Agenda Item 8

Leicestershire County Council

# DEVELOPMENT CONTROL AND REGULATORY BOARD

## 3 APRIL 2025

## REPORT OF THE CHIEF EXECUTIVE

## COUNTY MATTER

## PART A – SUMMARY REPORT

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| **APP.NO. & DATE:** | 2019/2358/07 (2019/CM/0244/LCC) |
| **PROPOSAL:** | Extraction of sand and gravel, relocation of conveyor and bridge, use of processing plant and ancillary facilities, importation of inert restoration materials with restoration to agriculture and nature conservation. |
| **LOCATION:** | Lockington Quarry, Warren Lane, Lockington, DE74 2RG |
| **APPLICANT:** | Tarmac Aggregates Limited |
| **MAIN ISSUES:** | Principle of continued use of site for mineral extraction and restoration using imported inert waste, impacts to scheduled monument, impacts to biodiversity and flood risk. |
| **RECOMMENDATION:** | Permit subject to the conditions and completion of a s106 legal agreement to secure planning obligations. Conditions included in Appendix A and heads of terms for S106 in Appendix B. |

**Circulation Under Local Issues Alert Procedure**

Mr. T. J. Pendleton CC (Castle Donnington & Kegworth ED)

**Officer to Contact**

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# PART B – MAIN REPORT

## The Site and Surroundings

1. The complex of mineral workings known as Lockington Quarry lies to the north and east of Junction 24a of the M1 motorway and north of the A453 (T), which links the motorway with Nottingham. The original quarry workings and existing plant site area are west of Warren Lane. The most recent working area, 'the eastern extension area', is east of Warren Lane, south of Ratcliffe Lane and west of Long Lane. The villages of Lockington (1.1 kilometres (km)) and Hemington 2km are to the south-west beyond the M1, whilst the settlement of Kegworth is 2km to the south, beyond the A453 (T). The site is close to the borders of both Derbyshire (north) and Nottinghamshire (east) and sits close to the confluence of the Rivers Trent and Soar.

2. Lockington Quarry includes areas of fully restored land (now back in agricultural use) as well as partially restored and unrestored mineral workings. The plant site incorporates mineral processing plant and associated ancillary structures, a concrete batching plant, a bagging plant, a weighbridge, offices, external storage areas and car parking. Part of the plant site is used for aggregate/waste recycling and incorporates storage bays as well as stockpiled materials. A conveyor, with an associated road bridge, crosses Warren Lane, connecting the eastern extension area to the plant site. Fresh water and silt lagoons are located immediately north of the plant site and to the east of Warren Lane.

3. The application site has an overall surface area of 132.8 hectares (ha) and is located north of the eastern extension area and north-east of the original quarry workings. The proposed extension area is made up of a number of field parcels bounded by hedgerows. It lies east of Warren Lane and, at its northern extent, immediately south of the River Trent. Land to the north-east and south-east falls within the Lockington Marshes Site of Special Scientific Interest (SSSI) beyond which is the River Soar. Land to the south is in agricultural use. The application site also includes the existing plant site, existing fresh water and silt lagoons located immediately east of Warren Lane as well as a broad strip of land running immediately east of Warren Lane between a proposed relocated conveyor road crossing point and the proposed new extension area.

4. The nearest residential properties are limited to a few isolated farmsteads and cottages, comprising Ground Farm Cottage and Lockington Grounds Farm approximately 25m and 380m to the west respectively. The small community of dwellings, permanent residential and temporary moorings centred around Redhill Marina village, in Nottinghamshire, are approximately 250m to the east at their closest point. Sawley Marina, which also offers permanent residential moorings, is 450m to the north-west.

5. The application site is surrounded by a network of Public Rights of Way (PRoW). One PRoW (bridleway L60) crosses the application site on a broad south-west to north-east alignment. The Midshires Way, a long-distance multi-user route, runs through the eastern extension area, crossing Ratcliffe Lane and travelling northwards before it follows the line of Warren Lane, immediately adjacent to the western boundary of the proposed extension area.

6. One Scheduled Monument (SM), 'Moated Site SE of Sawley Locks', is within the application site whilst two other SM, 'Site revealed by aerial photography, SE of Dunster barn' and 'Roman Villa and enclosures N of Ratcliffe Lane' are immediately adjacent to its southern site boundary. Two further SM are within 1km of the application site: 'Roman Site on Red Hill', which is approximately 200m to the east, beyond the River Soar whilst 'Roman Fort, 182m east of All Saints Church, Sawley' is 600m north-west.

7. The nearest Conservation Area (CA) is Lockington CA which is 1km to the south-west. The nearest listed buildings are Church of All Saints, Sawley (Grade I) which is 0.9km north-west; Redhill Tunnel (south portals) (Grade II ) 0.7km to the east, Redhill Tunnel (north portal) (Grade II) 0.8km north-east; Packhorse Bridge Redhill Lock (Grade II) is 141m to the east; Milepost approximately 400 metres south-east of junction with Netherfield Lane (Grade II) which is 400m to the south; the River Trent Navigation, Stop Lock West Side of Tamworth Road Bridge, Sawley (Grade II) which is 1km to the north west; and Harrington Bridge (Grade II) which is 1.1km north east. Kingston Park Pleasure Gardens, a Grade II Registered Park and Garden (RPG) is 2.5km to the south-east.

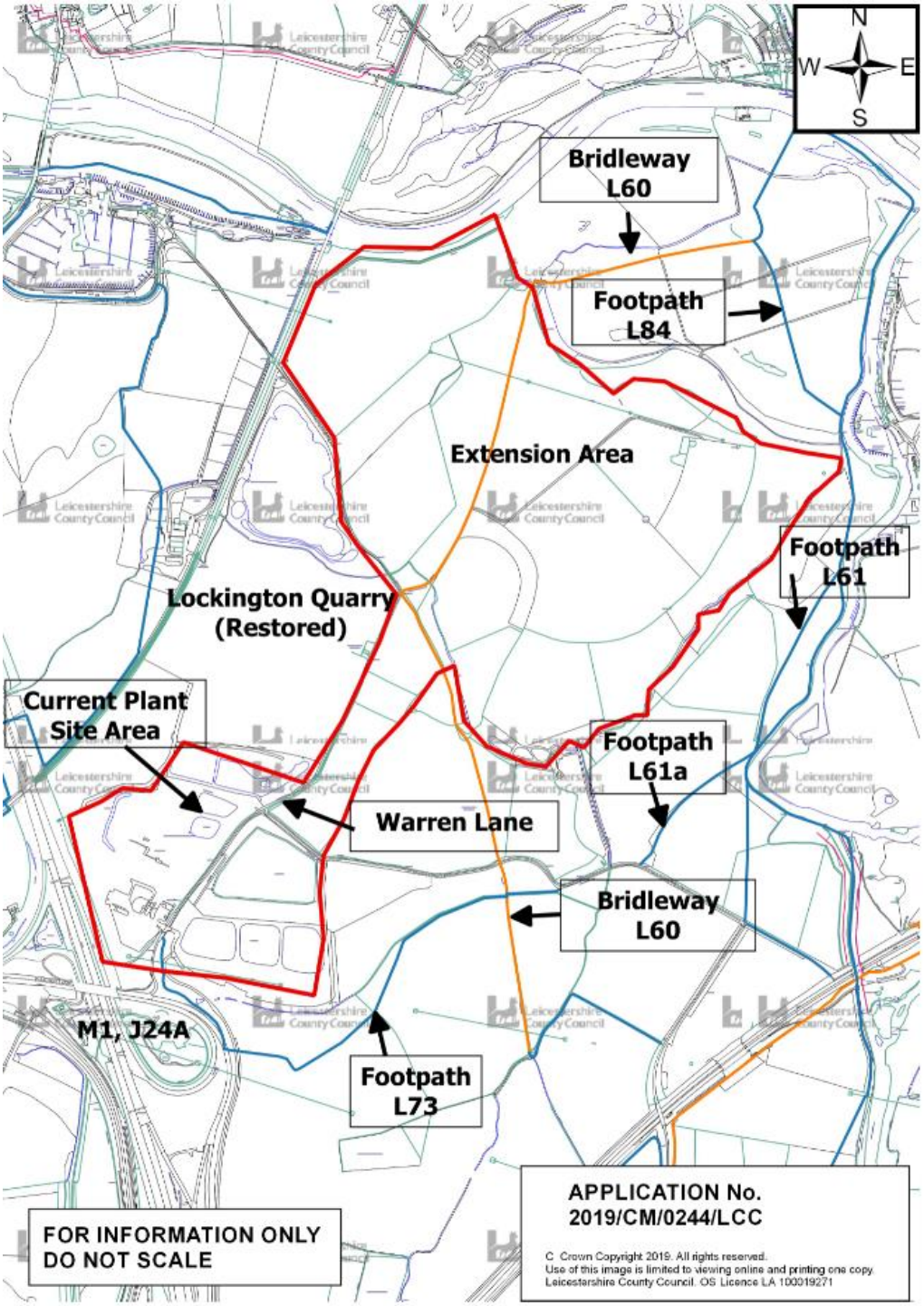
8. A number of statutory and non-statutory nature conservation designations are either in or close to the application site. The most significant of these is Lockington Marshes Site of Special Scientific Interest (SSSI), of interest for its willow carr woodland and associated wetland habitat, which sits adjacent to the northern and eastern site boundaries with a small section in the application site. Lockington Fen candidate Local Wildlife Site (cLWS), Shooting Ground Marsh Grassland cLWS and Warren Lane Pond potential Local Wildlife Site (pLWS) are all wholly within the application site[1]. Lockington Confluence Backwater cLWS is immediately adjacent to the northern site boundary. Lockington, Warren Lane Hedge pLWS is immediately to the east of Warren Lane and is partially within the application site.

9. The site is located wholly in flood zone 3 of the Rivers Trent and Soar and sits within the confluence floodplain of both. The application site also contains two other watercourses, Hemington Book and Lockington Brook.

10. The site is 3km east of East Midlands Airport and is in its aviation safeguarding zone.

11. The site sits in a flat pastoral landscape which is remote from settlements but dominated by transport infrastructure including the M1 motorway to the west, the A453 (T), A50 (T) and associated East Midlands Gateway junction to the south and the Midland Mainline railway to the east, beyond the River Soar. Ratcliffe on Soar power station, which is beyond the railway line, dominates the landscape in this location.

[1] Candidate Local Wildlife Sites are sites of interest for nature conservation which meet the published criteria set out in the 'Guidelines for the Selection of Local Wildlife Sites in Leicester, Leicestershire and Rutland' but which are not subject to a formal designation as a Local Wildlife Site. Potential Local Wildlife Sites are sites which have been identified as having the potential to meet the published criteria, but which require further survey work to confirm this.




## Planning History

12. Operations at Lockington Quarry were established by planning permission 1997/0036/07 in December 1998. Planning permission 2000/0088/07 to locate the plant site (including associated aggregate recycling activities) to the east of the M1 on land adjacent to Warren Lane was approved in June 2000.

13. Planning permission 2007/1361/07 was granted in September 2008 for an eastern extension to Lockington Quarry. This planning permission covers the eastern extension area including all extraction and infilling operations. Planning permission 2012/0839/07 was granted in October 2012 for variations to the landfill site, and NMAs 2013/0764/07 & 2015/0936/07 varied the phasing

boundaries and sequence, in September 2013 and October 2015. Planning permission 2015/0690/07 granted in August 2015 provided a limited extension to the operational hours for mineral processing. Planning permission 2019/2229/07 was granted in March 2020 for variations to the approved restoration plan, the incorporation of crossing points over drainage ditches and to take account of the East Midlands Gateway development which extended into the site. This is currently the main planning permission for operations at the site.

14. Planning permission 2014/0072/07 was granted in February 2014 for a change of use of part of the quarry site to allow an extension of the consented inert waste/aggregate recycling operations which are located to the south-west of the main processing plant.

**Description of Proposal**

15. Tarmac Aggregates Ltd seeks planning permission for a northern extension to Lockington Quarry including the extraction of sand and gravel, relocation of conveyor and bridge, use of existing processing plant and ancillary facilities, importation of inert restoration materials with restoration to agriculture and nature conservation. The proposed extraction area covers 57.2ha of predominantly agricultural land and contains reserves of approximately 3.3 million tonnes of sand and gravel. It is proposed that this would be worked in six phases over a ten-year period, at a rate of 350,000 tonnes per annum (tpa) with a further five years for final restoration.

16. The proposed development can be described as broadly falling into three phases: preliminary, operational and restoration. Details of these are set out below.

Preliminary Phase

17. Preliminary operations would involve the stripping of topsoils and subsoils in Phases 1 and 6 (operations in Phase 6 being required to allow for the construction of a feed hopper for the proposed conveyor) and visual /acoustic bunds. Topsoils would also be stripped along the route of the proposed conveyor and its associated haul route/maintenance access as well as haul road/ancillary operational areas to the north of the plant site which would be required to provide a means of access between the plant site and proposed extension area. Soils stripped during preliminary operations would variously be stored in Phase 6, the access corridor extending south-west from Phase 6 and adjacent to the conveyor route.

18. Preliminary operations would also include the construction of the proposed crossing point over Warren Lane, the installation of the conveyor and the creation of a waste reception area immediately to the north of the existing plant site. It is also proposed that a series of shallow water bodies/recharge trenches, intended as mitigation in the Lockington Marshes SSSI, would be constructed during this preliminary phase.

19. The proposed conveyor and associated maintenance/access tracks would occupy an approximate 6 metres wide strip of land (based on the conveyor width of 1.2 m and a 3m wide vehicular access track to the east of the conveyor and a 1.5 pedestrian access route to the other). The easternmost track would also be utilised as the haul route for infilling operations from Phase 2 onwards. The

conveyor bridge at the point that it crosses Warren Lane would measure 2.83m in width x 31.39m in length and would have a maximum height of 9.41m at either end where hoppers and conveyor cross over points are located.

20. A proposed new crossing point over Warren Lane would be constructed to allow two-way vehicle movements either side of the highway. The crossing point, which would be constructed in solid bound materials would have a maximum width of 7.3m (allowing for 2 no. 3.65m access/egress lanes). Barriers would be installed at a set-back distance of 14.21m from the back edge of Warren Lane on its western side and 14.28m on its eastern side. Farm gates would also be installed which are intended to form a secure line along the highway edge. These would remain open during those periods when the quarry was operational but would be closed when the site was non-operational to prevent fly tipping and unauthorised access to the quarry workings. Timber post and rail fencing would also be installed around the entrance either side of the road up to the hedge lines. In order to achieve the required visibility splays, vegetation/hedgerows either side of the crossing point would also need to be trimmed back and maintained for the duration of the development.

Operational Phase

21. The proposed northern extension would be progressively worked and restored over six phases. Works would commence in Phase 1 in the west of the site, adjacent to Warren Lane, before proceeding in a broad clockwise direction, ending in Phase 6, which sits immediately to the south-east of Phase 1. It is anticipated that the phases would deliver the following tonnages:

- Phase 1: 313,900 tonnes;
- Phase 2: 736,300 tonnes;
- Phase 3: 584,300 tonnes;
- Phase 4: 1,104,000 tonnes;
- Phase 5: 276,400 tonnes;
- Phase 6: 169,600 tonnes.

22. Mineral extraction would be undertaken using a 360º excavator and dump trucks which would transport the as raised material to a new feed hopper and conveyor (located in Phase 6) which would then carry the excavated material to the existing plant site for processing. Dewatering of those phases in the eastern half of the site (e.g. Phases 2, 3, 4 and 5) would also take place during mineral extraction and recovery operations.

23. A section of Public Bridleway L60, which runs across the proposed application site, would be temporarily diverted to enable mineral extraction to take place in Phase 3. The diversion works would be undertaken in advance, during the working of Phases 1 and 2. It is proposed that the diversion would run through the quarry site on a route which would follow the western and northern boundaries of Phase 3 before rejoining its existing alignment. The diverted bridleway would cross an internal quarry haul road. To ensure the safety of users of the PRoW, a formalised crossing point which gives priority to users is proposed. Following the cessation of mineral extraction and restoration, the bridleway would be reinstated along its current route. The temporary diversion route would be retained as a permissive bridleway.

24. A number of landscape/ecological mitigation measures have been designed into the proposal. Key landscape features such as hedgerows, veteran trees and trees of significant landscape value would be retained throughout the development with stand-offs of between 7.5m and 10m proposed for those hedgerows to be retained. Any hedgerows to be lost would be replaced, with a further 1,015m hedgerow planting (beyond direct replacement) also proposed. It is proposed that a 100m stand-off/buffer zone (reducing to 50m in Phase 2) between the proposed extraction area and Lockington Marshes SSSI would be created. The buffer zone would include a series of waterbodies and recharge trenches. Stand-off zones of various widths are proposed in respect of the Lockington Fens cLWS (7.5m), Shooting Ground Marsh Grassland cLWS (7.5m), Hemington Brook (20m when working is in Phase 6). No works would be undertaken in the vicinity of Warren Lane Willow pLWS.

25. Approximately 3 million tonnes of inert infill materials would be imported over the course of the development to achieve the proposed restoration. It is anticipated that this material would be imported at a rate of approximately 150,000-200,000 tpa in line with previously consented rates of import. Imported material would initially be subject to visual and documentary checks prior to it being offloaded into the new waste reception area north of the existing plant site. Infill materials would then be transported by dump truck from the reception area to the extraction area using internal haul roads.

Restoration/Aftercare

26. Following the cessation of mineral extraction, it is proposed that the northern extension area would be restored to a mix of high-quality agricultural land (capable of making use of the best and most versatile resources on site) with nature conservation (flood meadows and unimproved pasture) and new and enhanced deciduous woodland and hedgerow planting. Three shallow waterbodies and recharge trenches are proposed within the SSSI buffer zone, to enhance the condition of the SSSI. Following final restoration, it is proposed that the site would also be subject to a five-year period of aftercare.

27. The plant site, processing and stockpile areas and the site access are all subject to an existing, approved, restoration scheme associated with planning permission 2014/0072/07 which requires the land to be restored to agriculture. This would not change as a result of the development.

Hours of Operation

28. Proposed hours of operation during all phases would be the same as the existing permitted hours of operation, which are: 0700 hours to 1900 hours Monday to Friday (with working permitted up to 2400 hours for three months in a year in respect of the concrete batching plant) and 0700 to 1300 hours on Saturdays. No working is proposed for Sundays, Bank or other public holidays.

**Environmental Statement**

29. The planning application is accompanied by an Environmental statement (ES) which provides technical appendices and assessment of the following potential environmental impacts: Soils, Ecology, Hydrology and Hydrogeology, Noise and

Air Quality, Transport, Archaeology, Landscape and Visual Impact, interaction effects and cumulative impacts, alternatives and health impacts. A summary of the impacts of the proposed development identified in the ES (including the subsequent addenda to it), together with proposed mitigation and any compensation measures are set out below.

30. In response to formal requests under the terms of the Town and Country Planning (Environment Impact Assessment) Regulations 2017, the applicant submitted further environmental information in three further submissions. These submissions provided further assessment and information relating to ecology and landscape impacts, heritage, highways, hydrology and flooding flood risk.

31. The summary below relates to both the original and supplementary information.

Soils and Agricultural Land Classification

32. The ES includes details of a soil and agricultural quality survey undertaken on 157ha of land including the proposed extension area. The assessment confirms that the majority of the site is grade 2 agricultural quality, formed of medium, stoneless loams, with flood risk being the principal limitation to agriculture. Small sections of the extension area (low lying areas along the southwest boundary and immediately south of the SSSI) are identified as heavier soils of grade 3 and grade 4 agricultural quality with surface soil wetness being the principal limitation. The route of the conveyor comprises shallow, stony light to medium soils of grade 3 agricultural quality where soil droughtiness was identified as the principal limitation. The assessment identifies three different topsoil resources (T1-T3) within the site, of which T1 and T2 were considered to be of the highest quality, suitable for use in restoration to a green afteruse. Four subsoil resources (S1-S4) were identified, of which S2 was considered to be the most suitable for site restoration, with S1 and S3 also being suitable for this purpose. S4 was assessed as being of the poorest quality.

Ecology

33. An ecological impact assessment (EcIA) was undertaken which considers the potential ecological effects of the development on ecological receptors (including European Protected Species and designated sites) and to inform the design of the proposed development in respect of ecological considerations. Following a request from Natural England and the County Ecologist, the EcIA was supplemented by an addendum report which focussed on the potential impacts of dewatering on the SSSI. The summary below therefore covers both the initial and supplementary submissions of information.

Statutory Designated Sites

34. The EcIA identifies the Lockington Marshes SSSI as being in and adjacent to the application site. It notes that its features of interest are primarily habitat based (predominantly willow carr woodland and pools) and that it supports an important invertebrate fauna, including nationally scarce beetles and flies and invertebrates which are rare in Leicestershire. Parts of the designation also support a number of overwintering birds. Without mitigation, the EcIA predicts that the development would have the potential to result in both direct (the partial loss of the SSSI) and indirect effects (dust deposition and changes to groundwater levels associated

with dewatering). The direct and indirect effects were assessed as being negative and significant, although the indirect effects were also assessed as long term but reversible. With mitigation (a 'water management scheme' and the creation of a 100m standoff between extraction area and the SSSI) the EcIA concludes that the residual effects on the SSSI would be Positive (Significant). The creation of the standoff would ensure that there would be no direct impacts to the Lockington Marshes SSSI.

35. The supplementary information assesses the effects of dewatering on the SSSI by reference to the Hydrological Impact Assessment (HIA). It notes that the HIA focusses on potential impacts to the northern limb of the SSSI as there is a greater potential for hydrological continuity between this part of the SSSI and the proposed extension area. It identifies several management objectives which seek to maintain existing hydrological conditions within the SSSI and prevent the permanent lowering of groundwater through de-watering and infilling operations associated with the development. The assessment notes that a water management plan (WMP) is proposed to achieve these objectives. The WMP proposes a number of practical measures as well as intensive monitoring of surface and ground water levels before, during and after mineral extraction operations as well as appropriate update and review of any measures following assessment of monitoring results. The WMP is designed as a tiered scheme of mitigation. With such measures in place, the assessment concludes that there will be no permanent reduction in groundwater levels at the SSSI or significant changes in the natural variability of water levels in the vicinity of the SSSI.

36. The supplementary information also assesses potential impacts to the southern limb of the SSSI, noting that this part of the site is overlain with a thick layer of clayey overburden which limits vertical leakage from ephemeral surface waterbodies in the SSSI southern limb. Monitoring data from the SSSI southern limb indicates that there is limited continuity between Lockington Brook and groundwater. It notes that the Lockington Brook forms the western boundary of the SSSI southern limb and receives flows from the catchment upstream of the SSSI, helping to maintain surface water levels close to its southern limb.

Non-Statutory Designated Sites and Habitats of Principal Importance

37. The EcIA identifies 36 non-statutory designated sites (five LWS, seventeen cLWS and fourteen pLWS) and four Habitats of Principal Importance (HPI) (Coastal and Floodplain Grazing Marsh, Reedbed, Hedgerows and Lowland Fen) within 1km of the application site. Of these, two cLWS (Lockington Fens and Shooting Ground Marsh Grassland), one pLWS (Warren Lane Willow) and all four HPI were identified as falling within the site. The cLWS, pLWS and three of the HPI are proposed to be retained. Three hedgerows are proposed to be removed as part of the development. Without mitigation, the proposal would have the potential to result in indirect effects (dust deposition and dewatering) to the non-statutory designated sites (particularly Lockington Fens cLWS) and HPI within the site boundary. Indirect effects to the cLWS/pLWS were assessed as negative (not significant) and negative (significant) in respect of the HPI. In both instances the effects would be long-term and reversible. All other non-statutory sites were assessed as being at a distance from the proposed development where there would be no direct or indirect significant effects. With mitigation the EcIA concludes that effects on non-statutory designated sites/HPI would be neutral (not significant).

38. The supplementary information also provides further information regarding the potential impacts on the LWS. It notes that the focus of the mitigation measures has been the SSSI rather than the LWS, but that adverse impacts to the non-statutory designated site as a result of dewatering are likely to be ameliorated by thicker clays overlying the aquifer as well as continued seasonal flooding from Hemington Brook.

On-Site Habitats

39. The proposed extension area is predominantly in arable use comprising fourteen fields bound by hedgerows. This was identified as the dominant habitat, with poor semi-natural improved grassland, the second most dominant. Pockets of dense scrub associated with boundary features were noted as were areas of hardstanding throughout the site. Areas of broadleaved woodland and wet woodland were identified in the north and south-east and along Lockington Brook. Towards the south-west and western areas of inundation vegetation, marsh/marshy grassland and swamp were identified. Five ponds were also noted within the site. Lockington Brook runs through the site. In general, the fields and dense scrub were assessed as being of negligible importance. The remaining habitats identified at the site were assessed as being of local level importance with the swamp and marsh/marshy grassland being of county level importance.

40. In respect of site habitats, the ES notes that the development would result in the loss of 27.85ha arable/agricultural land, 0.69ha inundation vegetation, 1.44ha poor semi-improved grassland and 0.64ha tall ruderal vegetation. No change was predicted in respect of broad-leaved woodland, dense scrub, marsh/marshy grassland, swamp or running water. However, following restoration, the scheme would also result in the creation of 1,051 linear metres of new hedgerow, 0.55ha of standing water, 29.86ha of new pasture and 0.21ha of ditch. Overall, the ES concludes that the restoration scheme allows the effects of habitat change to be a positive (not significant) effect on several habitats, including those which are considered to be of local to county level importance. The loss of the Arable / Agricultural habitat is negative (significant), due to its total quantity of change, however, the restoration of the site to a similar habitat (Pasture) (positive significant) is considered to compensate for this loss. There would be no overall loss of aquatic habitat at the site and three waterbodies are to be created as part of the proposed development. This is considered to be a positive (not significant) effect.

Protected Species

41. With regard to protected species the following fauna were identified: bats, badger, water vole, breeding birds, overwintering birds, invertebrate assemblage. No great crested newts, reptiles or otter were recorded as being present at the site and were scoped out of the detailed assessment work. The ES concluded that the site was of Local-County Level importance in respect of protected species.

Flora

42. The assessment also identified three species listed on the Leicestershire and Rutland Rare Plant Register (Tufted Sedge, Tubular Water-dropwort and Golden Dock) although all three were recorded within retained habitat and would not be

directly affected by the proposals. Himalayan Balsam was recorded within the southern extent and the EcIA proposes that a working method statement will be implemented to ensure this species does not spread as a result of the proposed development. The faunal surveys identified suitable habitat for a range of protected species.

43. Overall, habitat change was considered to be the largest direct impact of the proposed development. These impacts were considered to be negative (significant) for Arable and negative (not significant) for other habitats prior to any mitigation. Following completion of restoration and with the implementation of mitigation measures, the ES concludes that the proposed development would result in an overall positive (not significant) effect on habitats.

Biodiversity Net Gain

44. The ES also provided a biodiversity net gain calculation. Initially this was based on the DEFRA Beta metric 2.0 (which was current at the time of submission), however, following the submission of updated information and revisions to the proposed restoration scheme, the applicant has provided a biodiversity net gain calculation which is based on DEFRA biodiversity metric 4.0. Overall, the ES concludes that there would be a biodiversity net loss of -5.69 for Habitat Units, +1.03% Hedgerow Units, and 0% Watercourse Units. The ES notes that the proposed development may not comply with national and local policy requirements in terms of BNG but also notes that the assumptions within the calculation were conservative in relation to good habitat management following the completion of the development. It further notes that post-development provisions would complement the local landscape, thereby providing benefit to a variety of fauna and additional ecological enhancements, such as bat and bird boxes, would be provided.

Hydrology and Hydrogeology

45. The ES states that the application site is in flood zone 3 and identifies the watercourses which are present in and around the site. The ES includes a conceptual hydrogeological model which predicts how surface and groundwaters contribute to/affect conditions in the Lockington Marshes SSSI, a hydrological and hydrogeological impact assessment of the proposed development as well as an assessment of the impacts of dewatering on groundwater levels (including the indirect effects of this on the SSSI and SM). The assessment also includes details of proposed management and mitigation proposals and a Flood Risk Assessment (FRA). Following a request for further information from the Environment Agency and the LLFA, the ES was subject to an addendum to the FRA. Where necessary, the review below therefore covers both the initial and supplementary submissions of information.

Conceptual Hydrogeological Model

46. The conceptual hydrogeological model describes the interrelationship between surface and groundwater levels in and around the SSSI noting how, dependent on the respective water levels, flood waters from Lockington Brook and the River Soar create the potential for temporary extensive flooding in the SSSI, which is considered to be of ecological benefit to the SSSI. It further describes how, during flood events, there is potential for recharge from the SSSI to the underlying

aquifer and how, when surface water levels in the SSSI are lower, groundwater has the potential to discharge into the SSSI. The model posits that the rate of discharge between groundwater under the SSSI and surface water in the SSSI is dependent on the thickness and hydraulic properties of the underlying strata and notes that there are large parts of the SSSI where clayey overburden of between 1 to 3m thickness is present. Where this occurs, it would limit the potential for significant transfer between surface and groundwaters over much of the SSSI. The conceptual model also describes how run-off from the clayey overburden present in and close to the SSSI contributes to the formation of ephemeral shallow standing water bodies in parts of the SSSI, particularly in the southern limb where significant inflow from groundwaters is likely.

47. With regard to groundwaters, the model states that recorded groundwater levels close to the SSSI are similar to surface water levels within the SSSI, with variations of 0.2m or less, and describes the circumstances and times within the year when groundwaters are likely to flow into and out of the northern limb of the SSSI.

Hydrological and Hydrogeological Impact Assessment (HIA)

48. The HIA describes how the proposed extension area would be dewatered during the operational and restoration phases in order to facilitate dry working and the placement of restoration materials. It notes that this activity would lower groundwater levels in the immediate vicinity of the extraction area, with the potential to affect the following features: Lockington Marshes SSSI (northern and southern limbs); the Rivers Soar and Trent, the Hemington and Lockington Brooks; a water body associated with former mineral extraction and Lockington Fen cLWS including a pond close to Phase 5. SM 'Moated Site SE of Sawley Locks' and 'Site revealed by aerial photography, SE of Dunster Barn' are also identified as having the potential to be affected by dewatering activities.

49. The HIA states that most effects associated with dewatering would be temporary, ceasing once dewatering ends. Direct impacts would occur only where there is continuity between the receptor feature and groundwater in the underlying superficial deposits. e.g. within parts of the SSSI and the Rivers Trent and Soar. Without mitigation, the HIA states that the deposition of low permeability material during restoration has the potential to inhibit the lateral transmission of groundwater across the site when compared to the existing with the potential for permanent changes to the groundwater flow regime in the proposed extension area. Without mitigation, this would have the potential to significantly affect natural groundwater level variations within the SSSI or permanently alter groundwater levels leading to the potential for adverse ecological effects. In order to mitigate such effects, the HIA proposes a series of measures which are embedded into the design of the scheme; are best practice operational techniques or involve intensive monitoring of water levels in and around the application site. These are detailed further below.

50. The HIA notes that standing water bodies within the SSSI reduce in size or dry out completely during prolonged periods of dry weather and suggests that the proposed management of surface waters during mineral extraction would provide greater control of the drying periods, e.g. through the use of recharge trenches and by the discharge of cleaned surface water to the water bodies in the SSSI standoff zone hence to the SSSI. On this basis, the HIA concludes that subject

to the implementation of the water management action plan the proposed water management scheme has the potential to contribute to improvements in the ecological status of the SSSI.

Water Management Action Plan (WMAP)

51. The HIA provides details of a proposed WMAP, developed on the basis that intensive monitoring of surface water and groundwater levels would occur before, during and after mineral extraction operations and that it would be reviewed as the hydrogeological conceptual model is refined and updated. The WMAP makes provision for the following measures: a programme of water level monitoring to be undertaken at existing boreholes and reporting of results to Natural England (NE), the Environment Agency (EA) and the MPA on an annual basis; a tiered approach to mitigation in the form of 3 tiers of management actions (Tier 1: routine operational practice and mitigation measures; Tier 2: actions in response to water monitoring results and Tier 3: contingency actions) which are intended to be undertaken in response to changes in conditions at identified receptors and the monitoring locations between the receptors and the extraction areas.

Water Quality

52. The ES identifies potential risks to water quality arising from suspended solids in run off from areas of disturbed ground e.g. areas of stripped topsoil and overburden or soil bunds where vegetation has not yet established. Groundwater from the vicinity of infilling areas and previous infilling areas, which currently migrates towards the River Soar and River Trent, may also be drawn towards the extraction areas when dewatering is taking place. The HIA notes that the discharge of cleaned water into the surface water system would be subject to controls on quality and quantity via the Environmental Permitting regime. With such controls in place, the HIA concludes that there would be no significant effect of water quality in the SSSI or the surface water system generally as a result of the development.

Flood risk

53. The ES includes a Flood Risk Assessment (FRA) which was supplemented by an addendum following comments from the Environment Agency. This summary therefore relates to the FRA and its addendum report in combination.

54. The FRA notes that the proposed extension area is in Flood Zone 3 which is defined as having a 1 in 100 or greater probability of flooding. The FRA includes a sequential test demonstrating that the development would be safe for its lifetime, taking into account the vulnerability of its users without increasing flood risk elsewhere and notes that it has the potential to reduce flood risk at the site overall. New water bodies constructed in the SSSI buffer zone prior to extraction, combined with the adjoining low-lying areas constructed on the restoration landform would be located in floodplain and would provide potential storage for run-off during flood events. The installation of nonreturn valves on the outlets from the water bodies would ensure that there would be no reduction in the frequency of flooding within the SSSI. Overall, in terms of residual flood risk, the FRA concludes that the proposed development would not result in a significant increase in flood risk at the site or in its vicinity. During the operational period additional flood storage would be provided in the extraction voids. There would

be no increase in the rate of discharge to the surface water system in the vicinity of the site as a result of the site operations. Long term, and following restoration, the lower ground levels would result in a permanent overall increase in flood storage.

55. The addendum to the FRA provided updated information and clarification relating to the probability of flooding, taking into account the presence of flood defence infrastructure; flood storage and flood flow routing during the operational period having regarding the design and location of the proposed soil storage bunds; and further details regarding the standoff distances of the proposed excavation areas from the rivers and associated flood defence infrastructure.

Noise

56. The ES and technical appendices set out the extent and form of monitoring that was undertaken to establish background noise levels through recordings taken at five monitoring locations which were selected to represent noise sensitive premises in the vicinity of the site: Grounds Farm Cottage, Lockington Grounds Farm, Sawley Lock House/Sawley Marina, Grounds Farm and Redhill Marina/River Soar. The ES then sets out the parameters and methodology for calculating the predicted noise levels likely to be experienced at these properties at various stages of the proposed development (Annex F of British Standard BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites Part 1: Noise). It sets out the noise prediction assumptions on which the calculations were based. Reference is made to the guidance for assessing noise and permissible levels from mineral operations in the NPPF and the associate technical Planning Practice Guidance – Minerals (PPG - M). The ES states that the assessment was based on the 'worst case scenarios' for the proposed scheme during both 'temporary' and 'normal' operations.

57. For the five locations chosen for the assessment, the conclusion was that the noise generated by all mineral extraction and processing activities would produce worst-case noise levels that did not exceed the upper noise limit of 70dB(A) LAeq 1h (free field) for temporary operations and would not exceed background noise levels by more than 10dB(A) nor exceed the maximum daytime limit of 55 dB (A) as set out in PPG-M. For temporary operations the actual forecasted noise levels were significantly below the upper limit by 8 to 2 dB(A). Details of predicted noise levels for both normal and noisy, short-term operations are set out in Table 1 below.

**Table 1**

| Sensitive Receptor | Background noise level | Limit in accordance with PPG-M | Predicted worst case site noise level LAeq, 1h, free-field dB | Difference between site noise and background noise levels | Predicted worst case site noise level LAeq, 1h, free-field dB | Difference between site noise and background noise levels |
|---|---|---|---|---|---|---|
| | | Normal operations | | | Noisy short-term operations | |
| Grounds Farm Cottages | 47 | 55 | 52 | +5 | 59 | +12 |
| Lockington Grounds Farm | 48 | 55 | 49 | +1 | 50 | +2 |
| Sawley Lock House | 42 | 52 | 49 | +7 | 55 | +13 |
| Sawley Marina | 42 | 52 | 43 | +1 | 47 | +5 |
| Grounds Farm | 41 | 51 | 43 | +2 | 47 | +6 |
| Redhill Marina (North) | 42 | 52 | 48 | +6 | 62 | +20 |
| Redhill Marina (Central) | 42 | 52 | 48 | +6 | 53 | +11 |
| Redhill Marina (South) | 42 | 52 | 46 | +4 | 48 | +6 |

58. In order to mitigate any potential exceedance of stipulated levels for short term activities, the ES recommends that site preparation, haul route construction, bund construction/removal and final restoration works within 150 metres of Grounds Farm Cottage and 200 metres of Sawley Lock House; and restoration to pasture works within 250 metres of noise sensitive locations at Redhill Marina are restricted to a period of up to eight weeks in a year:

Air Quality

59. The ES includes a description of the methods of transporting the 'as dug' mineral from the excavation area to the quarry processing plant as well as an assessment of the activities of the existing and proposed operations that could generate dust emissions. It describes the best practice dust management and suppression techniques which are currently used and which would continue to be deployed during the proposed development period. The ES also notes the natural dampness of the material being excavated due to the level of the water table which would further reduce the potential for dust emission when the material is handled as would the use of the conveyor system. It further states that the dust management techniques proposed have been devised with full regard to prevailing climatic conditions at the application site.

60. The ES also provides an assessment of the conditions that would be required to generate potential air quality impacts, such as ground conditions, wind direction and location of the working areas relative to sensitive receptors. It indicates that adverse dust impacts from sand and gravel quarries are less common beyond a

distance of 250m and that the greatest potential impacts from high rates of dust deposition and elevated $PM_{10}$ particles will be within 100 metres of a source, including both large (>30um) and small dust particles. It identifies five sensitive receptors (Ground Farm, Sawley, Redhill Locks, Grounds Farm Cottages, Lockington Grounds Farm and Sawley Marina).

61. In addition to the residential properties described above, the assessment also identifies Lockington Marshes SSSI (100m from extraction area) as an area sensitive to the effects of dust deposition. The assessment notes that the dust mitigation measures outlined to protect the nearby local residential areas would also be sufficient to protect this area.

62. The assessment uses wind speed/direction records combined with the number of working days in the parts of the site closest to these properties and $PM_{10}$ estimates (fine dust particles) to conclude that the level of impact from dust would be limited (well within National Air Quality Objectives) and not give rise to unacceptable disturbance.

Transport

63. The ES notes that a Transport Assessment (TA) has been undertaken in support of the application. It notes that existing production and infill rates (350,000 tonnes and 150,000 to 200,000 tonnes per annum respectively) would not change as a result of the proposals. As a consequence, it is not anticipated that vehicle movements associated with staff numbers or HGVs would increase.

64. The ES also provides information relating to traffic routing when accessing/egressing the site. It states that all HGVs would turn left into the site from Warren Lane, travel through the processing site via a new internal haul road, and then cross Warren Lane into the Northern Extension at the proposed crossing point further north. To exit the site, vehicles would cross back over to the western side of Warren Lane, travel through the existing processing site, and then exit via the egress road leading to Kegworth Interchange. The ES therefore concludes that there would be no material impact on the local or strategic road networks as a result of the proposed development but acknowledges that localised impacts at the proposed new haul road crossing on Warren Lane would occur.

65. Supplementary technical information relating to the signalisation and design of the road crossing (including visibility splays and vehicle tracking), proposed vehicle routing, and site-specific measures to ensure the cleanliness of the highway network was provided. Additional assessment and traffic modelling was also provided including Collision Analysis and Trip Generation up to June 2023 based on the situation since the East Midland Gateway Junction works had been completed. The supplementary information concludes that the proposed development would not result in severe adverse impacts to the safety or operation of the highway network.

Cultural Heritage and Archaeology

66. The ES states that there are no listed buildings in or close to the site and identifies that a SM is located within the site but excluded from the proposed extraction area. The ES also notes the presence of a further SM adjoining the site to the south. The ES states that trial trenching and geophysics have been undertaken

on the application site and that a geoarchaeological model of the site's archaeological potential (defined by the age and type of deposit present) has also been prepared. The ES describes the location and range of finds identified, noting that these were unevenly distribution with most being located in the SW of the site (terrace 2) and only occasional finds on terrace 1 and the lower floodplain although these are restricted to slightly elevated areas.

67. With regard to the age/range of finds identified, the ES confirms that no in-situ pre-Iron Age surfaces were identified and that there is little potential for prehistoric remains. A Romano-British settlement located with the SW of the search area appears to have been deliberately located along the edge of the River Soar. No permanent river crossing appears until the post-medieval period. The ES also notes that the found archaeology was found below the modern plough soil and consists of Late Iron Age/Early Roman activity remains and concentrates in the areas where the underlying gravel is nearer the surface i.e. on gravel islands thinly covered by alluvium. The ES notes that archaeological supervision will be required during soil stripping operations in these areas and proposes that palaeochannels exposed by overburden stripping would be sectioned in several places and recorded and sampled.

68. Following requests from Historic England and LCC Archaeology an addendum to the ES was provided. The addendum included a built heritage assessment and an archaeological Written Scheme of Investigation (WSI). A further letter and a second WSI assessment were also provided.

Heritage Assessment

69. The built heritage assessment focussed on the following designated heritage assets: Harrington Bridge, 'Stop Lock, West Side Of Tamworth Road Bridge, Sawley', 'Packhorse Bridge Redhill Lock, Radcliffe', the two Redhill Tunnel portals and the Lockington, Hemington, Kegworth Conservation Areas, assessing their significance and potential impacts on their setting. With the exception of the Packhorse Bridge, the assessment concludes that impacts to the heritage assets would be null. The assessment of the Packhorse Bridge notes that impacts resulting from the development would not remove or very much reduce its significance. The significance of the bridge will remain apparent, it will be easily understood and the aspects of its context which lend it significance will remain unaltered.

Written Scheme of Investigation

70. The WSI sets out the area of investigation, the archaeological background (including details of previous investigations at the site), details of known and potential archaeology within and outside the application site, the aims and objectives of the WSI, proposed mitigation measures, and the methodologies to be used during the following: the fieldwork, recording of finds and sampling; preservation in-situ of SM, liaison arrangements, and post excavation reporting.

71. With regard to designated heritage assets within the application site, following previous investigations, and contrary to its list description, the WSI describes the SM as *'a late 17th century bank and ditch earthwork enclosure, most probably a stock enclosure, built to safeguard cattle during times of severe flooding, as historically recorded in the period of its construction. No internal remains were*

*identified. No waterlogged features were identified'.* The WSI notes that the SM sits outside the extraction area and concludes that it would not be directly affected by the proposals. The WSI considers the SM to be of national level importance due to its status as a SM.

72. The WSI also describes the non-designated heritage assets identified or known within the site. It focuses on the haul road/conveyor corridor and the proposed extraction area indicating that finds consist of rectilinear enclosures as well as a trackway. It is posited that these may be of Late Iron Age or Roman date. Artefacts (neolithic to Middle Bronze Age) and forms such as enclosures, pit alignments and trackways (Mid to late iron Age with the trackway crossing the conveyor route continuing in use into the Roman period) are also identified. The WSI concludes that these are of regional level significance. With regard to the extraction area, the WSI notes that Light Detection and Ranging modelling (LiDAR) has identified that settlement was focussed on the slightly higher areas in the flood plain. Two settlements of Late Iron Age date were identified and were assessed as being of regional level importance. Medieval remains include ploughed out furrows, remains of cultivation and sections of a fish weir. The fish weir is considered to be of regional significance. Post medieval boundary ditches were also identified which are assessed to be of local significance.

73. With regard to potential archaeology within the application site, the WSI suggests that riparian structures e.g. fish weirs, mill dams bridges and possibly boats probably of Saxon and medieval date may be present which, if present, would be of regional significance.

74. Mitigation measures are proposed which include a detailed fieldwork strategy which is bespoke to each phase of the development. The strategy describes the development works that will be undertaken in each phase of the development and then includes appropriate targets for the WSI which respond to the known and posited archaeology and the nature of the works which are to be undertaken. The WSI states that all works will be undertaken in accordance with the Chartered Institute of Field Archaeologists guidance and provides method statements in respect of the various archaeological techniques which would be used both during and post excavation.

75. The WSI provides details of how the SM within and adjacent to the site would be protected during the operational phase of the development. With regard to the SM within the site, the WSI indicates that fencing would be erected at 10m and 20m distances from the edge of the SM to prevent incursion of plant into the scheduled area. The proposed phased nature of the development, a water management plan (see hydrology section below) and the placement of low permeability materials against excavation faces to minimise groundwater ingress are also cited as measures that would ensure the protection of all SM in and adjacent to the site.

76. Further supplementary information, in the form of a Geoarchaeological deposit model, a revised WSI and a document which provides a further description of the links between heritage and the hydrogeological conditions at the site were also provided. The deposit model provides a visualisation of the extent of archaeological deposits which are likely to be removed via the mineral extraction process. It notes that dryland archaeological remains, as well as significant archaeological remains in paleochannels within the site, may be encountered. It

recommends specific recording measures for the remains in paleochannels (as part of the wider phased reporting process) and concludes that the site has the potential to make a significant contribution to the understanding of the evolution of the Trent Soar confluence zone but also human wetland interactions potentially spanning the prehistoric to post-medieval periods.

Landscape and Visual Impacts

77. The ES includes a Landscape and Visual Impact Assessment (LVIA) which assesses the landscape and visual implications of the proposal, including a baseline study of the existing site and its surroundings, a study of the landscape and visual characteristics of the proposed development during pre-extraction, operations and restoration phases, and an assessment of the residual landscape and visual effects at 1 and 15 years post final restoration. The LVIA also includes an assessment of potential cumulative effects.

78. The LVIA describes the proposed extension site as being irregularly shaped, broadly flat (30m above ordnance datum) and located within the River Trent floodplain. At a strategic level, it notes that the site is in National Character Area (NCA) 69 'Trent Valley Washlands' with a small section at its eastern extent also falling within NCA 74 'Leicestershire and Nottinghamshire Wolds'. At a regional level, the site is in River Valley Floodplain Landscape Character Type (LCT) and the Floodplain Valleys Landscape Character Area (LCA) as identified in the East Midlands Region Landscape Character Assessment. At a county level, the site is within the Trent Valley LCA. Specific characteristics typical to the LCA which are present in the site include flat open floodplain; a mix of arable and pastureland; influence of extractive and power generating industries; lack of woodland; and a range of wetland habitats. Issues of note for this character area include further road, industrial and development in combination with the loss of hedges, trees and under-management and loss of small streams and ditches.

79. The LVIA describes the site as consisting of fourteen agricultural fields used for arable crops and pasture. The fields are bound with hedgerows, many of which are fragmented and depleted. A narrow band of deciduous woodland located along the north-western and south-eastern boundary of the application site forms part of the Lockington Marshes SSSI. Overall, the landscape character of the application site and surrounding area together with the landscape value and perceptual aspects are assessed as of Medium or Medium-Low sensitivity, whilst the recreational and nature conservation assets pertinent to the site are assessed as of medium-high sensitivity.

80. The LVIA identifies the landscape effects predicted to occur in each of the phases described above. For the pre-extraction stage, the assessment identifies landscape effects arising from the construction of the haul route and conveyor corridor, soil stripping and the creation of soil storage bunds, the creation of four new waterbodies (SSSI mitigation) and the diversion of bridleway L60 although such impacts are mostly assessed as minor and negligible. The exception to this is the diversion of the bridleway which is assessed as significant. Mitigation measures proposed include protection of retained hedgerows and the creation of the SSSI stand-off zone towards the north-eastern and south-western site boundaries. Landscape effects during the operational stage were considered likely to be reduced as a result of screening provided by soil bunds, retained hedgerows and scrub as well as the phased nature of extraction and restoration.

Impacts were also assessed as being negligible due to their limited scale in relation the wider scale of the landscape character areas. With regard to the restoration phases, at 1 year post restoration the LVIA concludes that there would be negligible magnitude and significance of effect to the NCA and RLCA due to the limited scale of development. The conclusions were the same at post 15 years restoration once the restoration scheme has been fully implemented.

81. With regard to visual impacts, the LVIA identifies a Zone of Significant Visibility (ZSV) and three types of visual receptors within it (publicly accessible cultural heritage assets, the users of the public rights of ways/ local highway network). Twenty-two viewpoints, representing the receptor categories with the greatest potential to experience views of the application site, were chosen. An assessment of the visual susceptibility, value and sensitivity was undertaken for each viewpoint. The LVIA states that the ZSV is generally restricted to the application site and its immediate context because of the visual containment provided by its low-lying topography and the screening provided by existing narrow belts of woodland, peripheral hedgerows and hedgerow trees, noting, however, that the taller elements of the proposal e.g. screening bunds, the feed hopper and operational plant movements may be visible. Localised views into the site would be achievable via field gateways or gappy hedgerow lines. Elevated features associated with nearby transport infrastructure e.g. the railway line to the north, the M1 motorway to the east and the A453 to the south would provide effective visual containment of the application site.

82. Visual effects associated with the pre-extraction, operational and restoration phases are identified and mitigation measures suggested. During the pre-extraction phase, the greatest effects to visual amenity would be experienced by the users of the PRoW within and immediately adjacent to site. Distant, heavily filtered and transient views of those higher elements of the development would also be achievable from the south, whilst direct, filtered views of soil stripping in Phase 6 would be possible when viewed from the north but would be experienced in the context of an already degraded landscape e.g. Ratcliffe on Soar Power Station. No significant visual effects from elsewhere were predicted during the pre-extraction phase, with the magnitude and scale of effect either be Negligible adverse, or, from some locations, No Effect due to intervening landform/vegetation etc.

83. During the operational phase, the LVIA identifies the greatest potential impacts to visual amenity to receptors using sections of PRoW bridleway L60 within the application site and receptors using sections of Midshires Way (PRoW L60/4) immediately beyond the site's western edge. Dependent on the PRoW and direction of travel the significance of visual effects were variously assessed as moderate-adverse (Midshires Way (south) and Trent Valley Way), major adverse (Midshires Way on Warren Lane where it meets bridleway L60) and substantial adverse (bridleway L60). In general, views of extraction operations would be distant, oblique and transient, often limited to the taller elements of the scheme e.g. plant seen over tops of hedgerows. The exceptions to this would be for users of the Midshires Way during the latter part of Phase 6 when short term views would be possible and, for PRoW users travelling southwest on L60, during Phase 3 when oblique views of moving plant, soil storage etc would be apparent. At a broader landscape scale, the LVIA concluded that visual effects associated with the operational phase would result in either a 'no effect' or a negligible

significance of effect due to the screening effect provided by hedgerows, hedgerow trees, copses and, in some instances, landform.

84. One year post restoration, the greatest effects to visual amenity were likely to be experienced by users of PRoW L60 as a result of newly planted hedgerows/hedgerow trees, although such effects are assessed as negligible-minor beneficial. Due to the visual containment provided by existing features such as hedgerows and trees, effects for other users at this time was assessed as either negligible beneficial or negligible neutral. At 15 years post restoration once hedgerows/hedgerows trees have had the time to establish and grow, the greatest effects to visual amenity would be to users of PRoW L60, with such effects assessed as of moderate beneficial significance.

Interaction Effects and Cumulative Impacts

85. The ES states that the design of the scheme for the proposed extension to Lockington has taken into account an assessment of potential interaction effects across a number of disciplines with the hydrology of the site being a key consideration. Whilst the ES acknowledges that the scope for cumulative effects is present, it also notes that the existing site (e.g., southern extension area) will be fully completed prior to the commencement of operations in the proposed northern extension. Any cumulative impacts would therefore be negligible in extent. The ES further notes that the proposed restoration schemes will have a long term beneficial cumulative effect on the local landscape and biodiversity and suggests that the creation and incorporation of new permissive routes will generate a long-term cumulative benefit to the recreational community.

Alternatives

86. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that an ES provides details of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

87. The ES states that, in this particular instance, no alternative sites to the proposal have been considered as mineral extraction which can only take place where mineral is present. It further states that the proposals envisage the recovery of a valuable mineral resource in a well located and sustainable site. No assessment of alternative extraction techniques or site design has been provided.

Health Impacts

88. The ES provides a brief statement regarding the potential health impacts associated with the proposal. It states that the proposed development would not involve the use of any radioactive substances or other substances hazardous to health. It further indicates that the use of hydrocarbons in all forms will be strictly controlled on site in accordance with central government regulation and, as such, no impacts are anticipated. With regard to impacts associated with transport, the ES indicates that the proposed development will be operated at rates comparable

to current operations along similar routes. Therefore, no changes in impact are anticipated.

**Planning Policy**

National Policy

*National Planning Policy Framework (NPPF) (December 2024)*

89. The NPPF sets out the Government's planning policies for England and is a material consideration in planning decisions. Paragraph 11 requires plans and decisions to apply a presumption in favour of sustainable development. For decision making this means:

    a) approving development proposals that accord with an up-to-date plan without delay; or
    b) where there are no relevant policies or the policies which are most important for determining the application area out of date, granting planning permission unless:

        (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
        (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places.

90. Section 4: Decision Making sets out the government's policy with regard to decision making and states that local planning authorities should approach decisions on proposed development in a positive and creative way. Paragraph 56 requires local planning authorities to consider whether otherwise unacceptable development can be made so through the use of conditions or obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

91. Section 17 of the NPPF covers "Facilitating the sustainable use of minerals". Paragraph 222 recognises that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It is also acknowledged that minerals are a finite resource and can only be worked where they are found, and best use needs to be made of them to secure their long-term conservation.

92. Paragraph 224: When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. MPAs should ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; provide for restoration and aftercare at the earliest

opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.

93. Paragraph 226: Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by maintaining landbanks of at least seven years for sand and gravel, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised.

94. Other sections of the NPPF which are relevant to the determination of this application are:

- Section 6: Building a strong and competitive economy (paragraphs 85 and 87)
- Section 8: Promoting healthy and safe communities (paragraphs 96, 102 and 105)
- Section 9: Promoting sustainable transport (paragraphs 116 and 118)
- Section 11: Making effective use of land (paragraph 125)
- Section 12: Achieving well designed spaces (paragraph 135)
- Section 14: Meeting the challenge of climate change, flooding and coastal change (paragraphs 161, 163, 164 (climate change), 170, 173-174, 181 (flood risk), 182 (sustainable drainage))
- Section 15: Conserving and enhancing the natural environment (paragraphs 187, 193 (biodiversity), 198 (pollution)).
- Section 16: Conserving and enhancing the historic environment (paragraphs 212, 213, 214, 215 and 216)

*Planning Practice Guidance (PPG)*

95. Planning Practice Guidance – Minerals (PPG-M) provides additional guidance to ensure the effective implementation of the national policy set out in the NPPF in relation to mineral extraction. It reiterates much of the policy guidance of the NPPF in terms of the need for and how to plan for mineral extraction. It recognises the contribution that minerals make to the economy and overall quality of life but also acknowledges that they are a finite resource and need to be used prudently to ensure their continued availability for future generations. It recognises that mineral can only be worked where they naturally occur but that the means of obtaining them can have economic, social and environmental impacts which need to be addressed.

96. PPG-M identifies the principal issues to be addressed including the following relevant matters: noise, dust, air quality, lighting, landscape and visual impact, heritage features, flood risk, ecology, restoration and aftercare and advises that a programme of work should be agreed which takes account of potential impacts, including the positioning of any plant, having regard to the proximity of occupied properties, as well as legitimate operational considerations. It advises on the control and mitigation of dust and noise emissions and establishes the use of noise limits. Maximum limits at noise sensitive properties during normal working hours, evening and night-time periods are given, together with higher limits for certain short-term activities.

97. PPG-M seeks to implement the NPPF requirements to provide for the restoration and aftercare of mineral sites at the earliest opportunity, carried out to high

environmental standards. It advises on the use of a landscape strategy, reclamation conditions and aftercare schemes to achieve the desired after-use of the site following working.

*National Planning Policy for Waste (NPPW)* (October 2014)

98. Paragraph 7 of the NPPW states that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment, amenity and the locational implications of any advice on health from the relevant health bodies; ensure that waste management facilities are well-designed and contribute positively to the character and quality of the area in which they are located; do not concern themselves with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

*Waste Management Plan for England (WMPE)* (January 2021)

99. The WMPE sets out the Government's aim of securing greater reuse and recycling rates across all waste streams, thereby moving waste up the hierarchy.

The Development Plan

100. The development plan for the application site is made up of the Leicestershire Minerals and Waste Local Plan 2019-2031 (adopted September 2019) (LMWLP), the North West Leicestershire Local Plan partial review (2021) (NWLLP) and the Lockington-Hemington Neighbourhood Plan 2023-2031 (LHNP) (made February 2024). The principal policy considerations and other material considerations are set out below.

101. The Leicestershire Minerals and Waste Local Plan (adopted September 2019) (LMWLP):

- Policy M1: Supply of Sand and Gravel Aggregate
- Policy M2: Supply of Sand and Gravel Aggregate from Existing Sites
- Policy M3: Sand and Gravel Extraction (unallocated Sites)
- Policy M13: Associated Mineral Development
- Policy W1: Waste Management capacity
- Policy W4: Non-strategic waste facilities
- Policy W5: Locating Waste Facilities
- Policy W8: Waste Disposal
- Policy DM1: Sustainable Development
- Policy DM2: Local Environment and Community Protection
- Policy DM3: Strategic Green Infrastructure
- Policy DM5: Landscape Impact
- Policy DM6: Soils
- Policy DM7: Sites of Biodiversity / geodiversity Interest
- Policy DM8: Historic Environment
- Policy DM9: Transportation by Road
- Policy DM10: Public Rights of Way
- Policy DM11: Cumulative Impact
- Policy DM12: Restoration, Aftercare and After-use.

102. North West Leicestershire Local Plan (as amended by the partial review) (Adopted March 2021) (NWLLP):

- Policy S3: Countryside
- Policy D1: Design of New Development
- Policy DM2: Amenity
- Policy Ec5: East Midlands Airport: Safeguarding
- Policy IF1: Development and Infrastructure
- Policy IF4: Transport Infrastructure and new development
- Policy En1: Nature Conservation
- Policy En6 Land and Air Quality
- Policy He1: Conservation and enhancement of North-west Leicestershire's historic environment
- Policy Cc2: Flood Risk
- Policy Cc3: Sustainable Drainage Systems

103. Lockington-Hemington Neighbourhood Plan 2023-2031 (LHNP) (made February 2024):

- Policy H2: Design Quality
- Policy Env 1: Sustainable Development
- Policy Env 4: Sites and Features of Natural Environment Significance
- Policy Env 5: Biodiversity and Habitat Connectivity
- Policy Env 6: Sites of Historic Environment Significance
- Policy Env 7: Ridge and Furrow
- Policy Env 8: Non-designated Heritage Assets
- Policy Env 9: Important Views
- Policy Env 10: Footpaths and Other Walking Routes
- Policy Env 11: Flood Risk Resilience, Watercourse and Climate Change

Other Policy Considerations

104. North West Leicestershire District Council are now working on a new Local Plan. A consultation was undertaken on three documents (Proposed Policies, Proposed Housing and Employment Allocations and Proposed Limits to Development) and the consultation period ended in March 2024 and the responses are being analysed. The draft documents can be given limited weight. The following draft policies are relevant: Policy S4 Countryside, Policy AP2 Amenity, Policy AP4 Reducing Carbon Emissions, Policy AP5 Health and Wellbeing, Policy AP7 Flood Risk, Policy AP8 Sustainable Drainage Systems, Policy Ec9 East Midlands Airport: Safeguarding, Policy IF5 Transport Infrastructure and New Development, Policy IF8 Parking and New Development, Policy En1 – Nature Conservation/Biodiversity Net Gain, Policy En6 – Land and Air Quality, Policy En7 – Conservation and Enhancement of the Historic Environment.

**Consultations**

105. The application has been subject to three rounds of consultation, the initial consultation exercise and two subsequent consultations undertaken following the submission of further environmental information. The responses are detailed below. A revised NPPF was published in December 2024. Where changes have been introduced as a result of the new NPPF, certain consultees have also been subject to re-consultation to establish whether the changes would alter their previous comments. Where relevant, these are also detailed below.

**Consultations**

106. **North West Leicestershire District Council (Planning)** – No objections.

107. The Mineral Planning Authority should be satisfied that the conclusions of the potential impacts of the development outlined in the submitted documents are technically sound.

108. **North West Leicestershire District Council (Environmental Health Officer) –** provided comments regarding the use of depositional dust data in the air quality assessment, querying the use of the 200mg.m-2.day-1 trigger levels, recommending 120mg.m-2.day-1 instead. The EHO also noted that the site is more akin to open countryside than the "residential areas and town outskirts" criteria which has been used.

109. **Nottinghamshire County Council (Planning) (NCC)** – No objections.

110. The traffic associated with the proposed sand and gravel extraction operation and subsequent importation of inert materials for restoration will not impact on Nottinghamshire County Council's Road network and therefore NCC has no objections to the proposal.

111. **Environment Agency** (EA) – No objection subject to conditions.

112. The EA initially objected to the application on the basis that the submitted FRA does not comply with the requirements of site-specific flood risk assessments as set out in PPG as it fails to consider how a range of flooding events (including extreme events) will affect people and property or take account of the impacts of climate change.

113. Following the submission of further information, the EA withdrew its previous objection subject to the FRA Addendum Report being listed as an approved document to which the development must adhere in respect of: the creation of additional flood storage capacity during the operational phase; the configuration of temporary noise and visual screening bunds during the operational phases and the creation and maintenance of adequate standoff distances between the areas of excavation and nearby rivers and flood defence infrastructure during operational phases.

114. The EA referred to the (then current) NPPF and PPG requirements with regard to the need to determine the ability of residents and users to safely access and exit buildings during flood events and to evacuate before an extreme flood, noting that a key consideration is whether adequate flood warnings would be available

to people using the development. The emergency planning/rescue implications of new development should be taken into account by planning authorities when making their decisions.

115. The EA also stated that it had no objections to the proposals on biodiversity grounds and that the submitted Hydrogeological and Hydrological Assessment is acceptable in principle subject to the proposed water monitoring and mitigation plan being implemented.

116. **Leicestershire County Council - Lead Local Flood Authority (LLFA)** – No objection subject to conditions.

117. The LLFA initially requested further information demonstrating that the site follows sustainable drainage principles. Information should include a sustainable water drainage strategy with proposed SuDS features, indicative levels and outfall locations/discharge points; evidence that the proposed discharge has been limited to the site specific greenfield runoff rates and volumes for all return periods; details of the proposed allowance for exceedance flow and associated overland flow routing; and evidence that consideration has been given to the operation of the surface water drainage strategy for the lifetime of the development.

118. Following the submission of the further information, the LLFA commented that it is satisfied that the detail regarding SuDS is sufficient at this stage for us to support approval of the proposals. The LLFA also noted that, as the proposal is for gravel extraction and stripping the topsoil will expose the gravel which will increase infiltration, there are no foreseen issues with attenuation storage. The site is surrounded by watercourses including the Trent, so any overland flows would be intercepted by these and further reduce the flood risk present on site and in the surrounding areas.

119. The LLFA recommends that the Mineral Planning Authority consider setting a condition that would require the applicant to submit more detailed, bespoke surface water management proposals before the commencement of each separate stage which would allow the LLFA to ensure that surface water management plans are appropriate for that specific phase of work. Conditions relating to requirements for the submission of a detailed surface water drainage scheme and long term maintenance of surface water drainage post restoration were also requested.

120. The LLFA also provided standing advice regarding flood risk policies contained within the NPPF, the need for consents under the Land Drainage Act 1991 and future maintenance of SuDS features.

121. **National Highways (formerly Highways England)** – No objection.

122. National Highways also confirmed that its comments were still relevant following the publication of the revised NPPF in December 2024.

123. **Leicestershire County Council - Highways Authority (LHA)** – No objection subject to conditions and planning obligations.

124. The LHA initially objected to the proposal on the basis that insufficient information had been provided in respect of site access arrangements for the main quarry

access and the proposed new crossing point on Warren Lane; location of the wheel wash; vehicle movements associated with importation of infill materials; the proposed conveyor and bridge and impacts to PRoW L60.

125. Following the submission of supplementary information, the LHA has advised that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (December 2023), subject to conditions relating to access arrangements, a decommissioning management plan for the conveyor bridge and the treatment of public rights of way.

126. Site Access/Egress: The LHA notes the current site access arrangements for Lockington Quarry and its associated plant site acknowledging that no changes are proposed in respect of the current application. The LHA states that previously approved signalised access arrangements (2012/0839/07) were never implemented and that the current situation differs from what the LHA previously assessed to be acceptable. However, following the submission of information relating to the use of this access, the LHA accepts that the access is able to operate without signalisation.

127. The proposed retention of existing site egress arrangements of an internal haul road (adjacent to the A50 / M1 junction 24 link road) which connects into the highway network via a signalised junction at the Kegworth Interchange roundabout is considered acceptable.

128. Warren Lane Crossing Point: The LHA notes that internal access arrangements between the existing plant site and northern extension would be via a new signalised haul road crossing point across Warren Lane, approximately 520m north of existing site access. The LHA notes that visibility to the signals would be in accordance with DMRB 2.10 for recorded vehicle speeds and states that visibility splays should fall within the highway boundary. Existing vegetation will need to be cut back to allow for construction of the crossing and ensure the visibility splays are maintained. The LHA further advises that new hedgerows should be replanted away from the visibility splays to allow for new growth and that vegetation removal should be undertaken to avoid the bird nesting season. A tree survey, Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) will all be required prior to the construction of the crossing, although these measures can be addressed at the detailed design stage. An existing ditch will need culverting, the details of which (survey of existing drainage system and appropriately designed new system) can also be considered at detailed design stage. The LHA requires full width carriageway resurfacing along the entire length of the carriageway works. Access junctions should be bound by kerbs that cannot be overrun or have physical barrier along the centreline of the access

129. Signage: The LHA is satisfied that appropriate signage, designed to prevent vehicles from using inappropriate site access, will be installed. Further details regarding signage and details of the signals can be reviewed as part of the detailed design process. The LHA also note the internal standards used by Tarmac and will seek to condition these.

130. Highway Safety: The LHA agreed with the findings of the Transport Statement (TS) in respect of Personal Collision Data, but requested a review of the data available to take account the changes to the highway network at the East Midlands Gateway Interchange and M1 J23a to J25 smart motorway works. Following the submission of further information, the LHA notes that it indicates that four personal injury collisions (PICs) occurred within the study area. The LHA conducted a review of its own mapping data, which indicated a greater number of collisions (20no) had occurred within the study area, but it was noted that the majority took place along the strategic road network which is under the control of National Highways. The LHA therefore accepts the assessment that there are no patterns of PICs which would be exacerbated by the proposed development.

131. Trip Generation: The LHA notes that the TS concludes there will be no additional vehicles generated on the local highway network and therefore there will be no impact at nearby offsite junctions. Following the provision of information regarding the total duration of site operations, the LHA agrees with the conclusions of the TS that there would be no additional vehicles generated on the local highway network and that there would be no impact at nearby offsite junctions.

132. Off-Site Implications (Conveyor and Bridge): The LHA advises that Technical Approval of such proposed structure(s) will be required in accordance with BD2/12 Technical Approval of Highway Structures. In addition to this, any proposed structure must be designed to the relevant Eurocodes and must be fully compliant with Design Manual for Roads and Bridges (DMRB) and Manual of Contract Documents for Highway Works (MCHW). The submitted details are sufficient to enable the LHA to advise planning approval but the above details will be required as part of the Section 278 application to enable the construction of the conveyor to proceed. The Applicant is further advised that there would be fees payable in order to obtain Technical Approval. In addition to this, it is advised that the LHA will seek a planning condition requiring the Applicant to remove any structure upon cessation of works at the site.

133. PROW L60: The LHA note that public bridleway L60 would be affected by the proposal with a proposed temporary diversion to allow for the works in Phase 3 and advise that an application for this Temporary Diversion will need to be made under the Town and Country Planning Act 1990 as soon as possible to ensure that the Order is confirmed before the diversion is required. The detailed design of the diverted route will be discussed and finalised as part of the Temporary diversion order. The LHA further note that the proposed diversion route would be through the quarry site and recommend that, in order to reduce disruption to the users of the PRoW as well as quarry operation, consideration should be given to the appropriateness of the bridleway being temporarily diverted through the proposed SSSI Buffer Zone if ground conditions are suitable. The LHA also require the Applicant to confirm over what period of time the temporary diversion of the Public Bridleway will be required. The design and specification of the interfaces between the public bridleway and the proposed haul road will need to be agreed prior to installation. The LHA welcomes the indicative information provided on TetraTech *'PROW/Haul Road Crossing' drawing (reference B049684-TTE-00-ZZ-DR-H-00001 Rev. P01*) which demonstrates an indicative crossing and note that the design and management of the PRoW can be conditioned. Details regarding the management of crossing points will be required to ensure that the PRoW remains safe for users. The LHA further advises that no

new gates, stiles or structures should be erected without the written consent of the LHA.

134. Following the publication of the new NPPF (December 2024), the LHA has confirmed that its conclusions in respect of highway safety and efficient operation of the local highway network remain the same.

135. **Historic England** (HE) – No objection to the application on heritage grounds.

136. HE initially objected to the proposals on the basis that they would result in substantial landscape change, impacting the settings of several scheduled monuments, resulting in harm to the significance of the designated heritage and requested that this was assessed in more detail. Following the submission of three rounds of supplementary information, HE withdrew its objection, commenting that the information *'summarised the assessments carried out in regard to the setting of the nearby Scheduled Monument, as well as the direct and indirect impacts to them. Additionally extracted from the supporting documents, the letter summarises the mitigation measures that will be implemented to protect the Scheduled Monuments from direct harm during activity. Historic England welcome these mitigation strategies, and while they do not change our ultimate position on harm, this does provided clarification on impact and how that will be managed during operation and long term'.*

137. In order to provide some context to HE's final response, particularly with regard to potential harm to designated heritage assets, a summary of its earlier position regarding potential impacts/harm is set out below.

138. HE identified the SM within the site 'Moated site SE of Sawley Locks', the two SM immediately adjacent to the application site's southern boundary ('Roman villa and enclosures N of Ratcliffe Lane' and 'Site revealed by aerial photography, SE of Dunster Barn') as well as those within who's setting the application site would be located. HE also noted that the site contains known non-designated heritage assets with the potential for further non-designated archaeological remains which may be of national importance in their own right.

139. HE provided comments on the archaeological significance of the application site, stating that the scheduled monument 'Moated site SE of Sawley Locks' consists of nationally important above and below ground remains of a rectilinear enclosure (posited to be of post-medieval date and created either as a flood defence for a central structure, or as a cattle refuge) which contain important information regarding the character and use of the site. It was further noted that the site also occupies the majority of land between the four other SM which all date to the Iron Age/Roman periods. HE considers that these sites are likely to have a significant relationship with each other and have been influenced by their immediate setting, including the confluence of the Rivers Trent and Soar. Together with the non-designated archaeological remains, the site constitutes a significant Roman landscape. HE further stated that surviving non-designated archaeological remains are likely to contain information that will enhance our understanding of the monuments, including relationships between Iron Age communities and Roman governance and the socio-political and economic landscape. In addition, the application site also sits in a wider fluvial landscape, centred on the confluences of the Rivers Trent, Derwent and Soar, of intense archaeological activity from between prehistoric to the post-medieval period and there exists the

potential for remains of national importance to survive in waterlogged areas, underlie alluvial deposits or sit within the mineral body itself.

140. With regard to the potential impacts associated with the development, HE expressed concerns that the buffer between the proposed extraction area and the SM 'moated site SE of Sawley Locks' may be inadequate with the potential to expose the SM to dewatering and vibration which would cause harm to significance. The potential use of the buffer zone for haul roads or other infrastructure was also considered to have the potential to cause harm. Lack of detail regarding the boundary treatment between the application site and SM 'Roman villa and enclosures N of Ratcliffe Lane' and 'Site revealed by aerial photography, SE of Dunster Barn' also had the potential to lead to harm. HE noted that whilst an assessment of dewatering had been provided, this was not evidenced by an understanding of the deposits within the scheduled areas and was therefore not a reliable basis on which to assess the potential for a change in burial conditions, and the level of harm which may occur to archaeological deposits as a result.

141. HE further advised that the site has a high potential for palaeoenvironmental deposits within palaeochannels, as well as for well-preserved/waterlogged archaeological remains within or underlying alluvial deposits, such as fishtraps, log boats and trackways. The proposals will result in the complete removal of non-designated remains and de-watering could occur in areas during phased extraction, threatening the survival of waterlogged remains. In addition to substantial harm to such non-designated assets which have the potential to be of equivalent significance to scheduled monuments, HE advised that their loss may cause a degree of harm to the significance that the scheduled monuments derive from their settings.

142. HE expressed concern that the submitted LVIA did not include a thorough assessment of the impact of the proposals on heritage assets due to an identified lack of inter-visibility. Whilst setting is not confined to inter-visibility, HE noted that the monument at Red Hill sits on high ground overlooking the confluence of the rivers and a more thorough, evidenced assessment should be undertaken. Each heritage asset should be considered individually to ascertain its setting with consideration given to relationships with other sites, and the impacts of noise, dust and vibration.

143. **Natural England** (NE) – No objection.

144. NE initially objected to the proposals on the grounds that there was insufficient information to enable it to assess potential impacts on Lockington Marshes SSSI. Specifically, information was requested relating to the following matters: a detailed water management action plan; clarification/revision of the restoration and aftercare proposals relating to: (i) the restoration of land adjacent to and west of Unit 5 to agriculture; (ii) mitigation proposals for run-off from un-vegetated topsoil/subsoil stores; (iii) mitigation proposals regarding dewatering of the workings; and (iv) the areas considered for wet woodland habitat. Following the submission of two rounds of further information Natural England confirmed that its concerns regarding impacts to the SSSI had been addressed and withdrew its objection.

145. In order to provide some context to NE's final response, particularly with regard to potential harm to the SSSI, a summary of its comments is set out below.

146. NE noted that the application site is adjacent to Lockington Marshes Special Site of Scientific Interest (SSSI) and set out its vision for the future restoration of this site. The vision is that the area of the river catchment that has been removed by mineral extraction is recreated as a diverse wetland habitat with varied topography that allows for the nationally important invertebrate species to thrive. It is particularly important that the topography allows variation in the length of time and the extent of inundation and retention of water in the different areas across the site. It therefore requires a detailed and nuanced restoration plan to achieve this vision. NE also wished to see strong ecological connections between the SSSI, the County Wildlife Sites and other surrounding areas.

147. NE also provided comments in respect of biodiversity net gain, welcoming the submission of a metric with the application. NE acknowledged that the exercise used best practice methodology (based on the Beta metric which was current at the time of initial consultation and which has now been superseded by DEFRA metric 4.0) and noted that the conclusion that the proposal would result in a net gain of 33.86% is satisfactory but advised that it may need to be reassessed following the provision of the requested further information.

148. **LCC Ecology** – Further information required.

149. Further information was requested in respect of biodiversity net gain particularly the following: time lags to implementing net gains; the front loading of net gains. An updated BNG calculation, based on the most up to date metric was also requested.

150. The species mixes in the proposed restoration strategy are considered acceptable. Habitats should be subject to a 30 programme of maintenance rather than the 5-year after care period currently proposed. Changes to the scheme were requested in respect of the type/quantity of proposed poor-quality pasture, arable margins and lowland meadow.

151. NB: Due to the age of this application, comments were also made by the LCC ecologist regarding the procedural side of BNG. These comments predate the adoption of mandatory BNG and are either out of date (because they pre-empted the system which was eventually adopted including the assessment of BNG on phased sites such as Lockington) or are not relevant to the determination of this proposal because it is not subject to mandatory BNG.

152. **Leicestershire County Council - Landscape** – No objection.

153. Initial comments noted that the outline restoration proposals are acceptable in principle and the proposals to restore the site to a high percentage of pastureland were welcomed. The scheme should include the development of species rich habitats as far as possible with a differentiation between the land restored to pasture within and outside of the SSSI buffer zone. The critical landscape issues were considered to relate to the potential effect the proposals will have on wetland habitats as a result of changes to hydrology. The LVIA provides a thorough assessment of the landscape and visual impacts of the proposed development and takes into account the items raised in the Council's scoping request.

154. Following the submission of the supplementary information, LCC landscape commented that they were satisfied with the information that had been submitted.

155. **Leicestershire County Council – Archaeology** – No objection, subject to conditions.

156. LCC Archaeology has monitored the completion of a satisfactory programme of trial trenching and there are no objections to the scheme as proposed, subject to conditions for a suitable programme of archaeological mitigation. The latter will comprise a staged programme of archaeological investigation (targeted area excavation(s), archaeological monitoring and geoarchaeological investigation, etc).

157. The implications of dewatering on archaeological remains within and beyond the application area are of particular interest/concern. Consideration should be given to the impact of the proposed works upon the scheduled monuments which have the potential to include buried archaeological remains of national importance, the character and significance of which may include or be complemented by their situation within the Trent-Soar floodplain, including the survival of waterlogged archaeological deposits.

158. Mention is not made of the equally significant potential impact to non-scheduled/undesignated archaeological remains. Consideration should also be given to the significant potential for the survival of as yet unidentified waterlogged archaeological deposits of local, regional and national importance. The potential is particularly significant in respect of the current application, and relates to the known evidence of palaeochannels of the former Soar and Trent rivers that dissect the proposed extraction site. Archaeological evidence points to palaeochannels spanning the period between the earlier prehistoric (Mesolithic/Neolithic) to the medieval periods, it is very possible that significant and complex archaeological deposits spanning that extensive period will occur within the application area. The final archaeological assessment should give due consideration to that potential and the resulting mitigation measures necessary to take this into account; the latter should include the potential for full excavation and or preservation of remains in situ.

159. **Leicestershire County Council - Heritage** – No objection.

160. The Historic Environment Record indicates numerous listed buildings and villages of interest further afield but in view of the nature of the development and degradation of the quality of the environment resulting from, for example, major roads, a power station and quarrying operations it is not anticipated that their wider setting would be further compromised.

161. **Leicestershire County Council - Public Health –** comments received. As a party with an interest in broader air quality as part of its overall duty to take steps to improve the health of the population, LCC Public Health wishes to highlight the below for consideration in the context of air quality and health. There is not an Air Quality Management Area (AQMA) for this Quarry site. Inhale – Interactive Health Atlas of Lung conditions in England (Office for Health Improvement and Disparities - Fingertips Public Health data) information indicates the following:

- COPD: Quality and Outcome Framework prevalence (all ages) for 2022/23 is 1.9% for Northwest Leicestershire which similar to the regional figure of 2% and England value of 1.9%
- Mortality rate from chronic obstructive pulmonary disease, all ages for 2021-2023 is 39.6 per 100,000 for Northwest Leicestershire which is lower than the England value of 43.9 per 100,000 and regional value of 44.1 per 100,000
- 2023/2024 data for Asthma: Quality and Outcome Framework prevalence 6+ for Northwest Leicestershire is 7.9% higher than the regional figure of 6.8% and England value of 6.5%
- Under 75 mortality rate from respiratory disease considered preventable for 2023 for North West Leicestershire is 15.2 per 100,000 in comparison to 17.8 per 100,000 for the region and 18.0 per 100,000 for England.

162. **Network Rail** – No objection subject to conditions.

163. Network Rail initially objected because of concerns regarding the safe operation of the railway and/or the integrity of railway infrastructure and requested further information relating to a slope stability assessment, cross sections of the proposed soil mound between the railway and the extraction area; a demonstration of how the risk of settlement of the railway due to dewatering will be addressed; and an assessment of the potential impact of flooding on the railway. Following the submission of further information Network Rail is satisfied that the details are sufficient in addressing their earlier concerns and have no further observations to make and no objections in principle to the development.

164. Network Rail also provided comments relating to drainage systems in or close to its land/infrastructure and requested the imposition of conditions relating to drainage and the monitoring of any drainage systems once they are in situ.

165. **East Midlands Airport** (EMA) – No objections subject to conditions.

166. EMA note that the development has the potential to increase of birdstrike and requested that conditions be imposed on any planning permission relating to final approval of detailed landscaping and landscape management proposals as well as a viable, auditable and enforceable bird hazard management plan.

167. **Canal and River Trust** – No comments on the proposals.

168. **National Grid** - No objections. The response noted the proximity of High Voltage Transmission Overhead Line and Overhead Line Electricity Tower and provided guidance about working near electricity transmission equipment.

169. **Active Travel England –** No comment on the proposals.

170. **Planning Casework Unit** – no comments to make about the Environmental Statement.

171. **Mr T.J. Pendleton CC (Castle Donnington and Kegworth ED)** – has been notified of the application.

172. No responses were received from the following consultees: **Lockington & Hemmingford Parish Council**; **Derbyshire County Council – Mineral Planning Authority (adjacent)**; **Erewash Borough Council (Planning) (adjacent)**; **Erewash Borough Council (Environmental Health)**; **Thrumpton Parish Meeting** (adjacent)**; Rushcliffe Borough Council – Planning (adjacent); Sawley Parish Council (adjacent)**; **Leicestershire and Rutland Wildlife Trust; Severn Trent Water; and Western Power Distribution.**

**Publicity and Representations**

173. The application has been publicised three times by means of seven site notices and press notice (Derby Telegraph) in accordance with the County Council's adopted Statement of Community Involvement.

174. Three letters of representation, all objecting to the proposals, were received as a result of the publicity. The main issues raised are summarised below:

- Noise impacts to amenity of nearby residents, causing distress;
- Noise impacts to biodiversity, including the SSSI;
- Impacts to health associated with dust;
- Impacts to aquatic vegetation due to dust deposition;
- Proposed closure of footpath would negatively affect the mental health /recreation of users, including dogwalkers
- Public footpath L60 is a direct route between Redhill and Ratcliffe on Soar and its closure would encourage greater vehicle use along Long Lane
- Loss of green space

**Assessment of Proposal**

175. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

176. This application relates to a proposed extension of an existing sand and gravel quarry which is located in open countryside. The application seeks permission for the creation of a northern extension to Lockington Quarry, the ongoing operation of the existing processing plant site, the creation of a new haul road crossing point, the erection of a new overland conveyor with associated conveyor bridge across Warren Lane and restoration of the site to a mix of agriculture and nature conservation.

177. The main issues for the determination of this proposal are therefore the need for the mineral as assessed against the latest demand/supply information, the principle of development in a countryside location, the environmental acceptability of the proposed method of working this site in this location, the environmental acceptability of the proposed extended operation associated with the retention of the existing plant site and whether or not there would be any significant cumulative impacts.

Need for Development

178. Paragraph 226 of the NPPF states that mineral planning authorities should plan for a steady and adequate supply of minerals, making provision for the maintenance of landbanks of at least seven years supply for sand and gravel.

179. Policy M1: Supply of Sand and Gravel of the LMWLP seeks to ensure the steady and adequate supply of sand and gravel for aggregate purposes over the plan period by (i) making provision for 19 million tonnes (mt) of sand and gravel over the plan period (2019-2031), (ii) maintaining a landbank of at least 7 years (based on the previous 10 years average sales) and (iii) giving priority to proposals for extraction to be worked as extensions to existing site operations.

180. The Council has prepared a Local Aggregate Assessment (LAA) which sets out the current and future situation in Leicestershire with regard to all aspects of aggregate supply, in particular setting out the amount of land won aggregate that the area will need to provide. The most recent LAA is dated November 2024, incorporating survey information from 2023, and therefore updates the position as assessed by the applicant at the time of submission in 2019.

181. At present, the plan area has two active sand and gravel sites, with a combined production capacity of 800,000 tonnes per annum and, at the end of 2023, estimated permitted reserves of 2.99 million tonnes. Figures for 2023 show that sales of sand and gravel in Leicestershire were at 0.22 million tonnes, a decrease of 15% on 2022 figures (which themselves represented a decrease of 64% on sales compared to 2021). This falls significantly below the 10-year sales average of 1.1 million tonnes, resulting in a three-year sales average of 0.40Mtpa. This sales average falls significantly short of the annual requirement for permitted reserves of 1.12Mtpa as set out in the LMWLP. Furthermore, estimated overall permitted reserves of sand and gravel in Leicestershire at the end of 2023 were 2.99 million tonnes, which was estimated to provide sufficient permitted material to last just under 3 years based on the average rate of sales over the last 10 years. The 2023 LAA identifies a total requirement of 8.08 million tonnes (Mt) for the period 2023-2031 and indicates an overall shortfall of permitted sand and gravel reserves of 5.09 million tonnes over the same period.

182. As has been demonstrated above, there is a significant shortfall in permitted sand and gravel reserves within Leicestershire and it is considered that the current proposal would provide a significant contribution to reducing the scale of that shortfall through the delivery of a further 3.3mt of permitted reserves. It is further noted that the proposed development would represent an extension to Lockington Quarry which is an existing quarry. In principle, therefore, the proposal accords with the requirements of Policy M1 of the LMWLP and paragraph 226 of the NPPF through its contribution towards the steady and adequate supply of sand and gravel aggregates and in respect of sub-paragraph (iii) of Policy M1 in relation to the prioritisation of an extension to an existing permitted site.

Principle of Development

183. Policy M2: Supply of Sand and Gravel from Existing Sites of the LMWLP states that it will make provision of sand and gravel for aggregate purposes from locations which are set out in sub-paragraph (ii). The policy also states that planning permission will only be granted to extend a site where mineral extraction

has ceased in previously permitted extension areas unless it has been demonstrated why there are operational reasons why this is not practicable.

184. Policy M3: Sand and Gravel Extraction (Unallocated Areas) is supportive of extraction of proposals for sand and gravel extraction outside allocated areas provided that the proposal (i) is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is required to meet an identified shortfall in the landbank; or (ii) is for a new quarry that is required to replace an existing permitted sand and gravel site that is nearing exhaustion; or (iii) would offer significant environmental benefits as a result of the exchange or surrender of existing permissions or be more acceptable overall than the allocated sites.

185. With regard to Policy M2 of the LMWLP, Lockington is not identified as an allocated site under sub-paragraph (ii) and Policy M3 of the LMWLP is therefore the most appropriate policy against which to assess the development. Because the proposal is an extension to an existing site, only sub-paragraph (i) of Policy M3 is relevant.

186. The applicant has provided a statement of need in support of the application. It states that Lockington Quarry is an established location, forming a key part in construction materials supply in the area, throughout the plan period to 2031. It further indicates that continued working at Lockington would meet local and regional demands, including strategic construction projects, employing 22 people directly as a direct result of the proposed development. At the time of submission (October 2019) it was estimated that there were approximately two years of reserves remaining. At present, the applicant has confirmed that approximately 40,000 tonnes remain to be worked in the eastern extension. Works to recommence the extraction of this remaining mineral have recently begun at the site and it is anticipated that this operation would be complete by the end of Summer 2025. In light of the above, it is considered that the proposal would accord with the requirements of LMWLP Policy M3.

Waste Disposal

187. The scheme proposes the importation of approximately 3 million tonnes of inert (construction and demolition) wastes for restoration purposes at a rate of 150,000-200,000tpa. The imported waste would be used to progressively infill the worked-out extraction area commencing in Phase 2 and is expected to continue beyond the end of mineral extraction.

188. The existing quarry site also includes a recycled aggregates processing (RAP) facility. The facility recycles aggregate waste derived from Tarmac's highway maintenance schemes in order to produce a recycled aggregate product. At present consent for the RAP facility is controlled under planning permission 2019/VOCM/0241/LCC) which has an expiry date of December 2025. The application site boundary encompasses the existing plant site, including the RAP facility and, as a consequence, the current proposals would also see a continuation in duration of operations for a further 15 years from the commencement of mineral extraction in the northern extension area.

189. Policy W4: Non-strategic waste facilities of the LMWLP located outside the Broad Locations for strategic waste facilities, in or close to Melton Mowbray and Market

Harborough or within major growth areas will only be permitted where they fall into certain waste development types, including (inter alia) at sub-paragraph (c) the landfilling of waste. LMWLP Policy W5: Locating Waste Facilities supports waste facilities upon certain types of land including (i) land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated as a consequence of proximity to the existing use or the co-location of waste management facilities and (iv) on existing mineral sites.

190. Policy W8 of the LMWLP is supportive of new or extended waste disposal facilities where it is demonstrated that the waste cannot be managed in a more sustainable way; environmental benefits will be secured by the development; there is an overriding need for the development; and the development does not delay the final restoration of existing landfill or landraise sites. The policy also makes provision over the plan period for the disposal of inert waste at (i) the remaining permitted capacity at certain existing landfill operations (including Lockington Quarry) and (ii) additional landfill areas at Brooksby Quarry, Husbands Bosworth Quarry and Ibstock Quarry. It is noted that Policy W8 makes reference to Lockington Quarry as an existing permitted facility, however this relates to infilling operations associated with the restoration of the eastern extension area. The importation of inert materials associated with that operation have now ceased. It is therefore appropriate to assess the current proposals against criteria (i) to (iv).

191. It is considered that there would be transport, operational and environmental benefits arising from allowing recycled aggregates to be processed alongside sand and gravel from the proposed northern extension at Lockington Quarry. The continued operation of the RAP facility would reduce the use of sand and gravel aggregate used for this purpose. It would also reduce the amount of waste going to landfill. The substitution of part of the primary won sand and gravel aggregate by recycled aggregate promotes a sustainable and efficient use of materials that would otherwise be disposed of and lessens the need for quarrying with the associated benefits of reduced social and environmental impacts and efficient use of a finite resource. The proposed importation of infill materials to achieve an agricultural restoration would also result in environmental benefits through the recreation of high quality agricultural land and ecological enhancements to the area surrounding Lockington Marshes SSSI.

192. It is not considered that either the continuation of the RAP facility or the proposed importation of inert infill materials would lead to any unacceptable adverse impacts on the natural and built environment, as is currently demonstrated at the site. In both instances, the operations would require an environmental permit from the Environment Agency (EA) which would provide additional controls on the proposed development. The EA and the district/borough Environmental Health departments have raised no objections to this element of the proposal. Environmental impacts associated with the restoration of the northern extension area, particularly in relation to hydrology, are also given further consideration below.

193. The access to the site has been designed to cater for a significant number of HGVs, and the existing planning permission places no limits on the number of HGVs that can attend the site. Furthermore, there is no proposal to significantly increase the recycling operations or associated HGV movements. In this respect, it is noted that neither National Highways nor the LHA have raised any concerns

in respect of highway safety. Controls on the waste operations and any associated noise, dust or odour from these operations would be maintained by way of planning conditions and environmental permits. The proposal would continue to make provision for meeting Leicestershire's recycling targets as set out in the LWMLP. Overall, the continuation of producing RAP at the site conforms with the requirements of Policies M13, W1, W4, W5 and W8 of the LMWLP, Paragraph 7 of the NPPW and the goals of the WMPE.

Location of Development

194. Lockington Quarry is located on land identified as countryside in the NWLLP. The proposal would result in a significant extension of the existing site. The planning application area is some 132.8 ha of which the proposed extension area amounts to around 57.2 ha of land which is predominantly in agricultural use.

195. Policy S3: Countryside of the NWLLP provides the general principles for development in the countryside. The policy comprises two main sections, where the first part provides a list of development types which are considered acceptable and the second part applies additional tests to acceptable development types to ensure that they would: not harm the appearance and character of the landscape; maintain the physical and perceived separation between existing settlements and not exacerbate ribbon development; be well integrated into its surroundings; not undermine the viability of existing towns and local centres and be accessible by a range of sustainable transport.

196. The winning and working of minerals does not fall within any of the acceptable types of development listed in policy S3 and the proposal would therefore not accord with this policy.

197. However, the strategic objectives of the NWLLP include (at strategic objective 5) supporting economic growth throughout the district and the provision of a diverse range of employment opportunities. Based on the information provided by the applicant, it is considered that the proposed northern extension would assist in achieving this objective through the continued provision of sand and gravel from a long-established site which is well located to supply local and regional markets. Paragraph 87 of the NPPF requires planning decisions to recognise and address the specific locational requirements of different sectors including the expansion of other industries of local, regional or national importance to support economic growth and resilience. Furthermore, as set out in paragraph 222 of the NPPF, minerals can only be worked where they are found and Policy M3 of the LMWLP is supportive of proposals for sand and gravel outside allocated areas where the proposal is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is required to meet an identified shortfall in the landbank. It is therefore considered that the proposal would accord with the broad objectives of the NPPF and NWLLP in respect of economic development.

Environmental and other Effects

198. A key consideration in respect of this application is the effect that the extraction of sand and gravel in the northern extension area may have on the hydrology of the site, particularly the potential lowering of ground water levels associated with dewatering during extraction and restoration operations. Direct interrelated

effects associated with this relate to impacts to Lockington Marshes SSSI and other wetland habitats around the site and to the Scheduled Monuments all of which rely on the stability of existing groundwater levels to ensure they remain in good condition. These matters are considered first before an assessment of all other likely environmental impacts.

Hydrology and Hydrogeology

199. Paragraph 187(e) of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by preventing new or existing development from contributing to unacceptable levels of water pollution.

200. The application is accompanied by a Hydrological Impact Assessment (HIA) which provides a detailed assessment of the hydrological and hydrogeological conditions of the application site and the surrounding area. Noting the presence of the Lockington Marshes SSSI within and adjacent to the site as well as other non-statutory designations and based on at least ten years' worth of water level monitoring, the HIA includes a conceptual hydrological model which describes the interrelationship between surface and groundwaters in the site and how these interact with one another, including during flood events. It also notes that, due to differences in the underlying hydrogeology, which includes increased thicknesses of clayey material towards the south, groundwater drawdown associated with dewatering in the southern phases is likely to be less significant than for those in the northern part of the site. It further notes that impacts associated with dewatering would be temporary which would cease once dewatering operations stop. Mitigation measures proposed are extensive and would include the adoption of the WMAP which makes provision for extensive new and continued water level monitoring in and around the site. The HIA concludes that, with such mitigation measures in place, there would be no undue adverse permanent impact on groundwater levels as a result of dewatering.

201. The use of imported materials to restore the northern extension to predevelopment levels and the creation of new water features are acknowledged in the ES as having potential impacts on groundwater flow and quality. However, it is concluded that subject to the design of the restoration and the use of inert materials would minimise any such impacts to acceptable levels. The proposed storage of fuels for plant within the northern extension area is also noted as an activity that would have the potential to impact upon water quality. Mitigation measures are proposed including the use of bunded tanks on a solid bound pad. All these measures are capable of being controlled by condition. It is further noted that the EA has been consulted and has raised no concerns regarding pollution to groundwaters or changes to hydrology associated with dewatering. It is considered that the development would accord with the requirements of the NPPF in terms of limiting pollution or impacts to the water environment generally.

Flood Risk and Surface Water Drainage

202. Policy DM2 of the LMWLP is supportive of minerals and waste development where it can be demonstrated that the potential effects from flooding to adjoining land uses and users and those in close proximity to the proposal would be acceptable. Policy Cc2: Flood Risk of the NWLLP directs development to locations with the lowest risk of flooding, applying the NPPF's Sequential and Exception tests where they are required. The policy also requires previously

undeveloped sites to assume a rate of runoff which is no greater than the existing (greenfield) rate of runoff from the site. Policy Cc3 – Sustainable Drainage Systems of the NWLLP seeks to incorporate sustainable drainage systems (SuDS) in development to manage surface water drainage unless they are not deliverable or surface water can be alternatively mitigated. The policy also seeks to link SuDS into wider environmental enhancements alongside appropriate management and maintenance.

203. The Sequential Test is set out in the NPPF (paragraphs 173-175) with further guidance provided in PPG. The test aims to steer new development to areas with the lowest probability of flooding. Where development is proposed in flood zone 3, planning authorities must take a sequential approach in considering whether there are any other reasonably available sites in flood zones 1 and 2. Schemes should take account of the flood risk vulnerability of the proposed development and ensure that it is appropriately flood resistant and resilient. There is also a requirement for schemes to incorporate sustainable drainage systems, unless there is clear evidence that this is inappropriate; any residual risk can be managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan. PPG directs planning authorities to take a pragmatic approach to the availability of alternatives.

204. The NPPF also requires the Exception Test to be applied to certain types of development depending on their flood vulnerability and location. Both NPPF Annex 3: Flood risk vulnerability classification' and Table 2: 'Flood risk vulnerability and flood zone incompatibility' in PPG identify sand and gravel working as water-compatible development. Table 2 also confirms that where water compatible development is located within flood zone 3b an exception test is not required. Notwithstanding this, water-compatible uses should be designed and constructed to remain operational and safe for users in times of flood, result in no net loss of floodplain storage and not impede water flows or increase flood risk elsewhere. The proposed northern extension to Lockington Quarry is located within flood zone 3b and a Sequential Test is therefore required. As the proposal is 'water compatible' development, an Exception Test is not required.

205. Regarding the application of the Sequential Test, both the NPPF and PPG recognise that minerals can only be worked where they are found which restricts the scope for identifying 'reasonably available' sites to within the relevant identified mineral safeguarding area. PPG also notes that mineral deposits, particularly those sand and gravel deposits of the kind proposed to be worked here, are often located in flood risk areas. It is further noted that the LMWLP (as expressed in Policies M2 and M3) has a presumption towards new mineral development (allocated and unallocated) where it represents either an extension to an existing site or a new quarry that is required to replace an existing permitted site which is nearing exhaustion. This has the effect of further restricting readily available sites. Flood zone 3 and the LMWLP sand and gravel mineral safeguarding area are broadly contiguous with one another in the vicinity of the application site, and it is evident that other 'available' sites would carry an equal risk of flooding to the proposed northern extension area. Where the mineral safeguarding area extends beyond flood zone 3, it is not available for mineral extraction as it is largely occupied by strategic transport infrastructure (M1, A50, A453 and a railway line), sites are too small or too close to developed areas or to East Midlands Airport to be suitable for mineral extraction. Further afield within

the County, all the allocations within the LMWLP have been taken up and where these are exhausted, applications for new sites have been submitted.

206. The sequential approach has also been applied to the layout of the site and proposed method of working of the Northern Extension. Whilst the plant site and the proposed conveyor route are both located in flood zone 3, historically, these areas have experienced less flooding than the proposed Northern Extension area. The site would also be worked in a progressive manner with preceding phases being backfilled with overburden and infill materials at the same time as work begin the subsequent phase. This would limit the extent of open excavations at any one time. It is further noted that soil/overburden storage mounds have been designed so as to avoid obstructing flood flows. Notwithstanding the above, the applicant has not identified any other sites that are in their ownership, for sale at a fair market value, or surplus publicly owned land available for sale, within the safeguarding area.

207. The application site is known to be at risk from seasonal flooding from both surface and ground water sources. No instances of sewer flooding are recorded. With regard to the effect of the development on flood risk elsewhere, the proposal would have the potential to be affected by a loss of flood storage in the floodplain and changes to the flow of water associated with new structures and soil storage bunds. It is noted, however, that the applicant has designed and located bunds within the site so as not to impede flood flows and conveyance routes, and that the excavation voids would provide additional flood storage capacity during the operational phase. Following restoration, lower ground levels associated with the new water bodies constructed in the SSSI buffer zone and the restoration landform are anticipated to result in a permanent overall increase in flood storage within the site. There would be no increase in the rate of discharge to the surface water system in the vicinity of the site as a result of the site operations.

208. The EA accepts the findings of the applicant's FRA and has no objection to the proposal provided the proposed development is implemented in accordance with the FRA. The LLFA had no objection to the development, provided details about the maintenance of existing surface water drainage features is submitted and that these measures are implemented. These measures can be suitably controlled by condition.

209. Based on the advice of statutory consultees, it is therefore considered that provided the recommended conditions are imposed, the proposed development accords with the requirements of the NPPF and PPG, LMWLP Policy DM2 and NWLLP policies Cc2 and Cc3 and its location in the floodplain is adequately justified.

Ecology

210. Paragraph 187 of the NPPF requires decisions to contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value. Proposals should also minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 193 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last result, compensated for, then planning

permission should be refused. Development on land within or outside a SSSI which is likely to have an adverse effect on it should not normally be permitted.

211. Policy DM7 of the LMWLP requires proposals for minerals development to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and taking all opportunities to provide a net gain in biodiversity. Policy DM7 and Policy En1 of the NWLLP both require the protection of SSSIs, LWSs, priority habitats and species, protected species and ecological networks.

212. Policy ENV4 of the LHNP seeks to protect locally valued sites of local significance for the natural environment. Warren Lane Pond cLWS, which occupies one of the quarry's operational freshwater lagoons, is identified as a locally valued site in this policy. Policy ENV5 of the LHNP seeks to safeguard habitats and species, of at least local significance and proposals should not adversely affect the habitat connectivity provided by identified wildlife corridors. Both policies include requirements for the delivery of a minimum 10% biodiversity net gain and the refusal of planning permission where significant harm to the above sites cannot be avoided, adequately mitigated, or, as a last resort, compensated for.

213. With the exception of a small section which falls within the site, Lockington Marshes SSSI is immediately adjacent to the north and west boundaries of the proposed Northern Extension area. The proposed development has the potential to result in adverse impacts to the SSSI as a result of changes to groundwater levels due to dewatering. Impacts associated with dust deposition on vegetation are also possible.

214. The application is accompanied by an EcIA which considers the impacts of the development on the SSSI. This is cross referenced with the submitted HIA (including a conceptual hydrological model based on previous water level monitoring around Lockington Marshes SSSI). Based on these assessments, a comprehensive package of mitigation measures has been proposed to minimise impacts including a buffer zone between the proposed excavation area and the SSSI; the creation of three shallow water bodies and recharge trenches within the buffer zone and the implementation of a Water Management Action Plan (WMAP). Appropriate fuel storage and surface water drainage are also proposed to ensure that water quality is not reduced as a result of surface water run-off. The proposed restoration scheme has also been revised to include poor semi-improved grassland habitat immediately adjacent to the SSSI in order to enhance habitat and species connectivity. A further hedgerow has also been incorporated in order to prevent incursion into this area by grazing cattle. Impacts associated with dust deposition are proposed to be managed through best practice techniques. With all these measures in place, the ES concludes that there would be no adverse impacts to the SSSI as a result of the development.

215. It is considered that this package of measures would ensure that impacts to the SSSI resulting from changes to underlying hydrology would be appropriately mitigated and managed. It is further noted that Natural England, the statutory consultee responsible for assessing and monitoring the condition of SSSIs, engaged in discussions with the applicant in respect of the proposed development prior to the submission of the application and that the proposed WMAP represents the outcome of those discussions. Natural England was also consulted on the proposals and, subject to all of the above measures being put

in place, has raised no objections to the proposal in respect of impacts to the SSSI. In light of the above and subject to the imposition of conditions to secure the measures highlighted above, it is considered that the proposal would not result in adverse impacts to the SSSI and would meet with the requirements of the NPPF, LMWLP Policy DM7 and NWLLP Policy En1 in this respect.

216. As described above, the proposed extension area is host to four non-statutory designated sites and four habitats of principal importance (HPI). Of these, only one HPI – hedgerows - would be directly affected by the proposal, with the remainder proposed to be retained. Hedgerow losses would be confined to the northeast of the northern extension area. Predicted impacts to the non-designated sites and HPI mirror those identified in respect of the SSSI e.g. hydrogeological impacts associated with the effects of dewatering and dust deposition restricting vegetation growth. The controls proposed in respect of the SSSI would also confer similar levels of protection for the designated sites and HPI. Underlying geological conditions towards the south of the extension area are also such that effects associated with dewatering are less likely to occur. Warren Lane Pond cLWS remains an active part of the quarry complex. Whilst it would be required for the duration of the proposed development, its use would not change when compared to the existing, and adverse impacts associated with this continued use would be unlikely. With regard to the loss of hedgerows, this would be unavoidable if the development were to go ahead. However, the proposed restoration scheme makes provision for the replacement/planting of new hedgerows as well as the enhancement and management of existing retained hedgerows which would mitigate for any loss and potentially improve habitat connectivity within the site.

217. The application is also supported by ecological assessment work which identifies that the site contained a number of protected species including badgers, water vole, bats, breeding birds (including ground nesting species), overwintering birds and invertebrates. No great crested newts were identified as being present within the application site. Mitigation measures intended to minimise impacts to these species were also proposed. Subject to updated surveys being undertaken prior to the commencement of operations in the northern extension area and again prior to works commencing in each subsequent phase and any recommended mitigation measures arising from those surveys being implemented, it is considered that the development is capable of being undertaken without adverse impact to protected species. The application also proposes a number of ecological enhancements including the installation of bird and bat boxes, which are welcomed.

218. Mandatory biodiversity net gain (BNG), where developers must deliver a BNG of 10% as required by Schedule 7A of the Town and Country Planning Act 1990 was legally introduced on the 12 February 2024 and applications submitted prior to this date are legally exempt from this requirement. As such, there is no legal requirement to provide a BNG assessment or documents in respect of this proposal which was submitted in 2019. Notwithstanding this, and as set out above, there is a general policy requirement in the NPPF and the development plan for development proposals to provide for measurable net gains for biodiversity.

219. The applicant has provided a biodiversity metric which indicates that whilst there would be no net loss in terms of water units (0%), net gain for hedgerow units (+

1.03%), there would be an overall net loss in respect of habitats (-5.69%). The applicant is not able to meet the NPPF/policy requirement of measurable net gain within the application site and any net gain would need to be offset. It is therefore recommended that a Grampian style condition requiring the submission of a biodiversity offsetting management plan (BOMP) be imposed on any planning permission to ensure that biodiversity offsetting can be satisfactorily secured prior to the commencement of operations in the northern extension area.

220. In conclusion in respect of ecology, the proposal would have the potential to result in impacts to biodiversity. However, subject to conditions to ensure that protected species are suitably handled, habitats are delivered at the earliest opportunity, appropriate methods are used to deliver, maintain and manage the habitats and suitable periods of aftercare the proposal is considered to accord with the NPPF, Policy DM7 of the LMWLP, Policy En1 of the NWLP and policies ENV4 and ENV5 of the LHNP.

Heritage and Archaeology

221. Policy DM8 of the LMWLP seeks to retain and protect heritage assets including their setting. The policy has a presumption against proposals detrimental to the significance of a heritage asset with any harm requiring clear and convincing justification. Where appropriate, proposals should provide for the enhancement of specific features of the historic environment, including individual heritage assets or historic landscapes, as part of their restoration. Policy He1 of the NWLLP seeks to conserve and enhance the historic environment within the district. Development proposals should conserve and enhance the significance of heritage assets and their setting, retain settlement patterns, features and spaces which form part of the significance of their setting and demonstrate a clear understanding of the significance of the heritage asset and of the wider context in which the heritage asset sits. The policy also includes a presumption against proposals which would cause substantial harm or total loss of significance to heritage assets, applying the approach set out in the NPPF.

222. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction or from development in its setting) should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings should be exceptional. Substantial harm or loss of assets of the highest significance including, inter alia, scheduled monuments and grade I or II* listed buildings, should be wholly exceptional.

223. As described above, SM 'Moated Site to the SE of Sawley Lock' is located within the application site, although outside the proposed extraction area. Two SM ('Site revealed by aerial photography, SE of Dunster barn' and 'Roman Villa and enclosures N of Ratcliffe Lane') sit immediately adjacent to the southern boundary of the proposed northern extension area whilst two further SM, 'Roman fort 200yds (182m) E of All Saints' Church' and 'Roman site on Red Hill'' are nearby. The proposed development would have the potential to result in direct

and indirect physical impacts to the significance of the three closest SM as well as impacts to the significance of all five SM as a result of development within their setting. These matters are considered further below.

227. With regard to the SM located within and immediately adjacent to the site, these have been specifically excluded from the extraction area, and there would be no direct loss associated with mineral extraction. Direct impacts to SM 'Moated Site to the SE of Sawley Lock' could occur through compaction associated with the movement of plant and machinery, particularly during the working of Phase 2. It is noted, however, that specific mitigation measures are proposed to prevent this including the erection of fencing at 10 and 20m from the SM and 6-monthly checks for vegetation growth/fencing condition. Subject to their being secured by condition, it is considered that these measures would be sufficient to prevent any direct impacts/harm to the significance of the SM as a result of the development.

228. With regard to indirect impacts associated with dewatering, the ES concludes that in the absence of waterlogged deposits in SM 'Moated Site to the SE of Sawley Lock' and based on data which indicates that groundwater levels have remained below the base of the ditch level for extended periods of time, it is unlikely that the lowering of the water table would affect the physical preservation of the site. With regard to SM 'Site revealed by aerial photography SE of Dunster barn' and 'Roman Villa and enclosures N or Ratcliffe Lane', the ES notes that, in contrast to the proposed extraction area, both SM sit on the higher, well-drained Holme-Pierrepont geology. Furthermore, previous archaeological investigations of both SM indicated that, in general, remains in both sites were relatively shallow, dry and truncated with the potential for waterlogged deposits only found in the deepest features and very localised e.g. wells and water pits. Notwithstanding the above, continued hydrological monitoring and the adoption of the WMAP including a programme of monitoring specifically designed in respect of the SM, the tiered system of action and subsequent reporting of results are proposed by the applicant. It is considered such measures would provide sufficient levels of control to ensure that there would be no harm to the significance of the SM as a result of any indirect impacts. It is recommended that these measures be controlled by condition.

229. The proposal is located within the wider setting of five SM of which four ('Site revealed by aerial photography SE of Dunster barn', 'Roman Villa and enclosures N or Ratcliffe Lane', 'Roman fort 200yds (182m) E of All Saints' Church' and 'Roman site on Red Hill' are contemporaneous, dating from the iron age/roman period, whilst SM 'Moated Site to the SE of Sawley Lock' is of 17th century origin. With regard to the latter, the ES indicates that the principal part of the setting lies within the elevated topography of the asset (which enables it to remain dry in times of flood) with some minor significance derived from arable land located to the south and east as it aids in the visual appreciation of the SM. The development would not result in changes to the elevation of the SM, although impacts on the visual aspect of setting as the land to the south and east changes from arable land to mineral extraction would occur. This change is assessed as moderate. Following mineral extraction, the site would restore back to arable agriculture. Overall, the level of harm to the significance of the SM through its setting is assessed as less than substantial because there would be no direct loss to the SM and any changes to its setting would be temporary and reversible. It is considered that this represents a fair assessment of the impact to the significance of the SM.

230. With regard to the four remaining SM ('Site revealed by aerial photography SE of Dunster barn', 'Roman Villa and enclosures N or Ratcliffe Lane', 'Roman fort 200yds (182m) E of All Saints' Church' and 'Roman site on Red Hill') it is noted that the application site occupies the majority of the land between these SM. The ES provides an assessment of the impacts of the development on the significance of the SM via their setting, concluding in all instances that this would result in less than substantial harm. Historic England has been consulted and has highlighted the potential significant relationship that the SM are likely to have had with one another as well as with their immediate setting including the confluence of the Rivers Trent and Soar. Historic England further comments that, '*together with non-designated archaeological remains within the application site of what are likely to be areas of intensive Iron Age/ Romano-British settlement, it constitutes a significant Roman landscape. Surviving non-designated archaeological remains within the application area are therefore likely to contribute positively to the significance that the scheduled monuments derive from their setting. They are likely to contain information that will enhance our understanding of the monuments, including relationships between Iron Age communities and local Roman governance and the socio-political and economic landscape'.* During the extraction phase, the proposed development would result in visual changes to the landscape as a result of mineral extraction. Such visual impacts would be mitigated by the proposed phased working scheme which would keep the extent of disturbed land within the site at any time to a minimum. This would assist in allowing some reading of the SM in their landscape during the period of extraction, although this would alter as the development progresses though each phase. In addition, it is noted that such disturbance would only endure for a temporary (albeit extended) period and that the site would be restored back to its current agricultural use. Ultimately, this would allow for a contextual appreciation of the SM in their wider landscape setting. The proposal would result in the loss of non-designated assets within the application site which contribute to the significance of the SM. Whilst this is of concern, the application proposes a programme of archaeological mitigation comprising a staged programme of archaeological investigation (targeted area excavation(s), archaeological monitoring and geoarchaeological investigation, etc). Subject to this being appropriate controlled by condition, it is considered that this would ensure that there would be no overall loss to our understanding of the SM and their relationship with their surrounding landscape.

231. Whilst HE has indicated that the proposal would result in harm to the SM, it has not given an indication as to the level of harm. PPG indicates that, in general terms, substantial harm is a high test which may not arise in many cases. An important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It says that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. Harm may arise from works to the asset or from development within its setting. In this instance, the proposed development is to be worked in a phased and progressive manner which would limit the extent of land disturbed at any one time. The development is also temporary (over a period of fifteen years) and reversible as the site would be restored back to a predominantly agricultural afteruse which would allow for the SM to be experienced within their wider landscape setting and context. There would be no direct loss of any of the SM and a significant suite of mitigation measures including hydrological and archaeological monitoring and reporting are proposed.

With all of these measures in place it is considered that the proposal would result in less than substantial harm to the SM.

232. Paragraph 215 of the NPPF says that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. The NPPF (paragraph 224) gives great weight to the benefits of mineral extraction, including to the economy so long as there are no unacceptable adverse impacts on the natural and historic environment. It is clear that the scheme accords with the NPPF in supporting economic growth and this should be given great weight in favour of the application as this would result in public benefit through the delivery of sand and gravel which would make up a significant proportion of the current shortfall of supply within the County. When considering the harm against the public benefits, it is noted that such harm would largely be temporary and reversible. The proposed programme of hydrological and archaeological mitigation would also have the potential to further our understanding of the interrelationship of the SM and their wider landscape. With regard to the issue of securing optimum viable use of the heritage asset, this issue is not considered relevant to the determination of this application because the proposal does not include the use of the heritage assets. On this basis, although great weight is given to the importance of the identified assets, it is considered that the less than substantial harm identified would be justified and outweighed by the identified public benefit set out above.

233. In addition to the SM, the ES identified a number of other designated heritage assets within 1 km of the application site. In consideration of the distance of these assets from the application site as well as the presence of significant landforms and structures within the vicinity of the site which have the effect of limiting intervisibility adverse impacts are therefore considered to be unlikely. The LCC built heritage officer was consulted in respect of these proposals and raised no objections in respect of impacts to the nearby conservation areas or listed buildings.

234. Given the submitted supporting information and the above assessment, and subject to the imposition of conditions to secure the mitigation measures proposed, it is considered that the proposal complies with Policy DM8 of the LMWLP, Policy He1 of the NWLLP, Policies Env 6, Env 7 and Env 8 of the LHNP and Section 16 of the NPPF.

Noise

235. Policy D2 of the NWLLP seeks to minimise the impacts of development on the amenity and quiet enjoyment of existing and future residents. Development should not generate a level of noise which cannot be mitigated to an appropriate standard. Policy DM2 of the LMWLP seeks to ensure that the effects of noise to adjoining land uses and users and those in close proximity to the proposal would be acceptable.

236. PPG (Minerals) provides guidance on noise impacts associated with mineral development and advises MPAs to consider whether noise from operations would give rise to adverse or significantly adverse effects; or enable a good standard of amenity to be achieved. MPAs should aim to establish a noise limit at noise sensitive properties not exceeding background noise levels by more than

10dB(A) during normal working hours (0700-1900) and evenings (1900 – 2200) subject to a maximum limit of 55dB(A) LAeq, 1h (free field). For nighttime operations (2200 - 0700 hours) noise limits should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property. In order to facilitate essential site preparation and restoration work and construction of baffle mounds, where it is clear that this will bring longer-term environmental benefits to the site or its environs, PPG also advises that increased daytime limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year should be considered.

237. The noise assessment submitted with the application indicates that, subject to appropriate mitigation measures, the proposed development would be able to operate within acceptable limits during normal and temporary operations and in conformity with the advice set out in PPG (Minerals). It is therefore considered that the proposed extension area is capable of being worked while keeping noise emissions to within environmentally acceptable limits, enabling a good standard of amenity to be achieved for nearby residents and users of the PRoW network. To ensure that such limits are adhered to, it is recommended that conditions be imposed relating to maximum noise limits, a requirement for a noise management and monitoring scheme to be submitted and the adoption of best practice noise reduction measures.

238. Notwithstanding the above, it is noted that the proposed Northern Extension would bring mineral extraction operations closer to the communities at Redhill and Sawley Marinas than has previously been the case. Noting the nature of the residential moorings in both communities, which may have less acoustic proofing than other residential properties, combined with the fact that neither community is likely to have experienced disturbance from mineral extraction operations for some time, the potential for noise to become a perceived nuisance is noted. It is therefore recommended that a community liaison committee, to be secured by S106 legal agreement, be created for the duration of operations in the Northern Extension Area.

239. Subject to conditions to ensure that the best practicable means and mitigation measures are used to control the emission of noise from the site and secure a noise monitoring scheme for the life of the development and the completion of a s106 legal agreement to secure the formation of a quarry liaison committee, the development would not have a detrimental impact upon neighbouring residents with regards to noise and would accord with relevant policy and guidance within the PPG.

Air Quality/Dust

240. Policy D2 of the NWLLP seeks to minimise the impacts of development on the amenity and quiet enjoyment of existing and future residents. Development should not generate a level of pollution which cannot be mitigated to an appropriate standard. Policy DM2 of the LMWLP seeks to ensure that the effects of dust and emissions to air to adjoining land uses and users and those in close proximity to the proposal would be acceptable.

241. The NPPF at paragraph 187(e) advises that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution. Where dust emissions are likely

to arise, PPG (Minerals) includes detailed requirements for mineral operators to undertake a dust assessment including establishing baseline conditions, the identification of site activities likely to generate dust and any site parameters which may increase such impacts, recommendations for mitigation measures and proposals for ongoing monitoring and reporting of dust impacts.

242. Lockington Quarry is an existing site which has been operational since the late 1990s and is already subject to a series of dust management and control measures. The existing plant site would continue to operate under its current form and, other than dust impacts continuing for longer than previously assessed, the main consideration for this application relates to dust impacts arising from the proposed northern extension area which would bring extraction operations closer to sensitive receptors than is currently the case. In line with the requirements of PPG (Minerals), the ES includes an assessment of impacts arising from dust. The assessment, which considers fugitive dust as well as particulate matter $PM_{10}$ and $PM_{2.5}$, concludes that, subject to best practice dust control measures being implemented, the proposed development would be able to operate with minimal impacts beyond the site boundary and that national air quality objectives are not expected to be exceeded.

243. Dust impacts are likely to occur as a result of the stripping and movement of soils, excavation operations, the movement, processing and storage of minerals, construction of soil storage and screening bunds, vehicles moving around and in and out of the site and during infilling/restoration operations. Such impacts can vary from day to day, depending on the type and intensity of any activity, as well as the climactic conditions. The nature of the material being extracted and the method of extraction also dictate the amount of dust generated and it is noted that, as is the case here, dust impacts associated with the extraction of river terrace sand and gravel are less than for other forms of mineral extraction as the extracted material is damp. The proposed use of a conveyor to transport sand and gravel from the northern extension area to the processing plant would minimise dust impacts as it would effectively reduce plant movements between the extraction and plant site areas. The most significant impacts are therefore likely to arise during soil / overburden stripping and placement in the preliminary phase, dust arising from stockpiled processed materials and the movement and placement of infill materials and soils during restoration. The application proposes a series of best practice dust management techniques, which are considered capable of controlling of dust emissions arising from the site. It is further recommended that conditions be imposed relating to dust level exceedances, a requirement for a dust management and monitoring scheme to be submitted and the adoption of best practice dust management techniques at all times.

244. PPG and Institute of Air Quality Management (IAQM) guidance indicate that adverse dust impacts from sand and gravel quarries are less common beyond a distance of 250m and that that the greatest potential impacts from high rates of dust deposition and elevated $PM_{10}$ particles would be within 100m of a source. The majority of residential dwellings/ moorings would be located in excess of 350m from the edge of the extraction area and are unlikely to experience significant impacts arising from dust. The exception to this is Ground Farm Cottages, which is approximately 150m west of the proposed conveyor and, at its closest point, 225m east of the Phase 6 extraction area. Whilst there is the potential for dust impacts to occur during the preliminary phase, these impacts

would be of limited duration and are capable of being controlled through appropriate dust management techniques.

245. Leicestershire County Council Public Health have a duty to take steps to improve the health of the population. In their consultation response, they provide local health statistics but do not provide comment or objection on the proposals. They advise that air quality cannot be controlled by geographical boundaries and note that collective and systematic efforts are required to reduce air pollution and its harmful effects on health. They raise no objections, and their advice is considered in this assessment of the proposal.

246. The Environmental Health Officer (EHO) has been consulted three times in respect of this application. Only one response, querying the scope of the dust assessment and the categorisation of the application site as 'residential areas and town outskirts' rather than 'open country', was received following the third consultation exercise (early 2024). The IAQM is the professional body for air quality professionals and has produced detailed guidance on several topics including the assessment mineral dust impacts. The latter document includes a list of matters which the IAQM recommend should be included within a detailed mineral dust assessment and, whilst the comments of the EHO are noted, it is considered that the submitted assessment has covered all matters sufficiently to enable the Council to assess the impacts of the proposed development. With regard to the categorisation of the application site, whilst it is acknowledged that the site is in open countryside as defined in the NWLLP, it is also immediately adjacent to the M1 motorway and close to the A50 and A453 trunk roads. Furthermore, until very recently and at the time that the air quality assessment was undertaken, Ratcliffe on Soar power station was operating. It is therefore acknowledged that ambient dust/air quality levels are atypical for an open countryside location and that the approach of using 'residential areas and town outskirts' is consistent with previous air quality assessments undertaken for the site.

247. In light of the above, subject to the above controls being applied, the development would not generate excessive levels of fugitive dust or would have an unacceptable adverse impact upon local air quality and is found to accord with Policy DM2 of the LMWLP and Policy En6 of the NWLLP and Paragraph 187(e) of the NPPF.

Traffic, Access and Parking

248. The transport of minerals from quarries can result in significant volumes of HGV traffic which has the potential to result in impacts to local amenity, highway safety and environmental impacts such as noise, vibration and air pollution. The application represents an extension to an existing, consented (albeit not currently operational) mineral site and it is not proposed that existing vehicle movements, hours of operation and/or production/infilling rates would increase. However, the proposal would result in an extended duration of quarry operations at the site which have not previously been taken into account. Alterations to Warren Lane are also proposed to allow for the construction of a new haul road crossing point and conveyor bridge. It is therefore appropriate to assess the potential impacts of the development on the surrounding highway network.

249. Policy DM9 of the LMWLP supports proposals involving the transport of minerals and waste by road where it is the only practicable and environmentally preferable option; the proposed access arrangements would be safe and appropriate for the proposed development and impacts on road safety would be acceptable. The policy also requires proposals to demonstrate that the highway network is able to accommodate the traffic that would be generated and would have an acceptable impact on residents. Proposals should be in close proximity to the strategic road network and not result in unnecessary impacts on residential areas and minor roads. New waste management facilities should be in close proximity to the waste arisings that would be managed to minimise the transportation of waste.

250. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 118 requires all developments that will generate significant amounts of movements to provide a travel plan and all applications should be supported by a vision led transport assessment so that the likely impacts of the proposal can be assessed and monitored.

251. The site is located close to Junction 24 of the M1 motorway, the A50 and the A453 and is only accessible via a dedicated access road directly off the East Midlands Gateway junction. It is extremely well connected to the strategic road network and other than the existing site egress arrangements and proposed haul road crossing point, both of which cross Warren Lane, would not result in any direct impacts to the minor road network. Following the submission of updated transport modelling and assessment, neither National Highways nor the Local Highway Authority expressed any concerns regarding the safety of the existing access/egress arrangements or that they would be inappropriate for the proposed development. It is further noted that, following a re-consultation after the publication of the revised NPPF (December 2024) neither consultee has raised any concerns regarding impacts to highway safety or capacity, taking into account all reasonable future scenarios.

252. The proposed Warren Lane crossing point is capable of being constructed to an acceptable standard, with appropriate visibility splays capable of being achieved. It is noted that appropriate management of vegetation etc would be required through the development in order to maintain safe visibility. This is capable of being secured via condition. The proposed crossing point would also have an associated wheel wash which would prevent the drag out of mud or other material onto Warren Lane which would also assist in maintaining the safety of highway users, including the users of the Mid-Shires Way. Subject to the crossing point being constructed in line with the submitted drawings, the LHA has not raised any objections in respect of highway safety.

253. In light of the above, and having considered the analysis set out in the highways assessment and subsequent dialogue and consultation responses from the Local Highway Authority and National Highways, taking into account all reasonable future scenarios, the impacts of the development on highway safety are not considered unacceptable, and when considered singly or cumulatively with other developments, the residual impacts on the road network would not be severe and would not conflict with paragraph 116 of the NPPF (December 2024). Subject to the recommended conditions outlined in the report above, the development is

considered acceptable in highway terms and would accord with the requirements of Policy DM9 of the LMWLP, and Policies IF4 and IF7 of the NWLLP.

Public Rights of Way

254. Policy DM10 of the LMWLP seeks to protect public rights of way from unavoidable disruption. Where this is unavoidable, the policy includes requirements for diverted or alternative routes during the operational phase and following restoration. It also seeks, wherever possible, to secure appropriate, improved access into the countryside. Paragraph 105 of the NPPF seeks to protect and enhance public rights of way and access.

255. The development would require the temporary diversion of a section of public bridleway L60/5 to enable works to take place in Phase 3 of the Northern extension area. The diverted route would run through the proposed extension area (between extraction areas) and would cross the proposed internal haul route. In addition, the proposed conveyor, conveyor bridge and haul road crossing point would also run close to or bisect the route of the Midshires Way which follows Warren Lane immediately to the west of the site. Extraction and restoration operations would also have the potential to impact on the enjoyment of public footpath L63/5 which runs close to the proposed eastern boundary of the northern extension area. The development therefore has the potential to negatively affect these public rights of way as well as impact upon the amenity and usage of the routes for users, albeit on a temporary basis.

256. Whilst the proposed diversion route for the bridleway is through the proposed northern extension, it is not considered that there is an appropriate alternative route. The suggestion of the LHA that consideration should be given to the temporary diversion through the proposed SSSI Buffer Zone is noted but is not considered to be practicable or any less likely to result in impacts to the users of the bridleway as it would be required to pass between Phase 3 and 4. It is therefore considered that the proposed route of the temporary diversion would be acceptable.

257. With regard to the safety of rights of way users, the applicant has provided indicative details of the proposed priority pedestrian crossing point. Subject to the provision of detailed information relating to the management of crossing points in order to ensure that the PRoW remains open, and safe for public enjoyment as well as the width, surfacing, access structures and signage, which can be secured by condition, it is considered that this would be sufficient to ensure the safety of users of the bridleway. Following restoration, the diverted bridleway would be returned to its original alignment. It is also proposed that the diversion route would also be retained as a permissive PRoW. This would represent an enhancement to existing rights of way in the immediate locality as it would provide an alternative and additional link for users.

258. Objections have been received in respect of the proposal on the basis that the closure of locally valued rights of way for the duration of the development would result in adverse impacts to health and wellbeing, including mental health. Whilst the importance of the public rights of way is noted, it is confirmed that all affected rights of way would remain open and accessible for the duration of the development.

259. The proposal would result in the diversion of a section of bridleway L60 and would be close to other existing rights of way. Whilst this would cause disruption to users in the locality and impact upon the amenity and usage of the routes for users, these negative impacts would be experienced by users on a temporary basis. The proposed retention of the temporary diversion as a permissive route would provide greater choice, enhancing the existing network. Overall, when considering the temporary negative impacts upon users in the locality, the proposals are considered to be acceptable on balance, as the PRoW network would ultimately be returned to its current alignment and be enhanced through the creation of an additional permissive route. Subject to the imposition of conditions to secure the delivery of these works in a timely manner and measures to secure the safety and protection of users of public rights of way during mineral extraction and restoration, it is considered that the development is acceptable in terms of effects of the rights of way network and the users of the routes and in accordance with Policy DM10 and Paragraph 106 of the NPPF.

Landscape and Visual Impact

260. Policy DM5 of the LMWLP seeks to ensure that proposals for minerals and waste development are well designed, contributing positively to the character and quality of the area in which they would be located. Policy ENV9 of the LHNP seeks to protect views which are important to the setting and character of the surrounding villages. None of the identified views of the LHNP directly cross the application site, although View 4, which is a long-distance view looking northwards from the village of Lockington towards the River Trent has the potential to obliquely take in parts of the application site as well as existing processing plant and structures.

261. Paragraph 135 of the NPPF requires planning decisions to ensure that development will function well and add to the overall quality of the area, over the lifetime of the development. It also directs development to be visually attractive as a result of appropriate and effective landscaping; and be sympathetic to local character and history, including, inter alia, the surrounding landscape setting. Paragraph 187 requires planning decisions to contribute to and enhance the local environment by, inter alia, protecting and enhancing valued landscapes.

260. The proposed northern extension area covers an extensive area of land (57.2ha), with the existing plant site occupying a further 15ha. Whilst there is significant potential for adverse landscape impacts to occur, due to the topography of the site, the presence of large screening structures/landforms and existing vegetation, the application site would be relatively well screened from the surrounding area. The proposed progressive method of working would limit the area of land disturbed at any one time which, combined with the temporary nature of the development, would assist in keeping landscape and visual impacts to a minimum. Landscape features, (mature trees and hedgerows) would be lost as a result of the proposals. Whilst this is of concern, it is noted that every effort has been made to retain as many trees and hedgerows within the site as possible. Furthermore, the application proposes that retained hedgerows would be subject to an ongoing programme of management with infilling of gaps undertaken with new/replacement hedgerow planting undertaken during site restoration. Subject to these matters being controlled by condition, it is considered that this would result in an enhancement of the landscape character of the site which is currently in a degraded condition. The existing conveyor bridge is proposed to be relocated

further north along Warren Lane. Due to its temporary nature, combined with the presence of other raised structures (including railway embankments in the vicinity), it is not considered that this would result in significant landscape or visual impacts. Overall, therefore, it is not considered that the proposal would result in significant landscape impacts.

261. It is noted that the proposed restoration scheme is designed to ensure a predominantly agricultural restoration with a greater proportion of unimproved pasture grassland than is currently the case and it is considered that this would have the potential to effectively assimilate the land back into the surrounding landscape

262. With the exception of users of the local network of public rights of way, views of the site are relatively limited. There are few residential receptors in the immediate vicinity of the site of which the closest are Grounds Farm Cottages approximately 50m to the west. Due to the presence of embankments associated with the M1 motorway to the west and the A453/East Midlands Gateway Junction (to the south) long distance views from these directions are restricted. Where views are achievable, they will be fleeting and transitory. Views from the north and east are achievable but, due to intervening vegetation, would also be broken. With regard to views for users of the public rights of way, these would be the most significant. Users of public bridleway L60 would be the most directly affected as it crosses the application site and would be subject to temporary diversion which itself would also run within the proposed extension area. In either instance, there would be little opportunity for visual screening. Whilst such impacts are noted, it is considered that they would be temporary, would affect only a short stretch of the overall route and would be reversible following restoration.

263. No additional plant/structures are proposed to be erected within the existing plant site. In order to control this, a condition restricting permitted development rights at the site is recommended.

264. Whilst it is acknowledged that the short-term operational impacts on landscape character, the longer-term effect once the site has been restored would be consistent with existing landscape character and would not result in permanent landscape change. Subject to the conditions recommended above, the development is therefore compliant with LMWLP policy DM5 and paragraphs 135 and 187 of the NPPF.

<u>Interaction Effects and Cumulative Impacts</u>

265. Policy CM11 of the LMWLP seeks to prevent cumulative impacts on the environment or local communities as a result of different impacts associated with a particular proposal or the effects of that development in combination with other developments whether concurrently or successively. Paragraph 224 of the NPPF requires MPAs to take account of the cumulative effect of multiple impacts from individual sites and/or from a number of sites in the locality.

266. The EIA Regulations require planning authorities to assess the cumulative impacts of a scheme and surrounding developments in combination. The ES makes an assessment of cumulative environmental effects associated with the development in the locality as well as potential environmental impacts associated with the proposed development. It notes the potential cumulative effects

associated with working in the eastern extension area combined with the proposed northern extension area but concludes that the latter site would be fully complete prior to the commencement of operations in the northern extension area, with any impacts negligible as a result. The ES identifies hydrogeology as a key consideration for this proposal, particularly its interaction effects across the disciplines of ecology and archaeology. It also concludes that the proposed restoration scheme and incorporation of new permissive routes across the northern extension area would result in beneficial cumulative impacts. It is considered that, with the recommended controls in place, the development is capable of being operated without significant cumulative impacts.

267. There are no proposals for new sand and gravel sites in the vicinity of the site that would give rise to simultaneous cumulative impacts. Neither is significant development proposed immediately adjacent to the site. Whilst it is noted that the Trent Valley (including within Nottinghamshire and Derbyshire) has previously been subject to significant sand and gravel working, in consideration of the proposed agricultural restoration scheme, the current proposal would not result in significant cumulative impacts at the landscape scale. Significant effects associated with the phased development of East Midlands Gateway and development which is allocated in the NWLLP are possible. However, in many instances this development is not yet consented, and cumulative impacts would be assessed as part of those proposals. Where development has been consented, it is at sufficient distance not to result in cumulative impacts to local amenity or the environment.

268. Overall, and subject to the recommended controls and mitigation measures being put in place, it is not considered that the cumulative impacts would be significant. The proposal would therefore accord with Policy DM11 of the LMWLP and the NPPF in this regard.

Alternatives

269. Where alternative approaches have been considered, the EIA Regulations require a description of the reasonable alternatives studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. In this instance, the applicant has indicated that alternatives sites have not been considered because minerals can only be worked where they are found.

Health Impacts

270. The NPPF (paragraph 96) states that planning decisions should aim to achieve healthy, inclusive and safe places which, inter alia, enable and support healthy lives through both promoting good health and preventing ill-health.

271. Representations have been received which raised concerns on the grounds of health and well-being. These concerns have related to health impacts (including mental health) associated with the inhalation of dust from the quarry and closures within the PRoW network.

272. As set out above, there is no proposal to stop up any PRoW during the development. Bridleway L60 is proposed to be diverted, although this is only for

a short stretch and not far from its current alignment. Local residents would therefore continue to be able to enjoy the use of the PRoW network for walking etc with no loss to the health and well-being benefits (including mental health) associated with this.

273. With regard to impacts associated with the inhalation of dust from the workings, as noted above, the ES includes an air quality assessment which concluded that adverse dust impacts from sand and gravel quarries are less common beyond a distance of 250m and that that the greatest potential impacts from high rates of dust deposition and elevated $PM_{10}$ particles would be within 100 metres of a source. The ES also concludes that dust emissions, including $PM_{10}$ and $PM_{2.5}$, would be below national air quality objectives at the identified sensitive receptor locations.

274. Leicestershire County Council Public Health team has been consulted and has raised no objections or concerns with regards to either physical or mental health and wellbeing. Overall, and subject to the controls recommended by this report, it is not considered that the proposal would result in any unacceptable adverse impacts upon human health. The proposal would therefore accord with the NPPF in respect of impacts to health.

Aviation Safety

275. Minerals development located close to airports has the potential to attract large birds during the operational and restoration phases which can create a bird strike problem. In this instance, the application site is located approximately 3km from East Midlands Airport and sits within its safeguarding zone. Impacts associated with aviation safety are therefore a key issue for consideration in the determination of the application.

276. Paragraph 224 of the NPPF requires minerals working, restoration and after-use proposals to take account of aviation safety. Policy Ec5 of the NWLLP has a presumption against development which would adversely affect the operation, safety or planned growth of East Midlands Airport. The policy provides a list of development types, including at sub-paragraph (e), those with the potential to attract large numbers of birds. Mineral extraction and/or quarrying is specifically identified by the policy in this context. Policy DM2 of the LMWLP is supportive of minerals development where it can be demonstrated that the potential effects from bird strikes could be kept to a minimum.

277. The application includes several measures intended to limit the potential for bird strike. The site is proposed to be worked and restored progressively which would limit the number of open excavations/unrestored land within the site at any time. Furthermore, it is proposed that the site would be restored to a mix of nature conservation (flood meadows and species rich pasture) and agriculture with only a few waterbodies. Where waterbodies are proposed, they are shallow. EMA has been consulted and, following the submission of further information and the revised restoration plan, has raised no objections to the proposed development subject to the imposition of a pre-commencement condition requiring the submission of a Bird Hazard Management Plan.

278. Overall, and subject to the provision of a detailed bird hazard management plan prior to the commencement of development, it is considered that the proposal

would not have an adverse impact on airport safeguarding and would accord with the objectives of the NPPF, LMWLP and the NWLLP.

Agriculture/Conservation of Soil Resources

279. Policy DM6 of the LMWLP seeks to protect BMV agricultural land from inappropriate development unless there is an overriding need for the facility; no suitable alternative site of lower agricultural quality exists with the same sustainability benefits; and in the case of temporary uses, the land could be restored to its previous agricultural quality or better or another beneficial after-use can be secured which outweighs any loss.

280. Paragraph 187(a) of the NPPF requires planning decisions to conserve and enhance the natural environment by protecting and enhancing soils in manner commensurate with their quality or status. The NPPF (footnote 65) also contains a presumption in favour of development on poorer quality land where significant development of agricultural land is demonstrated to be necessary. PPG for agricultural land, soil and brownfield land of environmental value advises that there are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1 to 3a. It advises that planning decisions should take account of the economic and other benefits of the best and most versatile agricultural land.

281. The application site has an overall surface area of 52.7ha and would potentially result in the loss of BMV agricultural land, the majority of which has been assessed as Grade 2 BMV land, with some Grade 3a and 4 land located in the south-west. Mineral development is considered to be a temporary form of development and, following mineral extraction, it is proposed that the site is restored back to a mix of agriculture with nature conservation. The ES indicates that the aim is to reinstate productive agricultural land that can accommodate and make use of the best and most versatile resources on site. With regard to BMV land within the site, it is proposed to restore the majority of the land to high quality agricultural land with no significant permanent loss of BMV land. In order to facilitate this, the proposed working scheme provides for the retention, appropriate handling, storage and management of soils within the site. Subject to such measures being appropriately secured via condition, it is considered that the proposal would accord with the requirements of LMWLP Policy DM2, the NPPF and PPG.

Restoration, After-Use and Long-Term Management

282. Policy DM12 of the LMWLP requires the provision of high quality, progressive restoration with a minimum five-year programme of aftercare and a net gain in biodiversity. The policy also includes requirements for the provision of a mosaic of priority habitats where sites are greater than 10ha, the consideration of setting to enable opportunities to be taken to create, protect and enhance biodiversity, green and blue infrastructure networks, heritage assets, and the local character and historic landscape character of the area. Restored sites will be expected to take all possible opportunities to maximise public access and improve the public rights of way network.

283. Section 40 of the Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021, places a duty on all public authorities to

consider how they can conserve and enhance biodiversity. In complying with this duty, authorities must 'have regard' to any relevant Local Nature Recovery Strategies (LNRS). PPG (para 047, Reference ID: 8-047-20250219, accessed March 2025) sets out how planning authorities should have regard to LNRS in decision making, stating that they are a material consideration, especially where development plan documents predate LNRS publication. Where a draft LNRS has been consulted on, but not yet finalised, PPG indicates that the draft strategy may contain useful evidential information that can support appropriate decision making.

284. Leicestershire County Council has just consulted on a draft LNRS which is called 'Leicestershire, Leicester and Rutland: Local Nature Recovery Strategy (Draft)'. Section 9 of the document identifies opportunities for nature recovery within the LNRS area, focusing on priority habitats and species. In the context of this proposal, the draft document identifies the application site as variously having the potential for floodplain restoration and reconnection (plant site area) and wetland creation and restoration (northern extension area).

285. The restoration concept, which includes a mix of high-quality agricultural land and nature conservation, is considered to be in keeping with the local landscape character and would provide for a mosaic of priority habitats as set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan. It is also considered that the proposed restoration scheme would assist in enabling the aspirations of the draft LNRS to be met. The previously approved restoration of the plant site area to agriculture would also assist in meeting the objectives of the draft LNRS as, long-term, it would allow for the restoration and reconnection of the floodplain in this area. A scheme requiring details regarding the various elements of after-use across the entire complex would be the most appropriate method of maintaining control of the future land uses. Aftercare of five years is proposed for the land to be restored to agriculture, which is considered acceptable. However, in order to ensure the satisfactory establishment of the proposed new habitats, it is recommended that those areas of the site proposed to be restored to nature conservation should be subject to an extended period of aftercare and management of 15 years. These periods would be capable of being controlled via condition.

286. Subject to the control of the matters outlined above by planning condition, it is considered that the proposed restoration, land management and aftercare and after-use are capable of being satisfactorily secured and the proposal accords with Policy DM12 of the LMWLP and the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006, as amended by the Environment Act 2021.

Climate Change

287. Paragraph 163 of the NPPF requires planning authorities to consider the need to mitigate and adapt to climate change, taking into account the full range of potential climate change impacts, when assessing planning applications. The NPPF provides a list of climate change impacts derived from the Climate Change Act 2008 of which flood risk, water supply, biodiversity and landscapes, and the risk of overheating and drought from rising temperatures are all relevant considerations in respect of this application. The NPPF (Glossary) defines climate change mitigation as 'actions to reduce the impact of human activity on

the climate system, primarily through reducing greenhouse gas emissions'. Climate change adaptation refers to adjustments made to natural / human systems in response to the actual/anticipated impacts of climate change in order to mitigate harm or exploit beneficial opportunities.

288. The applicant has provided a statement describing how climate change impacts have been considered as part of the EcIA, the FRA and the hydrological impact assessment work, with mitigation and adaptation measures embedded within the design of the development. The document also provides details of the applicant's corporate approach to climate change and references its Sustainability Strategy to 2030 as well as a broader aspiration for the company to be net zero by 2050 which includes a reduction in $CO_2$ by 45% per tonnes of product by 2030, the use of low carbon transport and logistics, the management of climate risks at site level and the utilisation of land assets to deploy nature-based solutions to reduce $CO_2$ emissions.

289. In terms of climate change mitigation, as concluded above, the proposal would not result in increased risk of flood within the site or elsewhere and, due to a lowering of ground levels, would also have the effect of increasing flood capacity during mineral extraction and post restoration. Surface water drainage has also been designed with an attenuation capacity greater than that required to accommodate peak runoff from 1 in 100 storm events including the 40% allowance for climate change. In terms of emissions to air, the site would be worked sequentially which would restrict operations to specific areas at any one point in time and balanced over an appropriate timeframe. It is also proposed that 'as dug' mineral would be transported between the extraction area by conveyor which would significantly reduce the consumption of fossil fuels within the site. Other mitigation measures proposed include ensuring efficient use of the processing plant and that all electricity consumed is drawn from 100% clean renewable energy sources. Due to the location of the site close to the strategic road network, it is not possible to use more sustainable modes of transport such as rail or barge. However, the applicant is committed to exploring trials of low carbon transport which, if possible, would be used at Lockington as the development progresses.

290. Whilst a proportion of sand and gravel extracted at the site will be used in the on-site concrete batching plant, it will also be used for a variety of other applications (as is the case with most construction aggregates), that cannot be accurately determined at the outset or point of extraction. Some (possibly the majority) of those application would have no downstream carbon emissions. This makes it impossible to identify the downstream effects as likely or to make a meaningful assessment of those effects in practice. For this reason, no further quantitative analysis on the emissions arising from creation and use of products is considered necessary in order to support this application

291. With regard to adaption for climate change, the proposed restoration scheme would also have the effect of increasing ecological networks and connectivity both within the site and at a wider landscape scale through the creation of the waterbodies and recharge trenches close to the SSSI as well as through replacement and new hedgerow planting and through the enhancement of existing hedgerows at the site. Ongoing management of post restoration water levels is considered to be a key element of the scheme and it is noted that the application provides for long term management of the surface water drainage

scheme as well as the monitoring of water levels within the site as part of the WMAP.

292. The development would not have a significant impact upon the local environment in terms of hydrology/hydrogeology or flood risk. As part of the longer-term impacts of the development, the overall scheme once fully delivered would result in enhancements to wetland habitats, including those within the SSSI. This would have benefits for biodiversity and would create habitats resilient to a changing climate. Overall, the development accords with Policy DM1 of the LMWLP and paragraph 163 of the NPPF.

Restriction of Development Rights

293. Under the terms of Part 17 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), certain rights are granted for a range of operations, including the erection, installation and replacement of buildings, structures and plant. Whilst these are subject to a 15m height restriction and in other cases, the prior approval of the Mineral Planning Authority, it would be accepted practice to make all the rights granted subject to prior approval given the nature of the proposed operations and the sensitivity of nearby land-uses. The current permission for the quarrying operations includes such a condition, and it is considered that a similar control should be imposed in respect of the current proposal. Subject to the imposition of such a planning condition, it is considered that the permitted development rights are capable of being satisfactorily controlled in accordance with the aims of the LMWLP.

Legal Agreement

294. Any grant of planning permission for the proposed development would be subject to the prior completion of a legal agreement to secure provisions for a liaison committee and the permanent creation of a permissive bridleway. The applicant would be expected to cover all reasonable costs incurred by the County Council in the drafting and execution of this agreement.

## Conclusion

295. The development would result in the extraction of 3.3 million tonnes of sand and gravel from a northern extension, the installation of an overland conveyor and erection of an associated conveyor bridge across Warren Lane between the extension area and the existing plant site, the construction of a new vehicular crossing point across Warren Lane, the importation of approximately 3 million tonnes of inert infill materials and the continued use of the existing plant site and ancillary operations, site access and egress arrangements for a further fifteen years at Lockington Quarry. The development also makes provision for a predominantly agricultural restoration scheme with nature conservation.

296. In considering the development, great weight is given to the benefits of mineral extraction, including to the economy. The northern extension would assist in making a significant contribution towards Leicestershire's existing shortfall in the supply of sand and gravel. Regard is also had to the location of the development. Minerals are finite resources which can only be worked where they are found, preferably utilising existing quarry plant and infrastructure. These issues, and the need to consider the specific locational requirements of different sectors to

support economic growth, are recognised in national planning policy and guidance. In this instance, the proximity of the existing quarry site to the strategic road network, which enables the site to access different markets, as well as the use of existing quarry plant and infrastructure, weigh in its favour. The development has been assessed against the relevant policies of the development plan. Whilst there would be conflict with policy S3: Open Countryside of the NWLLP, when viewed against the policies of the development plan as a whole, it is considered that the location of the proposal accords with Policy M3 of the LMWLP as well as with the broader objectives of the NPPF and the NWLLP in respect of economic development.

297. The development has the potential to result in environmental and amenity-based impacts. These have been carefully considered in the determination of this application, including the potential for cumulative impacts associated with the extended duration of operations at the existing plant site, and the northern extension in cumulation with other developments. The potential for cumulative impacts resulting from the interaction of different aspects of the proposal have also been given consideration. Key issues in this respect relate to the potential effects of dewatering on groundwater levels and the implications that this may have in respect of flood risk, impacts to Lockington Marshes SSSI and the scheduled monuments where there is the potential for waterlogged remains to exist. It has been demonstrated that the existing plant site and its associated operations are capable of operating in a manner which does not give rise to significant adverse impacts and that these can be suitably controlled by condition. It is also considered that the northern extension area and its impacts can also be suitably controlled through the imposition of suitably worded conditions. These conditions ensure protection of the natural and heritage environment as well as residential and local amenity. In light of the above, it is not considered there would be any unacceptable cumulative effects associated with the development.

298. The development has the potential to result in harm to scheduled monuments, which are designated heritage assets of the highest significance. The harm is considered to be less than substantial and would predominantly arise through impacts to their significance through setting. Great weight is given to the conservation of those assets. Direct impacts to the significance of the designated heritage assets would be mitigated via a series of measures including a buffer zone and a detailed scheme of hydrological monitoring and reporting which would ensure that little or no harm would occur. These are capable of being satisfactorily controlled via condition. Where proposals result in less than substantial harm to designated heritage assets, there is a requirement to balance this harm against any public benefit which may accrue from the development. In this instance, it is concluded that public benefit would arise through the ongoing supply of sand and gravel aggregate which would make up a significant proportion of the current shortfall of supply within the County. It is further noted that any harm would largely be temporary and reversible upon restoration, ultimately allowing the scheduled monuments to be read and understood within their wider landscape setting.

299. The development would be time limited for a period of fifteen years following the commencement of operations within the northern extension area with a further year for final restoration and removal of plant etc. Minerals development is considered to be a temporary use of land, although it is acknowledged that the development would take place over an extended temporary period. Following the completion of mineral extraction, the site would be restored to a mix of high-

quality agriculture and nature conservation, the latter including poor semi-improved grassland which would assist in protecting and enhancing the Lockington Marshes SSSI. The creation of three shallow waterbodies and recharge trenches within the standoff to the SSSI would also assist in an enhancement of the wetland habitats around the SSSI as well as providing habitat and species connectivity. It is also proposed to plant replacement hedgerows and trees to compensate for those to be lost to the development and enhance existing hedgerows which are in poor condition. Notwithstanding the above, the development results in a net loss in biodiversity (-5.69 habitat units) which is not capable of being replaced within the application site. In order to accord with the requirements of LMWLP Policy DM7 and paragraph 187(d) of the NPPF, it is recommended that a Grampian style condition is imposed to ensure that biodiversity offsetting can be satisfactorily secured prior to the commencement of operations in the northern extension area.

300. Negative impacts would be experienced by users of public rights of way in and around the application site which would occur during the operational phase of the development, with little opportunity for mitigation. However, such impacts would only directly affect a short section of public bridleway and, once the development is complete, it would be reinstated along its current alignment. In addition, the retention of the diverted route would bring benefits through the enhancement of the local rights of way network.

301. Officers have worked with the applicant to adjust and fully evaluate the scheme to ensure a thorough assessment of the impacts. These have primarily included ensuring habitats are suitably enhanced, mitigated or, where possible, compensated for through suitable replacement of hedgerows and other habitats and ensuring that the proposed Warren Lane and public bridleway L60 crossing points would be safe and appropriate in the context of the local highway network and users of the public rights of way.

302. A number of representations have been received in respect of the application including concerns relating to effects of the development on health and well-being as a result of changes to the local public rights of way network as well as the impacts of noise and dust on health, local amenity and biodiversity. There are no proposals to permanently stop any of the public rights of way crossing the site and, whilst a portion of bridleway L60 would be subject to a temporary diversion, this would be close to its current alignment. It would also be reinstated following the cessation. Other environmental impacts can be suitably controlled by way of suitable mitigation measures and controls placed on the site by way of planning condition.

303. On balance, and subject to the controls and limitations set out in the conditions, it is considered that the benefits of the scheme outweigh the negative temporary impacts. Subject to these controls, the development accords with Policy DM1 of the LMWLP, Policies D1 and D2 of the NWLLP and paragraph 11 of the NPPF and it is recommended that planning permission should be granted subject to a legal agreement securing provision for a community liaison committee and a permissive bridleway.

## Statement of Positive and Proactive Engagement

304. In determining this application, the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies, the National Planning Policy Framework, including the accompanying technical guidance. The Minerals Planning Authority has identified all material considerations; forwarded consultation responses received in a timely manner; considered all valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant and have been addressed through negotiation and acceptable amendments to the proposals requested through three Regulation 25 submissions. The applicant has been given advance sight of the draft planning conditions and the Minerals Planning Authority has also engaged positively in the preparation of the draft s106 Agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## Recommendation

305. PERMIT subject to the conditions set out in Appendix A and the prior completion of a S106 legal agreement requiring the formation of a liaison committee and securing provision for a permissive bridleway.

## Officer to Contact

Vicky Webb (Tel: 0116 305 4816)
E-Mail planningcontrol@leics.gov.uk

## 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:

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| 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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