



DEVELOPMENT CONTROL AND REGULATORY BOARD

12TH MARCH 2020

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

- APP.NO. & DATE:** 2019/2291/07 (2019/VOCM/0241/LCC) – 22nd November 2019.
- PROPOSAL:** Variation of conditions 5 and 57 of Planning Permission No. 2007/1361/07. Variation of the approved restoration scheme to provide an improved layout of agricultural and nature conservation areas; to reflect the updated position in terms of public rights of way; to incorporate existing crossing points over drainage ditches at the application site; and to take account of the East Midlands Gateway development which extends into the application site and supersedes the approved restoration in those areas.
- LOCATION:** Lockington Quarry, Warren Lane, Lockington, DE74 2RG.
- APPLICANT:** Tarmac Aggregates Limited.
- MAIN ISSUES:** Impact of East Midlands Gateway scheme, public rights of way, restoration and after-use of site.
- RECOMMENDATION:** Permit subject to the conditions included in Appendix A.

Circulation under Sensitive Issues Procedures

Mr. T. J. Pendleton, CC

Officer to Contact

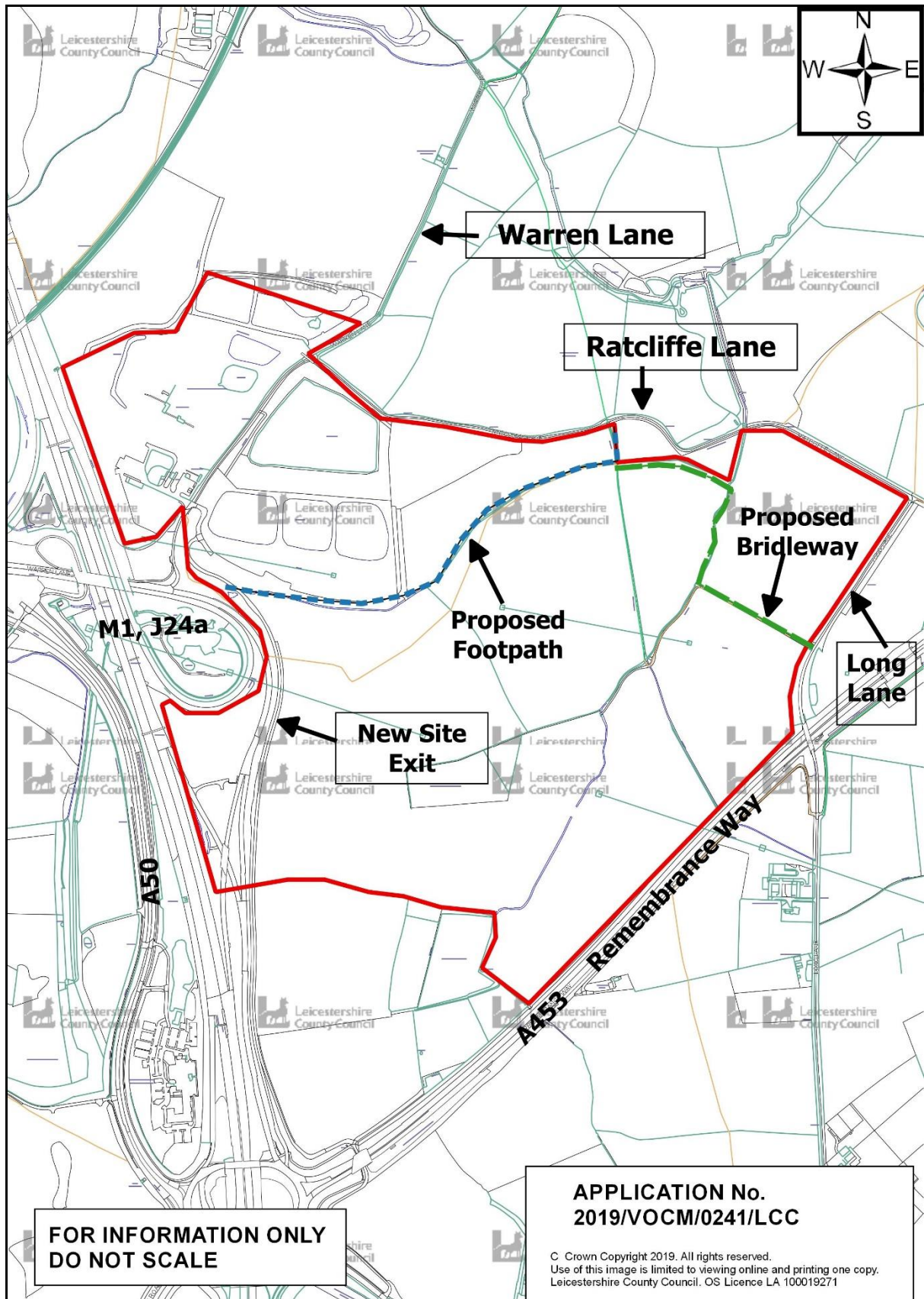
Mr. S.R. Marriott
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Location of Development

1. Lockington Quarry lies to the east of the M1 Motorway, and to the north by the A453 (T), which links the motorway with Nottingham. The original quarry and current plant site area lie to the west of Warren Lane. A southern extension to the original quarry forms the current working area, located to the east of Warren Lane, south of Ratcliffe Lane and west of Long Lane. The nearest residential properties are limited to a few isolated farmsteads and cottages, comprising Dowells Barn and Keepers Cottage, approximately 75m to the south beyond the A453, Long Lane Farm and Willow Farm, approximately 250m to the south east, and Ground Farm Cottage and Lockington Grounds Farm approximately 500m and 700m to the north respectively.

Description of Proposal

2. The current operations at Lockington Quarry within the extension area comprise the extraction of sand and gravel, and restoration to a combination of agriculture and nature conservation after-uses through the importation of inert restoration materials for infilling.
3. The approved restoration scheme identified under condition 5 of the planning permission (Ref: 2007/1361/07 – 2007/C075/07) was originally designed in November 2006, and although condition 57 of the planning permission requires submission of detailed phase by phase final landscaping and restoration schemes, the original restoration concept has not been subject to amendment since it was initially approved. The applicant has recently undertaken a review of the approved restoration scheme in conjunction with the landowner and in order to improve the layout of certain areas of the site. A small number of minor amendments to the restoration scheme are proposed which can be summarised as follows:
 - provision of a more linear boundary between the areas of Phases 6 and 7 restored to water-based nature conservation (Phase 7) and agriculture (Phase 6) to take account of diversion of Footpath L60 by the Highway Authority as part of works along the A453. This requires a reduction in water, grassland and tree planting;
 - provision of a more linear boundary between agricultural land and nature conservation habitat in Phases 8 and 9 to improve agricultural productivity; and,
 - in lieu of permanent reduction of the grassland, provision of a comparable area (approximately 2.4 ha) of lowland meadow to the south of the former lagoons in Phase 1 that would have been previously restored to agriculture. Hedgerow planting is also proposed along the eastern boundary of Phase 4.
4. These amendments would provide a more uniform and economical field parcel for agriculture in Phase 8/9 in lieu of a narrow, isolated strip in Phase 1, whilst at the same time maintaining the balance between agriculture and nature conservation.
5. It is also considered that lowland grass meadow to the south of the former silt lagoons would complement and be more appropriate in the context of nature conservation after-use within the vicinity of this area.
6. The restoration scheme is also proposed to be amended to take account of the East Midlands Gateway development which extends into the western section of Phases 2 and 3 and supersedes the approved restoration scheme in this area.



7. With regard to public rights of way, the restoration scheme has been amended to include the permanent diversion of Bridleway L60 which currently crosses between Phases 8 and 9, and on the basis that both the approved and proposed restoration scheme includes restoration to open water, permanent diversion of the bridleway will be required under the appropriate legislation.
8. Bridleway L60 becomes Footpath L60 to the south of Phase 8 and in order to provide continuity, the proposed restoration plan has been amended to take account of a previously approved Diversion Order associated with external works on the A453. It is proposed to upgrade the footpath section of L60 to a bridleway which has been incorporated into the restoration scheme.
9. In order to facilitate the above as well as access to agricultural area's post-restoration, seven existing crossing points over the drainage ditches will be retained and the locations of these are illustrated on the proposed restoration plan.
10. No other changes are proposed with regard to any other aspect of the permitted development and all environmental control measures will remain in place.

Planning History

11. Operations at Lockington Quarry were originally established as a result of planning permission 1997/0036/07 in December 1998. Planning permission 2000/0088/07 to locate the plant site (including recycling activities) to the east of the M1 on land adjacent to Warren Lane was approved in June 2000.
12. Planning permission 2007/1361/07 was granted in September 2008 for an eastern extension to Lockington Quarry, and this is presently the principal planning permission for the site, covering the current extraction and infilling operations. Planning permission 2012/0839/07 was granted in October 2012 for variations to the landfill site, and NMA's 2013/0764/07 & 2015/0936/07 varied the phasing boundaries and sequence, in September 2013 and October 2015. Planning permission 2015/0690/07 granted in August 2015 provided a limited extension to the operational hours for mineral processing.

Planning Policy

Development Plan

13. The development plan for the application site comprises the Leicestershire Minerals and Waste Local Plan (2019), and the North West Leicestershire Local Plan (2017). The principal policy considerations and objectives of relevance to the current application are set out below.
14. The Leicestershire Minerals and Waste Local Plan (2019):
 - Strategic Objective 9 – To ensure the timely and high-quality restoration of land;
 - Policy DM5 – Landscape impact;
 - Policy DM10 – Public Rights of Way;
 - Policy DM12 – Restoration, Aftercare and After-use.

National Policy & Guidance

15. The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. The NPPF advocates a presumption in favour of sustainable development and states at paragraph 11 that for decision-taking this means:
 - approving development proposals that accord with an up-to-date development plan without delay;
16. Section 17 of the NPPF covers "Facilitating the sustainable use of minerals" and paragraph 205 advises that, when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. It also provides a series of measures that Minerals Planning Authorities (MPAs) should take into account when determining applications and these include provision for the restoration and aftercare at the earliest opportunity to high environmental standards, through the application of appropriate conditions.
17. Section 8 of the NPPF covers promoting healthy and safe communities. Paragraph 98 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users by adding links to existing rights of way networks.
18. Section 15 of the NPPF covers conserving and enhancing the natural environment. Paragraph 170 advises that planning decisions should: contribute to and enhance the natural and local environment; recognise the benefits of the best and most versatile agricultural land, trees and woodland; minimise impacts on and provide net gains for biodiversity by establishing coherent ecological networks; and prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution.
19. The National Planning Policy for Waste published in October 2014 and the Waste Management Plan for England published December 2013 set out the Government's ambition to work towards a more sustainable and efficient use of waste and the desire to move the management of waste up the waste hierarchy.
20. Planning Policy Guidance (PPG) provides additional guidance to ensure the effective implementation of the national policy set out in the NPPF. In relation to mineral extraction, it identifies the principal issues to be addressed including the following relevant matters: landscape and visual impact, ecology, restoration and aftercare.
21. 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.

Consultations

22. **North West Leicestershire District Council, Planning** - no objections.
23. **Lockington cum Hemington Parish Council** - no reply received.

24. **Kegworth Parish Council** - no reply received.
25. **Highway Authority** – The extinguishment of the Public Footpath L60 and the creation of a bridleway is part of a Public Rights of Way legal order being processed currently. Considering this, there would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.
26. **LCC Landscape** – no comments.
27. **LCC Ecology** – no objection.

Publicity

28. The application was advertised by means of a press notice in the Derby Evening Telegraph and site notices dated 25/11/2019. No representations have been received.

Assessment of Proposals

29. The proposal to vary the approved restoration scheme and plan, comprises the following main elements: to regularise the field boundaries across the northern edge of phases eight and nine where the restored agricultural land will meet the proposed water bodies, using an equivalent area of land from phase one which will become nature conservation based restoration rather than agricultural, to offset the loss of conservation based restoration along the margins of phases eight and nine; a new hedgerow along the eastern edge of phase four (approximately 470m) instead of the approved hedgerow between phases three and four; changes to incorporate the footprint of the East Midlands Gateway development which impinges along the western edge of phases two and three (an area which was subject to agricultural restoration); measures to accommodate the permanent diversion of Bridleway L60 between phases eight and nine and the link with Footpath L60 to the south which has been subject to external works along the A453, and which will be upgraded to bridleway; and, the retention of the drainage ditch crossing points (seven in total) to facilitate access for the rights of way and to the agricultural areas post-restoration.
30. Operations at the site are well advanced with the remaining extraction concentrated within the final two phases (phases nine and ten), and infilling following within the preceding phases. The elements of the proposed revision to the restoration scheme highlighted above have resulted from a combination of third-party external works affecting the site, and the landowners' desire to improve the future management of the restored agricultural areas. The proposal does not intend any intensification of the site operations/uses or changes to the environmental control measures or provision of site aftercare that are currently in place.
31. The proposed revisions to the restoration scheme in respect of improving the agricultural areas have been designed such that the balance of restored agricultural land and nature conservation habitat is maintained in accordance with the approved restoration plan. As mentioned, this has been primarily achieved by the change in the land use of the southern area of phase one from agriculture to nature conservation habitat creation to compensate for the loss of similar habitat in the margins of phases eight and nine. The extension of the proposed nature conservation habitat in this location would provide an enhanced area for biodiversity complementary to the adjacent silt lagoon area.

32. The proposal to upgrade the length of Footpath L60 to public bridleway in the area of phases six and seven, and thereby provide a connection to existing Bridleway L60 is a recognised benefit and enhancement to the rights of way network.
33. The current proposal provides an opportunity to consolidate earlier changes to the main planning permission (2007/1361/07), resulting from s.73 applications and NMA's as detailed in the planning history, and deliver one set of planning conditions to control the site activities.

Conclusion

34. It is considered that the revised restoration proposals for the site maintain an acceptable balance for the overall site in terms of nature conservation habitat creation and agricultural land restoration, whilst enhancing the rights of way network for local and wider access. The proposals also accommodate the effects of external works, primarily from major road schemes at the site boundaries, in accordance with the aim of the approved restoration land uses.
35. It is considered that the proposed revisions to the restoration scheme for the site are acceptable and in accordance with the relevant policies of the development plan policies, particularly policies DM5, DM10 and DM12 as noted above. There have been no objections to the proposal.

Recommendation

- A. PERMIT subject to the conditions as set out in the Appendix.
- B. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), a summary of

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

In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework, which advises that planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, by seeking to approve applications for sustainable development where possible.

Officer to Contact

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CONDITIONSGeneral

1. This permission relates to the extraction of sand and gravel, the subsequent restoration of the land with imported material and the retention of the existing plant site, all within the area shown edged red on Drawing No. SS Figure 2 submitted with planning application ref. 2007/1361/07.

Duration

2. This permission shall be limited to a period of 15 years from the date of the commencement of site preparation works, expiring on 23rd November 2025 by which time mineral extraction and tipping operations shall have ceased and the site restored in accordance with the other conditions attached to this permission (but excluding aftercare).

Working and Phasing Details

3. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with:
 - i. Application No. 2007/1361/07 dated 10th August 2007 and the accompanying Environmental Statement and drawings, and the additional document 'Response to Consultees' dated 30th May 2008;
 - ii Application No. 2012/0839/07 (dated 23rd October 2012) and the accompanying details and plans;
 - iii. Application No. 2015/0690/07 (dated 26 August 2015) and the accompanying assessment and statement;
 - iv. Non-Material Amendment application 2015/0936/07 (dated 5th October 2015) and the accompanying details and plans; and,
 - v. Application No. 2019/2291/07 and the accompanying statement and plans.
4. There shall be no extraction of sand and gravel from outside of the land identified as 'limits of extraction' shown on Drawing No. ES Figure 3 dated November 2006 contained within the Environment Statement dated 27th July 2007.
5. The land west of the Warren Lane (hereinafter referred to as the 'existing Plant Site') shall only be used for gaining access to and from the site, for the processing of sand and gravel and ancillary operations, for freshwater and silt settling lagoons to serve the sand and gravel processing plant, for the manufacture of ready mixed concrete, and for the loading of vehicles and transportation of material.
6. Mineral extraction operations shall be carried out sequentially as shown on Drawing No. L321/00009A dated September 2015 pursuant to Non-Material Amendment application 2015/0936/07 and approved on 5th October 2015.
7. Notwithstanding condition nos. 4 and 5 mineral extraction may be carried out within the existing Plant Site once a detailed scheme of working and restoration has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include proposals for the removal of all plant, buildings, structures, machinery,

roads and hardstandings, and stored materials, the restoration of the ground surface to a condition suitable for an agreed after-use, and the seeding, planting and landscaping of the site in a manner appropriate to the after-use to which the site is to be put. Mineral extraction and restoration operations within the existing Plant Site shall be carried out in accordance with the approved scheme.

8. No stockpiling or storage of sand and gravel shall take place within the mineral extraction area referred to in condition no.4.
9. No mineral shall be brought onto the site for processing purposes except that:
 - cement and necessary raw materials not available from within the site may be brought onto the existing Plant Site for the purposes of manufacturing ready mixed concrete at the concrete batching plant; and,
 - aggregates may be imported for the purpose of producing bagged aggregate at the aggregate bagging plant pursuant to planning permission 2007/0357/07.

Restriction of Permitted Development Rights

10. Notwithstanding the provisions of part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order), 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.

Hours of Operation & Noise Controls for Extended Working

11. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority):
 - i. no operations (other than water pumping, servicing, maintenance and testing of plant) shall be carried out at the site except between the following times:
0700 hours and 2400 hours Monday to Friday; and
0700 hours and 1300 hours Saturday;
 - ii. servicing, maintenance and testing of plant shall only be carried out within the existing Plant Site between the hours of 0700 and 1900 Monday to Friday and 0700 and 1700 on Saturday;
 - iii. no operations associated with the formation and subsequent removal of material from soil storage areas shall be carried out within 200 metres of any occupied residential property except between 0900 hours and 1700 hours Monday to Friday;
 - iv. no operations (other than water pumping) shall be carried out at the site on Sundays or public or bank holidays.
12. Notwithstanding the permitted hours specified in condition no.11, operations carried out between 1900 hours and 2400 hours on Mondays to Fridays shall be restricted to no more than one 3-month period in any calendar year. The Mineral Planning Authority shall be notified of the commencement of operations within these hours in any given year within seven days from the date of such commencement. A record of the operational dates 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.

13. Measures shall be taken within the site as set out in paragraph 6.2.1 of the Noise Assessment (Ref. R15.8084/1/JG dated 14th May 2015) accompanying planning application 2015/0690/07 to ensure that the best practicable means are used to control the emission of noise from the site between 1900 hours and 2400 hours on Mondays to Fridays and to ensure so far as is reasonably practicable that noise from the operations carried out within the site is minimised.
14. Noise levels from operations within the site between the hours of 1900 and 2200 shall not exceed 53dB LAeq (1 hour), freefield at Willow farm and 55dB LAeq (1 hour), freefield any other noise sensitive property. Noise levels from operations within the site between the hours of 2200 and 2400 shall not exceed 42dB LAeq (1 hour), freefield at any noise sensitive property.
15. Noise levels arising from operations carried out between 1900 and 2400 hours shall be measured at least once every year at the locations identified on Figure 1 in the Noise Assessment (Ref. R15.8084/1/JG dated 14th May 2015) accompanying planning application 2015/0690/07. The survey shall report the LAeq (1 hour) and LA90 (1 hour) noise level, the weather conditions during the survey and annotated comments on the audible sources of noise and plant operating conditions. The measurements shall be taken for a minimum period of 3 hours. Results shall be forwarded to the Mineral Planning Authority within 10 days of their being taken. The monitoring arrangements shall be kept under regular review and may be varied or amended by agreement with the Mineral Planning Authority.
16. In the event that noise monitoring indicates that the levels set out in condition no. 14 are being exceeded, the operations generating that noise shall cease as soon as the monitoring identifies the breach. The Mineral Planning Authority shall be notified immediately, and appropriate remedial measures agreed and undertaken as soon as reasonably practicable.
17. In the event of any complaint being received about operations being carried out within the site between 1900 hours and 2400 hours on Mondays to Fridays, the Mineral Planning Authority shall be informed within 24 hours. If, in the opinion of the Mineral Planning Authority, it is considered that the complaint warrants further investigation, a report shall be submitted to the Mineral Planning Authority prior to further operations taking place during those hours. Where necessary, a scheme of mitigating measures shall be submitted to and approved by the Mineral Planning Authority and subsequently implemented. The scheme of measures shall seek to mitigate the effects of the operation that gave rise to the original complaint.
18. Notwithstanding the permitted hours specified in condition no.11:
 - the concrete batching plant may operate at any time to serve specific contracts which require material to be removed off-site during the night-time, at weekends or on public or bank holidays; and,
 - vehicle loading and dispatch operations within the existing Plant Site may take place at any time, outside the permitted hours specified in condition no.11 provided that no more than 250 tonnes of sand and gravel is supplied from the site for any day during such hours. Records of the amount of material exported from the site during these hours shall be maintained and made available to the Mineral Planning Authority upon request.

19. In the event of any complaint being received about the vehicle loading and dispatch operations or the operation of the concrete batching plant and its associated traffic movements outside of the permitted hours specified in condition no.11 the Company shall inform the Mineral Planning Authority within 24 hours. If, in the opinion of the Mineral Planning Authority it is considered that the complaint warrants further investigation, a report shall be submitted to the Mineral Planning Authority prior to further operations taking place. Where necessary, a scheme of mitigating measures shall be submitted to and approved by the Mineral Planning Authority and subsequently implemented. The scheme of measures shall seek to mitigate the effects of the operation that gave rise to the original complaint.

Access/Highways

20. There shall be no vehicular access to or from the site for any purpose in connection with the development hereby permitted except by means of the existing access onto Warren Lane.
21. The revised landfill access and internal routing shall be carried out as shown on Drawing Nos. 2169/S73LA/2 dated September 2012 and RD1037/3ATR dated August 2012 pursuant to planning application 2012/0839/07 approved on 23rd October 2012. There shall be no vehicular access to or from the site by vehicles carrying inert fill material in connection with the development at Lockington Quarry except by means of the access arrangements specified above.
22. Sand and gravel and mineral products shall only be transported from the site onto the public highway by means of the existing access to the existing plant site from Warren Lane. All heavy goods vehicles using this access shall enter the site by turning left from Warren Lane, and all such vehicles leaving the site shall turn right onto Warren Lane. No vehicles associated with the development hereby permitted shall use that stretch of Warren Lane to the north of the site entrance.
23. Wheel cleaning facilities within the existing Plant Site shall be used as may be necessary to ensure that no mud or other detritus is carried onto the highway. 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 until completion of site restoration and aftercare.
24. No public roads shall be used for the transportation of sand and gravel or imported waste between the mineral extraction area and existing plant site with the exception of the crossing points on Warren Lane; or for the transportation of overburden or soils between any phases of the mineral extraction area.
25. The mineral crossing point on Warren Lane shall be in accordance with the details of the proposed mineral conveyor bridge as shown on Plan No. 1491/SD/1A and 2365/L1A and as approved by the Mineral Planning Authority on 16th March 2011.
26. The use of the Warren Lane crossings shall cease as soon as mineral extraction and the importation of waste has ceased. Within 3 months of the road crossings being permanently closed, the crossings shall be reinstated to the satisfaction of the Mineral Planning Authority.

27. The treatment of the boundary between the application site and land owned by the Highways Agency shall be in accordance with the details shown on Plan No. 1491/CS/1A (sheets 1 & 2) as approved by the Mineral Planning Authority on 7th January 2011.

Dust

28. All operations shall be carried out in a manner which minimises the emission of dust from the site. In order to minimise any dust created by site activities, the following steps shall be taken as appropriate:
- all haul roads within the site to be watered as necessary to control dust from internal traffic movements.
 - water bowser to be available for use on site at all times.
 - meteorological conditions to be monitored.
 - volume of water applied to road surface to be monitored and adjusted according to weather conditions.
 - any dry, exposed material to be watered as necessary in dry and windy conditions.
 - haul roads to be compacted, graded and maintained.
29. If, in the opinion of the Mineral Planning Authority, any operations on site give rise 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

30. Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of noise from the site and to ensure so far as is reasonably practicable that noise from the operations carried out within the site is minimised. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected should be taken out of service. All audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery, whilst affording the required safety protection, shall be designed and operated so as to minimise disturbance to nearby residents.
31. Except for operations defined in condition no.32, noise levels from operations within the site shall not exceed 55dB LAeq (1 hour), freefield at any noise sensitive property.
32. Noise levels arising from soil stripping, overburden removal, and construction and removal of soil mounds, and restoration activities shall be minimised as far as is reasonably practicable and should not exceed 70dB LAeq (1 hour), freefield at any noise sensitive property. Such noisier activities should not affect any individual noise sensitive property for more than 8 weeks in any year. Advance notice of the commencement of such noisier activities shall be given to the Mineral Planning Authority.

33. Any pumps which must be operated outside the hours of operation specified in Condition No.11 shall be operated and sited so as to minimise impact on residents from noise.
34. Noise monitoring of site operations shall be undertaken in accordance with the noise monitoring scheme approved by the Mineral Planning Authority on 4th October 2010, as amended by the further approval on 16th March 2015 in respect of the frequency of monitoring. All noise monitoring records and results shall be provided to the Mineral Planning Authority in accordance with the approved scheme. The monitoring scheme shall be kept under regular review and may be varied or amended by agreement with the Mineral Planning Authority.
35. In the event that noise monitoring indicates that the levels set out in condition nos. 31 and 32 are being exceeded, the operations generating that noise shall cease as soon as the monitoring identifies the breach. The Mineral Planning Authority shall be notified immediately, and appropriate remedial measures agreed and undertaken as soon as reasonably practicable.

Water Protection and Pollution

36. The control, management and monitoring measures to protect Lockington Marshes SSSI shall be in accordance with the details approved by the Mineral Planning Authority on 25th October 2010 as amended by the further approval in respect of the water monitoring arrangements dated 26th March 2015. The measures shall be implemented in accordance with the approved details.
37. The location of all topsoil, overburden and material stockpiles shall be in accordance with the details approved by the Mineral Planning Authority on 11th November 2010, 27th July 2012, 28th November 2013, 23rd May 2014, 26th March 2015, 15th July 2016, 20th April 2017, 28th June 2017, 20th February 2018 and 15th November 2019. Soils, overburden and other material shall only be stored in approved locations.
38. There shall be no interruption to the surface water drainage system of the surrounding land as a result of the operations on site. Provision shall be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. In particular, the development hereby permitted must not interfere with the efficient conveyance of flood flows through the flood span underneath the A453.
39. Nothing other than inert waste materials shall be tipped on the site.

Archaeology

40. The implementation of a programme of archaeological work in accordance with a written scheme of investigation shall be undertaken in accordance with the details approved by the Mineral Planning Authority on 12th November 2010, 28th November 2013, 24th July 2014, 6th November 2014, 1st June 2015, 5th May 2016, 21st April 2017 and 2nd July 2018. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.

Ecology

41. All operations within any part of the extension area shall be undertaken in accordance with the Habitat Management Plan approved by the Mineral Planning Authority on 1st November 2012.
42. All operations within any part of the extension area shall be undertaken in accordance with the Woodland Management Plan approved by the Mineral Planning Authority on 1st November 2012. All existing woodland, trees, shrubs and hedges that are to be retained shall be maintained and managed throughout the duration of the operations hereby permitted in accordance with the Woodland Management Plan.
43. Prior to the felling of any trees, 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.
44. The protection of veteran trees shall be in accordance with the details approved by the Mineral Planning Authority on 4th October 2010, 27th July 2012, 23rd May 2014, 11th August 2015, 18th May 2016, 29th August 2017 and 22nd October 2019. All veteran trees shall be retained, maintained and managed throughout the duration of the operations hereby permitted in accordance with the Woodland Management Plan approved pursuant to condition no. 42.
45. The botanical interests of the land shall be managed in accordance with the details approved by the Mineral Planning Authority on 4th October 2010, 27th July 2012, 3rd October 2014, 11th August 2015, 18th May 2016, 29th August 2017, and 22nd October 2019. Mitigation and compensation measures shall be implemented in accordance with the details as approved.
46. The badger interests within the site shall be managed in accordance with the details approved by the Mineral Planning Authority on 27th July 2012 and 23rd May 2014. Mitigation and compensation measures shall be implemented in accordance with the details as approved.
47. The water vole and otter interests within the site shall be managed in accordance with the details approved by the Mineral Planning Authority on 4th October 2010, 27th July 2012, 23rd May 2014, 11th August 2015, 18th May 2016, 29th August 2017 and 22nd October 2019. Mitigation and compensation measures shall be implemented in accordance with the details as approved.

Scheme of preliminary planting and screening

48. Landscaping and screening of the site shall be maintained in accordance with the details approved by the Mineral Planning Authority on 20th July 2012.

Site Maintenance

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

Soils

50. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with the details contained in paragraphs 4.2.4-16 of the Environmental Statement accompanying planning application 2007/1361/07, except as modified by this schedule of conditions.
51. Soil stripping movements shall be in accordance with the details approved by the Mineral Planning Authority on 11th November 2010, 27th July 2012, 28th November 2013, 23rd May 2014, 26th March 2015, 15th July 2016, 20th April 2017, 28th June 2017, 20th February 2018 and 15th November 2019. Soil movements shall be carried out in accordance with the approved details.
52. In each calendar year, soil stripping shall not commence on any phase until any standing crop and excess vegetation has been cut and removed. Advance written notice shall be given to the Mineral Planning Authority not less than three days and no more than 7 days before the commencement of soil stripping operations on any phase of the development hereby permitted.
53. Soil making material shall be recovered wherever practicable during the soil and overburden stripping operations for utilization in the restoration of the site. Any imported soils or soil making materials to be used for restoration purposes shall be:
 - i. separately stored in locations agreed with the Mineral Planning Authority;
 - ii. identified to, and agreed as suitable with, the Mineral Planning Authority prior to placement; and,
 - iii. free of objects (greater than 15 cm in any dimension) likely to cause an obstruction to cultivation.
54. No part of the site shall be excavated or traversed by heavy vehicles or machinery (except as necessary to strip that part of topsoil or subsoil) or used for a road or for the stationing of plant or buildings, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil has been stripped from that part except that topsoils may be stored on like or similar topsoils and subsoils may be stored on like or similar subsoils.
55. Topsoil and subsoils, including if necessary lower horizons selected as suitable for soil making, shall be separately stripped to their full depth and, wherever possible, be immediately respread in their correct sequence. If immediate respreading is not practicable, the topsoil and subsoils shall be stored separately for subsequent replacement. Where there are continuous mounds, dissimilar soils shall be separated by a third material as agreed with the Mineral Planning Authority.
56. All topsoil, subsoil, imported soils and soil making materials shall be separately stored in mounds which shall:
 - i. be located in positions specified on Drawing Nos. ES Figure 4 -14 contained within the Environmental Statement dated 27th July 2007;
 - ii. not exceed 3 metres in height, for topsoil storage mounds, and 5 metres in height, for subsoil storage mounds;
 - iii. be constructed, with only the minimum amount of compaction necessary to ensure stability and so shaped as to avoid collection of water in surface undulations;

- iv. not be traversed by heavy vehicles or machinery, except where essential for purposes of mound construction or removal, or maintenance;
- v. not be subsequently disturbed until required for restoration.

Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil mounds and subsoil from beneath any mounds of overburden.

57. Overburden shall be replaced and levelled within the areas to be restored to agriculture so that:
- i. after replacement of topsoil and subsoil and after settlement, the contours conform with the levels shown on Drawing No. ES 15 contained within the Environmental Statement dated 27th July 2007;
 - ii. the land is free from ponding and capable of receiving an effective artificial under-drainage system;
 - iii. gradients do not exceed 7 degrees.
58. Stones, materials and objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the site or buried at a depth of not less than two metres below the final pre-settlement contours.
59. Within the areas to be restored to agriculture, the respread topsoil shall be rendered suitable for agricultural cultivation by providing loosening equivalent to a single pass at a tine spacing of 500mm or closer over full depth of the topsoil plus 100mm. Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than two metres below the final settled contours.
60. Any area of the site which is affected by surface ponding or by local settlement caused by the approved operations shall be regraded to resolve the problem. In any part of the site where differential settlement occurs during the restoration and aftercare period, the depression shall be filled to the final settlement contours specified with suitable soils, to a specification to be agreed with the Mineral Planning Authority. Topsoil, subsoils and soil forming material moved in the course of regrading shall not be mixed and shall be handled and replaced in accordance with the above conditions.

Temporary Restoration

61. Within 6 months of being notified by the Mineral Planning Authority that there has been a permanent cessation of mineral extraction and waste disposal at the site prior to the achievement of final site restoration, a reclamation scheme (to include details of aftercare) shall be submitted in writing for approval to the Mineral Planning Authority. (Permanent cessation will be taken to mean where no winning and working of minerals or depositing of waste has occurred, to any substantial extent, at the site for a period of at least 2 years and it appears to the Mineral Planning Authority that resumption of the winning and working of mineral or the depositing of waste at the site is unlikely.) The approved scheme shall be fully implemented within 12 months of the written approval.

Final Landscaping/Restoration

62. The final landscaping and restoration of the site shall be in accordance with the details approved by the Mineral Planning Authority on 22nd January 2013, 1st October 2014, 14th May 2015, 16th January 2017, 19th December 2017 and 2nd May 2018 in

respect of phases one to eight, as amended by the details shown on Drawing No. L321-00070 dated 20th November 2019. The detailed scheme for phases nine and ten and revised details for phases one and eight shall be submitted to the Mineral Planning Authority for approval by 31st May 2020 and be in accordance with the above drawing.

63. Planting in accordance with the approved scheme shall be carried out, as far as reasonably practicable, within the first available planting season following the restoration of any substantial part of the site. All trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained for a period of five years following planting and such maintenance shall include the replacement of any trees or shrubs that may die or be seriously damaged or become seriously diseased.
64. All buildings, plant, structures, machinery, hardstandings, and roads shall be removed from the existing Plant Site within 12 months of the completion of mineral extraction.

Aftercare

65. Following the restoration of any part of site, the restored land shall be treated and managed over a period of at least 5 years in accordance with the aftercare scheme approved by the Mineral Planning Authority on 30th June 2015 and 22nd October 2019 (in respect of the conservation areas).
66. Before 31st May of every year during the aftercare period and every subsequent anniversary, the Mineral Planning Authority, owners and occupiers shall be provided with a detailed aftercare programme for approval, which includes:
- i. proposals for managing the land in accordance with the rules of good husbandry including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming twelve months;
 - ii. a record of aftercare operations carried out on the land during the previous twelve months.
67. A site meeting shall be arranged before 30th June of every year during the aftercare period to discuss and agree the proposals and record prepared in accordance with the previous condition. This meeting shall be attended by the person(s) responsible for undertaking the aftercare steps.

Annual Monitoring

68. Within one month of each anniversary of the date of this permission, a report shall be submitted to the Mineral Planning Authority including:
- i. operations carried out on the land during the previous 12 months in respect of soil stripping and storage, mineral extraction, waste disposal and restoration;
 - ii. a topographical survey carried out within the two months preceding the date of each anniversary of this permission consisting of a plan drawn to a scale of not less than 1:5000, which identifies all surface features within the site and levels relating to ordnance datum over all the land where operations have taken place;

- iii. a plan showing the area stripped of topsoil and subsoil, the location of each soil and overburden storage mound and the quantity and nature of material therein;
- iv. measures taken in respect of landscaping, restoration and habitat protection/creation/establishment; and,
- v. intended operations for the next 12 months, including the anticipated programme of soil stripping/replacement.

REASONS

- 1,3-9, For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details, and in a satisfactory manner in the interests of the amenities of the area.
- 2 To provide for the completion and progressive restoration of the site within a specified timescale in the interest of the amenities of the area.
- 10-12, To provide satisfactory control over the development and protect the
18,19 amenities of the area.
- 13-17 To control the noise emissions from the site having regard to the amenities of the area and the operational needs of the development.
- 20-26 In the interests of highway safety and the amenities of the area, and to safeguard the integrity of Warren Lane.
- 27 To ensure that the M1 Motorway and A50 & A453 trunk roads continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising the impact of the development on the trunk roads.
- 28,29 To protect the amenities of the locality from the effects of dust arising from the development.
- 30-35 To minimise the adverse impact of noise from site operations.
- 36 To protect Lockington Marshes SSSI.
- 37,39 To prevent pollution to the water environment.
- 38 To protect existing land drainage systems and the effectiveness of the floodplain of the River Soar.
- 40 To ensure satisfactory archaeological investigation and recording.
- 41-47 To minimise the effects on nature conservation interests, including protected species, woodland, veteran trees, hedgerows and to protect the visual amenity of the area.
- 48,49 To protect visual amenity and provide for management of the site boundary features.

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- 50-60 To protect the soil resources of the site in the interests of final restoration and proposed after-uses at the site.
- 61 To ensure reclamation of the site in the event of cessation of mineral working.
- 62-64 To ensure the satisfactory final landscaping and restoration of the site.
- 65-67 To ensure the satisfactory aftercare of the site to support the proposed after-uses.
- 68 To enable the Mineral Planning Authority to monitor the aftercare of the site.

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