Agenda Item 12

Leicestershire County Council

DEVELOPMENT CONTROL AND REGULATORY BOARD

12TH FEBRUARY 2015

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NOS. & DATE:	2014/0190/06 (27th February 2014) – Application for the importation of inert fill for restoration purposes 2014/0191/06 (21st February 2014) – Section 73 application to vary conditions 2,4,7, 74 and 83 of Planning Permission 2008/0443/06 to permit a revised working sequence, an alternative restoration plan and an extended timeframe for mineral extraction and restoration to 31st December 2026.
LOCATION:	Brooksby Quarry, Melton Road, Brooksby (Melton Borough).
APPLICANT:	Lafarge Tarmac Limited.
MAIN ISSUES:	Ecology, archaeology and landscape impacts.
RECOMMENDATION:	PERMIT both applications subject to conditions as detailed in the appendices to the main report.

Circulation Under the Local Issues Alert Procedure

Mr. J.T. Orson JP CC
Mr. S. Hampson CC

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PART B – MAIN REPORT

Site Location and Setting

1. Brooksby Quarry is located on the southern side of the A607 Melton Road between the villages of Rearsby and Brooksby, some 10 kilometres west of Melton Mowbray. The quarry is operated by Lafarge Tarmac Limited, while the land is owned by Brooksby Melton College. Vehicular entrance to the quarry is gained through the dedicated access leading directly from the A607, which runs adjacent to its entire northern boundary.

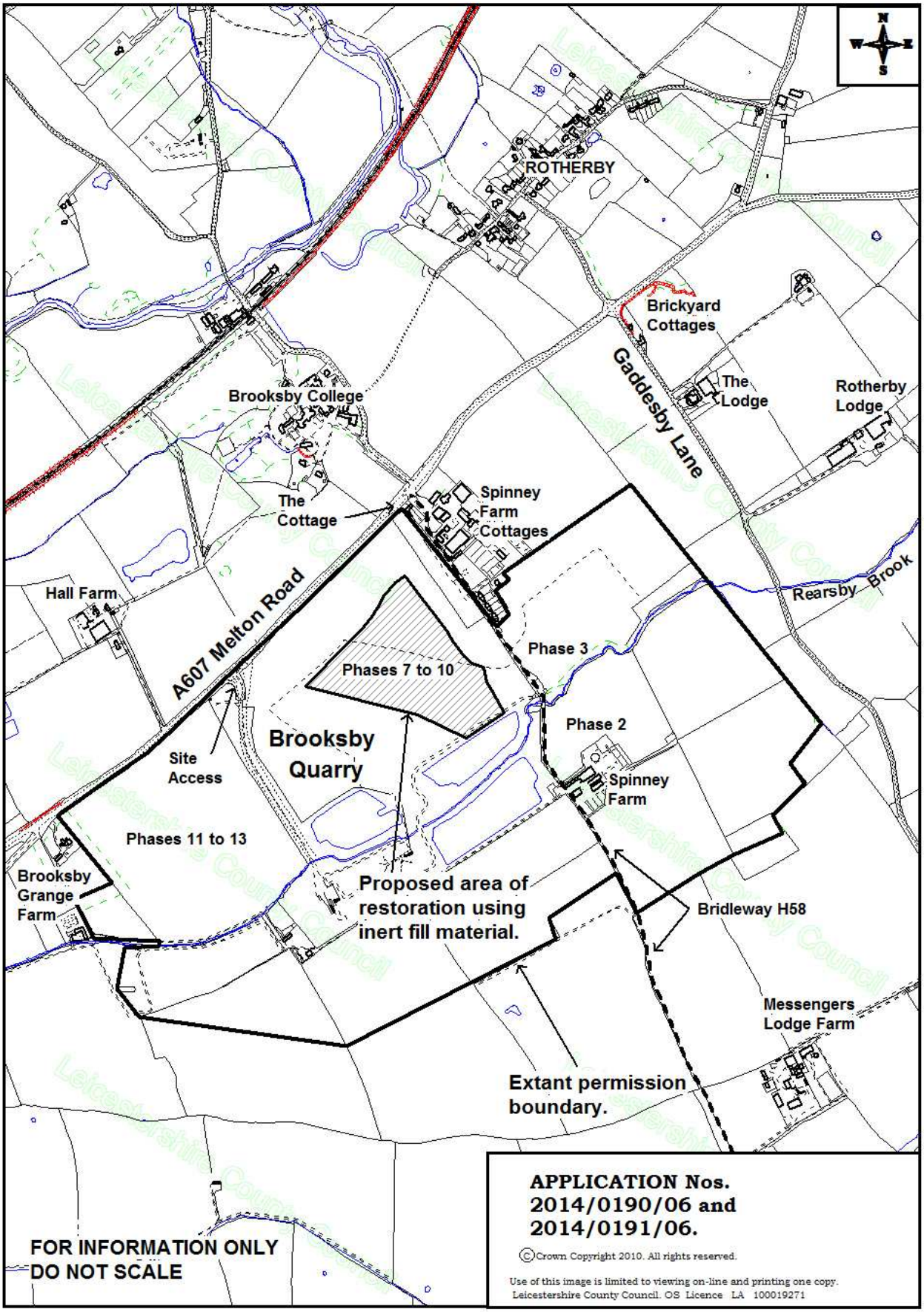
2. The northern corner of the quarry is bordered by a residential property (The Cottage) and then, further along its north-eastern boundary, by the agricultural buildings of Brooksby Melton College and a row of seven residential properties (Spinney Farm Cottages). Bridleway H58 provides access to Spinney Farm Cottages from Melton Road, through the College campus, and runs along the length of the north-eastern boundary of the main quarry area and plant site. Beyond Bridleway H58 and to the south-east of Spinney Farm Cottages are two further areas permitted for the extraction of sand and gravel and forming part of the overall application site. Phase 3 is currently being worked for mineral and is largely complete with restoration expected to be completed in 2015, while extraction in Phase 2 further south-east is scheduled to commence later in the phased working of the quarry.

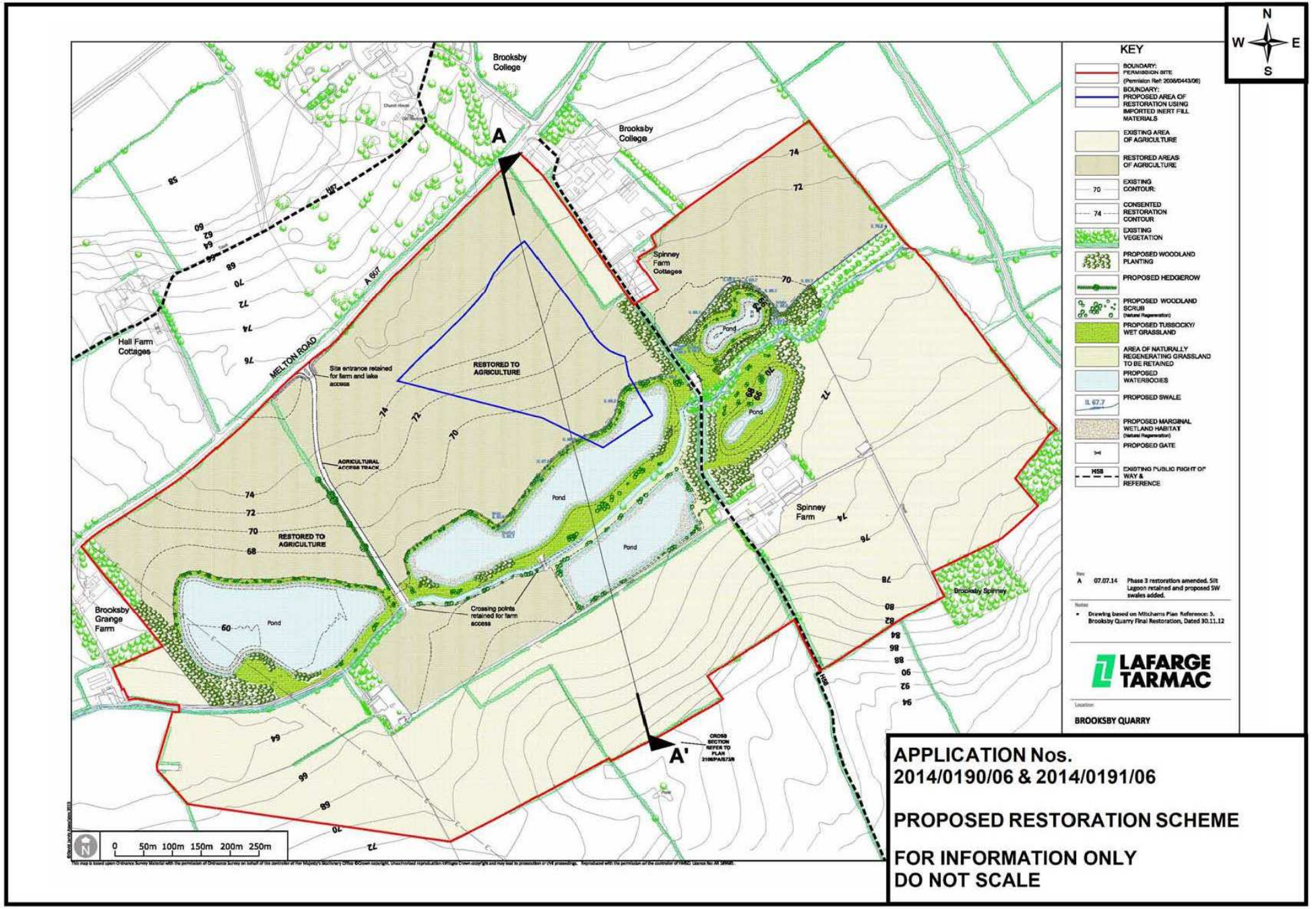
3. Adjoining the quarry to the south-west is the farmstead and landholding of Brooksby Grange Farm, while agricultural fields are situated to the south-east. Other nearby properties include Hall Farm Cottages which lie beyond Melton Road approximately 200 metres to the north of the site. The main campus of Brooksby College is also 250m to the north of the site boundary and comprises various buildings including the Grade II* Listed Brooksby Hall and St. Michael's Church. Frisby Marsh SSSI is located some 1.5 kilometres to the north-east of the site in Frisby-on-the-Wreake.

4. The substantive Planning Permission for the extraction and processing of sand and gravel with subsequent restoration to agriculture, woodland and water (Reference 2008/0443/06) covers an area of approximately 123.3 hectares. The Rearsby Brook flows through the centre of the site in a north-east to south-west direction. The plant site, weighbridge and offices are located immediately south of the Brook and are set back some distance from Melton Road with the access road servicing this area being around 500 metres in length. The polishing lake, silt and clean water lagoons are located to the north and east of the plant site on either side of the Brook.

5. The main quarry area (Phases 4-10) covers the area to the north-east of the access road and north-west of the Brook. The southernmost phases (Phases 4-7) have now been worked for mineral and restoration of Phases 4 to 6 is near to completion, with extraction currently taking place in Phase 9.

2014/0190/06 & 2014/0191/06 – continued




N
W
E
S
KEY
BOUNDARY: PERMISSION SITE (Permission Ref: 2008/0443/06)
BOUNDARY: PROPOSED AREA OF RESTORATION USING IMPORTED INERT FILL MATERIALS
EXISTING AREA OF AGRICULTURE
RESTORED AREAS OF AGRICULTURE
EXISTING CONTOUR
CONSENTED RESTORATION CONTOUR
EXISTING VEGETATION
PROPOSED WOODLAND PLANTING
PROPOSED HEDGEROW
PROPOSED WOODLAND SCRUB (Natural Regeneration)
PROPOSED TUSSOCKY/ WET GRASSLAND
AREA OF NATURALLY REGENERATING GRASSLAND TO BE RETAINED
PROPOSED WATERBODIES
PROPOSED SWALE
PROPOSED MARGINAL WETLAND HABITAT (Natural Regeneration)
PROPOSED GATE
EXISTING PUBLIC RIGHT OF WAY & REFERENCE
Brooksby College
Hall Farm Cottages
MELTON ROAD
A 607
Site entrance retained for farm and lake access
RESTORED TO AGRICULTURE
AGRICULTURAL ACCESS TRACK
Spinney Farm Cottages
Spinney Farm
Brooksby Spinney
Brooksby Grange Farm
Crossing points retained for farm access
Pond
A
A'
CROSS SECTION REFER TO PLAN 2106/PA/S73/R
A 07.07.14 Phase 3 restoration amended. Silt Lagoon retained and proposed SW swales added.
Drawing based on Mitchams Plan Reference: 3. Brooksby Quarry Final Restoration, Dated 30.11.12
LAFARGE TARMAC
BROOKSBY QUARRY
0 50m 100m 150m 200m 250m
APPLICATION Nos. 2014/0190/06 & 2014/0191/06
PROPOSED RESTORATION SCHEME
FOR INFORMATION ONLY
DO NOT SCALE

6. The site contains several areas of archaeological interest and a stand-off from an area approximately 100 metres in width from Melton Road has been maintained to protect archaeological assets. The former route of the Bytham River channel, a palaeolithic archaeological feature, meanders through the site and has been noted beneath Phases 7 to 10 of the main quarry area. A Written Scheme of Investigation document has been approved under the extant planning permission which sets out the procedure for working around archaeological assets.

7. Overburden and top-soil bunds are located around the site boundary which helps to screen the extraction area and plant site from external views. Once mineral has been extracted, it is taken by dump trucks and tipped into a hopper centrally located within the site. This hopper feeds the sand and gravel into a conveyor which travels south-east towards the plant site where the mineral is washed, graded and stockpiled.

8. The Applicant indicates that at the end of 2012 approximately 1.85 million tonnes of permitted mineral reserves remained to be worked. It is estimated that permitted reserves had decreased to approximately 1.3 million tonnes by July 2014.

Planning History

9. Planning permission was granted in September 2003 (Permission Ref. 2000/0443/06) for the extraction and processing of sand and gravel with restoration to agriculture, woodland and water at Brooksby Quarry.

10. Condition 13 of permission 2000/0443/06 was varied in 2007 (Permission Ref. 2006/1160/06) to allow the importation of sand and gravel from the applicant's Fosse Way Quarry site. However, the Fosse Way site has never been worked and permission 2006/1160/06 has now expired.

11. Further planning permission was granted in November 2008 (Permission Ref. 2008/0443/06) to vary the layout of plant within the site and revise the permitted phasing of working. This permission imposed a new set of conditions under which the site is now controlled.

12. Planning Permission was granted in January 2012 (Permission Ref. 2012/0062/06) for the variation of one of the conditions attached to Permission 2008/0443/06 to allow the importation of 25,000 tonnes of mineral per annum from Mountsorrel to the site for processing.

Description of Proposal

13. The principal objective of the two submitted planning applications is to create an improved agricultural restoration of the site through the importation and placement of inert material. Inert material is material which is biologically, chemically and physically unreactive with the environment and includes soils, stone, bricks and concrete.

2014/0190/06 & 2014/0191/06 – continued

Importation of inert fill material

14. Application 2014/0190/06 proposes the importation and placement of approximately 686,680 cubic metres of inert material within the current and future void area created by Phases 7 to 10 of the permitted phases of extraction at the quarry. These phases cover approximately 7.3 hectares of the overall permitted 123 hectare quarry site.

15. The Applicant anticipates that the material would be imported at an average rate of 200,000 tonnes per annum and a maximum rate of 250,000 tonnes per annum. Using a conversion factor of 1.25 to 1.5 tonnes per cubic metre and based on the estimated average importation rate, it would take between four and five years to complete restoration of the site.

16. In importing the material to the void area, HGVs would utilise the quarry access off Melton Road (A607) and progress around the existing haul roads. The current permitted extraction and importation activities at the site generate around 170 HGV movements per day when operating at full capacity, although the Applicant notes that current movements are in the order of some 90 to 120 movements per day. The importation of inert fill material at a rate of 250,000 tonnes per annum is anticipated to generate up to 150 additional movements per day. Therefore, overall HGV traffic movements associated with the quarry would be between 240 and 320 movements per day.

17. The Applicant is required to obtain an Environmental Permit from the Environment Agency to import inert fill material to the site and this would control importation procedures such as the types of waste allowed into the site.

Application 2014/0191/06 – variation of existing permission

18. Application 2014/0191/06 proposes to vary conditions attached to extant Permission 2008/0443/06 covering current operations at the site to allow for a revised restoration scheme, an extension in the period allowed for quarrying and restoration operations and a revised phasing scheme. The conditions on the existing permission which the Applicant is seeking to amend are:

- Condition 2 (duration of operations)
- Condition 4 (phasing of working)
- Condition 7 (phasing of extraction)
- Condition 74 (final restoration levels)
- Condition 83 (detailed restoration scheme)

19. In the event that planning permission is granted, the Minerals Planning Authority has the opportunity to remove, amend or add to the existing schedule of conditions attached to Planning Permission 2008/0443/06, but only where such changes relate to the development proposed. The existing list of conditions would be superseded upon implementation of the new permission. The various elements of the proposed variation of the existing permission are set out below.

2014/0190/06 & 2014/0191/06 – continued

Revisions to approved restoration scheme

20. The existing restoration scheme approved under Planning Permission 2008/0443/06 proposes restoration predominantly to agriculture with additional nature conservation uses. Large arable fields enclosed by hedgerows are the most common landscape feature of the restoration scheme, together with four waterbodies set beside the corridor of the Rearsby Brook running through the site. Clusters of woodland planting are also proposed around the waterbodies, together with species rich grassland and areas of marginal wetland habitat. The largest waterbody in the centre of the site would feature an island of marginal wetland habitat. The main quarry access off Melton Road would also be retained under the approved scheme. The land within the main quarry area is generally shown to fall away from the north-western boundary with Melton Road at 76 metres above ordnance datum (AOD) to 66m AOD around the waterbodies over a distance of some 200 to 300 metres.

21. The proposed importation of inert fill material to the site would allow the Applicant to reduce the gradient of the restored landform to create a much more gradual fall in levels from Melton Road to the waterbodies and Rearsby Brook. This would improve the quality of the agricultural land returned to the landowner, Brooksby College, once extraction and restoration are complete. The scheme submitted under Planning Application 2014/0191/06 also proposes amendments to the shape of the waterbodies, making their margins more uniform, which again will help to create more workable agricultural land.

22. The revised restoration scheme also amends the layout of the surrounding areas of land which would provide nature conservation benefits. The woodland planting areas would be amended and reduced in scope, while the existing silt lagoon to the south of the Rearsby Brook would be retained. Tussocky wet grassland habitat would also be provided around the waterbodies and an area of naturally regenerating grassland would be retained around the silt lagoon. The scheme would otherwise remain largely as approved with the site access being retained and the general layout of fields remaining the same.

23. In order to amend the approved restoration scheme the Applicant proposes to vary Conditions 74 and 83 of Planning Permission 2008/0443/06, which relate to soil replacement and final landscaping and restoration respectively.

Extension of permission timeframe

24. Condition 2 of Planning Permission 2008/0443/06 requires mineral extraction and restoration of the site be completed by 24th April 2021, which was 15 years from the commencement of the development in 2006. Due to the economic climate in recent years, extraction has not proceeded at the rate expected and, based on current extraction rates, it is predicted that it will take over 10 years to exhaust the permitted reserves at the quarry.

25. The importation of inert fill would run concurrently with the extraction and restoration of the site and is not anticipated to extend the timeframe for overall restoration of the site. However, due to the remaining mineral reserves present

at the quarry, application 2014/0191/06 seeks to vary Condition 2 of the extant permission and extend the permission timeframe to 31st December 2026.

Revised phasing of working

26. Conditions 4 and 7 of Planning Permission 2008/0443/06 control the current phasing of mineral extraction at the quarry. Site operations have previously departed from the approved phasing of working, mainly due to the need to maintain mineral extraction at the site, together with ensuring progressive restoration. During the latter end of working Phase 8 of the site, extraction was stopped and the Applicant proceeded with the stripping of soils and extraction of sand and gravel from Phase 3 which is east of Bridleway H58. Extraction in Phase 3 is now largely complete with backfilling of the phase ongoing and the Applicant has moved back to progressing onto Phases 9 and 10 within the main quarry. The transfer of extraction operations to Phase 3 was to accommodate the inert landfill proposals and as a result of other constraints affecting the main quarry area such as archaeology.

27. In order to regularise the previous scheme of working and ensure compliance moving forward with future phasing of extraction, Application 2014/0191/06 seeks to vary the approved phasing scheme, controlled by Conditions 4 and 7 of Permission 2008/0443/06, to reflect the current and proposed site operations.

28. Under the proposed scheme of working, the Applicant would progress with extraction in Phase 9 before moving onto Phase 10, while backfilling of stored overburden and soils, together with placement of inert fill, would follow in the preceding phases. Extraction would then move over to the area west of the site access road, proceeding west from Phase 11 to Phase 13 adjoining the site boundary with Brooksby Grange Farm. Prior to working Phase 13, the Applicant states that extraction may transfer across to Phase 2, which is a stand alone extraction area adjacent to Spinney Farm and east of Bridleway H58. Restoration of Phases 11 and 12 would be undertaken during extraction in Phases 2 and 13.

Planning Policy

Development Plan

Leicestershire Minerals Core Strategy and Development Control Policies (adopted October 2009)

29. *Policy MCS10* (Resource Management) seeks to reduce the demand for primary minerals by *inter alia* encouraging the use of mineral waste and supporting recycling initiatives.

30. *Policy MCS11* (Environmental Protection) seeks to protect and enhance the natural and built environment.

31. *Policy MDC2* (Sustainable Design) *inter alia* promotes the re-use and recycling of materials and the protection and enhancement of the character and quality of an area.

2014/0190/06 & 2014/0191/06 – continued

32. *Policies MDC3 (and WDC2 of Waste Core Strategy)* (Sites of National Historic Importance) seeks to prevent adverse effects on sites of national historic importance or on their setting, character and appearance.

33. *Policy MDC5* (Countryside) states that permission will not be granted for minerals development that will adversely affect the general appearance and character of the landscape and countryside.

34. *Policy MDC12* (Health and Amenity) seeks to protect adjoining land users and those in close proximity to minerals development from potential adverse effects of minerals development.

35. *Policy MDC13* (Cumulative Impact) states that permission will not be granted for minerals development which would result in an unacceptable cumulative impact on the environment of an area or on the amenity of a local community.

36. *Policy MDC14* (Transportation of Minerals) seeks to ensure that the transport of minerals by road is only permitted where access arrangements are safe and appropriate to the proposed development. It also states that permission should only be granted where the highway network is able to accommodate the traffic to be generated and such traffic would not have an unacceptable impact upon the environment or on local residents.

Leicestershire and Leicester Waste Core Strategy and Development Control Policies (adopted October 2009)

37. *Policy WCS3* (Non-Strategic Sites) of the Leicestershire and Leicester Waste Core Strategy (adopted October 2009) states that the strategy for non-strategic waste sites is to locate them in the following areas, taking into account the principles set out in Policy *WCS4: Waste Location Principles*.

(i) in the Broad Locations indicated in the Key Diagram,
(ii) in or close to the main urban areas of Hinckley or Melton Mowbray;
(iii) within sustainable urban extensions;
(iv) within or adjacent to an existing waste facility, where it can be demonstrated that transport, operational and environmental benefits arise from co-location.

Where it can be demonstrated that a more dispersed location outside the above areas is necessary, locations in smaller settlements or rural areas will be considered subject to the principles set out in Policy WCS4.

38. *Policy WCS4* (Locational Principles) contains the strategy for locating waste sites, including a sequential approach for their location. The policy gives the highest priority to locations on land with an existing waste management use where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities.

39. *Policy WCS8* (Inert Waste Landfill) of the Waste Core Strategy states that planning permission should not be granted for new or extended inert waste landfill sites unless:

(i) it can be demonstrated that the waste cannot be managed in a more sustainable way;
(ii) an environmental benefit is to be secured by the development;
(iii) the development would not delay the final restoration of existing waste disposal sites; and
(iv) the proposal does not cause unacceptable harm to the environment or communities.

40. *Policy WCS10* (Environmental Protection) of the Waste Core Strategy seeks to protect and enhance the natural and built environment by ensuring:
(i) there are no unacceptable adverse impacts from waste developments on (inter alia):
(a) natural resources including water, air and soil;
(b) the character and quality of the landscape;
(c) biodiversity […]
(d) historic and cultural features of acknowledged importance […];
(g) residential amenity;

(ii) the highest standards of operational practice for the management, working, and where appropriate, restoration and aftercare of sites are adopted;

(iii) development is designed to a high standard, incorporates sustainable construction principles and includes appropriate landscaping.

41. Policy *WCS14* (Transportation of Waste) of the Waste Core Strategy seeks to locate new waste management developments:

(i) in close proximity to arisings in order to minimise the need to transport waste;
(ii) in close proximity to the County's lorry route network and where road traffic generated by the development can avoid residential areas and minor roads in order to minimise the impact of transporting waste by road; or
(iii) where rail/water transport could be secured for movement of waste in order to maximise the potential to use alternative means of transport.

40. *Policy WDC5* (Countryside) of the Waste Core Strategy states that planning permission will not be granted for waste management development within the countryside, unless it can be demonstrated that:

(i) the development is such that it cannot be accommodated within the urban areas;
(ii) there is an overriding need for the development; and
(iii) the landscape character of the area will not be harmed.

41. *Policy WDC8* (Health and Amenity) of the Waste Core Strategy states that planning permission will not be granted for waste development which is likely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the waste management development.

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42. *Policy WDC10* of the Waste Core Strategy states that permission shall not be granted for waste management facilities involving the transport of waste by road where (inter alia):

    (ii) the proposed access arrangements would be unsafe and inappropriate to the proposed development and the impact of the traffic generated would be detrimental to road safety to an unacceptable degree; and
    (iii) the highway network is unable to accommodate the traffic that would be generated and have an unacceptable impact on the environment of local residents.

43. *Policy WDC12* (Water Environment) seeks to control new waste management development so that it does not have unacceptable impacts upon the quality or flow of groundwater or surface water drainage. It also seeks to ensure such development does not exacerbate flood risk.

Melton Borough Local Plan (adopted June 1999)

44. *Saved Policy OS2 (Development within the Countryside)* sets out appropriate development for which planning permission should be granted in the countryside.

Planning Policy Guidance

National Planning Policy Framework (March 2012)

45. Paragraph 144 of the NPPF states that in granting planning permission for mineral development, local planning authorities shall ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and to take into account the cumulative effect of multiple impacts from individual sites. It also states that they shall provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.

46. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

47. Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.

Consultations

Melton Borough Council (Planning)

48. Raises no objections.

Melton Borough Council (Environmental Health)

49. No comments received in the prescribed timescale.

Hoby with Rotherby Parish Council

50. No comments received in the prescribed timescale.

Rearsby Parish Council

51. No comments received in the prescribed timescale.

County Highways Authority

52. Raises no objections. The proposal is unlikely to result in any capacity issues at the junction of the site access with the A607 nor lead to a significant increase in traffic using the A607.

Environment Agency

53. Whilst the Agency does not formally object to the proposed variation of conditions application, having reviewed the restoration plans it is extremely disappointed to note the reduction in valuable wetland habitat on site from that of the previously agreed restoration scheme. Paragraph 109 of the National Planning Policy Framework (NPPF) states that *'the planning system should contribute to and enhance the natural and local environment by:*

> *Minimising impacts on biodiversity and providing net gains in biodiversity where possible contributing to the Government's commitment to halt the overall decline in biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.*'

54. The lakes and ponds in the revised restoration scheme appear to be very trapezoidal in nature and are lacking any variation in bed and bank levels. If the lakes and ponds are constructed in this manner they will be far less likely to support a wide variety of aquatic and terrestrial plant and animal species or to provide important 'stepping stones' to other similar habitats in the wider landscape. We consider a real opportunity to provide valuable BAP priority habitat could be lost if this restoration plan is implemented and we therefore strongly advise the previous restoration plan, (as illustrated on drawing no. 2106/SK/7 Rev C), is reinstated in support of this planning application, with the potential addition of the pond to the south of the Rearsby Brook to provide further habitat connectivity. Habitat buffers of species rich grassland, at least 10m in width, should also be provided around the proposed lakes and ponds to reduce the risk of nutrient enrichment from agricultural runoff. During all works care must be taken to protect the watercourse running through the site.

2014/0190/06 & 2014/0191/06 – continued

Environment Permitting Regulations

55. An Environmental Permit (pursuant to the Environmental Permitting (England & Wales) Regulations 2010) is required to be secured by the site operator prior to the importation of inert wastes onto land at Brooksby Quarry for the purposes of site restoration works. The Environmental Permit will provide a comprehensive set of specified conditions which will adequately control all aspects of the intended restoration works in order to ensure protection of the environment/ prevent harm to human health.

56. As part of any application for an Environmental Permit, the Environment Agency will require specific details on the testing regime to ensure the material is inert and contingency measures to be implemented should any non inert material be brought onto site.

Water Framework Directive (WFD)

57. It should be noted that Regulation 17 of the Water Environment (WFD)(E&W) Regulations 2003 places a duty on each public body including local planning authorities to 'have regard to' River Basin Management Plans (RBMP's), in this instance the Humber RBMP. Furthermore the NPPF (para 2) states planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements. It also (para 165) identifies RBMPs as a source of evidence. In legal terms the WFD applies whether or not national planning policy refers to it and is a material consideration for any planning decision.

58. In brief, the Water Framework Directive (WFD) encompasses all surface waters in England and Wales. The main objective, summarised in Article 4 of this European legislation (2000/60/EC), is to achieve good ecological status (GES) or good ecological potential (GEP) in all river water bodies. A water body encompasses to the entire stream network draining the river catchment, as classified for the purposes of the WFD. Water bodies designated with a highly modified hydromorphology aim to achieve good ecological *potential*; while water bodies without this designation aim to achieve good ecological *status*.

59. The Rearsby Brook is part of the River Eye/Wreake from Langham Brook to River Soar WFD water body which is currently failing under WFD due to phosphate levels in the watercourse and a lack of diversity in the macrophyte community in this water body. The proposed restoration scheme should therefore ensure that a 10m wide buffer of species rich grassland is provided on both sides of the Rearsby brook, where reinstatement to agriculture is proposed, to reduce any potential phosphate inputs to this watercourse.

English Heritage

60. It is noted that the highly graded Heritage Assets of Brooksby Hall (Grade II*) and The Church of St. Michael, Hoby (Grade II*) are located within one kilometre of the application site. Therefore, the statutory requirements to have

special regard to the desirability of preserving the building and its setting (s.16 Planning (Listed Building and Conservation Areas) Act 1990) must be taken into account in making the decision.

61. In determining the applications the need to sustain and enhance the significance of heritage assets should be taken into account and, when considering the impact of a proposed development on the significance of a designated heritage asset (which includes the significance it derives from its setting), great weight should be given to the asset's conservation. The National Planning Policy Framework is clear that any level of harm to significance requires clear and convincing justification – in the case of harm which is less than substantial, the harm must be weighted against the public benefits of the proposal.

Natural England

62. Raises no objections. This application is in close proximity to Frisby Marsh Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Soil advice

63. The use of appropriate material for restoration to agriculture is encouraged. Without information regarding soil texture, stoniness, droughtiness and final soil profiles, it is difficult to determine whether restoration to best and most versatile agricultural land is likely. Reviewing the detailed soil advice provided in Natural England's previous response to application 2008/0443/06 is therefore recommended.

Variation of Conditions

64. No objection is raised to the proposed variations to conditions 2, 4, 7 and 74. Natural England does not consider that these variations pose any likely or significant risk to those features of the natural environment for which it would otherwise provide a more detailed consultation response and so does not wish to make specific comment on these variations.

65. Natural England has previously commented on a version of this restoration proposal and made comments to the authority in its letter dated 13th November 2013 regarding Condition 83 of permission 2008/0443/06. The variation to Condition 83 primarily involves increasing the amount of agricultural land and reducing the proposed grassland area. Natural England typically encourage establishment of priority habitat where possible, but have no objection to this variation.

2014/0190/06 & 2014/0191/06 – continued

Leicestershire and Rutland Wildlife Trust

66. No comments received in the prescribed timescale.

Leicestershire County Council Public Rights of Way Team

67. Raises no objections.

Landscape Advice:

68. There are no objections to the proposals, although the following comments are made:

(i) The Supporting Statement refers to the proposed development resulting in "significant, positive visual impacts on landscape character and visual amenity". There is no evidence for this statement within the Environmental Statement. However, the comments set out within the Environmental Statement relating to landscape and visual impacts are satisfactory.

(ii) On the submitted plans it is difficult to distinguish between the proposed species-rich grassland and the proposed marginal wetland habitat (the latter only appears to feature within the lake near to Spinney Farm Cottages).

(iii) The proposed ponds in the central and western part of the site have very straight and regular edges for the most part and more variation should be introduced.

(iv) If possible, a new hedgerow should be introduced to the south side of the track running south-west from Spinney Farm.

Ecological Advice:

69. The proposal gives an opportunity to re-think the consented plan, and to address various issues that have been raised previously concerning the biodiversity benefit and other environmental impacts arising from restoration.

70. Previous comments on the restoration plan have raised several fundamental issues regarding the concept of the restoration. These were:

- protecting the brook corridor with a buffer zone of grassland/scrub/wet woodland between the brook and the arable fields,
- the unsustainable size of the species-rich grasslands, especially around the lake margins, making them difficult to manage,
- the loss of the silt lagoon, which is already regenerating naturally as good wetland habitat.

71. It is recommended that any restoration plan should be focussed on creating and maintaining a significant landscape buffer along the entire length of the Rearsby Brook through the site, to be managed as a mosaic of rough grassland, wet

grassland, marginal marsh, wetland, scrub and wet woodland. The purpose of this is two-fold: to create a connected wildlife corridor that builds on the existing natural feature of the Brook; and to protect the Brook from run-off and siltation arising from arable use of the adjoining land. It will also help to protect soils and reduce erosion alongside watercourses, and is in line with national best practice recommended by the Environment Agency, DEFRA and Natural England. As a rough guide, it is suggested that a 100m to 200m wide belt of natural vegetation centred on the Brook corridor, widening in places to accommodate standing water bodies of various sizes, and blocks of wet woodland. Within this wider corridor, narrower buffer zones need to be retained between wetland features and adjacent agricultural land, to prevent run-off and silt getting into standing water features; these should be rough grassland, scrub or woodland.

72. The loss of the silt lagoon (which would have been infilled in the consented plan) has been partly addressed; part is now shown on the proposed restoration scheme as being retained. The remaining points have not been addressed.

73. There is particular concern over the parcels of land east and west of the retained silt lagoon, to the south of the brook. This land is shown as restored to agriculture, right up to the edge of the Brook, which it is assumed means arable use. It is completely unacceptable to allow this to happen; a buffer zone must be retained along the brook, for the reasons given above. The two water features north of the brook also have no functional buffer zones between their margins and adjacent agricultural land. Although the plan's key refers to 'proposed marginal wetland habitat' there doesn't appear to be any evidence of this on the actual plan.

74. No objections are raised to the reduced extent of open water, and in fact it is preferable to provide smaller water bodies set within a corridor of natural habitat along the brook. The two small water bodies shown to the east of the public right of way, close to Spinney Farm, are much better in terms of biodiversity, with good buffer zones between them and adjacent farmed land. The brook here is also shown with a buffer zone of existing vegetation. This approach should be carried through across the rest of the brook wildlife corridor.

75. It is recommended that this restoration plan is rejected, on the grounds that it fails to adequately protect existing ecological features in the future (the wildlife corridor of the brook) and fails to address one of the aims of the planning system, as set out in paragraph 109 of the NPPF:

> *"The planning system should contribute to and enhance the natural and local environment by . . . minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."*

Further weight is given to the need to protect wildlife corridors and ecological networks in paragraphs 117 and 118 of the NPPF.

2014/0190/06 & 2014/0191/06 – continued

Ecology report

76. Concern is raised in relation to the submitted ecology report for the following reasons:

- Due to high water levels, Otters and Water vole surveys could not be carried out – despite the statements outlining the methodology used; the assumption was that as they had not been recorded before, they were not present. It is assumed that surveys for Crayfish were not undertaken for the same reasons, although this is not stated.

- The datasearch was inadequate, relying on national free-access websites which only have partial information on locally designated sites and species. A local search of the Record Centre would have revealed presence of badgers on the edges of the site. It is not known if the site of the sett records were specifically checked.

- The Habitat survey was done outside the optimum survey season, and was therefore not in accordance with national guidelines. It is lacking is detail, such as the flora and habitats of the settling lagoons.

- No bird surveys have been undertaken, especially of the existing ponds – the statement with the ecology report that *"There are three large areas of standing water currently utilised as settling ponds. Abundant water fowl were identified on these ponds"* is inadequate, as it does not state which species were identified. It is queried whether any of them are local or national BAP priority species that need to be considered for special conservation measures within the restoration plan.

77. Despite the above comments, it is accepted that the existing site has low ecological value apart from waterfowl habitats and the wildlife corridor of the brook. It is considered acceptable to waive the requirement for a Phase 1 survey conducted at an appropriate time, and also to waive the usual commercial fee and provide basic details of the badger sett records to the applicant and their ecologists, if required. However, Otter, Water vole, Crayfish and Waterfowl surveys are required to be submitted, prior to determination, and a specific check should be made of the known setts, to see if they are still active and could be impacted by the restoration. Until these surveys are provided, a holding objection to the applications is recommended, on the grounds of insufficient evidence on the impact on ecology being provided up front.

Heritage Advice:

78. The Heritage Statement contained within the Environmental Statement which describes the impact of the proposed 'inert fill' on nearby listed buildings, provides a satisfactory assessment which is concurred with. It is understood that the site did not form part of the formal gardens or grounds of Brooksby Hall and it appears that the screening effect of the existing topography will not be unduly affected by the proposed change in profile of the landscape.

2014/0190/06 & 2014/0191/06 – continued

Archaeological Advice:

79. Potential heritage assets within the quarry site include:

- Palaeolithic archaeological remains associated with the Bytham River channel contained within and beneath the extractable sand and gravel body within Phases 7-10;
- Late Iron Age - Roman settlement remains south of and parallel with the Melton Road, excluded from the extraction area;
- Prehistoric and Anglo-Saxon remains beneath the plant area
- Three areas of recorded archaeological remains comprising an Iron Age enclosure (east of the plant site), Late Bronze Age - Early Iron Age and Late Iron Age - Roman remains exposed during soil and overburden stripping within Phases 7-10

Archaeological Implications

80. The Bytham channel deposits remain *in situ* in Phase 7. Investigation has commenced in Phase 8 (supported by English Heritage), with as yet unexposed channel deposits anticipated in Phases 9-10. The results to date indicate that the Brooksby deposits include organics, degraded pollen and lithic tools, all contributing to nationally significant research into the palaeoecology (including the presence and activities of early humans) and environment of the Cromerian and Anglian periods.

81. The submitted information indicates that the proposals will require extraction of a significant (c. 5m) depth of the Brooksby deposits. It is not clear whether this will remove all the Bytham channel deposits within phases 8-10, if not these will remain *in situ*. As a minimum it is clear that the channel will be exposed presenting both an opportunity and a need to investigate and record these significant deposits. Given the significance of the Brooksby and Bytham channel deposits provision for the on-going programme of investigation and record must be secured by the developer, the framework for this has been established under the 2001 approved written scheme for archaeological investigation.

82. It is understood that the revised proposals require no new excavation above and beyond that approved under the permitted scheme, however, it will involve the introduction of a significant volume of inert waste required to enable the remodelling proposed. The Hydrogeological Impact Assessment (HIA) indicates that it is not possible to predict the character, particularly the permeability of the imported material; however it anticipates that the waste will have a lower level of permeability than the 'native material'. This appears very likely to affect the groundwater flows within and around the block of imported material, which itself will be located on top of the poorly permeable natural bedrock.

83. Whilst the HIA suggests this represents no discernible change to the consented restoration scheme, it also notes that as a result:

"The natural route of groundwater will no longer flow towards the Bytham channel deposits and artefacts which currently remain in-situ in Phase 7 or those deposits anticipated to be revealed in Phases 8 to 10."

84. The HIA concludes that the impact upon surviving archaeological remains may be significant, but that provision for the targeted investigation and excavation of these deposits will off-set this likely impact. It continues: "The proposed restoration scheme is no different from the permitted scheme (and in accordance with the written scheme of investigation) with regard to re-burial of these deposits. Therefore, the residual impact of this change to baseline conditions is considered moderate".

85. Where the Brooksby/Bytham deposits are extracted, the current mitigation measures outlined within the 2001 approved WSI are accepted as adequate. However, where those deposits remain wholly or partially *in situ,* to be buried below the introduced inert waste the future preservation of, particularly organic remains, will be significantly compromised. As the Heritage Statement points out, at a national level, the Brooksby Quarry resource represents a small proportion of the likely total Bytham deposits. In addition, the survival of the organic component of the Palaeolithic assemblage in Phases 7-8 has been compromised by the need to manage the water levels during the associated extraction phase. Despite this, the difficulty of viably accessing Bytham deposits, the significance of these remains where available for investigation, the uncertain archaeological potential these offer and the on-going investigation programme underway (which provides both opportunity and context), warrants an additional requirement on the developer to undertake an enhanced level of archaeological investigation and recording of any deposits that are to remain *in situ*. In this context it is recommended that *in situ* deposits, particularly those at or close to the edge of the Bytham channel edge are subject to additional intrusive investigation (auger, test-pitting and trial trenching) and palaeoecological sampling. This work should be the subject of an addendum to the approved WSI, to be submitted to and approved in writing by the Mineral Planning Authority.

86. For the remaining areas/items of archaeological interest, the scheme appears to result in no significant change to the base line conditions previously considered under the permitted scheme. Consequently, it is not recommended that additional requirements above and beyond those already secured under the original permission are necessary.

87. It is recommended that any planning permission should be granted subject to conditions safeguarding the important archaeological remains potentially present. The conditions should require an addendum to the approved WSI to be submitted for approval which includes a programme and methodology for additional site investigation covering the Brooksby and Bytham Channel deposits.

Further responses

88. Following receipt of the initial responses on the submitted revised restoration plan, the Applicant submitted a further revised scheme. Further consultation was undertaken on this scheme on 6th August 2014 and the following comments were received:

Environment Agency

89. It is accepted that wetland habitat will be created on site in the form of lakes and ponds and the Agency wouldn't in any way want to preclude habitat creation at this site. However, concern is raised over the overall morphology of the proposed lakes in that they appear to be trapezoidal with no apparent variation in habitat compared with the lake illustrated on the approved restoration scheme. For the proposed lakes to provide optimum biodiversity benefit they should have very irregular banks and varying water depths giving increased edge and niche habitats for aquatic flora and fauna. Ideally the larger lakes would also be designed to include islands increasing the variation in edge habitat. It is appreciated that a balance has to be gained between biodiversity and agriculture, but this doesn't preclude the possibility of creating a habitat which optimises biodiversity benefit within the constraints of the site. It should also be noted that if these lakes are designed as suggested they would offer a useful educational resource to the college and would illustrate to students how biodiversity gain can be achieved following the quarrying process (i.e. nature after minerals). If the Applicant can demonstrate that variations in bed and bank depths can be created and that where possible islands can also be included, the Agency would be willing to provide a positive response to this application.

Leicestershire County Council Ecological Advice:

90. A substantial buffer was requested between the Rearsby Brook and agricultural land and all that is now proposed is five metres. The scheme is not considered to be acceptable.

91. The December 2014 Badger and Water Vole surveys are acceptable. Three badger setts were found, two peripheral to the quarry and unlikely to be impacted, and a third close to the northern edge of the spinney/scrub adjacent to the plant site, which is at risk from accidental harm through quarry workings (grid ref SK67051501). It is important that the quarry manager and staff/contractors are made aware of its existence. It is not impacted by the restoration plans.

92. The surveys also found clear evidence of water vole along the Brook, in the stretch immediately adjacent to the plant site. This is a very good record, and the restoration plans will need some amendment to include clear reference to the water vole, plus specific recommendations for habitat management and protection. As long as a 5m standoff from the top of the bank is maintained, and clearly delineated with sturdy fencing, the water voles should not be impacted by the restoration. It is likely that in future they may move up stream, where the bankside habitats look similarly suitable (water voles like the banks to

be open and grassed). They may also colonise the settling ponds and restored water bodies. It is important to ensure that the 5m stand-off through this section of the watercourse, adjacent to the plant site and settling ponds, is maintained as suitable habitat, on both banks.

93. A condition is required covering water vole. This should ensure a five metre stand-off from the top of the bank on each side of the Brook adjacent to the quarry plant and settling lagoon is required, and must be securely fenced from the operational and restoration working areas. Within the stand-off, the habitat must be maintained at an optimum for water vole, and must not be allowed to scrub over or have trees planted within it. If restoration does not take place within 3 years of the December 2014 surveys, follow-up surveys for Water Vole and Badger are required prior to each phase.

94. In addition a Note to Applicant regarding water voles and badger would be helpful, in order that all are aware of the presence of the protected species and the possible adverse impacts through normal operational working e.g. the quarry manager, all staff and contractors should be made aware of the presence of protected species on site, and of the protection measures required during normal quarry operations. Any works within 5m of a watercourse or waterbody should be assessed for impact on water voles, and within 30m of a known sett assessed for impact on badgers, and actions must be taken to ensure protection of the species and their habitats, which are also protected by law. Failure to do this may be a criminal offence. The status of the species on site should be kept under review through surveys every three years, in order to identify new locations for the colonies.

Publicity

95. The application has been advertised by means of a site notice posted on 27th January 2012 and 29 notification letters sent to the nearest occupiers. Two representations have been received against the application from occupiers of the same household, objecting to the application for the following reasons:

- the proposal would result in detrimental impacts such as noise, dust, vibration and traffic to be incurred for a longer period of time than originally agreed; and
- a picturesque new village is proposed adjacent to the quarry and extended quarrying with landfill operations would be in total conflict with this.

Assessment of Proposal

96. This proposal must be determined on its merits in accordance with the Development Plan, unless material considerations such as the National Planning Policy Framework indicate otherwise.

2014/0190/06 & 2014/0191/06 – continued

Spatial policy and the principle of landfill

97. Policies WCS3 and WCS4 of the Leicestershire and Leicester Waste Core Strategy, which outline where non-strategic waste sites should be located, are relevant to this application. Although the proposed inert landfilling operation is not located within any of the preferred locations for non-strategic waste sites, it seeks to assist in the improved agricultural restoration of a permitted sand and gravel quarry. Therefore, it is accepted that the dispersed location of the waste proposal is driven by the need to restore an existing quarry site. The sustainability of the infilling operations and the need for the development within the countryside location are assessed below under other policies contained within the Waste Core Strategy.

98. The principal Development Plan policies which the planning application for the importation of inert waste should be considered against are Policy WCS8 of the Waste Core Strategy, which sets out the strategy for inert waste landfill and Policy WDC5 which seeks to control development within the Countryside.

99. Policy WCS8 of the Waste Core Strategy states that planning permission should not be granted for new or extended inert waste landfill sites unless:
    (i) it can be demonstrated that the waste cannot be managed in a more sustainable way;
    (ii) an environmental benefit is to be secured by the development;
    (iii) the development would not delay the final restoration of existing waste disposal sites; and
    (iv) the proposal does not cause unacceptable harm to the environment or communities.

100. Policy WDC5 (Countryside) of the Waste Core Strategy states that planning permission will not be granted for waste management development within the countryside, unless it can be demonstrated that:
    (i) the development is such that it cannot be accommodated within the urban areas;
    (ii) there is an overriding need for the development; and
    (iii) the landscape character of the area will not be harmed.

101. The Applicant has provided an assessment of demand for the proposed infill site to dispose of waste arising from construction activities in a 20 mile radius of the site. The assessment also identifies other waste disposal sites within this radius and seeks to demonstrate that the proposal would not delay the final restoration of these sites. The Applicant considers that there is sufficient waste within the assessed area to enable the site to be restored within the stated timescales.

102. Through submission of the market appraisal, the Applicant has demonstrated that the proposal would not create competition with other waste disposal sites. The market appraisal notes that there would be some overlap in demand with the Applicant's infill site in Lockington. However, this overlap would be minimal as waste for the Lockington site is principally drawn from Nottingham and Derby rather than being from within the radius of the proposal site, which would

predominantly cover development in Leicester, Loughborough and Melton. The appraisal shows that all other inert waste disposal sites within a 20 mile radius of the site would either be on the periphery of the catchment area or would be of a small-scale. These sites would therefore not provide long-term competition for inert waste arisings and it is considered that the proposed infill site at Brooksby would not delay the final restoration of these other existing permitted sites within Leicestershire and adjoining counties, in accordance with Policy WCS8.

103. With respect to need for the proposed infilling operations, the Applicant notes the Waste Core Strategy which shows a shortfall of inert waste management facilities, including landfill. More recent figures published as part of the review of the Waste Core Strategy document indicate a drop in construction and demolition waste arisings. However, there still appears to be a need for further sites as a number of sites are predicted to cease either due to the completion of infilling or the impending expiry of planning permission. The current data available to the Waste Planning Authority indicates sufficient inert waste arisings within the County and Leicester City to justify a need for the proposed infilling operations over the period which the development is proposed.

104. As the Applicant has demonstrated that there is a need for the facility which would not delay the restoration of other waste disposal sites, it is considered that the proposal is in accordance with Policies WCS8 and WDC5 of the Waste Core Strategy in this respect.

105. Examining the evidence provided by the Applicant, there are doubts that the site will be able to attract sufficient infill material to maintain its ambitious throughput target of 200,000 tonnes per annum. However, it is considered that a longer timescale for restoration of the current void area, beyond the four to five years anticipated by the Applicant, would not be detrimental to local amenity or landscape character, especially as Application 2014/0191/06 also proposes to extend the period for completion of extraction operations on the wider site by five years, eight months to 31st December 2026 and infill operations could run concurrently.

106. In the interest of encouraging the Applicant to restore the proposed infill area as quickly as possible, it is recommended that any planning permission granted could require completion of the infill works within 6 years of commencement of the development. If towards the end of the six year period completion of infilling and restoration of the site is not considered likely, the Applicant would need to apply for a further period to complete the works or to revise the restoration scheme, thereby allowing further assessment by the Waste Planning Authority.

Revised restoration scheme

107. The Applicant asserts that the proposed inert landfill would create an improved agricultural restoration by easing the approved gradients to approximately 1 in 15, thereby ensuring that the land would be suitable for a wider range of agricultural machinery. The areas of nature conservation approved under the existing scheme would also be retained under the revised restoration scheme, albeit in an amended form to accommodate more uniform plot sizes and layouts for agricultural after-use.

2014/0190/06 & 2014/0191/06 – continued

108. The Environment Agency and County Council's Ecologist have both raised concern over various elements of the revised restoration scheme that would result from the proposed inert waste infill scheme. The Environment Agency states that it is disappointed that the revised restoration scheme appears to reduce the amount of wetland habitat previously provided under the approved restoration scheme. It also notes that the revised scheme shows the waterbodies to lack variation in bed depth and bank levels meaning that they are less likely to support aquatic life and would provide poorer terrestrial habitat.

109. Although the main waterbody within the site has reduced in size and become more linear in nature, the waterbody to the western side of the site access has increased in size. In response to consultees' comments, the Applicant has now also proposed to retain an existing silt lagoon to the south of Rearsby Brook. The proposed scheme therefore makes similar provision of waterbodies to that provided under the existing approved scheme. With respect to the concern that the profile of the proposed waterbodies is not conducive to the creation of good quality nature conservation habitat, if planning permission is granted, there is the potential to control the gradients and depths of each waterbody through the detailed restoration scheme which would be required by condition. This would allow scope to maximise ecological benefit from the scheme wherever possible, while acknowledging the landowner's intended use of the waterbodies.

110. In commenting on the revised restoration scheme, the Environment Agency and County Council's Ecologist have also requested a habitat buffer along the Rearsby Brook running through the site and around the proposed waterbodies. This is firstly to prevent agricultural run-off and resultant nutrient enrichment of watercourses, and secondly, to provide a wildlife corridor along the Brook. While the Environment Agency has requested a buffer of approximately 10m around waterbodies, the County Council Ecologist requests a 100-200 metre wide corridor.

111. The Environment Agency notes that the Water Framework Directive (WFD) (European Regulation 2000/60/EC) seeks to achieve good ecological status or good ecological potential in all river waterbodies. The Rearsby Brook is part of a river catchment which is currently failing to meet (WFD) objectives due to phosphate levels in the watercourse. As agricultural run-off is a contributor of phosphate in watercourses, measures are required in reinstating agricultural land to ensure that run-off is prevented from entering the Rearsby Brook. In response, the Applicant has proposed to provide a swale along the northern extent of the proposed waterbodies to the north of the Brook to collect run-off from the fields. The waterbodies themselves would also provide a buffer along the Brook, enhancing biodiversity along much of the length of the watercourse through the site.

112. Although the provision of a wildlife corridor of up to 200 metres in width along the Rearsby Brook may be desirable for ecological purposes, it is not considered reasonable to impose this requirement on the Applicant, especially as this extent of ecological provision was not made within the approved scheme. The requested width of the wildlife corridor would significantly reduce

the amount of land returned to agriculture with resultant adverse consequences for achieving an agricultural afteruse which maximises the quality of agricultural land.

113. It has been suggested by consultees that in order to achieve a significant wildlife corridor along the Brook, the size of the proposed waterbodies could be reduced. However, this is likely to require further infilling to create the desired landform for agricultural use, which would extend the period for restoring the site. Alternatively, it would require on site materials to be used in filling the area of the waterbodies, thereby reducing soils and overburden available for restoration of the site and requiring steeper gradients to be imposed across the site and lowering the quality of the reinstated agricultural land.

114. In highlighting concerns with the revised restoration scheme, consultees cite Paragraph 109 of the National Planning Policy Framework (NPPF) which states that the planning system should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

115. Although the proposed restoration scheme does not provide the full extent of ecological measures requested by consultees, it is considered to provide net gains in biodiversity when assessed against the agricultural landscape which existed prior to mineral extraction at the site. The provision of waterbodies along much of the length of the Rearsby Brook, together with a swale and wet grassland habitat, would minimise impacts upon existing biodiversity while also providing areas of new habitat. The revised restoration scheme is therefore considered to be in accordance with guidance set out within Paragraph 109 of the NPPF, Policy MCS11 of the Minerals Core Strategy and Policy WCS10 of the Waste Core Strategy.

116. With respect to ensuring the protection of existing habitats and protected species within the mineral site, since the applications were submitted the Applicant has provided supplementary surveys to demonstrate that any potential for the proposed restoration works to impact upon protected species and their habitats is low.

117. The submitted surveys note the likely presence of water voles in the Rearsby Brook and badgers within the wider site with several setts close to the site. Ecological advice has therefore suggested that all restoration works undertaken after three years of the December 2014 surveys submitted should be subject to follow up surveys to assess potential impact upon water voles and badgers.

118. The badger setts are outside of the area of extraction and restoration and no mitigation is therefore recommended. However, a five metre stand-off either side of the Rearsby Brook is recommended to protect water voles and their habitat. The establishment and maintenance of such a stand-off area could be controlled by planning conditions, as could the requirement to undertake further surveys for protected species. Subject to the attachment of the suggested conditions, the proposal is considered to be in accordance with Policy MCS11 of the Minerals Core Strategy and Policy WCS11 of the Waste Core Strategy.

2014/0190/06 & 2014/0191/06 – continued

Amenity impacts

119. Two representations have been received objecting to the submitted planning applications stating that the proposals would result in environmental and amenity impacts being incurred by both existing and future nearby residents for a longer period than originally agreed.

120. Although it is accepted that the proposals would result in adverse impacts from the quarry operations being experienced by residents for a further five years and eight months, it is considered that the existing conditions imposed upon the site controlling noise, dust and other emissions have been effective in preventing unacceptable impacts upon residents surrounding the site. These conditions would be carried across to any new planning permission granted for the submitted proposals. Therefore, the proposed extension of timescales for the completion of extraction operations and the period allowed for the inert fill restoration works is considered acceptable subject to the existing mitigation measures continuing for the life of the operations.

121. No complaints have been received by the County Council in recent years in relation to operations at the application site and the noise surveys submitted by the Applicant every quarter since commencement of quarrying operations have not indicated unacceptable impacts upon nearby landusers. The infill operations would be controlled by planning conditions and also an Environmental Permit monitored by the Environment Agency.

122. The submitted hydrogeological survey and flood risk assessment do not indicate unacceptable impact upon the nearest residential properties and no adverse comments have been received from the Environment Agency on the matter.

123. Taking the above matters into account, any proposed impacts of the proposed development upon residential amenity are considered to be acceptable and in accordance with Policies MDC12 of the Minerals Core Strategy and Policy WDC8 of the Waste Core Strategy.

Historic buildings and archaeology

124. English Heritage notes that the heritage assets of Brooksby Hall and The Church of St Michael, Hoby (Grade II* Listed) are both located within one kilometre of the application site. Advice from the County Council's Historic Building's Officer concurs with the Heritage Statement submitted by the Applicant, this being that the setting of the listed buildings would not be unduly affected by the restoration works or the proposed final landform. The site has never formed part of the formal gardens of Brooksby Hall and the existing topography provides effective screening between the site and listed buildings. The potential for adverse impact upon the noted heritage assets near to the site is therefore considered negligible.

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125. With respect to the impact of the infill and restoration proposals upon archaeological assets within the site, the submitted proposals would have no significant impact upon existing deposits beneath the plant site and other extraction areas outside the current area of working. However, mitigation is required for the nationally significant Brooksby and Bytham Channel deposits present beneath the area of proposed infilling (Phases 7-10 of extraction). As the Hydrogeological Impact Assessment anticipates that placement of the inert waste into the void will have a lower level of permeability than soils existing within the site this is likely to affect groundwater flows to the archaeological deposits lying beneath and would risk the preservation of these assets.

126. The existing archaeological written scheme of investigation (WSI) approved under Planning Permission 2000/0443/06 is satisfactory in providing mitigation where the Brooksby and Bytham Channel deposits are to be extracted. However, if the deposits are to remain in situ, archaeological advice recommends that an addendum is required to this WSI. This would ensure proper archaeological investigation and recording of the assets and could be ensured by conditions attached to any planning permission granted.

127. The Applicant submitted an addendum to the approved WSI on 16th January 2015 and the County Council's Senior Archaeologist considers this to be acceptable in mitigating the impacts of the proposed development. The implementation of the WSI could be controlled effectively by planning conditions. Such conditions would ensure the safeguarding of the existing archaeological assets in accordance with Policy MDC3 of the Minerals Core Strategy and WDC2 of the Waste Core Strategy

Conclusion

128. The Applicant has demonstrated a need for the proposed infilling to provide an improved agricultural restoration of an existing sand and gravel site which also retains the net gain in biodiversity provided for under the existing approved scheme. Although the Applicant's intended annual throughput for the importation of inert waste is considered ambitious, there is considered sufficient demand for inert waste disposal capacity over the period of proposed restoration to justify the proposal. The need to locate the infilling operations within the countryside is pre-determined by the existing quarry workings. Evidence provided within the application indicates that the proposal would not delay the restoration of other waste disposal sites within the County or restoration of Brooksby Quarry.

129. The infilling works and revised restoration scheme would not result in unacceptable harm being caused to amenity or the local natural and historic built environment. Existing conditions imposed by Planning Permission 2008/0443/06 could be retained to control the environmental impacts of extraction and restoration operations, with supplementary conditions to mitigate any additional impacts caused by the inert waste infill operations. Subject to attachment of such appropriate conditions to any permission, the extended timescales extraction operations and proposed period for the infilling operations are considered reasonable.

2014/0190/06 & 2014/0191/06 – continued

130. Although the nature conservation habitat provided under the revised restoration scheme does not include all elements requested by ecological advisers, this interest has to be balanced with the need to provide agricultural land of a satisfactory quality. The submitted proposal does make provision for a significant biodiversity gain compared with the landform prior to quarrying operations and conditions could ensure that mitigation measures are implemented to safeguard protected species and their habitats, together with enhancing biodiversity as far as possible.

Recommendation

1. PERMIT application 2014/0190/06 subject to the conditions as set out in the Appendix A.

2. PERMIT application 2014/0191/06 subject to the conditions as set out in the Appendix B.

3. To endorse, as required by The Town and Country Planning (General Development Procedure) Order 1995 (as amended), a summary of:

   a. How Leicestershire County Council has worked with the applicant in a positive and proactive manner:

      In dealing with the applications and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework.

2014/0190/06 & 2014/0191/06 – continued

APPENDIX A

Conditions

Scope of Development

1. The development shall be begun within 2 years from the date of this permission.

2. The County Planning Authority shall be notified in writing of the date of commencement of the development at least 7 days, but not more than 14 days, prior to the commencement date.

3. This permission relates only to the importation of inert fill material for restoration of Phases 7 to 10 of the quarry site shown edged with a solid red line on Drawing No. 2106/PA/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the County Planning Authority on 20th February 2014. No processing of such material shall be undertaken at the quarry site.

Access

4. All vehicles importing inert fill material to the permitted infill area set out within Condition 3 above shall access the site from the existing quarry access off Melton Road (A607) and shall travel along the route shown edged with a solid red line on Drawing No. 2106/PA/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the County Planning Authority on 20th February 2014.

Duration

5. This permission shall be limited to the period expiring 6 years after date of commencement of development as notified by Condition 2, by which time the importation of inert material for restoration of the area edged with a solid red line shown on Drawing No. 2106/PA/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the County Planning Authority on 20th February 2014, shall have ceased and the site shall have been restored in accordance with the conditions attached to Planning Permission 2014/0191/06 (but excluding aftercare).

Availability of Plans

6. A copy of this permission together with all documents hereby approved and any other documents subsequently approved in accordance with any condition of this permission shall be kept available for inspection on site during the prescribed working hours.

Related Permissions

7. In all other respects, the operations hereby permitted shall be carried out in accordance with the conditions attached to Planning Permission 2014/0191/06 (as varied).

2014/0190/06 & 2014/0191/06 – continued

Reasons

1. To provide for the completion and progressive restoration of the site within an agreed timescale in the interest of the amenities of the area.

2. To enable the County Planning Authority to monitor compliance with the conditions of the planning process.

3. For the avoidance of doubt and to ensure that the development is carried out as proposed within the application.

4. For the avoidance of doubt and to ensure that the development is carried out as proposed within the application.

5. To provide for the completion and progressive restoration of the site within an agreed timescale in the interest of the amenities of the area.

6. To ensure that the development is carried out in accordance with the application in the interests of the amenities of the area.

7. To ensure that the development is carried out in a satisfactory manner and the site is restored to an acceptable standard under conditions attached to existing permissions on the site.

APPENDIX B

2014/0190/06 & 2014/0191/06 – continued

Conditions

Commencement

1. The development shall be begun within 2 years from the date of this permission.

2. The Minerals Planning Authority shall be notified in writing of the date of commencement of the development at least 7 days, but not more than 14 days, prior to the commencement date.

Duration

3. This permission shall be limited to the period expiring on 31st December 2026, by which time mineral extraction operations shall have ceased and the site shall have been restored in accordance with the other conditions attached to this permission (but excluding aftercare).

Availability of Plans

4. A copy of this permission together with all documents hereby approved and any other documents subsequently approved in accordance with any condition of this permission shall be kept available for inspection on site during the prescribed working hours.

Working and Phasing Details

5. The development hereby permitted shall be carried out in accordance with the details contained in the following documents:

   - Drawing No. 2106/PA/S73/3 – 'Phase 9 Extraction in Progress' (scale 1:5000) received by the Mineral Planning Authority on 20th February 2014.

   - Drawing No. 2106/PA/S73/4 – 'Phase 13 Extraction in Progress' (scale 1:5000) received by the Mineral Planning Authority on 20th February 2014.

   - Drawing No. 2106/PA/S73/5 (Rev. A) – 'Proposed Restoration' (scale 1:5000) received by the Mineral Planning Authority on 15th August 2014.

   In all other respects, with exception to amendments made pursuant to the other conditions set out within this permission, the development hereby permitted shall be undertaken in accordance with those details previously approved by Planning Permission 2000/0443/06, dated 29th September 2003 and 2008/0443/06, dated 13th November 2008.

6. The plant area shall be laid out, fenced, screened and landscaped in accordance with details which have previously been submitted to and approved in writing by the Mineral Planning Authority, as amended by the details submitted in Planning Application 2008/0443/06, dated 2 June 2008. The Plant Area and plant shall be set out in accordance with the approved details.

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7. No mineral extraction shall be undertaken in Phase 11 through to 14 or Phase 2, as shown on Drawing No. 2106/PA/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the Mineral Planning Authority on 20th February 2014, until a scheme of working has been submitted to the Mineral Planning Authority for approval detailing the phasing of remaining permitted extraction operations. The scheme of working shall be carried out in accordance with the approved details.

8. In the event that mineral extraction commences in Phases 11 and 12 prior to the commencement of mineral extraction in Phase 2, no mineral extraction shall take place within Phase 2 until extraction in Phases 11 through to 13 has been completed or restoration of Phases 4 through to 10 shown on Drawing No. 2106/PA/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the Mineral Planning Authority on 20th February 2014, has been completed to the satisfaction of the Mineral Planning Authority.

9. In the event that mineral extraction commences in Phase 2 prior to the commencement of mineral extraction in Phases 11 and 12, no mineral extraction shall commence within Phase 13 until restoration of Phases 4 through to 10 or Phase 2 shown on Drawing No. 2106/PA/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the Mineral Planning Authority on 20th February 2014 has been completed to the satisfaction of the Mineral Planning Authority.

10. No stockpiling or storage of sand and gravel extracted from the site shall take place outside the Plant Site, as shown on Drawing No. 2106/PA/S73/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the Mineral Planning Authority on 20th February 2014.

Concrete Batching Plant

11. The concrete batching plant shall be laid out, fenced, screened and landscaped in accordance with details which have previously been submitted to, and approved in writing by the Mineral Planning Authority, in consultation with the Environmental Health Officer. The submitted details shall include details of the siting, layout, construction, elevations and external colours of the plant. The concrete batching plant shall be set out in accordance with the details as approved in writing by the Mineral Planning Authority.

Importation of Materials

12. No material shall be brought onto the site except for:

    (i) mineral waste, which is imported from Mountsorrel Quarry, Granite Way, Mountsorrel for recycling purposes and processing into a saleable product;
    (ii) cement or other necessary raw materials not available from within the site which may brought onto the plant area of the site for the purposes of manufacturing ready mixed concrete at the concrete batching plant under Planning Permission 2000/0443/06; and
    (iii) any material permitted by separate planning permissions covering the site.

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13. The annual input to the site of mineral waste from Mountsorrel Quarry shall not exceed 25,000 tonnes. From the date of commencement of the operations hereby permitted, the operators shall maintain records of their monthly input of such material and make them available to the Minerals Planning Authority at any time upon request.

14. All mobile plant and machinery required for the purposes of processing imported mineral waste shall be located within the Plant Site, as shown on Drawing No. 2106/PA/S73/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the Mineral Planning Authority on 20th February 2014.

15. All imported mineral waste awaiting processing shall be stockpiled either within the Plant Site, as shown on Drawing No. 2106/PA/S73/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the Mineral Planning Authority on 20th February 2014, or adjacent to the feed hopper immediately north of the Plant Site. All processed material shall be stockpiled within the Plant Site.

Restriction of Permitted Development Rights

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995:

    (a) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority; and
    (b) no lights shall be installed at the site unless details of them have been submitted to and agreed in writing by the Mineral Planning Authority.

Hours of Operation

17. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable).

    (a) no operations shall be carried out at the site except between the following times:
    0700 hours and 1900 hours Monday to Friday; and 0700 hours and 1300 hours Saturday;
    (b) no operations (other than water pumping) shall be carried out at the site on Sundays or public or bank holidays.

Access

18. There shall be no vehicular access to or from the site for any purpose in connection with the development hereby permitted except by means of the access onto the A607 Melton Road as shown on Drawing No. 2106/PA/S73/2 – 'Existing Situation (November 2013)' (scale 1:5000 at A3), received by the Mineral Planning Authority on 20th February 2014.

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19. The existing vehicular access onto the A607 Melton Road shall be retained and maintained to the following standards for the period of the operations hereby permitted:

    - visibility splays of 4.5 metres by 215 metres provided in both directions. Any hedgerows removed in order to provide the required visibility splays shall be replaced clear of the visibility splays in accordance with details that have previously been agreed with the Mineral Planning Authority;
    - minimum width of 6 metres wide for a distance of 30 metres behind the highway boundary, and surfaced in a bound material; and
    - any new gates provided on the site access shall be set back a distance of 30 metres from the highway boundary and hung so as to open into the site.

20. Wheel cleaning facilities shall continue to be provided at the site access in accordance with details that have been previously agreed with the Mineral Planning Authority under Planning Permission 2000/0443/06 (as varied by Planning Permission 2008/0443/06), and shall be used as may be necessary to ensure that no mud or other detritus is carried onto the highway. The surfacing of the access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare.

21. No lorries carrying sand and gravel shall leave the site unsheeted.

22. All material excavated from Phases 8 to 10 shown on Drawing No. 2106/PA/S73/3 – 'Phase 9 Extraction in Progress' shall be taken by means of internal haul road to the hopper area and then by conveyor to the plant area for processing.

    Crossings Over Rearsby Brook

23. The crossing points over Rearsby Brook from Phase 1A to the Plant Site and from the access road to the Plant Site shall remain available for use for the duration of the development in accordance with details previously approved under Planning Permission 2000/0443/06 (as varied by Planning Permission 2008/0443/06).

24. No extraction shall take place in Phases 11 through to 14 until details of internal access to the extraction area, which may include a culvert crossing over the Rearsby Brook west of the site access road, as depicted on Drawing 2106/PA/S73/4 – 'Phase 13 Extraction in Progress' (scale 1:5000 at A3), have been submitted to the Mineral Planning Authority for approval. Such details shall include the dimensions of the access/crossing; construction materials and methods; and the provision of appropriate signage. The access/crossing point shall be constructed and maintained in accordance with the approved details.

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Bridleway H58

25. No soil stripping operations shall commence in Phase 2 until signs, the details of which have been approved by the Mineral Planning Authority on 6th June 2013 for the purposes of Planning Permission 2008/0443/06, have been erected (and thereafter maintained) at the points where internal haulage routes cross Bridleway H58. Such signs shall draw the attention of heavy plant drivers to the bridleway, and bridleway users' attention to the presence of heavy plant. Haulage vehicles shall only cross the bridleway at these points and shall not travel along any length of the bridleway during the development.

Dust

26. All operations shall be carried out in a manner which minimises the emission of dust from the site. Internal roads and dry exposed material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne.

27. 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 conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as the operations can be resumed without causing such nuisance, either by a change in working, weather conditions or by taking other additional measures.

Noise

28. Except for temporary operations, the free-field Equivalent Continuous Noise Level $L_{Aeq, T}$, at the noise sensitive premises nearest the extraction site, due to operations in the site, shall not exceed the relevant criterion limit specified below at each nominated dwelling. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Location	**Criterion (dB $L_{Aeq, 1\ hour}$; free field)**
The Lodge	51
Rotherby Lodge	47
Messengers Lodge Farm	45
Top Field Farm	45
Brooksby Grange	55
Hall Farm Cottages	52
The Old Rectory	51
The Cottage	55
Spinney Farm Cottages	53

Noise monitoring shall be carried out in accordance with the Noise Monitoring Scheme approved by the Mineral Authority on 29th November 2004 for the purposes of Planning Permission 2000/0443/06 and shall be undertaken at three monthly intervals at up to five of the above locations.

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29. Noise levels arising from temporary operations such as site preparation, soil stripping, overburden removal, construction and removal of soil mounds and restoration activities shall be minimised as far as is reasonably practicable and in any case shall not exceed 70dB $L_{Aeq\ (1\ hour)}$, freefield at any noise sensitive property detailed under Condition 28 above. Such noisier activities should not affect any individual noise sensitive property for more than 8 weeks in any year. Advance notice of the commencement of such noisier activities shall be given to the Mineral Planning Authority.

30. All pumps used in connection with the development hereby permitted shall be powered by electricity or acoustically insulated diesel powered units. Any pumps shall be operated and sited so as to minimise impact on residents from noise. Noise levels from any pumping operations carried out outside normal working hours, as detailed under Condition 17, shall not exceed 42dB $L_{Aeq\ (1\ hour)}$ freefield at any residential property.

31. 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. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected should be taken out of service.

32. All audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery shall be designed and operated so as to minimise disturbance to nearby residents. Non-tonal alarms should be provided where this does not compromise health and safety.

33. All noise monitoring records and results shall be provided to the Mineral Planning Authority and the Environmental Health Authority in accordance with the approved scheme. The approved monitoring scheme shall be kept under regular review and may be varied or amended by agreement with the Mineral Planning Authority in consultation with the Environmental Health Authority.

34. In the event that noise monitoring indicates that the levels set out in Conditions 28, 29 and 30 above are being exceeded, the source of the noise shall be identified and measures undertaken to remedy the breach. Should these measures prove unsuccessful, the operations generating the noise shall cease until additional measures agreed with the Mineral Planning Authority have been undertaken.

Water Protection and Pollution

35. Surface water drainage on the site shall be maintained in accordance with the details set out within Figure 6 – 'Proposed Surface Water Management' (scale 1:1000 at A3) approved by the Mineral Planning Authority on 5th October 2006 for the purposes of Planning Permission 2000/0443/06. The drainage layout within the site shall continue ensure that surface water does not drain onto the public highway.

36. Prior to being discharged into any watercourse, surface water sewer or soakaway, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

37. There shall be no interruption to the surface water drainage system of the surrounding land as a result of the operations on site. Provision shall be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

38. There shall not be stockpiles on both sides of the Rearsby Brook at any one time. Where a stockpile is formed on one side of Rearsby Brook, the stockpile should not be continuous and should be broken down into 20 metre long sections, with 5 metre long gaps between two consecutive sections.

39. A strip of land 5 metres wide adjacent to the top of both banks of Rearsby Brook shall be kept clear of any proposed storage mounds or any structure throughout the duration of the development, except where approved schemes for crossings over Rearsby Brook provide otherwise. There shall be no raising of ground levels within this area.

40. There shall not be any derogation of flow within the Rearsby Brook as a result of mineral extraction activities including dewatering of the working area. Any losses resulting from dewatering draw-down effects must be mitigated by returning clean water to the brook upstream of the impacted area.

41. The foul drainage from the proposed development shall be discharged to a septic tank and soakaway system which meets the requirements of British Standard BS 6297:1983, and which complies with the following:

    (a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse;

    (b) porosity tests are carried out to the satisfaction of the Mineral Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297:1983 refers); and

    (c) the soakaway is designed and installed to reflect the results of the porosity tests.

42. All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

43. There shall be no discharge of foul, dirty or contaminated drainage or surface water from the site into any groundwater, surface water or surface water drainage system, whether direct or via soakaways. Dewatering activities on the site shall only commence following the provision of a settlement facility for the removal of inert suspended solids.

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44. Any effluent from the ready mixed concrete plant or from the washing out of truck mixers shall be stored in a sealed pit and recycled in with the next batches of concrete or taken off-site for disposal.

Services

45. Throughout the duration of the development, arrangements shall be made for the protection or removal of any electricity pylons on the site. Any protection margins shall be securely and visibly fenced in accordance with details previously submitted to and approved by the Mineral Planning Authority.

Archaeology

46. No excavation works shall take place in the area marked 'Area of Archaeological Interest' on Plan No 3A – 'Site Layout' (1:2500 at A1) accompanying the 'Response to Consultees and Revised Scheme of Working' document, dated June 2001 and relating to Planning Permission 2000/0443/06.

47. The development shall only take place in accordance with the following documents:

(a) Archaeological Scheme of Investigation previously submitted by the applicants within Appendix 1 to the Response to Consultees and Revised Scheme of Working' document, dated June 2001 and relating to Planning Permission 2000/0443/06.

(b) 'Written Scheme of Investigation for Archaeological Recording at Brooksby Quarry Infill Phases 9-10' (reference 3122/D410/2014, Archaeologica, dated 19th December 2014) received by the County Council on 16th January 2015.

48. The development shall be undertaken in accordance with the Water Monitoring Strategy approved by the Mineral Planning Authority (MPA) on 18th September 2006 and supplemented by the Water Monitoring Strategy submitted to the MPA on 13th March 2009. Notwithstanding the above approved schemes, monitoring shall include the reporting of the recorded water monitoring data to the MPA on a quarterly basis and submission of a supporting specialist report and non-technical summary to the MPA on an annual basis for the 12 months ending on 30th April each year.

49. The operation of the processing plant, stockpiling and storage of sand and gravel shall not impede the required environmental monitoring of archaeological remains within the plant site as detailed in the Written Scheme of Investigation AC3124/D2 and any subsequently approved variations.

50. If, in the opinion of the Mineral Planning Authority, there is a need to gain access to the archaeological deposits on the site, the operator shall make provision for any required mitigation measures necessary to ensure the in situ preservation, or preservation by record of archaeological remains within the plant site as detailed in the approved Written Scheme of Investigation AC3124/D2 and any subsequently approved variations.

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Ecological/Landscaping Conditions

51. The development hereby permitted shall not be commenced until the implementation of a scheme for further ecological survey and appropriate mitigation measures has been secured. The scheme shall be agreed in writing with the Minerals Planning Authority and implemented in accordance with the agreed details. The scheme shall include reference to provisions for the re-survey of water vole and badger presence within the site.

52. Notwithstanding the requirements of Condition 81 below, provision shall be made, both within the detailed restoration scheme and in undertaking extraction and restoration works, for a stand-off area of five metres either side of the top of the banks of the Rearsby Brook to protect water voles and their habitat. The stand-off area shall cover the section of the Rearsby Brook extending from the existing site access road to the point where the Brook meets Bridleway H58. Details of demarcation, protection and maintenance of the stand-off area during extraction and restoration operations shall be submitted to the Minerals Planning Authority (MPA) within 2 months of commencement of development as notified under Condition 2 of this permission and shall be implemented within a timescale agreed by the MPA. Details of the post-restoration demarcation, protection and maintenance of the stand-off area shall be submitted under the detailed restoration scheme required by Condition 79 and shall be implemented in accordance with the details approved under that condition.

53. No works affecting existing trees shall be carried out until a detailed survey for bats has been undertaken in the appropriate season and a scheme of measures to mitigate and compensate any impact on any bats found has been submitted to and approved in writing by the Mineral Planning Authority. The mitigation and compensation measures shall be implemented in accordance with the approved scheme.

54. The advanced hedgerow planting set out within Drawing no. 1188/102C (Rev. C) – 'Site Development – Initial Works' (Scale 1:2500 at A1) (dated June 2004), approved by the Mineral Planning Authority on 2nd February 2005 shall be retained and maintained for the period of the development hereby permitted.

55. All new trees, shrubs and hedgerows along the boundaries of the site, together with existing retained trees/hedgerows as shown on Drawing No. APPENDIX 1 – 'Ecological Survey' (scale 1:2500 at A0) accompanying the Ecology section of the Environmental Statement submitted with planning application 2000/0443/06, shall be retained, protected, and maintained throughout the duration of the operations hereby permitted. Whilst operations, including the passage of vehicles, are occurring within the vicinity of trees and hedges to be retained, an area around the trees and hedges at a distance equivalent to not less than the existing spread of branches from the trunk and in any case not less than 3 metres shall be cordoned off with distinctive markings. The land between the fence and the trees and hedges shall be left completely undisturbed and no trees shall be used as an anchorage and no items shall be fixed to any tree. Maintenance shall include the replacement of any tree, shrub or hedge that may die or become seriously damaged or diseased or be removed with a plant or

similar type within the next available planting season, allowing hedgerows to grow to enhance their effectiveness as visual screens, and the identification and tagging of individual saplings within hedgerows and then allowing them to grow.

Site Maintenance/Safety

56. All undisturbed areas of the site and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from agricultural weeds such as thistle, dock and ragwort. Cutting, grazing or spraying shall be undertaken, as appropriate, to control plant growth and prevent the production of seed and the subsequent spread of weeds onto adjoining agricultural land.

Soil Handling

57. All soil handling operations shall be undertaken in accordance with sections 1 (Method of Recovery and Placement), 3 (Storage of Soil Resources) and 4 (Provision of Maintenance and Weed Control) of the Soil Handling Manual issued by David Jarvis Associates Limited on 19th January 2009 and approved for the purposes of Planning Permission 2008/0443/06.

58. No soil stripping operations shall be carried out during any bird breeding season until a detailed survey for birds has been undertaken on the land to be affected and a scheme of measures to mitigate and compensate any impact on any birds found has been submitted to and approved in writing by the Mineral Planning Authority. The mitigation and compensation measures shall be implemented in accordance with the approved scheme.

59. Prior to the commencement of each phase of soil stripping, a soil handling manual shall be submitted to the Mineral Planning Authority for approval. The manual shall:

    (a) identify the different soil resources within each phase of the site;

    (b) identify clearly, on a phase by phase basis, the origin, exact intermediate location and final restoration locations of those different soil resources. The soils shall be clearly identified by soil units and soil type as identified by survey; and

    (c) identify the haul routes by which soils are to be moved.

60. In each calendar year, the Mineral Planning Authority shall be notified in writing at least 5 days before each of the following stages:

    (a) before each phase of soil stripping is due to commence;

    (b) when overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;

    (c) when soil making material or subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and

(d) on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations.

61. Within three months of completion of soil handling operations in any calendar year, the Mineral Planning Authority shall be supplied with a plan showing:

(a) the area stripped of topsoil, subsoil, and soil making material;
(b) the location of each soil storage mound; and
(c) the quantity and nature of material therein.

Soil Stripping

62. In each calendar year, soil stripping shall not commence on any phase until any standing crop or vegetation has been cut and removed.

63. The two main topsoil types shall be stripped separately to their full depth and subsoil shall be stripped to a depth of not less than 900mm and, wherever possible, both topsoil and subsoil shall be directly placed as part of restoration.

64. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or used for a road, or for the stationing of plant or buildings, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil has been stripped to a minimum depth of 1.2 metres from that part. The exception is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.

65. Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition. No movement of soil shall occur:

(a) when the soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the “Worm Test” as set out in BS 1377:1975 – ‘British Standard Methods Test for Soils for Civil Engineering Purposes’; or

(b) when there are pools of water on the soil surface.

66. All topsoil, subsoil and overburden shall be permanently retained on site and used in restoration. Available soil making material shall also be recovered during excavation, as necessary, to achieve restoration of the site in accordance with the approved details set out within Condition 5 of this permission.

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Restoration

67. Not later than one year from the date of commencement of development as notified by Condition 2 above, and then on an annual basis, the operator shall submit written confirmation (including plans) of the progress of extraction and infilling over the previous 12 months and a programme of proposed restoration works during the next 12 months for the consideration of the Mineral Planning Authority.

Ground Preparation

68. Restoration to agriculture shall be carried out in accordance with the scheme approved under Conditions 79 and 80 of this permission, and overburden shall be replaced and levelled so that:

    (a) after replacement of topsoil and subsoil and after settlement, the contours conform with those of the surrounding land and the levels shown on the approved restoration plan;

    (b) there is satisfactory site and surface drainage, the land being free from ponding and capable of receiving an effective artificial under-drainage system;

    (c) agricultural machinery is not unduly restricted, erosion is minimised; and

    (d) gradients do not exceed 7 degrees.

69. No soils shall be respread until the upper layers of the prepared surface have been ripped and stones, materials and objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground have been removed from the site or buried at a depth of not less than two metres below the final pre-settlement contours.

70. The Mineral Planning Authority shall be notified when the requirements of Condition 72 have been fulfilled and given at least two working days to inspect the area before further restoration of this part is carried out.

Soil Replacement

71. No soils shall be replaced until details of the minimum settled depths, sources and types of soils to be used in agricultural restoration have been submitted to the Mineral Planning Authority for approval. Soils shall be replaced in accordance with the approved details.

72. No subsoils shall be placed until the placed lower subsoils/soil forming material has been ripped in 5 metre wide strips to relieve compaction. No further soil shall be laid until any non-subsoil or non-soil making material or rock, boulder or larger stone greater than 200mm in any dimension has been removed from the loosened surface. Materials that are removed shall be disposed off-site or buried at a depth not less than two metres below the final pre-settlement contours.

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73. Works required under Condition 73 shall be fulfilled so as to provide a level surface to receive topsoil and upper subsoil and meet the final contour levels shown on Drawing No. 2106/PA/S73/5 (Rev. A) – 'Proposed Restoration' (scale 1:5000) received by the Mineral Planning Authority on 14th August 2014 and also to remove any rock, stone, boulder, other foreign objects or compacted layers capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling.

74. The upper subsoil shall be placed in windrows and spread to the minimum depths specified over the loosened lower subsoils in 5 metre wide strips, in such a manner as to avoid compacting placed soils.

75. Topsoil shall then be likewise placed in windrows and spread over the replaced upper subsoil to the minimum depth specified in such a manner so as to avoid compacting placed soils.

76. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil or topsoil except where essential and unavoidable for purposes of spreading soils or beneficially treating such areas. Wherever practicable, soils shall be lifted into position and levelled by equipment standing on the surface of the prepared ground.

77. The respread topsoil shall be rendered suitable for agricultural cultivation when:

    (a) it provides loosening equivalent to a single pass at a tine spacing of 500mm or closer to full depth of the topsoil plus 100mm; and

    (b) any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension has be removed from the site or buried at a depth not less than two metres below the final settled contours.

78. The Mineral Planning Authority shall be notified in writing within two days of completion of Condition 77 and given an opportunity to inspect the completed works before the commencement of any cultivation operations.

79. Any area of the site which is affected by surface ponding shall be regraded to resolve the problem by filling the depression to the final contours specified with suitable soils, to a specification to be agreed with the Mineral Planning Authority. Topsoil, subsoils and soil forming material moved in the course of regrading shall not be mixed and shall be handled and replaced in accordance with the above conditions.

Restoration in the event of early cessation of working

80. Within 6 months of being notified by the Mineral Planning Authority that, in its opinion, there has been a permanent cessation of mineral extraction at the site prior to the achievement of final site restoration, a reclamation scheme (to include details of aftercare) shall be submitted in writing for approval to the Mineral Planning Authority. Permanent cessation will be taken to mean where

no winning and working of minerals has occurred, to any substantial extent, at the site for a period of at least 2 years and it appears to the Mineral Planning Authority that resumption of the winning and working of mineral at the site is unlikely. The approved scheme shall be fully implemented within 12 months of the written approval.

Final Landscaping/Restoration

81. Within twelve months of commencement of development, 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 restoration plan 2106/PA/S73/5 (Rev. A), received by the Mineral Planning Authority on 15th August 2014. The scheme shall include details of plant species, sizes, quantities and locations, grass seed mixes, fencing details, and will also identify which ponds are to be used for fishing, conservation and fish farming. The scheme shall also include details of the gradients and depths of all waterbodies and their margins, together with a detailed cross section of the swale arrangement. 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. All trees, shrubs and hedges 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 trees or shrubs that may die or be seriously damaged or become seriously diseased.

82. No mineral extraction shall take place within Phase 14 until a scheme for the clearance and restoration of the access road and plant area has been submitted to the Mineral Planning Authority for approval. The scheme shall include proposals for the removal of all plant, buildings, structures, machinery, roads and hardstandings, and stored materials, the restoration of the ground surface to a condition suitable for an agreed afteruse, and the seeding, planting and landscaping of the site in a manner appropriate to the afteruse to which the site is to be put.

83. Within 9 months of the cessation of sand and gravel extraction, the access road and plant area shall be cleared of all plant, buildings, structures, machinery, roads and hardstanding. Within 12 months of the cessation of sand and gravel extraction the access road and plant area shall have been restored in accordance with the scheme of clearance and restoration as approved in writing by the Mineral Planning Authority under Condition 82.

Aftercare

84. Within 6 months of the date of approval of the corresponding restoration scheme submitted under Condition 81 above, an aftercare scheme shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall provide an outline strategy for the 5 year aftercare period and shall specify 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 use as agriculture and nature conservation and 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.

85. From the date of aftercare commencement of any part of the site, ditching (including piped ditch sections), installation of water supplies for livestock and erection of stockproof fences and gates shall be completed within 12 months.

86. Before 1st February and every subsequent anniversary during the aftercare period, the Mineral Planning Authority, owners and occupiers shall be provided with and for approval:

    (a) proposals for managing the land in accordance with the rules of any husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming twelve months;

    (b) a record of aftercare operations carried out on the land during the previous twelve months.

87. Before 31st May of every year during the aftercare period, a site meeting shall be arranged to discuss and agree the proposals and records prepared in accordance with the previous condition. This meeting shall be attended by the person(s) responsible for undertaking the aftercare requirements.

Reasons

1. To provide for the completion and progressive restoration of the site within an agreed timescale in the interest of the amenities of the area.

2. To enable the County Planning Authority to monitor compliance with the conditions of the planning process.

3. To provide for the completion and progressive restoration of the site within an agreed timescale in the interest of the amenities of the area.

4. To ensure that the development is carried out in accordance with the application in the interests of the amenities of the area.

5. For the avoidance of doubt and to ensure that the development is carried out in accordance with the application and in a satisfactory manner in the interests of the amenities of the area.

6. To protect the amenities of the area.

7. To provide for the completion and progressive restoration of the site within reasonable timescales in the interest of the amenities of the area.

2014/0190/06 & 2014/0191/06 – continued

8. To provide for the completion and progressive restoration of the site within reasonable timescales in the interest of the amenities of the area.

9. To provide for the completion and progressive restoration of the site within reasonable timescales in the interest of the amenities of the area.

10. For the avoidance of doubt and to ensure that the development is carried out in accordance with the application and in a satisfactory manner in the interests of the amenities of the area.

11. To protect the amenities of the area.

12. To protect the amenities of the area and to ensure the importation of materials from appropriate locations close to the site.

13. For the avoidance of doubt and in the interest of local amenity.

14. In the interest of local amenity.

15. In the interest of local amenity.

16. To protect the amenities of the area.

17. To protect the amenities of local residents.

18. In the interests of highway safety and the amenities of the area.

19. In the interests of highway safety and the amenities of the area.

20. In the interests of highway safety and to prevent mud and dirt getting onto the highway.

21. In the interests of highway safety and safeguarding the local environment.

22. To protect the amenities of the area.

23. In the interest of safeguarding the local environment.

24. In the interest of safeguarding the local environment.

25. In the interests of bridleway safety and the amenities of the area.

26. To protect the amenities of the locality from the effects of dust arising from the development.

27. To protect the amenities of the locality from the effects of dust arising from the development.

28. To minimise the adverse impact of noise generated by the operations on the local community.

2014/0190/06 & 2014/0191/06 – continued

29. To minimise the adverse impact of noise generated by the operations on the local community.

30. To minimise the adverse impact of noise generated by the operations on the local community.

31. To minimise the adverse impact of noise generated by the operations on the local community.

32. To minimise the adverse impact of noise generated by the operations on the local community.

33. To minimise the adverse impact of noise generated by the operations on the local community.

34. To minimise the adverse impact of noise generated by the operations on the local community.

35. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

36. To prevent pollution of the water environment.

37. To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

38. To minimise the amount of obstruction caused by the development to flood water and prevent an increased risk of flooding further down the catchment of Rearsby Brook.

39. To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

40. To protect the flow of Rearsby Brook.

41. To prevent pollution of the water environment.

42. To prevent pollution of the water environment.

43. To protect the groundwater quality in the area and prevent pollution of the water environment.

44. To prevent pollution of the water environment.

45. To protect the electricity supply to the surrounding area.

46. To protect the archaeological interest at the site.

47. To ensure satisfactory archaeological investigation and recording.

2014/0190/06 & 2014/0191/06 – continued

48. To protect the archaeological interest at the site.

49. To protect the archaeological interest at the site.

50. To protect the archaeological interest at the site.

51. To monitor the effects of the development on ecological interest and to safeguard protected species.

52. To safeguard protected species.

53. To safeguard any bat habitats located on the site.

54. To protect and enhance the visual amenity and ecological aspects of hedgerows and trees.

55. To protect and enhance the visual amenity and ecological aspects of hedgerows and trees.

56. To prevent a build-up of harmful weed seeds in soils that are being, or will be used, for agriculture.

57. To prevent loss or damage of soil, or mixing of topsoil with subsoil, or subsoil with overburden or mixing dissimilar soil types.

58. To protect any nesting birds located on the site.

59. To prevent loss or damage of soil, or mixing of topsoil with subsoil, or subsoil with overburden or mixing dissimilar soil types.

60. To ensure that the MPA is given the opportunity to check that soil operations do not occur under unsuitable conditions and to provide sufficient notice for site inspection.

61. To facilitate soil stocktaking and monitoring of soil resources.

62. To avoid incorporation of concentrations of decaying vegetation in soil.

63. To prevent loss of soil and incorporate direct replacement of soil without prior storage.

64. To prevent unnecessary trafficking of soil by any heavy equipment and vehicles that may damage the soil.

65. To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and as such do not meet the defined criteria.

66. To prevent loss of soil needed for restoration and offset shortfalls of soil by utilising suitable geological materials.

2014/0190/06 & 2014/0191/06 – continued

67. To provide for the completion and progressive restoration of the site within an agreed timescale in the interest of the amenities of the area.

68. To ensure adequate surface drainage, to enable an effective under drainage scheme to be installed, to reduce the risk of soil erosion and to allow the use of agricultural machinery following restoration.

69. To remove potential agricultural obstacles prior to the replacement of soils.

70. To afford the Mineral Planning Authority reasonable opportunity for inspection.

71. To safeguard the potential for restoration to a high standard.

72. To remove obstacles capable of impeding normal agricultural and land drainage operations including mole ploughing or subsoiling.

73. To provide a level surface to ensure the even placement of topsoils and to reduce the risk of ponding.

74. To avoid compaction of the upper subsoil.

75. To avoid compaction of the topsoils.

76. To prevent damage to soils by trafficking.

77. To provide adequate restored land for agricultural use without contaminating the topsoil or damaging cultivation equipment.

78. To ensure that any restoration remedial measures are undertaken to the Mineral Planning Authority's satisfaction.

79. To provide a level surface to ensure the even placement of topsoils and to reduce the risk of ponding.

80. To ensure reclamation of the site in the event of cessation of mineral working.

81. In the interests of satisfactory restoration of the site.

82. In the interests of satisfactory restoration of the site.

83. In the interests of satisfactory restoration of the site.

84. To ensure that the proposed final agricultural and nature conservation land use is brought to a condition suitable for long term beneficial use.

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2014/0190/06 & 2014/0191/06 – continued

87. To ensure that the proposed final agricultural and nature conservation land use is brought to a condition suitable for long term beneficial use.

Note to Applicant

1. Ecological surveys accompanying the planning application note the presence of water voles and badgers within the site. All staff and contractors should be made aware of the presence of these protected species and of the protection measures implemented during normal operations on site. Staff working at the site should also be made aware of the requirements of the Wildlife and Countryside Act 1981 in carrying out operations which may affect protected species.

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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