



DEVELOPMENT CONTROL AND REGULATORY BOARD

13th August 2020

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2019/1891/03 (2019/CM/0267/LCC) – 13 th November 2019
PROPOSAL:	Extension of sand and gravel working with restoration to agriculture
LOCATION:	Land south-east of the A426, Shawell Quarry (Harborough District)
APPLICANT:	Tarmac Trading Ltd
MAIN ISSUES:	Landscape impact, ecological and public right of way enhancements, restoration and aftercare.
RECOMMENDATION:	PERMIT subject to conditions as set out in the Appendix to the main report and the provision of a legal agreement to modify planning obligations currently affecting the application land, provided the results of archaeological trial trenching are first submitted.

Circulation Under Local Issues Alert Procedure

Mr. B. L. Pain, CC

Officer to Contact

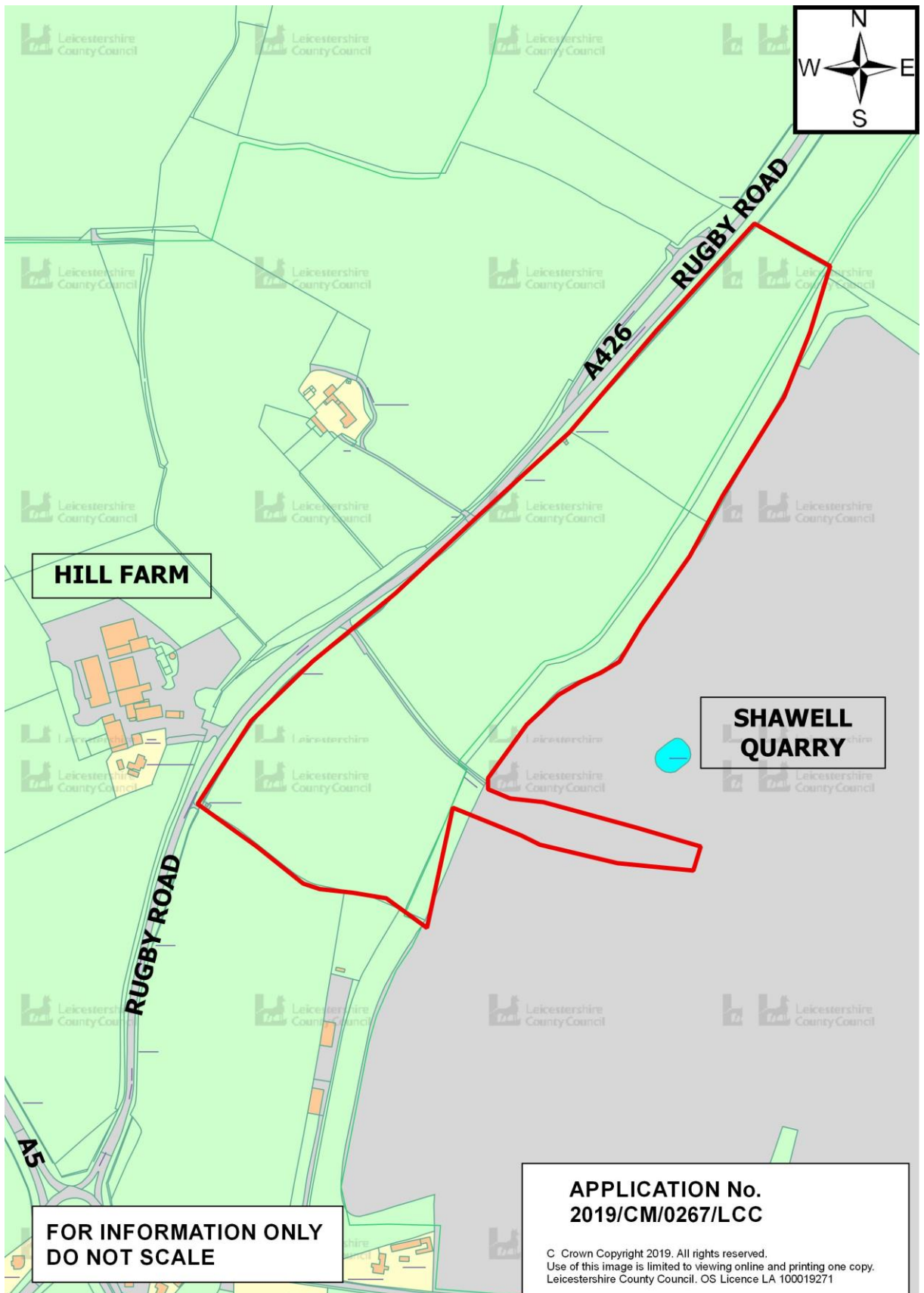
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PART B – MAIN REPORT

Site Location

1. Shawell Quarry is located to the west of the village of Shawell and south of the village of Cotesbach, near Lutterworth. Gibbet Lane, a narrow road linking Shawell with the A5/A426 junction, bisects the quarry and associated operations. Mineral extraction, landfilling and a currently inactive composting facility (although this is the subject of a separate change of use application) are located to the north of Gibbet Lane. Further mineral extraction, the associated mineral processing plant, several silt settlement lagoons, a roof tile works, and the site of a disused concrete block works are located to the south of Gibbet Lane. Mineral is transported from the current extraction area south of Gibbet Lane (permitted under 2018/1457/03) to the processing plant by means of a conveyor which crosses under Gibbet Lane. An inert waste recovery and recycling facility is also currently situated south of Gibbet Lane.
2. The proposed extension site covers approximately 12.4ha of agricultural land immediately south-east of the A426 Rugby Road and west of Shawell Quarry. The site is approximately 300m north-east of the Leicestershire/Warwickshire county border. Extraction operations are proposed over 8.2ha of this area. The site comprises three rectilinear fields separated by hedgerows. The site gently slopes from c.128 metres above Ordnance Datum (maOD) along its eastern boundary to c.120maOD along its western boundary. The land, which is under arable cultivation, is bound to the west by the A426 and to the east by Shawell Quarry. The application site and consented quarry are separated by a linear tree belt along the entire length of the eastern boundary. Bridleway X27 runs along the eastern boundary, and an underground gas pipeline is situated to the west of the application site beyond the proposed limits of extraction.
3. The closest properties to the site are Hill Farm, approximately 100 metres to the west, and Town End Farm, approximately 265 metres to the north. A property known as Greenacres, on the southern side of Gibbet Lane near the A5/A426 roundabout, is located about 375 metres south of the site.
4. There are no statutory ecological designations within the application site. Cave's Inn Pit, a Site of Special Scientific Interest (SSSI) is located approximately 1.8km south-east of the site. The closest non-statutory Local Wildlife Sites (LWS) are Green Lane Spinney Hedgerows LWS (ref. 25851), which are species-rich hedgerows with a pond located approximately 400m south-east of the site. Further south east are Shawell Pit Pasture Crack Willow 1 LWS (ref. 60966) and Shawell Pit Pasture Crack Willow 2 LWS (ref 60967), which are two mature willow trees located 1.1 and 1.2km south-east of the application site.
5. The application site falls into Flood Risk Zone (FRZ) 1, the lowest designated zone of fluvial flooding.

6. There are no Listed Buildings, Scheduled Monuments or Registered Parks and Gardens within or in close proximity to the application site. Within a 2km radius, there are two Scheduled Monuments: The Station at Tripontium (1005759), which is located 1.7km south-west of the site, and the Motte castle and associated earthwork SSW of All Saints Church in Shawell (1017549) which is located 1.9km south-east. The nearest Listed Building is Orchard Farm in Cotesbach, on the other side of the A426 approximately 700m away. Shawell Conservation Area is approximately 1.2km south east.



Planning History

7. Shawell Quarry has been in operation since the 1960s. The first planning permission for sand and gravel extraction dates back to January 1958. Since then, numerous planning permissions have been granted for mineral

extraction, the erection of plant, landfilling of waste and other operational works.

8. In 2004, the quarry and associated operations were the subject of a periodic review of planning conditions under the Environment Act 1995 (ref. 2004/1605/03). An updated schedule of planning conditions for Shawell Quarry was approved by the Development Control and Regulatory Board in April 2005.
9. Planning permission was granted in September 2007 (ref. 2006/1565/03) for the extraction of sand and gravel from an area to the west of the previously permitted quarry/landfill. It also included an extension of the landfill operation into the western extension.
10. In 2015, a further planning permission (ref: 2015/0295/03) was granted for a northerly extension to sand and gravel workings into an area known as Fields Farm.
11. In January 2017, an application (2017/0117/03) for the extraction of sand and gravel over 52 hectares (ha) of land to the west of the existing site was submitted to Leicestershire and Warwickshire County Councils, with Warwickshire being the lead authority. This application remains undetermined pending further assessment work relating to land within Warwickshire.
12. Due to the uncertain timescales, another application was submitted (2018/1457/03) with a reduced site area restricted to the area of land east of the A5 (i.e. within Leicestershire only), as the outstanding issues relates to the land west of the A5 under Warwickshire's jurisdiction. Planning permission was granted on 17th December 2019.
13. Currently, all of the elements controlled and operated by the applicant south of Gibbet Lane have temporary planning permission with a requirement for this land to be restored. The presence of the processing plant (including an inert recycling operation) and silt lagoons area is controlled by planning permission 2006/1565/03, which granted the large extension to the sand and gravel and landfill operations north of Gibbet Lane. A scheme for the clearance of the processing plant site and silt lagoons and their subsequent restoration was approved 30 August 2018.
14. The mineral from this proposal would need to be transported to and processed at the existing Quarry Processing Plant, which is located to the south-east of the proposal. The Quarry Processing Plant is permitted until 31st December 2021 under the 2005 ROMP (application ref. 2004/1605/03).
15. In addition, other operations take place within the plant area. Planning permission was granted in 2000 for an inert recycling operation (reference 99/0476/03). This is located within the processing plant area and the previous planning permission on the site (2018/1457/03) allowed this use to be superseded for the stockpiling of extracted mineral and thus the recycling operation would become redundant; restoration of the land can be undertaken alongside the wider plant area.

Description of Proposal

Overview

16. Planning permission is sought to extend the mineral extraction area of Shawell Quarry into land east of the A426 Rugby Road. The proposed development provides for the extraction of approximately 431,000 tonnes of sand and gravel. The extraction of mineral and restoration of the site would take place within a two-year period following the completion of mineral extraction within the extant quarry south of Gibbet Lane. The restoration scheme provides for low level restoration to agriculture using material derived from permitted quarry operations. Approximately 158,715m³ of material will be required to restore the land. The restoration will require a slight re-contouring of the site, albeit the land will be returned largely to pre-extraction levels.

Development Phases / Methods of working

17. The extraction is proposed to be worked over three phases, as set out below.

Phase 1 Initial Operations

18. Prior to the commencement of extraction operations, access into the extension site would be engineered from the adjacent quarry workings to the east. The ramped access would be formed from within the existing quarry and achieved through a cut and fill operation. Bridleway X27 would be temporarily diverted at this stage around the perimeter of the extraction boundary.
19. Initial extraction operations would involve the stripping of Phase 1 soils and overburden. Approximately 7,500m³ of topsoil would be stripped and stored in perimeter bunds to the south, east and west of the phase. Subsoils and overburden from the phase would be transported into the permitted quarry void for temporary storage.
20. Mineral extracted from the site would be transported to an existing feed hopper, located 600m east within the adjacent wider quarry area, (which falls under permission 2006/1565/03) via dump truck. From this point, the material will be fed onto the consented field conveyor system for onward transport for processing within the established plant site, located to the south-east of the extraction site.
21. Phase 1 extraction is expected to yield approximately 146,400 tonnes of sand and gravel. Worked at current rates of extraction (c.600,000tpa), it is anticipated that the phase would be exhausted of mineral within 3 months of the commencement of extraction operations.

Phase 2 Initial Operations

22. As mineral extraction continues within Phase 1, soils and overburden would be stripped and stored in readiness for progression into Phase 2.

23. In continuity with Phase 1 operations, approximately 5,900m³ of topsoil would be stored in 3m high perimeter bunds. A subsoil store would be created to the north of Phase 3. Overburden material derived from Phase 2 would be directly placed for use in restoring Phase 1.
24. Mineral extraction in Phase 2 is expected to yield approximately 143,000 tonnes of sand and gravel and would be worked over a period of 3 months.

Phase 3 Extraction in Progress

25. As operations enter the final stage of working, restoration of Phase 1 would continue through the placement of stored overburden, including that located within the existing quarry, subsoils and topsoil. Overburden from stripping operation in the preparation of Phase 3 would also be transported and placed within the Phase 1 void as mineral extraction progresses northwards.
26. Approximately 14,000m³ of overburden and subsoil material would be stripped from Phase 3 and placed in the store to the north.
27. Phase 3 operations are expected to yield approximately 141,700 tonnes and would be worked over a period of 3 months.

Final Restoration

28. Site restoration would be achieved through a combination of stored overburden and soils, together with approximately 158,715m³ of indigenous material transported into the site from consented quarry operations.
29. The extension site would be restored to approximate pre-extraction levels and returned to an agricultural use. The access configuration from the existing quarry would be removed and the tree screen reinstated. All hedgerows removed at the commencement of operations would be re-established and used to form internal field boundaries. The alignment of Bridleway X27 would be returned to its pre-extraction route.
30. Restoration of the site is expected to be achieved within 12 months of the cessation of mineral extraction.

Hours of Operation

31. The proposed hours of working are 07:00-19:00 hours Monday to Friday and 07:00-14:00 hours Saturday. There would be no working on Sunday or Public/Bank Holidays. These are the same hours of work as the adjacent existing quarry operation.

Planning Policy

32. The Development Plan's relevant local planning policies are contained within the Leicestershire Minerals and Waste Plan (adopted September 2019), and

the Harborough Local Plan 2011-2031 (adopted April 2019). The relevant policies and proposals are set out below.

Leicestershire Minerals and Waste Local Plan (2019):

- *Policy M1: Supply of Sand and Gravel Aggregate* which seeks to make provision for the extraction of 19 million tonnes of sand and gravel up to 2031.
- *Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites*, which sets out the mineral sites and the land that will be allocated to help meet the supply of sand and gravel. The land to which this proposal relates is identified as land to be allocated for sand and gravel extraction and Box SA4 alongside Inset Map SA4 (which shows the land allocated at Shawell Quarry, part of which relates to this proposal) within Appendix 1: Allocated Sites, sets out the matters any such application should address.
- *Policy DM1: Sustainable Development*, which outlines the Council's commitment to taking a positive approach when considering proposals for minerals and waste development that reflects the presumption in favour of sustainable development within the NPPF (2019).
- *Policy DM2: Local Environment and Community Protection* which seeks to protect the amenity of adjoining land uses and users, and those in close proximity to the proposal.
- *Policy DM5: Landscape Impact*, which seeks to ensure well-designed development that contributes positively to the character of the area, as well as screening where required.
- *Policy DM6: Soils* which seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3a).
- *Policy DM7: Sites of Biodiversity/Geodiversity Interest* which seeks to protect and, where possible, enhance the natural and local environment.
- *Policy DM8: Historic Environment*, which aims to ensure that heritage assets are retained and protected.
- *Policy DM9: Transportation by Road*, which aims to reduce reliance on transportation of material by road where possible, ensure that proposed access arrangements are safe, and that the highway network can accommodate the proposed development.
- *Policy DM10: Public Rights of Way*, which supports the diversion of a right of way where disruption to the route is unavoidable, so long as the proposed diversion is convenient and safe.
- *Policy DM11: Cumulative Impact*, which ensures that consideration is given to both the collective effect of different impacts of an individual proposal and the effects of a number of developments occurring either concurrently or successively, to ensure that the end result is an acceptable level of impact.

- *Policy DM12: Restoration, Aftercare and After-use* sets out the terms for restoration, aftercare and after-use of minerals and waste sites referring to local biodiversity action plan targets and a need for a net gain to biodiversity.

Harborough Local Plan 2011-2031

- *Policy GD3: Development in the Countryside;*
- *Policy GD5: Landscape and townscape character;*
- *Policy GI5: Biodiversity and geodiversity;*
- *Policy CC3: Managing flood risk;*
- *Policy CC4: Sustainable drainage.*

National

33. The revised National Planning Policy Framework (NPPF) was published 19 February 2019 and sets out the Government's planning policies for England. At the heart of the NPPF is a presumption in favour of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment.
34. Paragraph 205 of the NPPF advises that, when determining planning applications, 'great weight' should be given to the benefits of mineral extraction, including to the economy.

Consultations

Harborough District Council (Environmental Health)

35. No response received during the initial consultation, but upon a review of the application and draft conditions at a later date, the Environmental Health Officer has confirmed they are satisfied and have no objections.

Harborough District Council (Planning)

36. It is recommended that measures are put in place to ensure a timely restoration, and to protect existing landscape features including trees and hedgerows, but particularly the tree belt to the east of the site. Apart from the access point, this tree belt should be retained as marked on the submitted plans for the duration of the quarrying activities and beyond. It is also recommended that steps are taken to ensure that ground disturbance will not adversely impact on the long-term survival of the trees.

Environment Agency

37. No objection but recommends a condition to secure a detailed water management plan to ensure the safe de-watering of the site.

Highways and Public Rights of Way

38. No objection, but recommends conditions relating to the provision of a scheme for the temporary relocation of the right of way and ensuring that trees and shrubs are not planted within 1m of the right of way.

Cotesbach Parish Council

39. No objection but the Parish Council request:
- a. A legal agreement (Section 106) to prevent further quarrying on land surrounding Cotesbach, particularly north west of the village;
 - b. A Condition in relation to the proposed bridleway diversion if the proposed diversion is considered to be the only option. The condition should, *inter alia*, ensure quality double fencing that is well maintained along the diversion; high and dense growth of hedgerow parallel to the A426 to provide additional safety and a visual barrier along the road; a time limit on the temporary diversion to align with the duration of the works on the site (up to five years maximum) and, finally, a reinstatement of the existing bridleway should result in its current condition being improved.
 - c. S106 obligations – the Parish Council requests consideration of S106 payments based on tonnage of mineral extracted to support local initiatives.

Shawell Parish Council

40. No comments received following acknowledgement of consultation request.

Leicestershire County Council (LCC) Ecology

41. No protected species or species of importance were found on site or are likely to be impacted by the proposal.
42. Following the initial consultation period, further information was requested to address a lack of net-gain in biodiversity. A revised restoration plan including species rich grassland was provided, and LCC Ecology confirmed that this was satisfactory subject to securing a 30-year maintenance period.

Leicestershire County Council Archaeology

43. Following receipt of requested further information (supplementing the initial desk-based and geophysical assessment of the application site with a trial trench investigation), it was confirmed that the submitted Written Scheme of Investigation is satisfactory. It has been agreed that trial trenching must be undertaken as a pre-determination activity, with the results informing suitable condition(s) depending on the outcome.

Heritage

44. No objection.

Leicestershire County Council Landscape

45. No objection following receipt of requested further information, which was cross sections and gradients for the screen bunds, but recommends conditions relating to the adequate protection of existing vegetation and a detailed schedule of species, nursery stock specification, plant distribution and grass seed mix/specification.

Lead Local Flood Authority – Leicestershire County Council

46. No objection but notes that the northern and western boundaries of the site are at a moderate to high risk of surface water accumulations and therefore recommends a condition relating to the submission of a surface water drainage scheme.

Natural England

47. No objection.

National Grid

48. There was an initial holding objection to the proposal based on its proximity to a high-pressure gas pipeline, however this was removed following an assessment by a National Grid Engineer.

Bruntingthorpe County Council Electoral Division - Mr. B.L. Pain CC

49. No response received.

Publicity

50. The proposal has been advertised by a site notice posted on 13th December 2019 and a press advert in the Harborough Mail on 28th November 2019 and letters were sent to the nearest neighbouring properties. No representations have been received from the public.

Assessment of Proposal

51. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to the impact of the proposal upon amenity, landscape, archaeology, dust, ecology, noise, water, public rights of way, restoration of the site and the need for the mineral. Other matters such as economic factors are also addressed. The submitted planning statement and additional information covers all the main issues of the proposal to a level sufficient to enable a decision to be made on the proposal.

Policy Principal of the Development

52. The proposed development comprises an extension to an existing operational quarry, and one which is allocated in the adopted Leicestershire Minerals and Waste Local Plan (MWLP). The proposed development would release approximately 431,100 tonnes of additional reserve and ensure a continuity of supply of construction materials. This would assist in meeting the County Council's identified provision of sand and gravel during the period of the MWLP, up to 2031. Therefore, it is considered that the proposal meets the requirements of policies M1 and M2 of the MWLP.
53. Paragraph 205 of the NPPF advises that, when determining planning applications, 'great weight' should be given to the benefits of mineral extraction, including to the economy.

Archaeology

54. An Archaeological Geophysical Survey has been undertaken to test for evidence of archaeological sites or remains. Fieldwork for the survey was undertaken between 13th and 14th September 2018. The results are comparable to those seen in the adjacent fields to the east which were surveyed in 2007; while the survey noted the presence of anomalies possibly of archaeological origin, it did not suggest the presence of extensive or coherent remains indicative of an archaeological site or sites.
55. The initial response from LCC Archaeology included a request for the current desk-based and geophysical assessment of the site to be supplemented with a trial trench investigation, noting that the results should be provided in support of the application to establish the need for and scope of any necessary mitigation.
56. Subsequently, the applicant provided a Written Scheme of Investigation (WSI) which outlined the proposed aims and objectives, methodology and monitoring of the works. The WSI was considered satisfactory in principle however LCC Archaeology requested the addition of three trenches to the initial sample and an increase to the contingency provision. Furthermore, it was recommended that the proposed use of a watching brief be replaced with archaeological control and supervision of soil stripping with contingency for targeted archaeological strip plan and recording. It was noted that, where appropriate, this may be relaxed to archaeological attendance for investigation and recording.
57. Further to the requested amendments being made, the WSI was considered satisfactory by LCC Archaeology however this is subject to the results of the trial trenching exercise, which is required ahead of determination in line with NPPF para 189 and the MWLP Policy DM8(ii).
58. Following consultation with LCC Archaeology, the discovery of significant archaeology is considered unlikely, but the results of the trial trenching are needed to inform the requirement for a programme of post-permission workings including any mitigation measures, long-term monitoring and recording of affected assets or remains, in line with part iii of Policy DM8.

59. The proposed approach is that the decision notice will not be issued until the results of the trial trenching have been provided, and that drafting of a condition relating to archaeology is delegated to the Chief Executive following the board meeting, once the results of the trial trenching has been submitted to the Minerals Planning Authority and considered. In the event that trial trenching reveals significant archaeological findings, the application will be brought back to the Board for further consideration.

Built Heritage

60. The starting point for the assessment of this proposal is the statutory duty under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings and to preserving or enhancing the character of conservation areas, respectively, and this is given considerable importance and weight. Shawell Conservation Area is over 1.3 kilometres to the south east of this proposal. The nearest Listed Buildings are in Cotesbach, on the other side of the A426, with Grade II listed Orchard Farm being the nearest at circa 700m north. There are also several listed buildings in the village of Shawell, the nearest being circa 1.5 km to the south east of the site. It is considered that the distance between these statutorily listed heritage assets and the intervening topography and landscape means that this proposal would not affect the setting of the listed buildings or the Shawell Conservation Area.
61. The Tripontium Roman Station and the Motte castle and associated earthwork SSW of All Saints Church Scheduled Monuments (SM) are of national significance and thus, their preservation is given great weight. Both scheduled sites are located at least 1.5km south east of the application site, and it is considered that the distance between these statutorily listed heritage assets and the intervening topography and landscape means that this proposal would not affect the setting of the listed buildings or the Shawell Conservation Area.
62. Paragraph 196 of the National Planning Policy Framework sets out that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.' Based on the above assessment, the development would not have any harm, either directly or to the setting of, designated heritage assets. Therefore, the proposal would not conflict with policy DM8.

Landscape and Visual Impact

63. There are no landscape designations such as AONBs, National Parks or Registered Parks and Gardens within or adjacent to the Site.
64. A Landscape and Visual Impact Assessment (LVIA) has been undertaken. The significance of effects of the proposed development on landscape site features, landscape character and views from representative viewpoints including properties, roads and recreational areas has been assessed. The assessment also considered cumulative effects, given the context of the

immediate landscape which includes the existing operational Shawell Quarry to the east of the site.

65. The assessment concludes that the proposed development will have an initially 'moderate' to 'adverse' impact during the two-year extraction and restoration operations, but that long term, following restoration, the impact is assessed as 'neutral' in respect of change from the baseline. The Council's landscape officer is satisfied that a thorough LVIA has been prepared in accordance with the Landscape Institute's "Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3) 2013" and is satisfied with the conclusions presented.
66. The proposed development will have a limited and short-term adverse effect upon the local landscape and visual resources. The development is considered to be an acceptable form of development in the countryside given its temporary nature. There are very few residential properties with any visibility of the site. It is assessed that only one property (Hill Farm) will experience moderate and adverse visual effects during the closest phase of quarry development operations. Longer term the visual effect is assessed as neutral following restoration to agricultural land.
67. A screen bund will be erected around each extraction phase and will screen the extraction operation from the A426 and properties immediately west of the site. It will also provide a screen between the extraction area and the temporarily diverted bridleway.
68. Existing boundary hedgerows will be retained, protected and managed to achieve a minimum height of 2.5m above ground level. These boundary hedgerows will also be managed during quarry extension development to maintain a thick visual barrier.
69. It is proposed that all restored areas within the site will be seeded with an appropriate grass seed mix at the first opportunity and will be maintained until such time that the soil structure is assessed to be suitable to reintroduce arable cropping. Seeding will be carried out using a Rye grass dominated mix for a short-term ley.
70. All restored areas of the site will be subject to a detailed and approved aftercare scheme to ensure the establishment and development of the agricultural areas indicated within the restoration scheme.
71. In terms of cumulative effects, the assessment concludes that previously worked parts of the wider site have been progressively restored to agriculture by infilling, and that the existing operational quarry and landfill area is screened from the surrounding landscape by roadside hedgerows and perimeter screen bund
72. The assessment is based on the existing boundary vegetation being retained and the site being restored to the habitats set out on the submitted restoration proposals. Therefore, these matters should be subject to control by planning condition(s). On the basis of this it is considered that the issues relating to landscape and visual amenity are capable of being satisfactorily resolved and accord with policies DM2, DM5 and DM11 of the Leicestershire MWLP and GD5 of the Harborough Local Plan.

Dust

73. Dust could be generated by the proposed operations through the movement of vehicles and material during mineral extraction and restoration. To minimise the impact of dust, the application proposes that the development be carried out in strict accordance with established mitigation and working practices across the existing quarry to minimise the potential for nuisance dust and air quality effects.
74. There is also potential for cumulative dust impacts given the existing operations, and potential for adverse impacts to arise from this. However, it is considered that this can be mitigated through conditions and prevention of multiple sand and gravel areas being worked at the same time.
75. Controls on dust emissions are already set out by conditions 44 and 45 of planning permission 2006/1565/03. Subject to the dust mitigation measures being secured by condition, it is considered that the proposal is acceptable and meets the terms of policy DM2 and DM11 of the Leicestershire MWLP.

Noise

76. Operations involved in the extraction and processing of sand and gravel have the potential to generate nuisance noise emissions. The proposed extraction site is located approximately 100m from the nearest sensitive receptor (Northfield House), to the west beyond A426 Rugby Road.
77. Proposed mitigation measures include the screening of extraction operations all sides by perimeter bunds or established trees and vegetation. It is proposed that operations are undertaken in accordance with established mitigation measures and working practices across the wider Shawell Quarry site which control noise emissions. In adherence with extant conditions, the applicant proposes that noise monitoring will continue to be undertaken to provide assurance to the MPA that proposed operations are in accordance with established noise guidelines and criteria. This will also ensure that the development does result in noise exceeding acceptable levels as a result of cumulative impact with existing operations.
78. With the continued implementation of noise control measures, coupled with the construction of perimeter bunds and set within the proposed hours of operation of 0700-1900 hours Monday to Friday and 0700-1400 hours Saturday (which by themselves would reduce the noise impacts of the development on residential properties), it is considered that the effects of the development on noise are acceptable and meet the terms of policy DM2 and DM11 of the Leicestershire MWLP.

Ecology

79. An Ecological Impact Assessment has been undertaken. This included a Phase 1 ecological survey of the application site which identified that there were no statutory or non-statutory ecological designations within the application site. The assessment did identify the following important ecological receptors within the proximity of the application site:
 - One statutory designated nature conservation site (Cave's Inn Pits SSSI) located outside the study area (1.6km to the southeast) which is

ecologically important in a national context, designated because the site contains some of the best remaining areas of neutral marsh in Leicestershire;

- Five non-statutory Local Wildlife Sites (LWS) and one candidate LWS (cLWS) located between 300m and 1.4km away, which are ecologically important in a county context;
 - A range of non-statutory County, District and Parish level habitats located outside the study area which are ecologically important in a local to potentially county context.
80. No protected species or species of importance were found on site or are likely to be impacted by the proposals. The land is currently in arable use and of low ecological value, apart from two dividing hedges. These are considered to be in poor condition and not classed as 'important' under the Hedgerow Regulations, nor do they meet Local Wildlife Site criteria.
81. The restoration plan shows the land restored to agriculture, with replacement of the two hedges as part of the restoration of the site. It is recommended by LCC Ecology that the timely reinstatement of the hedgerows is covered in a planning condition and that alternative arrangements for compensatory hedgerow planting are made if it is not achieved within this timeframe during site restoration.
82. The application site and existing quarry are separated by a linear tree belt along the entire length of the eastern boundary, which is protected under Box SA4 of the Minerals and Waste Local Plan in that the policy requires its retention. The proposed development seeks to remove a section of this tree belt in order to create an access, but the restoration plan shows this to be reinstated. It is considered that the reinstatement of this section of tree belt should also be included within the aforementioned condition relating to the timely reinstatement of the hedgerows, particularly given that the existing tree belt visually screens the quarry from the village of Cotesbach.
83. To replace the loss of one ash tree with low bat roost potential and provide an overall enhancement for roosting bats, it is proposed that five general purpose bat boxes are provided on retained mature trees within or adjacent to the site.
84. Following initial comments from LCC Ecology, the applicant provided a revised restoration plan that included the provision of a 10-20m wide field headland to be created and managed as species rich, neutral wildflower grassland. The revised restoration plan offers a welcome net-gain in biodiversity, as required by the NPPF. These biodiversity enhancements should be in place and managed for a minimum of 30 years after creation or restoration, and it is recommended that this be secured by a condition requiring the submission of landscape and ecology management plan.
85. The Cave's Inn Pits SSSI is located approximately 1.6km to the south-east of the application area and the submitted information sets out that this proposal would not have an impact on the SSSI. Natural England concur that this proposal would not affect the SSSI.

86. The absence of protected species and ecological designations (statutory or otherwise) on the site mean that the site is of relatively low biodiversity value. The revised restoration scheme includes more diverse habitats than currently present in the agricultural field and it is considered that this would allow for a net gain to biodiversity. Therefore, the proposal's effect on ecology is acceptable and accords with policy DM7 and DM11 of the Leicestershire MWLP and Policy GI5 of the Harborough Local Plan.

Soils and Agricultural Land

87. A soil and Agricultural Land Classification survey was carried out in October 2018. The survey identifies the extent and nature of the soil resources and has been used to determine strategies for the handling, storage and re-use of soil resources throughout the development programme.
88. The survey confirms that the soils across the site are heavy and poorly-draining, made up of heavy clay loams over clay subsoils. As a result, 97% of the site comprises sub-grade 3b agricultural quality limited by wetness and, therefore, is not 'best and most versatile' agricultural land. The remaining 3% of the site comprises non-agricultural land.
89. The topsoils across the site represent a moderate quality resource (TS1) for reuse in restoration of the site. It is recommended that the stripped, stored and replaced in accordance with the MAFF Good Practice Guide for Handling Soils. Topsoil and subsoil storage bunds will not exceed 3m in height.
90. All soils would be retained within the site and used in the restoration of the land. The proposed restoration scheme has been designed to return the maximum amount of land back to agriculture using best practice techniques. It is therefore considered that the proposal is in accordance with policy DM6.

Traffic, Transportation and Access

91. Mineral extracted from the proposed extension area will be transported to the existing plant site by dump truck to a hopper located on a field conveyor, for onward transfer to the existing Shawell plant site located to the south of Gibbet Lane, where it will be processed (washed and graded). This process will utilise existing internal accesses through the permitted quarry. This is in line with the requirements of Box SA4 of the Leicestershire MWLP, which seeks measures for transporting mineral to the processing plant without using the public highway.
92. There are no changes proposed to quarry production levels or the methods used to export mineral from the site. All processing operations would continue to operate under controls defined by the processing site's extant planning permission. HGV movements relating to sand and gravel extraction and waste disposal operations are limited by condition 19 of planning permission 2006/1565/03 to 2,244 trips in any week.
93. The Local Highways Authority is satisfied that the development proposal will not result in a material intensification of trips on the adopted highway network, and that any additional trips generated would remain internal to the wider site. Therefore, the effects of the development on the Highway are acceptable and accord with policy DM9 of the Leicestershire MWLP.

Rights of Way

94. Bridleway X27 travels along the eastern boundary of the site. Due to the works required to engineer access into the site from the adjacent quarry void, a temporary diversion of the bridleway would be required. It is proposed to divert the route around the western perimeter of the proposed extension site, screened by perimeter bunds throughout the circa two-year operation and then being returned to its original route upon completion of restoration works.
95. Both Highways and Cotesbach Parish Council have requested conditions with respect to the proposed bridleway diversion to ensure satisfactory construction, surfacing, width, landscaping, safety and visual amenity. This is considered appropriate.
96. Box SA4 of the Leicestershire MWLP seeks the retention of a number of Bridleways, including X27. The proposals meet this requirement. The allocation also requires restoration to “include provision of improved public access”. The use of a condition requiring details of the diverted footpath and its replacement provides an opportunity for enhancements in line with this requirement. Subject to this enhancement, which will be secured by condition, the proposal is in accordance with policy DM10. Despite the diversion, it is not considered that the proposed development should significantly affect the use and enjoyment of the footpath.

Water Environment

97. An assessment of the potential impacts of the proposal on hydrogeology, hydrology has been undertaken. The assessment concludes that the development can operate and be restored without adverse effects on the water environment, however it identifies the potential for adverse impacts to arise to ground and surface water quality as a result of spillage or leakage of hydrocarbons employed within the quarry operations and from pumped discharge of waters off-site (specifically to the Newton Brook) which could contain contaminants and/or high levels of suspended solids.
98. The applicant proposes to mitigate and monitor against the potential ground and surface water impacts through the continuation of the existing groundwater level monitoring programme, and the expansion of the existing groundwater quality monitoring programme to include sampling and compositional analysis of dewatering discharge. It is also noted that an Environment Agency (EA) Transfer Licence is required to authorise dewatering and the quality of discharge to the Newton Brook would continue to be regulated by the EA Discharge Consent.
99. The Environment Agency are satisfied that the submitted assessment provides confidence that it will be possible to suitably manage the risks posed but has advised that a scheme to secure the safe de-watering of the site in accordance with a detailed water management plan (specific to this extension application) is required. It is recommended that such as scheme is secured by condition.
100. The application site is located entirely within Flood Zone 1 (land assessed as having a less than 1 in 1,000-year annual probability of river or sea flooding). A Flood Risk Assessment (FRA) has been submitted in support of the

planning application, which concludes that the proposed development will not be significantly affected by current or future flooding from any source, and that the development would not increase flood risk elsewhere. The FRA has also applied the Sequential Test and concluded that there is no requirement for the application of the Exception Test.

101. The Lead Local Flood Authority (LLFA) has advised that the proposals are acceptable but does request a condition requiring the submission of a surface water drainage scheme to prevent flooding and ensure the satisfactory storage and disposal of surface water from the site.
102. Based on the above assessment, the MPA is satisfied that the development will not have an unacceptable impact on ground and surface waters, or flood risk, and that these matters can be satisfactorily controlled by condition. In addition, there is no concern that this proposal will result in unacceptable cumulative impacts on in respect of the water environment. Therefore, subject to conditions, the effect of the proposal on the water environment would be acceptable and accord with the provisions of policy DM2 of the Leicestershire MWLP and policies CC3 and CC4 of the Harborough Local Plan.

Restoration & Aftercare

103. The proposed development of the land would lead to the removal of 8.14ha of arable land, 0.12ha of broad-leaved woodland plantation and 250m of hedgerow (comprising 110m of species-poor hedge and 140m of species-rich hedge with trees). The original restoration scheme submitted with the application, proposed the full restoration of the site to arable land, which did not achieve a biodiversity net gain. However, an amended restoration scheme submitted following consultation, which proposes the land restored to primarily arable land with 250m dividing species-rich hedgerows with trees, replacement plantation, and an additional 10-20m wide species-rich grass conservation headland. The proposals would not significantly alter the functioning of the existing semi-natural habitats bordering the site.
104. Policy DM12 requires the attainment of a net gain to biodiversity through site restoration and sets out that sites of over 10 hectares should provide for a mosaic of priority habitats – broadleaved woodland, hedgerows and neutral grassland are such habitats and are provided for in the restoration plan.
105. Therefore, it is considered the restoration scheme is acceptable in principle although the specifics on the restoration remain to be provided and should be required by condition. In addition, a 30-year aftercare period is recommended for the biodiversity habitats (i.e. the species rich grassland and hedgerow), to be secured by condition.
106. Box SA4 of the Leicestershire MWLP seeks restoration to “incorporate an element of traditional hedgerow management for retained hedgerows” which can be included for within the aftercare of the site. Box SA4 also seeks the “restoration to include woodland to link the existing woodland areas between Gibbet Lane and the A5.” The proposals retain and protect the tree screen located between the proposed extension and the existing quarry, and the restoration includes for the replacement of a small section that would be lost to

provide access during the working of the site. Additional woodland planting is not proposed in the restoration of this extension. However, LCC Landscape and Ecology are satisfied with the restoration (subject to a detailed scheme) and on balance the scheme is considered acceptable.

107. Subject to the control of the matters outlined above by planning conditions, it is considered that the issues relating to restoration, aftercare and after-use are capable of being satisfactorily resolved in accordance with the provisions of policy DM12 of the Leicestershire MWLP.

Economic Factors

108. At the time the application was made, the quarry employed seven people directly and 40 people indirectly. The main direct employment effects of the proposed development will be the protection of these existing jobs for another two years. Additionally, the release of 431,000 tonnes of sand and gravel will ensure a continuity of supply of construction materials to local and regional markets.
109. The economic benefits should be given great weight in the determination of the application, in accordance with the NPPF which seeks to ensure that the planning system supports economic growth.

Other Matters

Legal agreement

110. The Director of Law and Governance advises that the land on which the application is sited is subject to a legal agreement, which accompanied a planning permission for extraction on land to the east of the application site granted in 1989. This legal agreement made under the planning agreement legislation applying at that time identifies the current application site as a 'Safeguarded Area' in respect of which the then Owner, the predecessor in title to the applicant, covenanted not to make any application for mineral extraction. This was included at the request of Cotesbach Parish Council and considered to be at that time Planning Policy compliant. As mentioned previously, the present application is Planning Policy compliant. The current application, if approved, therefore will require a variation of that previous legal agreement which will be undertaken by a fresh Section 106 legal agreement which will supersede the existing legal agreement.
111. Cotesbach Parish Council requested a legal agreement as part of their consultation response to prevent further quarrying on land surrounding Cotesbach, particularly north-west of the village. However, such a legal agreement would not be relevant to the development to be permitted so it is not CIL compliant.
112. Cotesbach Parish Council also requested consideration of S106 payments based on tonnage of mineral extracted to support local initiatives, however, such payments are not necessary to make the development acceptable in planning terms. Therefore, the request is also not considered to be CIL compliant.

Cumulative Impact

113. Policy M2 of the Minerals and Waste Local Plan notes that planning permission will be granted to extend a site subject to the extension area only being worked following cessation of mineral working within the previously permitted areas, unless it has been demonstrated that there are operational reasons as to why this is not practicable. To meet the requirements of this policy, a condition has been included to ensure cessation of the current working area before extraction associated with this permission begins.

Conclusions

1. It is considered that the proposal is in general accordance with the development plan. In particular, policies M1, M2, DM2 and DM12 which cover the supply of aggregates, allocated sites for sand and gravel extraction, environmental protection and site restoration. Together with the relevant development control policies of the Leicestershire MWLP, these provide the basis for the assessment of the proposal. The proposal has also been assessed against national planning policies and guidance contained in NPPF and PPG and relevant statutory requirements and is considered to reflect the principles of sustainable mineral development.
2. Once fully operational the proposed development would facilitate the release of additional sand and gravel reserves to assist in meeting the sand and gravel requirements identified in the MWLP, securing local employment and serving local development needs. In the longer term (the proposal would extend the overall timescales of permitted site operations by approximately 2 years), the restored site would continue to provide usable agricultural land, with enhanced bio-diversity and public access features. There have been no objections from statutory consultees.
3. It is considered that subject to the imposition of appropriate planning conditions and the prior completion of a Section 106 agreement to modify the previously imposed obligation(s) affecting the application site, that the proposed development is acceptable, and it is recommended that planning permission is granted.

Recommendation

- A. PERMIT subject to the conditions as set out in the Appendix and the prior completion of a legal agreement to modify the previously imposed obligations affecting the area provided that a report setting out the results of archaeological trial trenching has first been submitted for approval by the Minerals Planning Authority.
- B. DELEGATE to the Chief Executive, the imposition of planning condition(s) relating to the requirement for control over archaeological matters.
- C. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended):

- i. 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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Conditions**Commencement**

1. The development hereby permitted shall be commenced within three years from the date of this permission.

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

2. No mineral extraction shall take place until mineral extraction associated with Planning Permission 2018/1457/03 has ceased.

Reason: To prevent potential cumulative impacts arising from more than one extraction area being worked concurrently, and in accordance with Policy M2 of the Leicestershire MWLP.

Notification of Commencement

3. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement at least 7 days, but no more than 14 days, prior to the commencement of development.

Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.

Duration

4. This permission shall be limited to a period of two years and six months from the commencement of the development as notified under Condition 2, by which time the mineral working operations hereby permitted shall have ceased, all plant and machinery removed, and the land reinstated in accordance with the reclamation details approved under Condition number 32.

Reason: To provide for the restoration of the site within an agreed timescale at the earliest opportunity in line with the requirements of the NPPF and in the interest of the amenities of the area.

Approved Details

5. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following submitted drawings:
 - a. Drawing No. 2449-4-4-1-DR-0001-S2 titled 'Location Plan' dated September 2019;
 - b. Drawing No. S348-00076-1 titled 'Working Plan' dated 25/07/2019;

- c. Drawing No. S348-00076-2 titled 'Phase 1 Initial Operations' dated 02/08/2019;
- d. Drawing No. S348-00076-3 titled 'Phase 2 Initial Operations' dated 02/08/2019;
- e. Drawing No. S348-00076-4 titled 'Phase 3 Extraction in Progress' dated 02/08/2019;
- f. S348-00076-6 'Outline Restoration Proposals' dated 01/04/2020;
- g. The planning application forms, planning statement and other supporting assessments accompanying planning application reference 2018/1457/03 (2018/CM/0147/LCC).

Reason: For the avoidance of doubt.

- 6. Other than the importation of 158,715m³ of indigenous materials derived from unusable sands, silts and overburden from the adjacent Shawell Quarry operations, no other material shall be imported to the site for the purposes of infilling.

Reason: For the avoidance of doubt.

Hours of Operation

- 7. No operations (other than water pumping) shall be carried out at the site except between the following times: 0700 to 1900 hours Monday to Friday; and 0700 to 1400 hours Saturday. There shall be no operations (other than water pumping) on Sundays, Bank Holidays and Public Holidays.

Reason: To protect the amenities of local residents in accordance with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (MWLP).

Dust

- 8. No soil stripping or excavation shall take place until a dust management scheme has been submitted to, and approved in writing by, the MPA. The scheme shall include a programme for monitoring dust emissions from the site and set a limit for those dust emissions. Works shall thereafter take place in accordance with the approved scheme.

Reason: To protect the amenity of the locality from the effects of dust arising from the development, in accordance with Policy DM2 of the MWLP.

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

Reason: To protect the amenities of the locality from the effects of dust arising from the development, in accordance with Policy DM2 of the MWLP.

- 10. In the event that 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, 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.

Reason: To protect the amenities of the locality from the effects of dust arising from the development, in accordance with Policy DM2 of the MWLP.

Ecology

11. Within six months of the commencement of the development hereby permitted, a scheme for the provision of bat boxes in general accordance with the details set out in Section 7.5 of the Ecological Impact Assessment (dated 11th October 2018) shall be submitted to the MPA for approval. The bat boxes shall thereafter be installed within six months of the approval from the MPA, in accordance with the approved details. five Schwegler 1FF bat boxes shall be provided within the site (as defined by the solid red line on drawing 2449-4-4-1-DR-0001-S2 'Location Plan' dated September 2019).

Reason: To minimise the adverse impact of the operations on ecological interests in accordance with the NPPF.

Highways

12. No development shall take place until a scheme for the treatment of Bridleway X27 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation for both the diversion and reinstatement of Bridleway X27. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the NPPF and Policy DM10 of the MWLP.

13. No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

Reason: To prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with the NPPF and Policy DM10 of the MWLP.

Lights

14. No fixed lights or floodlighting shall be used or installed within the planning application area hereby approved.

Reason: To ensure that lights from the site do not become a source of nuisance to local residents, in the interest of amenity and in accordance with Policy DM2 of the MWLP.

Noise

15. No soil stripping or excavation shall take place until a scheme of noise monitoring has been submitted to, and approved in writing by, the MPA. The scheme shall include details of:

- a) Noise monitoring at agreed locations to assess whether limits specified in condition numbers 16 and 17 are being complied with;
- b) Frequency and duration of monitoring;
- c) Monitoring equipment to be used;
- d) Presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant noise sources and details of any ambient noise sources passed out of the measurements;
- e) Provision of monitoring results to the MPA; and
- f) Procedures to be implemented if noise emissions exceed approved levels.

Noise monitoring shall thereafter be undertaken in accordance with the approved details.

Reason: To provide for a monitoring regime that ensures noise is within acceptable levels to protect the amenity of local residents, in accordance with Policy DM2 of the MWLP.

16. Except for temporary operations as defined in Condition 17, noise levels arising from the site, when measured at any noise sensitive property, shall not exceed 55dB(A) $L_{Aeq, 1h}$ (free field).

Reason: To minimise the noise impact of the development on the amenity of the area, in accordance with Policy DM2 of the MWLP.

17. Noise levels arising from temporary operations, which for the purpose of this condition are site preparation, overburden removal, soil stripping and replacement and the construction and removal of overburden mounds, shall not exceed 55dB(A) $L_{Aeq, 1h}$ (free field) at any noise sensitive property for more than 8 weeks in any year, and shall not exceed 70dB(A) $L_{Aeq, 1h}$ (free field) in any case. Temporary operations which exceed the normal day to day criterion set out in Condition 16 shall only be carried out between the hours of 0800 to 1800 Monday to Friday and 0800 to 1200 on Saturdays, with no working on Sundays, Public or Bank Holidays.

Reason: To minimise the noise impact of the development on the amenity of the area, in accordance with Policy DM2 of the MWLP.

18. All mobile plant, machinery and vehicles shall be fitted with white noise reversing alarms and fitted with silencers.

Reason: To minimise noise impact of the development on the amenity of the area, in accordance with Policy DM2 of the MWLP.

Removal and Protection of Trees, Shrubs and Hedgerows

19. Other than Hedgerows H2 and H3 (hedgerows shown on Pages 22 and 25, Appendix A and B of the Ecological Impact Assessment dated 11th October 2018) no trees or hedgerows within the site shall be removed.
20. Prior to the soil stripping and mineral excavation, a scheme shall be submitted to, and approved in writing by, the MPA setting out measures for the removal of trees to allow the site access point and for the traditional management of

retained hedgerows within the site. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that retained hedgerows are managed in a traditional manner in accordance with Policy M2 and Box SA4 of the Leicestershire MWLP.

Soil Handling & Ground Preparation Works

21. All soil handling operations (including soil stripping, storage and replacement) shall be undertaken in accordance with the MAFF Good Practice Guidance for handling Soils and paragraphs 4.6, 4.7, 4.8, and 4.9 of the Soils and Agricultural Quality of Land report dated 5th October 2018 (reference 463/5).

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site.

22. The Mineral Planning Authority shall be notified in writing at least 5 days before each of the following stages:
- i. before each phase of soil stripping is due to commence;
 - ii. when overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration is carried out; and
 - iii. completion of topsoil replacement to allow an opportunity to inspect the completed works and assess its suitability for entry into aftercare before the commencement of any cultivation and seeding operations.

Reason: To ensure the proper conservation of soils and restoration of the site in accordance with the NPPF and Policy DM12 of the Leicestershire MWLP.

23. Overburden shall be replaced and levelled so that:
- a. after replacement of topsoil and subsoil the contours conform with the proposed contours shown on drawing number S348-00076-6 dated 1/04/2020.
 - b. there is satisfactory site and surface drainage, so that the land is free from ponding and capable of receiving an effective under-drainage system.

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

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

Reason: To ensure the reclaimed land is in an acceptable condition for agricultural afteruse, and potential obstacles are removed prior to the replacement of soils, in accordance with the NPPF.

25. The respread topsoil shall be loose tipped to enable a single pass at a tine spacing of 500 millimetres maximum to full depth of the topsoil plus 100 millimetres. Any stones, materials and objects which exceed 100 millimetres in any dimension and occur on the surface of the ripped and loosened soils shall be removed from the site or buried at a depth of not less than two metres below the final contours.

Reason: To ensure the reclaimed land is in an acceptable condition for agricultural afteruse, and potential obstacles are removed prior to the replacement of soils, in accordance with the NPPF.

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

Reason: To prevent a build-up of harmful weed seeds in soils that are, or will be, used for agriculture and other habitats, in accordance with the NPPF.

Water Environment

27. The development hereby permitted shall not commence until a scheme to secure the safe de-watering of the site in accordance with a detailed water management plan (specific to this extension application) has been submitted to, and approved in writing by, the MPA. The scheme shall be fully implemented and maintained in accordance with the approved details.

Reason: To ensure that the proposed development and associated dewatering does not harm the water environment, in accordance with Paragraph 109 of the NPPF.

28. Prior to the commencement of development, a surface water drainage scheme shall be submitted to, and approved in writing by, the MPA. Development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

Restoration in the event of early cessation of working

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

Reason: To ensure reclamation of the site in the event of cessation of mineral working and to provide for restoration of the site at the earliest opportunity, in accordance with the NPPF.

Reclamation

30. Within six months of commencement of development, a detailed scheme of final landscaping and restoration of the site shall be submitted to the MPA for approval. The submitted scheme shall be based on a phased approach and the restoration concept shown on drawing number S348-00076-6 'Outline Restoration Proposals' dated 01/04/2020. The scheme shall include details of the following:
- a. plant species, sizes, quantities and locations, of all new tree, shrub and hedgerow planting, grass seed mixes;
 - b. enhancement to the rights of way network (Bridleway X27);
 - c. new woodland planting along the eastern side of the site to replace the 30m stretch felled for the access,
 - d. the reinstatement of hedgerows to recreate the field boundaries.

Planting and seeding in accordance with the approved scheme shall be carried out, as far as is reasonably practicable, within the first available planting season following the restoration of any substantial part of the site, in accordance with working and phasing details set out in Condition 4. All trees, shrubs and hedgerows planted in accordance with the approved scheme shall be maintained for a minimum period of five years (unless a longer period is set out as part of the aftercare scheme) following planting and such maintenance shall include the replacement of any plants that may die or be seriously damaged or become seriously diseased.

Aftercare

31. Within six months of commencement of development, a detailed aftercare scheme shall be submitted to the MPA for approval in writing. The submitted scheme shall be in accordance with the restoration details required by Condition 30, and shall provide an outline strategy for the 30 year aftercare period (in respect of biodiversity habitat) and 5 year aftercare period (in respect of agriculture) specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for use as biodiversity habitat and agriculture, including the subsequent management of the restored land and vegetation. The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over the aftercare period in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the MPA.

Reason: To ensure that aftercare is provided to high environmental standards in accordance with Paragraph 205 e) of the NPPF.

Notes to Applicant

1. The applicant's attention is drawn to the consultation response from the LLFA (dated 10th December 2019), which sets out that the surface water drainage scheme (as required by Condition 28) shall include details of sufficient treatment train to maintain or improve the water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, pump details, receptors, interception, headwall details, pipe protection details (e.g. trash screens), full modelled scenarios for events up to the 1 in 100 year plus climate change storm events, evidence of capacity within the wider development site for the proposals (where relevant) and maintenance and management details.
2. The applicant's attention is drawn to the consultation response from the Environment Agency (dated 9th December 2019), which advises of the need for dual regulation given that quarry dewatering is no longer exempt from the need to have an abstraction licence by virtue of The Water Act 2003.