



DEVELOPMENT CONTROL AND REGULATORY BOARD

14th JULY 2022

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

Application 1

APP.NO. & DATE: 2020-VO1-0002-LCC (2021-0141-07) - 6th January 2020

PROPOSAL: Variation of condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078

LOCATION: Breedon Quarry, Main Street, Breedon on the Hill, Leicestershire, DE73 8AP

APPLICANT: Breedon Quarry Ltd.

MAIN ISSUES: Landscaping, Visual Amenity, Historic Environment, Birdstrike and Restoration.

RECOMMENDATION: PERMIT subject to the completion of a legal agreement and subject to conditions as set out in Appendix 1 to the main report.

Application 2

APP.NO. & DATE: 2020-ROMP-0001-LCC (2021-0141-07) - 6th January 2020

PROPOSAL: Review of the Old Mineral Permission (ROMP) and the submission of modern planning conditions pertaining to planning permission 2003/0701/07 for an eastern extension to Breedon Quarry.

LOCATION: Breedon Quarry, Main Street, Breedon on the Hill, Leicestershire, DE73 8AP

APPLICANT: Breedon Quarry Ltd.

MAIN ISSUES: Landscaping, Visual Amenity, Historic Environment, Birdstrike and Restoration.

RECOMMENDATION: PERMIT subject to the completion of a legal agreement and subject to conditions as set out in Appendix to the main report.

Circulation Under Local Issues Alert Procedure

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PART B – MAIN REPORT

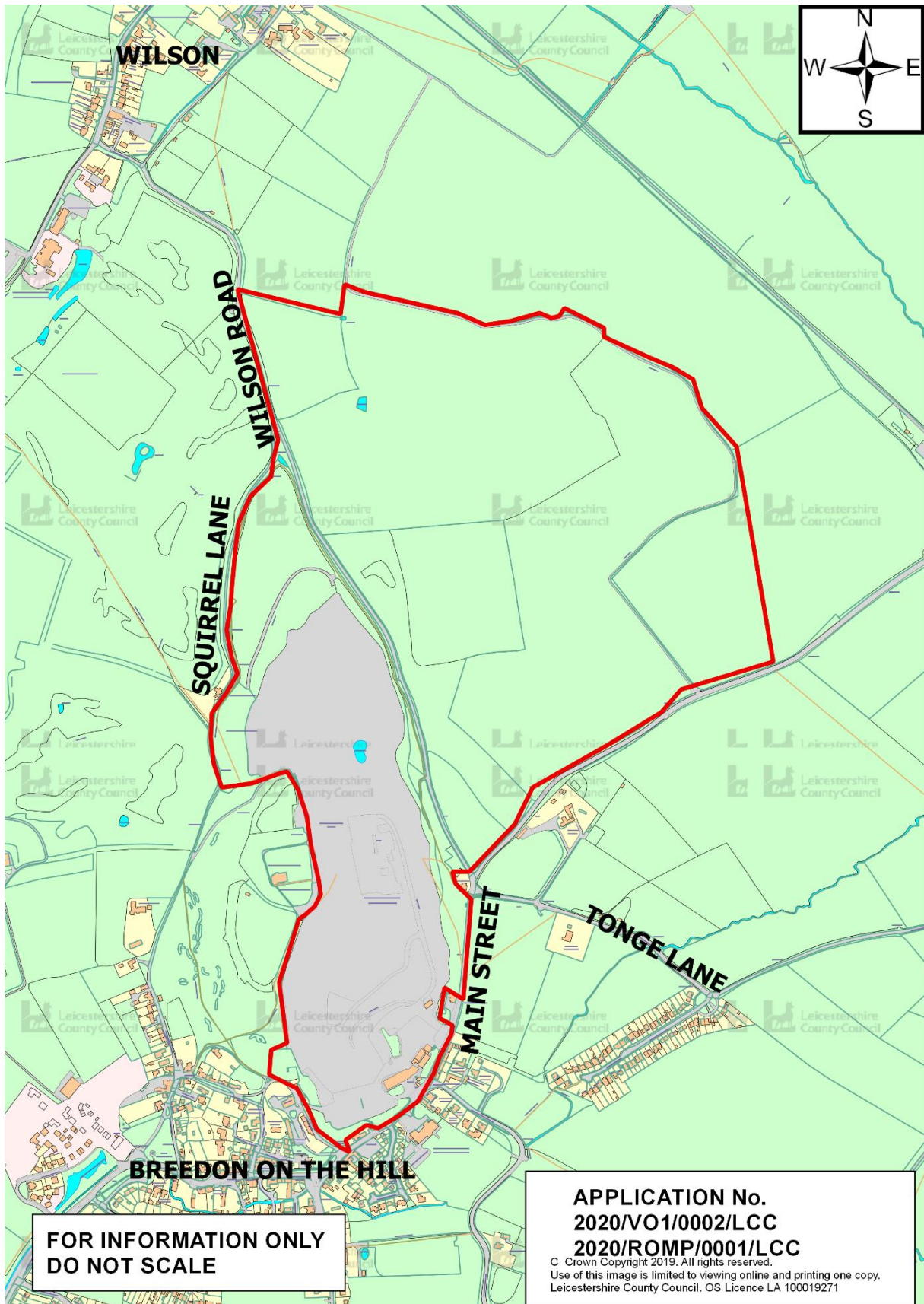
Introduction

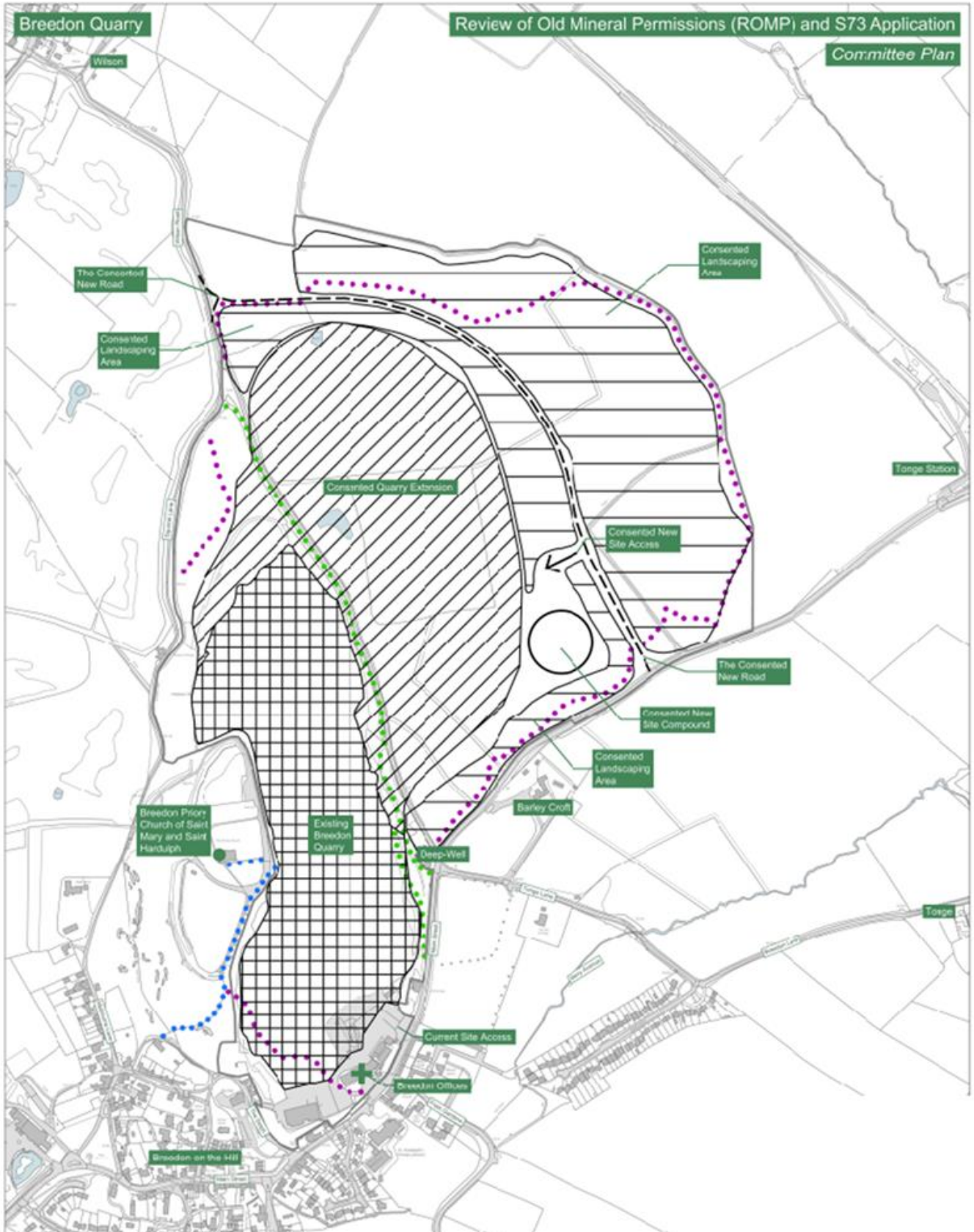
1. In 2003 planning permission was granted for an eastern extension to Breedon Quarry and associated development including the construction of a new highway and quarry access (Ref: 2003/0701/07 – 7th May 2003).
2. The County Council has received two separate applications, both of which relate to the variation of conditions attached to the 2003 permission. One application is made under Section 73 of the Town and Country Planning Act and is seeking to vary Condition 3 of the existing permission to extend the time for the completion of operations at the quarry from 2042 to 2078. The other is a Review of Old Mineral Permissions (ROMP) application made under Section 96 of the Environment Act 1995, which requires that conditions regulating active quarries are reviewed at intervals no earlier than 15 years after planning permission is granted.
3. Whilst the applications are separate, they relate to the same site and changes to the same planning permission. As such, to avoid duplication, they have been considered together in this report.

The Site and Surroundings

4. Breedon Quarry extends to approximately 70.8 hectares, containing the existing quarry and agricultural (arable) land to the west of the road from Breedon to Wilson. Breedon Quarry lies approximately 1km to the south of the County boundary between Leicestershire and Derbyshire, with Breedon-on-the-Hill village lying just beyond the south-western boundary of the current quarry workings. The quarry is bounded to the east by the Breedon to Wilson Road, to the south by Main Street, to the north-west by Squirrel Lane, and to the south-west by The Delph and Breedon village itself. St. Mary and St. Hardulph's Church lies immediately to the west of the old quarry faces. The site is within an area of countryside, outside the limits to development as shown on the North West Leicestershire Policies Maps.
5. The existing access to the site is off Main Street, within the village of Breedon-on-the-Hill. Breedon Quarry has planning permission (Reference: 2003/0701/07) to create a new quarry entrance on a diverted section of Main Street, which is referred to throughout this report as Wilson Road. The existing access to the quarry within the village would be closed.
6. Breedon Hill Site of Specific Scientific Interest (SSSI), designated for its biological interest, is located immediately west of the existing quarry site and extends to 5.29ha. The entirety of the application site is therefore within the SSSI Impact Risk Zone for Breedon Hill.

7. There are multiple listed buildings within the vicinity of Breedon Quarry including: Grade I Listed Priory Church of Saint Mary and Saint Hardulph which sits adjacent to the north western boundary of the existing quarry in an elevated position; Grade II Listed Headstones located to the south of the church; Grade II Listed The Old School which falls just outside the site boundary and is located off Main Street approximately 80m north of the site offices; Grade II Listed Breedon Hall, Walls and Coach House which are located close to the south west boundary of the site and there are further listed buildings/sites located within the village of Breedon. The Bulwarks (earthworks) Scheduled Ancient Monument extends approximately 2 hectares over the crest of Breedon Hill, bordering the Priory Church of Saint Mary and Saint Hardulph to the west.
8. The conservation area, Wilson Village, is located approximately 330 metres north of the site boundary at the closest point.
9. Public footpath M14 follows the eastern, northern and western boundary of Breedon quarry, linking the eastern part of Breedon village with the footpath that lies adjacent to Squirrel Lane. This footpath at Squirrel Lane bounds the north-western part of the quarry workings, giving access to the top of Breedon Hill and the Church. Public footpath M12 bounds the western part of the quarry.
10. Breedon Hill forms the highest topographical feature in the area at 124 metres Above Ordnance Datum (AOD), falling to a general level about 70 metres AOD around the base of the hill.
11. There are no major water courses in the vicinity of Breedon Quarry, however, a north-easterly flowing stream, which lies at a level of about 61 metres AOD, is located some 200 metres to the south of the site.
12. East Midlands Airport and Castle Donington motor racing circuit lie some 1.8km to the north-east of the Breedon Quarry boundary. The A42 lies approximately 800m to the southwest of the site.





LEGEND

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|--|---|---|--|
|  Existing Quarry |  Consented Landscaping Area |  Footpath M12 (Existing) |  Proposed Footpath |
|  Consented Quarry Extension |  The Consented New Road |  Footpath M14 (Existing) | |
|  Breedon Offices |  Church of Saint Mary and Saint Hardulph | | |

Planning History

Breedon Quarry

13. Quarrying and related activities at Breedon Quarry have been carried out for a considerable number of years prior to the introduction of planning legislation. In 1947, planning permission was granted for the continuation of quarrying under the Town and Country Planning (General Interim Development) Order 1946. In accordance with the Planning and Compensation Act 1991, an application for registration of this Interim Development Order (IDO) permission was granted in 1992. Further quarrying permissions were granted at Breedon Quarry in 1969 and 1973.
14. In August 1997 planning permission (Ref: 1996/0139/07) was granted for the continuation and extension of extractive and associated quarrying operations at Breedon and Cloud Hill Quarries, together with the restoration of Breedon Quarry by infilling with imported waste. This later permission consolidated all the earlier permissions.
15. In February 2000, Breedon plc submitted a planning application to allow the importation of an extended range of waste materials, including industrial and commercial waste, and the development of a Materials Recycling Facility at Breedon Quarry. This application was withdrawn in December 2002.
16. In January 2006 planning permission (Ref: 2003/0701/07) was granted for a 70.8ha eastern extension that included a revised restoration scheme for the original quarry, the construction of a new road and provision of a new quarry entrance. This planning permission is also subject to a Section 106 agreement that includes:
 - Highways works;
 - Closure of existing Wilson Road and diversion of Footpath M14;
 - Routeing and weight restriction orders;
 - No disposal of waste at Breedon Quarry for restoration;
 - Restriction on mineral extraction;
 - Breedon Hill SSSI Management Plan;
 - Management of proposed woodland and nature conservation areas;
 - Pumping in perpetuity;
 - Creation of permissive paths;
 - Promotion of cycleway between Cloud Hill Trail and Squirrel Lane;
 - Local liaison committee;
 - Review of the existing Permission as it relates to Cloud Hill;
 - Establishment of a trust fund.

17. In October 2007 planning permission (Ref: 2007/1032/07) was granted for the importation of aggregate associated with the existing bagging plant.
18. In July 2010 planning permission (Ref: 2010/0577/07) was granted to vary condition 57 of planning permission 2003/0701/07 in relation for the disposal of foul water from the new compound.

Breedon Offices

19. In September 2007 planning permission (Ref: 2007/1268/07) was granted to extend the existing offices at Breedon Quarry.
20. In April 2012 planning permission (Ref: 2012/0167/07) was granted to modify the entrance, offices and workshop at Breedon Quarry to improve the flow of traffic and increase safety.
21. In January 2016 planning permission (Ref: 2015/105507) was granted for a proposed side extension to the existing site offices and replacement roof lights.
22. In July 2016 planning permission (Ref: 2016/0496/07) was granted for a two storey and single storey office unit.
23. In March 2017 two Non-Material Amendments to planning permission 2016/0496/07 were granted to change the cladding panels, the inclusion of landscaping workings, clarification of external materials and the location of external plant enclosure.
24. In June 2017 planning permission (Ref: 2017/0352/07) was granted to vary planning permission 2016/0496/07 to amend the site layout to enable the construction of a link between the proposed new offices and the existing buildings.
25. In June 2019 planning permission (Ref: 2019/0662/07) was granted to vary the 2017/0352/07 planning permission to regularise the layout of the car parking and provision of cycle parking.
26. Prior approval was granted for the demolition of an existing site workshop and reuse off site by a third party on 20 January 2020 (Ref: 2019/PN/0294/LCC).
27. In July 2021 planning permission (Ref: 2020/0079/07) was granted for the 'Demolition of Existing 1.5 Storey Office, Construction of New 2 Storey Office, External Works to Provide New Car Parking and Renovation and Restoration Works to Existing Building'. This planning permission has a condition on it which states that the buildings permitted shall be removed from the site and restored within 12 months of the cessation of mineral extraction at Breedon Quarry.

Description of Proposal

28. The application to vary Condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078 and the Review of Mineral Permission (ROMP) application were both accompanied by an Environmental Impact Assessment (EIA). The Environmental Statement (ES) contains technical assessments of the likely impacts on (inter alia) landscape, ecology, heritage, water management and noise, dust and blasting.

Application 1 - Variation of condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078.

29. At present, there is approximately 23 million tonnes of reserves of limestone within the currently unworked eastern extension area and approximately 2 million tonnes of Breedon Golden Amber Gravel that is remaining at the existing, currently operational Breedon Quarry. Based on the expected rates of working there is a remaining lifespan of approximately 55 years, with an additional 2 years for restoration.
30. The application also proposes an updated phased working and restoration scheme, which is summarised below:
- Phase 1 – extraction of limestone from the upper haul road bench, which would become the internal haul road linking the existing and new quarry entrances and will be utilised until a new set of haul ramps are established within the extension area. This phase will involve the extraction of 230,000 tonnes of limestone and 50,000 tonnes of Golden Amber Gravel within the existing quarry.
 - Phase 2 – involves the first phase of stripping of overburden from the extension to create two screening bunds and the new quarry entrance and operational area. This phase would also include a re-contoured landscape around the southern, eastern and northern parts of the site creating predominately grassland and woodland habitats. At this stage the new Wilson Road diversion will be completed and ready to be operational, with the footpath running along the eastern boundary of the site being diverted. The duration of Phase 1 & 2 will take approximate five years to complete.
 - Phase 3 – the closure of a section of Main Street and the new Wilson Road becomes active, the continuation of stripping of overburden through the old section of Main Street and into the north of the extension to create more screening bunds. Extraction of the limestone within the extension area would commence. During this phase 6,375,000 tonnes of limestone and 1,455,000 tonnes of Golden Amber would be extracted. The duration of this phase is approximately 15-16 years.
 - Phase 4 – the continuation of stripping and working of the extension limestone, the remaining Golden Amber beneath will be exhausted, allowing for overburden tipping. This phase involves the extraction of 2,392,500

tonnes of limestone and 500,000 tonnes of Golden Amber taking approximately 6 years.

- Phase 5 – overburden will continue to be stripped along the eastern boundary of the extension, this overburden continues to be tipped, with the finished levels at southern end attaining a level of approximately 80 metres AOD. This phase will involve the extraction of 5,547,500 tonnes of limestone taking approximately 11 years.
 - Phase 6 – involves the stripping of the remaining soils and overburden and the restoration of Breedon Hill is completed to a height of approximately 110 metres AOD. Limestone extraction is still ongoing focusing on pushing out the eastern faces. Phase 6 involves the extraction of 5,320,000 tonnes of limestone taking approximately 11 years.
 - Phase 7 – the final phase of limestone extraction and restoration works to Breedon Hill continues. On the cessation of rock processing and sale of aggregate, all the plant and machinery will be decommissioned and removed. This phase involves the extraction of 3,540,000 tonnes of limestone taking approximately 7 years.
 - Restoration – will involve the re-profiling of the overburden slopes and quarry faces to their final gradients, followed by landscaping with a variety of trees and shrubs and the creation of a central water body. The site would be restored to agricultural grassland and native woodland. The access created in phase 2 will be retained in order to provide access for landscape and ecological management. Water levels will be allowed to recover to their final rest level at approximately 55m AOD, with this level controlled by an overflow pipe connected to the current de-watering pipework, which discharges in located about 200m from the southern boundary of the site.
31. This application does not propose to alter working methods currently used in the winning and working of limestone at Breedon Quarry, the operating hours will remain as existing and production limits will remain within the permitted limits of 500,000 tonnes per annum.
32. Currently Breedon Quarry employs two employees, working within the extension area which has the potential for ten employees on site. Breedon Southern Limited has an office adjacent to Breedon Quarry, within the redline application area, which can accommodate around 212 employees.

Landscape

33. A landscape and visual impact assessment was submitted with the application and concluded that the proposed development currently does and will involve new medium to large scale change. It is recognised that the site is located within the Leicestershire Langley Lowlands Landscape Type and is just east of the Derbyshire Melbourne Park Estate Farmlands, and it is considered that the magnitude of effect resulting from the currently permitted scheme is a Moderate Adverse Effect and a Low Adverse Effect, respectively.

Ecology

34. A Preliminary Ecological Appraisal (PEA) states that the proposed works would not have any impact on these Statutory Designated Site due to the distance between the designated sites and the proposed works. The Leicestershire & Rutland Environmental Records Centre showed 35 records for Local Wildlife Sites within 2km of the site boundary. These include a large number of individual habitat features such as individual hedgerows. It is unlikely that any proposed works would have any impact on these Non-Statutory Designated Sites due to the distance between these sites and the proposed works. The survey identified ecological features within the site boundary. The site consists of the following habitats:
- Broad-leaved semi-natural woodland;
 - Broad-leaved plantation woodland;
 - Scattered scrub;
 - Species-poor semi-improved grassland;
 - Intact hedgerow – species rich with trees;
 - Defunct hedgerow – species poor with trees;
 - Intact hedgerow – species poor with trees;
 - Scattered trees;
 - Dry ditch; and
 - Arable fields.
35. Further protected species survey for the site were recommended. These include breeding bird surveys, great crested newt population surveys, reptile surveys and bat activity surveys and bat roost surveys prior to vegetation clearance on each phase.
36. A Great Crested Newt Report was commissioned to fulfil the recommendations made in the PEA, which identified four records of Great Crested Newts (GCN) within 2km of the site boundary. The report also includes mitigation recommendations to protect GCN during the extent of the works.
37. A bat report was carried out to fulfil the requirements identified in the Preliminary Ecological Appraisal (PEA). A total of six bat species were recorded within the bat activity surveys. The report recommends that an Ecological Management plan is produced prior to the beginning of works which details that prior to the removal of vegetation for each Phase of the works that bat roost survey works should be undertaken for any trees with roosting potential that are to be removed along with mitigation being provided for the loss of foraging habitat for bats within this assessment.
38. A reptile report was submitted and concluded that no reptiles were recorded during the seven surveys undertaken and the Leicestershire & Rutland Environmental Records Centre returned no presence of any reptile species

being found within 2km of the site boundary and the National Biodiversity Network showed no presence of records of any reptile species in the 2km site boundary.

39. The submitted breeding bird survey report concluded that the site provides suitable habitat for a wide range of breeding bird species that will be impacted by the proposed works. However, with the implementation of recommendations, it is considered that the long-term avian biodiversity would see a moderate positive improvement. This would be due to improving the quality of habitat for existing species with the creation of additional woodland and grassland.
40. A management plan was included within the application which provided an assessment of Breedon Hill SSSI's current condition and reviewed management options for the next five years to ensure there is no loss in the extent of calcareous grassland and that condition targets set by Natural England are met.

Heritage

41. A heritage statement was carried as part of the application, the assessment considers both direct and indirect effects upon cultural heritage. It considered that the overall effects upon archaeology and the setting of cultural heritage assets are of moderate significance.

Water Management

42. The application included a hydrogeological impact and flood risk assessment which stated that the eastern extension at Breedon Quarry will not have a significant increased impact on the surrounding water environment.

Noise, Dust and Blasting

43. A full assessment was not undertaken as it was considered that the application did not propose to develop site operations outside existing consented boundaries and therefore would not extend any closer to existing sensitive receptors. It is therefore considered that the impacts of noise, dust, ground borne vibration and air overpressure can be suitably controlled to within the limits specified by existing planning conditions. The extant planning permission requires schemes for the monitoring and control of noise, dust, ground borne vibration and air overpressure to be submitted, schemes in relation to these have been prepared and subsequently approved by the Mineral Planning Authority. Therefore, for this application an updated environmental scheme has been provided which sets out the procedures to be adopted and outlines the measures to be taken in order to identify, mitigate, control and monitor each sensory environmental impact.

Alternatives

44. A number of alternative proposals have been considered, ranging from not seeking to extend the life of the quarry to alternative extensions. The applicant considers that the development scheme provides the best option for maintaining the Company's existing businesses at Breedon Quarry and supporting the continued supply of limestone and Golden Amber reserves to meet a local, regional and national need.

Transport and Traffic

45. This application seeks an extension of time to complete mineral operations at Breedon Quarry with no alterations to the existing, approved highways situation. The submission concludes that in terms of transportation and traffic, the continued mineral operations will not have unacceptable direct or indirect impacts.

Public Rights of Way

46. As part of the consented planning permission there are permanent impacts to users of the PROW on commencement of development within the eastern extension area. The PROW is to be permanently diverted to enable the consented mineral operations and final restoration of the site.

Cumulative Effects

47. The submission addresses the cumulative impact of the proposed development to examine if any changes will arise from the proposal that, when combined with other developments and activities in the area, will in some way result in the proposed scheme being unacceptable. It concludes that there are no cumulative impacts that will arise from the scheme in combination either within itself or with other existing/proposed developments that would render the proposed quarry extension unacceptable.

Legal Agreement

48. As part of the application, it is proposed to update the existing legal agreement which currently includes: covering highways works, diversion of Footpath M14, creation of permissive paths, routeing, weight restriction orders, no disposal of waste at Breedon Quarry for restoration, restriction on mineral extraction, SSSI management of Breedon Hill, promotion of the cycleway between Cloud Hill Trail and Squirrel Lane, continuation of the liaison committee, review of the existing planning permission and the establishment of a trust fund.

Application 2 - Review of the Old Mineral Permission (ROMP) and the submission of modern planning conditions pertaining to planning permission 2003/0701/07 for an eastern extension to Breedon Quarry.

Background

49. All mining sites, including any extensions to sites granted after the initial planning permission, are subject to periodic reviews of planning permissions. In such circumstances, a periodic review of the conditions attached to the original planning permission can help ensure that sites operate to continuously high working and environmental standards.
50. Legislation setting out how these periodic reviews should be carried out is contained in section 96 of and Schedule 14 to the Environment Act 1995, and section 10 of and Schedule 3 to the Growth and Infrastructure Act 2013.
51. The legislation introduced a programme of initial reviews of all mineral permissions granted between 30th June 1948 and 22nd February 1982. Thereafter, there was to be a programme of 'Periodic Reviews' of minerals permissions that were more than 15 years old. There is no fixed period when periodic reviews should take place so long as the first review is no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the initial review. Any further reviews should be at least 15 years after the date of the last review.
52. The Minerals Planning Authority regularly undertake site monitoring of all mineral sites within the County. Following a site visit in March 2019, it was highlighted that the 15-year period was approaching and recommended to the operator that a review of conditions be undertaken.

Proposal

53. The submission does not propose any major alterations to the consented scheme of working at the site. The submission reviews the current working practices and advises based on up-to-date guidance and legislation a series of modern planning conditions to ensure that working can continue in an environmentally acceptable manner.
54. As part of the application a schedule of draft conditions was submitted, the conditions include the minor revisions to the working and restoration scheme. This included updating the drawing plan reference numbers throughout the conditions; proposed removal of conditions relating to soil handling and soil strippage and storage; and updating conditions that have been previously discharged to reference specific schemes, including: the Environmental Scheme, the Woodland Management Plan, Habitat Management Scheme and the Soil Handling Method Statement. Throughout the conditions the wording

'Director of Community Services' has been replaced with the 'Mineral Planning Authority'.

Regulation 25 – Submission of Further Information

55. As part of the application process further information was submitted under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The further information was submitted to supplement the ES and therefore applies to both applications. It included further information on Birdstrike, Groundwater and Contaminated Land, and the Historic Environment.

Birdstrike and Restoration

56. The concept restoration of the site has already been established through planning permission 2003/0701/07. Nonetheless, the further information set out details of design and controls established by existing planning conditions to control the risk of birdstrike.

57. With regards to potential risk of a birdstrike to aircraft using East Midlands Airport it should be noted that the submitted scheme has embedded design and restored quarry morphology to try and minimise the potential for the creation and use of habitat by birds which could cause an additional hazard to aircraft.

58. The submission included additional aspects which could supplement the submitted concept restoration scheme (subject to detailed design) to discourage individual and flocking birds, as set out below.

- Encourage birds of prey - inclusion of raptor boxes, initial feeder stations;
- Removal of short, bird-edible grassland from around the southern lake periphery and replaced with tussocky grassland;
- Use of recorded bird distress signals, managed sustainably by solar and wind power;
- Vertical fence of approximately 1m in height could be constructed around the southern area of the restored water body to prevent wildlife access;
- Planting that does not provide a good source for birds, with a reduced density to avoid formation of bird roosts and that reduces the suitability for flocking species.

59. Alternative options considered as part of the Environmental Impact Assessment process included: pumping to dewater the extracted void – which was discounted as an unsustainable process; inert filling – discounted for technical and market reasons; and not working the full extent of the mineral resource – discounted as it could sterilise mineral.

60. The current and proposed conditions include details about submissions of restoration details complying with Aerodrome Safeguarding Advice Note 3

'Potential Bird Hazards from Amenity Landscaping and Building Design'. In addition, the existing planning permission (Ref: 2003/0701/07) included an alternative restoration plan in order to achieve the satisfaction of East Midlands Airport and comply with Aerodrome Safeguarding Advice. This plan included that: the completed workings above the estimated final water level would be restored as per the original scheme, but the benches below the water table would be planted with a range of shrubs, with areas of limestone grassland also established. On the floor of the completed workings, water would continue to be pumped from a de-watering lagoon to maintain the reduced groundwater levels. It was considered that this lagoon would not attract birds due its depth (over 120m) below the surrounding ground levels.

Groundwater and Contaminated Land

61. Further information was provided in relation to how much water is collected and the frequency that it is pumped out. For reference, pumping at Breedon quarry is sporadic and the frequency depends on rainfall. Most of the rainfall infiltrates into the ground as the water table is at a much lower level than the quarry floor. The maximum estimated pumping rate (rainfall) is 850m³/d.
62. Breedon and Cloud Hill quarries are hydrogeologically connected, so most of the dewatering takes place at Cloud Hill quarry sump which is at a much lower level (-40m AOD). There is very limited pumping at Breedon quarry as the water naturally drains to the lowest point in the adjacent Cloud Hill quarry.

Historic Environment and Restoration

63. The further information submitted sets out proposed options in respect of re-building the hilltop further into the quarry and in front of the Priory Church of St Mary and St Hardulph to aid in the understanding of the site, these options include:
 - The shape (form) of the restored landform will be less of a “hill” and more of a “ridge”;
 - The restored landform would be tied into similar ground levels around the area of the Priory;
 - There would be steeper gradient, as land falls to the north into the quarried void;
 - There would be options to enhance the immediate relationship between the Priory and the Quarry:
 - uniform vegetative hedge structure which can be managed and maintained from the Priory grounds - to add a uniformity to the setting along the upper quarry boundary;
 - Improvements to the quarry health and safety / security fencing;
 - Additional signage (historic / educational / interest) - points of reference to explain the historical and archaeological background;

- A uniform block of woodland to improve the immediate setting of Breedon Priory.

Planning Policy

The Development Plan

64. **Leicestershire Minerals and Waste Local Plan (adopted September 2019)**

- Policy M4: Crushed Rock
- Policy DM1: Sustainable Development
- Policy DM2: Local Environment and Community Protection
- Policy DM3: Strategic Green Infrastructure
- Policy DM5: Landscape Impact
- Policy DM6: Soils
- Policy DM7: Sites of Biodiversity and Geodiversity Interest
- Policy DM8: Historic Environment
- Policy DM9: Transportation by Road
- Policy DM10: Public Rights of Way
- Policy DM11: Cumulative Impact
- Policy DM12: Restoration, Aftercare and After-use

65. **North West Leicestershire Local Plan (adopted March 2021)**

- Policy S3: Countryside
- Policy D2: Amenity
- Policy Ec5: East Midlands Airport Safeguarding
- Policy IF4: Transport Infrastructure and New Development
- Policy En1: Nature Conservation
- Policy En6: Land and Air Quality
- Policy He1: Conservation and Enhancement of North West Leicestershire's Historic Environment

National Policy

66. National Planning Policy Framework (NPPF)

- Paragraph 10: Presumption in favour of Sustainable Development
- Paragraph 170: Enhance and contribute towards the natural and local environment
- Paragraph 205: Great weight given to the benefits of mineral extraction
- Paragraph 203-206: Sustainable use of minerals
- Paragraph 207: Landbank of mineral reserves

Consultations

Application 1 - Variation of condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078.

67. **North West Leicestershire District Council:** No objection.
68. **North West Leicestershire District Council (Environmental Health):** Advise that the implementation of the submitted environmental scheme (this relates to noise, dust and blasting) is added as a condition to any permission granted.
69. **Breedon-on-the-Hill Parish Council:** No objection.
70. Commented on two issues resulting from the extension of the area of quarrying activities, the associated highway infrastructure changes and remedial measures to be implemented. Firstly, the Wilson Road diversion will be constructed which lengthens the journey from Breedon to Wilson and is likely to increase the volume of traffic using Melbourne Lane and Squirrel Lane as a "short cut" – this route is single track roads with few passing places and limited visibility, used extensively by pedestrians, cyclists and horse riders. Any increase in traffic volume is likely to be detrimental to the safety of non-motorised users. Although permission already exists mitigation measures including traffic restrictions, speed limits or a one-way system are suggested. Secondly, the potential for excessive speeding along Main Street was raised, when the new Wilson Road diversion is in use, as the removal of part of Wilson Road will remove a speed reducing factor along the road exiting the village. The Parish Council would welcome additional traffic calming measures, of a suitable design, introduced along this stretch of road and possibly the extension of the 30mph limit out to the newly installed island at the end of the Wilson Road Diversion.

71. **Leicestershire County Council – Archaeology:** Commented specifically upon the impact of the eastern extension. It is considered that the proposal would result in a prolongation of the harm to the historic environment caused by the extraction programme. There is a need to update the archaeological information base (geophysical survey and trial trenching) and mitigation measures outlined in the archaeological Written Scheme of Investigation (WSI) approved in response to condition 59 (2003/0701/07). In addition to a review of the geophysical survey and trenching, in order to ensure delivery of an appropriate mitigation programme and to address the direct impacts of the scheme upon the archaeological resource, the developer should also be required to make provision for: a deposit modelling assessment, and fieldwalking of the proposed extension area. The applicant's Heritage Statement proposes a programme of additional post-determination exploratory investigation (geophysical survey, trial trenching) and follow-up mitigation, this post-determination archaeological programme should be supplemented with the recommended deposit modelling and fieldwalking of the extraction area. Both these stages, coupled with the proposed geophysical survey should be used to inform a programme of trial trenching, leading on to targeted archaeological mitigation, the latter to be detailed in a revised WSI. It is therefore recommended that conditions relating to a programme of archaeological exploratory investigation and a revised written scheme of investigation are incorporated to safeguard any important archaeological remains potentially present.
72. **Leicestershire County Council – Ecology:** No comments to extend the working life of the quarry.
73. **Leicestershire County Council – Heritage:** The quarrying operation at Breedon on the Hill will cause indirect harm to the significance of various designated heritage assets, including several listed buildings and the Breedon on the Hill Conservation Area. The level of harm is less than substantial.
74. Any damage to the historic environment should have been given the appropriate weight as part of the original approval and, in the absence of any material change to the relevant legislation or planning policies, it would be difficult to sustain an argument that the principle of the development is unacceptable for heritage reasons alone. The variation of condition application for an extension of time will, however, prolong the harm to significance over several additional decades and the public benefits required to satisfy the balancing exercise described in paragraph 202 of the NPPF ought to be greater or at least occur throughout the lifetime of the extended permission to balance the amplified period of harm. There are no heritage gains directly associated with the variation of condition application but note that the review of the old permission proposes alterations that might, especially if the two applications can be linked, offer demonstrable public benefits that could help to offset the increased period of harm. A change proposed is an alteration to the restoration scheme with the landform being less of a 'hill' and more of a 'ridge' whilst a

'uniform block of planting' will obscure the remaining western quarry faces. Leaving the faces exposed provide a spectacular and distinctive setting to the listed church and a clear visual reminder of an important local industry that stretches back for centuries. The submitted Heritage Statement includes old mapping and an interesting photograph from around 1940 which illustrates the extent of the quarrying at that time; considerably more of the hill has been removed since then. The restoration scheme covers the historic quarry but leaves extensive, modern intrusion in the landscape more intact, although as noted by Historic England, the proposed lake to the north will not be readily visible from the church or surrounding landscape. It is agreed, along with Historic England, that the proposed changes to the hill top boundary, including a uniform vegetative hedge structure in combination with the existing stone wall, improvements to the health and safety/security fencing and signage, are to be welcomed, particularly as the intention is to undertake these public benefits 'as an initial work item'.

75. **Leicestershire County Council – Highways:** No objection.
76. **Leicestershire County Council – Landscape:** No objection. Landscape wish to be consulted on any additional details that are subject to conditions.
77. **Leicestershire County Council – Lead Local Flood Authority:** No formal comments to make.
78. **Environment Agency:** No objection, subject to a planning condition requiring submission and subsequent approval of further details in relation to monitoring in relation to dewatering.
79. **East Midlands Airport:** No objection.
80. **Highways England:** No objection.
81. **Historic England:** No objection in principle to this application. However, the proposals would negatively impact upon the setting of several designated heritage assets. It is our view that this would result in some harm to their significance.
82. The likely negative impact upon the setting of these heritage assets would be higher than the application assessment and Historic England would consider the works to result in harm to the significance of the church and the scheduled monument. The current/proposed workings constitute a largely negative intrusive element within the settings of an Iron Age hillfort, a medieval priory and a medieval church. It is the view of Historic England that would lengthen and add to an intrusive negative element within the settings of the designated heritage assets. They would increase level of intrusion and visual impact in views out and towards the hillfort remains and medieval church. The eastern

extension would result in the loss of a large portion of historic landscape. In line with current policy, this adverse impact would result in some harm to the significance of these designated heritage assets.

83. As part of the Regulation 25 submission the applicant has recommended options including: upgraded fencing and planting to enhance the immediate relationship between the heritage assets and the existing quarry. Historic England welcome these measures and have no objection to their implementation. If these works are secured as part of the planning approval, Historic England would recommend this include a specific landscape / heritage management plan to set out the scope and the parameters for these works. In relation to the hill restoration, Historic England recommends seeking clarification and certainty on the stability and longevity of the shear quarry faces which would still be left exposed as part of the proposed restoration scheme. Should these faces be susceptible to degradation or erosion (short term or long term) then this could put the heritage assets above them at risk. Appropriate mitigation or amendments to the scheme should be secured if erosion is identified as a potential issue in these areas.
84. **National Forest Company:** No comments.
85. **Natural England:** No objection.
86. The proposal is unlikely to have significantly different impacts on the natural environment than the original proposal. Where additional signage is explored Natural England would welcome the inclusion of ecological information on the signs (i.e., educational information regarding the adjacent Breedon Hill SSSI). Natural England advise that appropriate dust suppression measures are continued to be used on the site and that whilst this application will delay the restoration of the site, this restoration will still take place and will incorporate areas of biodiversity enhancement.
87. **Forestry Commission:** It is highlighted that the Forestry would like the restoration to include woodland planting to help offset local carbon emissions in the longer term.
88. **Derbyshire County Council, South Derbyshire District Council, South Derbyshire District Council (Environmental Health), Isley cum Langley Parish Council, Worthington Parish Council, Leicestershire County Council – Public Rights of Way, Ramblers Association, Leicestershire Footpaths Association and Leicestershire and Rutland Wildlife Trust** have not responded.

Application 2 - Review of the Old Mineral Permission (ROMP) and the submission of modern planning conditions pertaining to planning permission 2003/0701/07 for an eastern extension to Breedon Quarry.

89. **North West Leicestershire District Council:** No objection.
90. **North West Leicestershire District Council (Environmental Health):** No objection, subject to a planning condition requiring the implementation of the environmental scheme in relation to dust.
91. **South Derbyshire District Council:** No objection.
92. **Breedon-on-the-Hill Parish Council:** No comments.
93. **Leicestershire County Council – Archaeology:** Comments that there is a need to update the archaeological information basis and mitigation measures outlined in the WSI (note, other than in respect of the additional life sought, the comments are the same as detailed in relation to Application 1 above).
94. **Leicestershire County Council – Ecology:** Comments in relation to the habitat survey, restoration scheme, Badgers and Great Crested Newts.
95. Habitat - Concerns relating to the habitat survey, as it focused mainly on the extension area, which is of minor habitat value only, being mainly arable land. LCC Ecology highlight that Breedon Hill is a limestone inlier, and there are fragments of high-quality calcareous grassland on adjacent unquarried land, part of which is the Breedon Hill SSSI. Lower quality calcareous grassland also exists on the Hill (outside of the application site). Calcareous grassland is a priority Local BAP habitat, and extremely rare in Leicestershire. Breedon Hill is the only area where the semi-natural habitats exist in any quantity. There was no record of any existing calcareous grassland within the site, however it is possible that this habitat is present at the northern tip of the existing void and other areas such as the western edges of the quarry, next to the SSSI and church. The habitat survey should focus on the areas of interest and potential.
96. Restoration - The ROMP should be an opportunity to review the restoration plan in the light of current biodiversity priorities, in its current form the restoration plan is not addressing the biodiversity crisis at a local level. A key priority is that the quarry is restored after each phase of working to a priority local/national Biodiversity Action Plan (BAP) habitat, which also complements and enhances the value of the adjacent SSSI and other local habitats. However, the priority for restoration on Breedon Hill and next to the SSSI should always be calcareous grassland, which is not achieved in the restoration plan. The SSSI is notified for this grassland type, which is extremely rare in Leicestershire – this is the only area where the habitat occurs in any quantity as a result of the underlying geology. Over the years, the quarry has removed most of the

naturally occurring calcareous grassland habitat, with only fragments remaining in the SSSI. It is recommended that the restoration plan is amended to show restoration of at least part of the hill – ideally the steeper slopes - to calcareous grassland. For the grassland creation to be successful, a high pH and low fertility are necessary, therefore management of soils and overburden are critical; it is likely to require the addition of some limestone fines, rocks and other material arising from the quarry. The focus of the final restoration to the quarry extension land to the east is a large and presumably deep lake, with little or no marginal habitat. This has not changed since the original scheme which was submitted in 2003. The lake will have wildlife value, but it is not a local BAP priority habitat, and the value of large deep-water bodies is low compared to other wetlands. Shallow lakes or pond clusters with shelving margins that allow development of marginal zones of reedbeds, and marsh are of most value. The extensive species-rich grassland and woodland planting shown on the restoration plan are welcomed, but this would be enhanced by the creation of more wetland. With regards to the severity of the risk to aircraft from the creation of a large body of deep water, a series of shallow water bodies would be less attractive to large waterfowl (geese etc.) and would not attract gulls and would be better for biodiversity. There would not be significant risk of bird-strike from the bird species attracted to a habitat mosaic of ponds, grassland and scrub, which would be a preferred restoration scheme, because this would attract a diverse number of smaller species of birds. Further consideration should be given to the actual level of risk, this would require an ornithologist to help assess the likely species and numbers of birds attracted to the habitat. The preference on biodiversity grounds would be for some limited infill of the void to reduce the size of the large water body, potentially reducing the numbers of flocking birds and large species from using the site.

97. Badgers and Great Crested Newts - In 2007, several badger setts were present, the setts were of some size and significance – these seem to have been lost and should be kept under review as it is likely they have moved elsewhere. The risk assessment and mitigation proposals submitted do not take account of the incidental sighting or possibility of Great Crested Newts (GCNs) being present – GCNs are clearly on site and would be harmed by the proposed extension. The status of GCNs therefore needs to be kept under review, and an updated survey of ponds affected by each phase of extraction will be needed – or the alternative approach of District-level licensing (now available in Leicestershire) could be taken.
98. **Leicestershire County Council – Highways:** No objection subject to conditions relating to highways matters.
99. The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The Local Highways Authority were made aware of concerns raised locally regarding the diversion of Wilson Road,

resulting in a longer route between Breedon on the Hill and Wilson. Concern has been raised that this would result in an increase in the volume of vehicles using Melbourne Lane and Squirrel Lane as this is a more direct route. Both Melbourne Lane and Squirrel Lane are narrow, predominantly single-track rural roads. Whilst accepting that the journey between Breedon on the Hill and Wilson from the western end of Breedon on the Hill may increase the length of the journey, the likelihood would be that such journeys would be by local traffic, who would therefore be aware of the restrictive and narrow nature of these roads. In addition, whilst the new road may pose a slightly longer route, it would be a higher quality road and therefore a more attractive route – therefore, the Local Highway Authority do not consider that any additional mitigation is necessary. In addition, concerns were raised regarding speeding on Main Street and the impact that the removal of the existing junction would have on speeds on this length of Main Street. It has therefore been requested that additional traffic calming measures are introduced, or the existing 30mph speed limit extended. The existing 30mph speed limit on Main Street terminates approximately 76m northeast of the junction with The Placketts/Wilson Road. It is noted that at the time of the 2003 permission, beyond this was a length of national speed limit, however this has since been reduced to 50mph. The approved new road, as shown on BWB drawing number TRT/01042/12 Rev P4, includes a new roundabout junction to the east of Breedon on the Hill. Therefore, this will assist in reducing speeds on the approach into the village, as vehicles will be required to slow in order to negotiate the roundabout junction. Generally, 30mph speed limits should only be in force in built-up areas, therefore the LHA do not consider that it is appropriate to extend the existing 30mph speed limit in this location, nor is it considered necessary to mitigate against the impact of the development.

100. **Leicestershire County Council – Landscape:** No comments in relation to the schedule of conditions. However, should an alternative restoration scheme be proposed further information would be required to enable a full landscape assessment.
101. **Leicestershire County Council – Lead Local Flood Authority:** No comment.
102. **Environment Agency:** No objection, subject to a condition relating to monitoring.
103. Commented that the details of the monitoring scheme should be conditioned. The proposed extension to the quarry will not initially require dewatering, but at a later date active dewatering will be required. At this stage it is likely that an abstraction license will be required, and any future monitoring requirements will be carried out as part of the permit conditions. In addition, the proposed mineral extraction presents a risk to groundwater which is particularly sensitive in this location, but the information submitted details that it will be possible to suitably manage the risks posed to groundwater resources by this development.

104. **East Midlands Airport:** Made comments in relation to concerns of birdstrike risk in relation to the restoration scheme.
105. The large area of open water has the potential to increase the populations and movements of hazardous birds within close proximity to East Midlands Airport, which would ordinarily result in an objection to this type of development. However, in view of the relatively long timescale of the restoration, the commitments and additional aspects that will be considered in the future restoration are welcomed, as these mitigation features will assist in deterring some species of hazardous bird and particularly breeding feral geese through the elimination of islands and other suitable habitat. The developer's commitment to implementing as many of the mitigation methods detailed as possible, with the aim of not increasing birdstrike risk at East Midlands Airport should form part of the permission to ensure that it is not forgotten in the future.
106. **Highways England:** No objection.
107. **National Forest Company:** No comments.
108. **Forestry Commission, Natural England, Historic England, Leicestershire County Council – Heritage** all made the same comments for both applications and therefore the comments are the same as for Application 1 (as set out above)
109. **Derbyshire County Council, South Derbyshire District Council (Environmental Health), Isley cum Langley Parish Council, Worthington Parish Council, Leicestershire County Council – Public Rights of Way, Ramblers Association, Leicestershire Footpaths Association and Leicestershire and Rutland Wildlife Trust** have not responded.

Publicity and Representations

Publicity

110. The applications were publicised together by means of four site notices, a press notice, and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

Representations

111. Two representations were received in relation to the applications. The first comment wanted to confirm that the existing planning condition (Condition 85 of the consented planning permission includes details that provision should be made for a non-planting zone bounded by the line-of-sight lines from the

dwelling at Tonge Station towards Breedon Church) would be carried forward should planning permission be granted as to not impede the current views from the residential property towards Breedon Church. The second representation included the following concerns and comments:

- Impacts of noise;
- Impacts of dust;
- Requirement to leave their property;
- Phasing details and timeframes;
- Company expanding anywhere within the redline boundary.

Assessment of Proposal

Application 1 - Variation of Condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078.

112. This application seeks to vary condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078, to allow for the complete extraction of permitted reserves.

113. The application also proposes an updated phased working and restoration scheme. The timing and sequencing of phasing relates to balancing the Golden Amber production as a high-quality product with crushed rock production as there is no Golden Amber Gravel within the Eastern Extension area.

114. The application does not propose to alter working methods currently used in the winning and working of limestone at Breedon Quarry, the operating hours will remain as existing and production limits will remain within the permitted limits of 500,000 tonnes per annum.

115. The principle of working is phased mineral extraction across the site and progressive restoration following on from the extraction of limestone. Current working in the existing quarry site involves the blasting of rock to release limestone and Golden Amber Gravel.

Need for the Development

116. The Leicestershire Minerals and Waste Local Plan states that there are already permitted reserves for crushed rock in Leicestershire sufficient to provide for the next 30 years of estimated demand for crushed rock aggregate, estimated permitted reserves of crushed rock in Leicestershire at the end of 2020 were around 344 million tonnes. This is sufficient permitted material to last about 26.6 years based the average rate of sales over the last 10 years. This exceeds the 10-year landbank which is the required minimum landbank required for crushed rock as outlined in paragraph 207 of the NPPF.

117. Breedon Quarry forms an important source of crushed rock supply within the current pattern for aggregate supply in the locality. Permitted reserves at Breedon Quarry and Cloud Hill Quarry are included within Policy M4 (Crushed Rock) calculations for crushed rock provision over the plan period (and are included in the landbank set out in the LAA) and thus contribute to maintaining a steady and adequate supply of crushed rock throughout the plan period (2015 to 2031). It should be noted that mineral operations at Breedon Quarry also enable the release of Golden Amber Gravel, a natural limestone resource quarried exclusively at Breedon.
118. Planning permission for Cloud Hill Quarry, the only other operational carboniferous limestone quarry within Leicestershire, expires in 2025. In this context, the NPPF looks to Minerals Planning Authorities to ensure that the capacity of operations to supply a wide range of materials is not compromised.
119. In addition, the NPPF recognises the essential role that minerals play in supporting sustainable economic growth and quality of life. It seeks to ensure that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The NPPF also acknowledges that minerals are a finite resource and can only be worked where they are found and that when determining applications, great weight should be given to the benefits of mineral extraction, including to the economy.
120. It is recognised that Policy M4 seeks to cover the steady and adequate supply of minerals over the Minerals and Waste Local Plan to 2031, however, the extension of time being sought is beyond this period. Nevertheless, the existing planning permission already allows for extraction beyond the Plan period and no additional reserves are being sought, but the additional time is being sought to recognise the delay in implementation of the extension area and revised phasing.
121. Therefore, the principle of extending the time for completion of operations from 2042 to 2078, to allow for the complete extraction of permitted reserves, is supported by the NPPF and considered acceptable.

Local Environment and Amenity of Residents

122. The application does not propose to amend the existing working methods currently used in the winning and working of limestone at Breedon Quarry, with the hours of operation for quarrying remaining as existing (as proposed in conditions 18 to 20, see Appendix 1).
123. The proposal would result in an extension of time for completion of operations from 2042 to 2078. Therefore, there would be an extended period of impact on the local environment and community through the continued operations.

Nevertheless, these impacts have previously been assessed as acceptable and are already permitted to 2042.

124. Under the existing planning permission, it is a requirement for a scheme for the monitoring and control of noise, dust, groundborne vibration and air overpressure be submitted to, and approved by, the Mineral Planning Authority. Therefore, as part of the application, the existing schemes have been reviewed, updated, and submitted by the applicant. The submitted document proposes the procedures to be adopted and outlines the measures to be taken in order to identify, mitigate, control and monitor each sensory environmental impact. In addition, the scheme proposes that it is regularly reviewed so any concerns of the local community can be addressed satisfactorily.
125. A representation from the public was made in relation to the impact of noise and dust. A full assessment of the sensory impacts of noise, dust, groundborne vibration and air overpressure was not considered necessary for submission by the applicant as the proposal is not seeking consent outside of existing permitted boundaries. The working methods at Breedon Quarry are not proposed to change, therefore, it is considered that the impacts of noise, dust, groundborne vibration and air overpressure can be suitably controlled to within the limits specified by existing planning conditions which would be carried forward with any grant of planning permission.
126. The proposal is not seeking to alter or amend the existing working methods and there are existing conditions within the extant permission which have appropriate measures to protect against any detrimental impacts on the amenity and health of people and the environment. Therefore, it is considered that in terms of noise, dust, groundborne vibration and air overpressure, the implementation of the environmental scheme can effectively manage the operations at Breedon Quarry and there will not be an unacceptable impact.
127. Subject to conditions relating to the environmental scheme and the continuation of conditions to protect amenity and the environment the proposal is acceptable in accordance with Policy DM1 and DM2 of the Leicestershire Minerals and Waste Local Plan and Policy D2 of the North West Leicestershire Local Plan.

Highways

128. The principle of exporting up to 500,000 tonnes per annum (tpa) of mineral from the site by HGV has been established (at maximum production level this equates to approximately 560 2-way HGV movements per day), as has the Wilson Road diversion.
129. The proposal seeks to extend the time for completion of operations to 2078 at Breedon Quarry, traffic movements will not be extended beyond the current operating hours for the quarry, and it is not proposed to modify the existing

approved access and egress arrangements. It should be noted that the existing permission does not place any controls on HGV numbers, and no controls are proposed as part of this application (or the associated ROMP application). However, HGV numbers would be limited by virtue of the controls limiting the export of mineral from the site to 500,000 per annum.

130. The Parish Council commented on volume of traffic, highway safety and the need for additional measures. The Local Highway Authority has reviewed the measures suggested by the Parish Council, but advise that additional mitigation is not considered necessary and have no objection to the proposal.
131. The planning permission will continue to have the appropriate measures to protect against any detrimental impacts on the highway and therefore, subject to conditions relating to production limits and the continuation of conditions to protect amenity and the environment the proposal is considered acceptable in accordance with Policy DM9 of the Leicestershire Minerals and Waste Local Plan and Policy IF4 of the North West Leicestershire Local Plan.

Archeology

132. Due to the time elapse since the approval of the existing planning permission, LCC Archeology has recommended an update to the archaeological information base and a revised written scheme of investigation to cover mitigation measures to safeguard any important archaeological remains potentially present. Updated archaeological conditions are set out in appendix 1, condition 53 and 54. This approach is in accordance with policy DM8 of the Leicestershire Minerals and Waste Local Plan.

Heritage

133. The local historic environment includes the Grade I Listed Church of St Mary and St Hardulph, also known as Breedon Priory Church, which contains ex situ Saxon sculptures from the hilltop that are of international importance; the Iron Age hillfort, known as 'The Bulwarks', which is a Scheduled Monument of national importance; and buried archaeological evidence within the application area itself. In addition, there are numerous Grade I and Grade II listed buildings within the vicinity of Breedon Quarry.
134. The application is seeking an extension of time of 36 years, from 2042 to 2078, to allow for the complete extraction of permitted reserves. The original planning application assessed the proposal on the historic environment which focused on:
- Archeological investigation – it was recommended the imposition of a planning condition requiring the approval an appropriate scheme of archaeological investigation and recording in order to safeguard any important archaeological remains potentially present.

- Physical impact – it assessed the potential damage to the Grade I Listed church on the hilltop as a result of blast vibration and therefore a condition in relation to blast vibration limit at the Church to ensure that structural damage does not occur and to require appropriate blast monitoring was imposed.
- Setting - conclusions were made that the views from the hilltop will not be significantly affected – mainly as a consequence of the limited physical opportunities for viewing the near-landscape that lie within the application area. The restored lake may not be in keeping with the historic hillside, but it will lie well below surrounding ground levels and will only be seen from elevated locations around the margins of the lake and from the eastern side of Breedon Hill. Also, the lake will not be seen from any distant locations, so that the views of the hill and church gained from the surrounding landscape will be unaffected.

135. The heritage assessment submitted with this application concludes that the adverse effects upon setting would be of moderate magnitude and moderate significance. However, the likely negative impact upon the setting of these heritage assets would be higher than the original application assessment. The proposal would prolong the harm to the historic environment including negatively impacting upon the setting of several designated heritage assets, resulting in some harm to their significance.

136. As part of the application and the concerns in relation to the harm to the historic environment further mitigation measures were included in the Regulation 25 submission, including:

- A revised restoration scheme – the landform to the east and south-east of the Priory Church will be less of a “hill” and more of a “ridge”, tying the restored landform into similar ground levels around this area of the Priory.
- Enhancements to the immediate relationship between the Priory and the Quarry – by including a uniform vegetative hedge structure, additional signage, tree planting and security fencing.

These measures would leave the quarry faces from the south-east part of the void exposed and provide a distinctive setting to the listed church and a clear visual reminder of an important local industry.

137. Whilst the proposed development will lead to a prolonged harm to the historic environment, the harm is not assessed as substantial, and the mitigation measures proposed within the application are welcomed as they provide a public benefit that outweighs the harm caused.

138. The proposal has provided an opportunity to reduce the impact of the already permitted development on the setting of The Priory, including additional landscaping and signage which will help in the public’s understanding of the historic context. Therefore, subject to the control of the matters outlined above by planning condition, it is considered that the concerns in relation to the harm

of the historic environment can be satisfactorily resolved in accordance with policy DM8 of the Leicestershire Minerals and Waste Local Plan and the NPPF.

Public Rights of Way (PROW)

139. The extant permission (Ref: 2003/0701/07) allows for the diversion of a section of PROW (M14) to enable working within the eastern extension. A new footpath and diversion will be constructed prior to any development in the eastern extension area, and this is secured through an existing S106 Agreement.
140. This application is to extend the time for completion of operations and therefore Public Footpath M14 would not be affected by this development proposal. However, the S106 legal agreement would be updated as part of any grant of planning permission and, subject to this, the development is acceptable in accordance with Policy DM10 of the Leicestershire Minerals and Waste Local Plan.

Ecology

141. The application is to extend the working life of the quarry. The existing planning permission includes a condition which relates to a Habitat Management Plan and makes provision for the long-term management of the land for conservation purposes. This condition would be carried forward should planning permission be granted.
142. LCC Ecology had no comments to make in relation to extending the working life of the quarry. The consented planning permission has conditions which require schemes for planting, habitat creation and restoration. Due to the long timescales of the proposal, the MPA is of the view that the biodiversity priorities and restoration can be discussed, assessed and created at the appropriate time within these submissions, when biodiversity requirements and priorities may have evolved from the current position.

Restoration and Aftercare

143. The restoration plan submitted with the application is reflective of the approved conceptual restoration scheme which is secured by condition as part of the extant planning permission.
144. As part of the existing planning application there are eight conditions which relate to restoration and aftercare, four require details to be submitted to and approved in writing by the Mineral Planning Authority. The consented conditions relate to schemes of planting, habitat, slope creation and restoration and should make provision for: a non-planting zone between Tonge Station and Breedon Church, compliance with Aerodrome Safeguarding Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design' along with information

relating to: contours, soils, exposed quarry benches, drainage, planting, management of grassland, timescales and maintenance. As part of this application, three conditions have been updated to include the most recent line of sight drawing between Tonge Station and Breedon Church, in addition to including details of stability, longevity, mitigation or amendments with regards to erosion and restoration of the Breedon offices and car parking area to be included in scheme submissions, which would reflect the further information submitted.

145. Subject to the continuation of conditions in relation to restoration and after-care, the development is found to accord with policies DM6, DM7, DM8 and DM12 of the Leicestershire Minerals and Waste Local Plan.

Cumulative Impact

146. The proposals have been assessed against other committed and proposed major developments in the area and there are no cumulative impacts that will arise from the scheme in combination either within itself or with other existing/proposed developments, and therefore the proposal is considered acceptable in accordance with Policy DM11 of the Leicestershire Minerals and Waste Local Plan.

Legal Agreement

147. The Breedon Quarry site is the subject of an existing Section 106 agreement which covers the following:

- a) Highways works;
- b) Closure of existing Wilson Road and diversion of Footpath M14;
- c) Routeing and weight restriction orders;
- d) No disposal of waste at Breedon Quarry for restoration;
- e) Restriction on mineral extraction;
- f) Breedon Hill SSSI Management Plan;
- g) Management of proposed woodland and nature conservation areas;
- h) Pumping in perpetuity;
- i) Creation of permissive paths;
- j) Promotion of cycleway between Cloud Hill Trail and Squirrel Lane;
- k) Local Liaison Committee
- l) Review of the existing Permission as it relates to Cloud Hill;
- m) Establishment of a trust fund.

148. Any grant of planning permission for the proposed development would be subject to the prior completion of an updated legal agreement including aspects (a) to (l) listed above. The trust fund would not need to be included in an updated legal agreement, as it has already been established therefore the requirements has been discharged. The planning obligations will meet the three legal tests set out in the Community Infrastructure Levy (CIL) regulations. The

applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of this agreement

149. Therefore, subject to an updated legal agreement, the development is considered acceptable.

Other Matters

150. The submission of this Section 73 application has presented an opportunity to update conditions which referred to and required information to be submitted to, and approved by, the Mineral Planning Authority. The conditions that required this information have been updated to reflect the most recent information submitted.

Application 2 - Review of the Old Mineral Permission (ROMP) and the submission of modern planning conditions pertaining to planning permission 2003/0701/07 for an eastern extension to Breedon Quarry.

151. The introduction of the Environment Act 1995 placed a requirement, under Schedule 14, for mineral permissions to be reviewed no earlier than 15 years after planning permission is granted. This presents Mineral Planning Authorities with the opportunity to assess conditions attached to mineral planning permissions and, if necessary, to bring them up to date with modern practices.
152. The purpose of the ROMP is to ensure that the conditions attached to any mineral planning permission for the development of the site do not become outdated with the passage of time.
153. The submission does not propose any major alterations to the consented scheme of working at the site. The submission reviews the current working practices and advises based on up-to-date guidance and legislation a series of modern planning conditions to ensure that working can continue in an environmentally acceptable manner.
154. As part of the application a proposed schedule of conditions were submitted by the applicant and are set out in full at appendix 2. The conditions proposed have been updated to reflect the alterations to the working and restoration schemes.
155. The conditions proposed by the applicant have been revised by the Minerals Planning Authority taking on board the comments received through the consultation process. In addition, as set out above, the revised conditions take on board the application to extend the life of the quarry, which is subject to a separate application but relates to a variation of the same permission. As such, a single set of conditions has been prepared and these are set out at Appendix 1.

Archaeology

156. As considered above in relation to Application 1, it is recommended that the existing condition relating to archaeology is amended to require an update to the archaeological evidence base and a revised scheme of investigation. The proposed updated conditions are set out at Appendix 1, condition 53 and 54 and is in accordance with policy DM8 of the Leicestershire Minerals and Waste Local Plan.

Heritage

157. As set out above in the heritage assessment section relating to Application 1, the local historic environment includes multiple listed buildings, sculptures of international importance, and a Scheduled Monument of national importance all within the vicinity of Breedon Quarry.

158. The ROMP submission presents the Mineral Planning Authority with the opportunity to assess the conditions and, if necessary, bring them up to date with modern practices. In the absence of a material change in conservation legislation or relevant national planning policy since determination there are no conditions which require updating through the ROMP process.

159. Nevertheless, through the assessment of the Section 73 application, the proposed development will lead to a prolonged period of harm to the historic environment. This has been assessed as less than substantial and the mitigation measures proposed within the application provide a public benefit that outweigh the harm caused and this is secured through a scheme condition by condition 58 in Appendix 1 below.

Highways

160. The ROMP submission does not propose any alterations to the consented highways works or an increase to production limits. Therefore, it is unlikely that there will be any change in the HGV movements allowed for under the existing permission (predicted to be approximately 560 2-way lorry movements per day per day). As part of the submission, conditions relating to highways matters have been updated to reference the drawings submitted with this application, and these conditions are both necessary and appropriate in order to mitigate the impact of the proposals.

161. It should be noted that the existing planning permission does not place any controls on HGV numbers, and that no controls are proposed as part of this application (or the associated s73 application). Any new permission granted will continue to have the appropriate measures to protect against any detrimental impacts on the highway and therefore, subject to conditions relating to the continuation of conditions to protect amenity and the environment the proposal

is considered acceptable in accordance with Policy DM9 of the Leicestershire Minerals and Waste Local Plan and Policy IF4 of North West Leicestershire Local Plan.

Ecology

162. The County Council Ecologist has concerns relating to the habitat survey as it focused mainly on the extension area. The ROMP submission is to ensure that the conditions attached to any mineral planning permission for the development of the site do not become outdated with the passage of time. As part of this planning application, an additional condition has been recommended which requires surveys to be prepared to evaluate the presence of protected species, which could be affected by the proposed operations and provide appropriate mitigation and/or compensation prior to the working of any phase. The recommendation of the condition ensures that the surveys undertaken relate to specific phasing so they are carried out closer to the time at which the works would be undertaken. If further surveys were undertaken at this point in time, they could become outdated by the point certain phases are reached, which could be many years in the future.
163. LCC Ecology draw attention to the presence of Badger Setts in 2007 but note that these are not present in the most recent surveys. It is recommended that the presence of badgers be kept under review, through the addition of a new planning condition.
164. LCC Ecology note that Great Crested Newts (GCN) are present on site, but the risk assessment and mitigation submitted with the application does not take into consideration accidental sightings or the possibility of GCNs being present. Therefore, the presence of GCN needs to be kept under review through surveys in advance of each phase of extraction to risk assess and propose the correct mitigation, it is recommended that a condition is imposed to secure this.
165. LCC Ecology commented on the restoration proposals and made a number of suggestions, this is dealt with under the restoration and aftercare section of this report.

Local Environment

166. A representation was made in relation to the impact of noise and dust. A full assessment of the sensory impacts of noise, dust, groundborne vibration and air overpressure was not considered necessary for submission by the applicant as the proposal is not seeking planning permission outside of existing boundaries and working methods are not proposed to be altered.
167. A representation was made in relation to the impact of noise and dust. Whilst the representation is noted, an updated environmental scheme relating to noise,

dust and blasting was submitted, which suitably controls and protects against any detrimental impacts on the amenity and health of people and the environment.

168. Subject to a condition (condition 44 as proposed in Appendix 1) relating to the environmental scheme and the continuation of conditions to protect amenity and the environment the proposal is considered acceptable in accordance with Policy DM1 and DM2 of the Leicestershire Minerals and Waste Local Plan and Policy D2 of North West Leicestershire Local Plan.

Amenity

169. A public representation was made in relation to concerns that the submission had altered from the original, consented planning permission as it did not seem to include details of a non-planting zone to allow for a line-of-sight view between Tonge Station and Breedon Church.
170. As part of the consented planning permission, it was acknowledged that tree planting on the sight line from Tonge Station to Breedon Church may restrict views following modest tree growth, therefore, as part of the original submission it was proposed that a non-planting zone be identified, this was translated into a condition on the consented permission which includes the following wording: *“The submitted details shall make provision for a non-planting zone bounded by the sight lines from the dwelling at Tonge Station towards Breedon Church”*. As part of the application, an updated cross section drawing was submitted as part of the Regulation 25 submission. These updated drawings remove the residents’ concerns.

Ground Water

171. Breedon Quarry is associated with two main hydrostratigraphic units, the Carboniferous Limestone inlier, and the overlying Triassic sediments. Due to the Carboniferous Limestone’s potential to store and transmit groundwater, it is classified by the Environment Agency as a Principal aquifer. However, due to its general depth in the local area and the significant thickness of Triassic material above it, it is not generally exploited as an aquifer locally.
172. The current water management situation at the quarry relies on a sump at the base of the quarry collecting excess surface water. This water is then pumped and discharged (controlled by a permit) to a tributary of the River Boden. The proposed mineral extraction presents a risk to groundwater which is particular sensitive in this location because the proposed development site is located upon a secondary aquifer. The Hydrological Impact and Flood Risk Assessment submitted as part of the planning application provides information that it will be possible to suitably manage the risks posed to groundwater resources from the proposed development. The Environment Agency has no objections, subject to

a condition securing an ongoing monitoring of groundwater levels. The MPA is of the view that such an approach is acceptable.

Restoration and After-care

173. The restoration plan submitted with the application is reflective of the approved conceptual restoration scheme which is secured by condition as part of the consented planning permission.
174. It should be noted that as part of the consented planning permission an alternative restoration plan was submitted to demonstrate that an alternative approach could be achieved to the satisfaction of East Midlands Airport. This plan set out that the completed workings above the estimated final water level would be restored as per the original scheme, but the benches below the water table would be planted with a range of shrubs, with areas of limestone grassland also established. On the floor of the completed workings, water would continue to be pumped from a de-watering lagoon to maintain the reduced groundwater levels. It was considered that this lagoon would not attract birds due its depth (over 120m) below the surrounding ground levels.
175. Comments were made by East Midlands Airport about concerns of birdstrike risk in relation to the approved restoration scheme (not the alternative scheme referred to above), with the large open water body which has the potential to increase the population and movements of hazardous birds within close proximity to East Midlands Airport. Following the initial consultation with East Midlands Airport, further information was submitted under Regulation 25 in relation to Birdstrike. The further information concluded that the submitted scheme has embedded design and restored quarry morphology to try and minimise the potential for the creation and use of habitat by birds which could cause an additional hazard to aircraft. The presence of a large water body remained a concern, but the additional mitigation identified in the further information addressed some of the concerns and East Midlands Airport welcomed continued liaison as restoration plans process, to ensure the design is compatible with flight safety.
176. There has not been a material change to the restoration scheme from the consented planning permission, which although has wildlife value it is not of a local BAP priority habitat. LCC Ecology has commented that the ROMP should be an opportunity to review the restoration plan in light of the current biodiversity priorities and have suggested preferences or additional elements which could be achieved within the restoration scheme including more wetlands (shallow lakes or pond clusters with shelving margins that allow development of marginal zones of reedbed and marsh are highlighted as being of most value).
177. The consented planning permission has conditions which require schemes for planting, habitat creation and restoration at various points in the future. Due to

the long timescales of the proposal, the MPA is of the view that the biodiversity priorities and restoration can be reviewed, assessed and created at the appropriate time within these submissions, when biodiversity requirements and priorities may have evolved from the current position.

178. Subject to the continuation of conditions in relation to restoration and after-care the development is found to accord with policies DM6, DM7, DM8 and DM12 of the Leicestershire Minerals and Waste Local Plan.

Other Matters

179. As part of the ROMP process, compensation can apply where the conditions proposed differ in any respect from the proposed conditions submitted as part of the ROMP application and if the effect of the new conditions, except in relation to restoration and aftercare conditions, restrict working rights. These restrictions are in respect: the size and depth of the area which may be worked for the winning and working of minerals; the height of any deposit mineral waste; the rate of mineral extraction; rate of mineral waste may be deposited; the period at the expiry of which any winning or working of minerals or depositing of mineral waste is to cease and the total quantity of minerals which may be extracted from, or of mineral waste which may be deposited on the site.
180. The MPA is of the view that the conditions as set out in Appendix 1 do not prejudice adversely to an unacceptable degree either the economic viability of the operation or the asset value of the site. The proposed conditions in Appendix 1 have been shared with the applicant and they have agreed in writing that they are happy with the proposed conditions.

Conclusion

Application 1 - Variation of Condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078.

181. This application seeks to vary condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078, to allow for the complete extraction of permitted reserves. The application also proposed an updated phased working and restoration scheme.
182. The application does not propose to alter working methods currently used in the winning and working of limestone at Breedon Quarry, the operating hours will remain as existing and production limits will remain within the permitted limits of 500,000 tonnes per annum.
183. Breedon Quarry forms an important source of crushed rock supply within the current pattern for aggregate supply in the locality. Permitted reserves at Breedon Quarry and Cloud Hill Quarry are included within Policy M4 (Crushed

Rock) calculations for crushed rock provision over the plan period (and are included in the landbank set out in the Local Aggregate Assessment) and thus contribute to maintaining a steady and adequate supply of crushed rock throughout the plan period (2015 to 2031). It should be noted that mineral operations at Breedon Quarry also enable the release of Golden Amber Gravel, a natural limestone resource quarried exclusively at Breedon.

184. Technical assessments of key potential environmental impacts contained within the supporting Environmental Statement together with mitigation proposals and established management controls already operational at the working quarry, and assessed against policies in the development plan and the NPPF in the context of this planning application, have demonstrated that the site is capable of operating without giving rise to significant adverse environmental and amenity impacts, subject to conditions. Therefore, there would be compliance with the following environmental protection policies in the Leicestershire Minerals and Waste Local Plan: DM2 (Local Environment and Community Protection), DM5 (Landscape Impact), DM6 (Soils), DM8 (Historic Environment), DM9 (Transportation by Road), DM10 (Public Rights of Way), DM11 (Cumulative Impact) and DM12 (Restoration, Aftercare and After-use).
185. The proposal would result in an extension of time for completion of operations from 2042 to 2078. Therefore, there would be an extended period of impact on the local environment and community through the continued operations. Nevertheless, these impacts have previously been assessed as acceptable and are already permitted to 2042. There are existing conditions within the extant permission which have appropriate measures to protect against any detrimental impacts on the amenity and health of people and the environment, in addition the implementation of the updated environmental scheme can effectively manage the operations at Breedon Quarry and therefore, the proposal complies with Policy DM2 of the Leicestershire Minerals and Waste Local Plan.
186. The principle of exporting up to 500,000 tonnes per annum (tpa) of mineral from the site by HGV has been established (at maximum production level this equates to approximately 560 2-way HGV movements per day), as has the Wilson Road diversion. Traffic movements will not be extended beyond the current operating hours for the quarry, and it is not proposed to modify the existing approved access and egress arrangements. The planning permission will continue to have the appropriate measures to protect against any detrimental impacts on the highway and therefore, subject to conditions relating to production limits and the continuation of conditions to protect amenity and the environment the proposal is considered acceptable in accordance with Policy DM9 of the Leicestershire Minerals and Waste Local Plan.
187. The local historic environment includes Grade I and Grade II listed buildings, a Scheduled Monument of national importance, buried archaeological evidence within the application area itself. The additional time allowed by this permission

will prolong the harm to the historic environment, but the harm has been assessed as less than substantial and with the mitigation measures secured, the public benefit outweighs the harm caused. Therefore, the proposal complies with Policy DM8 of the Leicestershire Minerals and Waste Local Plan and the NPPF.

188. The restoration plan submitted with the application is reflective of the approved conceptual restoration scheme which is secured by condition as part of the consented planning permission. As part of this application, three of eight conditions relating to restoration and after-care have been updated to reflect updated plans for line of sight between a residential property and Breedon Church as well the inclusion of stability, longevity, mitigation or amendments with regards to erosion and restoration of the Breedon offices and car parking area. Therefore, subject to the continuation of conditions in relation to restoration and after-care, the development is found to accord with policies DM6, DM7, DM8 and DM12 of the Leicestershire Minerals and Waste Local Plan.
189. No significant adverse cumulative impacts have been identified. As such, the proposed development would not be contrary to the requirements of Policy DM11 of the Leicestershire Minerals and Waste Local Plan.
190. Any grant of planning permission for the proposed development would be subject to the prior completion of an updated legal agreement, covering the following: highways works, footpath diversion, creation of permissive footpath, routeing and weight restriction orders, no disposal of waste at Breedon Quarry for restoration, restriction on mineral extraction, SSSI management of Breedon Hill, promotion of a cycleway and continuation of the liaison committee.
191. The development is supported by the development plan and by the NPPF and the balance of material considerations support the granting of planning permission for the development. Environmental and residential amenity impacts are capable of being suitably controlled to acceptable levels subject to a series of planning conditions and an updated legal agreement. The prolonged harm to the historic environment is not assessed as substantial and the proposed mitigation measures provide a welcome public benefit that outweighs the harm caused. It is concluded that there would be no significant adverse environmental effects nor amenity impacts on the nearest sensitive receptors as a result of the development. Overall, it is considered that any environmental impacts would not be significant, subject to planning conditions and a legal agreement.

Application 2 - Review of the Old Mineral Permission (ROMP) and the submission of modern planning conditions pertaining to planning permission 2003/0701/07 for an eastern extension to Breedon Quarry.

192. The review of the Breedon Quarry mineral permissions will result in an updated set of planning conditions, taking into consideration modern working methods and techniques and the environmental standards required today. As part of the review process, various environmental issues associated with the site have been assessed, in particular the effects on amenity, ecology, landscape, highways, and final restoration. All significant environmental effects can be suitably controlled and mitigated through the imposition of appropriate planning conditions.
193. Under Paragraph 13 of schedule 14 of the Environment Act 1995 the County Council is required to consider the recommended conditions and whether the conditions would prejudice adversely to an unacceptable degree either the economic viability of the operation or the asset value of the site, taking account of the expected remaining life of the site. The proposed recommended conditions do not unacceptably restrict the working rights of Breedon Quarry and are reasonable.
194. The ROMP submission presents the Mineral Planning Authority with the opportunity to assess the conditions and bring them up to date with modern practices. In the absence of a material change in conservation legislation or relevant national planning policy since determination there are no conditions which require updating through the ROMP process, although changes to heritage related conditions are associated with connected the Section 73 application.
195. The ROMP submission does not propose any alterations to the consented highways works or an increase to production limits. Therefore, it is unlikely that there will be any change in the HGV movements. Appropriate measures to protect against any detrimental impacts on the highway continue to be secured by condition and the proposal is in accordance with Policy DM9 of the Leicestershire Minerals and Waste Local Plan.
196. A condition is attached which requires surveys to be prepared to evaluate the presence of protected species which could be affected by the proposed operations and provide appropriate mitigation and/or compensation prior to the working of any phase. The recommendation of the condition ensures that the surveys undertaken relate to specific phasing so they are carried out closer to the time at which the works would be undertaken.
197. Working methods are not proposed to be altered. As part of the application an updated environmental scheme relating to noise, dust and blasting was submitted, which suitably controls and protect against any detrimental impacts

on the amenity and health of people and the environment. Therefore, subject to the environmental scheme being conditioned and the continuation of conditions to protect amenity and the environment the proposal is acceptable in accordance with Policy DM1 and DM2 of the Leicestershire Minerals and Waste Local Plan

198. Breedon Quarry is classified as a Principal aquifer. The current water management relies on a sump at the base of the quarry collecting excess surface water. This water is then pumped and discharged (controlled by a permit) to a tributary of the River Boden. The proposed mineral extraction presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is located upon a secondary aquifer. However, it will be possible to suitably manage the risks posed to groundwater resources from the proposed development subject to a condition securing an ongoing monitoring of groundwater levels.
199. The restoration plan submitted with the application is reflective of the approved conceptual restoration scheme which is secured by condition as part of the consented planning permission. Due to the long timescales of the proposal, the MPA is of the view that the biodiversity priorities, restoration, and birdstrike concerns can be discussed, assessed and created at the appropriate time within these submissions, and therefore, the development is found to accord with policies DM6, DM7, DM8 and DM12 of the Leicestershire Minerals and Waste Local Plan.
200. The conditions as set out do not prejudice adversely to an unacceptable degree either the economic viability of the operation or the asset value of the site.
201. It is considered that the various measures contained within the planning applications together with the imposition of conditions and completion of a legal agreement will mean that the applications and proposed development would not cause unacceptable impact to local residents and the local environment, subject to the reviewed conditions.

Statement of Positive and Proactive Engagement

1. In determining the applications, the Minerals Planning Authority has worked positively and proactively with the applicant. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, and Planning Practice Guidance. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a determination of the application. Issues of concern have been raised with the applicant, such as impacts of the historic environment, amenity and bird strike and have been addressed through

negotiation and acceptable amendments to the proposals through a Regulation 25 submission. The applicant has been given advance sight of the draft planning conditions, which they confirmed in writing they were satisfied with, and the Minerals Planning Authority has also engaged positively in the preparation of the draft s106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

Application 1 - Variation of condition 3 of planning permission 2003/0701/07 to extend the time for completion of operations from 2042 to 2078

1. PERMIT subject to the conditions set out in Appendix 1 and the prior completion of a S106 legal agreement covering highways works; closure of existing Wilson Road and diversion of Footpath M14; routeing and weight restriction orders; no disposal of waste at Breedon Quarry for restoration; restriction on mineral extraction; Breedon Hill SSSI Management Plan; management of proposed woodland and nature conservation areas; pumping in perpetuity; creation of permissive paths; promotion of cycleway between Cloud Hill Trail and Squirrel Lane and the local liaison committee.

Application 2 - Review of the Old Mineral Permission (ROMP) and the submission of modern planning conditions pertaining to planning permission 2003/0701/07 for an eastern extension to Breedon Quarry.

2. PERMIT subject to the conditions set out in Appendix 1 and the prior completion of a S106 legal agreement covering highways works; closure of existing Wilson Road and diversion of Footpath M14; routeing and weight restriction orders; no disposal of waste at Breedon Quarry for restoration; restriction on mineral extraction; Breedon Hill SSSI Management Plan; management of proposed woodland and nature conservation areas; pumping in perpetuity; creation of permissive paths; promotion of cycleway between Cloud Hill Trail and Squirrel Lane and the local liaison committee.

Officer to Contact

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APPENDIX 1

Conditions

1. The development to which this permission relates shall be deemed to have commenced beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application (as amended), documents and recommendations of reports, and the following plans:
 - a) Drawing Reference BRE-007-M.D.003, titled 'Location Plan' dated November 2020;
 - b) Drawing Reference BRE-007-M.D.0021, titled 'Technical Cross Sections' dated November 2020;
 - c) Drawing Reference BRE-007-M_D.012, titled 'Concept Restoration', dated November 2020;
 - d) Document titled 'Section 73 Application for Breedon Quarry Non-Technical Summary', dated December 2020;
 - e) Document titled 'Section 73 Application for Breedon Quarry Planning and Environmental Statement', dated December 2020;
 - f) Document titled 'Landscape & Visual Impact Assessment in respect of ROMP Application at Breedon Quarry including an eastern and lateral extension and a separate Section 73 Planning Application to extend the 2042 quarry end date to allow the completion of mineral extraction of the currently permitted reserves, dated November 2020;
 - g) Documents related to Ecology, including:
 - i. 'Preliminary Ecological Appraisal', dated 19 November 2020;
 - ii. 'Great Crested Newt Report', dated 19 November 2020;
 - iii. 'Breedon Bat Report', dated 19 November 2020;
 - iv. 'Breedon Reptile Report', dated 19 November 2020;
 - v. 'Breeding Bird Survey Report', dated 19 November 2020;
 - vi. 'Breedon Hill Site of Special Scientific Interest Management Plan', dated July 2019;
 - h) Document titled 'Breedon on the Hill Quarry Heritage Statement', dated November 2020;
 - i) Document titled 'Supporting Statement in Respect of Noise, Dust, Groundborne Vibration and Air Overpressure to Accompany an Environment Act 1995 Review Application and an Application Under Section 73 of the Town and Country Planning Act 1990', dated 23 November 2020;
 - j) Document reference P20-082 Breedon On Hill ROMP \ RPT Breedon ROMP, titled 'Hydrogeological Impact & Flood Risk Assessment, dated November 2020;
 - k) Document titled 'ROMP for Breedon Quarry Non-Technical Summary, dated December 2020;
 - l) Document titled 'ROMP for Breedon Quarry Planning and Environmental Statement, December 2020;

- m) Document titled 'Submission of Further Information Under Regulation 25 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, dated January 2022.

Reason: For the avoidance of doubt as to the development that is permitted.

General

3. The permission relates to the extension of extractive and associated quarrying operations at Breedon Quarry within the land shown edged red on Plan BRE-007-M.D.003, titled 'Location Plan', dated November 2020.

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

Duration

4. The permission hereby granted shall expire on 31st December 2078, by which date all quarrying operations shall have ceased.

Reason: To provide for the completion and progressive restoration of the site within a specified timescale in the interest of the amenities of the area.

Working and Phasing Details

5. Unless otherwise agreed in writing by the Mineral Planning Authority or required by the conditions attached to this permission, the working, restoration, and aftercare of the site shall be carried out in accordance with the plans and Planning and Environmental Statement; together with the letters and accompanying statements and plans:
- a) The extraction of limestone shall be limited to the areas shown on Drawing No.BRE-007-M_D.003, dated November 2020;
 - b) Document title 'Current Situation', reference BRE-007-M_D.004, dated November 2020;
 - c) Document title 'Phase 1 Working Scheme', reference BRE-007-M_D.005, dated November 2020;
 - d) Document title 'Phase 2 Working Scheme', reference BRE-007-M_D.006, dated June 2022;
 - e) Document title 'Phase 3 Working Scheme', reference BRE-007-M_D.007, November 2020;
 - f) Document title 'Phase 4 Working Scheme', reference BRE-007_D.008, dated November 2020;
 - g) Document title 'Phase 5 Working Scheme', reference BRE-007-M_D.009, dated November 2020;
 - h) Document title 'Phase 6 Working Scheme', reference BRE-007-M_D0.10, dated November 2020;
 - i) Document title 'Phase 7 Working Scheme' reference BRE-007-M_D.011, November 2020;
 - j) Document title 'Concept Restoration', reference BRE-007-M_D.012, November 2020;

- k) Details of the proposed workshops within the new quarry compound as shown on Drawing Nos. BRE-007-M_D.007 - 011 shall be submitted to and approved in writing by the Mineral Planning Authority prior to their construction.

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

6. The extraction of limestone shall be limited to the areas shown on Plan Reference PA3, titled 'Proposed Quarry Development', dated April 2003.

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

7. No operations shall commence within any part of the extension area until details of the weighbridge, wheelwash and offices within the new quarry compound as shown on Document Titled Phase 3 Working Scheme', reference BRE-007-M_D.007, November 2020, have been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To protect the amenities of the area.

8. Details of the proposed workshops within the new quarry compound as shown on Document Titled Phase 3 Working Scheme', reference BRE-007-M_D.007, November 2020, shall be submitted to and approved in writing by the Mineral Planning Authority prior to their construction.

Reason: To protect the amenities of the area.

9. No stockpiling of materials, mineral products, mineral waste or other materials shall take place within the site without details being submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: To protect the amenities of the area.

10. The construction of the proposed landscaping areas and the proposed restoration of Breedon Hill and the final quarry void shall only be carried out with materials derived from within the site.

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

11. No mineral shall be brought onto the site for processing purposes, except in relation to the importation of mineral to the bagging plant (Drawing reference BQBP07/2, titled 'Area of Bagging Plant', dated 7th June 2007) for the purpose of producing bagged aggregate with the following restrictions:
- a. Aggregate to the bagging plant shall not exceed 20,000 tonnes per any calendar year. Records of imported material shall be maintained on a quarterly basis and shall be made available to the Mineral Planning

Authority at any time upon request. All records should be kept for 12 months.

- b. The importation of aggregate shall only be carried out between the hours of 0700 hours and 1800 hours Monday to Friday and 0700 hours to 1200 hours Saturdays. No importation shall take place on Sundays or public bank holidays.
- c. The importation of aggregates to the bagging plant shall cease within 3 months of the cessation of mineral extraction at Breedon Quarry.

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

- 12. Prior to commencement of soil stripping and overburden extraction within the proposed extension area (other than as may be necessary to provide material for the construction of the bund itself), a bund shall be constructed to screen site operations in the location opposite Barley Croft as shown on Drawing No. BRE-007-M_D.005. The bund shall be constructed in accordance with details which submitted to, and approved in writing by, the Mineral Planning Authority. The outer facing portion of the bund shall be seeded to grass and landscaped at the earliest opportunity and maintained in a weed free condition. The construction of the bund shall only be carried out using materials derived from within the site. Unless otherwise agreed in writing with the Mineral Planning Authority, the bund shall be maintained and managed for the duration of operations hereby permitted.

Reason: To protect the amenities of the area.

- 13. Unless otherwise agreed by the Mineral Planning Authority, no limestone extraction shall take place within the Eastern Extension area:
 - a. Until the proposed new road has been completed and brought into use.
 - b. Below 70m AOD until the internal haul road linking the new site entrance and the existing working has been completed.

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

- 14. Unless otherwise agreed by the Mineral Planning Authority, no overburden deposition shall take place within:
 - a. Bund 2 until Bund 1 has been completed (other than soil replacement and planting);
 - b. The mineral void until all the peripheral landscaping areas have been completed and planted.

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

- 15. No overburden shall be deposited above 80m AOD within the southern part of the existing Quarry until a working method for the final restoration of Breedon Hill (as shown on Drawing No. BRE-007-M_D.012) has been submitted to and approved by the Mineral Planning Authority. The working method shall include

measures to minimise disturbance to residential properties as a result of the final restoration works. Operations shall be carried out in accordance with the approved working method.

Reason: To protect the amenities of the area.

Production limits

16. The total amount of mineral leaving the site shall not exceed a level of 500,000 tonnes for any calendar year. From the date of this permission the operator shall maintain records of monthly output and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 2 years.

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

Restriction of Permitted Development Rights

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking or re-enacting that Order, with or without modification, no development falling within Part 17, Classes A and B of Schedule 2, comprising fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced at the site without the prior approval in writing from the Mineral Planning Authority.

Reason: To protect the amenities of the area.

Hours of Operation

18. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing, the hours of operations within the site during the Phase 1 development period shall be as follows:
- a) Operations (other than water pumping, servicing, environmental monitoring and management, maintenance and testing of plant) shall only be carried out between the hours of 0700 and 1800 Monday to Friday and 0700 and 1200 on Saturday;
 - b) servicing, maintenance and testing of plant shall only be carried out at the site between the hours of 0700 and 1900 Monday to Friday and 0700 and 1700 on Saturday;
 - c) soil stripping, overburden removal and the storage or replacement or emplacement of soil/overburden shall only be undertaken within 200 meters of the nearest point of any occupied residential building between 0900 and 1700 hours Monday to Friday and none of these operations shall be carried out during the hours of darkness;
 - d) no operations (other than environmental monitoring and water pumping at the site) shall take place on Sundays or public bank holidays.

Reason: To protect the amenities of the area.

19. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practical) or unless the Mineral Planning Authority has agreed otherwise in writing, the hours of operations within the site during Phase 2 and subsequent development phases shall be as follows:
- a. operations (other than water pumping, servicing, environmental monitoring and management, maintenance and testing of plant) shall only be carried out between the hours of 0600 and 1800 Monday to Friday and 0600 and 1200 on Saturday;
 - b. essential maintenance and repair work may be carried out at any time provided such work is carried out in such a manner as to ensure that it does not give rise to nuisance at nearby residential property by reason of noise or lighting;
 - c. soil stripping, overburden removal and the storage or replacement or emplacement of soil/overburden shall only be undertaken between 0700 and 1700 hours Monday to Friday and 0700 and 1200 hours on Saturday;
 - d. no operations (other than environmental monitoring and water pumping at the site) shall take place on Sundays or public or bank holidays.

Reason: To protect the amenities of the area.

20. In the event of any complaint being received about any operations between 1900 and 0700 hours, the Company shall inform the Mineral Planning Authority within 24 hours. If the Mineral Planning Authority considers complaints warrants further investigation and/or remedial action, no further operations shall be undertaken between 1900 and 0700 hours unless and until a scheme of mitigating measures (necessary to deal with the effects of the matter giving rise to the complaint) has been submitted to and approved in writing by the Mineral Planning Authority and implemented to his satisfaction.

Reason: To protect the amenities of the area.

Access

21. No operations shall commence within any part of the extension area until details of the design and specification of the proposed new road and quarry access have been submitted to and approved by the Mineral Planning Authority. The submitted details shall be based on the general arrangement shown on drawing no. TRT/01042/12 Revision P4 dated 22nd December 2003. The works shall be designed in accordance with the design standard current at the time of construction of the Highways Agency, Design Manual for Roads and Bridges or its successor. Once the new road has been brought into use, the existing Wilson Road shall be permanently stopped up in accordance with details that have been approved by the Mineral Planning Authority.

Reason: In the interests of highway safety and the amenities of the area.

22. All heavy vehicles (over 1.5 tonnes unladen) leaving via the new access shall turn right only.

Reason: In the interests of highways safety and the amenities of the area.

23. Prior to the new quarry access being brought into use, signs shall be erected at the exit, advising drivers of vehicle routes agreed with the Mineral Planning Authority. The details and locations of the signs shall be submitted to and approved by the Mineral Planning Authority. The signs shall be maintained for the duration of the operations hereby permitted.

Reason: In the interests of highways safety and the amenities of the area.

24. Adequate wheel cleansing facilities shall be provided and maintained and used as necessary by all vehicles leaving the new access to ensure that no mud or detritus is carried from the site onto the public highway.

Reason: In the interests of highways safety and the amenities of the area.

25. No public roads shall be used for the transportation of mineral, overburden or soils between any areas within the application site with the exception of a temporary crossing of the new road during Phase 2 Operations as outlined on 'Document title 'Phase 2 Working Scheme', reference BRE-007-M_D.006, dated June 2022.. Unless otherwise agreed in writing by the Mineral Planning Authority, the use of the temporary crossing shall cease as soon as the Eastern Extension earthworks have been completed.

Reason: In the interests of highways safety and the amenities of the area.

26. Before the temporary crossing of the new road is brought into use, details of the proposed crossing and associated traffic management measures shall be submitted to and approved by the Mineral Planning Authority. All works within the limits of the public highway shall be carried out to the satisfaction of the Mineral Planning Authority.

Reason: In the interests of highways safety and the amenities of the area.

27. Measures shall be taken to ensure that the crossing is kept clean and free of mud and other debris at all times. Details of proposed wheel washing facilities and road cleaning facilities shall be submitted to, and approved in writing by, the Mineral Planning Authority. Such facilities shall be provided before the temporary crossing is brought into use and shall remain in use until such time as the temporary crossing is permanently closed.

Reason: In the interests of highways safety and the amenities of the area.

28. Immediately following the cessation of use of the crossing point for haulage of soils and overburden, the crossing shall be reinstated to the satisfaction of the Mineral Planning Authority.

Reason: In the interests of highways safety and the amenities of the area.

29. On completion of the internal haul road linking the new site entrance and the existing workings (as shown on Drawing No. BRE-007-M_D.007), the site entrance for HGV's near Pinnacle Stores (access A on Plan 96/0139/7/M1) shall be closed and landscaped in accordance with details submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: In the interests of highways safety and the amenities of the area.

30. On completion of the internal haul road linking the new site entrance and the existing workings (as shown on Drawing No. BRE-007-M_D.007), no heavy goods vehicle traffic associated with the proposed development shall use access B as shown on plan 96/0139/7/M1. This access may then only be used by cars and light vehicles for personnel and service access to the existing offices adjacent to Pinnacle Stores.

Reason: In the interests of highways safety and the amenities of the area.

Dust

31. Dust suppression measures and monitoring shall be carried out in accordance with the details submitted in the document titled 'Environment Scheme, reference aecl/bsl/breedon/es/v1/231120, dated 23 November 2020 and in addition, in order to minimise any dust created by site activities, the following steps shall be taken as appropriate:-

- tarmac surfaced roads to be regularly swept;
- all spillages to be removed without delay;
- 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;
- Drilling rig to be fitted with efficient dust control measures;
- Haul roads to be compacted, graded and maintained.

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

32. If, in the opinion of the Mineral Planning Authority, any operations on site give rise to nuisance by way of dust leaving the site, such as during adverse weather conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as they can be resumed without causing 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.

Noise

33. Measures shall be taken to ensure that the options carried out on site do not give rise to significant adverse impacts in the locality. Such measures shall include:
- a. the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;

- b. any breakdown or malfunction of silencing equipment shall be treated as an emergency and shall be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected shall be taken out of service and replaced with equipment which functions to an equivalent standard;
- c. the location and organisation of on-site operations so as to minimise any noise impact on nearby properties.

Reason: To minimise the adverse impact of noise from site operations.

34. Between 0700 and 1900 hours, the noise levels arising from the development (with the exception of temporary operations identified in Condition no. 35 below) shall not exceed 50dB (LAeq) (1 hour) freefield when measures at any noise sensitive property.

Reason: To minimise the adverse impact of noise from site operations.

35. Between 1900 and 0700 hours, noise levels arising from the development shall not exceed 42dB (LAeq) (1 hour), freefield at any noise sensitive property.

Reason: To minimise the adverse impact of noise from site operations.

36. Noise levels arising from temporary operations, such as soil stripping, bund construction, road construction and restoration works, shall be minimised as far as is reasonably practicable and shall not exceed 70dB (LAeq) (1 hour), freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in Condition No.34 above shall be limited to a total of 8 weeks in any 12-month period for any individual noise sensitive property. Advance notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available on request.

Reason: To minimise the adverse impact of noise from site operations.

37. Noise levels including those arising from site operations shall be measured at least once every three months at a location(s) as set out in the document titled 'Environment Scheme, reference aecl/bsl/breedon/es/v1/231120, dated 23 November 2020. 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 approval of the Mineral Planning Authority.

Reason: To minimise the adverse impact of noise from site operations.

38. In the event that noise levels exceed the levels set out in Condition nos. 34, 35, or 36 above, appropriate remedial measures shall be submitted to the Mineral Planning Authority and undertaken in accordance with a programme previously agreed by the Mineral Planning Authority.

Reason: To minimise the adverse impact of noise from site operations.

Blasting

39. Blasting shall only take place within the 'Wirtgen Extraction Area' as shown on Plan No. J04/1 in accordance with the scheme titled 'Breedon Quarry Southern Area Blast Monitoring Scheme' that has previously been submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: To minimise the adverse impact of blasting from site operations.

40. No blasting shall be carried out within the site except between the hours of 1100 and 1700 Mondays to Fridays, and no blasting shall take place during the hours of darkness. No blasting shall take place on any Saturday, Sunday or Bank or Public Holiday. Blasting shall normally be carried out at a regular time and prior notice of each blast shall be given to the County Planning Authority at least 24 hours (excluding weekends) in advance of it occurring.

Reason: To minimise the adverse impact of blasting from site operations.

41. Blasting operations shall not take place unless the blast has been designed not to exceed a ground peak particle velocity of 6.0mm per second measured in any mutually perpendicular plane at 95% confidence at any vibration sensitive property (including residential properties and Breedon Priory Church). Every blast shall be designed to minimise noise or air overpressure by use of the latest available techniques with the aim that air overpressure should not exceed 120dB peak linear as measured externally at any residential property under normal atmospheric conditions. Blast design shall be continually reviewed in the light of the blast monitoring results to ensure that the limits set out above are not exceeded. No individual blast shall result in ground vibration exceeding 10.0 mms/ppv in any of the three planes of measurement at any residential property or at Breedon Priory Church.

Reason: To minimise the adverse impact of blasting from site operations.

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

Reason: To minimise the adverse impact of blasting from site operations.

43. Unless otherwise stated in a condition within this planning permission, blasting and monitoring of all blasts shall be undertaken in accordance with the document titled 'Environment Scheme, reference aecl/bsl/breedon/es/v1/231120, dated 23 November 2020.

Reason: To minimise the adverse impact of blasting from site operations.

Environmental Scheme

44. Unless otherwise stated in a condition within this planning permission, works undertaken on site shall be undertaken in accordance with the Environmental Scheme, reference aecl/bsl/breedon/es/v1/231120 and dated 23 November 2020.

The Environmental Scheme shall be reviewed and updated at the written request of the Mineral Planning Authority.

Reason: To protect the amenities of local residents.

Other Environmental Protection

45. All lighting shall not be directed beyond the boundaries of the site.

Reason: To minimise the adverse impact of light generated by the operations on the local community and environment.

46. Prior to the commencement of the construction of the new quarry compound as shown on Drawing Nos. BRE-007-M_D.007 - 011, a lighting scheme for the area of the compound shall be submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: To protect the amenities of the area.

47. A system of pumping shall be implemented and maintained to ensure that water is prevented from accumulating in the quarry void at all times throughout the working life of the quarry.

Reason: To minimise the risk of bird strike for aircraft operating to and from Nottingham East Midlands Airport.

48. Within three months from the date of the planning permission a scheme for the monitoring of groundwater levels shall be submitted to the Minerals Planning Authority, for its approval in writing. The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be approved in writing by the Mineral Planning Authority.

Reason: To ensure that the proposed development, including mineral extraction, does not harm the water environment.

Water Protection and Pollution

49. Throughout the period of working, restoration and aftercare, all reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the operations hereby permitted. All reasonable steps, including the provision of any necessary works, shall be taken to prevent damage by erosion or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

Reason: To prevent pollution to the water environment.

50. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus

10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution to the water environment.

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

Reason: To prevent pollution to the water environment.

52. Prior to the commencement of the construction of the new quarry compound as shown on Document titled 'Phase 3 Working Scheme', reference BRE-007-M_D.007, November 2020, a scheme for the disposal of foul waters from the new compound shall be submitted to, and approved in writing by, the Minerals Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution to the water environment.

Archaeology

53. Within 6 months from the date of this planning permission a programme of archaeological exploratory investigation, comprising deposit modelling, fieldwalking, geophysical survey and trial trenching shall be undertaken in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, the exploratory investigation shall take place in accordance with the programme which has been approved in writing by the MPA.

Reason: To ensure satisfactory archaeological assessment of the development area and delivery of a suitable programme of archaeological mitigation.

54. Within 12 months from the date of this planning permission a revised written scheme of investigation (WSI), informed by a programme of archaeological exploratory investigation (Condition 53 above), shall be submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological mitigation including site investigation, post-excavation analysis, reporting and archive deposition in accordance with local and national planning policy.

Retention of existing woodland, trees and hedges

55. All existing woodland, trees, shrubs or hedges within the Applicant's control shall be retained unless it is necessary for them to be removed for efficient operational purposes in order to carry out the proposed development.

Reason: To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees.

Maintenance of existing woodland, hedges, and trees to be retained

56. Operations shall be carried out in accordance with the approved Woodland Management Plan for retained woodland, trees, shrubs and hedges (Philip Parker Associates – September 2010) 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.

Reason: To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees.

Landscaping Implementation

57. Woodland, trees, shrubs and hedges planted in accordance with schemes required by the conditions of this permission shall be retained, protected and maintained throughout the duration of the operations hereby permitted.

Reason: To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees.

Historic Environment

58. Within 6 months from the date of this planning permission a detailed landscape and heritage management scheme shall be submitted to the Mineral Planning Authority, for its approval in writing. The scheme shall include details and timeframes of:
- a. design and content of signage;
 - b. location of signage;
 - c. improvements and details of proposed fencing;
 - d. location of proposed fencing;
 - e. supplementary planting, including screening the previously extracted south and southwestern quarry faces;
 - f. a uniform vegetative hedge structure which can be managed and maintained from the Priory grounds;

Works shall thereafter take place in accordance with the approved scheme.

Reason: In the interests of enhancing the historic environment.

Ecology

59. Prior to the working of any phasing (BRE-007-M_D.005- BRE-007-M_D.011) surveys shall be prepared to evaluate the presence of protected wildlife species (Badger and Great Crested Newts) which could be affected by the proposed operations and provide appropriate mitigation and/or compensation measures. The scheme shall be submitted to, and approved in writing by, the Mineral Planning Authority. Development shall take place in accordance with the approved scheme.

Reason: In the interests of wildlife protection.

60. Operations shall be carried out in accordance with the approved Habitat Management Scheme (Philip Parker Associates – September 2010). The scheme makes provision for the long-term management of the land for conservation purposes. Habitat management shall be carried out in accordance with the approved scheme for the duration of the operations hereby permitted.

Reason: To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees.

Retention of soils for use in restoration

61. Unless otherwise agreed in writing by the Mineral Planning Authority, all topsoil and subsoil shall be retained on site for use in the proposed landscaped areas and for site restoration.

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

Soil Handling, Strippage and Storage

62. Soils shall be stripped and handled in accordance with the approved schemes titled 'Soil Handling Method Statement (14th March 2008)' and 'Soil Handling Method Statement Breedon Quarry Extension Conditions 65 and 67'.

Reason: To protect the soil resource and in the interests of final restoration

63. Written notification of the commencement of soil stripping operations on any phase of the development hereby permitted shall be provided to the Mineral Planning Authority within seven days from the date of such commencement.

Reason: To enable the development to be monitored to ensure compliance with this permission.

64. All soils shall only be stored in locations that have submitted to, and approved in writing by, the Mineral Planning Authority.

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

65. Topsoil mounds shall not exceed 3 metres in height, and subsoil mounds shall not exceed 5 metres in height.

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

Differential Settlement

66. Unless otherwise agreed with the Mineral Planning Authority, in any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall fill the depression to the final settlement contour specified with suitable material to a specification to be agreed with the Mineral Planning Authority.

Reason: In the interests of satisfactory restoration of the site.

Restoration

67. No operations shall commence within any part of the extension area until a detailed scheme of planting, habitat creation and slope profiles for the proposed landscape areas shown on Drawing No. BRE-007-M_D.007 has been submitted to the Mineral Planning Authority for approval. The submitted details shall comply with and include the following:
- a) non-planting zone bounded by the sight lines from the dwelling at Tonge Station towards Breedon Church (as per drawing reference BRE-007-M_D.022, titled 'Line of Sight Cross Section: Tonge Station to Breedon Church' dated April 2021);
 - b) Aerodrome Safeguarding Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design'. Planting in accordance with the approved details shall be carried out, as far as reasonably practicable, in the first available planting season coinciding or immediately following completion of each phase of the landscaping earthworks.
 - c) Mitigation measures to reduce birdstrike as mentioned in Document titled 'Submission of Further Information Under Regulation 25 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, dated January 2022

Reason: In the interests of satisfactory restoration of the site.

68. The proposed landscaped areas shall generally conform to the levels shown on Drawing No. BRE-007-M_D.007. Prior to the replacement of any soils within any phase of the construction of these landscaped areas, the Mineral Planning Authority shall be notified in writing and approval obtained for final restoration contours.

Reason: In the interests of satisfactory restoration of the site.

69. No mineral extraction shall take place within Phase 6 of the development (as shown on Drawing No. BRE-007-M_D.010) until a detailed scheme for the final restoration of Breedon Hill has been submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on proposals shown on the Concept Restoration Plan (Drawing No. BRE-007-M_D.012) and the Document

titled 'Submission of Further Information Under Regulation 25 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, dated January 2022. The scheme shall include details of:

- a. final contours;
- b. shape of the restored landform;
- c. soil profiles;
- d. the treatment of exposed quarry benches and side slopes;
- e. tree and shrub planting (including species, provenance, spacings, sizes and planting specification);
- f. Drainage;
- g. proposals for the creation and management of grassland
- h. the phasing and the anticipated timescale for completion of restoration works;
- i. maintenance proposals;
- j. stability and longevity;
- k. appropriate mitigation or amendments if erosion is identified as an issue.
- l. restoration of the Breedon Office and parking area.

The final restoration of Breedon Hill together with the working area above 65m AOD shall be carried out in accordance with the approved scheme.

Reason: In the interests of satisfactory restoration of the site.

70. No mineral extraction shall take place within Phase 7 of the development (as shown on Drawing No. BRE-007-M_D.011) until a detailed scheme for the final restoration of the mineral extraction area has been submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on proposals shown on the Concept Restoration Plan (Drawing No. BRE-007-M_D.012) and the Document titled 'Submission of Further Information Under Regulation 25 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, dated January 2022. The scheme shall include details of: -

- a. final contours;
- b. the treatment of exposed quarry benches and side slopes within the quarry void;
- c. tree and shrub planting (including species, provenance, spacings, sizes and planting specification);
- d. drainage;
- e. retention of any geological features;
- f. proposals for the restoration of the final quarry void which ensure that the restored site does not increase the bird strike risk to aircraft operating to or from Nottingham East Midlands Airport;
- g. the phasing and the anticipated timescale for completion of restoration works;
- h. maintenance proposals;
- i. stability and longevity;
- j. appropriate mitigation or amendments if erosion is identified as an issue.
- k. restoration of the Breedon Office and parking area.

The mineral extraction area shall be restored in accordance with the approved scheme.

Reason: In the interests of satisfactory restoration of the site.

71. Restoration work shall be carried out, as far as is reasonably practical, in the first suitable season following the completion of working in any particular area.

Reason: In the interests of satisfactory restoration of the site.

72. Within 12 months of the completion of mineral extraction, all buildings, plant, structures, machinery, hardstandings and roads shall be removed from the site, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of satisfactory restoration of the site.

Alternative Restoration

73. In the event of a cessation of winning and working of minerals prior to the achievement of the approved restoration scheme, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act 1990, a revised scheme and programme for the restoration of the site shall be submitted to the Mineral Planning Authority within 6 months of such cessation, for its approval in writing. The approved revised scheme shall be implemented fully within 12 months of the written approval and otherwise in accordance with this decision notice.

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

Aftercare

74. Following the restoration of any part of the site in accordance with Condition Nos. 67-70 above, the restored land shall be treated and managed over a period of at least 5 years in accordance with an aftercare scheme which has previously been submitted to, and approved in writing by, the Mineral Planning Authority. The submitted scheme shall specify the steps that will be taken to bring the newly restored land to a condition capable of long-term beneficial use.

Reason: To ensure the site is restored to a condition suitable for long term beneficial use.

Annual Monitoring Report

75. Within one month of each anniversary of the date of this permission, a report shall be submitted to the Mineral Planning Authority including:
- a. operations carried out on the land during the previous 12 months in respect of mineral extraction, including the volume/tonnage of mineral extracted;
 - b. 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 no less than 1:5000, which identifies all surface features within the site and levels relating to ordnance datum over all the land where mining operations have taken place;

- c. a plan showing the location, contours and volumes of soil storage mounds, and identifying the soil types and units contained therein;
- d. measures taken in respect of landscaping, restoration and habitat protection/creation/establishment;
- e. measures taken to implement the aftercare provisions;
- f. intended operations for the next 12 months, including the anticipated programme of soil stripping.

Reason: To enable the Mineral Planning Authority to monitor the development.

Appendix 2

Breedon Conditions

Commencement

1. The development to which this permission relates shall be deemed to have commenced beginning with the date of this permission.

Reason: To ensure the development is commenced within an acceptable timescale.

General

2. The permission relates to the extension of extractive and associated quarrying operations at Breedon Quarry within the land shown edged red on Drawing No. BRE-007-M_D.001 submitted with the planning application.

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

Duration

3. The permission hereby granted shall expire on 31st December 2042, by which date all quarrying operations shall have ceased.

Reason: To provide for the completion and progressive restoration of the site within a specified timescale in the interest of the amenities of the area.

Display of Conditions

4. A copy of the planning application and this permission with relevant plans shall be lodged with the quarry manager and shall be available at all times for reference by appropriate staff.

Reason: To ensure that the site operator is fully aware of the conditions and the approved details.

Working and Phasing Details

5. Unless otherwise agreed in writing by the Mineral Planning Authority or required by the conditions attached to this permission, the working, restoration and aftercare of the site shall be carried out in accordance with the plans and Planning and Environmental Statement; together with the letters and accompanying statements and plans.
 - The extraction of limestone shall be limited to the areas shown on Drawing No. BRE-007-M_D.001.
 - Working and restoration shall be carried out sequentially as indicated on Drawing Nos. BRE-007-M_D.005 – 12.

- No operations shall commence within any part of the extension area until details of the weighbridge, wheelwash, offices within the new compound as shown on Drawing Nos. BRE-007-M_D.007 – 011 have been submitted to and approved in writing by the Mineral Planning Authority prior to their construction.
- Details of the proposed workshops within the new quarry compound as shown on Drawing Nos. BRE-007-M_D.007 - 011 shall be submitted to and approved in writing by the Mineral Planning Authority prior to their construction.

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

6. Prior to commencement of soil stripping and overburden extraction within the proposed extension area (other than as may be necessary to provide material for the construction of the bund itself), a bund shall be constructed to screen site operations in the location opposite Barley Croft as shown on Drawing No. BRE-007-M_D.005. The bund shall be constructed in accordance with details which have been previously agreed in writing with the Mineral Planning Authority. The outer facing portion of the bund shall be seeded to grass and landscaped at the earliest opportunity and maintained in a weed free condition. The construction of the bund shall only be carried out using materials derived from within the site. Unless otherwise agreed in writing with the Mineral Planning Authority, the bund shall be maintained and managed for the duration of operations hereby permitted.

Reason: To protect the amenities of the area.

7. Unless otherwise agreed by the Mineral Planning Authority, no limestone extraction shall take place within the Eastern Extension area:
 - until the proposed new road has been completed and brought into use
 - below 70m AOD until the internal haul road linking the new site entrance and the existing working has been completed

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

8. Unless otherwise agreed by the Mineral Planning Authority, no overburden deposition shall take place within:
 - Bund 2 until Bund 1 has been completed (other than soil replacement and planting)
 - The mineral void until all the peripheral landscaping areas have been completed and planted.

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

9. No overburden shall be deposited above 80m AOD within the southern part of the existing Quarry until a working method for the final restoration of Breedon Hill (as shown on Drawing No. BRE-007-M_D.012) has been submitted to and approved by the Mineral Planning Authority. The working method shall include measures to minimise disturbance to residential properties as a result of the final restoration works. Operations shall be carried out in accordance with the approved working method.

Reason: To protect the amenities of the area.

Production limits

10. The total amount of mineral leaving the site shall not exceed a level of 500,000 tonnes for any calendar year. From the date of this permission the operator shall maintain records of monthly output and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 2 years.

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

Restriction of Permitted Development Rights

11. Notwithstanding the provisions of parts 19 and 21 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced at the site without the prior agreement in writing of the Mineral Planning Authority.

Reason: To protect the amenities of the area.

Hours of Operation

12. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing, the hours of operations within the site during the Phase 1 development period shall be as follows:
- a) operations (other than water pumping, servicing, environmental monitoring and management, maintenance and testing of plant) shall only be carried out between the hours of 0700 and 1800 Monday to Friday and 0700 and 1200 on Saturday;
 - b) servicing, maintenance and testing of plant shall only be carried out at the site between the hours of 0700 and 1900 Monday to Friday and 0700 and 1700 on Saturday;
 - c) soil stripping, overburden removal and the storage or replacement or emplacement of soil/overburden shall only be undertaken within 200 meters of the nearest point of any occupied residential building

between 0900 and 1700 hours Monday to Friday and none of these operations shall be carried out during the hours of darkness;

- d) no operations (other than environmental monitoring and water pumping at the site) shall take place on Sundays or public bank holidays.

Reason: To protect the amenities of the area.

13. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing, the hours of operations within the site during the Phase 1 development period shall be as follows:

- e) operations (other than water pumping, servicing, environmental monitoring and management, maintenance and testing of plant) shall only be carried out between the hours of 0700 and 1800 Monday to Friday and 0700 and 1200 on Saturday;
- f) servicing, maintenance and testing of plant shall only be carried out at the site between the hours of 0700 and 1900 Monday to Friday and 0700 and 1700 on Saturday;
- g) soil stripping, overburden removal and the storage or replacement or emplacement of soil/overburden shall only be undertaken within 200 meters of the nearest point of any occupied residential building between 0900 and 1700 hours Monday to Friday and none of these operations shall be carried out during the hours of darkness;
- h) no operations (other than environmental monitoring and water pumping at the site) shall take place on Sundays or public bank holidays.

Reason: To protect the amenities of the area.

14. In the event of any complaint being received about any operations between 1900 and 0700 hours, the Company shall inform the Mineral Planning Authority within 24 hours. If the Mineral Planning Authority considers complaints warrants further investigation and/or remedial action, no further operations shall be undertaken between 1900 and 0700 hours unless and until a scheme of mitigating measures (necessary to deal with the effects of the matter giving rise to the complaint) has been submitted to and approved in writing by the Mineral Planning Authority and implemented to his satisfaction.

Reason: To protect the amenities of the area.

Access

15. No operations shall commence within any part of the extension area until details of the design and specification of the proposed new road and quarry access have been submitted to and approved by the Mineral Planning Authority. The submitted details shall be based on the general arrangement shown on drawing no. TRT/01042/12 Revision P4 dated 22nd December 2003. The works shall be designed in accordance with the design standard

current at the time of construction of the Highways Agency, Design Manual for Roads and Bridges or its successor. Once the new road has been brought into use, the existing Wilson road shall be permanently stopped up in accordance with details that have been approved by the Mineral Planning Authority.

Reason: In the interests of highways safety and the amenities of the area.

16. All heavy vehicles (over 1.5 tonnes unladen) leaving via the new access shall turn right only.

Reason: In the interests of highways safety and the amenities of the area.

17. Prior to the new quarry access being brought into use, signs shall be erected at the exit, advising drivers of vehicle routes agreed with the Mineral Planning Authority. The details and locations of the signs shall be submitted to and approved by the Mineral Planning Authority. The signs shall be maintained for the duration of the operations hereby permitted.

Reason: In the interests of highways safety and the amenities of the area.

18. Adequate wheel cleansing facilities shall be provided and maintained and used as necessary by all vehicles leaving the new access to ensure that no mud or detritus is carried from the site onto the public highway.

Reason: In the interests of highways safety and the amenities of the area.

19. No public roads shall be used for the transportation of mineral, overburden or soils between any areas within the application site with the exception of a temporary crossing of the new road during Phase 2 Operations as outlined on Drawing No. BRE- 007-M_D.006. Unless otherwise agreed in writing by the Mineral Planning Authority, the use of the temporary crossing shall cease as soon as the Eastern Extension earthworks have been completed.

Reason: In the interests of highways safety and the amenities of the area.

20. Before the temporary crossing of the new road is brought into use, details of the proposed crossing and associated traffic management measures shall be submitted to and approved by the Mineral Planning Authority. All works within the limits of the public highway shall be carried out to the satisfaction of the Mineral Planning Authority.

Reason: In the interests of highways safety and the amenities of the area.

21. Measures shall be taken to ensure that the crossing is kept clean and free of mud and other debris at all times. Details of proposed wheel washing facilities and road cleaning facilities shall be submitted to and approved by the Mineral Planning Authority. Such facilities shall be provided before the temporary crossing is brought into use and shall remain in use until such time as the temporary crossing is permanently closed.

Reason: In the interests of highways safety and the amenities of the area.

22. Immediately following the cessation of use of the crossing point for haulage of soils and overburden, the crossing shall be reinstated to the satisfaction of the Mineral Planning Authority.

Reason: In the interests of highways safety and the amenities of the area.

23. On completion of the internal haul road linking the new site entrance and the existing workings (as shown on Drawing No. BRE-007-M_D.007), the site entrance for HGV's near Pinnacle Stores (access A on Plan 96/0139/7/M1) shall be closed and landscaped in accordance with details that have been previously agreed in writing by the Mineral Planning Authority.

Reason: In the interests of highways safety and the amenities of the area.

24. On completion of the internal haul road linking the new site entrance and the existing workings (as shown on Drawing No. BRE-007-M_D.007), no heavy goods vehicle traffic associated with the proposed development shall use access B as shown on plan 96/0139/7/M1. This access may then only be used by cars and light vehicles for personnel and service access to the existing offices adjacent to Pinnacle Stores.

Reason: In the interests of highways safety and the amenities of the area.

Dust

25. All operations shall be carried out in a manner to minimise the emission of dust from the site in accordance with the details set out in Technical Appendix D of the Planning and Environmental Statement accompanying the planning application. In order to minimise any dust created by site activities, the following steps shall be taken as appropriate:-

- tarmac surfaced roads to be regularly swept
- all spillages to be removed without delay
- all haul roads within the site to be watered as necessary to control dust from internal traffic movements (1-2 each hour during dry conditions), either by water bowser or fixed spray system
- 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
- Drilling rig to be fitted with efficient dust control measures
- Haul roads to be compacted, graded and maintained

Reason: To protect the amenities of the locality from the effects of dust arising from the development. (MLP Policy 5g)

26. If, in the opinion of the Mineral Planning Authority, any operations on site give rise to nuisance by way of dust leaving the site, such as during adverse weather conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as they can be resumed without causing 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.

27. Dust monitoring shall be carried out in accordance with the approved Environmental Scheme (Technical Appendix D of the Planning and Environmental Statement). The scheme includes:

- Details of the specification and type of equipment to be installed
- Measures to be taken to monitor weather conditions
- Number and location of monitoring points
- The frequency of monitoring
- Trigger mechanism for action in the event of excessive dust levels
- Reporting of results
- Provision for periodic review of the scheme

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

Noise

28. Measures shall be taken within the site to ensure that the best practical means are used to control the emission of noise from the site and to ensure so far as reasonably practical that the operations carried out within the site do not give rise to nuisance at nearby residential properties. Such measures shall include the control of all audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery.

Reason: To minimise the adverse impact of noise from site operations.

29. Between 0700 and 1900 hours, the noise levels arising from the development (with the exception of temporary operations identified in condition no. 31 below) shall not exceed 50 (LAeq) (1 hour) freefield when measures at any noise sensitive property.

Reason: To minimise the adverse impact of noise from site operations.

30. Between 1900 and 0700 hours, noise levels arising from the development shall not exceed 42dB (LAeq) (1 hour), freefield at any noise sensitive property.

Reason: To minimise the adverse impact of noise from site operations.

31. Noise levels arising from temporary operations, such as soil stripping, bund construction, road construction and restoration works, shall be minimised as far as is reasonably practicable and shall not exceed 70db (LAeq) (1 hour), freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in Condition No.29 above shall be limited to a total of 8 weeks in any 12 month period for any individual noise sensitive property. Advance notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available on request.

Reason: To minimise the adverse impact of noise from site operations.

32. 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 shall be treated as an emergency and shall be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected shall be taken out of service and replaced with equipment which functions to an equivalent standard.

Reason: To minimise the adverse impact of noise from site operations.

33. Noise levels including those arising from site operations shall be measured at least once every three months at a location(s) as set out in the approved environmental Scheme (Technical appendix D of the Planning and Environmental Statement). 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.

Reason: To minimise the adverse impact of noise from site operations.

34. In the event that noise levels exceed the levels set out in condition nos. 29, 30, or 31 above, appropriate remedial measures shall be submitted to the Mineral Planning Authority and undertaken in accordance with a programme previously agreed by the Mineral Planning Authority.

Reason: To minimise the adverse impact of noise from site operations.

Blasting

35. Blasting shall only take place within the 'Wirtgen Extraction Area' as shown on Plan No. J04/1 in accordance with a scheme that has previously been submitted to and approved in writing by the Mineral Planning Authority. The

scheme shall include details of the location and frequency of blasting, blast design, and proposals to minimise ground vibration and air overpressure.

Reason: To minimise the adverse impact of blasting from site operations.

36. Except in an emergency, no quarry blasting shall be carried out within the site other than between the hours of 1100-1700 Monday to Friday provided that no blasting shall take place during hours of darkness. No quarry blasting shall take place on any Saturday, Sunday, Public or Bank Holiday.

Reason: To minimise the adverse impact of blasting from site operations.

37. Any emergency quarry blasting needed to be carried out outside the specified hours shall be notified to the Mineral Planning Authority within 72 hours of its occurrence together with details of the reasons as to why it was necessary.

Reason: To minimise the adverse impact of blasting from site operations.

38. No blasting operations shall be carried out which would knowingly result in ground vibration exceeding 6.0 mm/s peak particle velocity (ppv) in any of the three planes of measurement at any residential property or at Breedon Priory Church, with a 95% upper confidence level, measured over any period of 6 months. No individual blast shall result in ground vibration exceeding 10.0 mms/ppv in any of the three planes of measurement at any residential property or at Breedon Priory Church.

Reason: To minimise the adverse impact of blasting from site operations.

39. Every blast shall be designed to minimise noise or air overpressure by use of the latest available techniques with the aim that air overpressure should not exceed 120dB peak linear as measured externally at any residential property under normal atmospheric conditions.

Reason: To minimise the adverse impact of blasting from site operations

40. No secondary blasting shall be carried out within the site subject of this permission.

Reason: To minimise the adverse impact of blasting from site operations.

41. Blasting shall be undertaken in accordance with the scheme for the monitoring of blasting set out in the approved Environmental Scheme (Technical Appendix D of the Planning and Environmental Statement). The submitted scheme includes:

- a) blast monitoring locations and frequency of monitoring
- b) the monitoring equipment to be used
- c) presentation of results
- d) procedures to be adopted if vibration goes above a certain level

Reason: To minimise the adverse impact of blasting from site operations.

42. Monitoring of all blasts shall be undertaken in accordance with the approved scheme. All blast monitoring 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. Blast design shall be continually reviewed in the light of the blast monitoring results to ensure that the limits set out in Condition Nos. 38 and 39 are not exceeded.

Reason: To minimise the adverse impact of blasting from site operations.

43. The equipment to be used for the measurement of vibration from blasting shall be maintained in good condition in accordance with the manufacturer's specification at all times throughout the development.

Reason: To minimise the adverse impact of blasting from site operations.

Other Environmental Protection

44. Prior to the commencement of the construction of the new quarry compound as shown on Drawing Nos. BRE-007-M_D.007 - 011, a lighting scheme for the area of the compound shall be submitted to and approved in writing by the Mineral Planning Authority.

Reason: To protect the amenities of the area.

45. A system of pumping shall be implemented and maintained to ensure that water is prevented from accumulating in the quarry void at all times throughout the working life of the quarry.

Reason: To minimise the risk of bird strike for aircraft operating to and from Nottingham East Midlands Airport.

Water Protection and Pollution

46. Throughout the period of working, restoration and aftercare, all reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the operations hereby permitted. All reasonable steps, including the provision of any necessary works, shall be taken to prevent damage by erosion or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

Reason: To prevent pollution to the water environment.

47. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or

have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution to the water environment.

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

Reason: To prevent pollution to the water environment.

49. No development approved by this permission shall be commenced until a scheme for the disposal of foul waters from the new compound has been submitted to and approved by the Mineral Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution to the water environment.

50. No operations shall commence within any part of the extension area until proposals for the monitoring of groundwater levels have been submitted to and approved in writing by the Mineral Planning Authority. Monitoring shall be carried out as approved, unless varied or amended by agreement with the Mineral Planning Authority.

Reason: To prevent pollution to the water environment. (MLP Policy 5e)

51. No operations shall commence within any part of the extension area until the Applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, including an initial phase of exploratory investigation, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Director of Community Services. The investigations shall be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory archaeological investigation and recording. (MLP Policy 5r).

Retention of existing woodland, trees and hedges

52. All existing woodland, trees, shrubs or hedges within the Applicant's control shall be retained unless it is necessary for them to be removed for efficient operational purposes in order to carry out the proposed development.

Reason: To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees.

Maintenance of existing woodland, hedges, and trees to be retained

53. Operations shall be carried out in accordance with the approved Woodland Management Plan for retained woodland, trees, shrubs and hedges (Philip Parker Associates – September 2010) 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.

Reason: To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees.

Landscaping Implementation

54. Woodland, trees, shrubs and hedges planted in accordance with schemes required by the conditions of this permission shall be retained, protected and maintained throughout the duration of the operations hereby permitted.

Reason: To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees.

Ecology

55. Operations shall be carried out in accordance with the approved Habitat Management Scheme (Philip Parker Associates – September 2010). The scheme makes provision for the long-term management of the land for conservation purposes. Habitat management shall be carried out in accordance with the approved scheme for the duration of the operations hereby permitted. The scheme includes:

- measures to be taken to ensure that birds are not disturbed by site preparation works during the breeding season
- measures to be taken to ensure no loss or damage to existing populations of statutorily protected species
- proposals for harvesting of seed from Grassland Areas for use on future restoration areas
- details of the stripping and subsequent use of soils from Grassland Areas G1 and G2
- a Management Plan for calcareous grassland at Breedon Hill SSSI

Reason: To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees.

Retention of soils for use in restoration

56. Unless otherwise agreed in writing by the Mineral Planning Authority, all topsoil and subsoil shall be retained on site for use in the proposed landscaped areas and for site restoration.

Reason: To protect the soil resource and in the interests of final restoration

Soil Handling

57. Soils shall be stripped in accordance with the approved Soil Handling Method Statement (14th March 2008). Soils shall only be handled in accordance with the approved scheme.

Reason: To protect the soil resource and in the interests of final restoration

Differential Settlement

58. Unless otherwise agreed with the Mineral Planning Authority, in any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall fill the depression to the final settlement contour specified with suitable material to a specification to be agreed with the Mineral Planning Authority.

Reason: In the interests of satisfactory restoration of the site.

Restoration

59. No operations shall commence within any part of the extension area until a detailed scheme of planting, habitat creation and slope profiles for the proposed landscape areas shown on Drawing No. BRE-007-M_D.007 has been submitted to the Mineral Planning Authority for approval. The submitted details shall make provision for a nonplanting zone bounded by the sight lines from the dwelling at Tonge Station towards Breedon Church; and shall comply with Aerodrome Safeguarding Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design'. Planting in accordance with the approved details shall be carried out, as far as reasonably practicable, in the first available planting season coinciding or immediately following completion of each phase of the landscaping earthworks.

Reason: In the interests of satisfactory restoration of the site.

60. The proposed landscaped areas shall generally conform to the levels shown on Drawing No. BRE-007-M_D.007. Prior to the replacement of any soils within any phase of the construction of these landscaped areas, the Mineral Planning Authority shall be notified in writing and approval obtained for final restoration contours.

Reason: In the interests of satisfactory restoration of the site.

61. No mineral extraction shall take place within Phase 6 of the development (as shown on Drawing No. BRE-007-M_D.011) until a detailed scheme for the final restoration of Breedon Hill has been submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on proposals

shown on the Concept Restoration Plan (Drawing No. BRE-007-M_D.012). The scheme shall include details of:

- a) final contours;
- b) soil profiles;
- c) the treatment of exposed quarry benches and side slopes;
- d) tree and shrub planting (including species, provenance, spacings, sizes and planting specification);
- e) Drainage;
- f) proposals for the creation and management of grassland
- g) the phasing and the anticipated timescale for completion of restoration works;
- h) maintenance proposals.

The final restoration of Breedon Hill together with the working area above 65m AOD shall be carried out in accordance with the approved scheme.

Reason: In the interests of satisfactory restoration of the site.

62. No mineral extraction shall take place within Phase 7 of the development (as shown on Drawing No. BRE-007-M_D.011) until a detailed scheme for the final restoration of the mineral extraction area has been submitted to the Mineral Planning Authority for approval. The scheme shall include details of: -

- a) final contours;
- b) the treatment of exposed quarry benches and side slopes within the quarry void;
- c) tree and shrub planting (including species, provenance, spacings, sizes and planting specification);
- d) drainage;
- e) retention of any geological features;
- f) proposals for the restoration of the final quarry void which ensure that the restored site does not increase the bird strike risk to aircraft operating to or from Nottingham East Midlands Airport;
- g) the phasing and the anticipated timescale for completion of restoration works;
- h) h) maintenance proposals.

The mineral extraction area shall be restored in accordance with the approved scheme.

Reason: In the interests of satisfactory restoration of the site.

63. Restoration work shall be carried out, as far as is reasonably practical, in the first suitable season following the completion of working in any particular area.

Reason: In the interests of satisfactory restoration of the site.

64. Within 12 months of the completion of mineral extraction, all buildings, plant, structures, machinery, hardstandings and roads shall be removed from the site, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of satisfactory restoration of the site.

Alternative Restoration

65. In the event of a cessation of winning and working of minerals prior to the achievement of the approved restoration scheme, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act 1990, a revised scheme and programme for the restoration of the site shall be submitted in writing for approval to the Mineral Planning Authority within 6 months of such cessation. The approved scheme shall be fully implemented within 12 months of the written approval unless otherwise agreed in writing by the Mineral Planning Authority.

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

Aftercare

66. Following the restoration of any part of the site in accordance with Condition Nos. 85-88 above, the restored land shall be treated and managed over a period of at least 5 years in accordance with an aftercare scheme which has previously been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall specify the steps that will be taken to bring the newly restored land to a condition capable of long term beneficial use.

Reason: To ensure the site is restored to a condition suitable for long term beneficial use.

Annual Monitoring Report

67. Within one month of each anniversary of the date of this permission, a report shall be submitted to the Mineral Planning Authority including:

- a) operations carried out on the land during the previous 12 months in respect of mineral extraction, including the volume/tonnage of mineral extracted;
- b) 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 no less than 1:5000, which identifies all surface features within the site and levels relating to ordnance datum over all the land where mining operations have taken place;
- c) a plan showing the location, contours and volumes of soil storage mounds, and identifying the soil types and units contained therein;
- d) measures taken in respect of landscaping, restoration and habitat protection/creation/establishment;
- e) measures taken to implement the aftercare provisions;
- f) intended operations for the next 12 months, including the anticipated programme of soil stripping.

Not later than two months after the submission of the annual monitoring report, a meeting or meetings shall be held between the applicants, the Mineral Planning Authority and other relevant interested parties to discuss its contents.

Reason: To enable the Mineral Planning Authority to monitor the development.

Notes to the Applicant

Highway and Public Right of Way

Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

Lead Local Flood Authority

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

East Midlands Airport

Given the location of this property relative to the airport, i.e., within the 13km Birdstrike avoidance zone, the applicant should be aware that the airport will take action against anyone found in contravention of the Air Navigation Order ("Order"). In particular in contravention of the following provisions under that Order:- ? Part 10: 240: A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in an aircraft. Part 10: 241: A person must not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Environment Agency

The proposed extension to the quarry will not initially require dewatering, but at a later date active dewatering will be required. At this stage it is likely that an abstraction licence will be required, and any future monitoring requirements will be carried out as part of the permit conditions. Such applications can take several months to determine so the operator is advised to start the application well in advance of the anticipated commencement of dewatering.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.

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