

**DEVELOPMENT CONTROL AND REGULATORY BOARD****THURSDAY, 12 SEPTEMBER 2019**  
**REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****CADEBY QUARRY 2019/0601/04****PART A – SUMMARY REPORT**

|                            |                                                                                                                                                                                                                                                                                                    |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APP.NO. &amp; DATE:</b> | 2019/0601/04 (2019/VOCM/0107/LCC) – 22th May 2019                                                                                                                                                                                                                                                  |
| <b>PROPOSAL:</b>           | Variation of Condition 2 of planning permission 2018/1136/04 to enable an extension to the deadline for restoration of Areas 'I' and 'H' until 31st December 2019.<br>Variation of Condition 37 of planning permission 2018/1136/04 to amend approved details at Cadeby Quarry (Restoration Plan). |
| <b>LOCATION:</b>           | Cadeby Quarry, Brascote Lane, Cadeby                                                                                                                                                                                                                                                               |
| <b>APPLICANT:</b>          | Tarmac trading Ltd.                                                                                                                                                                                                                                                                                |
| <b>MAIN ISSUES:</b>        | Restoration, historic landscape character and visual impact                                                                                                                                                                                                                                        |
| <b>RECOMMENDATION:</b>     | PERMIT subject to conditions as set out in the Appendix                                                                                                                                                                                                                                            |

**Circulation Under Local Issues Alert Procedure**

Mr B. Crooks CC

**Officer to Contact**

David Wallis (Tel. 0116 305 3835).  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

## **PART B – MAIN REPORT**

### **Description of Site**

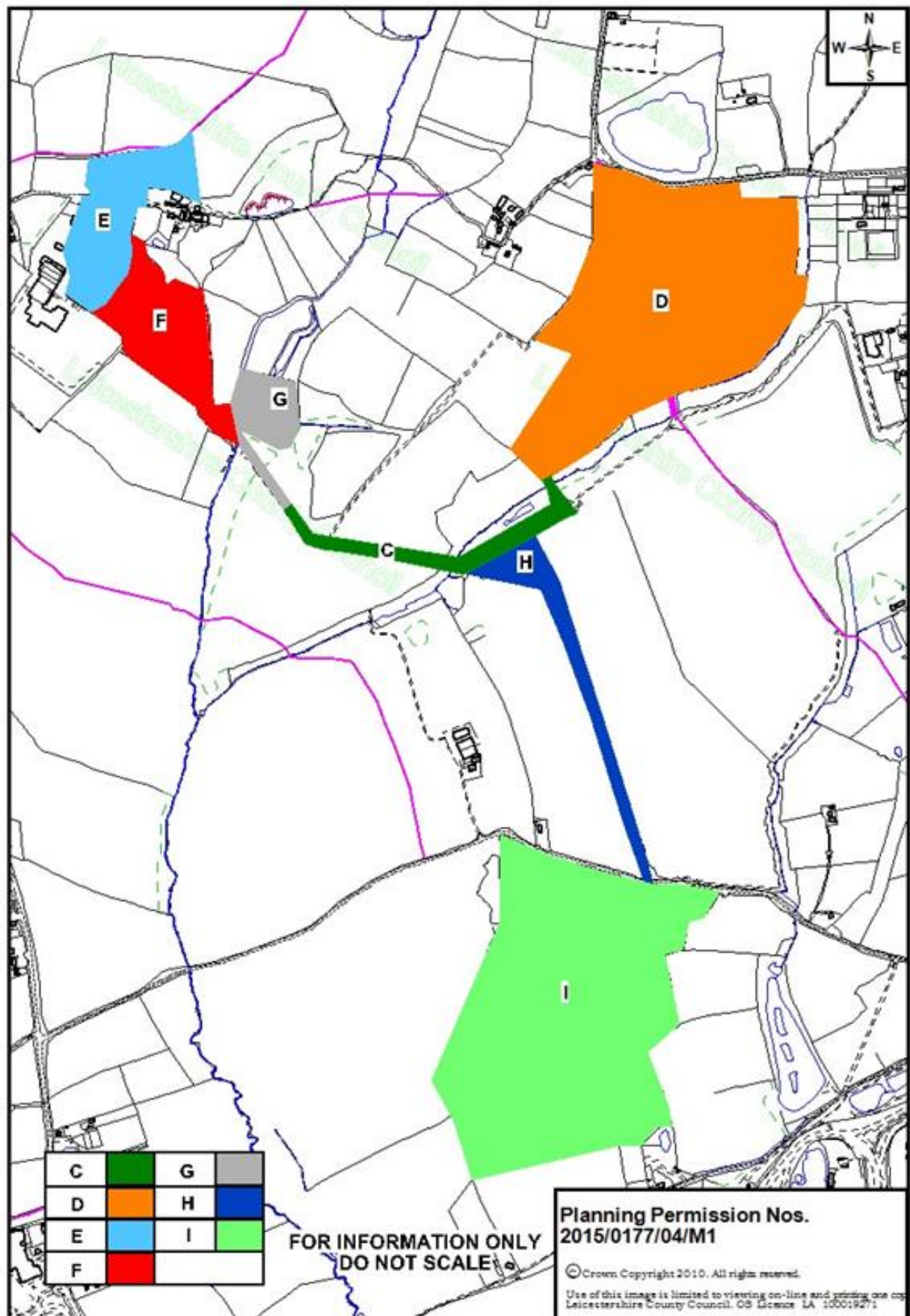
1. Cadeby Quarry is an established sand and gravel quarry located approximately 6km north of Hinckley, 9km south of Ibstock and 2.5km south east of Market Bosworth. The quarrying operations are bounded by the villages of Cadeby, Kirkby Mallory and Newbold Verdon. The former working to be restored (area 'I', see Plan 1 below) is immediately south of Bosworth Road, 1km east of the A447 and 1km west of Kirkby Mallory. The area that accommodated the associated conveyor (area 'H') extends 800m north north-west of the Bosworth Road.
2. The nearest residential properties to the restoration area are on Stapleton Lane, approximately 300m south of area 'I' and in Kirkby Mallory approximately 670m to the east of area 'I'.

### **Background**

3. Sand and gravel extraction has been ongoing at the site since 1964 under a number of planning permissions. A 'Southern Extension' south of Bosworth Road (area 'I') was approved in 2010 under planning permission 2010/0554/04.
4. In July 2015 planning permission was granted to extend mineral working in the extraction area south of Bosworth Road (planning permission 2015/0688/04). This permission also covers other areas which were previously worked, ensuring the aftercare of these areas, as well as limiting the life of the processing plant, associated machinery, buildings and conveyors until the 31st December 2021. This permission also set the deadline for the restoration of areas 'H' and 'I' as 4th May 2018.
5. In May 2018 Tarmac sought an extension to the restoration deadline by varying Condition 2 of permission 2015/0688/04 as infilling works associated with the conveyor tunnel under Bosworth Road had yet to be approved and undertaken. The applicant anticipated the restoration works could be completed in six months. This application was approved in July 2018 (planning permission 2018/0461/04) granting extension to the restoration deadline for areas 'H' and 'I' until 4th November 2018.
6. In October 2018 Tarmac sought an extension to the 4th November 2018 deadline for the same reasons as the previous application. In January 2019 this application was granted (planning permission reference 2018/1136/04) to extend the deadline for the restoration of areas 'H' and 'I' to 4th May 2019.

### **Description of Proposal**

7. The applicant wishes to vary Condition 2 of planning permission 2018/1136/04 to extend the restoration deadline of areas 'H' and 'I' until 31st December 2019. The applicant states that the restoration works required in areas 'H' and 'I' cannot be completed until works associated with the conveyor tunnel have been approved under Section 278 of the Highways Act 1980 (as amended) and undertaken.
8. Pursuant to a Section 278 agreement, Technical Approval of proposed infilling of the conveyor tunnel was issued by the Highway Authority on 26<sup>th</sup> June 2019. In addition to a Section 278 agreement a Section 50 licence is required to install a drainage pipe within the infilled conveyor tunnel which has yet to be agreed and issued.



**Plan 1.** Areas covered by planning permission 2015/0688/04 (Cadeby Quarry).

9. After discussions between Tarmac and the landowner a variation of Condition 37 is also sought. It is proposed to amend the approved restoration scheme (drawing C180/PL15/M04) by replacing an approved, but yet to be planted hedgerow crossing area 'I' east to west. The same length of hedgerow would be planted along the northern boundary of the Southern Extension, immediately south of Bosworth Road. Retrospective permission is also sought for minor changes to the location of an approved pond in area 'I'.

### **Planning Policy**

#### **Development Plan**

9. Leicestershire Minerals Development Framework Core Strategy and Development Control Policies Document

#### Core Strategy Policies

- MCS11: Strategy for environmental protection
- MCS17: Strategy for reclamation and future use of mineral sites

#### Development Control Policies

- MDC1: Sustainable Mineral Development
- MDC20: Reclamation and Aftercare
- MDC21: After-use

10. The Emerging Development Plan

The emerging Leicestershire Minerals & Waste Local Plan is currently awaiting adoption, and carries significant weight.

#### Development Management

- DM1: Sustainable Development
- DM12: Restoration, Aftercare and After-use

### **National**

#### National Planning Policy Framework

11. 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.
12. The NPPF recognises the essential role that minerals play in supporting sustainable economic growth and quality of life. Paragraph 205 outlines the factors local planning authorities should take into consideration when determining mineral planning applications, especially restoration and aftercare at the earliest opportunity.

**Consultations****Cadeby Parish Council**

13. No comment received.

**Hinckley and Bosworth Borough Council - Planning**

14. No objection.

**Hinckley and Bosworth Borough Council - Environmental Health**

15. No objection.

**Leicestershire County Council - Ecology**

16. No objection.

**Leicestershire County Council - Landscape**

17. The approved hedgerow location shown on C180 PL15/MOA best represents the preceding historic field pattern. However, the proposed relocation for a replacement hedgerow to the roadside location shown on drawing number C180-00132 would ensure that there is no net loss of hedgerow. No objection to the proposals.
18. No objection to the extension of the restoration deadline.

**Mallory Electoral Division Member – Councillor Bill Crooks**

19. No comment received.

**Peckleton Parish Council**

20. No comment received.

**Publicity and Representations**

21. The planning application has been publicised by a site notice and neighbour notification letters posted on 29<sup>th</sup> May and a press notice displayed in the Hinckley Times from 5th June.
22. One representation was received from a local resident, critical of Tarmac for not restoring area 'I' nor reinstating the hedge across it. The representation did not formally object to the proposal.

**Assessment of Proposal**

23. This proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it is appropriate to also consider the following key matters: national policy background; the nature and need for the development; environmental, landscape and other effects; and economic and other benefits.

### Condition 2 Restoration Deadline

24. Policies DM12 and MCS17 suggest planning permission should be granted for temporary minerals development where satisfactory provision has been made to ensure high quality, progressive restoration of the site. Policy MCS17 further requires that minerals sites are restored in a manner that enhances and complements the natural and historic environment and, in line with NPPF paragraph 205, at the earliest possible opportunity. Given the previous extensions to this restoration deadline due to legal and highways issues, it has not been possible to meet the restoration requirements. The necessary agreements between the Tarmac and Local Highway Authority to infill this conveyor tunnel have yet to be finalised, leading to the current proposal. It is reasonably anticipated that the restoration works to areas 'H' and 'I' would be completed in line with the proposed deadline of 31<sup>st</sup> December 2019, subject to the necessary highways agreements. It should however be noted that if granted this would be the third extension to the restoration deadline

### Condition 37 Approved Restoration Scheme

25. Policy DM12 requires that where restoration is to an agricultural use, the final landscape and field pattern shall reflect the historic landscape character of the site and its surroundings. The County Council's Landscape Architect raised the fact that the approved scheme reflects the original field pattern and landscape (dating to at least 1885), while the proposed amendment seeks to alter that. Some weight should be given to this concern as the Leicestershire Leicester and Rutland Historic Landscape Characterisation Project (LLR HLC) highlighted that historic field patterns have witnessed more comprehensive change and proportionately higher levels of boundary loss over the 20<sup>th</sup> Century due to modern farming techniques. The project does however note that rationalisation of field enclosures has been occurring since the mid-18<sup>th</sup> Century and the rate of loss of field enclosures may well have declined since the introduction of the Environmental Stewardship Scheme in 2005.
26. Policy MDC20 requires satisfactory provision is made for the long-term management of previously worked minerals sites, with MDC21 requiring that land to be restored for agricultural uses is retained as a long-term agricultural resource. The ability for agricultural land to be economically viable is critical; the proposed relocation of the hedgerow would facilitate more efficient farming techniques. The landowner has identified that the approved line of the hedgerow is no longer desirable and as such could potentially lead to the overall loss of the hedgerow resource in the future. The current planning permission for the site would have no ability to prevent the future loss of the approved hedgerow. Therefore, the field pattern associated with this proposal would be better suited to the requirements of MDC20 and MDC21 and secure a new hedgerow along the site boundary.
27. Policy MCS11 contains the strategy for environmental protection of development, i.e. requiring development to protect and enhance the natural environment. The relevant points of this policy to this application are that there are no unacceptable adverse impacts on biodiversity, the character and quality of the landscape, historic and cultural features of acknowledged importance and residential amenity. Ecological advice suggests that the approved hedgerow would offer no ecological benefit as the area would likely become a sterile arable landscape. Any loss of overall hedgerow length would be ecologically unacceptable. Weight should therefore be given to the fact that the proposal would not result in a net loss of hedgerow. Further weight should be given to the fact that a hedgerow adjacent to a road in the locality of the application site is commonplace and part of the character of the area. The effect of the proposed hedgerow replacement would not negatively impact residential amenity as a hedgerow in the proposed location would screen Bosworth Road from residential properties to the south of area 'I' better than a hedgerow at the approved

location. This is due to the restored ground level adjacent Bosworth Road being approximately 3 metres higher than the ground level across the middle of area 'I'. For these reasons the proposed relocation is considered acceptable under policy MCS11.

28. Policies MDC1 and DM1 align with the NPPF in requiring proposals to contribute to the three dimensions of sustainable development. The economic impact of the proposed hedgerow relocation lies with the landowner/farmer in the future use of area 'I' as agricultural land. As stated in this applications Supporting Statement, the landowner is in favour of the proposal, and would be solely affected by any economic impact, either positive or negative. The environmental and social impacts are not deemed unacceptable under MCS11. The proposed hedgerow relocation is therefore deemed sustainable.
29. Policy MCS17 requires that high-quality restoration and aftercare are achieved. Whilst the nature of the restoration would change, the proposed restoration scheme would not significantly alter the quality of the restoration scheme as executed.
30. The representation from the member of the public is critical of Tarmac in their lack of restoration of area 'I' to date, referencing a planning permission superseded by applications to vary conditions. It should be noted that the proposal would amend the approved restoration scheme in an acceptable manner.
31. The difference between the approved pond location and its actual location as developed is very minor and raises no material planning issues.

### **Conclusions**

32. The proposal to extend the restoration deadline would allow time for Tarmac to complete necessary agreements with the Local Highway Authority.
33. While proposed loss of the previously approved hedgerow does not strictly accord with DM12, the proposal would provide sufficient length of replacement hedgerow. This proposed replacement hedgerow would be in keeping with roadside hedges in the surrounding area and meets the requirements of MDC1, MDC20, MDC21, MCS11, MCS17 and DM1. Therefore, the proposal is deemed acceptable.

### **Recommendation**

1. PERMIT subject to the conditions set out in the Appendix.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2010 (as amended), a summary of:
  - a. How Leicestershire County Council worked with the applicant in a positive and proactive manner:
  - b. In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework.

## **Conditions**

### **Defining the Development**

1. This permission shall be limited to 31st December 2021, by which time all plant, machinery, buildings and conveyors shall have been removed, and the land restored to a condition suitable for an after-use in accordance with a scheme of reclamation and aftercare, as required by conditions 37-39 below.
2. Notwithstanding condition no. 1 above, for the areas labelled H (dark blue) and I (light green) on Plan 2015/0177/04/M1 attached to and forming part of these conditions, by 31<sup>st</sup> December 2019 mineral extraction operations shall have ceased, all plant, machinery, buildings and conveyors shall have been removed, and site restored to a condition suitable for an after-use in accordance with the scheme of reclamation and aftercare approved by condition 37.

### **Adherence to Approved Details**

3. Unless otherwise required by conditions attached to this planning permission, the development shall be carried out in accordance with the following details:
  - The drawing numbered 'C180/PL15/M01a', dated 06/15 and titled 'Location Plan';
  - The drawing numbered 'C180/PL15/M03', dated 06/15 and titled 'Proposals Plan';
  - The drawing numbered 'C180-00132', dated 22/05/2019 and titled 'Cadeby South proposed amended restoration scheme';
  - The drawing titled 'Sketch Plan of revised Bund along Bosworth Road', Cadeby Quarry;
  - The document titled 'LAFARGE TARMAC LIMITED CADEBY QUARRY FIVE YEAR RECLAMATION AND AFTERCARE SCHEME (Condition 59 Permission Ref 2010/0554/04)';
  - The drawing numbered '12942-02', Rev. H, and titled 'General Arrangement, Precast Concrete Underpass' and dated May 2010;
  - The drawing numbered '12942-05', Rev. F, and titled 'General Arrangement Road Reinstatement Plan' and dated May 2010.
4. A copy of the permission, plans and documents referred to in condition 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.
5. With the exception of the blue line shown on Drawing no. C180/PL15/M03, there shall be no extraction of sand and gravel from land outside the line edged pink on Drawing no. C180/34b.

### **Working and Phasing Details**

6. The phasing of progressive restoration on the land south of Bosworth Road, Kirkby Mallory shall be carried out progressively in accordance with the details shown on Drawing no. C180-00132.

### Restriction of Permitted Development Rights

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as amended):
  - a) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Mineral Planning Authority; and
  - b) no lighting shall be installed or erected at the site unless details of the location, height, design, hours of operation and luminance have been agreed in writing by the Mineral Planning Authority.

### Hours of Operation

8. Except in emergencies to maintain safe working conditions (which shall be notified to the Mineral Planning Authority as soon as practicable):
  - a) No operations shall be carried out on the site except between the following times:
 

0700 to 1800 hours Monday to Friday  
0700 to 1400 hours on Saturdays.
  - b) No operations in connection with removal of soil bunds; removal of site accesses and temporary loading area; decommissioning of conveyor tunnel under Bosworth Road; relocation or dismantling of field conveyors; deliveries or collection of plant or machinery to and from the site; and soil replacement operations in connection with the reclamation of any part of the site shall take place outside the following hours:
 

0730 to 1800 hours Monday to Friday  
0800 to 1400 hours Saturdays.
  - c) No operations shall be carried out at any time on Sundays, Bank Holidays and Public Holidays.

### Access and Highways

9. The existing site access on Brascote Lane (Cadeby) shall be the only access point to and from the public highway. No vehicles accessing or leaving the site shall do so by any other access other than the existing access onto Brascote Lane (Cadeby).
10. Any vehicles exiting the site shall have their wheels cleaned as may be necessary so that no mud and other debris is deposited on the public highway.
11. The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times and until such time as it is no longer required for these operations.

12. The temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall not be used other than in connection with the delivery and collection of plant and machinery and for day-to-day access by quarry personnel as may be necessary.
13. Any vehicular access gates, barriers, bollards, chains or other such obstructions to be erected shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.
14. The access drive to the temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary. The access drive and turning space shall be so maintained at all times for the duration of the development.
15. Any top soils and subsoils stripped in connection with the construction of the temporary loading area on the south side of Bosworth Road shall be retained on site and shall be used in the restoration of the area.
16. Visibility splays of 2.4 metres by 90 metres shall be maintained at the junction of the access to the temporary loading area and Bosworth Road, Kirkby Mallory. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained for the duration of the development. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
17. The gradient of the access to the temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall not exceed 1:12 for the first 15 metres behind the highway boundary.
18. All vehicles entering the temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall do so by turning right from Bosworth Road. Any vehicles exiting the temporary loading area shall do so by turning left onto Bosworth Road.

#### Transportation of Mineral

19. Sand and gravel extracted from any part of the site shall only be transported from the extraction area to the processing plant by means of an overland conveyor.

#### Soil Stripping, Handling and Storage

20. All topsoil and subsoil shall be permanently retained on site and stored in mounds and used in the restoration of the site. All soil mounds shall be maintained in a weed-free condition.
21. All reasonable precautions shall be taken to avoid the mixing of topsoil, subsoil and overburden and no topsoil, subsoil or other soil-making material or overburden shall be removed from the site.

22. No movement of topsoil shall take place except when the full depth of topsoil to be stripped or otherwise transported is in a suitably dry soil moisture condition, i.e. the soil is in a non-plastic state such that damage to its structure shall be avoided. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty.
23. No topsoil, subsoil or overburden shall be transferred from the Extraction Area to other parts of the site.

#### Protection of Vegetation

24. All trees, shrubs and hedges planted or retained within or along the boundary of the site shall be protected and maintained throughout the duration of the mineral working and restoration operations hereby permitted. Such maintenance shall include the replacement of any plant that may die or be seriously damaged or become seriously diseased, to the satisfaction of the Mineral Planning Authority.

#### Amenity Protection

25. The development shall be carried out in such a manner as to ensure that dewatering operations on the site do not give rise to drawdown effects in surface water bodies surrounding the site or cause interruptions to the drinking water supplies of any properties in the vicinity.
26. The development shall be carried out in such a manner as to ensure that operations do not give rise to environmental disturbance by reason of noise, dust, illumination, vibration or any other cause, all to the satisfaction of the Mineral Planning Authority.

#### Surface Water Drainage

27. The development shall be carried out in accordance with the approved Surface Water Drainage Scheme Version 2.0, dated May 2011 and prepared by BCL Consultant Hydrogeologists Ltd.
28. The development shall be carried out in accordance with the approved Scheme for Treatment of Suspended Soils in Surface Water Runoff, Version 2.0, dated May 2011 and prepared by BCL Consultant Hydrogeologists Ltd., as amended by the letter dated 9th September 2011 from BCL Consultant Hydrogeologists Ltd.

#### Groundwater Protection

29. The development shall be carried out in accordance with the approved Hydrometric Monitoring Scheme Version 2.0, dated May 2011 and prepared by BCL Consultant Hydrogeologists Ltd.

#### Dust

30. All operations shall be carried out in a manner which minimises the emission of dust from the site. All haul roads and vehicle movement areas shall be compacted. All haul roads, vehicle movement areas and dry exposed material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne.

31. At such times as operations on site give rise, in the opinion of the Mineral Planning Authority, to unacceptable levels of dust leaving the site, such as during adverse conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as the operations can be resumed without causing such nuisance, either by a change in working, weather conditions or by taking other additional measures.

### Noise

32. Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance/disturbance in the locality. Such measures shall include:
- a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
  - b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;
  - c) the minimisation, so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles; and
  - d) no use of pure tone audible reversing beepers.
33. Except for operations defined in condition 34 below, noise levels from operations within the site and the associated field conveyors shall not exceed the following levels, when measured freefield at the most exposed façade, at the properties listed below:
- a) Kirkby Lodge, Bosworth Road, Kirkby Mallory: 42 dB LAeq (1 hour)
  - b) Mallory House, Bosworth Road, Kirkby Mallory: 50 dB LAeq (1 hour)
  - c) The Oaks, Stapleton Lane, Kirkby Mallory: 43 dB LAeq (1 hour)
  - d) The Cottage, Stapleton Lane, Kirkby Mallory: 43 dB LAeq (1 hour).
34. Noise levels arising from removal of soil mounds and site restoration activities shall be; minimised as far as is reasonably practicable; limited to a maximum of 44 days in any 12 month period and in any case shall not exceed the following levels, when measured freefield at the most exposed façade, at the properties listed below:
- a) Kirkby Lodge, Bosworth Road, Kirkby Mallory: 63 dB LAeq (1 hour)
  - b) Mallory House, Bosworth Road, Kirkby Mallory: 70 dB LAeq (1 hour)
  - c) The Oaks, Stapleton Lane, Kirkby Mallory: 59 dB LAeq (1 hour)
  - d) The Cottage, Stapleton Lane, Kirkby Mallory: 59 dB LAeq (1 hour).

35. Noise monitoring shall be carried out in accordance with the approved Noise Monitoring Scheme (Report no. R11.6809/1/AG dated 31st March 2011 and prepared by Vibrock Limited) for the duration of the development.

#### Archaeological Reporting and Recording

36. The development shall be carried out in accordance with the approved Written Scheme of Investigation for Archaeological Work (reference no. 11/622) and prepared by University of Leicester Archaeological Services.

#### Site Restoration, Planting and Aftercare

37. The area labelled light green (I) on Plan 2015/0177/04/M1 attached to and forming part of this permission shall be restored in accordance with Drawing no. C180-00132 and the area labelled dark blue (H) shall be restored to agriculture. Restored areas shall be treated and managed over a period of five years in accordance with the approved Five Year Reclamation and Aftercare Scheme, as amended by the Discharge of Condition Letter dated 2<sup>nd</sup> April 2015.
38. The area labelled dark green (C) on Plan 2015/0177/04/M1 attached to and forming part of this permission shall be restored in accordance with the details shown on drawing no. 2312/S73/2 dated Aug 2014.
39. Notwithstanding the details shown on Drawing no. 2303/ES/8 dated Nov 2014, by 21st November 2015, the areas labelled D (orange), E (blue), F (red) and G (grey) on Plan 2015/0177/04/M1 attached to and forming part of this permission shall be restored in accordance with the following details;
- Drawing no. 2275/AC/1A dated 18/11/2015 – Restoration and Aftercare Cadeby West;
  - Drawing no. 2275/AC/2A dated 18/11/2015 – Restoration and Aftercare Cadeby East;
  - Five Year Reclamation and Aftercare Scheme dated 18/04/16;
  - Extended Phase 1 Habitat Survey, Protected Species Survey and Delivery of Biodiversity Action Plan Benefits dated July 2015;
  - Table 1: Programme of Restoration;
  - Email from David Jarvis Associates dated 18/04/16;

as approved under Conditions 3 and 4 of planning permission 2015/0496/04 by the letter dated 29th July 2016.

Following completion of restoration, these parts of the site shall be maintained in accordance with the above approved aftercare programme for a period of five years.

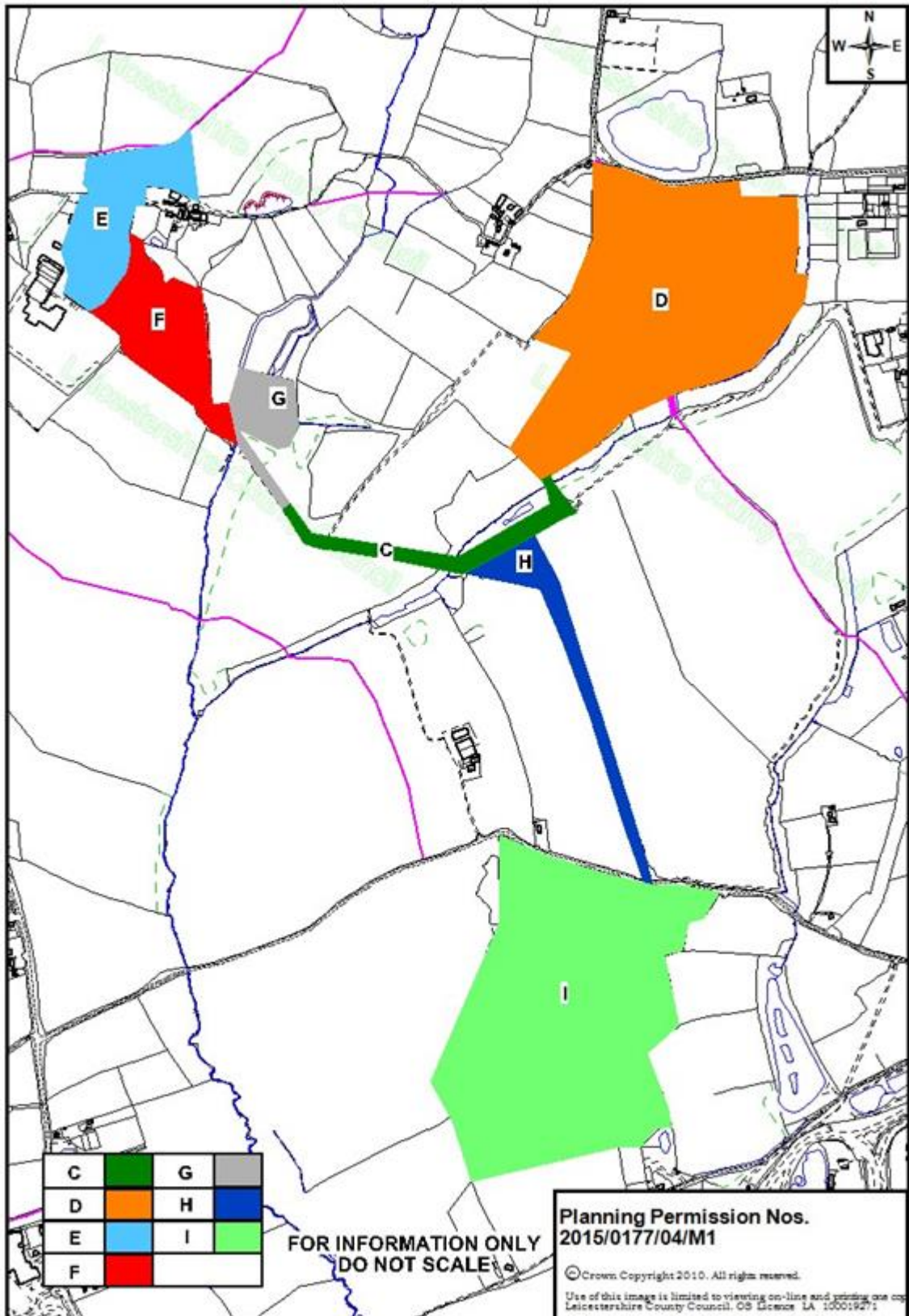
#### Topsoil Replacement

40. All available topsoil shall be re-spread evenly. The topsoil shall be ripped and cultivated and stones greater than 100mm in any dimension shall be removed from site or buried on site not less than 2 metres below final surface contours. Compaction in areas underlying topsoil storage areas shall be similarly ameliorated.

#### Premature Cessation

41. In the event of a cessation of winning and working of minerals prior to the

achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing to the Mineral Planning Authority for its approval, within 3 months of the cessation of winning and working. Following its approval in writing by the Mineral Planning Authority, the revised scheme shall be fully implemented within 1 year of the written approval.



**Reasons**

1. To provide for the restoration of the site within an agreed timescale in the interests of the amenities of the area.
2. To provide for the restoration of the site within an agreed timescale in the interests of the amenities of the area.
3. 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. For the avoidance of doubt.
6. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
7. There is an exceptional need here to secure control over additional plant, machinery and lighting, in the interests of the amenity of the area and bearing in mind the degree of discretion otherwise allowed by the GPDO.
8. To protect the amenities of local residents.
- 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18. In the interests of highway safety.
19. In the interests of highway safety and the amenity of the area.
20. To monitor soil resources and to aid the final restoration of the site.
21. To ensure that any damage to soil resources is minimised and to ensure the site is reclaimed to a condition capable of beneficial after-use.
22. To avoid damage to the soils caused by their movement when wet.
23. To monitor soil resources and to aid the final restoration of the site.
24. In the interests of the visual amenity of the area.
25. To maintain water levels in such water bodies and to safeguard the drinking water supply of such properties which are not connected to a mains water supply.
26. In the interests of local amenity.
27. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.
28. To protect the quality of the water environment.

- 29. To protect water quality and other groundwater uses within the area.
- 30 & 31. To protect the amenities of the locality from the effects of dust arising from the development.
- 32, 33, 34 & 35. To minimise the adverse impact of noise generated by the operations on the local community and environment.
- 36. In the interests of the archaeology of the site.
- 37, 38 & 39. To ensure satisfactory restoration of the site and in the interests of habitat creation and diversity and to ensure aftercare
- 40. To ensure that any damage to soil resources is minimised and to ensure the site is reclaimed to a condition capable of beneficial after-use.
- 41. To enable the Mineral Planning Authority to control the development and to ensure that the land is restored to a condition capable of beneficial after-use.

## **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.                                                                                                            |

This page is intentionally left blank