

**DEVELOPMENT CONTROL AND REGULATORY BOARD****21st NOVEMBER 2024****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****ADDENDUM**

**APP.NO. & DATE:** 2024/10117/04 (2024/EIA/0081/LCC) – 9<sup>th</sup> July 2024.

**PROPOSAL:** To continue the development of Desford Brickworks and Quarry by amending the provisions of Condition 2 of Planning Permission 2018/0669/04, in so far as it relates to the phasing of mineral extraction. This application seeks to amend the chronological order the quarry phases are worked, promoting one phase to be worked at an earlier stage in the quarry development programme.

**LOCATION:** Land at Desford Brickworks, Heath Road, Desford, Leicestershire, LE67 1DL.

**APPLICANT:** Forterra Building Products Ltd.

Following publication of the Officer's report, additional representations were received from the applicant relating to conditions of the proposed permission. As such, the schedule of conditions to be modified as below.

**Groundwater Monitoring**

36. ~~Prior to the commencement of quarrying activities in Phase 7/A on plan referenced DB 3/8R dated October 2024~~ Within 12 months from the date of the permission hereby permitted, a scheme for groundwater monitoring shall be submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance, a mechanism for review and a programme of implementation. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

*Reason: To protect the water environment and specifically groundwater resources.*

## Reclamation

49. ~~Prior to the commencement of mineral extraction within Phase 7/A on plan referenced DB 3/8R dated October 2024, Within 12 months from the date of the permission hereby permitted,~~ a detailed scheme of final landscaping and restoration of the site shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on a phased approach and the restoration concept shown on DB 3/15, Rev A, dated December 2018 for the creation of a biodiversity enhanced after-use. The scheme shall include details of the following:
- a) the final levels of the site shown by a contour plan and accompanying cross sections;
  - b) the design and construction of the lake to ensure the lake is designed to substantially enhance the ecological value of the site;
  - c) ground preparation works including ripping and surface cultivation and seeding;
  - d) the planting of trees and shrubs and their maintenance including location, species, size, number and spacing;
  - e) the creation of public access routes, including the early reinstatement of public footpaths and the consideration of bridleways;
  - f) the location and type of fencing and gates;
  - g) the treatment of the lake margins;
  - h) the incorporation of 1.8ha of additional woodland planting within the National Forest boundary;
  - i) the provision of a sand martin nest bank;
  - j) a potential badger tunnel/piped access way under Heath Road
  - k) the treatment of the brickworks site and adjacent brick stocking area, car park and hardstanding areas following the removal of all buildings; and
  - l) a programme of implementation;
  - m) timescales for implementing and completing the above works.

Planting and seeding in accordance with the approved scheme shall be carried out, as far as is reasonably practicable, within the first available planting season following the restoration of any substantial part of the site, in accordance with working and phasing details required by Condition No. 9. All trees, shrubs and hedgerows planted in accordance with the approved scheme shall be maintained for a period of five years following planting

and such maintenance shall include the replacement of any plants that may die or be seriously damaged or become seriously diseased.

Before the restoration of each phase, an updated habitat survey and protected/priority BAP species assessment shall be undertaken to identify any habitats of value that have arisen through and during the extraction and site operations. The restoration after each phase will conserve any habitat of value and mitigate for impacts on any protected species.

The final restoration plan shall include a minimum of 20ha of priority local Biodiversity Action Plan habitats or for priority local BAP species conservation.

*Reason: To ensure the acceptable restoration and landscaping of the site.*

## **Aftercare**

51. ~~Prior to the commencement of mineral extraction within Phase 7/A on plan referenced DB 3/8R dated October 2024~~ Within 12 months from the date of the permission hereby permitted, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for its approval in writing. The submitted scheme shall be in accordance with the reclamation details required by Condition No. 49, and shall provide an outline strategy for the 5 year aftercare period specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for nature conservation, including the subsequent management of the restored land and vegetation. The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over a period of 5 years in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the Minerals Planning Authority.

*Reason: To ensure that the restored landforms are brought to a condition suitable for long term beneficial use.*

The proposed amendments outlined above would comply with the six tests for planning conditions as set out by Paragraph 56 of the NPPF (2023) and the recommendation as set out the in main report remains.

## **Officer to Contact**

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