

**DEVELOPMENT CONTROL AND REGULATORY BOARD****6 APRIL 2023****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2023/0032/07 (2022/CM/0118/LCC)
PROPOSAL:	Variations to conditions 4, 17, 63 and 64 of planning permission 2010/0076/07 to reprofile the northern amenity bund and northern landform; to rationalise landscape, restoration and aftercare; and submit an interim restoration scheme
LOCATION:	Bardon Quarry, Bardon Road, Coalville. Leicestershire LE67 1TL
APPLICANT:	Aggregate Industries UK Limited
MAIN ISSUES:	Principle of development
RECOMMENDATION:	Approve application, subject to conditions

Circulation Under Local Issues Alert Procedure

Mr. T. Gillard CC

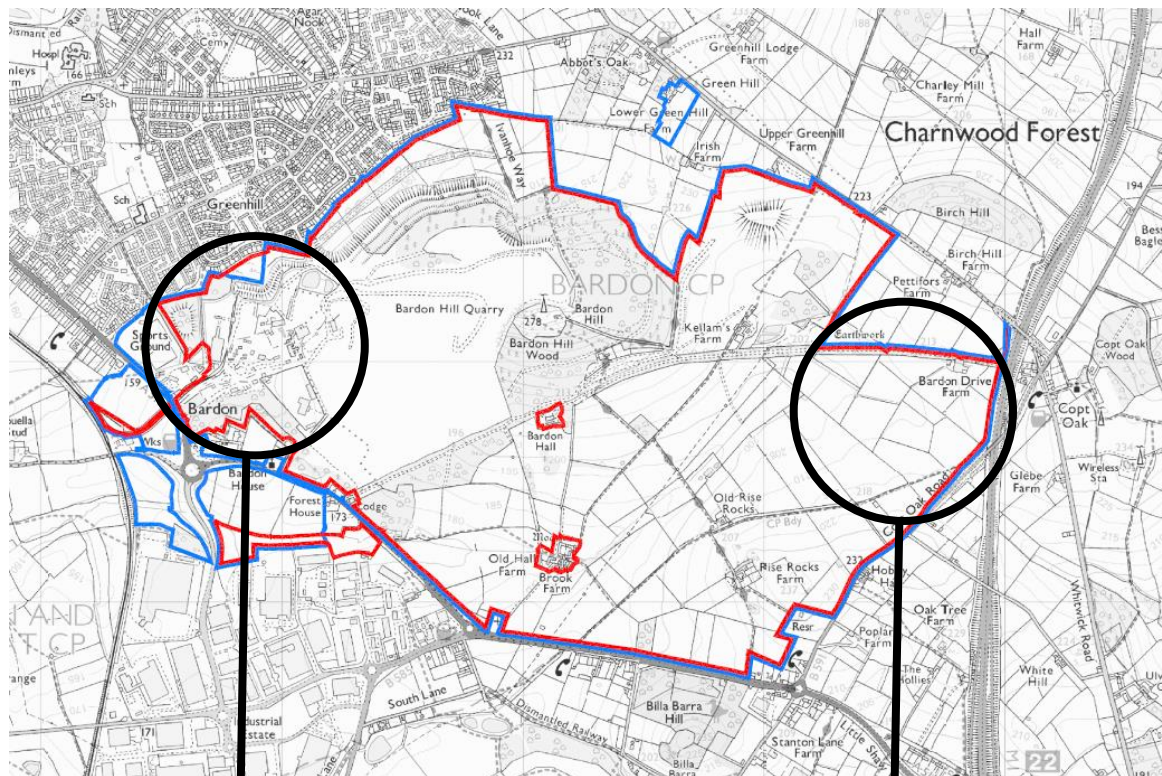
Officer to Contact

Nick Bowden (Tel. 0116 305 4701).
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PART B – MAIN REPORT

The Site and Surroundings

1. The application site comprises the long established Bardon Quarry site which has seen extraction operations occurring for a great many years. Active parts of the site comprise the 25 hectare granite extraction and processing complex to the south-east of Coalville, west of the M1 motorway.



Operations Area

Northern landform

2. The complex is bound to the south west by the A511. The residential areas of Bardon and Greenhill are located to the north west of the site beyond wooded perimeter bunds and along the A511. The Bardon Hill industrial area is to the south west. Open farmland interspersed with isolated dwellings, businesses and small settlements surrounds the site to the east.
3. The complex comprises two large quarry voids, one undergoing backfilling operations (the western void) and one actively being extracted together with an extensive mineral processing area accessed from the A511 (the eastern void). Internal haul roads and conveyor systems connect different parts of the site, which are intersected by restored landforms, areas of woodland, and agricultural land and buildings. The applicant's national head offices are also located within the wider complex but separate from the operational areas and accessed via Bardon Drive from Whitwick Road to the west.

Background

4. Planning permission is sought for variations to a number of conditions to the existing planning permission. In summary these comprise the reprofiling of parts

of the site, details of an interim restoration scheme and relocation of overburden storage. This is largely to facilitate current operational requirements of the site connected with soil movements, restoration of the former quarry void and facilitate extraction of the active quarry void.

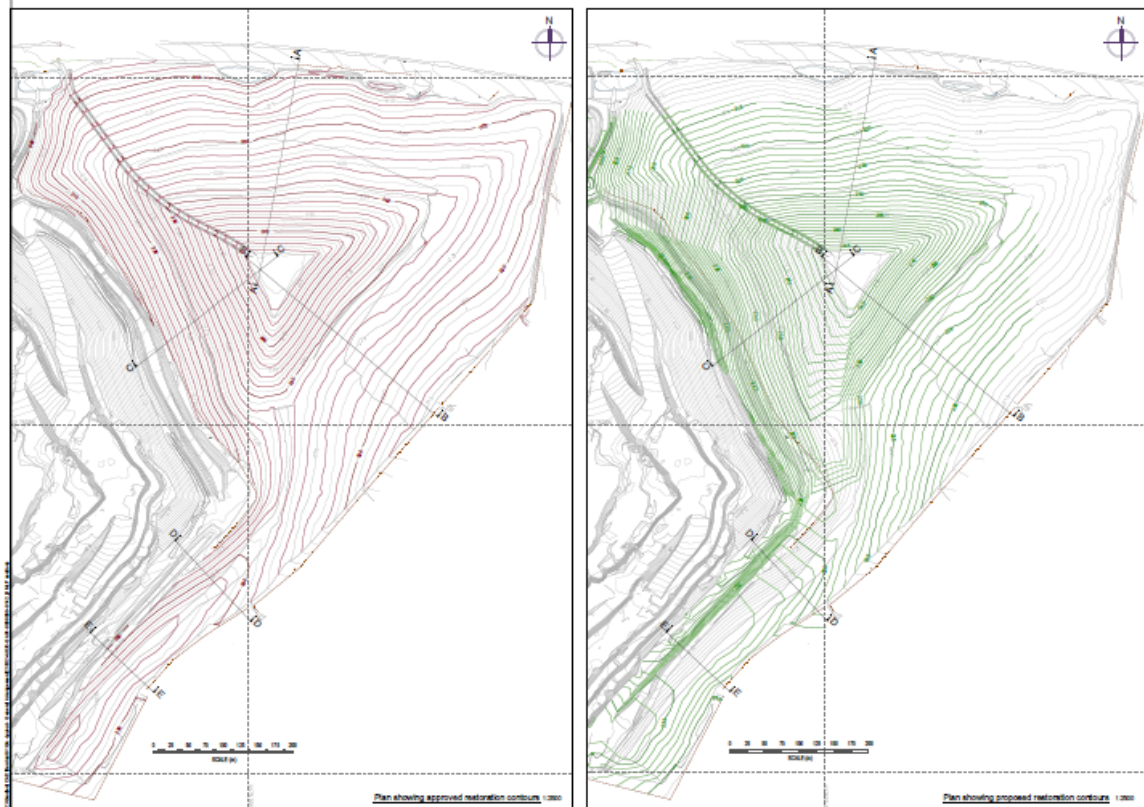
5. A principal reason for this application is due to difficulties occurring between transport of the overburden from the active quarry to the completed quarry void to the north west using the current conveyor system. This system is struggling with the type of material to be transported and an alternative destination for overburden material is required whilst operational efficiencies in use of the conveyor are worked out.
6. The application is being reported to the committee as it requires authorisation for an amendment to the existing S106 legal agreement.

Planning History

7. Bardon Quarry has an extensive planning history relating to quarrying operations. The following comprises a summary of applications relating to Bardon Quarry and pertinent to this application are detailed below.
8. Planning permission 2010/0076/07 is the principal planning permission for all extraction, processing and restoration operations at Bardon Hill Quarry, granted on 25 August 2011 subject to 66 planning conditions.
9. 2017/0098/07 proposed alternative overland aggregate and overburden conveyor to that previously approved under planning permission and was granted in May 2017.

Description of Proposal

10. The application seeks to vary conditions 4, 17, 63 and 64 of planning permission 2010/0076/07. As noted above, these do not alter the fundamental nature of the scheme. The main outcome of the scheme is the relocation of half a million cubic metres of material to the north landform.
11. Condition 17 – Landscape Provisions and Implementation of Scheme: The scheme of landscaping is to be modified so as to allow additional tipping of overburden to the northern landform. This landform has recently been planted out with a number of relatively immature tree specimens. The enlargement of the northern landform would result in the loss of some of these trees in the short term although those suitable for replanting will be transferred to Tip 18 to the west. An additional 500,000 cubic metres of material would be deposited on the west/south-west ‘inside’ slope to the northern landform.



Northern landform contours before/after



Northern landform area

12. Condition 27 - Public Rights of Way: Planning condition 27 included a series of plans showing the closure and diversion of local footpaths within Bardon Hill Quarry as part of the initial construction period. The quarry footprint has since been set out and all permanent diversion routes established including a new bridge over the conveyor systems. The rights of way as established will remain until final restoration. As part of the final landscaping and restoration the company seek to consolidate the final Public Rights of Way and permissive routes.
13. Condition 63 – Reclamation: This variation seeks to consolidate the landscaping, restoration and aftercare details into one document which covers the whole site.

14. Condition 64 – Reclamation of Operations Areas: This variation seeks to allow for a staged submission of restoration details to the operational areas pending possible redevelopment of these areas in future.

Planning Policy

The Development Plan

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

- Policy M4 Crushed Rock
- Policy M11: Safeguarding of Mineral Resources
- Policy DM1: Sustainable Development
- Policy DM2: Local Environment and Community Protection
- Policy DM5: Landscape Impact
- Policy DM8: Historic Impact
- Policy DM9: Transportation by Road
- Policy DM10: Public Rights of Way
- Policy DM12: Restoration, Aftercare and After-use

16. North West Leicestershire Local Plan (adopted November 2017):

- Policy En1: Nature Conservation
- Policy En3: The National Forest
- Policy He1: (Conversation and enhancement of North West Leicestershire's historic environment)

17. Hinckley & Bosworth Core Strategy (adopted December 2009)

- Policy 21: National Forest

18. Hinckley & Bosworth Site Allocations and Development Management Policies DPD (adopted July 2016)

- DM1: Presumption in Favour of Sustainable Development
- DM6: Enhancement of Biodiversity and Geological Interest

National Policy

National Planning Policy Framework (NPPF)

19. Paragraphs 152 to 169 seek to take a proactive approach to mitigating and adapting to climate change, considering the long-term implications for flood risk, coastal change, water supply, biodiversity and landscape and the risk of overheating from rising temperatures.
20. Paragraphs 174 to 182 seek to conserve and enhance the natural environment, through the protection and enhancement of valued landscapes, biodiversity or geology. Planning applications should avoid significant harm to biodiversity and if not adequately mitigate, and as a last measure, compensate.

21. Section 17 of the NPPF facilitates the sustainable use of minerals. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings and 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.

Consultations

22. **North West Leicestershire District Council Planning** – No objections.
23. **North West Leicestershire District Council Environmental Health** – No objections.
24. **Hinckley and Bosworth Borough Council Planning** – No objections.
25. **Lead Local Flood Authority** – No comments.
26. **Highways Authority** (Leicestershire County Council) – No comments.
27. **LCC Ecology** – No objections to the proposals, no ecologically important habitats will be impacted. There is however the potential for Great Crested Newts (GCN), reptiles and ground nesting birds to be present within the northern landform, and it needs to be clarified prior to a decision being made which GCN licensing route the applicant will be using.
28. **LCC Landscape** – No objections.
29. **Historic England** – No comments, consultation not required.
30. **Environment Agency** – No comments.

Publicity and Representations

31. The application has been publicised by means of six site notices and a press notice. Two hundred and twenty-nine (229) neighbours were notified by letter. This complies with the County Council's adopted Statement of Community Involvement. No comments were received in relation to this consultation.

Assessment of Proposal

Principle of Development

32. The development comprises various alterations to working and landscaping to the Bardon Quarry site. As the proposal is contained within the quarry boundary and subject to an extant and operational planning permission, the development is acceptable in principle.

Landscaping and visual impact

33. The main alteration to this scheme is the reprofiling of the northern landform. This comprises the tipping of an additional 500,000 cubic metres of overburden to this existing landform and an increase in gradient to the inside, or west/south-west,

slope to this small hill. This slope faces into the site, addressing the existing quarry void and would not be visible from outside the application site.

34. This slope, at present, is part way through restoration and was planted with a woodland mix approximately two years ago. The reprofiling would result in the loss of some of these immature trees although many of these would be relocated where possible. The reprofiled slope would be planted with replacement trees upon completion.
35. The Council's landscape adviser considers that there is no objection to the proposal. The proposal would have no noticeable visual impact outside the site boundary which is also confirmed by the submitted Landscape and Visual Impact Assessment (LVIA). It is therefore considered to comply with policies DM5 and DM12.

Ecology and Biodiversity

36. The existing northern landform is not considered to be sufficiently well established to have any implications for its reprofiling. The Council's ecologist has no objections to the scheme subject to ensuring appropriate licences are secured from Natural England relating to Great Crested Newt relocation (if needed).

Traffic, Access and Parking

37. All additional traffic and vehicle movements will be contained entirely within the site and there are no off-site implications. The Highway Authority have no objections to the proposal and it is considered to comply with policies DM9 and DM10.

Restoration, After-use and Long Term Management

38. The phasing of the agreement for the final restoration of the existing operations area to the north west is to be adjusted through proposed modifications to condition 64. These alterations are due to the potential redevelopment of this area in future. The requirements of the condition do not fundamentally change as a consequence of these revisions. It should further be noted that agreement to changing the phasing of details submission does not infer any sort of approval for the redevelopment of this area which is presently designated as Open Countryside under the North West Leicestershire Local Plan.

General amenity concerns

39. The alterations proposed to the scheme are contained within the application site and remain subject to existing controls. As such there are not considered to be any concerns arising from impact upon neighbouring properties nor conflict with policy DM2.

Other Material Considerations

40. Various other conditions of the existing planning permission are to be amended in order to update them in line with more recently approved details. These conditions do not alter the terms of the permission and merely align them with

currently agreed matters to avoid repeating agreement of these following the grant of any varied planning permission.

Conclusion

41. Variation of condition 17 of planning permission 2010/0076/07 allows for the reprofiling of the existing northern landform which would not result in any notable impact upon the character of the area and allow for the efficient functioning of the quarry. Alterations to other conditions remain largely administrative in nature and merely update existing current, and future, controls on the site.

Statement of Positive and Proactive Engagement

42. In determining this application the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations and consultation responses. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

Recommendation

1. PERMIT subject to the conditions set out in Appendix A and completion of agreement under Section 106A of the Town and Country Planning Act 1990.

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Conditions

1. This permission shall relate only to the extraction of mineral from an area adjacent to Bardon Hill Quarry, to the use of the overlying clay/overburden to complete the eastern tip (18), the creation of perimeter landscaped embankments & the partial infilling of the current quarry, to the linking of the new operation to the existing operation and associated businesses using conveyors within the land edged red on Drawing No. BHE-SS/002.

Reason: For the avoidance of doubt.

2. The winning and working of minerals shall only take place within the previously permitted (current) extraction limit and the new extraction area as defined by a light blue line and a purple line respectively on Drawing No. BHE-SS/005 Revision A.

Reason: For the avoidance of doubt and to ensure that mineral extraction is confined to the permitted areas.

3. No operations other than agreed conservation management undertakings shall be carried out within the Bardon Hill SSSI shown edged green on Drawing No. BHESS/ 005 Revision A.

Reason: For the avoidance of doubt and to ensure that the Bardon Hill SSSI is safeguarded.

4. Unless otherwise required by this permission the development shall be carried out in accordance with the following details:

- (a) the planning applications references 2010/0076/07 & 2010/0041/04 and accompanying environmental statement;
- (b) the accompanying drawings;
- (c) letter dated 25th May 2010 and supplementary information from the applicant;
- (d) letter dated 9th December 2010 and supplementary information from the applicant;
- (e) NMA Letter dated 21st April 2017 and drawing 23BX1-AIUKGA01-0000000-034 and approval letter dated 4th May 2017
- (f) Water Storage Tank Letter dated 26th June 2019 and drawing No. 23BX1-AIUK-TS02-0000000-0084 as approved on 7th August 2019.
- (g) Scalping screen and conveyor – Letter dated 8th Feb 2021 and drawing E7408-001 and 7028-013 as approved 19th March 2021
- (h) Railway Siding Cabin – Letter dated 28th Jan 2021 and drawing GF0015 as approved on 24th March 2021
- (i) Electric Substation – Letter dated 20th March 2017, 5th June 2017 and drawing no. 23BX1-AIUK_GA01-00000000-0060 Rev A as approved on 14th July 2017
- (j) Fuel Tank – Letter dated 12th April 2018 and drawing No. 23BX1-AIUK-SS10-0000000-0001 Rev 1 as approved on 20th August 2018
- (k) Volumetric Ready-Mix Business – letter dated 4th January 2017 plan ref; 1000/01/17/VB/2 as approved on the 3rd Feb 2017

- (l) New laboratory building and weighbridge – Letter dated 19th October 2016 and email dated 25th October 2016, plan 1336011-PD-99-DWG-140-001 D0, Letter dated 2th Jan 2017 and email dated 15th Feb 2017 as approved in letter dated 26th October 2016 and Letter dated 15th Feb 2017
- (m) Welfare Unit School House – Letter dated 8th Feb 2019 and plan ref 1336011-PD-99-DWG-140-001 D1 as approved letter dated 19th Feb 2019.
- (n) Modular Welfare Buildings – Letter dated 20th March 2017 as approved 4th May 2017; Letter dated 29th June 2017, 23BX1-AIUK-TS02-00000000-0007 as approved 10th July 2017; Letter dated 18th Jan 2020 as approved 1st April 2021 and 19th August 2021
- (o) C2 Compound Offices - Letter dated 20th March 2017 as approved 4th May 2017; Letter dated 29th June 2017, 23BX1-AIUK-TS02-00000000-0007 as approved 10th July 2017; Letter dated 18th Jan 2020 as approved 1st April 2021.
- (p) Sections Through Northern Landform Restoration 23BX1-AIUK-GA01-0000000-0142_B NLF sections-A1 dated 18th August 2022

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.

5. A copy of this permission, the plans and documents referred to in condition no. 4 above, including any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept available on site for the duration of the development.

Reason: For the avoidance of doubt.

6. The development hereby permitted shall be implemented in accordance with the following details:
 - (a) the winning and working of minerals, the processing and despatch of stone (including coated roadstone materials) and all associated activities at the existing quarry from the date of this permission;
 - (b) the manufacture, storage and despatch of products at the concrete products factory from the date of this permission;
 - (c) the stripping of soils and overburden from the new extraction area and the area of the new landforms, the placement of overburden on Tip18, and all other Year 1 works detailed on drawing No. BHE-SS/011A within 5 years from the date of this permission;
 - (d) the winning and working of minerals from the new extraction area within 10 years from the date of this permission (with the exception of the removal of rock head deposits during overburden removal) and not until 2017 or the completion of construction works for the new landforms including all soiling operations and footpath works in accordance with the details shown on Drawing No. SLP27A whichever is the sooner.

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

7. No development shall take place (including ground works or vegetation clearance) until a Construction and Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
- (a) Identification of potentially damaging activities
 - (b) identification of biodiversity protection zones
 - (c) practical measures and sensitive working practices to avoid or reduce impacts during construction on
 - (d) herpetofauna
 - (e) timing of works to avoid harm to nesting birds
 - (f) responsible persons for overseeing sensitive works
 - (g) 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 LPA.

Reason: To minimise the adverse impact of the operations on ecological interests.

8. This permission shall be for a limited period expiring on 31/12/2051 when the development hereby permitted shall cease and any building(s) and works carried out under this permission removed and the land reinstated in accordance with restoration details approved under conditions nos. 65 and 66.

Reason: To provide for the completion and restoration of the site within the approved timescale.

9. Apart from the delivery of plant and machinery to the new extraction area HGV entry to and exit from the site shall be only by means of the existing quarry access off the A511 Bardon Road.

Reason: To ensure the site is accessed with due regard to highway safety and the local environment.

10. All vehicles leaving the site via the existing quarry access on the A511 shall turn left.

Reason: In the interests of highway safety and the amenities of local residents.

11. The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times during the life of the development.

Reason: In the interests of highway safety and safeguarding the local environment.

12. No HGV's shall leave the site without first passing through an efficient wheel cleaning system to ensure that no deleterious material is deposited on the public highway. In the event that any such material is deposited on the public highway it shall be immediately removed.

Reason: To ensure that deleterious material is not carried onto the public highway in the interests of highway safety and local amenity.

13. The development hereby permitted shall be implemented in accordance with the scheme for the improvements to the existing parking provisions, turning areas and associated internal haul road layout as detail in:

- (e) Letter dated 9th June 2014 and approval letter dated 16th June 2014
- (h) Letter dated 4th Jan 2017 as approved letter dated 7th Feb 2017
- (i) Letter dated 18th March 2020 and plan 8100/BHQ_2020
- (j) Letter Dated 21 Feb 2022, 11th April 2022 and approval letter dated 11th May 2022

Reason: In the general interests of highway safety and to ensure that adequate off-street parking facilities are available within the curtilage of the development.

14. No loaded vehicles shall leave the site and enter the public highway unsheeted except those carrying stone in excess of 75mm in diameter. All loads shall be evenly filled and levelled to avoid spillage when in motion.

Reason: In the interests of highway safety and safeguarding the local environment.

15. The total number of HGV departures for exports of dry and coated stone from the site shall not exceed a daily average of 525 over any 4 week period subject to a daily maximum of 575. Records of such movements shall be maintained on a daily basis and shall be made available to the Mineral Planning Authority within five working days of such a request being made. All records shall be kept on site for at least 12 months.

Reason: In the interests of highway safety and safeguarding the local environment.

16. The development hereby permitted shall be implemented in accordance with the Travel Plan submitted on 18th January 2016 and approved on the 9th March 2016.

Reason: To ensure that adequate steps are taken to provide a transport choice including a choice in mode of travel to and from the site.

17. The development hereby permitted shall be implemented in accordance with the Landscape, Restoration and Aftercare Scheme Dated August 2022 unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: In the interests of the landscape and visual amenities of the area and to enhance the development and bio-diversity.

18. Excepting those specimens to be removed in the northern landform, the removal of existing vegetation shall have regard to the submitted hedgerow and tree surveys and no trees, shrubs or hedgerows within or bounding the site shall be removed apart from those shown to be removed on Drawing No. BHE-ADI/001 dated April 2011 with the exception of hedgerows 20 and 47

which shall be fully retained and protected in accordance with condition no. 19.

Reason: To ensure that vegetation removal is adequately controlled.

19. This development hereby permitted shall be implemented in accordance with hedgerow and tree protection details as referenced in letter dated 29th April 2016, email dated 3rd May 2016 and drawing no. 1336011-PL-19-DWG-001 Rev.10 dated 12th April 2016 as approved on 11th May 2016.

Reason: To ensure that all hedgerows and trees to be retained on site are protected during the development.

20. This development hereby permitted shall be implemented in accordance with the ecological interests of the site shall be safeguarded in full accordance with the Detailed Mitigation and Compensation Implementation as updated in April 2016 document reference ST006900/D.06f/0012 Rev B. The mitigation and compensation measures shall be managed under Bardon Estate Biodiversity Action Plan.

Reason: To minimise the adverse impact of the operations on ecological interests.

21. The grassland management strategy shall be undertaken in full accordance with the Lowland Grassland Compensation and Enhancement Implementation Plan (ref. 403-00275-00089/LGIP dated November 2010).

Reason: To minimise the adverse impact of the operations on the grassland habitats.

22. The monitoring of baseline conditions in target grassland habitats shall be undertaken in full accordance with the methodology included in the Grassland Monitoring (ref.403-00275-00089/GMR dated October 2010).

Reason: To monitor the affects of the development on the grassland habitats.

23. This development hereby permitted shall be implemented in accordance with the scheme of hedgerow planting dated 13th May 2014 and Landscape Restoration and Aftercare Scheme dated August 2022.

Reason: To reduce the overall effects of the development on the hedgerow resource.

24. All works that involve the removal of trees, shrubs, hedgerows, scrub and other vegetation including habitats used by ground nesting birds shall not be undertaken during the months of March to August inclusive unless the area has first been checked by a qualified ecologist and an action plan agreed in writing with the Mineral Planning Authority.

Reason: To safeguard the local habitat and protect nesting birds.

25. The safeguarding of protected species and notable fauna and flora identified within Appendix 8 of the Environmental Statement shall be undertaken in

accordance with the Timetable (Table 9) of the Detailed Mitigation and Compensation Implementation Plan (ref.403-00275-00089/MCIP dated October 2010), subject to the inclusion of:

- (f) tree 22 (as identified in the bat survey) which shall be retained and protected in accordance with condition no. 19; and,
- (g) the section of Stone Wall adjacent to Hedgerow 64 (as identified in the Lichen survey) which shall be translocated in accordance with condition no. 17.

Both the above features shall be added to the Detailed Mitigation and Compensation Implementation Plan and managed in accordance with the agreed details.

Reason: To monitor the effects of the development on ecological interests and to safeguard protected species.

26. This development hereby permitted shall be implemented in accordance with scheme of public rights of way safety as detailed in letter dated 13th May 2014 and report submission of details pursuant to Cond. 26 of planning permission No. 2010/0076/07 and 2010/0041/04 reference 421.00275.00119 dated April 2014.

Reason: In the interests of protecting users of the rights of way network.

27. All operations affecting the Rights of Way network involving the stopping up of routes, temporary closures, provision of diverted routes, new permissive and dedicated routes and the proposed cycle path shall only be undertaken in accordance with the Landscape, Restoration and Aftercare Scheme unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of protecting the rights of way network and its users.

28. The development hereby permitted shall only be undertaken in accordance with the Flood Risk Assessment included within the Hydrological and Hydrogeological Assessment dated November 2009 and forming Appendix 6 of the Environmental Statement.

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

29. This development hereby permitted shall be implemented in accordance with surface water details as submitted in letter dated 6th May 2014, letter dated 14th May 2018 and Bardon Quarry Surface water management plan summary report dated January 2021.

Reason: To ensure adequate drainage of the site.

30. This development hereby permitted shall be implemented in accordance with Foul Drainage Scheme as detailed in a letter dated 27th November 2013 and approved on the 10th January 2014.

Reason: To protect the water environment.

31. This development hereby permitted shall be implemented in accordance with Oil and Petrol Separators as detailed in a letter dated 27th November 2013 and approved on the 10th January 2014.

Reason: To protect the water environment.

32. This development hereby permitted shall be implemented in accordance with the Storage Tank Data Sheet- Simon Engineering No. 2012 unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To protect the water environment.

33. This development hereby permitted shall be implemented in accordance with Watercourse diversion details in letter dated 19th September 2013 and email dated 14th June 2019 including the following plans;

- (h) 190114_DC33_2_REVB_Cross_Sections-SECTS A & B_ET.jpg
- (i) 190114_DC33_3_REVB_Cross_Sections-SECTS C & D_ET.jpg
- (j) 190114_DC33_4_REVB_Cross_Sections-SECTS E_ET.jpg
- (k) 190509_DC33-09 FIG 1_A_SKETCH DETAILS Page 001.jpg
- (l) 190509_DC33-09 FIG 1_A_SKETCH DETAILS Page 002.jpg
- (m) 190509_Interim Landscape_South_DC33-7C.jpg
- (n) 190509_Possible_Watercourse_treatments_Section 5-6_DC33-6 A.jpg
- (o) 190528_DC33_1C_7C_Interim Landscape_South_DC33-1.jpg
- (p) DC33-5 from Aug 2013.jpg
- (q) DC33-6 from Aug 2013.jpg
- (r) DC33-8 from April 2014.jpg
- (s) DC33-9-Fig1 from April 2014.jpg
- (t) DC33-9-Fig2 from April 2014.jpg

All River Diversion works will be managed in accordance with the Landscape, Restoration and Aftercare Scheme Dated August 2022.

Reason: To ensure the proposed diverted watercourse is developed in a way that improves the nature conservation value of the river.

34. This development hereby permitted shall be implemented in accordance with the Scheme of Water Monitoring in pursuance of planning permission no. 2010/0076/07 and 2010/0041/04 condition 34 dated April 2019.

Reason: To assess and monitor the effects of the development arising from changes in groundwater levels.

35. This development hereby permitted shall be implemented in accordance with the Soil Strategy as detailed in letter dated 23rd December 2013 including Bardon Hill Quarry Soil Handling Strategy.

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

36. This development hereby permitted shall be implemented in accordance with the Specification for Programme of Archaeological Trial Trenching dated 1st July 2013.

Reason: To ensure the preparation and implementation of an appropriate programme of archaeological investigation.

37. Where the archaeological investigation comprises an initial exploratory trial trenching phase provision shall be made for the implementation of any necessary further archaeological mitigation including in-situ preservation where appropriate.

Reason: To ensure protection of the archaeological assets in the site including potential in situ preservation.

38. This development hereby permitted shall be implemented in accordance with the Specification for Programme of Archaeological Trial Trenching dated 1st July 2013.

Reason: To ensure protection of the archaeological assets in the site through a phased programme of investigation.

39. This development hereby permitted shall be implemented in accordance with the Archaeological Building Investigation and Recording for Old Rise Rocks dated 24th July 2015.

Reason: To ensure the historic buildings to be lost are recorded.

40. This development hereby permitted shall be implemented in accordance with Bardon Geo-Diversity Action Plan dated April 2014 unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To minimise the effects on geological conservation interests and provide access to the key geodiversity features.

41. Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance or disturbance in the locality. Such measures shall include:

- (a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
- (b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;
- (c) the minimisation, so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles.

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

42. This development hereby permitted shall be implemented in accordance with Bardon Hill Quarry Environmental Scheme to accord with planning

permissions 2010/0077/07 & 2017/0263/07 & 2017,0098/07 dated 26th April 2019 unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: To enable the noise related effects of the development to be adequately monitored during the course of the operations.

43. Except for temporary operations and subject to the limits included in the table below the noise levels arising from the development when measured 3.5 metres from the most exposed façade of any noise sensitive property shall not exceed:

- 55dB(A)LAeq 1h during the hours of 07:00 – 22:00; and
- 42dB(A)LAeq 1h during the hours of 22:00 – 07:00.

Measurement Location and reference.	Daytime Limit (07:00 – 22:00)
2. Bradgate Drive	54
4. Flannagan Way	52
10. Kirton Road	48
12. Irish Farm	49

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

44. Noise levels arising from temporary operations including soil stripping and replacement, the construction and removal of soil and overburden mounds and the creation of new landforms shall be minimised as far as is reasonably practicable and shall not exceed 70dB(A) LAeq 1 hour at 3.5 metres from the most exposed façade of any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in condition no. 43 shall only be carried out between the hours of 0800 and 1800 Monday to Friday and the hours of 0800 and 1200 on Saturday, and shall be limited to a total of 8 weeks in any 12 month period. Advance notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority.

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

45. The mitigation measures recommended at Appendix 10 of the Environmental Statement shall be fully implemented to ensure that the best practicable means are used to control the emission of dust from the site and to ensure so far as is reasonably practicable that dust emissions from the operations carried out within the site are minimised.

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

46. This development hereby permitted shall be implemented in accordance with the Bardon Hill Quarry Environmental Scheme to accord with planning permissions 2010/0077/07 & 2017/0263/07 & 2017,0098/07 dated 26th April 2019 unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: To enable the dust related effects of the development to be adequately monitored during the course of the operations.

47. Dust emissions arising from the development when measured in accordance with the monitoring scheme approved under condition no. 46 shall not exceed:

- a mean average rate of 200 milligrams per day per square metre; and
- a limit of 50µg.m⁻³ not to be exceeded more than 35 times a year as a 24 hour mean/40µg.m⁻³ as an annual mean for PM10.

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

48. To ensure that the best practicable means are used to control the effects of blasting from the new extraction area no blasting shall be undertaken within a 400m distance of the nearest buildings shown on Drawing No. BHE-ES/006 unless and until a new regression analysis based on blasting events within the new extraction area can demonstrate and predict that the vibration limits specified in condition no. 50 can be met within this distance.

No blasting shall be undertaken within 200m of the nearest buildings shown on Drawing No. BHE-ES/006.

Drawing No. BHE-ES/006 shall be updated to include the 400m and 200m blasting distances and submitted to the Mineral Planning Authority prior to any blasting in the new extraction area.

Reason: To minimise the adverse impact of blasting on the local community and environment.

49. This development hereby permitted shall be implemented in accordance with Bardon Hill Quarry Environmental Scheme to accord with planning permissions 2010/0077/07 & 2017/0263/07 & 2017,0098/07 dated 26th April 2019 unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: To enable the blasting effects of the development to be adequately monitored during the course of the operations.

50. Every blast shall be designed with a 95% confidence level that ground vibration levels recorded at any vibration sensitive property arising from any blast shall not exceed a peak particle velocity of 6mm per second measured in any mutually perpendicular plane. No blast shall exceed a peak particle velocity of 12mm per second as measured at any vibration sensitive property.

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

51. Every blast shall be designed to minimise noise or air over pressure by use of the latest available techniques such that air over pressure shall not exceed 120dB peak linear as measured externally at any vibration sensitive property.

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

52. No blasting shall take place except between 10:00 hours and 16:00 hours Monday to Friday and there shall be no blasting on Saturdays, Sundays, Public or Bank holidays unless in an emergency. There shall be no more than one blast at the existing Bardon Hill Quarry and one blast at the Bardon Hill Quarry Extension per day.

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

53. No secondary blasting shall be carried out without the prior approval in writing of the Mineral Planning Authority. In emergencies, the Mineral Planning Authority shall be notified of events within 24 hours.

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

54. This development hereby permitted shall be implemented in accordance with the Lighting Scheme as detailed in letter dated 27th November 2013 and approved on the 23rd December 2013.

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

55. This development hereby permitted shall be implemented in accordance with the Carbon Management Plan as details in letter dated 9th June 2014 and approved on the 16th June 2014 unless otherwise agreed in writing by the Mineral Planning Authority.

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

56. An annual working scheme shall be submitted to the Mineral Planning Authority by 31st March each year and shall include details of:

- (a) a summary of the forthcoming annual working programme;
- (b) phasing and timing of operations for vegetation clearance, soil and overburden stripping and removal;
- (c) phasing and timing of operations for overburden and soil replacement including the construction of new landforms and new planting and seeding;
- (d) the construction of haul routes;
- (e) direction of mineral working;
- (f) depth of working;
- (g) extraction rates;
- (h) the infilling sequence for the existing quarry;
- (i) the extent and height of stockpiles and mineral storage areas;
- (j) the extent and details of processing areas, including aggregate production, the coated roadstone plants and concrete products works.

The working of the site shall be undertaken only in accordance with the approved details.

Reason: To enable the Mineral Planning Authority to monitor and adequately control the development and to minimise its impact on the amenities of the local area.

57. The development shall only take place in accordance with the following hours:

Operations	Permitted Hours	
	Monday Saturday	to Sundays, Public & Bank Holidays
<ul style="list-style-type: none"> The extraction, primary crushing and internal movement of stone from within the new and previously permitted extraction areas; 	07:00 to 22:00	None
<ul style="list-style-type: none"> The use of the secondary and tertiary aggregate processing plants; The despatch of aggregate and concrete products; The use of the aggregate and concrete product stocking areas; 	06:00 to 22:00	None
<ul style="list-style-type: none"> Emergency works; Maintenance and repair of plant and machinery; Essential pumping; The use of the asphalt plants and despatch of products; The manufacture of concrete products; The loading, movement and servicing of trains. 	Any Time	

Reason: To protect the amenities of local residents and in the interests of the local environment.

58. Notwithstanding the provisions of part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order, with or without modification:

no fixed plant or machinery, building, structures and erections, or private ways shall be erected, extended, installed, or replaced within the site without the prior written approval of the Mineral Planning Authority following submission of relevant details and plans.

Reason: in the interests of the amenity of the area.

59. The primary crusher shall only be used to process mineral won from within the site. No primary crushing of imported mineral shall take place.

Reason: To restrict mineral processing at the site in the interests of the local community and environment.

60. The cladding of all fixed plant and machinery shall be retained and maintained thereafter in its original approved colour.

Reason: To ensure a satisfactory appearance in the interests of the local community and environment.

61. Within 12 months of the date of mineral extraction finishing at the site the use of the concrete products works (Charcon Factory) as defined by a dashed pink line on Drawing No. BHE-SS/005 Revision A shall cease and all the buildings removed and the land reinstated in accordance with a reclamation scheme approved under condition no. 63.

Reason: To ensure the proper restoration of the site and in the interests of habitat creation and diversity.

62. Following the receipt of any complaint about operations on site affecting neighbouring land users or the environment the operator shall notify the Mineral Planning Authority within 24 hours. Details of the investigation and any mitigation measures shall be agreed with the Mineral Planning Authority.

Reason: To protect the amenities of local residents and the local environment.

63. Within 12 months of the cessation of mineral extraction within the current extraction limit an interim restoration plan of the quarry void shall be submitted providing details of the reclamation of the upper quarry faces shall be agreed in writing with the Mineral Planning Authority. The areas shall then be reclaimed and managed for biodiversity purposes in accordance with the agreed aftercare details.

Within 24 months prior to the planned cessation of mineral extraction at Bardon Hill Quarry a final restoration plan shall be submitted in writing detailing for the treatment, reclamation and aftercare of the processing plant site, associated business use areas, stockpile areas and other hardstandings and roadways shall be agreed in writing with the Mineral Planning Authority.

The restoration shall be undertaken in accordance with the approved details.

Reason: To ensure that the operational site areas are reclaimed in an orderly manner to a condition capable of beneficial after-use.

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

of winning and working. The approved revised scheme shall be fully implemented within 12 months of the written approval.

Reason: To enable the Mineral Planning Authority to control the development and to ensure that the land is restored to a condition capable of beneficial after-use.

Informative

This development will require a European Protected Species mitigation licence to make it lawful. You must be aware that to proceed with the development without first obtaining an EPS Licence could result in prosecution.