prior to the extraction of any mineral from the extension area the off-site

highway works as shown on drawing numbers H001 and H002, (including any amendment and revision as required by a Road Safety Audit or the detailed design process) shall be implemented in full.

Reason: To mitigate the impact of the development in the interests of highway safety. There is an exceptional need here to safeguard highway safety by ensuring appropriate measures are in place prior to works commencing.

21. The tunnel structure under Heath Road shall be removed upon completion of the restoration of Phases 1/B to 3/D inclusive (as shown on plan DB 3/8R dated October 2024) in accordance with a scheme submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: In the interests of highway and pedestrian safety.

22. Prior to the new brickworks becoming operational the parking and turning facilities shall be provided in accordance with the submitted details. Thereafter the onsite parking provision shall be so maintained and kept available for use throughout the operation of the brickworks.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction.

Public Rights of Way

23. In the event that alterations are proposed to a boundary between the application site and public rights of way R70 or S14, full details of the works shall be submitted to, and approved in writing by, the Mineral Planning Authority before installation. Details shall include any new links from permissive paths, and construction of the culverted underpass beneath Heath Road where it affects Footpath R70, and a programme of implementation. The development shall then be implemented as approved.

Reason: To protect users of the adjacent Public Rights of Way.

Protection of Existing Vegetation

24. The existing field boundary hedgerows and trees bounding the perimeter of

the site shall be retained and adequately protected during the duration of the development in accordance with BS 5837, 2012: 'Trees in Relation to Design, Demolition and Construction - Recommendations'.

Reason: To protect the existing vegetation bounding the site.

Air Quality

25. All operations shall be carried out in a manner to minimise the emission of dust from the site. In order to control dust from internal traffic movements all haul roads within the site shall be maintained in a good condition and shall be kept moist in dry and windy conditions as necessary. Any dry exposed area/material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne. Dust filters shall be fitted where appropriate on all plant and machinery.

Reason: To minimise the adverse effects of dust from the development on local amenity and the environment.

Noise

Construction

26. At all times, the development hereby approved shall be implemented in accordance with the Construction Environmental Management Plan (Report ref: 403.05921.00038, version 'Final'), dated June 2019 as approved by the Mineral Planning Authority (code reference: 2018/0669/04/CS/27) on 21/08/19.

Reason: To minimise the adverse environmental effects from the construction activities associated erection of the new brickworks. There is an exceptional need here to secure control over environmental impacts by ensuring appropriate measures are in place prior to works commencing.

27. Throughout the construction of the brickworks the noise limits will not exceed a daytime noise limit of 65dB LAeq as defined in BS 5228-1:2009+A1:2014 at any of the identified noise sensitive receptors set out in condition no. 29 below.

Reason: To limit the noise emissions associated with the construction activities.

Brickworks

28. At all times, the development hereby approved shall be implemented in accordance with the Noise Management Plan (Report ref: 403.064472.000001, version 'Final'), dated October 2022 as approved by the Mineral Planning Authority (reference: 2018/0669/04/CS/29) on 09/01/23.

Reason: To protect residential amenity from noise emissions associated with the operation of the new brickworks.

Quarry

29. During the permitted working hours set out in condition no. 15 above, noise levels (LAeq,1h free field) at the site shall not exceed an upper limit of 55 dB LAeq,1h free field as recorded at any inhabited property, subject to the limits detailed below, and with the exception of Heath House Farm, where the existing LAeq,1h is above this proposed level

- Oakwood Close 48dB
LAeq,1h
- Linton Farm 52dB LAeq,1h
- The Swallows 55dB LAeq,1h
- The Lodge 49dB LAeq,1h
- Chater Farm 41dB,
- Heath House 52dB,
- Woodside Farm 52dB

Reason: To limit the noise emissions associated with the various quarrying activities.

30. Noise levels arising from soil stripping and replacement and the construction and removal of soil and subsoil mounds (temporary operations) shall be minimized as far as is reasonably practicable and shall not exceed 70 dB (LAeq, 1hr) freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in condition no. 29 above shall not be carried out except between the hours of 08:00

and 18:00 Monday to Friday and 08:00 to 12:00 on Saturdays and shall not take place on more than 48 days in any 12 month period. Advance notice of each temporary operation shall be given to the Mineral Planning Authority and the operator shall record the duration of each temporary operation, with such record being made available to the Mineral Planning Authority within 48 hours of a request for the information being made.

Reason: To limit the noise emissions associated with the various quarrying activities.

31. Noise levels arising from night-time operations (between the hours of 1900 and 0700) shall be minimised as far as is reasonably practicable and in any event shall not exceed 42 dB (LAeq, 1hr) freefield at any noise sensitive dwelling.

Reason: To limit the noise emissions associated with the various quarrying activities.

32. Throughout the development, control measures shall be employed on site in accordance with BS 5228-1: 2009, such as:

- a. Avoid unnecessary revving of engines and switch off equipment when not required;
- b. Keep internal haul routes well maintained;
- c. Minimise drop heights of materials;
- d. Ensure machinery is regularly well maintained;
- e. Ensure perimeter bunds are to the required height, with no gaps or inconsistencies.

Reason: To ensure the plant and equipment associated with the quarrying activities do not become a source of noise nuisance.

33. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.

Reason: To ensure the plant and equipment associated with the quarrying activities do not become a source of noise nuisance.

34. All audible warning devices fitted to vehicles, plant and machinery operating within the site whilst affording suitable safety should be of a design that does not cause unreasonable noise intrusion to residential properties.

Reason: To ensure the plant and equipment associated with the quarrying activities do not become a source of noise nuisance.

Surface Water Drainage

35. At all times, the development hereby approved shall be implemented in accordance with the Drainage Strategy (Report ref: 403.05921.00038, version 'Final'), dated June 2019 as approved by the Mineral Planning Authority (reference: 2018/0669/04/CS/36,37,38) on 21/08/19.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

Groundwater Monitoring

36. Prior to the commencement of quarrying activities in Phase 7/A on plan referenced DB 3/8R dated October 2024 hereby permitted, a scheme for groundwater monitoring shall be submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance, a mechanism for review and a programme of implementation. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To protect the water environment and specifically groundwater resources.

Archaeology

37.No development shall take place in the extraction Phases 1/B to 3/D, as illustrated on plan DB 3/8R, dated October 2024, until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.

38.No development shall take place in the extraction Phases 4/E to 5/F, on plan DB 3/8R, dated October 2024, until a programme of archaeological work in accordance with a written scheme of investigation has been submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.

39.At all times, development taking place in the extraction Phases 6/G to 8/H, on plan DB 3/8R, dated October 2024, shall be undertaken in accordance with the following documents which were approved by the Mineral Planning Authority (reference: 2018/0669/04/CS/41) on 21/08/19:

- Document entitled 'Schemes required under Planning Permission 2018/0669/04' (Report ref: 403.05921.00038, version 'FINAL', dated June 2019;
- Written Scheme of Investigation for Archaeological Strip, Map and Sample Investigation Areas A – D for Phases 6, 7 and 8 (Report ref: 403.05921.00038), dated June 2019

Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.

40.No works shall be undertaken in Zone D on plan reference HBk32-144, dated May 2013, until an archaeological investigation as outlined in the Archaeological Scheme of Treatment (TPAT ref.: 2365\HDB'SOT.002), (secured under Condition 34 of planning permission 97/0569/4 and as amended by Condition 31 of planning permission 2013/0599/04) has been submitted to, and approved in writing by, the Mineral Planning Authority. The development shall then be implemented as approved.

Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.

41. In the event that the trenching required under condition nos. 37-40 above demonstrates the presence of significant archaeological remains, a further Scheme of Treatment shall be submitted to the Mineral Planning Authority for its prior written approval. Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason: To protect the archaeological interests of the site and ensure adequate investigation and recording of buried heritage assets.

Ecology

42. The development hereby permitted shall be subject to an annual ecological re-survey in respect of badger presence within the site during the working and restoration phases of development. The survey (including appropriate mitigation measures) shall be submitted annually to the Mineral Planning Authority for its written approval. The badger surveys will be completed in the optimal period and where practicable no more than 6 months in advance of:

- a) The working of any new phase;
- b) Any working within 30 metres of a retained hedgerow and woodland habitat.

Reason: To monitor and protect badgers.

43. The removal of buildings, vegetation and soil stripping will be undertaken outside of the bird nesting season (March – August inclusive) or within 24 hours of the approval from a suitably qualified ecologist following a negative bird-nesting survey during this period.

Reason: To protect nesting birds and their habitats.

44. At all times, the development hereby approved shall be implemented in accordance with the Document entitled 'Report to Discharge Condition 46 of planning permission 2018/0669/04: Nest Boxes' (Report ref: 403.064472.00001, version 'FINAL'), dated September 2022 as approved by the Mineral Planning Authority (reference: 2018/0669/04/CS/46) on 11/01/23.

Reason: To enhance the nesting habitat for birds.

45. At all times, a 10 metre buffer strip of natural vegetation alongside all retained boundary hedges and the dingle woodland shall be maintained, except where facilitating access.

Reason: To enhance the ecological interest of the site.

Soil Stripping, Handling and Storage

46. Prior to the commencement of soil stripping within each phase, or part phase, a Scheme of Soil Handling shall be submitted to, and approved in writing by, the Mineral Planning Authority. The Scheme shall include details of haulage routes, the origin, intermediate and final locations of soils for use in the restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.

Reason: To safeguard the soil resources and prevent loss or damage of soil, or mixing of soil types.

47. Topsoil bunds shall not exceed 3 m in height and subsoil (or subsoil substitute) bunds shall not exceed 5 m in height when measured from adjacent ground levels. Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

Reason: To prevent damage to soils, by avoiding compaction during handling and storage.

Restoration in the event of early cessation of working

48. In the event of a cessation of winning and working of minerals at the site prior to the achievement of the completion of the approved working scheme as defined in this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 to the Town and Country Planning Act 1990, a revised restoration scheme including details of reclamation and aftercare shall be submitted to the Mineral Planning Authority within six months of the cessation of winning and working for its written approval. The approved scheme shall be fully implemented within 12 months of approval.

Reason: To ensure reclamation of the site in the event of cessation of mineral working or infilling operations.

Reclamation

49. Prior to the commencement of mineral extraction within Phase 7/A on plan referenced DB 3/8R dated October 2024, a detailed scheme of final landscaping and restoration of the site shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on a phased approach and the restoration concept shown on DB 3/15, Rev A, dated December 2018 for the creation of a biodiversity enhanced after-use. The scheme shall include details of the following:

- a) the final levels of the site shown by a contour plan and accompanying cross sections;
- b) the design and construction of the lake to ensure the lake is designed to substantially enhance the ecological value of the site;
- c) ground preparation works including ripping and surface cultivation and seeding;
- d) the planting of trees and shrubs and their maintenance including location, species, size, number and spacing;
- e) the creation of public access routes, including the early reinstatement of public footpaths and the consideration of bridleways;
- f) the location and type of fencing and gates;
- g) the treatment of the lake margins;
- h) the incorporation of 1.8ha of additional woodland planting within the National Forest boundary;
- i) the provision of a sand martin nest bank;
- j) a potential badger tunnel/piped access way under Heath Road
- k) the treatment of the brickworks site and adjacent brick stocking area, car park and hardstanding areas following the removal of all buildings; and
- l) a programme of implementation;
- m) timescales for implementing and completing the above works.

Planting and seeding in accordance with the approved scheme shall be carried out, as far as is reasonably practicable, within the first available planting season following the restoration of any substantial part of the site, in accordance with working and phasing details required by Condition No. 9. All trees, shrubs and hedgerows planted in accordance with the approved scheme shall be maintained for a period of five years following planting and such maintenance shall include the replacement of any plants that may die or be seriously damaged or become seriously diseased.

Before the restoration of each phase, an updated habitat survey and protected/priority BAP species assessment shall be undertaken to identify any habitats of value that have arisen through and during the extraction and site operations. The restoration after each phase will conserve any habitat of value and mitigate for impacts on any protected species.

The final restoration plan shall include a minimum of 20ha of priority local Biodiversity Action Plan habitats or for priority local BAP species conservation.

Reason: To ensure the acceptable restoration and landscaping of the site.

50. Within 10 years of the first use of the new brickworks a decommissioning management plan shall be submitted to the Mineral Planning Authority for its written approval. Thereafter, decommissioning shall take place in accordance with the approved details.

Reason: To ensure the satisfactory restoration of the brickworks site.

Aftercare

51. Prior to the commencement of mineral extraction within Phase 7/A on plan referenced DB 3/8R dated October 2024, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for its approval in writing. The submitted scheme shall be in accordance with the reclamation details required by Condition No. 49, and shall provide an outline strategy for the 5 year aftercare period specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for nature conservation, including the subsequent management of the restored land and vegetation. The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over a period of 5 years in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the Minerals Planning Authority.

Reason: To ensure that the restored landforms are brought to a condition suitable for long term beneficial use.

52. During the month of January of every year during the aftercare period, the Mineral Planning Authority, owners and occupiers shall be provided with an aftercare report setting out:

- a) proposals for managing the land including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming 12 months;
- b) a record of aftercare operations carried out on the land during the previous 12 months.

Reason: To allow the MPA to monitor the progression of the restored landforms in accordance with the approved aftercare scheme, and ensure that the restored nature conservation after-uses are achieved.

53. Before the month of May of every year during the aftercare period, a site meeting shall be arranged with the Mineral Planning Authority to discuss and agree the proposals and records prepared in accordance with Condition No. 52. This meeting shall be attended by the quarry operator's representative(s) who has responsibility for undertaking the aftercare requirements.

Reason: To allow the MPA to monitor the progression of the restored landforms in accordance with the approved aftercare scheme and ensure that the restored nature conservation after-uses are achieved.

Informatives.

1. The operation of the new brickworks (including the movement of clays from the stockpile area to the brickworks) and water pumping shall take place at any time.
2. Any operations which need to be carried out in cases of emergency outside the specified hours shall be notified to the Mineral Planning Authority within 72 hours of its occurrence together with details of the reasons why operations were necessary.
3. No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way
4. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.
5. Prior to any construction works, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
6. At such times as operations on site give rise in the opinion of the Mineral Planning Authority to unacceptable levels of dust leaving the site such as during adverse weather conditions operations shall be temporarily suspended until such time as they can be resumed without causing nuisance either by a change in conditions or by taking additional measures.
7. Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of noise from the site and to ensure so far as is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties.
8. Written notification shall be given to the Mineral Planning Authority at least seven days before the commencement of soil stripping operations on any part of the site.
9. All soil and soil forming materials shall be handled in accordance with Defra's Good Practice Guide for Handling Soils.
10. Soil shall only be moved when in a dry and friable condition. For all soil types no soil handling shall proceed during and shortly after significant rainfall, and / or when there are any puddles on the soil surface.

DEVELOPMENT CONTROL AND REGULATORY BOARD AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;

Section 226(2) : compulsory acquisition of land for planning purposes;
Section 294(3) : special enforcement notices in relation to Crown land;
Sched. 9 para (1) : minerals discontinuance orders.



DEVELOPMENT CONTROL AND REGULATORY BOARD

13th February 2025

REPORT OF THE CHIEF EXECUTIVE

DELEGATED DECISIONS ISSUED 1st October 2024 – 31st December 2024

Application	Applicant and Location	Description	Delegated
2024/CM/0051/L CC (2024/00690/07)	Severn Trent Water Ltd - Agricultural access off A453, Breedon on the Hill, DE73 8FW	Temporary upgrade of an existing agricultural access off the A453, Breedon on the Hill, DE73 8FW.	<u>Received:</u> 01/05/2024 <u>Resolution:</u> 02/10/2024 <u>Decision Date:</u> 02/10/2024 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 22
2024/CM/0050/L CC (2024/00689/07)	Severn Trent Water Ltd - Agricultural access off Moor Lane/ A453 DE73 8FW	Temporary upgrade of an existing agricultural access off Moor Lane/ A453, Breedon on the Hill, DE73 8FW.	<u>Received:</u> 01/05/2024 <u>Resolution:</u> 01/10/2024 <u>Decision Date:</u> 01/10/2024 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 22
2023/VOCM/01 32/LCC (2023/01698/07)	Aggregate Industries - Bardon Quarry, Bardon Road, Coalville, Leicestershire, LE67 1TL	SECTION 73 APPLICATION TO VARY CONDITION 4 OF 2014/0840/07 TO INCREASE THE ANNUAL QUNATITY OF IMPORTED RECLAIMED BITUMINOUS PRODUCT	<u>Received:</u> 19/12/2023 <u>Resolution:</u> 25/10/2024 <u>Decision Date:</u> 25/10/2024 <u>Decision:</u> Approved <u>Total weeks</u> <u>For Determination:</u> 44

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DEVELOPMENT CONTROL AND REGULATORY BOARD**13 FEBRUARY 2025****REPORT OF DIRECTOR OF ENVIRONMENT AND TRANSPORT****DELEGATED DECISIONS (number 45) FOR WORKS TO TREES PROTECTED
BY LEICESTERSHIRE COUNTY COUNCIL TREE PRESERVATION ORDERS 1st
July – 31st December 2024**

	Application Numbers: LCC Application Reference No. District Reference No. Planning Portal Reference No.	Applicant and Location	Description	Delegated
1	2024/TPO/0065/LCC 24/00483/TPO	1 Blenheim Close, Hinckley. LE10 1TT Coterill	T1 Oak: Thin canopy by 25% to increase light thru the canopy. Raise canopy by pruning secondary branches up to 5m.	Date Rec'd: 16/5/2024 Notice Sent: 24/6/2024 <u>Determination: 5 wks 4 days</u> <u>Decision: Approved</u>
2	2024/TPO/0067/LCC 24/00484/TCA	50 Main Street, Cold Overton. LE15 7QA. Bysouth-Kemp	T1 Norway Maple reduced by no more than 2.5 metres all round. T2 Ash reduced by no more than 2.5 metres all round.	Date Rec'd: 28/5/2024 Notice Sent: 8/7/2024 <u>Determination: 5 wks 6 days</u> <u>Decision: Approved</u>
3	2024/TPO/0068/LCC 24/00631/TPO	10 Old Green, Medbourne. LE16 8DX Szechenyi	Group 1- yew trees reduce by 1.5 – 2m.	Date Rec'd: 29/5/2024 Notice Sent: 8/7/2024 <u>Determination: 5 wks 6 days</u> <u>Decision: Approved</u>
4	2024/TPO/0069/LCC 24/0462/TPO	10 Rosendene Close, Kirby Muxloe. LE9 2EZ. Fenn	T1 Lime Tree - Pollard at approx. 9-11 metres from ground.	Date Rec'd: 5/6/2024 Notice Sent: 15/7/2024 <u>Determination: 5 wks 5 days</u> <u>Decision: Approved</u>

5	2024/TPO/0070/LCC 24/0465/TPO	Land east of Buckingham Rd, Countesthorpe. Leech	T1 Hawthorne – Raise canopy to 2.5m. T2 Oak – Raise canopy to 2.5m/crown clean. T3 Oak – Crown clean. T4 Oak - Raise canopy to 2.5m/crown clean. T5 Oak – Crown clean. T6 Hawthorne – Remove broken branches. T7 Oak – Crown Clean. T8 Oak – Crown Clean. T9 Hawthorne – Raise to 2m. T10 Oak – Crown Clean. T11 – Ash – remove. T12 Horse Chestnut – Raise to 2m.	Date Rec'd: 5/6/2024 Notice Sent: 15/7/2024 <u>Determination:</u> 5 wks 5 days <u>Decision:</u> Approved
6	2024/TPO/0072/LCC 24/00692/TPO	Yew tree house, The Woodlands, Mkt Harb. LE16 7BW. Lowe	Horse chestnut - reduce the tree by 30% due the decay that is likely happening within the trunk.	Date Rec'd: 13/6/2024 Notice Sent: 23/7/2024 <u>Determination:</u> 6 wks 3 days <u>Decision:</u> Approved
7	2024/TPO/0073/LCC P24/0943/2	17 Holbourne Close, Barrow upon Soar. LE12 8NE. Creedy	T1 Sycamore - Raise the crown over the clients garden of the councils trees to a finished heigh of 6metres but only on the clients side.	Date Rec'd: 17/6/2024 Notice Sent: 29/7/2024 <u>Determination:</u> 6 wks <u>Decision:</u> Approved
8	2024/TPO/0074/LCC 24/00781/TPO	24 St Michaels Close, Ashby. LE65 1ES. Larkin	T1, T2, T3 lime Trees To crown lift the trees up to approx. 9 metres.	Date Rec'd: 19/6/2024 Notice Sent: 29/7/2024 <u>Determination:</u> 5 wks 5 days <u>Decision:</u> Approved
9	2024/TPO/0076/LCC 24/00594/TPO	47 Church Rd, Kirkby Mallory. LE9 7QE Minkley	T1 Yew tree - Reduction of 20%, crown reshape. T2 Sycamore- 20% crown reduction and removal of lower left damaged bow.	Date Rec'd: 20/6/2024 Notice Sent: 5/8/2024 <u>Determination:</u> 5 wks 4 days <u>Decision:</u> Approved
10	2024/TPO/0077/LCC 24/0533/TPO	Bouskill Park , Welford, Rd, Blaby. Hardingham	T283 Ash Crown Lift over Highway for Traffic to 5.5m.	Date Rec'd: 24/6/2024 Notice Sent: 24/1/2024 <u>Determination:</u> 6 wks <u>Decision:</u> Approved

11	2024/TPO/0080/LCC 24/000643/TPO	Hill Farm, Fenn Lanes, Fenny Drayton. CV13 6BJ Williams	T1 Ash – reduce by 3m T2 Ash – Fell T3 Ash – Fell T4 Ash – Prune over road by 5m. Crown reduce by 3m. T5 Ash – Reduce by 3m T6 Ash – Reduce to habitat pole. T7 Ash – Prune over road by 2m. T8 Ash- Prune over road by 2m. T9 Ash – Reduce by 3m. T10 Ash – Reduce to habitat pole.	Date Rec'd: 3/7/2024 Notice Sent: 8/8/2024 <u>Determination: 5 wks 1 day</u> <u>Decision: Approved</u>
12	2024/TPO/0082/LCC 24/00798/TPO	Station Yard, Station Rd, Lutterworth. LE17 7AP Tucker	Horse Chestnut – Crown reduce by 3m.	Date Rec'd: 8/7/2024 Notice Sent: 15/8/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
13	2024/TPO/0083/LCC 24/0534/TPO	20 Towers Drive Kirby Muxloe. LE9 2EW Geddes	T1 Acer pseudoplatanus - Crown reduction of up to 30% of the foliage, resulting in approx. 7-9ft reduction of length from most extended areas of the crown, prune previously pollarded stem hard towards front of property.	Date Rec'd: 10/7/2024 Notice Sent: 15/8/2024 <u>Determination: 5 wks 1 day</u> <u>Decision: Approved</u>
14	2024/TPO/0084/LCC 24/00572/TPO	33 Westminster Drive, Burbage. LE10 2HA. Fanthorpe	T1 Horse Chestnut – remove.	Date Rec'd: 18/7/2024 Notice Sent: 29/8/2024 <u>Determination: 6 wks</u> <u>Decision: Approved</u>
15	2024/TPO/0087/LCC 24/0587/TPO	1 Station Rd, Countesthorpe. LE8 5TA Upton	T1 - Giant Redwood - Reduce spread towards road by shortening spread of lead in that direction and shorten spread towards house. T2 - Giant Redwood - Reduce spread to optimize form.	Date Rec'd: 24/7/2024 Notice Sent: 5/9/2024 <u>Determination: 6 wks 1 day</u> <u>Decision: Approved</u>

16	2024/TPO/0088/LCC	7 Elm Tree Drive, Burbage. LE10 2TX Braddock	Beech trees on boundary between Nos.5&7 Elm Tree Drive - Crown lift to 3metres / reduce height by 3metres/ prune away from property No.5 Elm tree drive by 0.5-1 metre.	Date Rec'd: 1/8/2024 Notice Sent: 11/9/2024 <u>Determination:</u> 5 wks 5 days <u>Decision:</u> Approved
17	2024/TPO/0089/LCC 24/00931/TPO	17 The Woodlands, Market Harborough. LE16 7BW. Parlour	T1 Lime – Remove/fell.	Date Rec'd: 1/8/2024 Notice Sent: 11/9/2024 <u>Determination:</u> 5 wks 5 days <u>Decision:</u> Refused – changed to approved after report.
18	2024/TPO/0090/LCC 24/00744/TPO	2 Manor Way, Burbage. LE10 2NN McDowell	T1 – Sycamore - Raise canopy to 5m above the road. T2 - Hawthorn - Remove - Suppressed tree under the canopy of larger specimens and in conflict with street lamp. T3 - Deodar Cedar – Remove.	Date Rec'd: 7/8/2024 Notice Sent: 23/9/2024 <u>Determination:</u> 6 wks 5 days <u>Decision:</u> T1,T2 Approved T3 - Refused
19	2024/TPO/0092/LCC 24/00978/TPO	The Coppice, Main St, Tilton on the Hill. LE7 9LF. Blanshard	Sycamore – Fell / Remove.	Date Rec'd: 12/8/2024 Notice Sent: 23/9/2024 <u>Determination:</u> 5 wks 5 days <u>Decision:</u> Refused
20	2024/TPO/0093/LCC 24/01036/TPO	11 Tower Gardens, Ashby. LE65 2GZ Marshall	T1, T2 Lime – Crown reduce by 30%.	Date Rec'd: 15/8/2024 Notice Sent: 26/9/2024 <u>Determination:</u> 6 wks <u>Decision:</u> Approved
21	2024/TPO/0097/LCC 24/00786/TPO	51 London Rd, Markfield. LE67 9UR Smith	Ash – Fell/ Remove.	Date Rec'd: 19/8/2024 Notice Sent: 1/10/2024 <u>Determination:</u> 6 wks 1 day <u>Decision:</u> Approved

22	2024/TPO/0095/LCC 24/01039/TPO	Ivanhoe Social Club, Wilfred Place, Ashby de la Zouch. LE65 2GW Fathers	T1 Lime. Large dead branches withing canopy over footpath and car park. (Some previously fallen)Works to carry out - Deadwood removal from entire canopy and crown raise epicormic growth to 5m to clear lamp column.	Date Rec'd: 19/8/2024 Notice Sent: 26/9/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
23	2024/TPO/0096/LCC 24/01046/TPO	2 Tower Gardens, Ashby, LE65 2GZ. Wilson	T1 Lime - Reduce by 3 m and clean out epicormic growth throughout and deadwood. T2 Beech Tree - Reduce to previous on the house side, height and remaining side reduction by around 2.4 m. T3 Sycamore - Clean lower growth to around 4 m, 1-2 m reduction house side, 2-2.5m height reduction. Roadside by around 2-3m.	Date Rec'd: 19/8/2024 Notice Sent: 26/9/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
24	2024/TPO/0098/LCC 24/01017/TPO	Yew tree house, Main St, Mowsley. LE17 6NT Brimble	T1-Yew x2 Stems -To reduce the canopy's by up to 1 meter. T2-Yew-To reduce the canopy by up to 1-1.5 meters.	Date Rec'd: 19/8/2024 Notice Sent: 26/9/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
25	2024/TPO/0099/LCC 24/00985/TPO	6 The Woodlands, Market Harborough. LE16 7BW Regan	T1 Cedar – Crown reduction by 1.5-2m. T2 Locust – Reduce overhanging branches by 1-1.5m.	Date Rec'd: 12/8/2024 Notice Sent: 1/10/2024 <u>Determination: 6 wks</u> <u>Decision: Approved</u>

26	2024/TPO/0103/LCC 24/01135/TPO	22 Upper Packington Rd, Ashby de la Zouch. LE65 1EF Mansfield	T1 Lime – Crown reduce by 2m to clear property. Crown thin by 30%.Crown lift to 6m.	Date Rec'd: 9/9/2024 Notice Sent: 17/10/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
27	2024/TPO/0104/LCC 24/01093/TPO	10 Lakeside Court, Thurnby. LE7 9PY Cumming	T1 Corsican Pine – Remove tow lowest overhanging branches.	Date Rec'd: 9/9/2024 Notice Sent: 17/10/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
28	2024/TPO/0105/LCC 24/01063/TPO	76 Leicester Rd, Kibworth Harcourt. LE8 0NN Estrin	T1 yew – Reduce by 4ft.	Date Rec'd: 9/9/2024 Notice Sent: 17/10/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
29	2024/TPO/0106/LCC 24/01066/TPO	10 Old Green, Medbourne. LE16 8DX Szechneyi	T1 Ash - Reduce by 2 to 2.5 metres, retaining a natural, flowing canopy. T2 Conifer - Remove to ground level. T3 Chestnut - Reduce limb over property by 2.5 to 3 metres. G1 Row of acers - Reduce over property by 1.5 to 2 metres. Crown lift to provide a height clearance of 3 to 3.5 metres.	Date Rec: 9/9/2024 Notice sent: 17/10/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
30	2024/TPO/0108/LCC 24/01054/TPO	9 Newstead Avenue, Bushby. LE7 9QE Cottenill	T1 horse chestnut - remove epicormic growth from stem and thin crown by 15-20%.	Date Rec: 9/9/2024 Notice sent: 17/10/2024 <u>Determination: 5 wks 3 days</u> <u>Decision: Approved</u>
31	2024/TPO/0109/LCC 24/00840/TCA	147 The Park, Market Bosworth. CV13 0LP. Mackley	Sycamore – Remove / fell.	Date Rec: 9/9/2024 Notice sent: 11/11/2024 <u>Determination: 9 wks</u> <u>Decision: Approved</u> (date extended due to reconsultation)

32	2024/TPO/0110/LCC 24/0757/TPO	1 Rosendene Close, Kirby Muxloe. LE9 2EZ. Cobb	Yew – Remove. Western Red Cedar – Remove.	Date Rec: 12/9/2024 Notice sent: 30/10/2024 <u>Determination:</u> 6 wks 6 days <u>Decision:</u> Refused
33	2024/TPO/0111/LCC 24/00857/CTPO	Ratby Rd amenity area, Ratby Rd, Groby. LE6 0BT. Groby PC	T1 Oak – reduce to standing monolith due to decay.	Date Rec: 16/9/2024 Notice sent: 21/10/2024 <u>Determination:</u> 5 wks <u>Decision:</u> Approved
34	2024/TPO/0112/LCC 24/01147/TPO	12 Madeline Close, Great Bowden LE16 7HX Green	Sycamore Tree. Raise the canopy by at least 3 metres, and thin by 30%.	Date Rec: 19/9/2024 Notice sent: 23/10/2024 <u>Determination:</u> 4 wks 6 days <u>Decision:</u> Approved
35	2024/TPO/0113/LCC p/24/1586/2	65 Swithland Lane, Rothley. LE7 7SG Weemes	T1 Cedar - dead tree- fell T2 cedar - dead tree- fell T3 Beech – reduce heavy weighted limb by 2.0m. T4 Sycamore – reduce regenerated growth.	Date Rec: 23/9/2024 Notice sent: 24/10/2024 <u>Determination:</u> 4 wks 3 days <u>Decision:</u> Approved
36	2024/TPO/0114/LCC 24/01215/TPO	23 Shrewsbury Ave, Mkt Harb. LE16 8BB. Wells	Lime (T1): Pollard to a height of 4.5 to 5 metres from ground level. Lime (T2): Re-pollard to previous points.	Date Rec: 25/9/2024 Notice sent: 30/10/2024 <u>Determination:</u> 5 wks <u>Decision:</u> Approved
37	2024/TPO/0117/LCC 24/01260/TPO	8 Bennion Rd, Bushby. LE7 9QF Spencer	2 x lime trees (T1 and T2). Proposal to fell and replant.	Date Rec: 7/10/2024 Notice sent: 30/10/2024 <u>Determination:</u> 5 wks 3 days <u>Decision:</u> Refused

38	2024/TPO/0118/LCC 24/08291/TPO	Barncroft, Stamford Rd, Kirby Muxloe. LE9 2ER Ruparelia	G1 - Group of Mixed species - Raise over Driveway to 4.5m by removal of secondary branches. T1 – Oak - Raise canopy over road to give 5.5m clearance. T2 - Purple Cherry Plum - Raise canopy over road to give 5.5m clearance.	Date Rec: 7/10/2024 Notice sent: 14/11/2024 <u>Determination:</u> 5 wks 3 days <u>Decision:</u> Approved
39	2024/TPO/0122/LCC 24/00948/TPO	2 Cedar Drive, Market Bosworth. CV13 0LW Welton	T1 - Large Sycamore- Prune overhanging limbs back away from road and footpath by 3m- Prune limb away from building by 2m- Prune remaining canopy to create a uniform crown- Remove epicormic growth- Remove Ivy to lowest branch height.	Date Rec: 10/10/2024 Notice sent: 18/11/2024 <u>Determination:</u> 5wks 4 days <u>Decision:</u> Approved
40	2024/TPO/0121/LCC 24/01226/TPO	11 Lakeside Court, Thurnby. LE7 9PY Burke	T1 – Closet to the property – Remove all epicormic growth to a height of approx.4-5m to the first primary branches. Reduce the height of the T1 by approx.4m to a suitable growth point. Crown reduce by approx.1-2m to maintain a symmetrical crown. Thin the secondary growth growing from the main stem by 20%.T2 – Lime- Behind T1 adjacent to the property boundary. Reduce height by approx.4-5m.Reduce the rest of the crown by approx.2-3m to a suitable growth point maintaining a symmetrical crown.	Date Rec: 27/9/2024 Notice sent: 11/11/2024 <u>Determination:</u> 6 wks 3 days <u>Decision:</u> Approved

41	2024/TPO/0123/LCC 24/00950/TCA	21 Cedar Drive, Market Bosworth, CV13 0LW. Paice	T1 Cherry – Crown reduce by 20%. 1.5m from tip. Beech – Reduce spread by 1.5m.	Date Rec: 14/10/2024 Notice sent: 21/11/2024 <u>Determination:</u> 5 wks 3 days <u>Decision:</u> Approved
42	2024/TPO/0124/LCC 24/01313/TPO	1 Tower Gardens, Ashby de la Zouch. LE65 2GZ Dadley	T1, T2, T3 Lime trees - To repollard to the same point, as carried out periodically.	Date Rec: 15/10/2024 Notice sent: 21/11/2024 <u>Determination:</u> 5 wks 2 days <u>Decision:</u> Approved
43	2024/TPO/0126/LCC 24/00976/TPO	2 The Coppice, Burbage. LE10 2TF. Price	T1 Cherry – Pollard at 2.5m. T2 Maple – Pollard at 2.5m.	Date Rec: 24/10/2024 Notice sent: 10/12/2024 <u>Determination:</u> 6 wks 5 days <u>Decision:</u> Approved
44	2024/TPO/0129/LCC 24/01282/TPO	Top Lodge, Ashby Rd, Coleorton. LE67 8FD. Arnold	Reduce in height overgrown trees, they have been neglected since planting and are spindly and too tall. I'd expect they were planted as a hedge and have exceeded their expectation.	Date Rec: 4/11/2024 Notice sent: 16/12/2024 <u>Determination:</u> 5 wks 5 days <u>Decision:</u> Approved
45	2024/TPO/0130/LCC 24/0907/TPO	Aylesham Crt, Hinckley Rd, LFE. LE3 3PH Warner	T1 tag 749 Common lime Remove Epicormic Growth to crown break to aid next inspection. T2 tag 750 Common lime Remove Epicormic Growth to Crown Break to aid next inspection. T9 tag 1618 Common lime Remove Epicormic and Ivy Growth to Crown Break to aid next inspection. T22 Common lime Remove Epicormic and Ivy Growth to Crown Break to aid next inspection.	Date Rec: 4/11/2024 Notice sent: 16/12/2024 <u>Determination:</u> 6 wks <u>Decision:</u> Approved

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