

**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**12<sup>TH</sup> MARCH 2015**

**REPORT OF THE CHIEF EXECUTIVE**

**COUNTY MATTER**

**PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2014/0067/02 (2014/CM/0011/LCC) – 3 <sup>rd</sup> January 2014.
<b>PROPOSAL:</b>	Extension of the mineral extraction area, relocation of the primary crusher and surge pile, relocation of quarry office, workshops, lorry and car parks, construction of overburden landforms and proposed restoration and aftercare
<b>LOCATION:</b>	Mountsorrel Quarry, Loughborough Road, Mountsorrel (Charnwood Borough)
<b>APPLICANT:</b>	Lafarge Tarmac Limited
<b>MAIN ISSUES:</b>	Need and supply situation, impact on SSSI and ancient woodland, noise, dust and blasting impacts on residential amenity, landscape impact, rights of way, and restoration.
<b>RECOMMENDATION:</b>	Permit subject to the conditions included in the Appendix and the prior completion of a legal agreement.

**Circulation under the Local Issues Alert Procedure**

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## **PART B – MAIN REPORT**

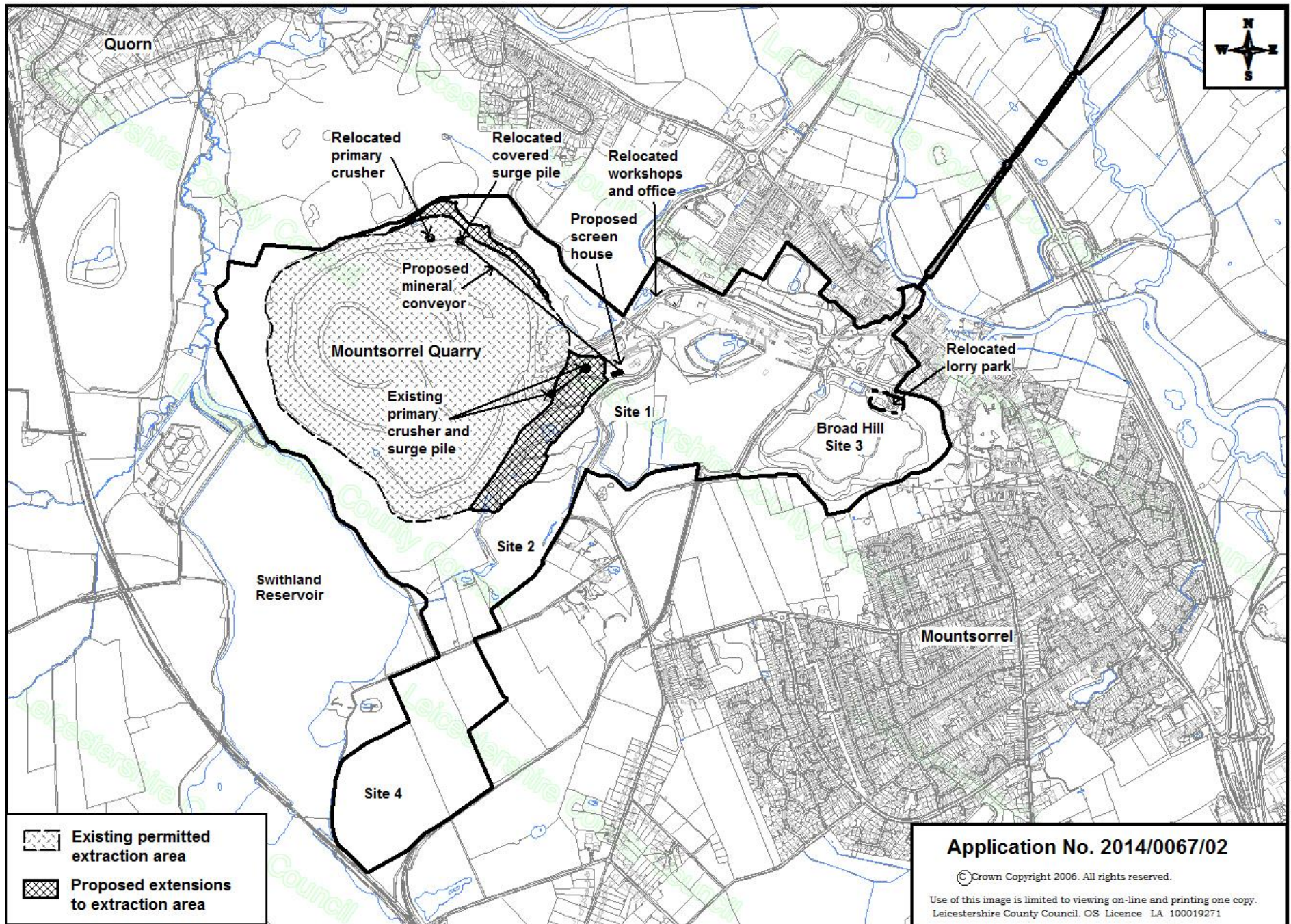
### **Site Location**

1. The application site covers 221.6 hectares, and principally comprises a working granite quarry (feeding an aggregate rail head), ancillary processing plant, concrete batching plant and coated roadstone plant. The site includes 23.59ha of agricultural land located to the south of Kinchley Lane, adjacent to Swithland Reservoir,
2. The site is located approximately 10 km north of Leicester and approximately 4.5 km southeast of Loughborough. The village of Mountsorrel lies just under 1 km to the south-east, with the village of Quorn a similar distance to the north. The villages of Woodhouse and Woodhouse Eaves lie approximately 2 km and 3 km to the east respectively, and the village of Swithland approximately 2 km to the south-east. Barrow upon Soar and Sileby are some 2 km to the north-east and 3 km east respectively.
3. Immediately surrounding the extraction area to the north and west are the remnant parts of Buddon Wood, a Site of Special Scientific Interest (SSSI), whilst to the east / south-east the site opens out across to the processing plant area. To the south-west just beyond Buddon Wood lies Swithland Reservoir.
4. The A6 is approximately 1 km to the east of the main quarry site running in a south-easterly to north-westerly direction, with the Barrow upon Soar aggregates rail head approximately 1 km further to the west of the A6.
5. The main road access to the site is via Granite Way, which is located to the north of the processing plant area, and joins directly to the A6 Trunk road via a roundabout on Loughborough Rd.
6. A mineral conveyor runs from the processing site, passing over the River Soar, before then passing underneath the A6. It then crosses a secondary tributary of the river, before passing underneath a local road and on to the Barrow railhead.

### **Description of Proposal**

#### **Context**

7. It is estimated that there remains approximately 87 Mt of consented granite reserve at Mountsorrel Quarry. In principle, this is sufficient to last for some 19 years assuming average production rates of 4.5 Mt per annum. Under the consented arrangements, approximately 22 Mt of the granite reserve can be readily worked before the quarry has to be reconfigured for final working. After this point, production will become increasingly restricted, output will reduce and a significant proportion of the consented reserve may become uneconomic to work.



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8. Two major constraints to working the consented reserve are the increasing depth of the quarry and the location of the primary crusher. As the quarry deepens, the stone has to be transported an increasingly greater distance to reach the primary crusher which is located at a high point on the quarry rim. The crusher also operates within the permitted stone extraction area and left in its current elevated location will sterilise a high percentage of the underlying rock reserve. If full recovery of the reserve is to be achieved, the crusher has to be moved to a lower level and the quarry reconfigured accordingly, an operation requiring major investment by the Company.
9. This prompted a review of the quarry operation, the fundamental aim of which was to safeguard local and national supply for 20 years from the point the quarry is reconfigured and a new crusher comes into operation. The review included examination of environmental and operational constraints, options for relocating the primary crusher and other plant, disposal of overburden and reconfiguring and extending the quarry laterally as well as at depth.

**Summary of Development Proposals**

10. The application proposes the following developments at Mountsorrel Quarry:
  - An 8.36 hectare (20.6 acre) extension of the stone extraction boundary.
  - Relocation of the primary crusher and primary surge pile to a lower level within the quarry void.
  - Relocation of the quarry offices, workshops and car park within the wider quarry site.
  - Excavation of approximately 6 million m<sup>3</sup> of overburden and placing approximately half in new landforms outside of the quarry and the remainder inside.
  - Removal of the north east rim tip and part of the northern mound.
  - Extension of the stock area screen mound (Site 1).
  - Modification and extension of the southern mound (Site 2).
  - Creation of a new landform south of Kinchley Lane (Site 4).
  - Placement of overburden in the quarry void.
  - Net gain of 0.16ha of retained ancient woodland in addition to that currently consented.
  - Creation of 0.85ha of native broadleaf woodland in addition to that currently consented.
  - Creation of a network of permissive footpaths and bridleways.
  - Changes to the Quarry Landscape Management Plan.
  - Permanent restoration of areas of the wider site including the quarry rim.
  - Provision of an indicative after-use plan.

## **Proposed Operations**

### Extension of the Stone Extraction Boundary and the Quarry Rim

11. The proposed scheme would extend the stone extraction area by approximately 8.36 hectares to the north-east, east and south-east into areas predominantly affected by current and recent quarry operations. These include the north eastern rim tip, parts of the northern and southern mounds, land beneath the primary crusher, associated screens and surge pile, quarry office, car parking, workshop and associated facilities comprising in total 13.89ha or 93% of the total rim extension area. The remaining 7%, comprising 1.1ha, falls within a mix of secondary and ancient woodland.

### Relocation of the Primary Crusher and Surge Pile

12. The existing primary crusher would be replaced by modern plant located on a rock bench set approximately 45m below the proposed north-eastern quarry rim. The primary surge pile would be sited on the same platform as the new crusher within a covered structure. A new mineral conveyor would be installed to transfer crushed rock from the covered surge pile to the retained secondary crushers within the previously worked Cocklow Quarry west of Wood Lane. This will obviate the need for dump truck haulage within the upper levels of the quarry.

### Relocation of the quarry offices, workshops and car park within the wider quarry site

13. The quarry offices, workshops and car park are located within the proposed quarry rim extension area. As part of this proposal they would be relocated to the existing car and lorry park and storage areas in the vicinity of the covered storage building east of the main quarry. The car and lorry parking displaced by this move will be relocated to the former Veolia Ltd landfill flare and electricity generating compound at Site 3.

### Removal of the North East Rim Tip and Part of the Northern Mound

14. The quarry rim will need to be extended broadly north-east to accommodate the proposed alignment of the crusher, covered surge pile and mineral conveyor. Currently this land is occupied by the north-east rim tip, a quarry access track, most of the northern mound and woodland margins associated with Buddon Wood SSSI. A peripheral screen of woodland on the lower slopes of Buddon Wood as well as part of the existing screen mound adjoining Wood Lane will be retained.

### Excavation of Overburden

15. Extending the quarry rim will require the removal of approximately 6 million m<sup>3</sup> of overburden material located in the existing screening landforms and in-situ overburden overlying the granite. During the earliest stage of quarry development approximately 2.75 million m<sup>3</sup> will be excavated from the north-eastern extension area and accommodated within three receptor sites - Site 1, Site 2 and Site 4.

Extension of the Stock Area Screen Mound (Site 1)

16. Site 1 contains an overburden landform that provides visual screening to the main quarry stock area. The outer flanks were planted with trees some 15 years ago. The landform is bisected broadly north-south by a high voltage power line. Under the current proposal, the power line will be diverted to a location to be defined by National Grid so as to allow overburden to be deposited within the central section. This will link the landforms on either side forming a small hill. It would be grassed and tree planted.

Modification and Extension of the Southern Mound (Site 2)

17. Approximately 1 million m<sup>3</sup> of overburden would be used to extend the southern mound to the south-west. In order to preserve views to Swithland Reservoir from Kinchley Lane and near residential properties, an open valley would be retained either side of the lane with gentle, even slopes leading towards Kinchley Lane.

Creation of a New Landform South of Kinchley Lane (Site 4)

18. Approximately 1 million m<sup>3</sup> of overburden would be used to create the proposed landform. The proposed landform remains in keeping with the existing broad ridge which would be extended westwards leading to steeper wooded slopes descending towards Swithland Reservoir. Approximately 22.5 ha of land would be used for the Site 4 landform with 19.64 ha being restored to arable use, 1.8ha to new woodland and 1.06ha to a mix of water bodies and species rich grassland.

Placement of Overburden in the Quarry Void

19. Material will be deposited within the quarry void once sufficient room has been created during the latter stages of working. The timing of this will depend on the progress of quarrying at the upper levels and suitable space being made available.

Effect on Ancient Woodland

20. A series of ecological surveys have been carried out within the SSSI and adjoining land. The surveys have provided an evidence base for determining both the extent and quality of habitats. The best quality habitat is associated with primary ancient woodland found within Buddon Wood SSSI and plantation ancient woodland forming part of Rowhele Wood.
21. The proposed development would involve the removal of 0.166ha of SSSI primary ancient woodland and 0.43ha of plantation ancient woodland. Set against this, 0.758ha of SSSI primary ancient woodland has permission to be removed but would be retained under the proposed development. This gives a net gain of 0.16ha of ancient woodland to be retained compared to what is currently permitted.

Creation of an Additional 0.85 ha of Native Broadleaf Woodland

22. Proposed development would result in the loss of approximately 4.46 ha of woodland, created mainly through a process of natural regeneration and planting carried out over the past 15 years. Balanced against this is the proposed establishment of new broadleaf woodland, providing a net increase of 0.85ha.

Proposed Permissive Footpaths and Bridleways

23. The development provides for the construction of approximately 567 metres of new bridleway and 2.45km of new permissive footpaths. The new routes would be introduced during the early stages of development.
24. As the route of Footpath and Byway K25 currently passes through operational areas, it is proposed to permanently divert the route parallel to Bond Lane to reach Wood Lane and alternative off road paths via Site 1. The footpath section would be widened to render it suitable for use as a bridleway and the route re-classified as a bridleway. The existing length of K25 is 556m (111 m footpath and 445 m byway). This would change to 953m of bridleway.

Changes to the Quarry Landscape Management Plan

25. The management areas extend to approximately 95ha. They include SSSI woodland, established amenity land and landforms undergoing the early stages of natural regeneration.
26. The plan will be updated to reflect proposed development including changes in the extent and nature of management activities. These would continue to be subject of an annual review carried out by the Company, Leicestershire County Council, Natural England and the Leicestershire and Rutland Wildlife Trust.

Permanent Restoration

27. Opportunities for permanent restoration of the quarry operational area are associated with quarry benches that are deemed to have reached their maximum extents under current and proposed working. Additional areas suitable for final restoration treatment relate to existing and proposed upper quarry benches have been identified. They relate to upper quarry benches that are unlikely to be worked any further, areas of Buddon Wood SSSI consented to be worked but which would be retained intact, and recently formed upper bench restoration slopes.

Provision of an Indicative After-Use Plan

28. Currently it is envisaged that an appropriate after-use for the quarry void would be to partly fill it with water so as to provide a strategic water resource. The development for water storage will only be possible when the full depth of extraction has been achieved and it will require a separate scheme to be developed. The upper quarry benches would be retained above the water level so as to be available for complimentary leisure, educational and nature conservation related uses.

## **Stages of Working**

### Stages 1A - 1B: Initial Works Prior to Relocation of the Primary Crusher and Surge Pile

29. The quarry needs to be reconfigured at an early stage of development to allow relocation of the primary crusher and surge pile functions. It is anticipated that this will occur 2-3 years from the grant of consent for the development scheme.
30. Prior to the quarry reconfiguration works, the existing quarry offices, workshop and associated car and lorry parking will be relocated. Other operations leading up to the relocation include:
  - Extension of the existing overburden haul route in Site 2 to reach Site 4 via a traffic controlled crossing on Kinchley Lane.
  - Installation of perimeter access tracks at the proposed north-eastern quarry rim.
  - recovery of soil resource from areas of Buddon Wood SSSI and placement on Site 2.
  - stripping and storage of soil within Sites 2 and 4.
  - Excavation of about 597,000 m<sup>3</sup> overburden from the quarry and placement within Site 4.
  - Commencement of construction of the primary crusher and covered surge pile bench.

### Stages 1C - 1D: Works prior to Primary Crusher and Surge Pile Relocation

31. The existing crusher/surge pile operations will continue during this stage whilst new plant platforms are constructed. The works for the new plant include:
  - Creation of new crusher and covered surge pile bench
  - Commencement of installation of the new crusher and surge pile.
  - Continued construction of the overburden landform in Site 4
  - Completion of initial works within Site 2 in readiness for overburden deposition.

### Stages 1E - 1F: Following Primary Crusher and Surge Pile Relocation

32. The installation of the new primary crusher, covered surge pile, mineral conveyor and associated modifications to existing plant will be carried out over a period of approximately 12-18 months. During this stage, the following will occur:
  - The remaining overburden is excavated from the upper levels of the northern mound and the existing surge pile is removed for processing.
  - The new crusher, covered surge pile and conveyor are installed and become operational.
  - The overburden deposition completes within Site 4 and continues within Site 2.
  - The existing crusher is dismantled in advance of the Stage 2 works.
33. During construction of the new crusher and covered surge pile platforms, the mineral conveyor route will be formed. This will require the removal of the upper levels of the northern mound.



34. The new crusher would be located within a rock cutting at approximately 11m AOD. Stone would be fed into the crusher from the upper bench at approximately 32m AOD. The top of the crusher will be enclosed by a clad steel portal frame building with apertures on two sides to allow dump truck access.
35. The crushed stone will be taken to the primary surge pile via a conveyor. The surge pile will be set within a rock platform at approximately 3m AOD and covered by a clad steel portal building. Another conveyor located beneath the surge pile will transfer the stone to a new screen house located close to the retained secondary crushing and screening plant. From here the screened stone will be transferred by two conveyors to the secondary crusher which will be modified to accept the new arrangement.
36. During the early stages of overburden deposition within Site 2 the new landform within Site 4 will have been built and largely restored to arable agriculture. New woodland will be planted on the steeper grassed slopes facing the reservoir during the first available planting season. The haul road and crossing point on Kinchley Lane will be removed and restored.
37. The operation within Sites 2 and 4 will involve the movement of approximately 2 million m<sup>3</sup> of overburden (approximately 1 M/m<sup>3</sup> in each site). The total timescale for completing the infilling and carrying out all final cultivation, grass seeding and surface water drainage infrastructure works in both these areas would be approximately 5 years.

#### Stage 2 Extraction

38. Stage 2 would start approximately 3.5 years from the commencement date. This stage concerns extension of the quarry into the areas presently occupied by the primary crusher, surge pile and part of the southern mound. Initially overburden from this stage will be placed within Site 2 to complete the landform. Following establishment of grass cover within Site 2, a process likely to take approximately 12 months from seeding, the proposed permissive rights of way will be opened to the public.
39. Approximately 0.75 M/m<sup>3</sup> of overburden will then be placed into Site 1 via internal haul roads with no crossing over Wood Lane, and following relocation of the existing HV line by National Grid. Further quarry development in this location will progress once a suitable deposition site within the quarry void is created ready to receive the next stage of overburden that requires removal. From this point onwards, development works would continue within the proposed quarry rim extension area.

#### Stage 4 Extraction

40. Development of the lower quarry benches will start approximately eight years after commencement and coincide with excavation of the remaining overburden from the quarry rim. This material will be deposited within the quarry void. In the process, the final quarry overburden batters will be formed along the south eastern margins. These will be formed at batters of between 1:1 and 1:2 and hydroseeded at the earliest opportunity in order to stabilise the surface.

### Stage 6 Extraction

41. Stage 6 represents quarry development nearing its final stages, lasting approximately two years, completing approximately 23 years after commencement and approximately 20 years after the new primary crusher comes into operation. The remaining reserve is worked mainly at the lower levels and the quarry floor reaches approximately 193m below sea level.

### **Hours of Operation**

42. There are no changes proposed to the existing hours of operation.

### **Transport**

43. Between 60 - 70% of the output of the quarry is exported by rail via the Barrow upon Soar railhead, equivalent to approximately 2.5 - 3 million tonnes per annum. Remaining deliveries are transported by HGV via Granite Way, leading directly to the A6. There are no changes proposed to the methods used to export mineral from the site.
44. A temporary crossing point will be required over Kinchley Lane to facilitate overburden haulage between Site 2 and Site 4. A traffic light control system would be in place giving priority to road users and only in use during week days. The crossing is likely to be in place for a period of approximately four years after which it will be removed and the road and verges reinstated.
45. Employee and visitor access to the existing quarry offices and workshops is via the main quarry entrance off Wood Lane. Under the proposed relocation scheme, all traffic leaving the site would be redirected via a one-way system to the quarry access off Granite Way. The effect of this will be to reduce traffic on Wood Lane.

### **Employment**

46. Mountsorrel Quarry is a major local employer and an important contributor to the local economy. It provides approximately 140 direct jobs, pays wages of some £4m per year and generates a further £10m per year on goods and services to support the activities on site which in turn creates employment and wealth for those suppliers. Around 90% of the workforce lives within 10 miles of the quarry.

### **Environmental Statement**

47. The planning application is accompanied by an Environmental Statement (ES) which provides detailed assessments of: ecology; agricultural land; geology; flood risk, water quality and hydrogeology; air quality; archaeology; landscape and visual amenity; noise; and vibration. A summary of the impacts of the proposed quarry development identified in the ES, together with proposed mitigation and any compensation measures is set out below.

Ecology

48. The Ecological Impact Assessment identifies that there are no internationally designated nature conservation sites within the proposed development or within 5km of the application site. The majority of Buddon Wood, part of the Buddon Wood and Swithland Reservoir SSSI, is located within the proposed development area. Much of the active quarry is also within this part of the SSSI. The proposed overburden disposal area to the south of Kinchley Lane abuts the Swithland Reservoir part of the SSSI at its south-eastern corner.
49. The assessment concludes that the development will not have an adverse direct or indirect effect on the conservation status and ecological integrity of the SSSIs. The development proposals directly encroach to a limited extent on woodland habitat within the Buddon Wood part of the SSSI. The field survey has confirmed that, overall, there is no net-loss owing to the predominance of secondary woodland on previously developed and disturbed ground, and the compensatory off-setting by ancient woodland habitat not quarried under the current planning consent, which will be relinquished on consent for this planning application.
50. The assessment indicates that the quarry development will have no adverse direct or indirect impact upon Local Wildlife Sites (LWS). The proposed extended quarry excavation takes in a small part of the lower slopes of the adjacent Rowhele Wood LWS. The field survey confirms that there would be no overall net loss of local ancient woodland owing to the predominance of rhododendron scrub in this disturbed part of the LWS, as well as secondary woodland on adjacent previously developed and disturbed ground, so that there would be no direct effect on the integrity of the LWS woodland.
51. A smooth newt pond to the south of Rowhele Wood which is directly affected by the proposed development was assessed as meeting the threshold as a potential LWS. Without mitigation, the impact upon this pond is assessed as being 'significant and moderate adverse'.
52. In respect of legally protected species, the proposed eastern extension of the quarry operations may result in the removal of the current nesting locations of a pair of peregrine falcon, or disturb their nesting and rearing activity; whilst the proposed relocation of an open stone barn and overburden tipping works may potentially affect barn owl foraging and occasional roosting. The assessment proposes mitigation for the protection of barn owls and peregrine falcons, the implementation of which would reduce the impact of the proposed development to 'neutral and negligible'.
53. The proposal to relocate the primary crusher and surge pile will reduce the level of particulate deposition affecting a small portion of adjoining ancient woodland. This would be a significant and moderate beneficial effect.
54. Three ponds containing small populations of common toad would be lost as a result of the proposals. The direct loss of habitat due to the proposed development (in absence of mitigation) is assessed to have a significant and minor adverse direct impact for certain bird species and moths.

55. Mitigation is considered necessary for the predicted levels of significance and magnitude of direct effects on the common toad and the assemblage of birds and moths of principle importance. Replacement drainage ponds in Site 2 and new ones in Site 4 will provide replacement and additional habitat and will be colonised by the toad and other amphibians. The progressive landscaping and planting of the re-profiled and extended overburden mounds will mitigate for the loss of hedgerows supporting the good assemblages of birds of Prime Importance on the farmland to the north and south of Kinchley Lane.
56. With regard to ecological enhancements resulting from the development, it is proposed to extend the woodland around the eastern side of the extended quarry working. The proposed woodland creation and associated scrub, grassland and other habitats will promote colonisation by flora and fauna, notably the bird and moth assemblages. The Company will continue to work with Natural England and the County Council in running a long term programme of woodland management and improvement of the Buddon Wood SSSI. Overall, these enhancements are considered to be highly beneficial and in terms of residual effect on ecology and biodiversity can be considered to be 'significant' and 'moderate' beneficial given the location and scale.

#### Agricultural Land

57. Site 2 contains approximately 6.46 ha of pasture. Agricultural land within Site 2 comprises ALC sub-grade 3b. Soils would be conserved and re-deployed over the proposed new landform in locations that will suit proposed areas of woodland (2.65ha) and pasture (3.81ha).
58. Site 4 comprises approximately 23.59 ha of agricultural land under arable cultivation. It contains two soil types: predominantly sub-grade 3b with a small area of sub-grade 3a. All soils will be conserved and used to restore the majority of the land (19.64ha) to agriculture. The lower grade soils will be used on steeper slopes where woodland is proposed (2.86ha).

#### Geology

59. The former quarry at Broad Hill and the existing quarry contain geological interest represented by earth science SSSI designation. Granite exposures containing the interest are retained within Broad Hill and at the existing plant site. It is anticipated that the interest will be present in the existing quarry and will be revealed in the final faces. Protection of these features and associated management works will continue and will be extended for the duration of development.

#### Flood Risk, Water Quality and Hydrogeology

60. An assessment has been provided of flood risk and outline design required to mitigate the surface water impacts of the proposed development, including runoff water quality, volume and flow, whilst providing adequate environmental protection.

61. All of the proposed development areas are located in Flood Zone 1; as such, there is no risk of fluvial flooding. No groundwater flooding is expected due to the low permeability nature of the underlying mudstones and igneous rocks.
62. Catchment conveyance and drainage directions are not altered by the development; therefore, there is no elevated flood risk within the surrounding catchments. The existing drainage direction will be maintained at Site 1, discharging all surface water runoff to Hawcliffe Quarry where all surface water runoff is utilised for the Mountsorrel quarry operations. Attenuation ponds are proposed to ensure that the total outflow for Sites 2 and 4 is below the Greenfield Runoff rate for 1, 30, and 100 year return period events.
63. A silt pond will be provided at Sites 2 and 4 of sufficient area to clarify runoff from the overburden tips on site. By providing a flood attenuation and water quality management scheme, the development will not result in any deterioration to the water quality or ecological status of Swithland Reservoir or the River Soar.
64. The proposed deepening and lateral extensions of the quarry will not affect potential groundwater receptors as the granite is effectively impermeable to groundwater at levels below 30m AOD. Above this level, any potential groundwater depressurisation is not expected to have any contribution to regional groundwater flow, nor be in hydraulic contact with any surface water bodies or their aquatic habitats.

#### Air Quality

65. The Dust and Air Quality Assessment notes that quarry operations can affect local air quality through emissions of specific indicators such as nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub>). Dust from quarries can also cause disturbance, or nuisance, effects. The assessment reviews existing quarry operations and the proposed extension.
66. The assessment indicates that the proposed extension would not cause a breach in the limit value for NO<sub>2</sub>. The assessment finds that PM<sub>10</sub> levels at the quarry have been falling since 2012 as a consequence of the implementation of a Dust Management and Monitoring Plan (DMMP) and could be expected to fall further, partly due to the relocation and enclosure of the primary crusher and surge pile, and partly due to the programme of continuous improvement identified through the DMMP.
67. The assessment indicates that there should be no adverse 'nuisance' dust impacts at and around the north of Mountsorrel Quarry arising from the quarry extension or the relocation of the primary crusher and surge pile, but that there might be some potential temporary effects due to overburden movements as part of the landform modifications to the south and south-east of the quarry. It is recommended that the DMMP be revised to take account of potential emissions arising from the proposed quarry extension.

#### Archaeology

68. On the basis of conclusions reached by an Archaeological Desktop Assessment, further archaeological assessment has been carried out in the form of geophysical survey, project design for trial trenching and an archaeological field walking survey.
69. The site has produced evidence of ridge and furrow, relating to medieval cultivation, visible in the aerial survey and geophysical survey. There are no indications of ritual monuments in the site or its surroundings. Field walking indicates that the area was occupied in the Neolithic and bronze age periods. The geophysical survey has produced evidence of linear features and pits, including a substantial infilled ditch. The field walking and geophysics work has confirmed that the site has potential for late prehistoric settlement.
70. In light of these findings, a programme of trial trenching is proposed. A 'Project Design for Trial Trenching' provides the basis for a mitigation strategy through physical preservation in situ or thorough preservation by record in the event that important archaeological deposits are found.

#### Landscape and Visual Assessment

71. The Landscape and Visual Impact Assessment notes that the application site is located within the Charnwood Forest Area of Particularly Attractive Countryside (APAC) and Soar Valley Area of Great Landscape Value (AGLV), and indicates that the study area contains a mix of urban, urban edge, industrial and farmed land.
72. Existing quarry operations are set amongst woodland and established screening landforms and as a result the majority of the current stone extraction operations are generally well absorbed and contained within the wider landscape.
73. Landscape elements within the application site and potentially directly affected by development includes areas which form part of the wider operational quarry functions, such as the quarry itself, crushing and storage facilities, offices, parking, stockpiles, roads and ancillary plant, screening landform or areas of agricultural land.
74. Effects on landscape character largely relate to the cumulative effect of increasing the extents of existing extraction operations within the main quarry site and extending mineral associated development into adjoining areas of woodland. There would be a permanent change in landform as the quarry rim extends into the perimeter screening landforms and operational areas resulting in a 'moderate adverse' effect on adjoining local character area of Buddon Wood.
75. In the short term, the proposed mineral development characteristics would be temporarily more apparent during the deposition of overburden materials resulting in a moderate to 'moderate-slight' adverse effect on the adjoining character areas of Swithland Farmland and Swithland Reservoir in close proximity to the site. Further afield, effects on the local landscape character would be 'negligible' in the context of existing and permitted development.

76. There would be some long term benefits resulting from net increase in ancient woodland retention, woodland, wetland and heathy grassland habitat. The rural character of the APAC will be reinstated following the establishment of vegetation and agricultural management.
77. Potential adverse visual effects are principally associated with short term operations, namely the part dismantling of the northern screening mound temporarily revealing more aspects of the primary crusher and surge pile and deposition of overburden materials within sites 1, 2 and 4 rather than the mineral extraction operations themselves.
78. Users of the Leicestershire Round, Kinchley Lane and occupiers of near residential properties to the south of Site 2 would be the most affected during construction of the new landforms. The effects would be temporary (approximately 4.5 years), adverse and of moderate significance. Users of the Leicestershire Round at Swithland Reservoir dam and users of Great Central Railway would be similarly affected but for a shorter duration.
79. Users of local public rights of way to the north of Swithland along with residential properties, users of local roads and public rights of way on the periphery of Mountsorrel to the south and south east of Site 1 would be affected by views of the upper extents of landform construction and associated works appearing above intervening vegetation. The nature of effect would be temporary and adverse and of moderate to slight significance.
80. Residential properties along Leicester Road in Quorn would be temporarily affected by works associated with the relocation of the primary crusher. Affects would be adverse and of moderate significance but restricted to a period of 12 to 18 months. Views from public rights of way, local leisure facilities, roads within the Soar Valley along with residential properties at the periphery of the Barrow upon Soar would be similarly affected. The level of effect will vary due to the degree of intervening vegetation and visual prominence of the existing crusher within current views towards the site.
81. In all instances, the residual long-term effects of the development on local views would be either neutral or slightly beneficial associated with the emerging and proposed areas of woodland.

### Noise

82. The Noise Assessment considers worst case noise levels from quarrying operations. It concludes that operations are likely to comply with the agreed planning criterion throughout all stages of quarry development at Paddock Close, Waterside Drive, Crown Lane, Huston Close, Mill Farm, Hawcliffe Road, Hugh Lupus Court, Northage Close, Quorn Grange and Loughborough Road.
83. There is the potential for marginal exceedance of the planning conditions as a result of the quarry development proposals at Swithland Reservoir and Rushey Lane. These are likely to be as a result of earth moving and mound construction activities which are short duration in nature. Measures are identified as appropriate mitigation to counter any potential exceedances.

84. The assessment indicates that the relocation of the primary crusher 45 metres below the quarry rim will result in a beneficial effect on the local noise environment.

#### Vibration

85. The Vibration Assessment recommends a criterion for restricting vibration levels from production blasting in order to address the need to minimise annoyance to nearby residents. It indicates that all vibration will be of a low order of magnitude and would be entirely safe with respect to the possibility of the most cosmetic of plaster cracks. Accompanying air overpressure would also be of a very low and hence safe level, although low ground vibration levels may possibly be perceptible on occasions at the closest of properties.

#### Cumulative Effects

86. An assessment of potential cumulative impacts has been carried out. This looked at the proposed development in conjunction with the consented and predicted working of other comparable hard rock quarries in the area.
87. Mountsorrel Quarry is located approximately 9 km from Bardon Hill, the nearest active quarry. The maximum distance of environmental effects caused by proposed development relate to visual amenity and extend to approximately 3 km from the site. All other potential effects would occur in much closer proximity. It is considered that all are capable of appropriate mitigation and all would fall within acceptable levels.
88. There are no known proposals to extend or develop new crushed rock quarries in the locality. It is concluded that Mountsorrel Quarry, by virtue of its relatively isolated position and singular geological context, is unlikely to contribute to any cumulative effects caused by an extension of quarrying elsewhere.

#### **Consideration of Alternatives**

89. As there is no suitable area of mineral bearing land that could accommodate a new quarry, three main options were considered related to modifying and extending the existing quarry, namely an extension of the quarry to the south and east (option A); an extension to the south and west (option B); and an extension to the northeast, east and southeast (option C). The single most important aspect of these from an operational point of view is the selection of a suitable location for the new primary crusher and surge pile. Two potential locations were identified, one to the south and one to the north.
90. **Option A** would provide sufficient room for a platform but a less than ideal configuration of quarry benching or alignment for a mineral conveyor, which would need to be partly raised above ground level. It would involve a 5.79ha lateral extension of the stone extraction boundary within the Buddon Wood SSSI. **Option B** would not provide sufficient room or a suitable alignment for a new primary crusher; and would result in a 2.05 ha lateral extension of the stone



extraction boundary into Buddon Wood SSSI. **Option C** is capable of meeting all of the key operational requirements in terms of plant relocation, quarry configuration, alignment of a mineral conveyor and access to reserves. Operations would extend 0.44 ha into Buddon Wood SSSI. Option C was chosen for development in more detail.

91. The consideration of alternatives includes the options for overburden disposal. There are very limited options for locating any significant quantity of this material within the working quarry during the initial stages of working. Consequently alternative overburden receptor sites were identified. Three suitable potential candidate locations were identified:
1. Two existing overburden landforms within Site 1 adjoining the quarry stock area.
  2. Land north of Kinchley Lane - adjoining Site 2.
  3. Hawcliff Quarry - a former granite quarry located within the main processing plant area used as a silt lagoon and clean water supply.
92. Locations 1 and 2 are capable of accommodating the required volume of overburden during the initial stages of working. Location 3 would be capable of accommodating a relatively modest quantity of overburden if required; however, a replacement lagoon and clean water facility would need to be constructed elsewhere. Adjustment of the design of the mound in location 2 so as to retain views towards Swithland Reservoir led to an additional potential receptor location being sought south of Kinchley Lane.

### **Statement of Community Engagement**

93. Lafarge Tarmac Ltd has carried out public consultations with local residents and statutory consultees about the proposed development. The first was held at the quarry and coincided with the Open Days which attracted over 5000 visitors between 5 - 7 and 12 - 13 May 2012. Additional consultation events were held at Mountsorrel and Quorn villages later in the month. In July 2013, further public exhibitions held in Mountsorrel and Quorn. The exhibitions were held at two separate venues staffed by employee and technical consultants representing the Company.

### **Planning History**

94. In 1947, planning permission for stone extraction was granted at Mountsorrel, covering an area of 650 acres, including the Buddon Wood area. In 1974, a voluntary legal agreement was entered into by the mineral operator, the landowner and the County Council. This required that initially only 70 acres of the Buddon Wood area be worked. In 1988, a further voluntary legal agreement was completed which limited the extraction area to 105 acres with overburden and soil disposal confined to specified areas.
95. Planning permission was granted in 1994 for “the extension of granite extraction and creation of a new landform” (application reference 1991/2240/02). The application covered the whole of the Mountsorrel site including the quarry, plant and rail operations. One objective of the application was to consolidate numerous earlier planning permissions and legal agreements under one new consent.

96. In July 2009, Lafarge submitted a schedule of conditions for determination under the provisions of the Environment Act 1995 for the Review of Mineral Planning Permissions (ROMP). A new set of conditions was issued by the County Council on 27 March 2012 (application reference 2009/1443/02).

## **Planning Policy**

### National Policy

97. The National Planning Policy Framework (NPPF) provides the government's policies for the delivery of sustainable development through the planning system. It advocates a presumption in favour of sustainable development, and for decision-taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and,
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies; or
    - specific policies in the NPPF indicate development should be restricted.
98. The NPPF includes core planning principles to underpin both plan-making and decision-taking. The principles aim to ensure that planning should inter alia: be plan-led; support sustainable economic development; and conserve and enhance the natural environment.
99. The NPPF recognises the essential role that minerals play in supporting sustainable economic growth and quality of life. The NPPF seeks to ensure that there is sufficient supply of material to provide the infrastructure, buildings and energy and goods that the Country needs. The NPPF also acknowledges that minerals are a finite resource and can only be worked where they are found.
100. The NPPF states, when determining planning applications, local planning authorities should: give great weight to the benefits of the mineral extraction, including to the economy; ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account any cumulative effects; ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions. It states that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
101. The NPPF states that proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified

special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest. It also states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

102. Planning Policy Guidance (PPG) provides additional guidance to Authorities to ensure the effective implementation of the planning policy set out in the NPPF in relation to mineral extraction. It covers the following relevant matters: the proximity of mineral workings to communities; dust emissions; noise emissions; and restoration and aftercare.
103. The PPG advises that a programme of work should be agreed which takes account of potential impacts, including the positioning of any plant, having regard to the proximity of occupied properties, as well as legitimate operational considerations. It advises on the control and mitigation of dust and noise emissions, and establishes the use of noise limits for mineral extraction, providing a framework for the setting of noise standards. Maximum limits at noise sensitive properties during normal working hours, evening and night-time periods are given, together with higher limits for certain short-term activities.
104. The PPG seeks to implement the NPPF requirements to provide for the restoration and aftercare of mineral sites at the earliest opportunity, carried out to high environmental standards. It advises on the use of a landscape strategy, reclamation conditions and aftercare schemes to achieve the desired after-use of the site following working.

#### Development Plan Policies

105. The Development Plan for the application site comprises the Leicestershire Minerals Core Strategy and Development Control Policies (2009) and the Charnwood Local Plan (2004). The principal policy considerations relevant to the current application are set out below.
106. Policy MCS1 of the Leicestershire Minerals Core Strategy aims to ensure an adequate and steady supply of minerals. The strategy for aggregates (crushed rock and sand & gravel) contained in MCS2 is to meet the sub-regional apportionment and maintain a landbank of reserves in line with national policy. This is to be achieved either by releasing reserves of crushed rock, worked as extensions to existing extraction sites to ensure a sustainable supply, or by allowing new aggregate extraction sites where it can be demonstrated that the landbank and production capacity cannot be maintained from existing sites and extensions to existing sites. MCS2 also seeks to allow proposals for aggregate extraction only where they would not cause unacceptable harm to the environment or communities. The Strategy also contains policies concerned with, the protection of the environment (MCS11), measures to protect and

enhance Charnwood Forest (MCS13), transportation of minerals (MCS16), and the reclamation and after-use of mineral sites (MCS17).

107. The Minerals Development Control Policies contain a number of policies for use in determining planning applications for minerals developments. These include the following: MDC1 (sustainable mineral development); MDC2 (sustainable design); MDC4 (sites of regional and local importance); MDC5 (countryside); MDC6 (landscaping and woodland); MDC7 (archaeology); MDC10 (agricultural land); MDC11 (the water environment); MDC12 (health and amenity); MDC13 (cumulative impact); MDC14 (transportation of minerals); MDC15 (public rights of way); MDC18 (planning conditions); MDC19 (planning obligations); MDC20 (reclamation and after care); and MDC21 (after-use).
108. The Borough of Charnwood Local Plan includes the following policies of relevance:
- Policy EV20 requires that new developments are landscaped to a high standard and that details are submitted detailing the planting scheme and the future maintenance of the site.
  - Policy EV22 indicates that planning permission will not be granted for development which would adversely affect county or district sites of ecological interest or local nature reserves or regional, county or local geological sites.
  - Policy EV39 seeks to prevent development that would cause a serious risk to the environment, public health or amenity.
  - Policy CT/7 aims to protect the character of the landscape, natural features, landforms and visual amenity of areas designated as being of particularly attractive countryside.
109. The Charnwood Local Plan Core Strategy has been submitted to the Secretary of State for examination. Policy CS11 identifies criteria to support and protect the character of the landscape and countryside. Policy CS13 lists objectives for the conservation and enhancement of the natural environment.

### **Consultations**

#### **Charnwood Borough Council - Environmental Health**

110. Since the declaration of an Air Quality Management Area (AQMA) around the quarry in 2011 for exceedance of the National Air Quality Objective for PM<sub>10</sub>, Charnwood Borough Council's Environmental Protection Service has undertaken regular review meetings with Lafarge Tarmac Ltd. This was to ensure that relevant environmental impacts were suitably understood and controlled and has led to significant reduction in average PM<sub>10</sub> concentrations around the quarry.

The current proposals have the potential to further impact on local air quality. Some of these impacts are likely to be positive whilst in localised areas some may be negative. The negative impacts are however likely to be temporary in nature, such as during landscaping and landform modifications, whilst the positive impacts are likely to be more permanent throughout the operating life of the quarry.

It is acknowledged that dust control measures at the primary crusher and surge pile cannot reasonably be improved with the current configuration. Consequently replacement with a new crusher, together with a covered surge pile within the quarry void is likely to reduce dust and PM<sub>10</sub> emissions.

Whilst extension of the stone extraction boundary will bring some quarry operations closer to existing dwellings, relocation of the primary crusher and surge pile to within the quarry void would mean that dump trucks transporting rock to the crusher would also remain below the quarry rim.

Major landform modifications are however proposed and these have the potential to either reduce or enhance levels of screening between the quarry and existing dwellings. Part of the northern mound will have to be removed to allow installation of the new mineral conveyor which could reduce the screening effect for neighbouring dwelling and part of the southern mound will need to be removed to enable the south-eastern extension of quarry workings.

It is recommended that:

- The Dust Management and Monitoring Plan (DMMP) be revised to identify additional and temporary dust control measures necessary to minimise impact on residential properties during the development stages. This should be undertaken prior to the commencement of each stage and include the aspects identified in the DustScan report.
- An automatic weather station should be installed at the site offices to help in the review of dust monitoring data.
- Careful monitoring at dust sampling locations 1, 3 & 4 will be necessary to ensure adverse impacts do not occur. Dust trigger-levels on a location-specific basis should be agreed with the planning authority. In addition dust monitoring locations will need to be reviewed and agreed to account for the re-configuration of quarry activities.

The noise report prepared by Vibrock assumed noise limits previously agreed under the Review of Mineral Planning Permissions dated 27 March 2012 will apply to the extension proposals.

In order to assist in the assessment predicted noise levels emanating from the proposed development were modelled. Predictions were based on worst-case scenarios of combinations of plant working at closest points to residential locations. The exercise considered only major operations as these were likely to have most impact on the local environment.

The acceptability of any new noise source will however depend upon a number of criteria including residents' perception of noise, periods of operation, distance to the source and the presence or absence of screening effects.

Predicted noise levels were compared to existing noise levels measured at 12 locations around the quarry together with an indication as to compliance with noise criteria stated in NPPF and current Mineral Planning Permissions. The locations were chosen to represent the nearest noise sensitive properties to various areas of quarrying related activity.

The report predicted that whilst the long-term development of the quarry was likely to have a favourable impact on noise levels at most locations, in the short-term there was the potential for marginal exceedances at some locations. The report suggested that these exceedances would not be perceptible.

Initial works include the installation of a perimeter access track at the north eastern quarry rim. This appears to be closer to existing residential properties than current haul routes. Noise from mobile plant movements is therefore possible from 0600 hours. After this stage of development, heavy mobile plant will no longer be required to rise above the quarry rim and therefore noise emissions are expected to reduce. Temporary screening arrangements may however be necessary to minimise impact on properties at Paddock Close and Northage Close.

Construction of the mineral conveyor to the new primary crusher will also require removal of the upper levels of the northern mound which currently provides visual, acoustic and dust screening. Removal of this part of the screening mound has the potential to increase noise levels (albeit for a temporary period of 12-18 months) at existing residential properties. A number of options have been proposed to reduce the potential effects but further detailed assessment will be necessary to determine the attenuation measures required.

Workshops are to be re-located to the area immediately south of the LCC depot. However no assessment appears to have been undertaken for this aspect of the proposal, with little detail as to the hours of operation or activities involved.

From the report, predicted worst-case noise levels at Swithland Reservoir and Rushey Lane were associated with earth moving and mound construction. Predicted levels at Rushey Lane were +7 dB and +2 dB above the permitted evening (1900-2200) and early morning (0600-0700) noise limit of 42 dB  $L_{Aeq,1h}$ . The report suggests that these operations were likely to be temporary and infrequent in nature. It was therefore suggested that it was appropriate to assess such activities against the permitted 70 dB  $L_{Aeq,1h}$  limit allowed in the NPPF for operations that bring long-term environmental benefits. The NPPF however only allows for the temporary increase in daytime noise limits, that is between 0700-1900 hours and within a time period of up to 8 weeks. Where such work is to take longer than 8 weeks, a lower limit should be agreed with the planning authority.

It is recommended that the noise control recommendations detailed in the noise report be incorporated into the noise management plan. In addition due to the proposed reconfiguration of quarry activities existing noise limits should be reviewed in line with NPPF limits. Noise monitoring locations should also be reviewed and agreed with the planning authority.

Barrow on Soar Parish Council

111. No objection.

Mountsorrel Parish Council

112. Following much discussion, during which various copy objections sent to us were considered, together with the reports from Councillors who attended the Quarry Liaison meeting, it was unanimously agreed to raise no objections provided that procedures are adhered to in order to maintain/control dust/noise to appropriate levels, in line with legislation.

Quorn Parish Council

113. Concern raised. A more plant item centric measurement of dust emissions should be used particularly for the relocated conveyor from the surge pile.

Rothley Parish Council

114. No objections.

Swithland Parish Meeting

115. Swithland Parish Meeting is concerned that the proposed extension of the quarry is carried out so as to minimise the visual impact of the development, that there are no traffic movements through the village as a result of these works and that there is no additional blasting.

Woodhouse Parish Council

116. The Parish Council requests that the quarry owners are obliged to include specific plans and funding for restoration of their site. Although it will be decades before the site is abandoned, there are restoration practices that will make it more available to recreational uses once the quarrying has stopped. For example, stabilisation of the benches could be done whilst the quarry is active.

Other places e.g. the Peak and Lake Districts, are earning money through leisure pursuits with disused quarries. Activities include climbing, scuba diving, mountain biking, walking, zip wires and wildlife – even housing is possible.

This area is among the world's most heavily quarried areas. Around 67% of what is quarried here is exported to other parts of the UK and beyond, but there is relatively little immediate benefit to the local community. Leaving quarries to fill up with water can take 150 years because, as fast as it rains, water mostly

evaporates. It is far more likely that Mountsorrel quarry will eventually be left empty, like most of the others in this county.

Therefore, the parish council would like funding in place during its commercial life into an endowed trust so that the income from the accrued capital is available permanently to fund recreational use. Funds should also be accrued to support an environmental program to attract and support flora and faunae.

A good example of what might be achieved is the work of the Leicestershire & Rutland Wildlife Trust at Stonesby Quarry. This was left unmanaged for a number of years allowing scrub to take hold, but has been restored to create a SSSI site that can be enjoyed by people who lived near to the quarrying activity and by visitors to the county.

### Environment Agency

117. The proposed development will be acceptable if planning conditions are attached to any permission granted requiring the submission of schemes for the provision of surface water drainage works; for the installation of oil and petrol separators (for the areas where it is proposed that heavy goods vehicles are to be parked and turning); and for the installation of trapped gullies (for the areas where it is proposed that cars are to be parked).

The mitigation and enhancement recommendations in the report 'Blakemere Consultants Ltd (2013) Lafarge Tarmac Limited Mountsorrel Quarry, Loughborough Road, Mountsorrel, Leicestershire – Ecological Survey and Assessment' should be followed.

### Natural England

118. Objection. This application site lies within Buddon Wood and Swithland Reservoir SSSI. Natural England objects to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which Buddon Wood and Swithland Reservoir SSSI has been notified.

Natural England also advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory.

On the basis of the information provided Natural England cannot validate the figures relating to loss / gain of Ancient Woodland and SSSI habitat that would allow us to concur with the ES conclusion of no loss of Ancient Woodland, We, therefore, seek full clarification on this matter.

We acknowledge the applicant already has planning consents which they could implement at this site which includes consent to undertake development upon certain areas of Ancient Woodland within the SSSI. This can be used to off-set areas that are proposed to be lost as a result in the new quarry extension. However, the applicant does need to clearly demonstrate that there will be no net loss of Ancient Woodland from the SSSI itself. Natural England is presently



unclear whether the areas of Ancient Woodland within the SSSI which are proposed for off-setting and the areas which are proposed to be lost to development are like for like replacements in terms of area and habitat quality.

Much of the uncertainty relates to large scale mapping and non-conformity of figures within the application with those featuring within the previous ROMP application. Our reasoning, and specific concerns, are outlined below:

1. The applicant claims that 'Secondary' Woodland areas within Areas 3A, 3B, 3C and 3E have had consent for storing overburden but not all of the land within these areas were included in the previous ROMP application. This is a concern because the applicant is not proposing any compensation for the loss of any woodland which has already been granted planning consent for the storage of overburden within the SSSI. As a result, we are concerned that the area of Ancient Woodland that is going to be lost to future development may have been underestimated in the ES, Natural England would like to have clarification on the planning permissions covering areas 3A, 3B, 3C and 3E in order to cross check and confirm that the areas granted planning permission for overburden storage are correctly aligned with the areas proposed for development within this application.

2. I understand from internal discussions that an access track and earth bunds may have recently been erected within Area 1A (an area of consented mineral extraction) as part of the implementation of safety and security measures for the quarry. This area could not therefore count towards potential compensatory off-setting as suggested in this application.

3. Area 1C has also been identified for compensatory off-setting. However, the consented areas for mineral extraction that are not going to be worked are not the same as those shown in their previous ROMP application. Drawing 2026/CPR/1 also suggests that parts of area 1C are proposed for permanent restoration. Consequently, the appropriateness of Area 1C for compensatory off-setting is uncertain based on the information provided in the ES.

On a separate point, there also appears to be very little detail on how the geology is going to be maintained in terms of maintaining access to key features. The indicative after-use is visionary only and will not by itself adequately compensate for the loss of woodland habitat or secure future geological provision at this site.

For these reasons, Natural England must object to the application because the applicant has not demonstrated that harm to the SSSI will be avoided. To allow us to rule out negative impacts, we ask that the applicant clarifies at the appropriate scale, the areas of Ancient Woodland within Buddon Wood and Swithland Reservoir SSSI that are going to be lost to future development, the areas that have been lost to unconsented development and the areas which are being put forward for off-setting. Details must also be provided on all areas (within the SSSI) which are outside the existing consented area of mineral extraction but which currently have planning consent for development (i.e. tipping of overburden, construction of tracks, etc). The applicant also needs to provide details on the areas proposed for off-setting to ensure that these fully compensate, both quantitatively and qualitatively, for the Ancient Woodland that

is proposed to be lost to future development. The loss of Ancient Woodland must not be restricted to the area of mineral extraction only, since this new development also includes the construction of protective earth bunds and banks, and the construction of roads and tracks needed for the operation of the quarry and which will sit outside the proposed area of extraction. These operations are necessary for the operation of the new quarry and are development and must be considered as part of this application.

Natural England has no concerns relating to potential landscape and visual impacts of the proposed development although we accept there will be slight-moderate impacts from the development proposals in the short term until mitigation matures and short-term operations cease.

#### Severn Trent Water

119. No objection subject to the inclusion of a condition requiring the submission of drainage plans for the disposal of surface water and foul sewage to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

#### Highway Authority Advice

120. Recommendation: Approval

It is understood that the proposed crossing point on Kinchley Lane is to be an 'at grade' crossing and similar to the one use on Bond Lane a few years ago. The Authority is not aware of any problems occurring as a result of the Bond Lane crossing and is therefore happy with this proposal.

A condition should be imposed requiring all details of the proposed crossing point to be submitted and approved before works to the crossing commences. Such details will also need to include the timetable for the reinstatement of the crossing once it is no longer required.

#### Public Rights of Way Advice

121. Diversion and Change of Status of Footpath / Byway K25: In principle, there is no objection to the proposed diversion of K25 onto the route shown on the Indicative Final Afteruse Plan. The proposal to reclassify the entire route as a Public Bridleway is strongly supported as it will provide an important link between Public Bridleway I8 and Wood Lane.

In addition to the proposed diverted route of K25, it is requested that an additional bridleway spur be provided from the diverted route to the entrance to Cufflin Pit Lane on Bond Lane.

Public Bridleway I8: Public Bridleway I8, which runs from Crown Lane to Bond Lane, is shown incorrectly on the plans associated with the planning application. If Lafarge wish for the Bridleway to run along the access road, it is recommended that the diversion of the bridleway be included in their application for the diversion of K25. The diversion of this section of Bridleway I8 is strongly support.

Leicestershire Round: The Leicestershire Round long distance footpath currently runs along Cufflins Pit Lane and then along the vehicular highways of Bond Lane and Kinchley Lane. Consideration should be given to creating a Public Right of Way link from the end of Cufflins Pit Lane and across the site to Kinchley lane. This link could then carry the Leicestershire Round reducing the distance the public are currently walking along the vehicular highway.

Permissive Paths: The proposed provision of new access routes throughout the site is strongly supported. Consideration should however be given to dedicating some of the routes as Public Rights of Way to enable them to be secured for the future use and enjoyment of the public.

The proposal to create a Permissive Footpath between the Mountsorrel Branch Line and Bond Lane is supported; however, consideration should be given to providing a Permissive Bridleway along this route as it will link the Halstead Road area of Mountsorrel with Cufflins Pit Lane.

The proposal to create a section of bridleway between Rushey Lane and Kinchley Lane is noted. Further Public Bridleways should be provided throughout Site 2 to provide a circular off road route.

#### Landscape Advice

122. The use of the term ‘moderate – slight to moderate’ significance when describing the predicted effects on local landscape character is on the face of it confusing.

Agree with the conclusion that potential adverse visual effects are principally associated with short term operations (relocation of the primary crusher and deposition of overburden materials within sites 1, 2 and 4) rather than the mineral extraction operations themselves.

However, there are still substantial visual effects associated with these short term operations, particularly from points close to the sites concerned. Moderate levels of significance in the short-medium term are identified for Kinchley Lane, which lies between Site 2 and Site 4. Moderate levels of significance are also identified for Rushey Lane, parts of the Leicestershire Round and the GCR.

It is unclear how assessments of the significance of effects on local landscape value and on visual amenity have been reached. The assessment tends to underestimate the significance of visual impacts because the magnitude and sensitivity assessments are sometimes underestimated.

The Indicative Final Afteruse proposals are generally satisfactory. Detailed proposals will need to be submitted under condition as necessary to allow progressive restoration.

The mitigation and enhancement measures set out in the Landscape Strategy are satisfactory. Whilst the new landforms appear rather stark and engineered profiles, there should be opportunities to provide localised modifications to the new landforms as part of the mitigation process.

Details should be submitted for the recovery of the soils from areas of Buddon Wood and placement within that part of Site 2 to be restored as woodland.

In conclusion, the following additional information should be provided: clarification on the terminology used in the assessment; confirmation of the use of combined significance assessment terms; better demonstration of the visual impacts on locations along Kinchley Lane.

#### Archaeology Advice

123. So far the applicant has submitted the results of a desk-based assessment of the development area, giving particular attention to the area proposed for spoil storage and re-landscaping (Site 4) and the proposed access link north of Kinchley Lane. Additional investigation has included the completion of a fieldwalking survey and partial geophysical investigation.

The Fieldwalking report details the results of a survey covering three fields at the south-west corner of the application area. The targeted zone falls within Site 4, south of Kinchley Lane, proposed for a soil storage mound and landscaping. The investigation revealed an 'equally distributed' scatter of flint flakes and cores, the majority of which are thought to represent activity dating to the later prehistoric, perhaps spanning the period between the Late Neolithic and the mid- to late Bronze Age. The analysis noted the fresh character of the material, which may indicate the presence of buried archaeological features recently disturbed by modern agriculture. In addition to the later prehistoric assemblage, a small background Mesolithic scatter might indicate archaeological remains of a significantly earlier date.

There is significant potential for later prehistoric (Late Neolithic to late Bronze Age) and Mesolithic archaeological remains within Site 4 and in its immediate vicinity

An initial Geophysical survey of two areas to the north and south of Kinchley Lane has been completed. The survey has located geophysical anomalies of uncertain origin, in addition to identifying the presence of waterlogged soils, probable ridge and furrow cultivation and a system of more recent land drains. There appears to be some correlation between the detected anomaly in Area 1 (north of Kinchley Lane) and a crop or parch mark recorded on aerial photographs. To the south, anomalies detected in Area 2 can be shown to

match an Inclosure period east-west field boundary shown on aerial photographs, the hedge having been removed at some point between 1991 and 2000. Whilst in the latter case it is possible to dismiss the associated anomaly as of no archaeological significance, other less readily interpreted anomalies may well indicate the presence of significant archaeological remains.

It is now proposed to undertake an initial trial trenching assessment of the two targeted geophysical survey areas to confirm and clarify the results. Following on from this work the investigation will either complete geophysical survey of Site 4, followed by trial trenching of the area; or go straight to trenching without further geophysics.

Based upon the current data, it is considered that the geophysical survey to have succeeded, however, it is not possible to conclusively interpret the results. It is therefore recommended that the two areas detailed for trial trenching are investigated in line with the submitted Project Design for Trial Trenching. The results of this work should be used to determine the need for further geophysical investigation, which in turn will determine the character of a final stage of trenching and assist with the formulation of an appropriate mitigation strategy to address the impact of the proposals for Site 4.

#### Ecological Advice

124. A very full series of ecology studies have been done. They provide a very good context for the consideration of the impacts on Buddon Wood and Rowhele Wood as a whole. However, there is some difficulty in interpreting the exact nature of the impact on Buddon and Rowhele Woods, as the areas of loss have not been surveyed separately, but are included within wider sampling points or woodland compartments.

The main impact of the scheme will be on Buddon and Rowhele Woods; two wooded areas are proposed to be removed due to a north-east extension to the quarry. Both are ancient woodlands (either plantation or semi-natural), and both support exceptional invertebrate populations. Any loss of this established woodland (however small, and whatever its origin) is significant at a national level, due to the potential impact on invertebrates and the risk of losing a nationally rare species.

The concern of Natural England regarding the evidence to demonstrate that there will be a net gain in ancient woodland is shared.

There are locally significant impacts of the complex of fields north of Kinchley Lane, which may meet LWS criteria for habitat mosaics. Mitigation for this is not possible, but it should be feasible to provide compensatory habitat creation within the overall operation. The key issue will be in phasing this so that there is some continuity of habitat.

There will be impacts on a breeding pair of Peregrine and potentially breeding Barn Owl, but both these impacts can be mitigated.

There are possible minor impacts on a badger sett, which can be mitigated.

There is a lack of compensation for the loss of ancient woodland/SSSI (which cannot be mitigated); some biodiversity off-setting may be needed.

Leicestershire & Rutland Wildlife Trust

125. The Trust is pleased to see that Lafarge Tarmac has carried out detailed surveys of the application area, particularly with regard to invertebrates. These surveys confirm that Buddon Wood has a rich assemblage of species, but it remains to be seen just how much of this persists in the long-term following many years of mineral extraction. Our fear is that the integrity of the ancient woodland has been compromised by its reduction to a narrow rim surrounding the quarry.

The creation and enhancement of other habitats within the control of the applicant is welcomed by the Trust, but again we are concerned that the area not being worked is diminishing in size as the quarry expands. The abundance of wildlife in the applicant's control must be reducing and we therefore feel that they should be looking to promote conservation activity outside of this area as well as within it. The fact that a huge water-filled hole of little wildlife value will remain after mineral extraction ceases re-enforces our view and we expressed similar concerns in connection with the recent application at Bardon Quarry.

The Trust believes that Lafarge Tarmac has a responsible attitude towards its operations at Mountsorrel and elsewhere and we have worked successfully with the company over many years. We think that the time has come though, at Mountsorrel Quarry, for recognition of the fact that although it is certainly worth managing the land outside of the quarry void to a high standard, mineral extraction is inevitably reducing the nature conservation value of this iconic site.

Woodland Trust

126. Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since AD1600. The length of time at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between plants, animals and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UK's most important and threatened fauna and flora species cannot be re-created and cannot afford to be lost.

It is noted that the current planning permission allows a further 0.16 hectares of ancient woodland to be lost in comparison to what is proposed in this planning application. This reduction in the amount of ancient woodland to be lost on site is welcomed. However as 0.596 hectares of ancient woodland (0.166 ha of which is SSSI and 0.43 ha of which is SINC) is still to be lost the Woodland Trust objects to this planning application.

The production of dust is an integral part of all quarry activities. Flora within ancient woodland is particularly sensitive to dust. Dust has a major deleterious impact on epiphytic lichens with all but the most resistant species dying at high dust concentrations. Lichens are used as a monitoring tool for air pollution owing to their sensitivity. Lichens form part of the complex ecosystem that make up ancient woodland and their health can be used as a good indicator of the quality of the rest of the habitat.

Loppi and Pirintsos (2000) investigated the distribution of epiphytic lichen to assess the impacts of both acid and alkaline dust from quarries. They showed the main factor that influenced the distribution of lichen was dust itself rather than the chemical composition of the dust. The impacts of dust therefore varied with distance from the quarries with all but a few resistant lichens dying at high concentrations of dust.

However, the chemical composition of the dust can also have a direct impact on the soil chemistry, dust and chemical drift produced by quarrying and mineral extraction can affect woodland several miles downwind. Research into impacts of alkaline dust is more extensive than the impacts of acidic deposits, but effectively demonstrates the level of impact that might be expected from acid deposition. For example research at a wood 0.5km distant from an Austrian lime quarry and adjacent cement works indicated calcium levels were five times greater than at a control site 30km distant (Berger & Glatzel 1998).

Much work has been undertaken to show that trees can be effective as filters of dust particulates with commensurate improvements in air pollution (e.g. Beckett et al 1998) however the trees suffer consequences as a result of this process. Mandre and Ots (1999) showed that over a four year period regularly surveyed conifer trees, when compared with unpolluted controls, suffered 61% reduction in height growth and similar reductions in shoot, root and needle growth. Farmer (1993) presents a review of the evidence of the impacts of dust on a variety of vegetation discussing both the mechanism and results and showed that the composition of woods could be fundamentally changed as a result of dust deposition.

The Trust are concerned that dust deposition within the woodland will have already damaged the ancient woodland on site and that this type of indirect impact will cause continual reduction of the habitat quality. Ancient woodland makes up such a small percentage of land cover in the UK now (just 2%) that any reduction in quality of ancient woodland habitat, no matter how small, can have disastrous consequences for the species that rely on ancient woodland.

The Trust are deeply concerned that unauthorised works have taken place on site and that 0.06 hectares of the site has been quarried without consent. They would be disappointed if an error such as this caused direct loss to ancient woodland and would request that monitoring of the site is increased to ensure this is not the case. Secondary woodland was lost to the unauthorised quarrying and the Trust would request that an additional 0.06 hectares of planting takes place on site to compensate for this loss.

Recent research for DEFRA into the future for conservation banking in the UK has identified ancient woodland as a habitat for which habitat mitigation cannot take place as ancient woodland is irreplaceable, i.e. you cannot recreate a habitat as complex as ancient woodland within a reasonable timeframe (in the case of ancient woodland, at all).

The Woodland Trust does not believe that you can compensate for the loss of ancient woodland by planting new woodland. However, if such a high value habitat is to be destroyed, then the compensation ratio of newly created habitat should be a minimum of 30:1 (using the higher figures in the Defra offsetting metrics).

The environmental statement states that there will be a net increase of 0.85 hectares woodland on site. As previously stated ancient woodland is an irreplaceable habitat and the application clearly states that 0.596 hectares ancient woodland (part of which is SSSI) is to be lost. Compensation planting should be based on a ratio in line with the highest Defra biodiversity offsetting metric of 30:1. Therefore The Trust considers that at least 18ha of native broadleaved woodland would need to be planted to compensate for the proposed woodland loss.

Furthermore, as part of the area to be retained on site is plantation on ancient woodland (PAWS), the Trust would recommend that additional compensation could be achieved by restoring this area to a native canopy cover.

The Trust would recommend that if the council are mindful of granting planning permission then the area of planting on site is increased to at least 18 hectares in line with the Defra metric.

Campaign to Protect Rural England (CPRE) Leicestershire & CPRE Charnwood

127. CPRE Leicestershire and CPRE Charnwood confirm our full support for the proposals as submitted.

Whilst the project is a commercial one designed to protect the future of Mountsorrel Quarry, CPRE are aware of the efforts by the owners to safeguard the natural environment. In the past few years the Company has altered the topography of the site, thereby enhancing the landscape to both long and short views as well as additional habitat creation.

CPRE welcome the improvements to the permissive footpaths and the extension of the public bridleway. The bridleway improvements will mean safer access for horse riders and we hope this will be completed early on in the process.

CPRE are pleased to see that broadleaf species will be used extensively; future generations will benefit from this being implemented.



National Grid

128. National Grid exercises its right to place a Holding Objection to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line

Other Consultees

129. No replies have been received from the following bodies to the initial consultation on the planning application: Charnwood Borough Council (Planning), Health and Safety Executive, Ramblers Association, Leicestershire Footpaths Association, Leicestershire Bridleways Association, Forestry Commission, Friends of Charnwood Forest.

Publicity

130. The planning application and accompanying environmental statement has been publicised by press notices in the Loughborough Echo (17<sup>th</sup> and 24<sup>th</sup> January 2014), and by site notices dated 16<sup>th</sup> January 2014. A total of 521 neighbour notification letters were also sent out on 16<sup>th</sup> January 2014.
131. The County Council held a public meeting at Rawlins Community College, Quorn on 13<sup>th</sup> May 2014 to hear the views of local residents on the planning application. Approximately 110 people together with local County Councillors attended the meeting, which was chaired by the then Chairman of the Development Control and Regulatory Board, Mr. D. Jennings.

Representations Received

132. Some 119 representations have been received from local residents objecting to or raising concerns about the proposed development. These include 113 representations received from residents of Quorn, 3 from residents of Mountsorrel, 2 from residents of Rothley and 1 from a resident in Barrow upon Soar.
133. The letters of representation raised the following concerns:

General Impact

- Expansion of workings is excessive; will impact on general environment; effects of working closer to Paddock Close will be severe
- would have a serious impact on the residents and their homes in the Leicester Road & Wood Lane areas of Quorn
- particularly concerned with the additional traffic, noise, dust and vibration this would bring for years to come.
- The proposed site is too close to hundreds of existing houses and is unsuitable from the point of view of noise, dust and pollution; deepening the quarry is not really feasible without affecting the quality of life of residents.

- Unacceptable disturbance and further loss of amenity to many local residents in Mountsorrel and Quorn. There is already considerable current nuisance and loss of amenity from this operation. The extent of time and severity of impact on local residents is totally unacceptable. Lafarge can offer no guarantee over reduced noise, dust and vibration damage if the planned facility were built as described

#### Relocation of the primary crusher

- Effect of relocation will be severe
- No need to relocate crusher – use more dumpers to transport stone
- Relocation closer to village will make noise and dust a lot worse
- Locating the Primary Crusher and Surge Pile, prime causes of the dust pollution, closer to residential areas is hazardous to the health of the nearby population
- Should be sited on the Swithland reservoir side of the quarry, further away from residential properties
- Company have put profit over people - options involving moving the primary crusher to the other side of the quarry to that proposed and away from residential housing understood to have been discounted because it would be more costly to implement.
- Crusher should be accommodated on the edge of the existing quarry arrangement
- Primary Crusher and Surge pile should remain where they are presently located, further away from the residential homes.
- Conditions should be imposed on any approval to ensure that the promise of noise reduction as a result of the crusher relocation is fulfilled.
- any approval granted should be conditional on the buildings in which the primary crusher and the surge pile are located being sound proofed and sealed so as to considerably reduce noise levels prevent the escape of dust particulates.

#### Dust

- Dust is an aggravation which has not diminished - proposals can only worsen situation.
- Dust from vehicles altering southern mound
- Dust has been getting significantly worse - have to 'put up with' the constant cleaning of cars and windows that are permanently covered in dust
- Quarry already causes dust problems.
- 26 more years of dust.
- concerned about the dust and debris that will arise from the proximity of the proposed extension.
- Need to ensure that proposals will significantly reduce dust from current levels.
- No monitoring has taken place on Leicester Road, Quorn
- The dust reduction scheme seems to have greatly reduced this problem in recent years, although it has not gone away.

### Noise

- Already suffer from noise – proposals can only worsen situation.
- Noise has been getting significantly worse - have to 'put up with' the constant drone of the quarry
- Noise from vehicles altering southern mound
- 26 more years of increased noise.
- Quarry configuration does not ensure the protection of residential amenity
- very concerned with the noisy effect it will have on the village of Quorn,
- very concerned about the increase in noise from the new conveyor,
- new conveyor will be above the ground, generating more noise.
- noise pollution which would come to the surrounding residents in the Buddon Lane/Chaveney area are not acceptable
- The proposed quarry rim access track would cause additional noise pollution to local residents.
- Need to ensure that proposals will significantly reduce noise from current levels
- No monitoring has taken place on Leicester Road, Quorn

### Blasting

- Concern about effects of blasting and vibration arising from the development
- blast vibrations are already bad and will get worse as the extraction and working boundary moves closer
- Blasting has caused damage to property; can only get worse if quarry gets closer
- Moving blasting operations closer to the edge of Quorn will exacerbate the existing situation, either restricting its ability to be quarried or requiring lower MIC to be used.
- Need to ensure that proposals will significantly reduce vibration from current levels

### Traffic

- traffic impact - moving the crusher obviously moves the quarry transit patterns and we already hear the lorries and earth movers to an amazing degree
- Increased traffic through what is already a busy village.
- 26 more years of traffic.
- increase in traffic would be very damaging to the local properties and their occupants.
- It will cause additional traffic problems
- Lafarge vehicles use Wood Lane as a short cut
- The lorries are already very noisy. They should have rubber baffles

### Public Right of Way

- Enjoy use of PROW K25 – any realignment will be an additional worsening of amenity
- Diversion of K25 would increase its length – see no reason for altering route

### Impact on SSSI

- unacceptable adverse impacts on the natural environment by virtue of the protracted quarrying period and expansion into Buddon Wood SSSI
- Buddon Wood should be preserved as a site of special scientific interest.
- Destruction of 20 acres of Buddon Wood - a Site of Special Scientific Interest
- Impact upon Ancient Woodland within Rowhele and Buddon Woods
- Buddon Wood contains many rare flora which would be affected by the dust from the primary crusher.

### Wildlife

- Unacceptable damage to the local environment and wildlife
- Significant impact upon ecologically designated areas, due to both the degree and quantity of area affected.
- Devastation to wildlife and wildfowl in the area caused by upheaval and noise
- destruction of local woodland and effect on local wildlife.
- Adjacent biological impacts - moving the working boundary will inevitably impact well beyond the quarry boundary

### Need

- lack of need – no overriding need based on current landbank for crushed rock to justify unacceptable adverse impacts arising from the scheme
- Unnecessary mining - Government Guidance is a 10 year supply; County Council already has 24.5 years without this consent being granted
- The extension to Bardon Hill Quarry has already been approved so we don't need an extension to another quarry.

### Restoration

- Restoration of quarry as a lake is ridiculous – more likely to be used as a refuse tip
- delay to restoration
- It is high time that restoration of Buddon Hill and Buddon Wood was completed.
- concern that there seems no guarantee that the indicative afteruse will actually happen; should be financial guarantee for reclamation works; should require that afteruse is for open space not landfill or housing

### Other

- detrimental effect on property prices
- Current hours of operation are excessive bearing in mind the surrounding residential areas and the adverse impact on the quality of living - Should be restricted to between 6am and 6pm Monday to Friday
- Overburden should be used to help with existing dust and noise problems
- Devastating impact of overburden disposal on land off Kinchley Lane
- Should use old Hawcliffe Quarry for overburden disposal
- What happens to electricity pylon and cables within Site 1?
- Should be additional mitigation measures including increased landscaping along the northern boundary

- Concerns about where new workshop is to be placed
- sight of primary crusher and surge pile will seriously affect the vista from home and garden

134. The table below provides a breakdown of the main issues raised in the representations.

<b>Issue</b>	<b>Number of letters in which issue raised</b>
Noise	45
Dust	40
Blasting	29
Relocation of the primary crusher	25
Impact on SSSI	14
Traffic	13
Need	9
Restoration	9
Ecology/Wildlife	9
Effect on Property Prices	6
Extension to Extraction Area	3
Public Right of Way	2

135. Forty-one pro forma letters have been received from local residents living in close proximity to Mountsorrel Quarry objecting to the planning application on the following grounds:

- lack of need – no overriding need based on current landbank for crushed rock to justify unacceptable adverse impacts arising from the scheme
- impact on the environment – unacceptable adverse impacts on the natural environment by virtue of the protracted quarrying period and expansion into Buddon Wood SSSI; and delay to restoration
- insufficient mitigation measures – will result in more noise, dust and traffic resulting in loss of amenity in respect of living environment

136. At the public meeting on 13<sup>th</sup> May 2014, questions were raised and statements made on the following matters:

- Effect of relocating primary crusher closer to Quorn
- Operating hours
- Noise and dust
- Effects of blasting
- Monitoring of noise, dust and blasting
- Increase in traffic on Granite Way
- Effect on SSSI
- Restoration
- Community benefits

137. Four representations have been received expressing support for the proposed development, 2 from Quorn residents and 2 from Mountsorrel. These representations include the following comments;
- support the proposal in principle as the Quarry is an important local employer
  - fully support the application, as the quarry brings valuable direct and indirect employment to the area, with only very minor negative impact for the vast majority of the residents of Quorn
  - strongly support the provision of additional footpaths especially the proposed one at Kinchley Lane
  - welcome the opportunity for increased access to the area.
138. The Waterside Residents' Association supports Lafarge Tarmac's plans to reconfigure Mountsorrel Quarry and the relocation of the Primary Crusher and Surge Pile. They submit, however, that conditions should be applied to the planning approval as follows:
- i. More ambitious and specific levels should be set for dust and noise reduction arising from the plant and operations remaining at the present location off Wood Lane.
  - ii. Lafarge should be obliged to review the Coated Roadstone operation, indicating how this will be improved and integrated into the overall quarry remodelling, so as to reduce the cumulative effect on residents from the quarry as a whole.
  - iii. An additional footpath should be provided, running from the south west corner of Buddon Wood to the northern point of Swithland Reservoir, alongside Kinchley Lane.
  - iv. Lafarge Tarmac should be asked to improve the landscaping of the verges of Granite Way and provide for their maintenance.

### **Further Supporting Information**

139. As a result of issues raised during the consultation process, Lafarge Tarmac has provided additional information in support of the planning application. This additional information was supplied to the County Council on 14<sup>th</sup> October 2014. The submission consisted of a statement (with 7 appendices) together with a non-technical summary.
140. The submission includes the following proposed refinements and modifications to the submitted scheme design related to the quarry and quarry plant, relocated quarry facilities and the restoration scheme:
- A reduction in the width of the proposed access road and mineral conveyor ramp.
  - Steepening of overburden restoration slopes in the vicinity of the north eastern quarry rim in order to retain a larger area of existing woodland.
  - Re-location of the proposed quarry rim maintenance access track.
  - Protective fencing replacing bunds at specific locations on the quarry rim.
  - More detailed design in respect of the proposed primary screen house, covered surge pile and associated housing as well as a cover for the proposed mineral conveyor linking back to the retained processing plant in the Cocklow Quarry area near Wood Lane.

- Further details concerning the relocation of the existing quarry offices and workshop facilities to the site of the existing lorry park and the relocation of the lorry park to the former landfill gas and electricity generating compound within Site 3 (Broad Hill) off Crown Lane.
  - Increase in the extent of retained existing woodland within Buddon Wood and the North Mound screening landform.
  - Increase in the extent of proposed woodland on the new south Mound overburden land form and a corresponding reduction in proposed heathy grassland.
141. The net result of these changes is that the proposed **quarry rim** has retreated by approximately 0.49ha, including 0.18ha of land within Buddon Wood SSSI, 0.1ha within Rowhele Wood SINC and in excess of 0.2ha on the wooded upper slopes of the Northern Mound.
142. Designs for the **replacement quarry plant** reflect additional measures to control potential dust emissions as well as production related design refinements. The proposed primary crusher building would incorporate an atomised water dust suppression system. The stone holding capacity of the covered surge pile has been reduced and would be incorporated within a smaller circular building. The mineral conveyor leading from the surge pile to the proposed screen house would be enclosed. The new primary screen house building would be sited behind the retained plant in the Cocklow Quarry area and set approximately 9m lower than previously proposed.
143. The **proposed workshops** would be located within a steel portal building with metal cladding. The building would be no more than 8m high at the eaves. The offices would comprise a two storey steel portal modular building with metal cladding with an eaves' height of 4.8m. Some 21 parking spaces would be provided in the associated yard; 14 of these spaces would be for maintenance contract vehicle parking. The proposed security gatehouse, the proposed administration office, the proposed amenity block for engineering office and the proposed drivers' canteen would be of modular construction similar to those already present on the quarry site. All proposed building walls would be coloured 'Goosewing Grey' or similar. Some 57 parking spaces would be provided adjoining the office and amenity facilities. The replacement lorry park would include provision for 25 rigid body heavy goods vehicles (HGVs), 5 articulated lorries and 30 parking spaces for lorry drivers' cars
144. The overall **restoration scheme** has been adjusted to incorporate the findings of more detailed ecological and soil surveys carried out during 2014. Proposed changes to the restoration scheme reflect the landscape and habitat conservation objectives and redeployment of woodland and other soils affected by development as well as the replacement of an area of proposed heathy grassland with open wood scrub containing glades. The changes affect a section of the existing northern mound and the proposed southern mound extension. In addition refinements have been made to the route of a proposed diversion of byway K25, and permitted access provision.

145. Additional environmental survey and assessment has been carried out in order to address specific issues raised by consultees in relation to ecology, visual amenity, and noise. This work has included the following:
- Detailed topographic, ecological and soil survey and assessment of land falling within Buddon Wood SSSI and in the near vicinity of existing and proposed quarry rim areas.
  - Preparation of photomontages to show the visual effect of new landforms as seen from other locations on Kinchley Lane as well as proposed changes to ecological mitigation affecting the appearance.
  - Noise survey of potential effects caused by relocating the quarry offices, workshops and lorry park.
146. The conclusion of the **ecological assessment** is that:
- the information at a more detailed scale enables a better validation of the figures relating to loss/gain of ancient woodland and SSSI habitat;
  - there would be no net loss of ancient woodland from the SSSI itself;
  - the areas proposed for off-setting and areas lost to development are like-for-like replacements in terms of area and habitat quality, and there is an overall gain in all biological SSSI qualifying features.
147. Effects on **visual amenity** brought about by the design review and proposed ecological mitigation are considered by the applicant to represent significant improvements compared to the original submitted proposal. Proposed changes to the northern mound would result in more of the mound and associated woodland and screening being retained. The final height of the reconfigured mound would be approximately 5m higher under the revised proposal. The proposed screen house has been relocated to a position behind the retained plant and set approximately 9m lower than previously proposed.
148. Potential adverse **noise** effects would be reduced by virtue of retaining permanently intact more of the existing screening landform, relocating the new primary screen house to within the area of the former Cocklow Quarry and covering the linking conveyor to the plant. It is proposed that all operations occurring above the level of the quarry rim on the northeast boundary and associated with the removal of overburden and quarry bench development would occur between the hours of 0900-1700 Monday-Friday. The proposed primary crusher and surge pile will not be operated (other than for commissioning purposes) whilst the existing primary crusher and surge pile are operating. A noise assessment of the proposed relocation of the quarry offices, workshop and lorry parking concludes that noise levels from these operations will remain within the levels required by national and local planning guidance and the permitted scheme.
149. The design review has not resulted in any significant changes to **air quality** compared to the original scheme though there would be some improvements through retention of a greater extent of the northern screening mound, retention of associated woodland as well as covering the proposed mineral conveyor linking the surge pile to the quarry plant.



150. Additional detail is supplied in relation to the preferred option selected for the **location of the primary crusher and surge pile**. Of the options considered the submitted scheme is considered by the applicant to be deliverable and represents the optimum balance between achieving operational improvement and minimised environmental impact.
151. Within the north eastern area, three options were examined. Crusher platforms located at the deeper levels are considered less suitable than the proposed platform at 32m AOD. The principal reasons for this are:
- Much of the conveyor would have to traverse across quarry benching on a gantry arrangement; consequently maintenance access to the conveyor would be restricted to the conveyor itself as opposed to a purpose built road.
  - Risk to production caused by a delay that would occur between reconfiguring the quarry at depth, installing and commissioning the new crusher, dismantling the old crusher and being able to access the underlying reserves.
152. Within the southern area of the quarry, options for relocating the crusher are restricted to a potential platform development at -40m AOD. The southern arrangement is considered unworkable as there would not be sufficient space available for an adequate crusher loading area. The location would also not be able to accommodate the surge pile, further adding to its unsuitability.

### **Consultation on Supplementary Information**

153. A further round of consultation related to the supplementary information was undertaken in accordance with Regulation 22 of the Environmental Impact Regulations 2011. The submission of the supplementary information was advertised in the Loughborough Echo on 24<sup>th</sup> October 2014 and notices were posted on Parish Council notice boards. All those who had made representations were also notified about the submission of this further information.
154. The following responses have been received from consultees in the light of the supplementary information that was submitted:

#### **Charnwood Borough Council - Environmental Health:**

155. Alterations have been made to the quarry access road to retain more woodland and provide accommodation for the new mineral conveyor ramp. This should help to minimise dump truck haulage movements at this location. In addition the proposed maintenance track has been re-located from the quarry rim inside the quarry. This was an area of concern from the original application and the changes are to be encouraged to protect existing residential properties adjacent to the site from noise and dust.

Additional measures to control dust from the replacement quarry plant include an atomised water dust suppression system to the primary crusher building and reduction in the stone holding capacity of the covered surge pile to ensure it can be incorporated inside the building. The primary crusher and surge pile were believed to be major contributing sources of dust from current site activities and consequently the proposals are likely to reduce nuisance dust and PM<sub>10</sub> emissions.

The mineral conveyor leading from the surge pile to the new proposed screen house is also to be covered which should again minimise dust emissions.

In view of the above it is recommended that the Dust Management and Monitoring Plan be revised to identify additional and temporary dust control measures necessary to minimise impact on residential properties as the different quarry re-configuration stages progress. This could include determining dust trigger-levels on a location specific basis and identification of additional dust monitoring locations and temporary controls.

Overall noise levels generated by the quarry operations are predicted to improve in the medium to long term. In the short-term there is the potential for temporary exceedance of permitted noise levels associated with construction of the overburden landforms. The noise report suggests that temporary screening measures will be adopted to ensure construction works comply with permitted levels of noise generation. A programme of noise monitoring should therefore be included in the Noise Management and Monitoring Plan to ensure compliance can be demonstrated at closest residential properties during these activities.

Alterations to the upper levels of the quarry are necessary to create the new primary crusher and surge pile platforms. It is now proposed that more of the northern screening mound is to be retained and this should therefore provide a greater degree of noise attenuation.

To minimise disturbance all proposed operations occurring above the level of the quarry rim on the northeast boundary and associated with the removal of overburden and quarry bench development should be restricted to 0900-1700 hours Monday-Friday. In addition, proposed works associated with overburden deposition including soil stripping and placement within 200 metres of any residential property should also be restricted to 0900-1700 hours Monday-Friday.

The proposed primary crusher and surge pile should also not be operated (other than for commissioning purposes) whilst the existing primary crusher and surge pile are in operation.

A further noise survey has been undertaken to specifically address the proposed relocation of the quarry offices, workshop and lorry parking. The assessment concluded that noise levels from these operations would be within national and local planning limits. I would therefore accept these proposals but trust these activities will be included in the scheduled noise monitoring compliance programme.

I still have some concerns about noise from external maintenance activities taking place at night and believe this should be addressed in the revised Noise Management and Monitoring Plan.

Quorn Parish Council

156. Quorn Parish Council welcomes the engineering initiatives by Lafarge Tarmac to mitigate against the likelihood of increased dust pollution as a result of its planned expansion.

However, the Parish Council recommends that Leicestershire County Council's Planning Team, if minded to approve the application, set conditions that ensure the applicant is required to mitigate against any adverse effect of the expansion in terms of both dust and noise. Leicestershire County Council's Planning Team should also establish with Charnwood Borough Council's Environmental Health Team an on-going system of noise and dust monitoring to ensure that such mitigations are an effective safeguard for Quorn.

Woodhouse Parish Council

157. The council was surprised that Government doesn't fund this kind of approach – they understand that there are too many voids in Leicestershire because funding is not secured.

Environment Agency

158. No further comments.

Natural England

159. No objection – with conditions

The application site lies within Buddon Wood & Swithland Reservoir Site of Special Scientific Interest (SSSI). On the basis of the additional information submitted in support of the application, Natural England withdraws its objection to the proposal subject to the following conditions:

- There will be no net loss in the quality or quantity of primary Ancient Woodland as a result of the proposal, with the areas lost as a result of this proposal being offset with 'like for like' replacements from nearby areas which would be destroyed if an already granted planning permission was carried out.
- The proposed boundary of the quarry extension represents the limit of all quarrying activity and not just of stone extraction. An exception applies in the area where the existing quarry plant is to be retained at Hawcroft Hill.
- The long-term management of the Ancient Woodland and native semi-natural woodland within the application area is secured and guaranteed.
- The limits of quarrying activity are set and clarified in the decision notice for this and any subsequent grant of planning permission on this site.

These conditions are required to ensure that the proposal, as updated, will not, overall, impact any further upon the features of special interest for which Buddon Wood and Swithland Reservoir SSSI is notified.

Natural England supports the alteration which results in a reduced area of proposed operation and disturbance in the land adjoining Wood Lane.

Natural England confirms that the assessment of Ancient Woodland both within and outside the SSSI has been very thorough and provides a sound justification for the proposals. It has now been demonstrated that harm to the Buddon Wood and Swithland Reservoir SSSI will be avoided.

The additional information provided identifies areas of designated Ancient Woodland which no longer constitute as such, and has quantified and qualified woodland areas which support undisturbed soils that can be formally defined as Ancient Woodland. It is this definition which Natural England accepts as an appropriate way to define Ancient Woodland in this application.

The information provided now clearly demonstrates that there will be no net loss in the extent of primary Ancient Woodland (which is primarily achieved by not fully exploiting all of the currently available extractable reserves). There will also be no loss in the extent and overall quality of the woodland habitat in terms of NVC communities and invertebrate habitat although this will require enhancement/ mitigation/ compensation in addition to some proposed off-setting.

#### Highway Authority

160. No further comments.

#### Public Rights Of Way Advice

161. The existing line of Public Footpath / Byway K25 is shown incorrectly on the plans associated with the planning application. Strongly support the proposal to reclassify the Public Right of Way as a Public Bridleway and to remove the route from the operational area. Object however to the proposal to divert the Public Right of Way to run along Bond Lane and Crown Lane to Public Bridleway I112 (Cufflins Pit Lane) as it would expose users of the bridleway to vehicular traffic. In the interests of safety and to reduce the likelihood of objections being received, it is recommended that the proposed route for the bridleway is separate from the carriageway of Bond Lane. The ideal route would be along the proposed permissive footpath which is proposed to be created adjacent to Bond Lane.

If it is considered appropriate to create the Public Bridleway along the proposed permissive path adjacent to Bond Lane, it is requested that a spur is created from the proposed route to the entrance to Public Bridleway I112 (Cufflins Pit Lane) to increase connectivity of the bridleway network.

Public Bridleway I8, which runs from Crown Lane to Bond Lane, is shown incorrectly on the plans associated with the planning application. The proposal to divert the route of Bridleway I8 is supported.

Strongly support the proposed provision of new access routes throughout the site. The applicant should consider dedicating some of the routes as Public Rights of Way to enable them to be secured for the future use and enjoyment of the public.

Support the proposal to create a Permissive Footpath between the Mountsorrel Branch Line and Bond Lane. Consideration should, however, be given to providing a Permissive Bridleway along this route as it will link the Halstead Road area of Mountsorrel with Public Bridleway I112 at Cufflins Pit Lane.

### Landscape Advice

162. The proposed revisions to the design of the quarry and plant would appear to have the positive effect of reducing the detrimental visual and environmental impact of the quarry development on the area.

The points previously raised by the County Landscape Architect concerning the visual assessment have been adequately addressed by the Company. The proposed changes to the design of the mounds will reduce the visual impact of the quarrying operations.

### Ecological Advice

163. Lafarge Tarmac have addressed most of the previous comments relating to the loss of woodland and SSSI. They have reduced the amount of woodland lost, and provided clarification on various points raised.

The main impacts on the Kinchley Lane area is due to overburden tipping that will cause loss and disturbance of a mosaic of habitats (grasslands, marshland, pond and rock outcrops) on 5 fields north of Kinchley lane and on the southern mound. Part of the biodiversity value is as a complement to Buddon Wood and Swithland Reservoir. Of note in this area is a marshy zone (TN22) that may meet LWS criteria; a locally scarce plant (Hemp Agrimony, TN9) was also noted. One field was of more diversity, and may meet LWS criteria (TN14), as would one pond (TN8) associated with some rocky outcrops. Further outcrops are at TN25, in this area. On the southern overburden mound, there is some grassland of interest, and in a mosaic with scrub and gorse and rocky outcrops and ephemeral vegetation it is potentially a good habitat. Mitigation for this loss is not possible, but it should be feasible to provide compensatory habitat creation within the overall operation. The key issue will be in phasing this so that there is some continuity of habitat.

Broad details only of the mitigation and aftercare in the Kinchley Lane area have been provided but the final afteruse plan shows creation of mainly species-rich grasslands and some wetlands in the area north of Kinchley Lane. Habitat creation of this kind would contribute to local BAP targets, as both

habitats are local priorities for conservation and creation. The slopes southern mound will now be a woodland/grassland mosaic, as the woodland element has increased in the amended plans. This is a change from the original plan submitted, and although plantation woodland is not a local BAP priority, it is a valuable part of a habitat mosaic with grassland. In order to maintain the woodland/grassland mosaic on the southern mound, grazing will also be required, but it is not specified. Without management, the mosaic will not be sustained, and the landform makes it difficult to maintain through mechanical cutting.

The broad principle of restoration is acceptable, subject to detailed approval at a later stage. The key principle is to ensure that the same amount of local BAP priority habitat (species-rich grassland and woodland) is created at the final restoration; there is scope for minor changes to boundaries of habitat types etc., but there should not be a lower quantity of priority conservation habitat creation. There should also be some continuity of habitat through phased restoration to species-rich grassland.

#### Woodland Trust

164. Maintains its objection to this proposal due to the loss of irreplaceable ancient woodland. While recognising the latest steps taken by the applicant to reduce the loss of ancient woodland from the proposal, the fact remains that ancient woodland is being lost to the scheme and as such The Trust cannot withdraw its objection.

Buddon Wood and Rowhele Wood are areas of ancient woodland on the Ancient Woodland Inventory and are hundreds of years old. This proposal will have a permanent negative effect on the environment and further damage and fragment the ancient woodland in this area. This in turn will decrease the landscapes resilience to change and reduce the ability of woodland species to move across the environment.

Ancient woodland now makes up such a small part of our landscape that even small losses may have irredeemable impacts on the flora and fauna found in an area. It is impossible to replicate because many of the species that make up ancient woodland are long-lived and slow growing, do not respond positively to any disturbance and the conditions in which the woodlands formed no longer exist.

The suggestion by the applicant that the planting of 2ha of new woodland will compensate for this loss is unacceptable. The Trust considers that the applicant has not successfully established exceptional circumstances for the loss of ancient woodland at this site.

#### National Grid

165. No objections. Previous holding objection withdrawn.

### Representations

166. Following the publicity given to the supplementary information, 2 letters of representation have been received, one each from residents in Quorn and Rothley. The resident from Quorn objects to the application on the grounds that the quarry continues to be too close to housing in Quorn. Concern is expressed about blasting, dust, noise and impact on SSSI. The resident from Rothley objects to the new bridle track off Rushey Lane; and expresses concerns about the proposed diversion of public footpath K25, the proposed relocation of the offices and workshops, and the proposed new lorry park.
167. The Waterside Residents' Association has no objection to the reconfiguring of the quarry and location of plant. They continue to hold the view that the relocation of the primary crusher and surge pile will be of significant benefit for the surrounding environment and communities

### Assessment of Proposal

168. This proposal, like any other application, must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it is appropriate to consider the following key matters: national policy background; Leicestershire Minerals Development Framework; the nature of and need for the development; environmental impacts and other effects; and economic and other benefits.

### National Policy Background

169. The National Planning Policy Framework (NPPF) states that “Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.”
170. When determining planning applications, the NPPF states that local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy; ensure that there are no unacceptable adverse impacts on the natural environment; ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source; and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
171. The NPPF states that proposed development likely to have an adverse effect on a Site of Special Scientific Interest should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, the NPPF states that an exception should only be made where the benefits of the development clearly outweigh the impacts that it is likely to have on the features of the site that make it of special scientific interest. It also states that planning permission should be refused for development resulting in the loss or

deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

### Leicestershire Minerals Core Strategy

172. A key function of the Leicestershire Minerals Core Strategy is to ensure an appropriate contribution to local, regional and national needs in line with the sustainable objectives for mineral development. Calculations published in the Core Strategy indicate that, taking into account permitted crushed rock reserves, there would be a surplus of approximately 147Mt over the period to 2021. In the circumstances, it was not considered necessary to make specific new provision for future crushed rock extraction up to 2021.
173. The strategy for the supply of minerals (Policy MCS1) is to release land for extraction where it is necessary to maintain an adequate supply of minerals and it can be shown that demand could not be met from existing permitted reserves, having regard to the sub-regional apportionment figures for aggregate minerals. The strategy also seeks to give priority to the extension of existing sites. In all cases, proposals will only be acceptable where they will not cause unacceptable harm to the environment or communities.
174. The strategy for aggregates (crushed rock and sand and gravel) (Policy MCS2) is to make provision for sufficient supplies to meet the sub-regional apportionment; maintain landbanks in line with national policy; release reserves of crushed rock to be worked as extensions to existing extraction sites where they are required to ensure sustainable supply; and to allow proposals only where they will not cause unacceptable harm to the environment or communities.

### Need for the Development

#### *Importance of Mountsorrel Quarry*

175. Mountsorrel Quarry is the largest of 4 rail linked quarries in the County which are of significant importance because of the volume of material they supply into the market, both locally and into other regions of the Country, and the quality of the material produced, of which there are relatively few alternative sources in England.
176. In England, rock resources suitable for road making and building purposes are generally absent south of a line between the Humber and Exe estuaries. Rock reserves within Leicestershire are the nearest to the major market in the South-East of England which means that they are of significant importance.
177. In recent years, the four active igneous rock quarries together produced around 11 million tonnes per annum, accounting for a contribution of around 60% of the igneous rock output in England. These quarries supply crushed rock aggregate of varying types, ranging from general purpose aggregate suitable for a wide



range of end-uses including concrete production, to higher specification end-uses such as rail ballast and high PSV (Polished Stone Value) aggregate that is capable of being used in skid-resistant road surfacing applications.

178. Of the four igneous rock quarries in Leicestershire, Mountsorrel Quarry has the largest production capacity and the largest rail distribution capacity. The average annual rate of stone production in recent years is approximately 4 million tonnes. Between 60 - 70% of the output of the quarry is exported by rail via the Barrow upon Soar railhead, equivalent to approximately 2.5 - 3.0 million tonnes per annum. From here the stone is distributed to rail depots located in the Midlands, East Anglia and the South East.

*Landbank*

179. The County Council needs to be satisfied that a steady supply of mineral can be produced, and that its contribution to regional/national aggregates provision can be met. In order to do so, the NPPF states minerals planning authorities should make provision for the maintenance of landbanks of at least 10 years for crushed rock. Planning Policy Guidance states that there is no maximum landbank level and cites a number of reasons why an application is brought forward in an area where there exists an adequate landbank, including known constraints on the availability of consented reserves that might limit output over the plan period.
180. Estimated permitted reserves of igneous rock in Leicestershire as at the end of 2013 were around 370 million tonnes. This is sufficient permitted material to last about 30 years based on the average rate of production over the last 10 years. The overall reserve picture is however complicated by the fact that around 100Mt is situated at inactive sites (one in particular), none of which are rail linked. The County's four active igneous rock quarries (which are all rail connected) had total reserves of some 281 million tonnes, a collective life of some 22 years based on the average rate of production over the last 10 years. However, the spread of reserves is not equally split across the sites. Whilst the recent planning permission at Bardon Hill Quarry has extended the life of this site by around 40 years, remaining reserves at Croft Quarry is sufficient for less than 10 years and at Cliffe Hill Quarry for between 10 to 15 years.
181. In the short term (i.e. the next 10 years), the overall reserve position is therefore satisfactory. However, in the medium to long term (i.e. beyond the next 10 years), Leicestershire's reserve situation will become increasingly depleted to the extent that it will not have a sufficiently even spread of reserves across active sites to continue to meet future requirements. In overall terms, the landbank may still be at or around 10 years at this time, but it is likely that production capacity would be affected and output requirements not met. This would particularly be the case in relation to serving distant markets by rail.
182. It is considered therefore that in terms of need there is a requirement for additional reserves to be released in the medium to long term. The proposed development at Mountsorrel Quarry would assist in maintaining a steady and adequate supply of crushed rock from Leicestershire.

*Operational Need*

183. The Minerals Core Strategy states that there is a variety of circumstances, under which proposals to extend existing sites may come forward despite the overall situation regarding permitted reserves. These include operational reasons in terms of efficient use and recovery of resources; as a means to address any unforeseen circumstances affecting the landbank provision or production capacity; to enable the industry to maintain or secure productivity growth and levels of employment or to justify investment in associated infrastructure; and also to reflect the different types of crushed rock aggregates produced/supplied.
184. There are an estimated 87 million tonnes of permitted reserves remaining at Mountsorrel Quarry. In principle, this is sufficient to last for some 19 years at an average production rates of 4.5 million tonnes per annum. The Company have indicated however that only 22 million tonnes of this can be readily worked before production becomes increasingly restricted. The two major constraints to working the permitted reserve are the increasing depth of the quarry and the location of the primary crusher, which if left in its current position will sterilise underlying reserves.
185. It is considered that the proposed development is necessary for good operational reasons in order to secure the future of operations at Mountsorrel Quarry. The development will release about 20 million tonnes of additional reserves, thereby ensuring a continuity of supply of rock for an additional 7 years until 2040. The proposed quarry extension will primarily release mineral reserves beneath the primary crusher. An additional area for mineral extraction has also been identified in order to create an appropriate bench within the quarry void on which to relocate the primary crusher.
186. **In conclusion**, in terms of meeting the requirements of Policies MCS1 and MCS2, it is considered that the need for additional reserves in terms of potential landbank and production capacity deficiencies has been sufficiently established. The proposed development will overcome operational constraints to working all of the remaining permitted reserves at Mountsorrel Quarry, thereby enabling the quarry to assist in maintaining an adequate and steady supply of rock from Leicestershire.

Environmental and Other Effects

187. Policies MCS1 and MCS2 also require the consideration of proposals for aggregate extraction in terms of any unacceptable harm that may be caused to the environment or communities. This is a key consideration in determining proposals for mineral extraction, where the need for the development including any mitigation and compensation has to be balanced against the impacts that the proposal is likely to generate. These matters are considered below.

*Proposed extension of stone extraction boundary*

188. The quarry would be extended to the north-east, east and south-east into areas predominantly affected by current and recent quarry operations. The additional extraction area is approximately 8.36 hectares, equivalent to about a 12% increase in the extraction area. It would extend the surface area of the permitted extraction area by up to 50 metres closer to properties in Quorn and 100 metres to properties in Rushey Lane, Rothley. Wood Lane would not be affected by the relocation of the primary crusher or working of the additional extraction area. Potential impacts from noise, dust and blasting are considered below.

*Proposed relocation of primary crusher*

189. Concern has been raised about the proposed relocation of the primary crusher nearer to Quorn. It has been suggested that the Quarry should develop its operation further away from the village. In the light of these comments, the applicant has supplied information in relation to the reasons for selecting the proposed location for the primary crusher and surge pile and discounting alternative locations.
190. A potential crusher location was examined within the southern area of the quarry, furthest away from Quorn. This option was however considered to be unworkable as there would not be sufficient space available for an adequate crusher loading area or to accommodate the surge pile. Furthermore, access from the surface would involve the construction of a road with multiple hairpin bends.
191. It is proposed to replace the existing primary crusher with modern plant located on a rock bench set approximately 45m below the proposed north-eastern quarry rim. The primary surge pile would be sited on the same platform as the new crusher and would be within a covered structure. A new covered mineral conveyor would be installed to transfer crushed rock from the covered surge pile to the retained secondary crushers.
192. It is considered that the proposed relocation of the primary crusher and surge pile will significantly reduce the current noise, dust and visual impacts from rock crushing, dump truck haulage and operation of the surge pile. Whilst the primary crusher and surge pile would be located closer to residential properties in Quorn than is currently the case, it is considered that the location of the replacement plant on a platform well below the quarry rim, together with the proposed designs for the replacement plant, will mean that the development should not give rise to any unacceptable impacts.

*Ecology*

193. The impacts of the existing and proposed operations in relation to ecological interests have been assessed in the Environmental Statement and supplementary information, and various mitigation and compensation measures are proposed.

194. One of the most important features affected by the works is ancient woodland. This is mostly located within Buddon Wood Site of Special Scientific Interest (SSSI) but also in Rowhele Wood Local Wildlife Site (LWS). The conclusion of the ecological assessment accompanying the application is that there would be no net loss of ancient woodland from the SSSI itself; that the areas proposed for off-setting and areas lost to development are like-for-like replacements in terms of area and habitat quality; and that there is an overall gain in all biological SSSI qualifying features.
195. Some areas on the quarry rim that are currently permitted for extraction fall within Buddon Wood SSSI. It is proposed that these areas would not be worked under the proposed scheme resulting in a net gain in the amount of ancient woodland retained. The woodland would remain intact as a single contiguous feature and would not be fragmented. There are no nationally or locally scarce plant Species of Principal Importance present within the woodland areas that would be lost, so that there would be no loss of important woodland flora.
196. To compensate for the loss of ancient replanted woodland, woodland soils within the proposed north eastern quarry extension area would be stripped separately and re-deployed. The soil resource to be recovered will be placed within that part of Site 2 to be restored as woodland.
197. Natural England has confirmed that the assessment of Ancient Woodland both within and outside the SSSI has been very thorough and provides a sound justification for the proposals. The information provided identifies areas of designated Ancient Woodland which no longer constitute as such, and has quantified and qualified woodland areas which support undisturbed soils that can be formally defined as Ancient Woodland. Natural England accepts this definition as an appropriate way to define Ancient Woodland in this application.
198. Natural England accepts that the information provided demonstrates that there will be no net loss in the extent of primary Ancient Woodland (which is primarily achieved by not fully exploiting all of the currently available extractable reserves); and that there will also be no loss in the extent and overall quality of the woodland habitat.
199. On the basis of the additional information submitted in support of the application, Natural England consider that it has been demonstrated that harm to the Buddon Wood and Swithland Reservoir SSSI will be avoided and has withdrawn its original objection to the proposal subject to the imposition of controls to ensure that the proposal will not, overall, impact any further upon the features of special interest for which Buddon Wood and Swithland Reservoir SSSI is notified. It is considered that the matters identified by Natural England can be addressed through planning conditions and/or planning obligation as appropriate.
200. The impacts of the existing and proposed operations on protected and notable fauna and flora present within the site have been assessed, following specific species surveys. Legally protected wildlife species present include bats, certain birds and badger. Mitigation and compensation measures are proposed as set out below.

201. The proposed overburden landform works would temporarily cause a slight reduction in the extent of bat foraging area and the number of potential bat roosts. It is recommended that detailed inspections for bat presence be carried out before the removal of the open barn and the felling of particular trees north of Kinchley Lane and that mitigation and compensation measures be carried out, if necessary.
202. A pair of peregrine falcons has been using the main quarry for nesting. Proposed quarry works may affect these birds. Consequently, it is recommended that a detailed protocol and method statement be drawn up for works affecting the peregrine falcon's nesting location.
203. Land north of Kinchley Lane is used by barn owl for roosting and foraging. It is recommended that a detailed protocol and method statement be drawn up for works affecting the barn owl's roosting and foraging area.
204. Badgers are present in the locality but would not be affected by the works. As badgers may move territory, however, it is recommended that the areas be resurveyed for evidence of badger presence and that mitigation and compensation measures be carried out, if necessary.
205. Other habitats and species affected by the works include hedgerows, farmland, quarry related and other ponds supporting birds, toads, frogs and smooth newts. The restoration scheme allows for recreating many of these habitats at an early stage and creating additional ponds and woodland.
206. Neither Natural England nor the County Ecologist objects to the proposed development, as amended. It is considered that the landscaping and restoration proposals will make a significant contribution to local biodiversity and will outweigh any predicted losses caused by the proposed development. Taken as a whole, it is considered that the proposed mitigation and compensation measures are satisfactory, and should not result in impacts which are significant to a level which would not be acceptable.
207. Subject to the control of the matters outlined above by planning condition, and where appropriate planning obligation, it is considered that the issues relating to the protection of notable flora and fauna and legally protected species are capable of being satisfactorily resolved within the site in accordance with the provisions of policies MCS11 (iii), MCS13 (i) and MDC4 of the Minerals Core Strategy.

*Noise*

208. Existing ambient noise levels have been measured at 12 noise sensitive locations around the application site and a series of noise predictions made. These predicted levels have been assessed against the noise levels specified in the ROMP.

209. It is predicted that, whilst the long-term development of the quarry is likely to have a favourable impact on noise levels at most locations, in the short-term there is the potential for temporary exceedances at some locations associated in particular with the construction of the new overburden landforms. It is proposed that temporary screening measures be adopted to ensure construction works comply with existing permitted noise levels. The submission of details for such screening measures can be required by condition.
210. The proposed relocation of the primary crusher to a lower level in the quarry should lead to a reduction in noise levels. It is therefore recommended that once the replacement primary crusher is fully operational, the existing noise levels are reviewed and revised noise limits submitted for approval based on noise monitoring carried out to assess the effectiveness of the noise attenuation achieved as a result of the reconfiguration of plant.
211. The Environmental Health Officer has recommended that the proposed primary crusher and surge pile should not be operated (other than for commissioning purposes) whilst the existing primary crusher and surge pile are in operation. This can be covered by condition.
212. A further noise survey has been undertaken to specifically address the proposed relocation of the quarry offices, workshop and lorry parking. The assessment concluded that noise levels from these operations would be within national and local planning limits.
213. Noise mitigation and monitoring measures set out in the existing Noise Management and Monitoring Plans are important to tackling noise levels around the quarry and assessing on and off-site noise levels to ensure compliance with imposed limits. It is proposed that the existing plans be revised to take account of the change in activities within the current application and that their continuing effectiveness be reviewed every two years when there will be an opportunity to amend the proposed control and monitoring measures as necessary. This will ensure that there is an effective review mechanism in place to continue to look at reducing noise levels.
214. Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to noise are capable of being satisfactorily resolved having regard to the provisions of policies MCS11 and MDC12 of the Minerals Core Strategy.

#### *Dust and Air Quality*

215. Charnwood Borough Council declared an Air Quality Management Area (AQMA) around Mountsorrel Quarry in 2011 as it was determined that the national air quality objective for fine particulate matter (particles less than 10 microns in diameter, PM10) was being exceeded in the area. Since the declaration of the AQMA, average PM10 concentrations around the quarry have fallen. Levels are expected to fall further, partly due to the relocation and enclosure of the primary crusher and covered surge pile and partly due to the ongoing programme of continuous improvement being carried out at the quarry.

216. The present ROMP planning conditions seek to monitor and control dust emissions from the site. Notwithstanding these controls, local residents (particularly those living in Quorn) have raised concerns relating to dust nuisance.
217. The proposed development has the potential to impact on local air quality. Some of these impacts are likely to be positive. Thus, the replacement crusher together with a covered surge pile within the quarry void is likely to reduce dust emissions. Dump trucks transporting rock to the crusher would also remain below the quarry rim. The negative impacts are likely to be temporary in nature, such as during landscaping and landform modifications
218. In the light of representations received, additional dust suppression measures have been put forward. Thus, alterations have been made to the quarry access road to retain more woodland and provide accommodation for the new mineral conveyor ramp. It is proposed to install an atomised water dust suppression system to the primary crusher building and reduce the stone holding capacity of the covered surge pile to ensure it can be incorporated inside the building. The mineral conveyor leading from the surge pile to the new proposed screen house is also to be covered. All these proposals are likely to reduce nuisance dust and PM<sub>10</sub> emissions.
219. The dust suppression and monitoring measures set out in the existing Dust Management and Monitoring Plan (DMMP) are important to tackling dust levels around the quarry. In order to ensure that dust levels are kept to an acceptable level now and in the future, it is recommended that the DMMP be revised to identify additional and temporary dust control measures necessary to minimise impact on residential properties as the different quarry re-configuration stages progress.
220. Subject to the control of the matters outlined above by planning condition, including the provision of a revised Dust Management and Monitoring Plan, it is considered that the issues relating to dust and air quality are capable of being satisfactorily resolved having regard to the provisions of policies MCS11 and MDC12 of the Minerals Core Strategy.
221. Odour is also an air pollutant that has been raised as a concern by some residents. Quarrying processes, roadstone coating, crushing and cement batching activities carried on at Mountsorrel Quarry are regulated under two Pollution Prevention and Control permits issued by Charnwood Borough Council under the provisions of the Pollution Prevention Control (England and Wales) Regulations 2000. These permits include conditions to ensure best available techniques to control atmospheric emissions of smoke and odour. Operations are expected to comply with these conditions through effective site management and additional controls through the planning process are therefore considered unnecessary. The processes are subject to regular inspections by Charnwood Borough Council to ensure compliance with the permit conditions.

*Blasting*

222. Local residents have raised concerns regarding the impact of blasting from quarrying operations at Mountsorrel Quarry. Concern in respect of blasting normally relates to the potential damage to property. Each individual's perception of blast vibrations varies. Some individuals find very low levels disturbing and find it difficult to accept that they offer no danger to property. It is in the operator's interest to minimise vibrations to avoid complaints and to ensure efficient blasting.
223. The threshold of perception of vibration is very much lower than the onset of even cosmetic damage (plaster cracking). Humans may well start to notice vibration levels at around 0.2-0.5mm/s peak particle velocity (ppv). This compares to a level of 12mm/s for cosmetic damage and 18mm/s for structural damage to residential properties.
224. The existing conditions relating to blasting requires each blast to be designed not to exceed a ground peak particle velocity of 6mm per second at 95% confidence at any inhabited building. Such a limit is well below the level where cosmetic damage might occur. The existing blast limit accords with advice contained within BS 6472-2: 2008, 'Guide to evaluation of human exposure to vibrations in buildings, Part 2: Blast-induced vibration. This gives maximum satisfactory magnitudes of vibration with respect to human response of 6 to 10 mm/s at a 90% confidence level. The existing limit is also consistent with those imposed at the other hard rock quarries in the county.
225. Every blast at Mountsorrel Quarry is monitored at 4 fixed points around the perimeter of the quarry. In addition, the Company monitor each blast at a sensitive property nearest to the location of the blast. During 2014, there were some 225 blasts at the quarry. None of these were recorded in excess of the 6mm/s ppv, and most blasts have been well within the specified limit. Council officers have also monitored blasts at residential properties in Mountsorrel and Quorn in the light of concerns expressed by local residents about blasts from the quarry. Monitoring results did not indicate that any events were in breach of the existing limit.
226. An assessment of the potential impacts of ground borne vibration and air overpressure from quarry blasting in the proposed extraction area has been undertaken, and forms part of the Environmental Statement. Whilst the proposed quarry extension will mean that blasting will come closer to certain dwellings compared to current operations, the Company's blast consultants predict that, with mitigation in the form of changes to the standard blast design parameters, operations will be able to comply with the existing limit.
227. It is considered that the effects of blasting can be controlled adequately by the continued imposition of appropriate planning conditions and continued monitoring by both the operator and the County Council. It would be appropriate to continue to impose the same blast vibration limit.



228. Subject to the control of the matters outlined above by planning condition, it is considered that issues relating to ground borne vibration and air overpressure are capable of being satisfactorily resolved having regard to the provisions of policies MCS11 and MDC12 of the Minerals Core Strategy.

*Hours of Operation*

229. The ROMP contains the current hours of working controls for the site. Whilst these have evolved historically, and within the constraints of the ROMP legislation, they are comparable to the other main quarries within Leicestershire. It is considered that the existing hours of operation are generally satisfactory, and would be appropriate for the proposed development.

230. In order to minimise noise disturbance, it is however recommended that hours of operation be restricted for all proposed operations occurring above the level of the quarry rim on the northeast boundary and associated with the removal of overburden and quarry bench development; and for the proposed works associated with overburden deposition including soil stripping and placement within 200 metres of any residential property.

231. It is also considered that the hours of operation should be restricted in respect of construction works associated with the replacement primary crusher and surge pile, the new conveyor link, the new screen house, the new quarry offices and workshop facilities, the replacement lorry park and the Kinchley Lane crossing.

232. Subject to the imposition of the above restrictions by planning condition, it is considered that the hours of operation are capable of being satisfactorily controlled in accordance with the aims of Policies MDC12 and MDC18 of the Minerals Core Strategy.

*Landscape and Visual Impact*

233. The national level landscape character assessment includes Mountsorrel Quarry within the Charnwood character area, which covers a broadly similar area and provides similar characteristic features to the Charnwood Forest designation within the County Council's Landscape and Woodland Strategy. The landscape of the Charnwood Forest has historically been recognised as distinctive and valued for geodiversity, biodiversity, landscape, historic importance and recreation, and the County Council and other partners have undertaken work to help define boundaries and preserve its unique characteristics.

234. For the most part, the proposed quarry extension will take place within areas already affected by quarry operations. The main changes affecting views are the construction of new landforms, and the relocation of the primary crusher and surge pile. All of the new landforms have been designed to blend in as much as practicable with their surroundings and retain existing views, particularly towards Swithland Reservoir and beyond. The upper levels of the quarry will remain partly in view from the most distant views however the primary crusher

will no longer be seen. These changes will very largely occur in the first 5 years of development. After that point, change will be more gradual, associated with the gradual establishment of woodland and hedgerows on the new landforms.

235. The Landscape and Visual Impact Assessment (LVIA) accompanying the application concludes that the proposed development will not cause any unacceptable level of effect on landscape character and visual amenity. Potential adverse effects would occur in the short to medium term and are very largely associated with the early stages of development. Effects in the medium to long term would be either neutral or slightly beneficial. The LVIA sets out a landscape strategy which incorporates a range of mitigation measures aimed at reducing potential impacts of development along with key requirements to successfully integrate proposals into the broader landscape context.
236. It is considered the conclusions of the LVIA are broadly accurate. Potential adverse visual effects are principally associated with short term operations (relocation of the primary crusher and deposition of overburden materials within sites 1, 2 and 4) rather than the mineral extraction operations themselves. However, there are still substantial visual effects associated with these short term operations, particularly from points close to the sites concerned. The mitigation and enhancement measures set out in the Landscape Strategy are however considered to be satisfactory.
237. Revisions to the design of the quarry and plant have been put forward in the light of comments on the application as originally submitted. The reduced area of the extension will result in more of the northern screen mound and woodland being retained. The proposed screen house would be located behind existing plant and at a lower level than originally proposed. In a change to the proposed restoration scheme, an area of 'heathy grassland' on the southern mound extension landform would be replaced by open woodland scrub with glades to give it a more wooded appearance. It is considered that these amendments would have the positive effect of reducing the visual and environmental impact of the quarry development on the area.
238. It is proposed that the existing Quarry Landscape Management Plan be updated to reflect the proposed development; and that changes in the extent and nature of management activity will continue to be the subject of an annual review.
239. Planning conditions can be imposed to control the construction of the new landforms, to protect retained trees, woodland and hedges, and to require the submission of detailed proposals for planting and maintenance of the proposed new landforms.
240. Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to landscape and visual amenity are capable of being satisfactorily resolved in accordance with the requirements of policies MCS13(i) and MDC6 of the Minerals Core Strategy

*Water Environment*

241. An assessment of flood risk and outline design required to mitigate the potential surface water impacts of proposed development, including runoff water quality, volume and flow has been prepared. A surface water management strategy has been devised for each of the overburden disposal sites to ensure there is no increased flood risk locally or within the surrounding catchment and to manage water quality of the surface water runoff produced by the tip areas. A hydrogeological assessment has also been carried out in relation to potential effects on groundwater dependent ecosystems.
242. The Environment Agency advises that the development would be acceptable subject to imposition of conditions to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to protect the water environment.
243. Subject to the control of the above matters by planning condition, it is considered that the issues relating to the water environment are capable of being satisfactorily resolved in accordance with the provisions of policies MCS11 and MDC11 of the Minerals Core Strategy.

*Soils and Agricultural Land*

244. Soil survey and agricultural land quality classification of the agricultural land within Sites 2 and 4 has been carried out. These sites mainly contain sub-grade 3b land, with a small area of sub-grade 3a in Site 4.
245. It is proposed to conserve all soils and use them in the restoration of the land. A detailed soil handling strategy, based on DEFRA's *Good Practice Guide for Handling Soils*, would be appropriate to control the proposed soil handling activities.
246. Subject to the control of soil handling activities by planning condition, it is considered that the issues relating to soils and agricultural land are capable of being satisfactorily resolved in accordance with the provisions of policies MCS11 and MDC10 of the Minerals Core Strategy.

*Archaeology*

247. A number of agreed phases of archaeological investigation have been completed in respect of the undeveloped fields within Sites 2 and 4. The results form the basis of the archaeological assessment included in the Environmental Statement. The surveys and research have shown that parts of the affected areas contain evidence of ridge and furrow from medieval times and may contain prehistoric (Mesolithic to early Neolithic) interest.
248. In the light of the findings of the assessment, a programme of trial trenching is proposed. The results of this work should be used to determine the need for further geophysical investigation, which in turn will determine the character of a final stage of trenching and assist with the formulation of an appropriate mitigation strategy to address the impact of the proposals for Sites 2 and 4.

249. Subject to the provision of an appropriate sequential programme of further archaeological investigation by planning condition, it is considered that the issues relating to archaeology are capable of being satisfactorily resolved in accordance with the provisions of policies MCS11 and MDC7 of the Minerals Core Strategy

*Traffic, Transportation and Access*

250. There are no proposed changes to the current arrangements for the transportation of materials as part of this application. No change in vehicle movements from the quarry is anticipated as a direct result of the proposed development.
251. The proposed relocation of the offices and workshops will mean that employees and visitors leaving the site would be re-directed via a one-way system to the quarry access off Granite Way. The effect of this will be to reduce traffic using Wood Lane. All traffic using the relocated lorry park would continue to use the existing access off Granite Way via internal roads.
252. A temporary crossing point will be required over Kinchley Lane to facilitate overburden haulage between Site 2 and Site 4. The County Highway Authority has no objection to this proposal subject to the imposition of a condition requiring all details of the crossing point to be submitted and approved before works to the crossing commences.

*Rights of Way*

253. The proposed extension to Mountsorrel Quarry will not have a direct effect upon any formal public rights of way. The restoration proposal for Site 1 however includes a proposal for the permanent diversion of Footpath/Byway K25. This route currently leads broadly east from Bond Lane through the quarry plant to reach footpath K25 some 110m south of Wood Lane. The proposal for the permanent diversion of Byway K25 changes the route to a bridleway and diverts it along Bond Lane and onto the new Site 1 mound to reach Wood Lane.
254. The Council's Access and Development Officer strongly supports the proposal to reclassify the Public Right of Way as a Public Bridleway and to remove the route from the operational area, but objects to the proposed diversion route as it would expose users of the bridleway to vehicular traffic. The Ramblers Association and local residents have also expressed concerns about the proposed diversion.
255. The proposed diversion of Footpath/Byway K25 was included with the application in the context of a wider review of public access across the whole site. It is not required to enable the development contained in the planning application to take place. The applicant has subsequently indicated that they wish to exclude the proposed diversion of the byway and its reclassification to a bridleway from the current application. Any application for the diversion of the Right of Way will be made under Section 116 of the Highways Act 1980 and will form part of a separate process at a later date.

256. Further improvements to public access form part of the quarry development proposals. It is proposed to provide 567 metres of new bridleway and 2.45 kilometres of new footpaths. These include links to the existing network and existing and planned features of interest such as Rothley Common and the Mountsorrel Railway Project; smaller circular routes connected to the overall network; and safer, off-road routes. The routes would be installed during the early stages of quarry development.
257. The Council's Access and Development Officer strongly supports the proposed provision of new access routes as the rights of way network would be significantly enhanced by the additional public access. The applicant has been asked to consider dedicating some of the routes as Public Rights of Way to enable them to be secured for the future use and enjoyment of the public. The applicant has indicated that it is prepared to provide a dedicated permanent public bridleway between the recently constructed Mountsorrel rail halt on Bond Lane and the rail bridge on Swithland Lane, but prefers to retain the other proposed paths as permissive routes as they are more easily adapted in response to changes in circumstance that may occur. The applicant has agreed however that the creation and management of proposed permissive paths be included as long term undertakings in a planning obligation.
258. Subject to the control of the matters outlined above by planning condition and where appropriate planning obligation, it is considered that the issues relating to the rights of way network are capable of being satisfactorily resolved in accordance with the provisions of policies MDC15 and MDC19 of the Minerals Core Strategy.

*Restoration, Land Management & Aftercare and After-use*

259. The application includes an indicative final after-use plan. It is considered that, given the long term nature of the proposed development, firm details of reclamation would be difficult to resolve now. The applicant has identified the quarry as a potential future storage facility for public water supply. The perimeter landscape areas will contain a mix of woodland and pasture with a network of public access routes through them.
260. Given the timescales involved, it is considered that the indicative restoration proposals are broadly acceptable. It is considered that the restoration concept is in keeping with the local character of the Charnwood Forest, and incorporates habitat features which would help to meet targets recognised in the Leicestershire and Rutland BAP. The proposed restoration would result in a net gain in woodland, hedgerow, grassland and wetland habitat and a corresponding reduction in agricultural land. Detailed proposals will, however, need to be submitted to cover the progressive restoration and subsequent management of parts of the site.
261. Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to restoration, land management & aftercare and after-use are capable of being satisfactorily resolved in accordance with the provisions of policies MCS11, MCS13(i), MCS17, MDC20 and 21 of the Minerals Core Strategy.

*Economic and Socio/Economic Factors*

262. Mountsorrel Quarry is a major local employer and an important contributor to the local economy. It provides approximately 140 direct jobs, pays wages of some £4m per year and generates a further £10m per year on goods and services to support the activities on site which in turn creates employment and wealth for those suppliers. Around 90% of the workforce lives within 10 miles of the quarry.
263. The main direct effects of the proposed development will be the protection of the existing jobs. Indirect effects would also occur and permeate down the supply chain as a result of the Company's expenditure, allowing suppliers to sustain their production to meet the Company's needs. Induced effects would be a further benefit, whereby earnings of the workforce are spent within the local economy.
264. Supporting people into employment is a priority for the County Council. This is because of the value that is attributed to the benefits of providing workless people with the opportunity to contribute to economic well-being by helping them develop skills and find jobs. Employment and Skills Plans (ESP) can help to ensure that there are local employment and skills opportunities and benefits derived from construction projects. Lafarge Tarmac has indicated that they are prepared to develop and deliver an ESP related to the construction activities associated with the proposed development. This can be secured through a planning obligation.
265. It is considered that the implications of the quarrying proposal would have a considerable beneficial impact on the local economy and potentially on wider construction related activities. These implications are material to the determination of the application and should be given significant weight, particularly in the light of the statement in the NPPF regarding the need to support economic growth through the planning system.

**Conclusions**

266. It is considered that the proposed development is in general accordance with the Development Plan, in particular Policies MCS2 and MCS11 of the Minerals Core Strategy which cover the supply of aggregates and environmental protection, together with relevant development control policies. The proposed development is also considered to reflect the principles of sustainable mineral development in the National Planning Policy Framework.
267. The key Development Plan policy is Policy MCS2. The proposed development will release an additional 20 million tonnes of reserves and extend the life of Mountsorrel Quarry by an additional 7 years. It will overcome operational constraints to working all of the remaining permitted reserves, thereby enabling the quarry to assist in maintaining an adequate and steady supply of rock from Leicestershire. To that extent, the proposal accords with Policy MCS2.

268. As far as environmental effects are concerned:

**ecology:** Natural England consider that it has been demonstrated that harm to the Buddon Wood and Swithland Reservoir SSSI will be avoided; there will be no net loss in the extent of primary Ancient Woodland and no loss in the extent and overall quality of the woodland habitat; landscaping and restoration proposals will make a significant contribution to local biodiversity and outweigh any predicted losses;

**noise:** levels will not exceed existing levels set for the site; the proposed relocation of the primary crusher to a lower level in the quarry is likely to lead to a reduction in noise levels; mitigation measures are proposed to ensure that construction works comply with existing permitted noise levels;

**dust and air quality:** emissions can be kept to acceptable levels with the imposition of appropriate planning conditions; the replacement crusher together with a covered surge pile within the quarry void is likely to reduce dust emissions;

**blasting:** blasts can be designed to ensure compliance with a vibration limit well below the level where even cosmetic damage might occur;

**hours of operation:** existing hours of operation are generally satisfactory and would be appropriate for the proposed development; additional restrictions are proposed for certain activities associated with the proposed development;

**landscape and visual impact:** the proposed development will generally take place within areas already affected by quarry operations; there would be some short term disturbance caused by initial works; mitigation measures are proposed aimed at reducing the potential impacts;

**water environment:** the Environment Agency advises that the development would be acceptable subject to imposition of certain conditions;

**soils and agricultural land:** only a small amount of best and most versatile agricultural land is affected; conditions are proposed to control soil handling and ensure soils are conserved for use in restoration of the land;

**archaeology:** a sequential programme of further archaeological investigation is proposed for Site 4;

**traffic:** no change in vehicle movements from the quarry is anticipated; the proposed relocation of the offices and workshops will have the effect of reducing traffic on Wood Lane; the temporary crossing point on Kinchley Lane is satisfactory subject to the approval of details;

**rights of way:** the proposal will not have a direct effect upon any formal public rights of way; significant improvements to public access are proposed with the provision of new permissive bridleways and footpaths;

**restoration:** the application includes an indicative final after-use plan for the whole quarry which is in keeping with the local character of the Charnwood Forest; proposals would result in a net gain in biodiversity

269. The proposed development would secure local employment and other economic benefits to the area.

270. In **conclusion**, it is not considered that the proposed development conflicts with either National planning policy and guidance, or the Development Plan (particularly the Minerals Core Strategy and Development Control Policies DPD). The main areas of concern are either overcome by various measures contained within the planning application or can be overcome through the

imposition of conditions and completion of a legal agreement such that the proposed development would not cause unacceptable impact to local residents and the local environment. It is therefore recommended that the proposed development be permitted subject to the imposition of conditions and the completion of a legal agreement.

### **Recommendation**

1. PERMIT subject to the conditions as set out in the appendix and the prior completion of a planning obligation covering:
  - Areas of ancient woodland not to be quarried
  - Long-term management of the Ancient Woodland and native semi-natural woodland
  - Public rights of way and access scheme covering proposed permissive paths/public access to restored areas and a dedicated public bridleway between the rail halt on Bond Lane and the rail bridge on Swithland Lane
  - A schedule of planning permissions to be superseded
  - Rescinding of previous legal agreement & inclusion of matters previously covered, in particular Liaison Committee; maximise stone removed by rail; felling and retention of trees; routing of HGVs; access to Broad Hill
  - Employment and Skills Plan
2. To endorse, as requested by The Town & Country Planning (Development Management Procedure) Order 2010 (as amended):
  - (i) How the County Planning Authority 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.

### **Background Papers**

1. Planning Application 2014/0067/02 dated 2<sup>nd</sup> January 2014
2. Schedule of conditions approved under Planning Reference No. 2009/1443/02 dated 27<sup>th</sup> March 2012.



**Definition of the Development**Defining the Development

1. This planning permission shall only relate to the site edged red on drawing no. 2026/PP/1A dated February 2015, hereafter referred to as 'the Site'.
2. The winning and working of mineral shall only take place within the limits of consented stone extraction and consented quarry rim as shown on drawing no.2026/PP/1A.

The extraction of stone shall be limited to the area shown on drawing no.2026/PP/1A as the limit of consented stone extraction.

Notwithstanding the above, no operations associated with the winning and working of mineral shall take place within the area of Primary Ancient Woodland as shown coloured purple ('consented stone extraction, SSSI not to be worked') on Drawing no. 2026/RW/11J.

Adherence to Approved Details

3. Unless otherwise required by this permission, the development shall be carried out in accordance with the following details:
  - a) the planning application ref. 2014/0067/02 dated 2<sup>nd</sup> January 2014 together with the accompanying Environmental Statement, Supporting Statement and drawings; and
  - b) the further information submitted in support of the application dated September 2014 accompanying the letter from David Jarvis Associates dated 14<sup>th</sup> October 2014.
4. A copy of this permission, the plans and documents referred to in condition no.3 above, including any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept available on site for the duration of the development.

**Time Limits**Commencement

5. The development hereby permitted shall be implemented in accordance with the following details:
  - a) the winning and working of minerals from the consented stone extraction area as shown on drawing no.2026/ES/18B, the processing and despatch of stone (including coated roadstone materials) and all associated activities at the existing quarry from the date of this permission;
  - b) the stripping of soils and overburden from the new extraction area and the area of the new landforms, the placement of overburden on Site 4, and any other Stage 1 works detailed on drawing No. 2026/ES/5 within 3 years from the date of this permission;

- c) the extraction of stone from the new extraction area within 5 years from the date of this permission.

For the purposes of this and subsequent conditions, 'new extraction area' is defined as the area between the boundary of consented stone extraction and the proposed revised quarry rim as shown on drawing no.2026/ES/18B.

#### Notification of Commencement

6. Written notification of the commencement of:
  - a) the stripping of soils and overburden from the new extraction area and the area of the new landforms;
  - b) the placement of overburden within Site 4; and
  - c) the extraction of stone from the new extraction areashall be provided to the Mineral Planning Authority within seven days from the date of such commencement.

#### Duration

7. The winning and working of minerals within the site shall be limited to a period expiring on 31st December 2040.

#### **Working and Phasing Details**

8. Working shall be carried out sequentially as indicated on Drawing Nos. 2026/ES/5, 2026/ES/6, 2026/ES/10, 2026/ES/14, 2026/ES/17B and 2026/ES/18B.

#### Working Programme

9. No stripping of soils within the new extraction area or the area of the new landforms shall take place unless and until a working programme covering the initial 12 months of the development hereby permitted has been agreed in writing with the Mineral Planning Authority. The programme shall include details of:
  - a) a summary of the forthcoming annual working programme;
  - b) phasing and timing of operations for vegetation clearance, soil and overburden stripping and removal;
  - c) phasing and timing of operations for overburden and soil replacement including the construction of new landforms and new planting and seeding;
  - d) the construction of overburden haul routes outside the mineral extraction area;
  - e) the general areas of mineral working;
  - f) depth of working;
  - g) the extent and height of stockpiles and mineral storage areas.

Following the approval of the initial programme, the working programme shall be updated and submitted before 31<sup>st</sup> March each year and show the progress of the operations over the previous 12 months and anticipated progress over the forthcoming 12 months. The working of the site shall be undertaken in accordance with the approved programme.

Operations shall continue to be carried out in accordance with the details approved under Planning Permission No. 2009/1443/02 until such time as the above working programme has been approved and takes effect.

Overburden Placement

10. The construction of the new landforms within Sites 1, 2 and 4 shall be carried out in accordance with the details contained in the submitted application and shown on Drawing Nos. 2026/ES/7, 2026/ES/8, 2026/ES/9, 2026/ES/12, 2026/ES/13A, 2026/ES/15 and 2026/ES/16A. The construction of the new landforms shall only be carried out using materials derived within the site. The new landforms shall be formed in such a manner that, as far as reasonably practicable, construction of the outer facing portion takes place behind preformed bunds.
11. Overburden placement shall be undertaken in the following sequence: Site 4; Site 2; Site 1 (as shown on Drawing Nos. 2026/ES/5, 2026/ES/6, 2026/ES/10 and 2026/ES/14). No overburden shall be deposited within Site 2 until the overburden material deposited in Site 4 has been levelled and graded in accordance with the Drawing No. 2026/ES/9. No overburden shall be deposited within Site 1 until the overburden material deposited in Site 2 has been levelled and graded in accordance with the Drawing No. 2026/ES/13A.
12. No stripping of soils within Sites 4 or 2 (as shown on Drawing Nos. 2026/ES/9 and 2026/ES/13A respectively) shall take place unless and until a Soil Handling Strategy in respect of that particular area has been agreed in writing with the Mineral Planning Authority. The Strategy shall be based on the DEFRA *Good Practice Guide for Handling Soils* and have regard to the Land Quality Assessments and Soil Resource Surveys dated November 2012 and forming Appendix 3 of the Environmental Statement accompanying the planning application. The Strategy should include the requirement for the two staged Examination and Consistency Tests to assess the soil's condition and suitability for handling. All soil handling and storage shall be carried out in accordance with the approved Strategy for the duration of the development.
13. No stripping of soils or deposition of overburden within any of areas of the new landforms (Sites 4, 2 and 1 as shown on Drawing Nos. 2026/ES/9, 2026/ES/13A and 2026/ES/16A respectively) shall take place unless and until a detailed scheme of planting and seeding (including species, provenance, spacings, sizes and planting specification) in respect of that particular area has been submitted to the Mineral Planning Authority for approval. The scheme shall include details of:
  - a) the phasing and timing of restoration works;
  - b) the species mix for new planting and seeding;
  - c) ground preparation;
  - d) planting specification;
  - e) maintenance/protection and management measures.The planting schedule should be implemented in full in the first available planting season coinciding with or immediately following completion of the

construction and soiling of the relevant new landform. All planted material shall be suitably maintained and replaced as necessary for a period of not less than 5 years from the date of planting.

14. Following completion of their construction, the new landforms shall be restored and managed in accordance with the scheme of planting and seeding approved pursuant to condition 13 above. The land within Sites 1 and 2 shall thereafter be managed for the duration of mineral working operations at Mountsorrel Quarry in accordance with the landscape management and aftercare scheme for the quarry approved pursuant to condition 65 below.
15. An annual review shall be carried out of the establishment of vegetation on Site 2. In the event of a failure to establish the proposed habitat, the annual review shall identify a treatment programme and/or remedial measures to be implemented during the following year. Such proposals shall be submitted to the Mineral Planning Authority for its approval within 3 months of the date of the review.

#### **Imported Materials**

16. No minerals shall be brought onto the site for processing, including within the primary or secondary crushers, except that sand and other necessary raw materials not available within the site may be imported for the purposes of manufacturing ready mixed concrete and coated roadstone; and aggregates may be imported for the purpose of producing bagged aggregate at the aggregate bagging plant.
17. No waste materials shall be imported onto the site for final disposal.

#### **Storage of Materials**

18. The storage of aggregates or roadstone within the stock area shown on Drawing No. 2026/ES/3 adjoining Bond Lane, Mountsorrel shall not exceed a height of 91m AOD.
19. The open storage of aggregates or roadstone adjoining the rail sidings at Barrow on Soar shall not exceed a height of 5 metres above the existing ground level.
20. The storage of crushed material within Phase 2 as shown on Drawing No. 2026/ES/3 (the former Cocklow Quarry area) shall not exceed a height of 99.9m AOD.

## **Fixed plant, Machinery and Buildings**

### Primary Crusher and Surge Pile

21. The proposed primary crusher building, the covered surge pile building and the covered mineral conveyor to the retained processing plant within Phase 2 shall be built in accordance with the details set out in the further information submitted in support of the application dated September 2014 and as shown the accompanying drawing no. 2026/ES/11D (Sheet 1 & 2).

The proposed primary crusher and surge pile, as shown on Drawing No.2026/ES/11D (Sheet 1), shall not be operated (other than for commissioning purposes) whilst the existing primary crusher and surge pile, as shown on 2026/ES/3, are in operation.

### Screen House

22. The proposed screen house shall be built in accordance with the details set out in the further information submitted in support of the application dated September 2014 and the accompanying drawing no. 2026/ES/11D (Sheet 2). All external walls to the proposed building shall be Goosewing Grey BS10A05 colour.

### Relocation of Workshop and Office Buildings

23. The proposed new quarry offices and workshop facilities shall be built and laid out in accordance with the details set out in the further information submitted in support of the application dated September 2014 and the accompanying drawing nos. 2026/C6/3A and 2026/C6/4A (Sheets 1 & 2). All external walls to the proposed buildings shall be Goosewing Grey BS10A05 colour.

### Restriction of Permitted Development Rights

24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended, no permanent fixed plant, machinery or buildings shall be erected, extended, installed or replaced on the site other than the plant, machinery and buildings specified in condition nos. 21-23 above.

**Hours of Operation**

25. The development shall only take place in accordance with the following hours:

Operations	Permitted Hours	
	Monday to Saturday	Sundays, Public & Bank Holidays
<ul style="list-style-type: none"> <li>• Operations connected with the extraction and internal movement of stone and the operation of primary crushing and secondary crushing plant and aggregate stocking areas</li> <li>• Operations associated with the ready mixed concrete plant</li> </ul>	0600 - 2200	None
<ul style="list-style-type: none"> <li>• The coating plant (which for the avoidance of doubt shall include the reclaim granulator and feed conveyor)</li> </ul>	Any Time	0000 - 0330 0700 - 1900
<ul style="list-style-type: none"> <li>• Operation of the conveyor to the rail sidings at Barrow upon Soar</li> </ul>	05:00 – 24:00 (midnight)	08:00 – 17:00
<ul style="list-style-type: none"> <li>• The loading, movement and servicing of trains</li> </ul>	Any Time	Any Time
<ul style="list-style-type: none"> <li>• Soil stripping and replacement, overburden removal and any operations associated with the deposition of overburden</li> </ul>	08:00 - 18:00 Monday to Friday and 08:00 – 12:00 on Saturday provided that no operations are carried out during the hours of darkness.	None

Operations	Permitted Hours	
<ul style="list-style-type: none"> <li>• works associated with overburden deposition including soil stripping and placement within 200 metres of any residential property</li> <li>• all proposed operations occurring above the level of the quarry rim on the northeast boundary and associated with the removal of overburden and quarry bench development*</li> </ul>	0900 – 1700 Monday to Friday	None
<ul style="list-style-type: none"> <li>• construction works associated with the replacement primary crusher and surge pile, the conveyor to Phase 2, and the new screen house</li> </ul>	0700 to 1900 Monday to Friday and 0700 to 1700 on Saturday	None
<ul style="list-style-type: none"> <li>• construction works associated with, the new quarry offices and workshop facilities, the replacement lorry park and the Kinchley Lane crossing</li> </ul>	0700 to 1900 Monday to Friday and 0700 to 1300 on Saturday	
<ul style="list-style-type: none"> <li>• emergencies where operations are required to protect life, limb or property</li> <li>• water pumping</li> <li>• pollution prevention measures</li> <li>• essential maintenance</li> </ul>	Any Time	Any Time

\* No stripping of soils or overburden from the new extraction area shall take place until details of the location and nature of the operations within the quarry rim to which the restricted hours of operation will apply have been submitted to and approved in writing by the Mineral Planning Authority.

Coated Roadstone Plant

26. Notwithstanding the requirements of condition no.25 above, for a temporary period expiring on 22<sup>nd</sup> January 2016, the number of hours when the coated roadstone plant is operated at night-time (1900 to 0330) or on a Sunday, public holiday or bank holiday shall be restricted to 1087.5 hours per annum.

Thereafter, the coated roadstone plant shall not operate at night time (1900 to 0330) or on a Sunday, public or bank holiday on more than to 120 days per annum.

On Sundays, public or bank holidays, the coating plant shall not operate on more than 15 occasions between the hours of 0700 and 1900 and no vehicles carrying coated roadstone shall leave the site after 2000 hours.

No more than 15 vehicles carrying coated material shall leave the site in any one-hour period between the hours of 1900 and 0330 (Monday to Sunday) and at any other time on Sunday, public or bank holidays. The hourly numbers of laden vehicles leaving the site shall be made known in writing to the Mineral Planning Authority within 7 days of a written request for that information.

The operation of the coating plant during the hours of 1900 and 0330 (Monday to Sunday) and at any other time on Sunday, public or bank holidays shall only be carried out to serve specific surfacing contracts which require supplies of coated material during the night-time, at weekends or on public or bank holidays. A record of the operational dates, operational hours and hourly number of laden vehicles leaving the site during these hours shall be maintained and made available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 2 years.

#### Conveyor to Barrow upon Soar Rail Sidings

27. Notwithstanding the requirements of condition no.25 above, the number of Sundays when the conveyor to the rail sidings at Barrow upon Soar is operated shall be restricted to no more than 15 per annum, of which no more than 5 of these occasions shall be between 1<sup>st</sup> April and 30<sup>th</sup> September in any calendar year. A record of the operation of the conveyor on Sundays shall be maintained and made available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 2 years.

#### **Traffic, Transport and Highway Safety**

##### Site Access Provision and Use

28. Access to and from the site shall only be gained via the existing main quarry access shown marked A on plan no.2026/PP/1A dated February 2015 except that:
- a) The existing access onto Loughborough Road shown marked B on plan no. 2026/PP/1A can be used by traffic under 7.5 tonnes, emergency vehicles, and in an emergency (written notification, including the reason, of which shall be notified to the Mineral Planning Authority within 72 hours of such use)
  - b) The existing accesses onto Wood Lane in the location shown marked C and D on plan no.2026/PP/1A can be used by traffic under 7.5 tonnes, emergency vehicles and such plant and machinery which cannot by reason of its size or weight be taken into the quarry works by means of the main quarry access.



- c) The existing access onto Crown Lane marked E and onto Bond Lane shown marked F on plan no.2026/PP/1A can only be used by cars and light vans.
  - d) Any vehicular access to the rail sidings at Barrow on Soar shall be via the existing approved access to the adjoining pre-cast concrete works.
29. The surfacing of the existing accesses referred to in condition no.28 above, together with internal access roads, roads serving parking areas, servicing of fixed plant areas and internal traffic circulation areas shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times during the life of the development.

#### Wheel Cleaning

30. No HGV's shall leave the site without first passing through an efficient wheel cleaning system to ensure that no deleterious material is deposited on the public highway. In the event that any such material is deposited on the public highway, it shall be immediately removed.

#### Sheeting of Lorries

31. No loaded commercial vehicles shall leave the site un-sheeted except those only carrying washed stone or stone in excess of 500mm in diameter.

#### Movement of Aggregate to Barrow Rail Sidings

32. No aggregate arising from the site shall be transferred to the rail sidings at Barrow upon Soar other than by the existing conveyor system except in an emergency, written notification of which shall be given to the Mineral Planning Authority within 72 hours together with details of the reasons as to why it was necessary.

#### Kinchley Lane Crossing

33. Prior to the commencement of soil stripping within Site 4, details of the proposed crossing on Kinchley Lane to facilitate overburden haulage between Site 2 and Site 4, the location of the which is shown on Plan N<sup>o</sup>. 2026/ES/7, shall be submitted to and approved in writing by the Mineral Planning Authority. Details shall include appropriate traffic management measures, signing and lining, proposed wheel cleaning facilities and road cleaning facilities along with the future reinstatement of the crossing once the crossing is no longer required. All works in the highway shall conform to Highway Authority standards. Before the crossing is brought into use, it shall be set out in accordance with the approved details, and the approved wheel cleaning and road cleaning facilities shall be provided.

Measures shall be taken to ensure that the crossing is kept clean and free of mud and other debris at all times. The approved wheel cleaning and road cleaning facilities shall remain in use until such time as the crossing is permanently closed.

The use of the Kinchley Lane crossing shall cease as soon as soil replacement operations within Site 4 has ceased. Within 3 months of the road crossing being permanently closed, the crossing shall be reinstated in accordance with the approved details.

#### Replacement Lorry Park

34. The proposed replacement lorry park off Crown Lane shall be laid out in accordance with the details set out the further information submitted in support of the application dated September 2014 and the accompanying drawing no. 2026/C6/6A.

#### **Dust**

35. No stripping of soils within the new extraction area or the area of the new landforms shall take place unless and until a revised Dust Management and Monitoring Plan has been submitted to and approved by the Mineral Planning Authority. The control and monitoring of dust at the site shall be carried out in accordance with the Dust Management and Monitoring Plan approved pursuant to condition no.25 of Planning Permission No.2009/1443/02 until such time as the revised Plan has been approved..

The revised Plan should identify additional and temporary dust control measures necessary to minimise the impact on residential properties as the different quarry re-configuration stages progress. These measures shall include provision of an atomised water dust suppression system within the proposed primary crusher building. The revised Plan should also include dust trigger-levels on a location specific basis and identify appropriate additional dust monitoring locations.

The Dust Management and Monitoring Plan as approved shall be reviewed by the operator at 2 yearly intervals and a revised plan shall be submitted to the Mineral Planning Authority for its approval in writing. The revised plan and all subsequently revised plans shall be implemented as approved by the Mineral Planning Authority in full.

#### **Noise**

##### Limits

36. The noise levels emitted by general operations at the site shall not exceed the following criteria:

Location	Proposed Noise Criteria / dB LAeq, 1h				Anytime on Sundays, Public and Bank Holidays
	Daytime 0700 to 1900	Evening 1900 to 2200	Night-time 2200 to 0600		
Paddock Close	52	47	42	42	42
Waterside Drive	55	55		43	
Crown Lane	55	55		44	
Swithland Reservoir	48	43		42	
Rushey Lane	49	42		42	
Huston Close	55	54		42	
Hawcliff Road	54	50		50	
Mill Farm	50	46		42	
Hugh Lupus Court	55	55		42	
Northage Close	52	47		43	
Quorn Grange	51	49		47	
Houses on Loughborough Road	55	55		44	

Within 6 months of the date that the replacement primary crusher is fully operational, the noise levels specified above shall be reviewed and revised noise limits shall submitted to the Mineral Planning Authority for approval. The revised noise limits (which shall not exceed those specified above) shall be based on noise monitoring carried out to assess the effectiveness of the noise attenuation achieved as a result of the reconfiguration of plant. The noise levels emitted by general operations at the site shall subsequently not exceed the revised noise limits as approved.

37. Notwithstanding the requirements of conditions no.36 above, between the hours of 19:00 and 03:30 the noise levels arising from the operation of the coating plant shall not exceed 42 dBLAeq (1 hour) freefield at any noise sensitive property.

Temporary Operations

38. Noise levels arising from soil stripping and replacement, overburden removal, the construction and removal of soil mounds, and the construction of the outer flanks of overburden mounds (temporary operations) shall be minimised as far as is reasonably practicable and in any case should not exceed 70dB LAeq (1 hour), freefield at any noise sensitive property. Such temporary operations

which exceed the normal day to day criterion set out in condition no.36 above shall be limited to a total of 8 weeks in any 12 month period. At least 3 days prior notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available to the Mineral Planning Authority on request.

#### Construction of Site 2 Landform

39. Prior to the commencement of the deposition of overburden within Site 2, details of a temporary perimeter screen bund to shield noise sensitive properties at Rushey Lane and Kinchley Lane from excessive noise generated shall be submitted to and approved by the Mineral Planning Authority. The perimeter screen bund shall be constructed in accordance with the approved details prior to the commencement of any overburden within Site 2 and retained for the duration of the construction of the Site 2 landform.

So far as reasonably practicable, the construction of the overburden mound at Site 2 shall be carried out with operational plant screened by the outer edge of the overburden mound, in order to shield noise sensitive properties at Rushey Lane and Kinchley Lane from noise likely as a result of operations during construction.

#### Noise Management and Monitoring

40. No stripping of soils within the new extraction area or the area of the new landforms, or other Stage 1 works detailed on drawing No. 2026/ES/5 shall take place unless and until a revised Noise Management Plan and Noise Monitoring Scheme has been submitted to and approved by the Mineral Planning Authority. The management plan should address the control of noise from operations at the site, including the operation of the coating plant and maintenance activities undertaken during the night-time. The monitoring scheme should include a programme of noise monitoring to ensure compliance can be demonstrated at the closest residential properties during proposed operations to re-configure the quarry and in respect of the relocated quarry offices, workshop and lorry parking.

The control and monitoring of noise at the site shall be carried out in accordance with the Noise Management Plan and Noise Monitoring Scheme approved pursuant to condition no.32 of Planning Permission No.2009/1443/02 until such time as the revised Plan specified above has been approved.

A report detailing the results of any noise monitoring that is carried out shall be provided to the Mineral Planning Authority within 2 weeks of the completion of the monitoring.

41. The approved Noise Management Plan and Noise Monitoring Scheme shall be reviewed by the operator at 2 yearly intervals and a revised scheme shall be submitted to the Mineral Planning Authority for its approval in writing. The revised scheme, and all subsequently revised schemes, shall be implemented as approved by the Mineral Planning Authority in full.

42. All plant, machinery and vehicles operated within the site shall be maintained in accordance with the manufacturer's specification and shall be fitted with and use effective silencers in accordance with the manufacturer's recommendations and shall be operated so as to minimise noise emissions.
43. All audible warning devices fitted to mobile plant, vehicles and machinery whilst affording the required safety protection shall be designed and operated so as to minimise disturbance to nearby residents.
44. Essential maintenance and repair work undertaken before 0700 hours or after 1900 hours on Mondays to Saturdays and at any time on Sundays or any public or Bank Holiday shall be carried out in such a manner as to ensure that it does not give rise to nuisance at any nearby residential property.

## **Blasting**

### Timing

45. Except in an emergency, which shall be notified to the Mineral Planning Authority within 72 hours including the reason for such, no blasting shall be carried out at the site other than between the hours of 11:00 and 16:00 Monday to Friday. No blasting shall take place on Saturday, Sunday or any Public or Bank Holiday.

### Limits

46. Blasting operations shall not take place unless the blast has been designed not to exceed a ground peak particle velocity of 6.0mm per second measured in any mutually perpendicular plane at 95% confidence at any vibration sensitive property.

### Air Overpressure

47. Methods shall be employed to minimise air overpressure from blasting operations as set out in the scheme dated 10<sup>th</sup> September 2014 that has been approved pursuant to condition no.38 of Planning Permission No. 2009/1443/02.

### Monitoring

48. The operator shall monitor the levels of ground vibration of every blast in accordance with the Ground Vibration Monitoring Scheme dated 10<sup>th</sup> September 2014 that has been approved pursuant to condition no.39 of Planning Permission No. 2009/1443/02. The Ground Vibration Monitoring Scheme shall be reviewed at 5 yearly intervals by the operator and submitted to the Mineral Planning Authority for its approval in writing. The scheme as approved shall be implemented in full.

49. In the event that 6.0mm per second peak particle velocity is exceeded at any monitoring location, the operator shall inform the Mineral Planning Authority as soon as possible and provide details of investigations undertaken within 7 days.

#### Secondary Blasting

50. No secondary blasting shall be carried out at the site.

#### **Water Environment**

##### Drainage

51. No works associated with Stage 1 of the development as detailed on drawing No. 2026/ES/5 shall take place unless and until a scheme for the provision of surface water drainage works, based on sustainable drainage principles, and drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented in accordance with the approved details and agreed timetable.
52. All reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. All reasonable steps shall be taken, including provision of any necessary works, to prevent damage by erosion, silting or flooding, and to make proper provision for the disposal of all water entering, arising and or leaving the site during the permitted operations.

##### Oil and Petrol Separators

53. No construction works associated with the new workshop facilities and the replacement lorry park shall take place unless and until a scheme to install oil and petrol separators for the areas where it is proposed that heavy goods vehicles are to be parked and turning has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall be implemented in accordance with the approved details.

##### Trapped Gullies

54. No construction works associated with the new quarry offices and workshop facilities, and the replacement lorry park shall take place unless and until a scheme to install trapped gullies for the areas where it is proposed that cars are to be parked has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall be implemented in accordance with the approved details.

##### Oil and Fuel Storage

55. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, or shall be stored in an approved double skin proprietary tank/s. The volume of the bunded

compound shall be at least equivalent to the capacity of the tank/s and other containers plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.

#### Cleanaway Compound

56. The compound associated with the monitoring of Broad Hill (also formerly known as site 3) and otherwise known as “The Cleanaway Compound” shall be removed from the site by 29 June 2019. The site associated with the compound shall be restored in accordance with a scheme that has previously been approved in writing by the Mineral Planning Authority, which shall be incorporated into the Landscape Management and Aftercare Plan as provided by condition no.65 below.

#### **Lighting**

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

#### **Archaeology**

58. No stripping of soils within Site 4 shall take place unless and until a sequential Programme of Archaeological Investigation has been agreed in writing by the Mineral Planning Authority. The Programme shall include the investigation of the two areas detailed for trial trenching in accordance with the submitted *Project Design for Trial Trenching 1* (Archaeologica, AC3126/D3 dated November 2013). Following the completion of this initial trial trenching work, provision shall be made for the implementation of any necessary further archaeological investigation and mitigation. All archaeological investigation reporting and recording shall be carried out in accordance with the approved Programme of Archaeological Investigation

No stripping of soils within Site 4 shall take place unless and until the archaeological fieldwork has been completed, a post-investigation assessment and interim report has been prepared and provision has been made for the necessary analysis, publication of results and archive deposition.

#### **Ecology**

##### Woodland Soils

59. The stripping and subsequent use of woodland soils within Buddon Wood SSSI and Rowhele Wood SINC shall be carried out in accordance with the details set out in the further information submitted in support of the application dated September 2014 and the accompanying drawing nos. 2026/EM/1 and 2026/ECM/2.

Protected Species

60. Within 6 months of the date of this permission, a detailed protocol and method statement for works that might affect the peregrine falcon's nesting locations in the quarry shall be submitted to and approved by the Mineral Planning Authority. The works shall be carried out in accordance with the approved details.
61. Prior to the commencement of any development work within Site 2, a detailed protocol and method statement for the works affecting barn owl foraging and occasional roosting associated with the stone barn and surrounding foraging grassland north of Kinchley Lane shall be submitted to and approved by the Mineral Planning Authority. The works shall be carried out in accordance with the approved details.
62. Prior to the removal of the open barn and the felling of trees at TN6, TN7 and TN13 north of Kinchley Lane (as shown on the Target Note Plan in Appendix 7 of the Ecological Report contained within the Environmental Assessment), detailed inspections for bat presence shall be carried out, and the results of the surveys together with proposals for mitigation and compensation measures if necessary submitted to and approved by the Mineral Planning Authority. Mitigation and compensation measures shall subsequently be implemented in accordance with the details as approved.
63. No stripping of soils within the new extraction area or within Sites 4 or 2 (as shown on Drawing Nos. 2026/ES/9 and 2026/ES/13A respectively) shall take place unless and until the affected areas have been resurveyed for evidence of badger presence, and the results of the surveys together with proposals for mitigation and compensation measures (if necessary) submitted to and approved by the Mineral Planning Authority. Mitigation and compensation measures shall subsequently be implemented in accordance with the details as approved.

Clearance Works

64. All works that involve the removal of trees, shrubs, hedgerows, scrub and other vegetation including habitats used by ground nesting birds shall not be undertaken during the months of March to August inclusive unless the area has first been checked by a qualified ecologist and an action plan agreed in writing with the Mineral Planning Authority.

**Landscape Management and Aftercare**

65. All landscape management and aftercare at the site shall be carried out in accordance with the 'Mountsorrel Quarry Landscape Management and Aftercare Plan' dated February 2008 as amended by the Supplement to the Landscape Management and Aftercare Plan submitted on the 14 October 2011. Provision shall be made for an annual monitoring visit at which the plan shall be reviewed. The plan shall be updated to take account of the construction of the



new landforms and as informed by the monitoring visit or as otherwise required. Any updated plan shall be submitted to the Mineral Planning Authority for its approval in writing. The plan as further approved shall be implemented in full.

66. Within 12 months of the date of this permission, a detailed management plan for the woodland within that part of Buddon Wood Site of Special Scientific Interest that lies within the Site shall be submitted to the Mineral Planning Authority for its approval in writing. The plan as approved shall be implemented in full.

Management of woodland within that part of Buddon Wood Site of Special Scientific Interest that lies within 'the Site' shall be carried out in accordance with the Woodland Management Plan for 2014-2019 dated June 2014 that has been approved pursuant to condition no.43 of Planning Permission No.2009/1443/02 until such time as the management plan specified above has been approved and takes effect.

The Woodland Management Plan as approved shall be reviewed at least every 5 years and a revised plan for the following five year period submitted to the Mineral Planning Authority for further approval in writing. The plan as further approved shall be implemented in full.

67. No operations other than as may be required for the purposes of good woodland management shall be carried out within the areas of Primary Ancient Woodland as shown coloured purple ('consented stone extraction, SSSI not to be worked') on Drawing no. 2026/RW/11J.
68. Any elements of hard or soft landscaping at the site that are not contained within the areas covered by the 'Mountsorrel Quarry Landscape Management and Aftercare Plan' referred to in condition 65 above, including the length of wall along Wood Lane between points shown marked X and Y on plan no. 2026/PP/1A dated February 2015, shall be protected and/or maintained as appropriate throughout the duration of the operations unless otherwise agreed in writing with the Mineral Planning Authority or otherwise varied by another condition attached to this permission.
69. The section of quarry face shown outlined orange on plan no. 2026/PP/1A dated February 2015 shall be retained and protected from damage throughout the duration of the operations in accordance with the Landscape Management and Aftercare Plan referred to in condition 65 above.

### **Restoration**

70. All soils shall be retained within the Site for use in the proposed new landforms and for restoration purposes.
71. By no later than 27<sup>th</sup> September 2017, and at least every five years thereafter, a detailed scheme of reclamation for the following five year period shall be submitted for approval to the Mineral Planning Authority. Such scheme shall, inter alia, include provision for:-

- (a) Final contours for the parts of the site which will become exhausted during the period;
- (b) Treatment of any remnant quarry faces and benches;
- (c) Location, species, numbers, sizes, ground preparation works and protective measures for tree and shrub planting;
- (d) Detailed grass and/or wildflower seed mixes, fertiliser or other treatments;
- (e) Hydroseeding or other such treatment of internal overburden batters;
- (f) The provision of fences, gates and stiles; and
- (g) Removal of any redundant quarry buildings, plant or machinery.

The site shall be reclaimed in accordance with the approved scheme having regard to the actual progress of mineral operations, or such amendments to the approved documents as may be agreed in writing with the Mineral Planning Authority.

72. Notwithstanding the requirements of condition nos. 65 and 71 above, a scheme for the final restoration and aftercare of the quarry complex shall be submitted to the Mineral Planning Authority by 31st December 2038 or such other period as agreed in writing with the Mineral Planning Authority, for its approval in writing. The scheme shall be based on proposals shown on the Indicative Final Afteruse Plan (Drawing No. 2026/ES/20B) and include details of:

- (i) the nature of the intended use of the site;
- (ii) the final levels of the restored land;
- (iii) drainage of the restored land;
- (iv) details of the removal or retention of buildings or structures;
- (v) the treatment of hard surfaced areas;
- (vi) the boundaries of any lake(s) to be left on conclusion of workings;
- (vii) the retention of any geological features; and
- (viii) a timetable for the restoration and aftercare.

Restoration pursuant to this condition shall not apply to any part of the mineral site which the Mineral Planning Authority agrees in writing to have been satisfactorily restored prior to the submission of the scheme.

Aftercare pursuant to this condition shall not apply to any part of the mineral site which the Mineral Planning Authority agrees in writing has been satisfactorily restored for a period of 5 years or more prior to the submission of the scheme.

In respect of any areas of the site which the Mineral Planning Authority agrees have been satisfactorily restored but the 5 year aftercare period has not elapsed by the date of the submission of the scheme, this condition shall only apply to that portion of the 5 year period that remains.

### **Prior Cessation**

73. In the event of cessation of the winning and working of minerals for a period of more than 24 months, a restoration scheme, to include details of aftercare shall be submitted for approval to the Mineral Planning Authority within 2 years of the cessation, or within such period as may otherwise be agreed in writing with the

Mineral Planning Authority. Such approved scheme shall be commenced within 1 year of the written approval (and thereafter completed), unless otherwise agreed in writing with the Mineral Planning Authority.

**Reasons**

1. For the avoidance of doubt.
2. For the avoidance of doubt and to ensure that mineral extraction is confined to the permitted areas.
- 3,8  
10&  
11. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
4. To ensure that the site operator is fully aware of the conditions and the approved details.
5. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
6. To enable the development to be monitored to ensure compliance with this permission.
7. To provide for the completion and restoration of the site within the approved timescale.
9. To enable the Mineral Planning Authority to monitor and adequately control the development and to minimise its impact on the amenities of the local area.
12. To protect the soil resource and in the interests of final restoration.
- 13&  
14. In the interests of satisfactory landscaping and restoration of the site.
15. To protect the amenities of the area.
16. To restrict mineral processing at the site in the interests of the local community and environment.
- 17,21,  
22,23  
&34. 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.
- 18,19  
&20. In the interests of the visual amenities of the area.

24. There is an exceptional need here to secure control over additional plant and machinery, in the interests of the amenity of the area and bearing in mind the degree of discretion otherwise allowed by the GPDO.
- 25,26 &27. To protect the amenities of local residents and in the interests of the local environment.
28. To ensure the site is accessed with due regard to highway safety and the local environment.
29. In the interests of highway safety and the amenities of local residents.
30. To ensure that deleterious material is not carried onto the public highway in the interests of highway safety and local amenity.
- 31,32 &33. In the interests of highway safety and safeguarding the local environment.
35. To minimise the adverse impact of dust generated by the operations on the local community and environment and to enable the dust related effects of the development to be adequately monitored during the course of the operations.
- 36,37, 38,39, 42,43 &44. To minimise the adverse impact of noise generated by the operations on the local community and environment.
- 40&41 To enable the noise related effects of the development to be adequately managed and monitored during the course of the operations.
- 45,46, 47,49 &50. To minimise the adverse impact of blasting on the local community and environment.
48. To enable the blasting effects of the development to be adequately monitored during the course of the operations.
- 51,52, 53,54 &55. To protect the water environment.
56. In the interests of the amenities of the area.
57. To minimise the adverse impact of light generated by the operations on the local community and environment.
58. To ensure the preparation and implementation of an appropriate programme of archaeological investigation.

59,60, To minimise the adverse impact of the operations on ecological interests.  
61,62  
&63.

64. To safeguard the local habitat and protect nesting birds.

65&68 In the interests of the landscape and visual amenities of the area.

66&67. To safeguard the ecological interest of the woodland which forms part of a Site of Special Scientific Interest.

69. To safeguard the geological interest of the quarry which is a Site of Special Scientific Interest.

70. To protect the soil resource and in the interests of final restoration.

71&72. In the interests of satisfactory landscaping and restoration of the site and to ensure the site is restored to a condition suitable for long term beneficial use.

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

### **Notes To Applicant**

- i) This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: - For 'major' accesses - see Part 6 of the "6Cs Design Guide" at [www.leics.gov.uk/6csdg](http://www.leics.gov.uk/6csdg)  
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- ii) C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
- iii) Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- iv) The details required for the access crossing point shall also include details relating to the width, visibility splays, surfacing in a hard bound material, location of any gates as well as measures to ensure that the highway is kept free of mud, water etc.

## **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.