

Appendix A

Conditions

Scope of Permission

1. This permission shall only relate to the extraction and processing of mineral within the Cliffe Hill Quarry complex comprising the New Cliffe Quarry and Old Cliffe Hill Quarry voids and the lateral extension of the Old Cliffe Hill Quarry void, exportation of mineral via road and rail, ancillary operations and the subsequent restoration and aftercare management of the land edged red on the Drawing reference C205/47C dated June 2022. In all subsequent conditions where there is reference to the “Site”, the Site is defined as the area of land edged red on the approved Drawing reference C205/47C dated June 2022.

Reason: For the avoidance of doubt.

2. The winning and working of minerals shall only take place within the extraction area and to the depths as defined by the shaded grey area denoted ‘Quarry Workings’ on the drawing reference EE-DEV-005-REV-A dated Nov 2023.

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

Adherence to approved details

3. Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the approved details including the following drawing numbers and references;
 - (a) C205/47c Planning Application Area – dated June 2022
 - (b) EE-BASE-003 Old Cliffe Hill – Quarry Development c2022-26 – dated June 2022
 - (c) EE-DEV-001-REV-A New Roads and Screening Landform Construction – dated Nov 2023
 - (d) EE-DEV-002-REV-A New Roads and Screening Landform Landscaping – dated Nov 2023
 - (e) EE-DEV-003-REV-A Quarry Development Stage 1 – dated Nov 2023
 - (f) EE-DEV-004-REV-A Quarry Development Stage 2 – dated Nov 2023
 - (g) EE-DEV-005-REV-A Quarry Development Stage 3 – dated Nov 2023
 - (h) EE-DEV-006-REV-A Old Cliffe Hill Restoration Plan – dated Nov 2023
 - (i) EE-DEV-007-REV-A Illustrative Cross Sections A and B – dated Nov 2023
 - (j) EE-DEV-008-REV-A Illustrative Cross Sections C and D – dated Nov 2023
 - (k) EE-DEV-009-REV-A Illustrative Cross Sections E and F – dated Nov 2023
 - (l) EE-DEV-010-REV-A Cliffe Lane Road Diversion Landscaping Plan – dated Nov 2023
 - (m) EE-DEV-011-REV-A Cliffe Lane Road Diversion Aerial Base – dated Nov 2023
 - (n) EE-DEV-012-REV-A Stoney Lane Road Diversion Landscaping Plan – dated Nov 2023

- (o) EE-DEV-013-REV-A Stoney Lane Road Diversion Aerial Base – dated Nov 2023
- (p) EE-DEV-014-REV-A Vegetation Comparison Plan – dated Nov 2023
- (q) EE-DEV-015 Proposed Permissive Route and Viewing Areas – dated June 2022
- (r) EE-DEV-016-REV-A Access Comparison Plan – dated Nov 2023
- (s) EE-DEV-017-REV-A Proposed Elements on Aerial Base – dated Nov 2023
- (t) NQ-DEV-001 New Cliffe Hill - Backfilling Plan – dated June 2022
- (u) NQ-DEV-002 New Cliffe Hill - Restoration Plan – dated June 2022
- (v) NQ-DEV-003 New Cliffe Hill Illustrative Cross Sections – dated June 2022
- (w) PBSE7631 Rev A Office and Welfare Plan and Elevations – dated 8/09/2020
- (x) CLIFF-ACM-XX-XX-DR-CE-02200 Rev P6 Geometry and Paving Sheet 1 – dated 04.04.24
- (y) CLIFF-ACM-XX-XX-DR-CE-02201 Rev P6 Geometry and Paving Sheet 2 – dated 04.04.24
- (z) CLIFF-ACM-XX-XX-DR-CE-02202 Rev P7 Geometry and Paving Sheet 3 – dated 04.04.24
- (aa) CLIFF-ACM-XX-XX-DR-CE-02203 Rev P6 Geometry and Paving Sheet 4 – dated 04.04.24
- (bb) CLIFF-ACM-XX-XX-DR-CE-02204 Rev P6 Geometry and Paving Sheet 5 dated 04.04.24

except in so far as the approved documents and plans listed above are amended by the conditions specified below.

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

Commencement and monitoring of the permission

4. The development hereby approved shall be deemed to have commenced from the date of this permission.

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

5. The Mineral Planning Authority shall be notified, in writing, of the date of commencement of operations in the Eastern Extension, where the Eastern Extension is defined by the land outside of the Boundary of Current Planning Permission but within the Application Boundary, as illustrated on the drawing titled 'Old Cliffe Hill - Quarry Development c2022-26', reference EE-BASE-003 and dated June 2022, within 14 days of such commencement.

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

Duration

6. The winning and working of minerals and the depositing of mineral waste at the Site shall cease no later than the 31st December 2042. Final restoration of the Site shall be completed by 31st December 2044 by which time the development hereby permitted shall have ceased and all buildings and structures removed, and the land fully reinstated in accordance with the restoration details approved pursuant to Conditions 69 and 71 (or Condition no. 74 in the event of premature cessation).

Reason: For clarity and to ensure the completion and restoration of the site within the approved timescales.

Working Programme

7. Prior to works commencing within the area hatched brown and denoted 'Exposed Overburden / Soils Slopes' on Drawing reference EE-DEV-001-REV-A, a working plan covering the operational matters of the development hereby permitted shall be submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of:
- a) a summary of the forthcoming 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) direction of mineral working;
 - e) depth of working;
 - f) extraction rates;
 - g) the extent and height of waste and mineral stockpiles and waste and mineral storage areas;
 - h) the extent and details of processing areas, including aggregate production and the asphalt plants.

The working plan shall be updated and submitted at least every five years following the approval of the initial plan and show the progress of the operations over the previous time period and anticipated progress over the forthcoming five year period. More than one submission could be made within the five-year period, if required. 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. To accord with policy DM2 of the Leicestershire Minerals and Waste Local Plan (LMWLP) paragraph 180 e) of the National Planning Policy Framework (2023).

8. All operations on the Brown Land shall be undertaken in accordance with the plan titled 'Detailed Northern Screen Bund Drawing 1 – Rev A', dated May 2018, and email from Mark Page dated 15th May 2018 which were submitted under cover of email to the Mineral Planning Authority on the 16th March 2018.

Reason: To protect the amenities of local residents and to accord with policy DM2 of the LMWLP paragraph 180 e) of the National Planning Policy Framework (2023).

Hours of Operation

9. The hours of operation at the Site shall be as follows:

- a) Servicing, maintenance and testing of static and mobile plant and the operation of the roadstone coating plants and railhead shall be 24 hours Monday to Sunday including Public and Bank Holidays;
- b) No mineral extraction or processing operations at the site, including the operation of the conveyor between Old Cliffe Hill Quarry and New Cliffe Hill Quarry and the stripping of overburden within Old Cliffe Hill Quarry below 185 metres AOD shall take place outside the hours of;

0600 hours to 2200 hours on Monday to Saturday;

- c) No HGVs shall leave the Site via the Old Cliffe Hill Quarry access outside of the hours of:
 - i. 0600 hours to 1800 hours Monday to Friday;
 - ii. 0700 hours to 1400 hours Saturdays.

No HGVs shall leave the Site via the Old Cliffe Hill Quarry access at any time on a Sunday, Public or Bank Holiday.

- d) Within Old Cliffe Hill Quarry, operations, on the periphery of the Site in the vicinity of any noise sensitive property, or above 185 metres AOD, or on unscreened locations, such as the formation, removal and alteration of spoil tips, baffle mounds, screening and storage embankments, formation or maintenance of drainage works, and the stripping and replacement of soils shall not be carried out except between the following times: 0700 hours to 1900 hours on Monday to Saturdays;
- e) No blasting shall take place except between the hours of: 1000 hours to 1800 hours on Monday to Friday;
- f) Except where stated no operations, other than environmental monitoring and otherwise in accordance with an agreed schedule shall be carried out on Sundays, Bank or Public Holidays.
- g) Crushing and screening operations within Old Cliffe Hill Quarry undertaken above a height of 175 metres AOD shall be limited to between 08:00 and 17:00 Monday to Friday and between 08:00 and 13:00 on Saturdays.

Crushing and screening operations undertaken within Old Cliffe Hill below 175 metres AOD shall not be undertaken outside the hours of 06:00 to 22:00 hours

Mondays to Saturdays.

Reason: To protect the amenities of local residents and in the interests of the local environment and to comply with policy DM2 of the LMWLP.

Traffic, Transportation and Access

10. With the exception of the tunnel link with Old Cliffe Hill Quarry, the sole vehicular access to and from New Cliffe Hill Quarry shall be via the approved site access off B585 West Lane.

Reason: For clarity and in the interests of highway safety, to ensure safe access and egress to and from the site and to comply with policy DM9 of the LMWLP.

11. The access into Old Cliffe Hill Quarry off Cliffe Lane may be used to export lower grade materials including overburden, block stone and gabion stones, subject to a maximum of 100,000 tonnes of material in any calendar year. Written notice shall be given to the Mineral Planning Authority when the first exportation of material from Old Cliffe Hill has commenced. Such notice shall be given within seven days of the commencement date.

Reason: For clarity and in the interests of highway safety, to ensure safe access and egress to and from the site and to comply with policy DM9 of the LMWLP. Additionally, for the purposes of monitoring compliance.

12. A written record of all HGV movements connected with exportation of lower grade materials including overburden, block stone and gabion stones from the access into Old Cliffe Hill Quarry off Cliffe Lane shall be maintained at all times. Back records shall be kept for a minimum of 12 months and access to these records shall be afforded to the Mineral Planning Authority upon request.

Reason: For clarity and in the interests of highway safety, to ensure safe access and egress to and from the site and to comply with policy DM9 of the LMWLP. To allow the Mineral Planning Authority to monitor and ensure compliance with the approved conditions for the site.

13. Except in an emergency, no excavated material shall be carried from Old Cliffe Hill Quarry to New Cliffe Hill Quarry via the public highway. In emergency situations, the Mineral Planning Authority shall be notified of operations within 24 hours.

Reason: In the interests of highway safety and the amenities of the area and to comply with policy DM9 of the LMWLP.

14. No excavated material shall be carried from New Cliffe Hill Quarry to Old Cliffe Hill Quarry via the public highway.

Reason: In the interests of highway safety and the amenities of the area and to comply with policy DM9 of the LMWLP.

15. No mineral shall be brought onto the Site for processing in the primary crusher.

Reason: For clarity and to restrict development and highways movements not authorised by this permission. To ensure compliance with policies DM2 and DM9 of the LMWLP.

16. All HGVs departing the Site carrying materials other than armour stone shall be securely sheeted or otherwise covered to prevent spillage of material onto the public highway.

Reason: To ensure that deleterious material is not carried onto the public highway in the interests of highway safety and local amenity and to comply with policies DM9 and DM2 of the LMWLP.

17. At the New Cliffe Hill quarry access on to the B585 West Lane, vegetation shall be managed to ensure that 4.5 metre visibility splays are maintained at all times to the maximum achievable distances across the Site's frontage.

Reason: To ensure the ongoing maintenance and provision of suitable visibility at the access point, in the interests of highway safety and to comply with policy DM9 of the LMWLP.

18. No HGVs shall leave the plant site at New Cliffe Hill without first passing through a wheel cleaning system to ensure that no deleterious material is deposited on the public highway. For the avoidance of doubt this provision applies to all HGVs, irrespective of their purpose or reason for being on site. Details of the wheel cleaning system including its specification, location, manner of operation and discharge point of wastewater shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to any soil stripping within the new extraction area commencing (as defined by condition 5 (a)). In the event that any 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 and to comply with policy DM9 of the LMWLP.

19. Prior to works within the new extension area commencing (as defined by condition 5) a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, shall be submitted to, and approved in writing by, the Mineral Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the public highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to comply with policy DM9 of the LMWLP.

20. No part of the existing alignment of Cliffe Hill Road, Stoney Lane, Cliffe Lane or the associated roundabout junction shall be permanently closed to through traffic

until such time as the replacement road as shown on the drawing referenced EE-DEV-001-REV-A and titled New Roads and Screening Landform Construction has been constructed in full, adopted by the Local Highway Authority, and made available for use by through traffic.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

21. Prior to the permanent closure of the existing vehicular access to Old Cliffe Hill Quarry, the replacement access as shown on AECOM drawing numbers CLIFF-ACM-XX-XX-DR-CE-02204 P6 (Geometry and Paving Sheet 5) and CLIFF-ACM-XX-XX-DR-CE-02214 - P6 (Visibility Layout Sheet 5) shall have been constructed and made available for use.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

22. Prior to coming into first use, the replacement access to Old Cliffe Hill Quarry (and any turning space) shall have been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, maintained for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

23. Prior to the new highways works coming into first use, the site drainage details within the vicinity of the new highways works shall have been submitted to, and approved in writing by, the Mineral Planning Authority. Thereafter, drainage shall be constructed in accordance with the approved details and maintained for the life of the development.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

24. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary, nor shall any be erected within a distance of 15 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023) and to comply with policy DM9 of the LMWLP.

Operations relating to stockpiles, products, importation of waste road planings for processing into recycled asphalt product and re-use in asphalt plant

25. The types of waste to be disposed of within the New Cliffe Hill Quarry void as shown on drawing reference NQ-BASE-001 dated June 2022 shall be restricted to inert waste generated at the Site only. No waste materials shall be imported for disposal at the Site, other than soils and soil making materials required for restoration purposes as may be approved under conditions 69 and 71.

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

26. The only waste that may be imported to the Site shall be waste road planings for the purpose of recycling this material to create recycled asphalt products. Any waste road planings or waste products derived thereof identified as being unacceptable for recycling shall be removed from the Site to a suitably licensed facility within one week of being identified.

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

27. The importation of waste road planings shall cease immediately upon the permanent cessation of production of asphalt at the Site.

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

Care of Boundaries and Boundary Vegetation

28. Throughout the period of the operation until such time as the reclamation and aftercare of the Site has been completed, the boundary to the Site shall be secured.

Reason: To ensure appropriate management of the land within the locality.

29. Those tree, shrubs and hedges along the boundaries of the Site which are to be retained, shall be protected and maintained throughout the duration of the operations. Whilst operations, including the passage of vehicles, are occurring within the vicinity of hedges to be retained an area around the hedges at a distance equivalent to not less than 3 metres shall be cordoned off with distinctive markings. Whilst operations, including the passage of vehicles, are occurring within the vicinity of any tree(s) to be retained, an area around the tree(s) shall be cordoned off with distinctive markings in accordance with the recommendations of BS 5837:2012.

Reason: To ensure adequate protection of existing boundary hedges and trees for the life of the development, in the interests of visual amenity, wildlife and biodiversity.

Geodiversity

30. All geological management and conservation work shall be carried out in accordance with the approved document titled 'Memorandum of Understanding between Midland Quarry Products Limited and the British Geological Survey' dated 1st December 2008 for the duration of the development. The scheme shall be reviewed on a five-yearly basis in conjunction with the Mineral Planning Authority, Natural England and the Charnwood Forest Geopark (The National Forest Company) or any other relevant interested party, from the date of commencement of development (as defined under Condition 5).

Reason: To minimise the effects on geological conservation interests and provide access to the key geodiversity features and to comply with policies DM7 and DM12 of the LMWLP.

31. Following commencement of development (as defined under Condition 5); every five years, a progress report shall be submitted to the Mineral Planning Authority detailing the works to record and preserve the features of geological interest at Cliffe Hill Quarry SSSI which have been undertaken in accordance with approved document titled 'Memorandum of Understanding between Midland Quarry Products Limited and the British Geological Survey' dated 1st December 2008 or any such subsequent document that has been approved under Condition 32.

Reason: To minimise the effects on geological conservation interests and ensure details to be lost are accurately recorded and preserved where possible, in the interests of geodiversity. To monitor and ensure mitigation and compensation measures are undertaken in accordance with the approved documents and to comply with policies DM7 and DM12 of the LMWLP.

Restriction of Development Rights

32. Notwithstanding the provisions the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order, with or without modification, no development falling within Part 17, Classes A and B of Schedule 2, comprising:

- external fixed plant or machinery, building, structures and erections,

with a floor space exceeding 100m² or exceeding an elevation of 180m AOD shall be erected, extended, installed, or replaced within the Site without the prior written approval of the Mineral Planning Authority following the submission of relevant details and plans.

Reason: There is an exceptional need here to secure control over additional plant and machinery, in the interests of the amenity of the area and bearing in mind the degree of discretion otherwise allowed by the Order.

Redevelopment of part of Cliffe Lane, Cliffe Hill Road and the redevelopment of the Cliffe Lane/ Stoney Lane/ Grassy Lane Roundabout and Highway Vegetation/Trees

33. Prior to any works within the new extension area commencing (as defined by condition 5), a Construction Environmental Management Plan (CEMP) covering environmental matters regarding the redevelopment of part of Cliffe Lane, Cliffe Hill Road or the Cliffe Lane/ Stoney Lane/ Grassy Lane Roundabout and the associated highway works shall be submitted to, and approved in writing by, the Mineral Planning Authority. The development shall take place in accordance with the approved CEMP.

Reason: To protect the amenities of local residents and to comply with policy DM2 of the LMWLP paragraph 180 e) of the National Planning Policy Framework (2023).

34. The site preparation and construction works taking place on Cliffe Lane, Cliffe Hill Road or the Cliffe Lane/ Stoney Lane/ Grassy Lane Roundabout and the associated highway works, to which Condition 35 refers shall be limited to the following hours; Monday – Friday 07:30 – 18:00, Saturday 08:00 – 13:00 and no working on Sundays, Public and Bank Holidays.

Reason: To protect the amenities of local residents and to comply with policy DM2 of the LMWLP and paragraph 180 e) of the National Planning Policy Framework (2023).

35. Prior to any works within the new extension area commencing (as defined by condition 5) landscaping details for the translocation and replacement of highway vegetation and trees for those specimens to be disturbed and/or lost during the approved highway works shall be submitted to, and approved in writing by, the Mineral Planning Authority. The work shall thereafter be carried out in accordance with the approved details.

Details shall include:

- a) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted and/or transplanted;
- b) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - i. permeable paving;
 - ii. tree pit design;
 - iii. underground modular systems;
 - iv. Sustainable urban drainage integration;
 - v. use within tree Root Protection Areas (RPAs).
- c) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- d) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

e) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless approved in writing by the Mineral Planning Authority. The landscaping which is covered by the above approved details shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Mineral Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the National Planning Policy Framework (December 2023).

Safeguarding of Public Rights of Way and enhancement of footpath provision

36. Prior to any works within the new extension area commencing (as defined by condition 5), a scheme for works affecting the Rights of Way network shall be submitted to, and approved in writing by, the Minerals Planning Authority. The scheme shall include details of measures to ensure the safety of users of the affected public rights of way within the Site. The measures shall include stone surfacing at any vehicle crossing point and advisory notices erected for the benefit of footpath users and drivers of plant and machinery, to be implemented and maintained in situ until the footpath works are completed. Additionally, the scheme shall detail the stopping up of routes, temporary closures, provision of diverted routes, new permissive and dedicated routes based upon the drawing titled 'Access Comparison Plan', Reference EE-DEV-016-REV-A and dated Nov 2023. Thereafter, the development shall take place in accordance with the approved scheme.

Reason: In the interests of protecting users of the rights of way network and to accord with Policy DM10 of the LMWLP and paragraph 104 of the National Planning Policy Framework (2023).

37. The additional tree and hedgerow planting, creation of a permissive footpath from Cliffe Hill Road and new viewpoint on the west of OCH as set out in Drawing EE-DEV-015 shall be carried out and constructed in full within twelve months from the completion of works approved under condition 20 and shall thereafter be maintained for the life of the development.

Reason: In the interests of enhancing provisions for users of the rights of way network and to accord with Policy DM10 of the LMWLP and paragraph 104 of the National Planning Policy Framework (2023).

38. No stripping of soils and overburden from the new extraction area as defined by the area hatched brown and denoted 'Exposed Overburden / Soils Slopes' on Drawing reference EE-DEV-001-REV-A shall take place unless and until a scheme for the treatment of the Public Rights of Way (PRoW) R15, R23 and R100 within the Site has been submitted to, and approved in writing, by the Local Planning Authority. Such a scheme shall include any changes and improvements to existing boundaries, surfacing, widths, structures and barriers, signage, landscaping affecting the PRoWs, and their management during construction in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers (or otherwise updated guidance). Thereafter, the development shall be carried out in accordance with the approved scheme and timescales.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way, to protect and enhance Public Rights of Way and access in accordance with the National Planning Policy Framework (December 2023).

Soil Handling

39. No stripping of soils and overburden from the new extraction area as defined by the area hatched brown and denoted 'Exposed Overburden / Soils Slopes' on Drawing reference EE-DEV-001-REV-A shall take place unless and until a Soil Handling Strategy has been submitted to, and approved in writing by, the Mineral Planning Authority. The Strategy shall be based on the DEFRA *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites* and have regard to the report titled 'SOIL RESOURCES AND AGRICULTURAL QUALITY OF LAND EAST OF CLIFFE HILL QUARRY' dated 22nd October, 2021 and the GOOD PRACTICE GUIDE FOR HANDLING SOILS In Mineral Workings by The Institute of Quarrying.

All soil handling and storage shall be carried out in accordance with the approved Strategy for the duration of the development.

Reason: In the interests of the protection of the soil resource and to comply with policy DM2 of the LMWLP and paragraph 180 e) of the National Planning Policy Framework (2023).

Dust

40. The mitigation measures recommended within the Air Quality Assessment Version No: v4.0 and dated June 2022 shall be fully implemented at all times 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 and to comply with policy DM2 of the LMWLP.

41. Within three months from the date of this permission, a dust monitoring scheme shall have been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of:
- a) dust monitoring at agreed locations to assess whether the limits specified in condition no. 42 are being complied with;
 - b) monitoring equipment to be used including the installation of appropriate equipment to continuously measure PM₁₀ concentrations at suitable locations outside the Site boundary;
 - c) presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant dust emissions recorded;
 - d) specific measures to control dust emissions arising from soil stripping and mound construction including when necessary the suspension of operations when weather conditions are creating conditions where the amenities of local residents would be affected;
 - e) maintenance and availability of monitoring results;
 - f) procedures to be implemented if dust emissions exceed approved levels; and
 - g) a methodology to keep the scheme under regular review subject to written agreement with the Mineral Planning Authority.

Dust monitoring shall be undertaken in full accordance with the approved details.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

42. Notwithstanding the details contained within condition 41, in the event that monitoring results at any location exceed a trigger level of 300 mg.m⁻²/day, the operator shall report in writing, within 14 days of the results being known to them, to the Mineral Planning Authority on the monitoring results and the quarry operations undertaken for the relevant period. If required by the Mineral Planning Authority, within 28 days the operator shall submit in writing a proposed scheme of measures to reduce dust levels for approval. The scheme shall be implemented as soon as practicable following its approval by the Authority.
43. In order to control dust from internal traffic movements, as necessary, all haul roads within the Site shall be kept damp, and all hard surfaced areas including the access road off West Lane B585 shall be subject to regular sweeping and all spillages shall be removed without delay.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

44. Measures shall be taken within the Site 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 the operations carried out within the Site do not give rise to significant adverse impacts at nearby residential properties. Any stockpiles of materials capable of generating windborne dust shall be either physically contained or sufficiently dampened with water to ensure an adequate surface crust

to prevent such an occurrence.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

45. Notwithstanding the provisions of Conditions 43 and 44 above, a water bowser shall at all times be available for use on the Site. All haul roads within the Site shall be kept damp as necessary to control dust to the satisfaction of the Mineral Planning Authority.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

46. If during adverse weather conditions (e.g. strong winds combined with dry weather), significant adverse impacts by way of dust are being caused to nearby residential properties as a result of any operations, activities or use of land within the Site; then that operation, activity or use shall be temporarily suspended or amended until such time as the operations can be resumed without causing such significant adverse impacts, either by a change in working, weather conditions or by taking other additional dust suppression measures.

Reason: To minimise the adverse impact of dust generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

Noise

47. Measures shall be taken to ensure that the operations carried out on the Site do not give rise to significant adverse impacts in the locality. Such measures shall include:
- (a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
 - (b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;
 - (c) the minimisation, so far as practicably possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles;
 - (d) the minimisation, so far as practicably possible, of the level and penetration of noise in relation to loading activities of material to be transported by rail.

Reason: To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

48. Noise levels shall not exceed the below levels at any noise sensitive property;
- 55dB (A) L_{Aeq}, 1h (freefield) between the hours of 06.00 to 19.00;
 - 45dB (A) L_{Aeq}, 1h (freefield) between the hours of 19.00 to 22.00;
 - 38dB (A) L_{Aeq}, 1h (freefield) between the hours of 22.00 and 06.00;

Reason: To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

49. The noise levels referred to in Condition 48 above may be exceeded for noise emitted from temporary operations related to soil stripping, overburden removal, and construction and removal of soil mounds, and restoration activities. During such operations noise shall be minimised as far as is reasonably practicable and, in any case, shall not exceed 70dB LAeq (1 hour) freefield at any noise sensitive property. Such noisier activities shall not exceed a total of eight weeks in any 12-month period. At least three days prior notice of the commencement of such noisier activities shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available to the Mineral Planning Authority upon request.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity. To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

50. No stripping of soils and overburden from the new extraction area as defined by the area hatched brown and denoted 'Exposed Overburden / Soils Slopes' on Drawing reference EE-DEV-001-REV-A shall take place until a Construction Environmental Management Plan (CEMP) is prepared for the temporary Eastern Extension development work and submitted to, and approved in writing by, the Mineral Planning Authority. The CEMP shall include a Construction Noise Management Plan (CNMP) for life of the construction works, a framework for construction noise management to ensure that noise levels at neighbouring buildings remain within reasonable limits throughout the works, including any measures for limiting noise arising from operations, plant or machinery within 100m of Stoney Lane Farm. The CNMP shall demonstrate how compliance with the approved site levels can be achieved.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity. To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

51. Within three months from the date of this permission, a noise monitoring and mitigation scheme for the Site as a whole, shall have been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of:
- a) noise monitoring at agreed locations to assess whether the limits specified in conditions numbers 48 and 49 are being complied with;
 - b) monitoring equipment to be used at suitable locations outside the Site boundary;
 - c) frequency of monitoring;

- d) presentation of monitoring results, including details of dates, times and comments on significant noise emissions recorded;
- e) specific measures to control noise emissions including those arising from soil stripping and mound construction including, when necessary, the suspension of operations when noise emissions arise where the amenities of local residents would be affected;
- f) maintenance and availability of monitoring results;
- g) procedures to be implemented if noise emissions exceed approved levels; and
- h) a methodology to keep the scheme under regular review subject to written agreement with the Mineral Planning Authority;
- i) mitigation measures to be deployed to ensure noise emissions remain within permitted limits and do not impact adversely upon local amenity, including any specific measures for the protection of amenity at Stoney Lane Farm as highlighted in the Old Cliffe Hill Quarry Eastern Extension Noise Assessment dated 14 June 2022.

The development shall thereafter take place in accordance with the approved noise monitoring and mitigation scheme.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity. To minimise the adverse impact of noise generated by the operations on the local community and environment and to comply with policy DM2 of the LMWLP.

Lighting

52. No additional fixed flood lighting shall be erected on the Site unless and until a lighting scheme has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of the location, height, design, sensors, hours of operation and luminance of the existing and proposed lighting. The additional lighting shall be designed to minimise the potential nuisance of light spillage to the locality and shall be implemented in full accordance with the approved details.

Reason: To minimise the adverse impact of light generated by the operations on the local community and the historic and natural environment and to comply with policy DM2 of the LMWLP.

53. Notwithstanding the provisions of S55 of the Town and Country Planning Act (1990) (as amended) or the Town and Country (General Permitted Development) (England) Order 2015 (as amended) or any Act or Order re-enacting or revoking said Act or Order; no mobile floodlighting shall be placed, sited, used or operated on the Site at any time unless:

- (a) It is illuminated only between the hours of 0600 and 2200 Monday to Friday or 0600 and 2100 on Saturdays;
- (b) Does not exceed 4 metres in height;
- (c) It is shielded to minimise light spillage and primarily directed towards the ground.

Reason: To minimise the adverse impact of light generated by the operations on the local community and the historic and natural environment and to comply with policy DM2 of the LMWLP.

54. All reasonable measures shall be taken to ensure that the operations carried out on site do not give rise to nuisance in the locality by reason of illumination.

Reason: To minimise the adverse impact of light generated by the operations on the local community and the historic and natural environment and to comply with policy DM2 of the LMWLP.

Blasting

55. No blasting shall be carried out within the Site except between the hours of 1000 and 1800 Mondays to Fridays, provided that no blasting shall take place during the hours of darkness. No blasting shall take place on any Saturday, Sunday or Bank or Public Holiday. Prior notice of each blast shall be given to the Mineral Planning Authority at least 24 hours (excluding weekends) in advance of this occurring.

Reason: To minimise the adverse impact of blasting on the local community and environment and to comply with policy DM2 of the LMWLP.

56. 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 12 mm per second as measured at any vibration sensitive property. Every blast shall be designed to minimise noise or air overpressure by use of the latest available techniques such that air overpressure shall not exceed 120dB peak linear as measured externally at any vibration sensitive property.

Reason: To minimise the adverse impact of blasting on the local community and environment and to comply with policy DM2 of the LMWLP.

57. No secondary blasting shall be carried out within the Site.

Reason: To minimise the adverse impact of blasting on the local community and environment and to comply with policy DM2 of the LMWLP.

58. Within three months from the date of this permission, a blast monitoring scheme shall have been submitted to, and approved in writing by, the Mineral Planning Authority. The Scheme shall include details of:

- a) blast monitoring at agreed locations including the use of permanent and fixed monitors to assess whether the limits specified in condition no. 56 have been complied with;
- b) the type of monitoring equipment to be used;
- c) presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant blast results;
- d) maintenance and availability of monitoring results;

- e) procedures to be implemented if blasting exceeds approved levels; and
- f) a methodology to keep the scheme under regular review.

Blast monitoring shall only be undertaken in full accordance with the approved details. The approved blast monitoring scheme shall be reviewed, and updated where required, at least every five years from the date of its approval, to ensure its relevance, applicability to the Site, to reflect best practice and to take account of any altered circumstances that may have occurred in the intervening period(s). More than one submission could be made within the five-year period, if required.

Reason: To ensure the Mineral Planning Authority can monitor compliance of the approved development and to minimise the adverse impact of blasting on the local community and environment and to comply with policy DM2 of the LMWLP.

Ecology

59. Prior to demolition of the Peak Hayes Farm and Sunny Cliffe buildings and associated structures, ecological surveys for the potential for roosting bats within these buildings and structures and details for any required mitigation work and a method statement for their protection during the development shall be submitted, to and approved in writing by, the Mineral Planning Authority. Thereafter, demolition shall take place in accordance with the approved details.

Reason: Up to date survey information is required to ensure the protection of any UK protected species present within the site. To secure appropriate mitigation to avoid adverse impacts upon protected species and wildlife within the site.

60. Prior to any works within the new extraction area commencing (as defined by condition 5) updated ecological surveys for badgers, reptiles, great crested newts and peregrines, and details for any required mitigation work in the form of a method statement for their protection during the development, shall be submitted to, and approved in writing by, the Mineral Planning Authority. The mitigation measures as set out within the approved details shall be undertaken throughout the life of the development.

Reason: Up to date survey information is required to ensure the protection of species present within the site. To secure appropriate mitigation to avoid adverse impacts upon species and wildlife within the site.

61. Prior to the removal of any length of dry stone wall within the Site, details of the length, condition and nature of the dry stone wall to be lost and details for its relocation or replacement including a construction method statement, mitigation and safe working practice for wall removal including provision of hibernacula for relocation, length, height, materials and location shall be submitted to, and approved in writing by, the Mineral Planning Authority. The replacement dry stone wall to which the details refer shall be erected within 12 months of the approved details. The replacement and retained dry stone walls within the Site shall be maintained throughout the life of the development.

Reason: To replace the loss of dry stone wall ecosystems within the site, in the

interests of biodiversity and to accord with Policy DM7 of the LMWLP.

62. Prior to the removal of the Cliffe Hill Road Side Verge (RSV) details for the reinstatement of the RSV habitat along the new road alignment shall be submitted to, and approved in writing by, the Mineral Planning Authority. The details shall include methodology for soils translocation, later inspection and suitable measures for ongoing monitoring and maintenance. The development shall take place in accordance with the approved details.

Reason: To ensure the continued presence of the RSV as species-rich grassland in this location, in the interests of biodiversity and to accord with Policy DM7 of the LMWLP.

Pollution Control

63. There shall be no discharge of foul or contaminated drainage from the Site into the ground, groundwater or any surface waters, whether direct or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system or soils.

Reason: To prevent pollution of the water environment and to comply with policy DM2 of the LMWLP.

64. If any suspected contaminated materials are excavated as part of the new soil stripping or other quarrying activities, they must be tested, removed from site and disposed of appropriately at the earliest opportunity.

Reason: To ensure that the development does not contribute to, or risk unacceptable levels of soil or water pollution and to accord with the aims and objectives of paragraph 170 and 178 of the NPPF.

Surface Water

65. The development shall be constructed, operated and maintained for the life of the development in accordance with the following approved details in relation to surface water design, hydrology and hydrogeology;

- The report titled, 'Water Environment - Hydrogeological Impact Assessment and Flood Risk Assessment', Report ref: 2766/HIA_FRA, Date: May 2021

Throughout the life of the development the mitigation and management measures as set out within the approved details shall be undertaken and maintained.

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

Archaeology and Heritage

66. Prior to any soil stripping of any given area, a written scheme of investigation (WSI) covering the area to be stripped shall be submitted to, and approved in writing by, the Mineral Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the approved WSI, which shall include the statement of significance and research objectives, and,
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss.

Complaints

67. Following the receipt of any complaint about operations on the 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 submitted to the Mineral Planning Authority for its written approval. Mitigation measure shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the amenities of local residents and the local environment and to comply with policy DM2 of the LMWLP.

Restoration

68. Within one year from the date of commencement (as defined by condition 5) and at least every five years thereafter, a detailed scheme of progressive reclamation for the following five-year period shall be submitted to the Mineral Planning Authority for its written approval. Such scheme shall, inter alia, include provision for:
- a. Final contours for the parts of the Site which will become exhausted during the period;
 - b. The treatment of any remnant quarry faces and benches;
 - c. Location, species, numbers, sizes, ground preparation works and protective measures for tree and shrub planting;
 - d. Detailed grass and/or wildflower seed mixes, fertiliser or other treatments;
 - e. Hydroseeding of internal overburden batters;
 - f. The monitoring and maintenance of any dry-stone walling habitat within the relevant area;

- g. The provision of fences, gates and stiles; and
- h. Removal of any redundant quarry buildings, plant or machinery;
- i. Provisions to protect the geological value of the Site and preserve key geodiversity features during the working and restoration of the site, and measures to improve access to key geodiversity features in restored areas;
- j. Timings for the completion of the above details.

More than one submission may be made within the five-year period, if required.

Reason: To ensure that the operational site areas are reclaimed at the earliest opportunity given the overall life of the development. To ensure restoration works are undertaken in an orderly manner to a condition capable of beneficial after-use and to comply with policy DM12 of the LMWLP. To provide for access to, and preservation of, the key geodiversity features of the site and to comply with policies DM7 and DM12 of the LMWLP.

69. Within 12 months of the cessation of mineral extraction details for the treatment, reclamation and aftercare of the processing plant site coloured grey and labelled 'Potential Industrial Land' on drawing NQ-DEV-002 dated June 2022, stockpile areas and other hardstanding and roadways and the timing of such operations, shall be submitted to the Mineral Planning Authority for its written approval. The development 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 and to comply with policy DM12 of the LMWLP and paragraph 217 e) of the National Planning Policy Framework (2023).

70. Within 24 months of the date of mineral extraction finishing at the Site the operations within the area coloured grey and labelled 'Potential Industrial Land' on plan NQ-DEV-002 dated June 2022 shall cease and all the buildings removed and the land shall be reinstated in accordance with the reclamation scheme approved under Condition 69.

Reason: To ensure the proper restoration of the site in an orderly manner and in the interests of habitat creation and diversity and to comply with policy DM12 of the LMWLP and paragraph 217 e) of the National Planning Policy Framework (2023).

71. Within six months of the date of cessation of mineral extraction a final detailed restoration scheme, generally in accordance with the approved outline restoration plans (EE-DEV-006-REV-A dated Nov 2023 and NQ-DEV-002 dated June 2022) detailing a mosaic of the following priority habitats targets:

- (a) Creation of Species-Rich Grassland,
- (b) Creation of Species-Rich Native Hedgerow,
- (c) Creation of Broad-leaved Woodland,
- (d) Enhancement of existing Improved Grassland,
- (e) Creation of pond habitat,
- (f) Creation of lagoon habitat,

shall be submitted to the Mineral Planning Authority for its approval in writing. The scheme shall be thereafter implemented in accordance with the approved details.

The restoration scheme shall include:

- (i) details of soil and substrate specification and placement, techniques and management;
- (ii) delineation of area retained, areas for natural regeneration, areas for intervention through habitat creation, habitat enhancement;
- (iii) habitat creation and enhancement methodologies;
- (iv) Details of planting and seeding specification; including species, numbers/rate of sowing, size of stock at planting, method of planting and reference to relevant British Standards and Codes of Practice;
- (v) final details of measures to allow access to key geodiversity features in restored areas;
- (vi) final details of provisions for the retention of large rock samples to be placed at publicly accessible locations on the edge of the site;
- (vii) measures to ensure that representative specimens of the SSSI notified features or other features of geodiversity remain visible post restoration;
- (viii) access arrangements for long term management and maintenance.

Reason: To ensure that the operational site areas are reclaimed in an orderly manner to a condition capable of beneficial after-use and to comply with policy DM12 of the LMWLP and paragraph 217 e) of the National Planning Policy Framework (2023).

Aftercare Provision

72. Following the restoration of any part of the Site in accordance with the agreed reclamation scheme, the restored land shall be treated and managed in accordance with an aftercare scheme, which has previously been approved in writing by the Mineral Planning Authority. The approved scheme shall provide a strategy for a five-year aftercare period for all newly restored areas and a strategy for a ten-year aftercare period for any tree or woodland planting and specify the steps that are to be taken in order to bring the newly restored land to the required standard for the approved after-use. The scheme shall:
- a. be submitted to the Mineral Planning Authority for its written approval within six months of the date of approval of the corresponding reclamation schemes submitted under conditions nos. 69 and 71 above;
 - b. provide an outline strategy for the 5-year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken;
 - b) provide for annual meetings between the operator, the Mineral Planning Authority and other agencies as appropriate in respect of the restored areas of the Site; and
 - c) provide for the annual review of the aftercare measures for those areas still in aftercare and the measures to be implemented in the next year.

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

Reason: To ensure that appropriate periods of aftercare and high environmental standards are secured for the habitats created, to accord with Policy DM12 of the LMWLP and paragraph 217 e) of the National Planning Policy Framework (2023). To secure a ten year aftercare period for tree and woodland planting on the site, to ensure that the development accords with The National Forest Strategy 2014 – 2024 and paragraph 151 of the National Planning Policy Framework (2023).

73. Records of all aftercare operations undertaken shall be kept by the operator throughout the period of aftercare and the records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority between 31 October and 31 December of each year.

Reason: To allow monitoring of compliance with the approved schemes and to ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment. To comply with policy DM12 of the LMWLP.

Premature Cessation

74. Notwithstanding the requirements of Conditions nos. 69 and 71 above; in the event of:

- (a) the 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
- (b) 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 to the Mineral Planning Authority within six months of the cessation of winning and working of minerals for its approval in writing. The 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 Mineral 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.

Informatives**1. Clarity on the Conditions set out in Appendix A**

1.1 For the purposes of clarity regarding the Conditions set out in Appendix A:

- i) The noise level is expressed as 1 hr freefield LAeq. Freefield shall be defined as a point 3.5 metres in front of the facade of any noise sensitive property facing the mineral extraction operation. Any measurements to check compliance shall have regard to the effects of noise and shall be corrected for such effects.
- ii) A noise sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by an increase in noise levels and which was before 13th March 2008 such use, or was under construction for such use or was the subject of a planning permission (not being outline permission) for such use granted under Part 3 of the Town and Country Planning Act 1990
- ii) A vibration sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by any increase in vibration levels and which was before 13th March 2008 such use, or was under construction for such use or was the subject of a planning permission (not being outline permission) for such use granted under Part 3 of the Town and Country Planning Act 1990.

2. Surface Water Management and Maintenance

2.1 Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

3. Cadent Gas Standing Advice

3.1 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have

apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

4. Surface Water

4.1 Consent: Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>. Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

4.2 Maintenance: 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. Additional information and guidance is available here: <https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>

5.0 Local Highway Authority

5.1 Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

5.2 Planning permission does not give you approval to work on the public highway. If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works. Further information is available at: - <https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments>. If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>

- 5.3 If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 5.4 If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
- 5.5 Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
- 5.6 To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
- 5.7 All proposed off-site highway works shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

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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