

DEVELOPMENT CONTROL AND REGULATORY BOARD**19 MARCH 2026****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****ADDENDUM****APP.NO.** 2025/01170/07 (2025/VOCM/01113/LCC)**DATE OF VALIDATION:** 20 August 2025

PROPOSAL: Variation of condition 2 of planning permission 2009/0939/07 (Variation of condition 4 of planning permission 96/0139/07 in order to revise the working scheme for Cloud Hill Quarry due to the proposed southern extension) to revise the working scheme for Cloud Hill Quarry to allow for deepening operations of the existing quarry void.

LOCATION: Cloud Hill Quarry, Stocking Lane, Derby, DE73 8AN**APPLICANT:** Breedon Trading Ltd

1. Following publication of the Officer's report, Breedon Trading Ltd (the applicant), provided additional comments on the draft planning conditions. After negotiation with officers, the schedule of conditions is proposed to be modified as below:

34. The properties known as Rock Cottages (as shown on Plan no. CL98-D1 accompanying the letter from John German dated 21st August 1996) shall remain unoccupied for residential purposes.

Reason: *In the interests of the amenity of the area, in accordance with Policy DM2 of the LMWLP and Policy D2 of the NWLLP.*

2. Condition 34 shall be removed. The properties know as 'Rock Cottages' have been demolished – confirmed by the applicant – and therefore the condition is no longer required as part of the permission.

36. A strip of land 8 metres wide adjacent to the top of the watercourse which adjoins the western boundary of the ~~proposed extension area~~

at ~~Cloud Hill Quarry~~ site shall be kept clear of development. No raising of existing ground levels shall take place within this strip of land.

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

3. The wording of Condition 36 shall be amended by removing reference to the proposed extension area and replacing it with 'the site', as set out above.

43. Within 3 months of the date of this permission, a dust monitoring scheme for Cloud Wood SSSI shall be submitted to the Mineral Planning Authority for its approval. Monitoring shall be carried out in accordance with the approved scheme. In the event that dust is, in the opinion of the Mineral Planning Authority, causing an adverse impact on the SSSI, appropriate measures shall be taken to reduce the impact to the satisfaction of the Mineral Planning Authority.

Reason: *To minimise the adverse impact of dust generated by the operations on the SSSI in accordance with policy DM2 and DM7 of the LMWLP.*

4. This condition was a requirement of the original permission (Ref. 96/0139/07) which has been carried over and updated. However, Natural England did not request this condition and the SSSI is referenced in the dust management plan. As such, this condition not necessary and shall be removed.

53. ~~Within one year of the date of this permission,~~ Not later than 12 months prior to the planned cessation of mineral extraction at Cloud Hill Quarry, a scheme for the final restoration of the quarry (comprising all the land edged in both blue and red on Drawing No. KD.CLDHQ.D.002), based on proposals shown on the Conceptual Restoration Masterplan (Drawing No. KD.CLDHQ.D.004) and include details of:

- a) final contours including West-East and North-South cross sectional bank profiles of the proposed water body indicating mean water level;
- b) the treatment of exposed quarry benches and side slopes within the quarry void;
- c) details of the removal or retention of buildings or structures;
- d) the treatment of hard surfaced areas;
- e) tree and shrub planting (including species, provenance, spacings, sizes and planting specification);

- f) drainage;
- g) proposals for the creation and management of grassland and other habitats which contribute to local biodiversity targets;
- h) retention of any geological features;
- i) measures to ensure that the restored site does not increase the bird strike risk to aircraft operating to or from East Midlands Airport. Such measures shall include no future creation of islands, peninsula or incipient peninsulas either by design or inadvertently; no feeding of wildfowl; and the implementation of a positively managed grassland, through the introduction of wildflower meadows;
- j) the phasing and the anticipated timescale for completion of restoration works;
- k) maintenance and aftercare proposals including details of the cutting/grazing regime for grassland areas; and
- l) a programme of implementation.

The site shall be restored in accordance with the approved scheme.

Reason: *To ensure that the overall quarry complex is landscaped after being restored in the interests of assimilating it into the surrounding landscape and that the operational site areas are reclaimed in an orderly manner to a condition capable of beneficial after-use in order to comply with policies DM5 and DM12 of the LMWLP.*

5. It is accepted that the submission of a final restoration scheme when there remain around 16 years of until the quarry's end date, may mean that further changes to the scheme will be required. The submission of a final restoration scheme nearing the end date of the quarry is a reasonable alteration. As such, Condition 53 has been updated to alter the point at which the final scheme for restoration shall be submitted, as set out above.
6. As some conditions have been removed, the condition numbers, and any references to them within the condition text, will be updated.

Matters relating to the Breedon and Cloud Hill Liaison Committee

7. Following the submission of legal advice regarding the use of a Section 106 legal agreement to secure the continued operation of the Breedon and Cloud Hill Liaison Committee, the Mineral Planning Authority has determined that this can be secured via the imposition of an appropriate planning condition.
8. In this particular instance, the presence of an established liaison committee for the site which is secured by the Section 106 legal agreement associated with

Breedon Quarry provides sufficient assurance to the Mineral Planning Authority that it would be appropriate to secure the liaison committee via condition in this instance. This is without prejudice to any future decisions that the Mineral Planning Authority may make on such matters.

9. As such, an additional condition relating to the continued operation of the Breedon and Cloud Hill Liaison Committee is to be included within the schedule of conditions appended to the Officer's report. The condition states:

Within three months of the date of this permission the developer shall submit to the Mineral Planning Authority for its approval a scheme for the continuation of the Breedon and Cloud Hill Liaison Committee. The scheme, which shall be based on the terms of the existing Breedon and Cloud Hill Liaison Committee shall include details of the following:

- a. Updated Liaison Committee terms of reference;
- b. Detailed information relating to the membership of the Liaison Committee which shall, as a minimum, include representatives of the Mineral Planning Authority, North West Leicestershire District Council (or any named successor Council) and the relevant Parish Councils;
- c. Details of the frequency of meetings (which shall be convened at intervals of no less than six months);
- d. Details of the location of the meetings, including provision for visits to the active parts of the site;
- e. Provision for records of the proceedings to be kept and the subsequent distribution of those records to all those invited to attend;
- f. Provision for the Liaison Committee to continue to operate for the duration of the development, including the cessation of all quarrying and restoration operations; and
- g. A programme of implementation including the date of the first Liaison Committee to be convened following the date of this planning permission.

The scheme shall then be implemented as approved and maintained thereafter for the duration of the development.

Reason: *To provide a forum for discussion between the quarry operator, the Mineral Planning Authority and the local community to provide a forum for discussion in respect of the ongoing impacts of quarrying at the site.*

10. As a result of the above alterations, the recommendation is amended as follows:

PERMIT subject to the conditions set out in Appendix A, as amended by the Addendum dated 19th March 2026.

Officer to Contact

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