



DEVELOPMENT CONTROL AND REGULATORY BOARD

12 JANUARY 2023

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2021/0683/03 (2021/CM/0041/LCC)
PROPOSAL:	Extraction of sand and gravel. Importation of inert material and topsoil for restoration of the site, installation of concrete batching plant, placement of mineral washing plant and continued use of bagging plant.
LOCATION:	Husbands Bosworth Quarry, Welford Road, Husbands Bosworth LE17 6JH.
APPLICANT:	Mick George Ltd.
MAIN ISSUES:	Principle of development, provision of sand and gravel, ecology and heritage, highway impacts and neighbour amenity
RECOMMENDATION:	PERMIT subject to the conditions set out in Appendix A

Circulation Under Local Issues Alert Procedure

Mr. B. L. Pain CC

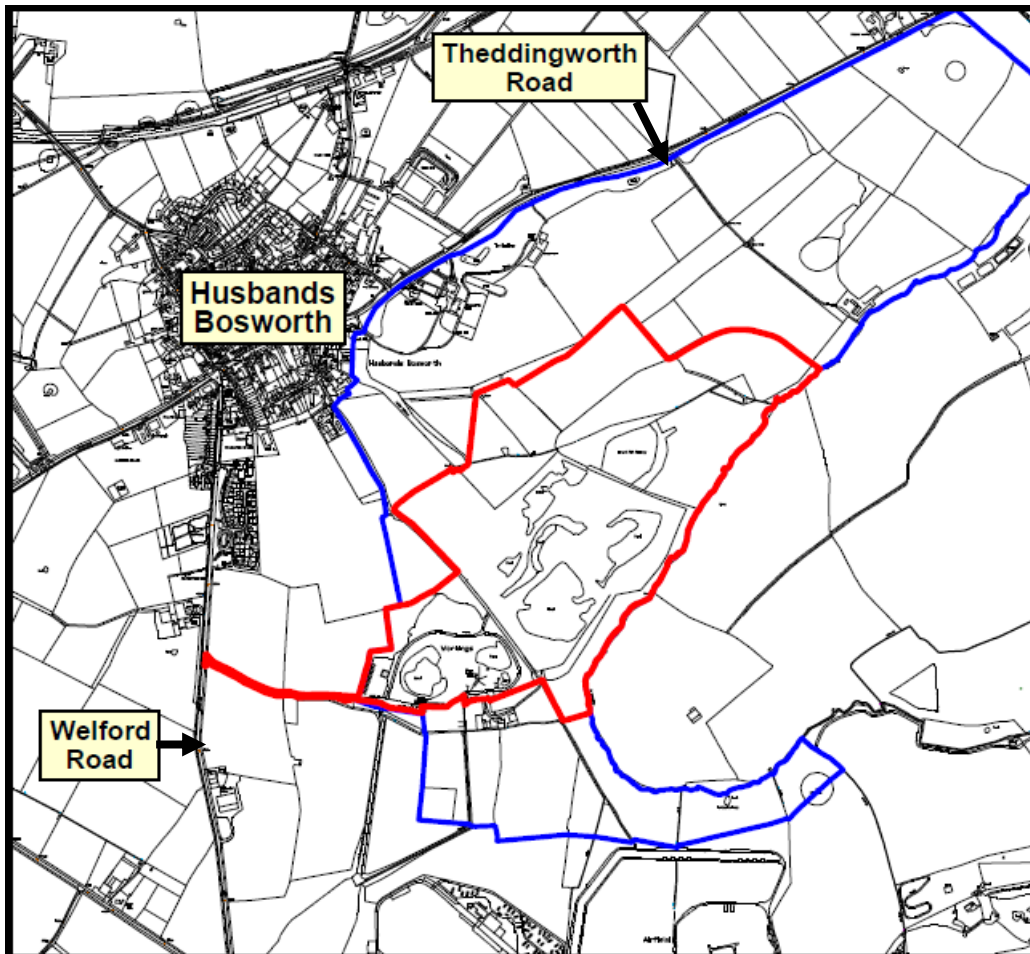
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PART B – MAIN REPORT

The Site and Surroundings

1. The application site is 50.7 hectares and comprises part of the existing wider Husbands Bosworth Quarry site and a proposed new extension to the east. Husbands Bosworth Quarry is an existing sand and gravel extraction site which has been operating to the south of the village of Husbands Bosworth and north of Welford since the 1980s. The site is set in open countryside with a predominantly agricultural function, although the wider area is characterised by small pockets of differing buildings and uses.



Red edge: application site
Blue edge: within applicants' control

2. Uses and buildings of note include Husbands Bosworth Gliding Centre to the south, which features a grass runway, and other associated recreational uses. To the north, Husbands Bosworth is a largely residential village. To the north-east is Husbands Bosworth Hall and Saint Mary's Church, both of which are listed buildings (grade II*). A number of other small scale motor vehicle related uses are located in clusters of buildings. Nevertheless, the prevailing character of the wider area is rural.
3. The wider Husbands Bosworth Quarry site (outside of the application site) comprises various areas of formerly extracted ground to the south of the application site and to the west of Welford Road. These areas are in various stages of having been restored or are in the process of ongoing restoration.

4. The application site itself comprises an existing operational and working area which has formerly had extraction completed, a site office and administration area. The site is then bisected by Butt Lane, a single-track bridleway, which leads from Husbands Bosworth through the site towards a cluster of farm buildings at the south of the site. To the east of Butt Lane is an area of formerly worked quarry awaiting restoration with the remainder extending to the north and east comprising existing agricultural fields.
5. The site is accessed by an existing haul road from the A5199 Welford Road which itself leads south through Welford towards the A14 and Northampton. To the north it leads to Husbands Bosworth and Leicester, whilst also linking to the A4304 which heads towards Market Harborough to the west and Lutterworth and the M1 to the east.
6. The site is largely comprised of fields (beyond existing extracted areas) and is almost exclusively surrounded by hedgerows and tree belts to all surrounding boundaries. Hedgerows cross the application site itself which also features a few small copses and tree belts within it including Gravel Pit Spinney, to be retained, towards the centre of the site. The River Welland forms the south-west boundary to the site and is set at the bottom of the relatively narrow and shallow Welland Valley.
7. The nearest sensitive residential receptors are properties in and around the south side of Husbands Bosworth. This includes properties along the southern part of Butt Lane/Bromell Grove at approximately 200 metres from phase 1 and Townend Close, approximately 325 metres from phase 1. The mineral processing area is approximately 300 metres from Townend Close.

Background

8. Husbands Bosworth Quarry was originally established in the 1980s and has largely been used for the purposes of sand and gravel extraction since this time. Various parts of the site have been restored to agriculture or are in the process of being restored. The overall area forms part of the wider Husbands Bosworth Estate, which was originally part of the manorial estate connected with the main Hall dating back to the Tudor period. The estate has since been much altered such that the parkland setting associated with the Hall has been truncated.
9. The site is identified in the Harborough Local Plan as being within the open countryside as designated by policy GD3. Most of the application site is allocated for the purposes of sand and gravel extraction in the Leicestershire Minerals and Waste Local Plan and is identified as allocation SA3 pursuant to policy M2.
10. Most of the site falls within Environment Agency Flood Zone 1 (lowest probability of flooding) with areas around the River Welland being within Flood Zones 2 and 3. The land is predominantly Grade 2 agricultural land with small areas of Grade 3a and 3b. The site is in proximity to a number of listed buildings and Husbands Bosworth Conservation Area to the north.
11. The wider Husbands Bosworth site ceased sand and gravel extraction at the end of 2019 and from an extraction perspective may be considered dormant. However, various other activities at the site have continued, including backfilling

of voids with inert waste and the continued operation of the bagging plant on-site using imported material.

12. This application was initially received in March 2021 and has been subject to three further requests for information as is further detailed below.

Planning History

13. The application site has an extensive history and the following comprises a summary of the most recent and/or pertinent applications and decisions.

- a) 98/0329/03: Extension of sand and gravel workings with restoration to agriculture, woodland and heathland. Permitted.
- b) 2007/1868/03: Phased extraction of sand and gravel from an extension to Husbands Bosworth Quarry and construction of replacement silt and clean water lagoons. Restoration to woodland, grassland scrub and lakes. Permitted, not implemented.
- c) 2010/0798/03: Planning Application and Supplementary Ecological Assessments to extend the time limit for implementation of planning permission ref. 2007/1869/03. Permitted and implemented.
- d) 2012/1030/03: Importation of foreign material for washing and processing. Permitted subject to restriction on material source (Mountsorrel Quarry), material type (granite dust) and a maximum of 26,000 tonnes per annum. Permitted 24 September 2012.
- e) 2020/2015/03: Variation of condition 3 of planning permission 2010/0798/03 in order to allow restoration works to be completed by 31 October 2021. Permitted, 28 January 2021. This permission has not been implemented.
- f) 2021/1552/03: Continued use of aggregate bagging plant facility. Refused permission in November 2021 for the following reasons (in summary):
 - a. Use of site as bagging plant facility without any connection to other on-site extraction operations;
 - b. Failure to restore site;
 - c. Inadequate demonstration that the vehicle movements would not be harmful to highway safety.

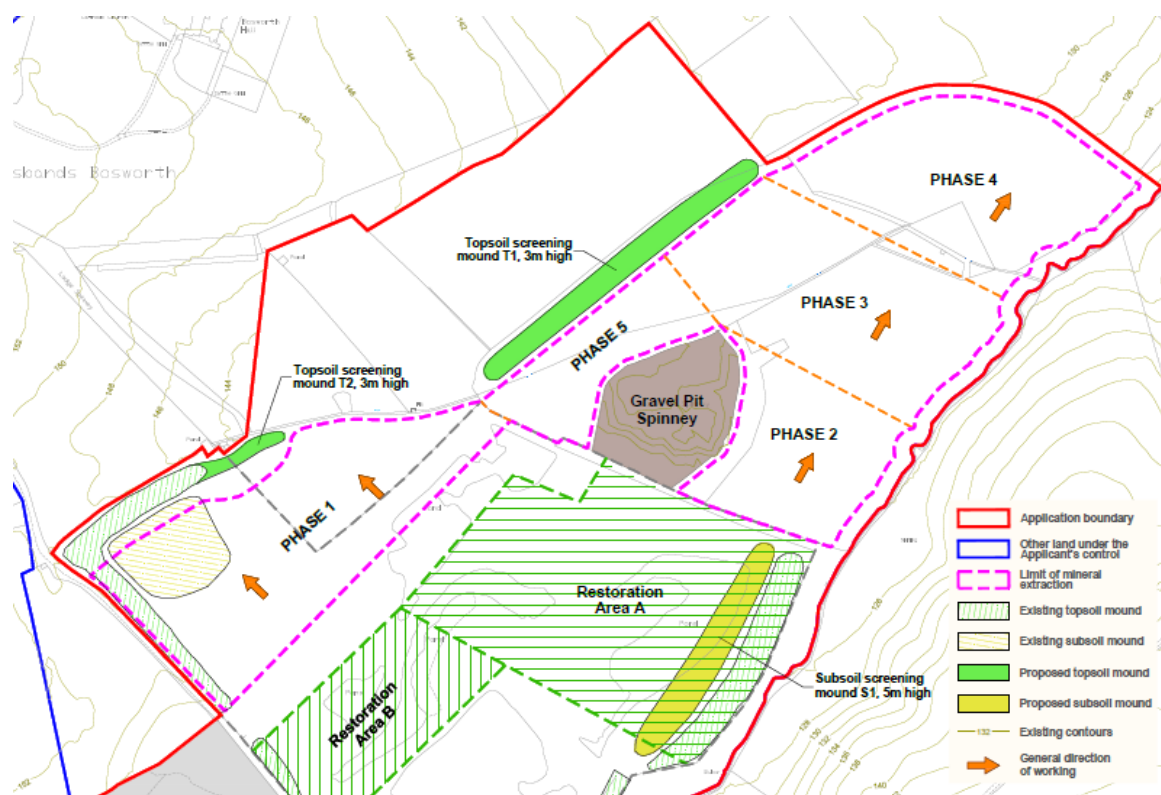
Description of Proposal

14. The application is an Environmental Impact Assessment (EIA) development and is therefore supported by an Environmental Statement. The application proposes the extraction of sand and gravel; importation of inert material and topsoil for restoration of the site; installation of a concrete batching plant; placement of a mineral washing plant; and continued use of the bagging plant. In total the application seeks to extract 900,000 tonnes of sand and gravel in five phases equating to an output of up to 200,000 tonnes per annum. The overall programme for commencement, bringing the project up to speed and peak extraction is expected to take eight years with some restoration occurring during extraction and subsequent restoration to continue afterwards.

15. The site would subsequently be restored to a mix of predominantly agriculture and pastoral woodland and grassland.

Extraction

16. Extraction at the site would be conducted in phases, with the first phase being undertaken towards the west part of the site adjacent to Butt Lane. This part of the site has already been partially worked under the ambit of previous permissions and would be continued in this scheme. Any remaining subsoil material will be placed into restoration areas to the south (area A) before proceeding to later phases. The extraction programme would then move towards the eastern part of the site and proceed in an anticlockwise direction circling Gravel Pit Spinney. Each phase will be restored in order following completion of extraction in each particular phase.



17. Later phases will remove topsoil material for storage in mound T1 and subsoil for storage at S1 or area A. Inert material will be imported to the site over the phases for backfilling any voids prior to restoration.
18. Material will be removed from each phase using tipper trucks where it will be brought to the mineral processing plant, processed into differing grades and washed. From here it will be transferred to articulated vehicles for dispatch or blended with imported material for bagging or use in ready mix cement creation.
19. The mineral processing plant itself comprises an approximately 40 metre long and 6 metre high structure featuring feeder, conveyor and processing unit for screening, before being dispensed into temporary stockpiles for onward movement.

20. Backfilling of the quarry voids in phases 1-5 will be undertaken using 1.3 million tonnes of imported inert, construction, demolition and excavation (CD&E) waste. Restoration Areas A & B would be restored using overburden material from the earlier phases.

Associated industrial use

21. The existing bagging plant is proposed to be retained in this application to continue to import material for blending with material from the site. The building comprises a barn like structure with dimensions of around 12 by 15 metres and a height to eaves of about 5 metres. The building is surrounded by open storage of pallets, material for the bagging operation and is set largely on crushed and compacted gravel and hardcore.
22. The application also proposes to install a ready mix concrete plant comprising an approximately 31 metre long by 11 metre high piece of equipment featuring cement silos, mixing unit and loading head chute. The unit would supply wet batched concrete using material from the site and imported cement mix. This would be dispatched via cement mix tankers.
23. Combined operations from the sand and gravel extraction, bagging plant and cement plant (including material imports to facilitate the production process) will deliver 100,000 tonnes of processed mineral, 60,000 tonnes ready mix concrete, 70,000 tonnes aggregate bagged material delivering a total average output from the site of around 230,000 tonnes from the site per annum.

Environmental impacts and mitigations

Landscape

24. From a landscape perspective the working scheme follows a number of landscape design objectives introduced to minimise any perceived visual impact during the operational phase and to potentially improve the area in terms of landscape value in the long-term. The application is supported by a Landscape and Visual Impact Assessment (LVIA).
25. The LVIA observes that the site is located in the Leicestershire Vales (NCA94) character area with key characteristics (in summary) being open landscape of gentle clay ridges and valleys, woodland character derived largely from spinneys and copses on the ridges and varied historic landscape. The site is also set on the boundary with the Northamptonshire Uplands and Northamptonshire Vales. The sensitivity of the application site to change from certain types of development is assessed as being medium, whilst there is a weak landscape structure and in a poor condition due to the current land-use of the existing quarry void and minerals processing area.
26. The Landscape and Visual Impact Assessment ultimately concludes that whilst there would be some temporary landscape and visual effects arising from this proposal, these effects would be temporary and experienced at a site level or in the site's immediate locality.

Heritage

27. The application material identifies a number of above and in-ground heritage assets most notably including Bosworth Hall, its grounds and the Roman Catholic Church within them. The conservation area has high historic, archaeological and architectural heritage interest. This rests (respectively) in: the village's character and appearance which is illustrative of the agrarian economy of south Leicestershire through the historic period. The study identifies Bosworth, Chapel of St Mary and Church of All Saints, all grade II* listed. There are 19 further grade II listed buildings in the study area.
28. With the exception of Bosworth Hall, the setting of these buildings does not include the development site, with which they have no or very limited inter-visibility. The proposed development would not harm the heritage value of these listed buildings. There would be no development within the conservation area and its character and appearance would be unchanged. There would be no effect on the archaeological or architectural interest of the conservation area.
29. The proposed development is within fields that comprise part of the former extent of the parkland and enclosed farmland that is part of the wider Bosworth Hall estate. The development is within the setting of the Hall. In terms of longer-term residual effects, there are proposals to restore the landscape to its character predating later 20th century changes on completion of the quarrying activity.
30. In ground, non-designated, heritage assets in or on the application site include a Wellington Bomber memorial which is not listed but is included (as of November 2021) in the Leicestershire Historic Environment Record. It is a non-designated heritage asset with historic value. It is within the red line boundary of the proposed development site and the proposals would require its relocation. Discussions with the landowner have established that the memorial would be relocated to the southern edge of Gravel Pit Spinney where it would be outside of the proposed extent of gravel extraction and potentially overlook the crash site. There is no evidence remaining of the bomber crash site itself which is understood to have degraded or already been disturbed under pre-existing workings outside this application site.
31. A plaque commemorates the planting, in 2011, of a stand of Scots Pine. The plaque consists of a metal plate on wooden post. The small group of Scots Pine were planted on the site of a former group of older Scots Pine that had decayed naturally.

Ecology

32. The proposed working at the site is likely to have an impact on the site ecology. However, much of the ecological merits are derived from the scheme restoration.
33. The existing site comprises a mixed habitat as the application site is formed of a current mineral processing area, formerly worked areas of quarry and agricultural fields interspersed with hedgerows and small copse areas. The River Welland bounds the extension area to the east and connects the site with habitats in the wider area.
34. Identified habitats on the site comprise improved grassland (the majority of the site) and semi-improved grassland, two woodland copses, treelines and

hedgerows, the River Welland watercourse running in a narrow, shallow valley, ditches, dew ponds and former gravel pit lagoons.

35. Identified actual or potential species on, near or inhabiting the site include great crested newts, a variety of birds including barn owls, green sandpiper, sand martin, wetland birds including geese and ducks, bats and badgers.
36. Survey updates were undertaken during the course of the application which report that temporary lagoons, as a result of quarrying, are an uncharacteristic feature in the local landscape and were not found to support any notable bird species or large numbers of wetland birds. The exposed sand banks of the previous quarry workings were found to be used by sand martins. Bat species were found using the waterbodies, treelines and woodland blocks for foraging and commuting. Limited evidence of great crested newts was found on site, with the exception of one waterbody, and no breeding habitats were identified.

Soils

37. Soils on site were found to be predominantly on land of Grade 2 quality (forming the majority of the soil type at 81%), grade 3 – 18% and non-agricultural – 2%. Re-usable soils available on site were found to be a mix of, medium loam topsoil, heavy clay topsoil, stony medium loam subsoil and fine loamy subsoil. Land defined as grade 1, 2 or 3a of the Agricultural Land Classification is considered the most flexible, productive and efficient and is most capable of delivering crops for food and non-food use. Re-usable topsoils and subsoils are to be stored on-site during extraction as per the diagram above and utilised in restoration.

Amenity controls

Air quality

38. The most significant noted impact to air quality is identified as dust. The potential for the generation of dust from site activities and its dispersal through the atmosphere is dependent on the type and level of site activity, but also on prevailing meteorological conditions. A management plan has been provided which identifies trigger levels that relate to wind direction and proximity to residential properties and other sensitive uses. When those trigger conditions are reached, the management plan can provide for additional dust suppression measures to be implemented.
39. The location of potential dust generating activities will vary during different phases of working, and accordingly their relationship with dust-sensitive land uses around the site will change and it is therefore important that the minimisation of dust through site design is addressed at each phase of the operation coupled with a Dust Action Plan.
40. Soil stripping, storage and restoration operations give a risk of potentially higher dust emissions, however these are likely to be temporary. Site haulage can be a source of fugitive dust, particularly over long haul distances when vehicle speeds tend to be higher. A water bowser would be used along haul roads and around the extraction area when conditions require dust suppression.

Hours of operation

41. Proposed hours of working for the quarry are 0700-1800 Mondays to Fridays and 0700-1400 Saturdays. No operations would be undertaken on Sundays or public/bank holidays. This aligns with the previously permitted quarry operations at the site.

Noise

42. A background noise assessment has been carried out at four points around the quarry adjacent to the nearest sensitive receptors. Specifically at Bosworth Hall, Theddingworth Road, Butt Lane/Bromell Grove and Townend Close. Baseline background noise for these locations was determined to be 39-43 dB LA90 (noise exposure over an averaged 90 minutes).
43. Noise exposure during quarrying operations was determined to be negligible with the most notable exceedance during normal working being Bromell Grove where noise exposure could reach 45dB LAeq over 1 hour. Temporary exceedances may occur during 8 weeks over the year when particularly noisy operations are occurring such as soil stripping.
44. The above results are subject to on-site mitigations including good maintenance of vehicles, use of silencers and non-tonal reversing signals on vehicles.

Transport and traffic

45. The site will exclusively be accessed via the existing haul road onto the A5199 Welford Road. This comprises a fully upgraded road which is paved to hard surface up to the weighbridge and wheel wash and mineral processing area. The haul road varies in width and features passing places for HGVs along the narrower sections.
46. HGV movements to and from the site are estimated to, at maximum, be as follows in the table below. It should be noted figures are averages and will vary depending on the operational status of the quarry with a potential daily maximum of 300 vehicles (in+out). The “worst case” scenario has been assumed in the transport assessment to accurately consider potential impacts on the highway network rather than normal operations. Equally, movements could be lower. Additionally, some vehicle movements may be capable of being backloaded (i.e. vehicles will arrive and depart with full loads).

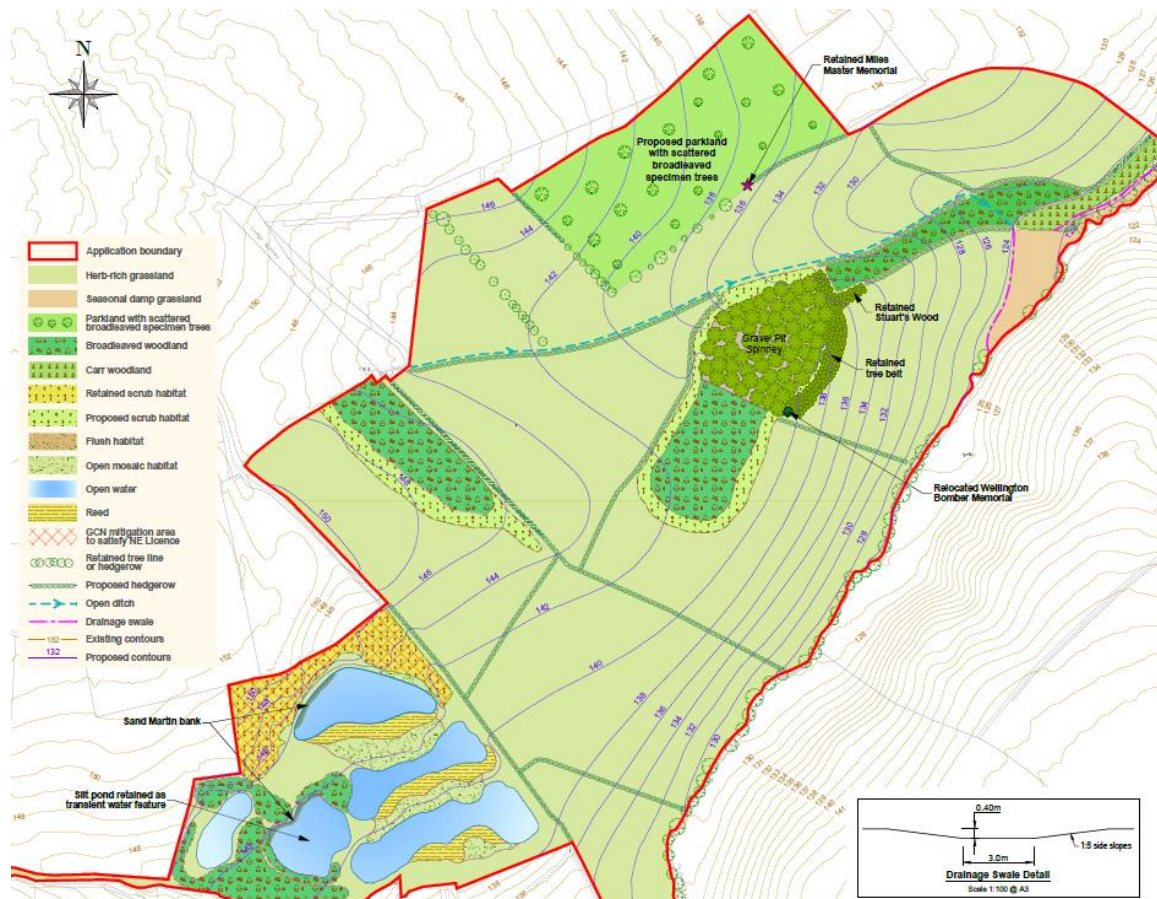
Operation	Daily movements (in+out)	Weekly movements (in+out) (5.5 days/ week)	Annual movements (in+out) (281 days/ annum)
Mineral exports	44	242	12,364
Bagging plant exports	50	275	14,050
Ready mix concrete export	40	220	11,240

Inert waste imports	80	440	22,480
Bagging plant imports	16	88	4,496
Cement mix import	2	11	562
Total	232	1,276	65,192

47. In terms of tonnages, the site is expected to extract up to 200,000 tonnes per annum. A total of 230,000 tonnes will be dispatched from the site (higher figure due to imports of other material not available on site to complete processed product). This is broken down to the approximate tonnages per annum as:
- 100,000 tonnes of processed mineral;
 - 60,000 tonnes ready mix concrete;
 - 70,000 tonnes aggregate bagged material.
48. It has been assumed that approximately 25% of HGV movements (58/day average) will travel south towards the A14 via Welford with the remainder travelling north towards the A4304 (174/day average). From here approximately two thirds of vehicles will travel west towards the M1 with the remainder travelling through Husbands Bosworth.
49. Access from the extraction area (phases 1-5) will be required to traverse Butt Lane. Provisions have been made to provide signage to alert users of the bridleway and those operating HGVs of this potential conflict.

Restoration

50. The site would be restored during, and after, its operational lifespan using overburden, subsoil and topsoil material from the site together with 1,300,000 tonnes of imported inert material and an additional amount of 25,000 tonnes of imported topsoil. The discrepancy between extracted material (900,000 tonnes) and imported material (1.3 million tonnes) is mainly due to the presence of pre-existing quarry voids.
51. The indicative restoration scheme is shown below with key elements including the retention of Gravel Pit Spinney towards the centre of the quarry working area, introduction of broadleaf woodland to the south and west of Gravel Pit Spinney with the western strip leading to the River Welland and the narrow valley and flood plain. Introduction of a parkland area to the north-east corner of the site is proposed in close proximity to Bosworth Hall. To the east a number of gravel pits would be retained with small sections of open water and sand martin banks together with additional areas of broadleaf planting. A few retained, mostly re-instated hedgerows would cross areas of the site with much of the remainder of the site otherwise being restored to grassland.



52. In terms of bio-diversity net gain following restoration, the applicant's submitted metric suggests that the proposed habitat creation and enhancements would create a net gain of +31.38% in Habitat Area Units as well as a +142.49% increase in Hedgerow Units. The restoration scheme as a whole incorporates a significant area of new high value habitats which will create numerous opportunities for wildlife including invertebrates, amphibians, birds and mammals. The provision of a significant area of new waterbodies, created and targeted purely for wildlife as well as the inclusion of reedbed habitat will provide habitat for shallow wading birds, invertebrates and amphibians. New woodland and scrub planting, as well as the management of the existing woodland habitats will create significant opportunities for invertebrates, birds, bats and badgers.

Planning Policy

The Development Plan

53. The relevant local development plan policies are contained within the Leicestershire Minerals and Waste Local Plan and Harborough Local Plan.

54. Leicestershire Minerals and Waste Local Plan (adopted September 2019):

- Policy M1: Supply of Sand and Gravel Aggregate
- Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites
- Policy M13: Associated Industrial Development
- Policy W1: Waste Management Capacity
- Policy W3: Strategic Waste Facilities
- Policy W5: Locating Waste Facilities

- Policy W8: Waste Disposal
- Policy DM1: Sustainable Development
- Policy DM2: Local Environment and Community Protection
- Policy DM3: Strategic Green Infrastructure
- Policy DM5: Landscape Impact
- Policy DM7: Sites of Biodiversity/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

55. Site allocation SA3 refers specifically to Husbands Bosworth Quarry and allows for the site to be used for sand and gravel extraction in a defined area with restoration using imported waste. This site allocation is included as Appendix B for information.

56. Harborough Local Plan 2011-2031 (Adopted April 2019):

- Policy GD1 Achieving sustainable development
- Policy GD3 Development in the countryside
- Policy GD5 Landscape character
- Policy HC1 Built heritage
- Policy GI5 Biodiversity and geodiversity
- Policy IN2 Sustainable transport

National Policy

57. National Planning Policy Framework (NPPF), key paragraphs include:

- Paragraphs 10, 11: Presumption in favour of Sustainable Development, approving development proposals that accord with an up-to-date development plan without delay;
- Paragraph 180: Enhance and contribute towards the natural and local environment, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Paragraphs 194-203 Relating to heritage assets, significance of any heritage assets affected, including any contribution made by their setting, take account of sustaining and enhancing the significance of heritage assets;
- Paragraph 209, 211: Sustainable use of minerals, it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.

58. National Planning Policy for Waste (NPPW)

Consultations

59. Initial consultation on the application was followed by three subsequent requests for further information under Regulation 25 of the EIA Regulations (details provided below under Publicity/Representations). The following is a summary of the most recent observations that align with pertinent information provision.
60. **Harborough District Council** – raise no issues that are not already being considered by the statutory consultees and relevant experts in specialist areas. Echo the concerns of the Parish Council in respect of the impact of traffic travelling through Husbands Bosworth and trust that the Highway Authority's comments will be acted on accordingly. Similarly, trust every effort will be made to protect heritage assets as recommended by Historic England.
61. There appear to be no issues in respect of drainage, ecology and air quality and, therefore, have no comments in respect of these matters. As this is an established quarry, no objections are raised to its continued operation subject to appropriate restoration.
62. **Harborough District Council (Environmental Health Officer)** – no objections as the submitted air quality assessment is acceptable.
63. **Husbands Bosworth Parish Council** – In principle Husbands Bosworth Parish Council does not object to this planning application.
64. The bridleway which extends from Butt Lane towards Sibbertoft is crossed by a connecting route from one section of the quarry to another. Large heavy vehicles use this route. We would expect this small section of the bridleway to be kept in good condition, especially in winter and that the public right of way is not impeded at any time.
65. A major impact for the village of Husbands Bosworth, will be the number of vehicle movements. We would therefore request that a one-way system is implemented to reduce the number of vehicles passing through the centre of the village where a primary school and village hall are situated. We would ask all parties to investigate the feasibility of the authorised route for incoming vehicles approaching the quarry from North Kilworth (A4304) accessing the quarry via Station Road and Welford Road (A5199) rather than Kilworth Road and Welford Road.
66. **Welford Parish Council** - One of the concerns expressed is the swept path that has been installed by the site does not account for the length of vehicles currently accessing/egressing the location onto the A5199. As such the Parish Council ask that a swept path analysis is undertaken.
67. Tarmac closed the site in November 2019. After nearly 3 years of the site not extracting mineral the Parish Council question whether it can be considered a "continuation" of activities? There has been no consideration or road survey of the suitability of HGV traffic on the A5199 south of the county boundary. The introduction of a concrete batching plant will introduce a new type of time critical HGV traffic. GRS were operating under the wing of Tarmac's planning consent, this arrangement ceased when the quarry site closed. GRS should have vacated the site by December 2020 and have been operating without planning consent

since then. Their application to get their own permission to continue trading was unanimously refused in November 2021. Enforcement is being delayed while the quarry planning application is being considered.

68. Welford Parish Council still maintains its objection to the planning application. previous comments included concerns on increased volume of traffic, absence of a traffic mitigation plan, environmental impacts on Welford and Husbands Bosworth, highlighting the significant narrowing of the carriageway and large number of parked vehicles on the A5199 as it passes through Welford.
69. **Environment Agency** – No objections subject to advisory notes.
70. **Lead Local Flood Authority (Leicestershire County Council)** – No objections subject to conditions and informative advice.
71. **Highways Authority (Leicestershire County Council)** –once fully operational it is expected the proposed quarry would generate no more traffic than historic levels at its peak. It would be reasonable to consider that the proposals are unlikely to lead to significant intensification or the introduction of different trip profile on the highway network given the existing operation.
72. Therefore, in the site-specific circumstances it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF. As such the LHA would not seek to resist this application.
73. The Local Highway Authority advice is that, in its view, 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. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021).
74. **Highways Authority (Public Rights of Way)** - Butt Lane is a Public Bridleway A2, which runs through Husbands Bosworth Quarry. Public Rights of Way have no objection to this application subject to conditions.
75. **West Northamptonshire Council (as neighbouring Highways Authority)** - In respect of the above planning application and in response to the applicant's most recently submitted information (Annexure 15 - Technical Note Historic and Forecast Traffic Movements), the local highway authority (LHA) has no comments to make.
76. **Natural England** – Made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
77. **Leicestershire County Council (LCC) Ecology** – The indicative restoration scheme is acceptable in principle and will result in a 31% net gain in biodiversity. There was concern about the loss of existing wetlands and open mosaic habitats, and the time delay between their loss and re-creation. Although open mosaic habitat does not feature in the restoration scheme, as had been hoped, the restoration scheme can be amended to leave some areas unrestored, ideally

around the new wetland pools west of Butt Lane. It is understood it is not possible to create new wetland or open water habitat west of Butt Lane until the entire extraction process is complete. However, it should be possible during the works to retain wetland and open water habitats within the site, this is particularly important for the sand martins and newts. The metric has been amended to show 'other neutral grassland' as requested, given how difficult 'lowland meadow' is to create. This can still be species-rich, but is a more realistic habitat to aim for, and more likely to meet the required target condition.

78. **LCC Landscape** –the additional proposed open water bodies and reed beds to supplement the broadleaved woodland and retained scrub to the west of Butt Lane is welcomed. LCC landscape are satisfied in principle with the restoration of the historic landscape with the proposed parkland, hedgerows, broadleaved woodland and grassland habitat to the west of the Gravel Pit Spinney and proposed spine of broadleaved woodland. LCC Landscape seek information relating to the protection of existing vegetation and a detailed landscape scheme controlled by planning condition.
79. **LCC Archaeology** – Satisfied that the archaeological and cultural heritage interests have been adequately addressed in the submitted information, and that these matters can be satisfactorily addressed by securing the further work by condition upon any future planning approval. LCC Archaeology recommend that any planning permission be granted subject to planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present.
80. **LCC Heritage** –The additional heritage information confirms limited intervisibility between Bosworth Hall and the quarry, even during the winter. This may help to alleviate concerns expressed by Historic England about the impact of the development on the setting of the listed Hall, but it remains likely that the wider environment in which the designated heritage asset is experienced will be compromised and the statutory obligation, section 66 of the 1990 Act, and planning balancing exercise, described in paragraph 202 of the NPPF in respect of less than substantial harm, will need to be considered in the decision making process.
81. **Historic England** - With the presence of silt ponds and sand banks and without any evidence to demonstrate the proposed restoration scheme would restore features and a character which predates the changes of the later 20th century we are not convinced the restoration scheme would amount to heritage benefits.
82. It remains the view of Historic England that the proposed extension to the quarry at Husbands Bosworth and the associated workings will result in a less than substantial level of harm to the setting and significance of both Bosworth Hall and of the Chapel of St Mary, due to the loss of historic parkland and change in its character.
83. Historic England has concerns regarding the application on heritage grounds.
84. **East Midlands Airport** – Have no objection to this development.

85. **Civil Aviation Authority** – Please note in all cases aviation safeguarding responsibility rests with the aerodrome/ site operator, not the CAA. Every location presents a unique habitat that influences the type and population of bird species present. It is therefore essential that the most appropriate and effective measures are identified and adapted to suit local conditions.
86. The CAA understand that Husbands Bosworth Airfield support the planning application, and that in their opinion the operational risk from wildlife will be lowered if the planning application is approved. While the CAA take no position on their assessment, it is stressed that the CAA should be informed if the local planning authority is minded to grant permission to an application when an aviation stakeholder has objected.
87. **Health and Safety Executive** - no comment to make.

Publicity and Representations

88. The application was received in March 2021 and was advertised via two site notices (on Butt Lane and the site entrance) and press notice in accordance with the County Council's adopted Statement of Community Involvement. Due to the remote position of the site with no immediate neighbours; no direct letters were sent to neighbours in the first instance. Eighty-one responses were received from nearby residents in response to the initial round of consultation, although some of these were in duplicate.
89. Additional information requests (EIA Regulation 25 requests for further information) were made on three subsequent occasions; July and December 2021 and August 2022. Following the receipt of responses to these requests, the application was, in each instance, advertised again by press and site notices, and notification to original respondents by email. During these subsequent notification periods, additional comments were received from interested local residents. These did not always align with the Council's consultation periods and as such it is not possible to identify whether these were necessarily connected with different rounds of consultation. Furthermore, this application was in hand whilst the retrospective bagging plant application (2021/1552/03) was also being considered and certain comments may have crossed. This notwithstanding, all comments have been considered having regard to the Council Statement of Community Involvement.
90. In total, in excess of 100 comments were received in relation to all notifications which make comments in relation to the following issues, some in duplicate, (broadly listed in order of frequency the comments raised, starting with most common theme of comment):
- Traffic from the quarry passing through nearby villages with specific concerns related to:
 - Potential danger to pedestrians, cyclists, horses, pets, other roads users and proximity to local schools;
 - Increases in congestion and delays due to difficulty of navigating large vehicles through villages;
 - Causing damage through vibration;
 - Noise from HGVs passing through villages;
 - Increase in local pollution from HGVs and air quality implications;
 - Conflict with parked vehicles;

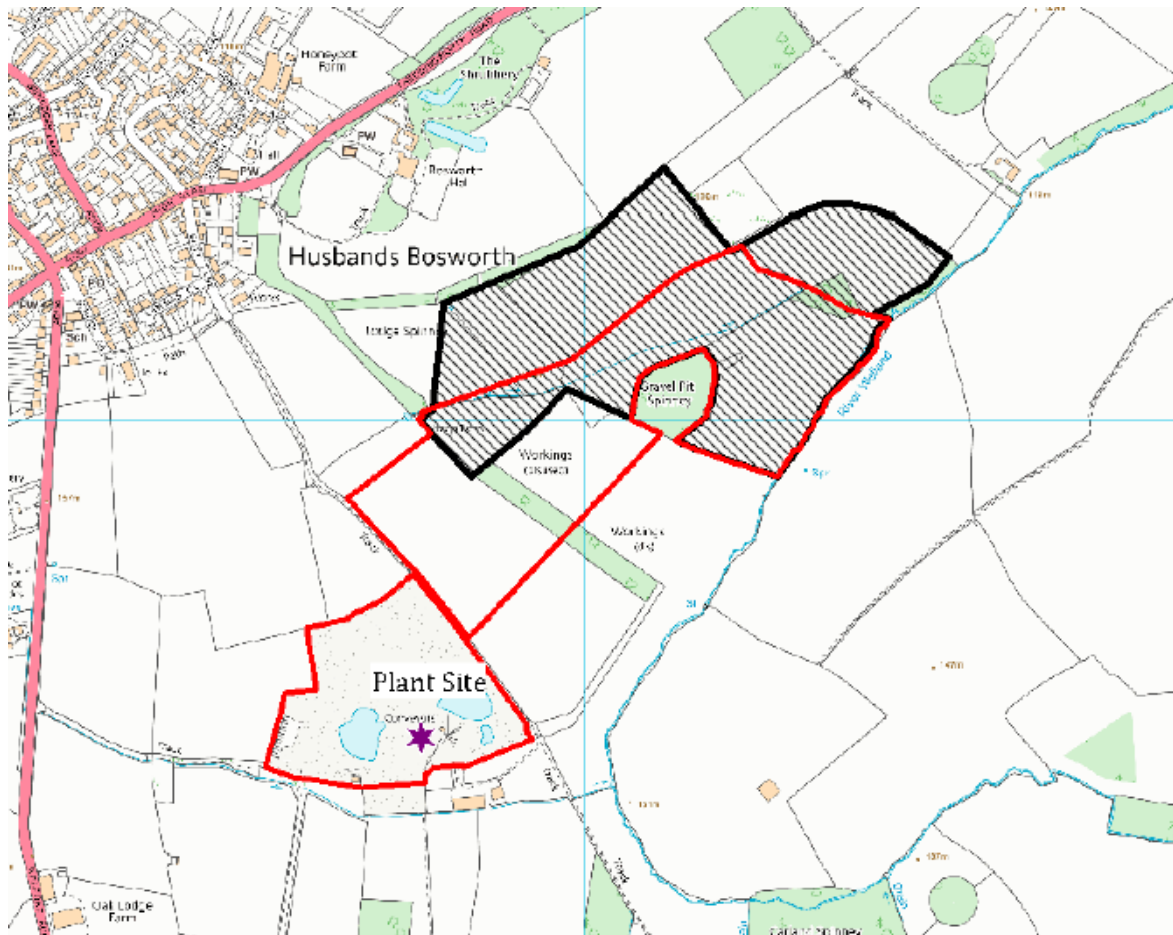
- Mud on road from quarry operations;
- Impact on the Butt Lane bridleway crossing;
- Hours of operation to be restricted to daytime and week days only;
- Delays in quarry restoration and continuing operations;
- Odour from site;
- Disturbance to local wildlife.

91. It should be noted that the overwhelming majority of comments were in relation to traffic from the quarry with a sizeable proportion coming from residents of Welford, including via the Parish Council and the local Welford Action Group.
92. Two letters of support were received citing improvements to local business and economy.
93. The neighbouring gliding club supports the application based on a reduction in the amount of open water, compared to the current situation which removes the likelihood of bird strikes.
94. The issues raised are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

Principle of development

95. The application site is located within the open countryside as designated by the Harborough Local Plan (HLP). The Leicestershire Minerals and Waste Local Plan (LMWLP) allocates the site for sand and gravel extraction and for restoration using imported inert waste as defined by policies M2 and W8 and under site allocation SA3 (see image below). As such, the principle of the use of the site for these purposes is acceptable. This is subject to compliance with provisions of the development plan and specifically the requirements of site allocation SA3 which are considered in detail below.
96. Extraction from the site, once operational, is to be conducted over a period of eight years with five phases. A total of 900,000 tonnes of sand and gravel is to be extracted at up to 200,000 tonnes per annum.



97. As can be seen in the above extract from the LMWLP, the proposed area for extraction remains smaller than that which is allowed for in the plan. Specifically, areas towards the north are not proposed for extraction. However, certain areas to the south are proposed for restoration which are set outside the hatched area. However, these areas do comprise parts of the formerly worked quarry areas and the applicant proposes to restore these areas using arisings generated on site only.

98. As such, from a broad perspective, the application site area may be considered to comply with the requirements of site allocation SA3 and policy M2.

Policy assessment

99. Site allocation SA3 details Site Specific Planning Requirements. Detailed commentary on this is provided in specific relevant sections of this report, but a summary is provided below.

- Extension to existing extraction area shall be limited to the cross-hatched area.

100. The site extraction area falls entirely within the cross hatched area and is in fact more limited than is allowed for under this allocation in order to retain the integrity of the setting of Bosworth Hall.

- Impact on the River Welland and its floodplain.
- Protection of a corridor of natural open space alongside the River Welland and around any retained wetlands.

101. The impact on the River Welland corridor has been considered within the ecological and landscape assessment for the scheme. The restoration scheme includes a variety of habitats along the River Welland.

- Assessment of the effect on the setting of Bosworth Hall.
- Appropriate management of non-designated heritage assets.

102. The application has given due consideration to the setting of Bosworth Hall and includes a full assessment of this. Restoration proposals include a tree shelter belt to provide screening between the Hall and Quarry working during the quarry's life span and subsequent restoration of grounds to a parkland setting. Non-designated heritage assets on site were assessed and found to be relatively limited.

- Assessment of the ecological value of the unnamed woodland within the site.

103. The copse to the east of Gravel Pit Spinney has been included as part of the overall site assessment. This is to be incorporated into the restoration scheme's link to the Welland corridor.

- Retained hedgerows should incorporate an element of traditional hedgerow management, where not already being so managed.
- Restoration proposals which reflect the objectives of the Laughton Hills local landscape and Leicestershire Vales national landscape character areas, and provide the best balance of enhancing biodiversity and the preservation of best and most versatile soil resources.
- Restoration to include woodland to link Gravel Pit Spinney to existing woodland adjacent to the River Welland and provide for a net gain to biodiversity above that currently consented on those areas already subject to restoration requirements.

104. The restoration scheme takes account of the landscape character area where possible, balanced against the present inconsistent land use for the open countryside and ecological needs for restoration. The restoration scheme also includes a tree and hedgerow link from Gravel Pit Spinney to the River Welland corridor.

- Restoration to be achieved with the importation of inert waste within the area outlined in red.

105. Imported material is to be used within identified areas (excepting for material re-used on site) with areas outside the defined area to be used for arisings from within the application site only.

Supply of minerals and waste disposal

106. The Leicestershire Local Aggregates Assessment (LAA - October 2022) identifies a total requirement for 13.09 million tonnes of sand and gravel over the 2020-2031 period with an annual requirement of 1.19 million tonnes. It is presently identified that there will be a shortfall of sand and gravel reserves over the period to 2031 of some 10.56 million tonnes.

107. The applicant's Aggregates Assessment notes that "There are increasing signs of problems regarding the provision of further sand and gravel resources, as witnessed by the low landbank, the low number of new applications being submitted, the limited number of sites allocated in the newly adopted Leicestershire Minerals and Waste Local Plan which resulted from a lack of sites being put forward by industry during the submission stage."
108. The most recent Leicestershire LAA identifies the County has a sand and gravel landbank of 2.2 years, which is substantially lower than the seven years landbank mandated by the NPPF.
109. As noted, Husbands Bosworth is an identified site for the provision of sand and gravel and, from the perspective of supply of this type of mineral, the application is welcomed and is supported having regard to policy M2 of the LMWLP.
110. Parts of the site which have already been extracted will be back filled using inert waste, also known as construction, demolition and excavation (CD&E). This typically comprises waste materials from extraction sites themselves but also extends to wastes from demolition and construction projects. Materials will typically include subsoils, broken concrete, bricks, tiles and planings that are not contaminated or pose any risk to the local environment. The specific types of materials are controlled by the Environment Agency and licenced under and Environmental Permit. The development is supported by policy W8 of the LMWLP.
111. Overall, the extent of the area to be worked is in compliance with the area specified in site allocation SA3 and policy M2. Being mindful of the shortage of supply of sand and gravel within Leicestershire and the County's low sand and gravel landbank, the application has to be supported on this site which was allocated through the LMWLP.

Associated industrial and mineral processing functions

112. The application proposes associated industrial operations in connection with the extraction of sand and gravel at the site. These functions would all be located in the existing mineral processing area, an area which has been formerly worked and presently accommodates the site's administrative and welfare buildings, parking and the currently unauthorised bagging plant.
113. The operations proposed would include a mineral processing plant to wash, screen and grade extracted material, a cement batching plant where extracted material would be blended with imported materials to create ready-mix concrete and the retention of the existing bagging plant. These uses can be acceptable in principle under the provisions of policy M13 of the LMWLP when they are in connection with quarrying operations. This ensures that industrial functions legitimately connected with extraction operations are concentrated in a single area and is allowable against the general presumption against forms of industrial development in the open countryside.
114. The operations would involve the importation of some materials from off-site. Historically, the Council has granted permission for the importation of 26,000

tonnes of imported material from Mountsorrel Quarry (2012/1030/03). This permission is no longer extant.

115. Members may recall that an application for the continued use of the bagging plant (2021/1552/03) was refused permission in 2021 due to it being unrelated to any quarrying operations, conflict with site restoration requirements and failure to demonstrate that the use would not be harmful to highway safety. It is noted that these reasons may now be considered to have been addressed. At the time of the application, no material was being extracted from the site and all material was being imported. Once the quarry becomes operational again, these reasons for refusal will fall away for the duration of quarrying operations. Restoration of this part of the site will be delayed due to ongoing quarrying operations and the submitted highway statement has addressed concerns on highway safety generally (refer to further discussion below in relation to latter point).
116. The applicant proposes to import 26,000 tonnes of material per annum in connection with the bagging plant – consistent with that which was previously considered acceptable under planning permission 2012/1030/03. The applicant's justification for the imported material is due to the type of material needed to be blended not being available on site. These materials include buildings sands of differing colour, type 1 material (typically granite, limestone or crushed concrete) and plastering sand. Bagging plant imports would amount to 16 movements per day (8 in, 8 out).
117. The cement mixing plant would also require the importation of material – specifically cement mix which cannot be sourced on site. The importation of material would amount to two movements per day (1 in, 1 out).
118. The associated industrial uses would largely be in connection with the quarrying operations at the quarry and are acceptable having regard to policy M13 for the duration of quarrying operations. Conditions are recommended to be imposed to ensure the complete removal of plant upon cessation of the use of the quarry.

Imported material for landfilling

119. In accordance with site allocation SA3, the scheme proposes the importation of 1.3 million tonnes of inert material. This figure exceeds the amount of material to be extracted due to the presence of pre-existing voids at the site which will be backfilled using material from on-site (areas A and B) in order to comply with the SA3 allocation that does not allow for imported material to be used in these areas. The imported material will be inert CD&E waste material, typically from demolition and/or construction sites. The balance of the imported material will then be used to backfill the voids formed in phases 1-5 as part of the restoration process.
120. An additional 25,000 tonnes of imported topsoil will also be used as insufficient amounts of this type of material are available on site to achieve a satisfactory restoration.
121. The landfilling of inert CD&E waste comprises an operation which is consistent with policy W8 of the LMWLP and results in environmental enhancements to the site where, otherwise, vacant disused sand pits would be the outcome.

122. As this is an allocated site, the importation of this material is acceptable having regard to policy W8. Although the site is not located within a broad area for waste facilities under policy W3 (namely in or close to the urban areas of Loughborough/Shepshed, Hinckley/Burbage and Coalville and close to the urban area of Leicester), it is an existing mineral working site and therefore complies within the exception allowed for under policy W5(iv).

Agriculture/Conservation of Soil Resources

123. As noted above, soil material to be retained on site would be managed in order to achieve a satisfactory restoration using on site resources where available and managed to comply with site allocation SA3.
124. Soils on site were found to be predominantly on land of Grade 2 quality (forming the majority of the soil type at 81%), grade 3 – 18% and non-agricultural – 2%. Re-usable soils available on site were found to be a mix of, medium loam topsoil, heavy clay topsoil, stony medium loam subsoil and fine loamy subsoil. Re-usable topsoil and subsoils are to be stored on-site during extraction. Topsoil mounds would be formed to the north of the extraction area in 3 metre mounds (T1 and T2 on the working scheme plan) while subsoils would be stored to the south east of restoration area A. As such, the scheme is considered to comply with policy DM6 of the LMWLP.

Landscape and Visual Impact

125. A landscape and visual impact assessment was submitted with the application, assessing the site from five viewpoint locations. The assessment revealed that during operations the landscape impact would range from moderate neutral in terms of significance of effect to major adverse. A key reason for not scoring a more significant impact was due to the presence of screening around the site which largely obscures operations on the site from view. Following restoration of the site in 15 years, the conclusions of the assessment was that the restoration would achieve a major beneficial effect on landscape character.
126. The restoration scheme was also revised during the course of the application and is expected to achieve equally good results in terms of landscape character.
127. The Council's landscape officer supports the proposals based on the restoration outcomes presently proposed and particularly welcomed the connection of Gravel Spinney Copse to the Welland Corridor by a tree belt, as is prescribed by site allocation SA3.
128. Policy DM5 notes that planning permission will be granted for minerals and waste development where it is demonstrated that the proposal is well designed, contributes positively to the character and quality of the area in which it is to be located, and (where appropriate) contains sufficient provision for new woodland planting. In this instance, having regard to the landscape plan and the SA3 allocation requiring the retention of Gravel Pit Spinney and new connection (on restoration) to the Welland corridor, it is considered that the development will, upon restoration, accord with this provision.

Ecology and Biodiversity

129. The current site has a mixed ecological value featuring habitats comprised of open fields, copse woodland, tree and hedge belts along with interim open water features and sand banks connected with former quarrying operations. A number of these features will be lost during quarrying operations although a number of significance are to be preserved including woodland copses and tree belts. The main benefits of the scheme are derived from the restoration of the site which is to be restored in accordance with site allocation SA3 and would achieve a biodiversity net gain.
130. During operations the site will have its ecological merit retained as best possible, although the creation of new wetland or open water habitat west of Butt Lane cannot be implemented until the entire extraction process is complete. However, it should be possible during the works to retain wetland and open water habitats somewhere on the site, this is particularly important for the sand martins and newts. Conditions are proposed to secure this.
131. The indicative restoration scheme is acceptable and will result in a 31% biodiversity net gain by area and 142% increase in hedgerow. There was concern about the loss of existing wetlands and open mosaic habitats, and the time delay between their loss and re-creation. Although open mosaic habitat does not feature in the restoration scheme, as had been hoped. The restoration scheme can be amended to leave some areas unrestored, ideally around the new wetland pools west of Butt Lane. The development minimises impacts on biodiversity and takes opportunities to provide a net gain in biodiversity as is required by policy DM7.

Heritage

132. It has been observed by the Council's heritage officer and by Historic England, that operation of the quarry would result in short term harm to the setting of the nearby Bosworth Hall and St Mary's Church. Moreover, some long-term harm has been identified to the historic curtilage of the Hall through alteration to the historic landscape. However, no significant harm has been identified to any historic buildings directly due to a lack of views between these two areas, even in winter months.
133. Historic England consider this to be a less than substantial level of harm to the setting and significance of both Bosworth Hall and of the Chapel of St Mary, due to the loss of historic parkland and change in its character. The "less than substantial level of harm" commentary indicates that there would be harm to the setting of the building(s) and therefore the desirability of preserving the historic character of this area and buildings needs to be balanced with other material considerations. Section 66 of The TCPA Act and paragraph 202 of the NPPF state that a planning balancing exercise should be carried out. Paragraph 202 sets out that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
134. In this instance, as has been noted, the application site is allocated for sand and gravel extraction in the LMWLP. Indeed, this allocation extends further towards

these listed buildings than is presently proposed. Accordingly, a balance needs to be struck between the requirements to preserve the integrity of historic buildings and their settings and a demonstrable need to extract vital mineral resources in an area which is already allocated for such purposes within the development plan.

135. Mitigations have been proposed by the applicant, the Council's heritage officer and landscape officer which include maintenance and enhancement of certain features. Most notably this includes the retention of the shelter belt of trees between the quarry site and historic buildings together with the most appropriate possible restoration of the site following the completion of works. Unfortunately, due to the open cast nature of sand and gravel workings, it remains an almost impossible prospect to restore the landscape with a like-for-like restoration. The restoration scheme proposed by the applicant has other significant benefits including landscape and ecological improvements (as is discussed elsewhere in this report) such that on balance, the less than substantial harm caused to the historic character is outweighed by other material considerations in this instance. This is subject to greater details on the restoration scheme at the time of completion of site operation and the creation of other mitigations such as the shelter belt.
136. The applicant undertook investigations of the site to determine the presence of other in-ground heritage assets. The only in ground, non-designated, heritage assets in or on the application site comprises a Wellington Bomber memorial. It is a non-designated heritage asset with historic value. It is within the red line boundary of the proposed development site and the proposals would require its relocation. The memorial would be relocated to the southern edge of Gravel Pit Spinney (as indicated on the restoration plan) where it would be outside of the proposed extent of gravel extraction and potentially overlook the crash site. There is no evidence remaining of the bomber crash site itself which is understood to have degraded or already been disturbed under pre-existing workings outside the red edge of the application site.
137. There is a presumption against minerals and waste development that will be detrimental to the significance of a heritage asset under policy DM8. Moreover where a proposal would affect a non-designated heritage asset, the benefits of the proposal will be balanced against the scale of harm to or loss of the heritage asset (including archaeological features) and its significance. In this case, a balancing exercise has been carried out and it is concluded that, notwithstanding identified less than substantial harm, the development remains in accordance with the LMWLP.

Traffic, Access and Parking

138. The application notes that the site will generate 116 daily loads or 232 two-way movements (116 in and 116 out) at peak operations and these figures could well be lower for much of the duration of operations. The applicant has provided historical data for the operation of this site. This shows vehicle movements being at their peak in 2015 at approximately the same levels as the peak indicated in this proposal (two movements per day less). It is noted however that this remains above the normal rate of operations for the site in the intervening period. Equally however, the peak operations for this current proposal are also unlikely to hit the maximum projections on a frequent basis as

this is presented as the 'worst-case' scenario that could be placed onto the local road network in order to ensure a rigorous assessment of the proposal.

139. The highway authority has made multiple information requests to the applicant which culminated in the provision of information and clarifies that proposed movements are unlikely to be materially different to those which have historically been accommodated on the road network.
140. The highway authority has raised no objections to the proposal on this basis, noting that it would be reasonable to consider that the proposals are unlikely to lead to significant intensification or the introduction of a different trip profile on the highway network. In the site-specific circumstances, it is not considered that this development proposal would lead to a severe or unacceptable highway impact in the context of the NPPF (paragraph 111) and as such the highway authority would not seek to resist this application. Comments have also been received from West Northamptonshire Council as the adjoining highway authority, which also expresses no objections to the scheme.
141. Residents of Welford, including the Parish, particularly commented on HGV movements through this village in Northamptonshire and between the site and A14. The relatively narrow and constrained route through Welford was observed as not being especially suitable for large HGVs. These comments remain fair and are not an invalid observation. There are estimated to be approximately 120 houses on, or in close proximity to, the A5199 within Welford. However, the route through Welford village forms part of the strategic road network for both counties (the A5199). The route is the most direct towards the A14 and routes towards the east and west of the site along trunk infrastructure (A14 and M6). The transport statement indicates that approximately one quarter of all movements to and from the quarry would be routed through Welford. As the village is on the strategic road network (albeit within Northamptonshire) it is difficult to express objection to the scheme in this context.
142. Equally, approximately one quarter of movements to/from the quarry would pass through the main part of Husbands Bosworth (along the High Street east of the junction with the Welford Road). Approximately 50% of all movements would pass along the Welford Road before turning west towards Lutterworth and the M1. As such, the Welford Road between the quarry and A4303 in Husbands Bosworth would receive the highest number of vehicle movements with 75% of HGV traffic using this 650 metre stretch of road. This stretch of road has approximately 100 houses on, or in close proximity to it.
143. Husbands Bosworth Parish requested the consideration of a one-way system involving the use of Station Road to minimise through traffic through the village. However, Station Road is single track, or at least very narrow, with no centre line markings, and raises the potential for vehicle conflict as not all vehicles using this road would be respecting the one-way system proposed for just quarry related HGVs. Moreover, the junctions at either end of Station Road have not been fully assessed as to whether they could safely accommodate HGV turning movements.
144. Almost all comments received in relation to the application were to do with HGV traffic and the impacts of this – including (but not exclusively) noise, congestion, safety concerns, air quality and pollution, especially in and around villages. All

these comments have been noted, however it also needs to be mentioned that all HGV traffic (excepting for incidences of more locally bound traffic) will be confined to the strategic road network of the A3403 and A5199 and leading to M1 or A14. Unfortunately, these routes do pass through Husbands Bosworth, Welford, North Kilworth and Walcote, amongst others. It remains a fundamental impossibility to divert HGVs to any other routes without having a disproportionate impact on certain residents or requiring significant diversions for HGVs with resultant increases in overall emissions.

145. At present, the HGV movement distribution is relatively evenly balanced between nearby villages. Unfortunately, those villages in closer proximity to the national highway trunk network may be subject to slightly higher impacts as a consequence of their proximity. Husbands Bosworth Quarry remains an allocated site for sand and gravel extraction with restoration using imported material and HGV traffic must be routed somewhere. Ultimately, the quarry operations will only continue for a temporary period (albeit an extended one).
146. Given the nearby villages positions on the strategic road network, it is not possible to offer any meaningful mitigations. The possibility of a routeing agreement to control the travel paths and permitted routes of vehicles accessing the site was considered as part of the application process. However, such an agreement would only achieve significant increases in travel distances for vehicles accessing the site and transfer any deleterious effects to other communities. At present, the expected travel routes for vehicles represents a relatively fair distribution of movements that do not unreasonably impact any local community more than another.
147. More locally to the site, conditions are to be imposed on any planning permission granted relating to mud on the surrounding highway network and ensuring the wheel wash on site is used to minimise mud and dust on the highway. The applicant has also proposed on site mitigations (referred to below) which should minimise dust generation.
148. The access to the site itself is in existence and tracking movements supplied by the applicant indicate it is wide enough to allow HGVs to access and egress from the application site. Tracking movements show that it is unlikely that HGVs will be able to enter and leave at the same time however this is an unlikely scenario and in any case improvements to the access would result in a loss of hedgerow which would be undesirable. Moreover, the site has operated for a significant amount of time and no incidents of note have been recorded which may give cause for objection. The development is therefore considered to comply with policy DM9 of the LMWLP.

Public Rights of Way

149. No public rights of way would be impacted by the scheme with the one, noteworthy, exception of the crossing at Butt Lane. This is a designated bridleway (A2) and plant will need to cross this bridleway from the working extraction elements of the quarry to the mineral processing area. This situation has operated with a number of former worked parts of the quarry with no noted incidents and the Public Rights of Way Officer has no objection to this. The applicant has submitted details of signage to be erected at this crossing point (although there is already some limited signage in situ). A condition requiring a

management plan for this crossing point to be submitted is considered prudent given potential conflicts between large vehicles and pedestrians/riders or other users of the highway being unlikely to expect this scenario. Disruption to the right of way is unavoidable and mitigated in this instance in accordance with policy DM10.

Noise

150. The quarry benefits to a certain extent by being relatively separate from surrounding residential properties with no shared boundaries and the nearest sensitive receptor being at least 200 metres from any site operations. The Council does not hold any recent records of any noise complaints from the site.
151. A noise assessment was submitted with the application. This notes a relatively quiet environment at the modelled locations near the site. These locations were at Bosworth Hall, Theddingworth Road, Butt Lane/Bromell Grove and Townend Close with the latter two being in closest proximity to current and proposed working areas of the site (extraction area and mineral plant respectively).
152. All locations modelled indicated ambient noise levels of around 39-43 dB LA90. This level being noted as typically very quiet and equivalent to a peaceful suburban or rural neighbourhood.
153. Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours. Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAe.q.
154. In certain instances, noise may exceed this level from temporary operations, such as soil stripping, bund construction, or final restoration works. This is allowed for as set out in the minerals section of the Planning Practice Guidance subject to a restriction on no more than 8 weeks in any calendar year and with a cap of 70dB LAeq 1 hour. Such operations should also fall within normal working hours (as is already to be proposed by conditions of any planning permission). Subsoil mounds T1 and T2 may facilitate a small reduction in noise exposure to residents of Husbands Bosworth due to their height and location but it should be noted that the applicant does not rely on this as part of their case.
155. Conditions will restrict the extent of noise exposure allowed and provide for ongoing monitoring in the event of a noise complaint being raised by any local residents. Plant operating on site is to be prevented from using intrusive high pitched reversing alarms or the like. With controls, the development complies with policy DM2.

Air Quality/Dust

156. Quarrying operations from the site may give rise to incidences of dust, particularly through operations including soil stripping and restoration activities, general transportation of material in and around and to and from the quarry. This can be of particular concern in dry conditions. However, the site benefits from its separation to neighbouring dwellings such that even in dry conditions, fugitive dust should be minimised.
157. The applicant has proposed various mitigations which include ensuring surfaces are kept damp during dry conditions, minimisation of drop heights from loaders and excavators, use of water bowsers on dry surfaces including the haul road, sheeting of HGVs and use of wheel wash facility. These would be coupled with on-site management and daily review of operations.
158. Conditions are imposed to minimise the incidence of dust and any wind blown particulates reaching any nearby premises with restriction to ensure operations are temporarily ceased in significantly adverse conditions or on receipt of a complaint. The development thus complies with policy DM2.

Odour

159. Comments have been raised by some local residents regarding odour from site operations. However, it remains highly unlikely that the site will generate odour during normal site operations as only sand and gravel is to be extracted. The site is to be backfilled with inert CD&E waste which does not have a significant odour.

Flood Risk and Water Management

160. The overwhelming majority of the application site is located within Environment Agency Flood Zone 1 (lowest probability of flooding). Narrow corridors of areas falling within zones 2 and 3 exist along a small drainage ditch broadly running west-east through the centre of the site and draining to the River Welland Corridor. Small areas of flood zone 2 exist around some of the existing pond areas.
161. Having regard to policy DM2, the application has demonstrated no adverse downstream impacts from the development and no objections are raised to the scheme by the Environment Agency or Lead Local Flood Authority, subject to conditions.

Socio-Economic Impact

162. The site, as operating at present generates six permanent full time jobs. It should be noted however that the site is presently dormant and only operating administrative functions in addition to the bagging plant. The proposal would result in 52 full time jobs being created at the site, which would be of benefit to the local economy, and should be afforded great weight in line with paragraph 211 of the NPPF.
163. No adverse socio-economic impacts have been identified as a consequence of the development. Indeed, it may be considered to secure development that improve the economic and social conditions in the County of Leicestershire in accordance with policy DM1.

Restoration, After-use, Long Term Management and Bio-diversity net gain

164. The application features an indicative restoration scheme for the site. The specific detail of this scheme including species type, distribution, finished land forms and levels would be agreed prior to the completion of quarrying operations at the site and secured through condition.
165. The indicative restoration scheme indicates much of the site to be restored to herb rich grassland interspersed with hedgerows. To the west of the site, the minerals processing area would be given over to scrub habitat with small open water ponds with reed beds and sand martin banks and small area of broad-leaved woodland.
166. A shelter belt of trees which presently exists to the west of the extraction area would be enhanced with additional broad leaved tree planting and areas of scrub habitat along the borders. To the north, the non-extraction area in closest proximity to Bosworth Hall would be planted to a park land style grassland with scattered trees. Gravel Pit Spinney to the centre of the site would be retained during extraction operations and extended to the south-west. There would be a further broad leaf woodland extension to the east to link Gravel Pit Spinney to the un-named copse and link into the River Welland Corridor. The corridor itself would have additional planting around it comprising seasonal damp grassland and carr (damp and shaded) woodland along the northern extent of the bank of the River Welland.
167. The landscaping scheme complies with the outcomes specified in site allocation SA3 insofar as it allows for the retention and enhancement of traditional hedgerows. The scheme protects the River Welland corridor and promotes additional wetlands where possible, as the corridor is very narrow with steep banks giving a typically very small flood plain. Gravel Pit Spinney is enhanced and woodland extended and leading down to the River Welland Corridor where tree species change to better suit the wetter environment.

Sustainability

168. The scheme does result in environmental impacts through the extraction and industrial operations on site in addition to HGV movements to and from the site. These impacts must be balanced against the economic need for the development and necessity to provide sand and gravel resources. Ultimately, the scheme will achieve a biodiversity net gain and will return the local landscape to a higher ecological standard than exists at present, and potentially prior to any development occurring at the site. Emissions from HGV movements will be temporary (albeit for an extended period) and dispersed so as not to be entirely concentrated on the site.

Other Material Considerations

169. Comments have been raised by the neighbouring gliding club and applicant concerning bird strikes and the encouragement of birds attracted to water features and potential interaction with gliders. However, no demonstrable evidence of any local or regionally recorded impacts between birds and gliders has been provided. The Civil Aviation Authority advises that aerodrome

safeguarding responsibility rests with the aerodrome licence holder and/or operator. East Midlands Airport (as the nearest location with a safeguarding area) has no objections to the scheme and Civil Aviation Authority defers to the aerodrome operator.

170. No other material considerations have been identified that warrant additional consideration.

Cumulative impacts

171. The Environmental Statement includes a Cumulative Impact Assessment which assesses the cumulative impacts of the proposed development and consideration has been given to the potential cumulative effects when combined with existing operations in the area. The assessment outlines the key impacts of the proposal which includes noise, dust, traffic, vibration and hydrological or flood risk impacts. The assessment investigates the potential for successive impacts, simultaneous impacts (of other major developments in the locality), in-combination effects and assessment of potential combined effects of the proposed development. Both negative and positive impacts were assessed for. Overall it was found that there would be no cumulative impacts from the proposed development, either that would arise from the scheme itself or from combination with other proposed and existing development within the area that would mean that the proposed development would as a result, be unacceptable.

Conclusion

172. The application, supported by an environmental impact assessment, seeks the extraction of 900,000 tonnes of sand and gravel, associated ancillary operations and restoration to agriculture. The site is a previously worked sand and gravel quarry and is allocated for extraction under the LMWLP allocation SA3.
173. The principal matters that have been addressed and considered in this assessment include compliance with the aforementioned site allocation requirements; the provision of sand and gravel and contribution to the County's overall supply; environmental and ecological impacts; impacts on the historic and landscape character of the area; amenity issues; and the impact on traffic on local villages and the highway network.
174. Officers have worked with the applicant to adjust the scheme to ensure a thorough assessment of the impacts. These have primarily included minimising the amount of imported material to the site, ensuring a net positive ecological impact and securing a high-quality restoration scheme.
175. The application has attracted noteworthy local interest, particularly with regard to HGV movements to and from the site and the resultant impact on the highway network and the general amenity of residents of nearby villages. Notwithstanding the concerns of local residents, the highway impacts remain difficult to resolve to the satisfaction of all local residents. The balance of vehicle movements to and from the site should almost exclusively be confined to the strategic highway network and distributed so as not to unreasonably impact local residents more than may ordinarily be expected from the functioning of a normal 'A' class road.

176. The proposed development is time limited to a period of eight years, plus restoration, and ultimately represents a temporary use of this land (albeit an extended temporary period). Following completion of operations at the site, the land should be restored to a mixture of parkland and agricultural land with net benefits to the local environment generally.

177. As such, the application is recommended for approval subject to conditions.

Statement of Positive and Proactive Engagement

178. In determining this application, the County 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, including the accompanying technical guidance and European Regulations. The County Planning Authority has identified all material considerations; forwarded consultation responses received; considered valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as ecological and heritage issues, and have been addressed through negotiation and acceptable amendments to the proposals requested through Regulation 25 submissions. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

179. PERMIT subject to the conditions set out in Appendix A.

Officer to Contact

Nick Bowden

Email – planningcontrol@leics.gov.uk

Conditions

1. The development hereby permitted shall be deemed to have begun from the date of this decision notice.

Reason: For the avoidance of doubt as to the commencement of the development as a result of its partially retrospective nature.

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) H37 3 21 01 Location Plan dated March 2021
- (b) H37 3 21 02 Existing Features dated February 2021
- (c) H37 3 21 03 Working Scheme dated March 2021
- (d) H37 3 21 04 Indicative Restoration Scheme Rev E dated August 2022
- (e) H37 3 21 07 Concrete Batching Plant dated November 2021
- (f) H37 3 21 08 Bagging Plant Building Elevations dated November 2021
- (g) H37 3 21 09 Processing Plant dated November 2021
- (h) Environmental Statement dated March 2021 amended by addendum dated February 2022
- (i) Landscape and Visual Impact Assessment dated December 2020
- (j) Soils Resources and Agricultural Quality Assessment dated October 2020
- (k) Noise Assessment dated February 2021
- (l) Archaeological Desk Based Assessment dated November 2020 and trial trenching report dated August 2021
- (m) Geophysical Survey Report ref PC518b dated December 2020
- (n) Preliminary Ecological Appraisal Report dated January 2021
- (o) Flood Risk Assessment dated December 2020
- (p) Transport Statement dated March 2021, revised October 2021
- (q) Biodiversity enhancement plan dated October 2021
- (r) Protected Species Survey Report dated September 2021
- (s) Air quality assessment dated October 2021
- (t) Landscape Restoration Management Plan
- (u) H37 3 21 05 Indicative Vehicle Parking Arrangement dated May 2021
- (v) H37 3 21 06 Signage at Bridleway Crossing dated May 2021
- (w) 23027-02-2a Swept Path Analysis dated July 2021
- (x) 23027-02a Swept Path Analysis dated July 2021
- (y) WSI Mitigation Archaeology dated September 2022
- (z) Historic Environment Assessment Addendum dated June 2021

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

3. Written notification of the commencement of:

- (a) The stripping of soils and overburden from the new extraction area;
- (b) The winning and working of minerals from the new extraction area;
- (c) The importation of inert waste;

shall be provided to the County 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.

4. In the event that commencement of soil stripping and overburden does not commence, as notified under Condition 3a, within 12 months of the date of this permission, all plant, equipment, machinery, processing buildings and structures, mobile buildings, ancillary buildings, structures and other chattels connected with the bagging plant, concrete batching plant and minerals washing plant (as detailed on plans referenced Condition 2) shall be removed from the site.

Reason: To ensure that the associated industrial development has a close link with the extraction site, in line with Policy M13 of the LMWLP.

5. This permission shall be for a limited period expiring 8 years from the date of commencement as specified under Condition 3 (a). Within eight years and six months of the date specified under Condition 3 (a) of this permission, or within six months of the permanent cessation of quarrying activities, whichever occurs first, all plant, equipment, machinery, processing buildings and structures, mobile buildings, ancillary buildings, structures and other chattels connected with mineral extraction or processing operations shall be removed from the site.

Reason: To ensure a satisfactory and expedient restoration of the site in line with Policy DM12 of the LMWLP.

6. Except in emergency to maintain safe quarry working (which shall be notified to the County Planning Authority within 48 hours of such an occurrence) or unless otherwise agreed in writing by the County Planning Authority:

No operations (other than water pumping) shall be carried out at the site except between the following times:

(a) 07:00 hours and 18:00 hours Monday to Friday; and

(b) 07:00 hours and 14:00 hours Saturday.

(c) No operations (other than water pumping) shall be carried out on Sundays or any Public or Bank holidays.

Reason: To protect the amenities of the area and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

7. No floodlighting shall operate on the application site outside of the hours specified in condition 6.

Reason: To protect the amenities of the area and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

8. The development shall be carried out sequentially from Phase 1 to Phase 5 as shown on plan H37 3 21 03.

Reason: To protect the amenities of the area and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

9. A minimum stand off of 15 metres shall be maintained between extraction and the River Welland.

Reason: To ensure that appropriate measures are taken to protect features of importance to nature conservation, including protected species and their habitats, and reduce ecological impacts of the development and comply with policy DM1 of the Leicestershire Minerals and Waste Local Plan.

10. All overburden and topsoil materials shall be retained on site in accordance with plan H37 3 21 03. These shall be stored in mounds in the noted locations and to dimensions which have been identified on that plan.

Reason: To protect the amenities of the area and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

11. No imported material shall be deposited in those areas marked Restoration Area A or B on plan H37 3 21 03.

Reason: To protect the amenities of the area and comply with policy W8 and site allocation SA3 of the Leicestershire Minerals and Waste Local Plan.

12. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with the submitted details and conditions attached to this permission having regard to section 5 of the Soil Resources and Agricultural Quality Report 1484/2 dated 26 October 2020.

Reason: In the interests of the satisfactory restoration of the site and comply with policy DM12 of the Leicestershire Minerals and Waste Local Plan.

13. No development shall commence on site until confirmation of details of the visibility splay from the existing access have been submitted to, and approved in writing, by the County Planning Authority. Thereafter, those visibility splays shall be maintained as per the approved details.

Reason: In the interest of highway safety and to comply with policy DM9 of the LMWLP.

14. There shall be no means of access to or from the application site for the purposes of exporting sand and gravel, and importation of material, except by means of the existing access haul road from the A5199 Welford Road at Husbands Bosworth quarry.

Reason: In the interests of highway safety and local amenity and comply with policy DM9 of the Leicestershire Minerals and Waste Local Plan.

15. No development shall commence on site until a Bridleway management plan has been submitted to and approved in writing by the County Planning Authority. Such a plan shall include details of any temporary diversion, fencing, surfacing and a timetable for provision, as may be applicable. Such details

should also include measures to be taken to ensure that users of the Bridleway are not exposed to any elements of danger associated with site works. The development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To ensure the Public Right of Way is safe and available during the period of operation, in line with Policy DM10 of the LMWLP.

16. The Bridleway signage specified on plan H37 3 21 06 shall be installed prior to any event specified in Condition 3 of this permission occurring and thereafter maintained for the duration of this permission.

Reason: To ensure the Public Right of Way is safe and available during the period of operation, in line with Policy DM10 of the LMWLP.

17. No extraction shall take place/commence within the application area until the archaeological work (exploratory trial trenching and subsequent targeted excavation, retention and/or relocation of the Miles Master and Wellington Bomber Memorials), has been outlined within an Archaeological Mitigation Programme (AMP) and submitted to, and approved in writing by, the County Planning Authority. Such Written Scheme of Investigation shall give consideration to the extraction pit slope angles at these points.

Reason: In order to ensure the retention of this heritage asset on site, in line with Policy DM8 of the LMWLP.

18. For each stage of the archaeological programme detailed within the Archaeological Mitigation Programme, a Written Scheme of Investigation (WSI) will be prepared. For land included within the WSI, no extraction or development works shall take place other than in accordance with the agreed mitigation WSI. Each WSI will include the statement of significance and research objectives, and:

- (a) the programme and methodology of site works, including investigation and recording of archaeological remains, or recording, protection and/or provision for the relocation of the affected memorials, and;
- (b) will nominate a competent person(s) or organisation to undertake the agreed works;
- (c) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

Reason: To ensure satisfactory conservation and enhancement of the historic environment, including both memorials and the archaeological resource, in line with Policy DM8 of the LMWLP.

19. No more than 26,000 tonnes of material shall be imported to the site in any calendar year. Upon cessation of quarrying operations at the site, there shall be no imported material to the site other than 25,000 tonnes of topsoil necessary for restoration purposes.

Reason: In order to ensure that no material is imported to the site than is strictly necessary to undertake associated bagging operations and restoration, and to comply with policy M13 of the Leicestershire Minerals and Waste Local Plan.

20. Noise monitoring at the site shall be carried out in accordance with those details specified in section 6 of the Acoustic Report dated February 2021 by LFAcoustics.

Reason: To ensure that noise arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

21. Noise levels at noise sensitive properties and attributable to the operations subject to this permission shall not exceed the existing background noise level, L90, by more than 10 dB(A).

Noise levels may temporarily exceed these levels, subject to them not exceeding 70dB(A) LAeq 1h, when measured at any nearby noise sensitive property. Such operations may not exceed a period of eight weeks (56 days) in any calendar year and must be connected with essential site preparation and restoration work only.

Reason: To ensure that noise arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

22. All audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery, whilst affording the required safety protection, shall be designed and operated so as to minimise disturbance to local residents.

Reason: To ensure that noise arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

23. All vehicles plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers.

Reason: To ensure that noise arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

24. Any pumps that must be operated outside hours of operations specified in Condition 6 above shall be operated and sited so as to minimise impact on residents from noise.

Reason: To ensure that noise arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

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

Reason: To ensure that dust arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

26. At such times as operations on site give rise to unacceptable levels 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 they can be resumed without causing nuisance, either by change in working, weather conditions or by taking other additional measures.

Reason: To ensure that dust arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

27. All vehicles carrying actual, or potentially, fugitive material shall be secured and sheeted when entering or leaving the site.

Reason: To ensure that dust arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan.

28. Within 3 months of the date of this permission, details shall be submitted of the existing or planned wheel wash. The specified wheel wash shall be used by all HGVs (vehicles with a gross combination mass exceeding 3,500 kilograms) exiting the site such that fugitive material is not deposited on the public highway. The wheel wash shall be retained in good working order at all times.

Reason: In the interest of highway safety and amenity of the area.

29. No phase of the restoration approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in line with Policy DM2 of the LMWLP.

30. No phase of the restoration approved by this planning permission shall take place until details in relation to the management of surface water on site restoration has been submitted to, and approved in writing by, the County Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various restoration stages. This shall include temporary attenuation, additional

treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire restoration construction phase, in line with Policy DM2 of the LMWLP.

31. Prior to completion of the restoration approved by this planning permission, details in relation to the long-term maintenance of the surface water drainage system within the site are to be submitted to and approved in writing by the Local Planning Authority. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, in line with Policy DM2 of the LMWLP.

32. No development identified in Condition 3 a-c shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority.

The CEMP shall include the following details:

- (a) Identification of potentially damaging construction activities
- (b) identification of biodiversity protection zones
- (c) practical measures and sensitive working practices to avoid or reduce impacts during construction
- (d) timing of works to avoid harm to nesting birds
- (e) responsible persons for overseeing sensitive works
- (f) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the County Planning Authority.

Reason: In the interest of ecology and biodiversity.

33. No development shall take place (including ground works or vegetation clearance) until a Biodiversity Net Gain Plan (the Plan) has been submitted to and approved in writing by the County Planning Authority. The Plan shall be based on the Biodiversity Net Gain metric dated (29 August 2022) and shall provide a minimum of 10% net gain on the reported baseline habitat loss. The Plan shall include the following details:

- (a) Location plan of the areas to be used for Biodiversity Net Gain;
- (b) Description of existing habitats on site;

- (c) Description of planned habitat creation/enhancement, including species to be planted/sown;
- (d) Timetable for implementation of habitat creation/enhancement;
- (e) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
- (f) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.

The Plan shall be supported by up to-date Biodiversity Net Gain metric calculations for both the application site and the site for off-setting using the latest DEFRA version of the metric. The Plan shall be implemented in accordance with the approved details.

Reason: In the interest of ecology and biodiversity.

34. Within seven years of the date specified under condition 3 (a) of this permission, or one year prior to the planned cessation of mineral workings, whichever occurs first:

A detailed restoration scheme shall be submitted to the County Planning Authority for its approval in writing. Such scheme shall be based upon the details specified on plan H37 321 04 Rev E. The scheme shall thereafter be implemented in accordance with the approved details and having regard to details submitted pursuant to conditions 32 and 33.

The submitted scheme shall include details of:

- (a) The planting and maintenance of trees, shrubs and hedgerows including the location, species size, number and spacing;
- (b) The location and type of fencing and gates;
- (c) Time-scales for implementing and completing the above works;
- (d) woodland to link Gravel Pit Spinney to existing woodland adjacent to the River Welland;
- (e) inclusion of tree shelter belt with regard to setting of Bosworth Hall and St Mary's Church.

Reason: To enable the County Planning Authority to control the development and to ensure that the land is restored to a condition capable of beneficial after-use and to comply with policy DM12 of the LMWLP.

35. Notwithstanding the requirements of Conditions 32, 33 and 34 above; in the event of:

- (a) the non-commencement of operations as set out in Condition 3 within three years; or
- (b) cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme of reclamation as defined in this schedule of conditions, and
- (c) which in the opinion of the County Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990;

a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for the approval of the County Planning Authority within three months of the cessation of winning and working of minerals, or non-commencement. The approved revised scheme shall be implemented fully within 12 months of the written approval and otherwise in accordance with the terms and conditions of this decision notice.

Reason: To enable the County Planning Authority to control the development and to ensure that the land is restored to a condition capable of beneficial after-use and to comply with policy DM12 of the LMWLP.

Notes to the Applicant

1. The applicant is reminded that certain conditions of this permission specify notification to the County Planning Authority of commencement of some operations or activities. Non-compliance with these conditions may render the entire development unauthorised and liable to enforcement action by the Planning Authority.
2. When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.
3. 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>

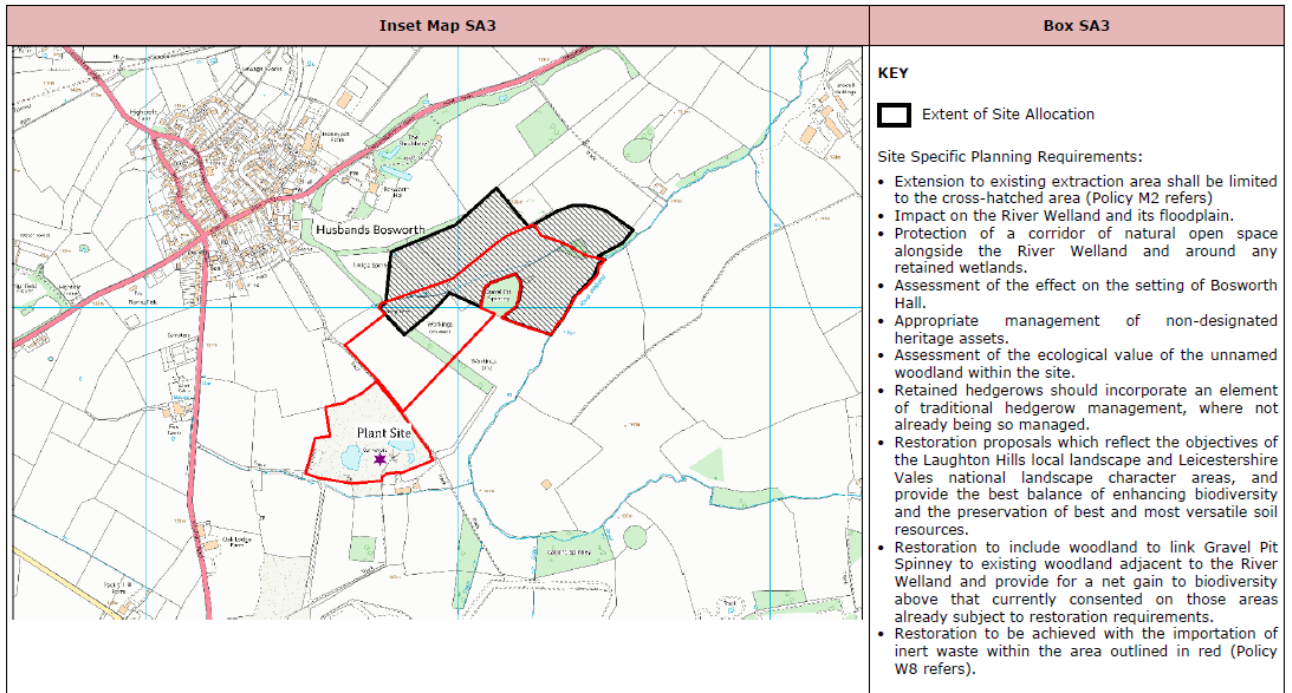
4. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County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

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

5. Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure
6. Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be maintained throughout the life of the development. The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.
7. The infilling and restoration operation will require an Environmental Permit from the Environment Agency before infilling commences. Strict waste acceptance procedures must be in place for the import of inert material.
8. The concrete batching plant should have sufficient pollution prevention controls in place for emissions to air and water. The applicant is advised to discuss the concrete batching permit application with Harborough District Council Environmental Health teams.

APPENDIX B

Husbands Bosworth



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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