

DEVELOPMENT CONTROL AND REGULATORY BOARD**15TH JULY 2010****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2009/0940/07 (2009/C121/07) – 3 rd September 2009
PROPOSAL:	Proposed southern extension of Cloud Hill Quarry including deposit of overburden within existing quarry
LOCATION:	Cloud Hill Quarry, Stocking Lane, Breedon on the Hill (North West Leicestershire District)
APPLICANT:	Ennstone Johnston Ltd.
MAIN ISSUES:	Proximity to Worthington village, noise, dust, blasting, traffic, public rights of way, landscape and visual impact, effect on wildlife, restoration
RECOMMENDATION:	Permit subject to the prior completion of a Legal Agreement covering the longer term management of proposed woodland and nature conservation areas and subject to the conditions set out in the Appendix.

Circulation Under the Local Issues Alert Procedure

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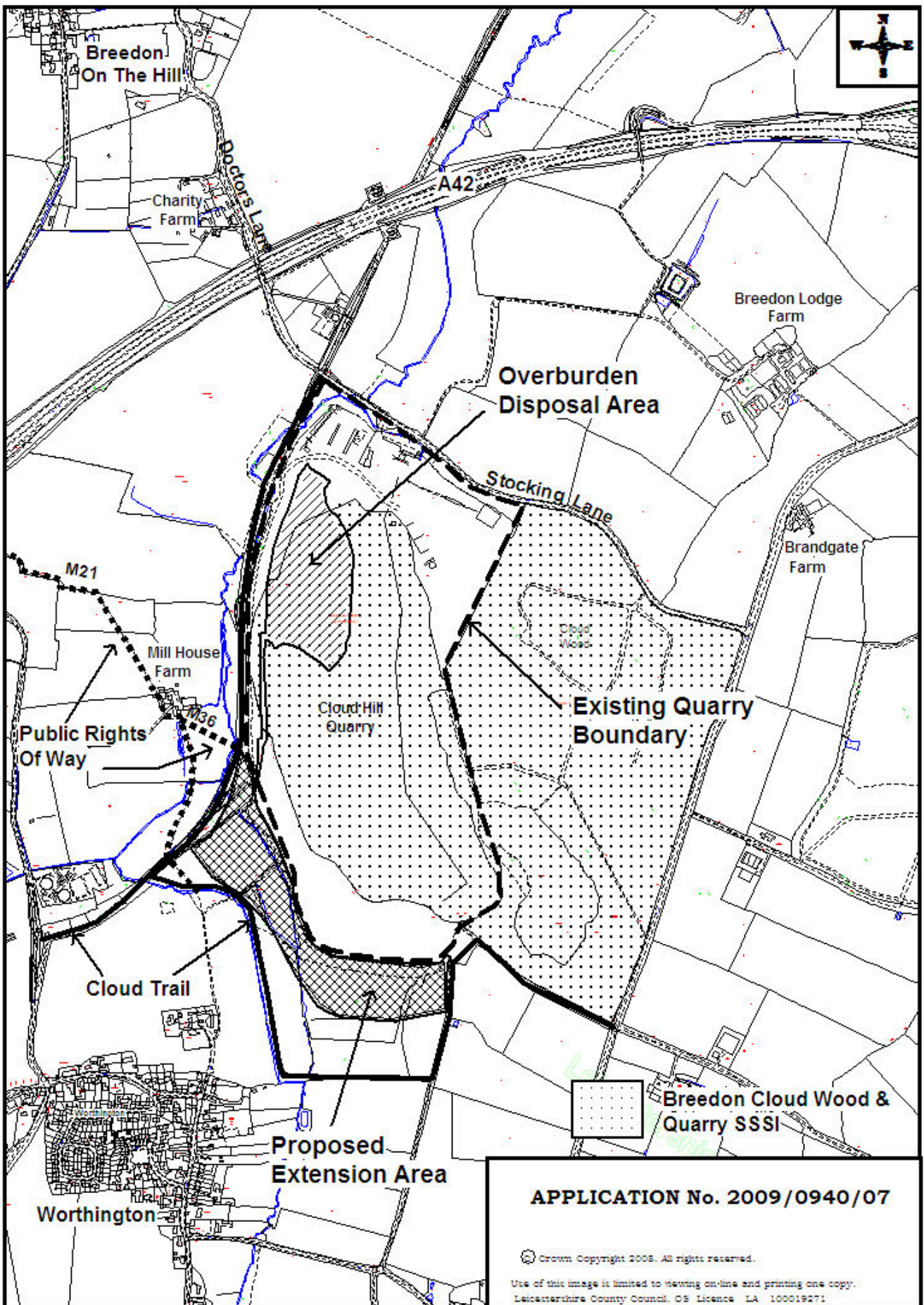
PART B – MAIN REPORT

Location of Development

1. Cloud Hill Quarry is located to the north east of Worthington and to the south east of Breedon on the Hill. The quarry is located just to the south of the A42(T). Processing plant (including crushing, screening and asphalt plants) and ancillary buildings are located at the northern end of the quarry, adjacent to Stocking Lane. Access is gained from Stocking Lane.
2. The western boundary of the quarry is formed by a former railway line that is now part of the national cycleway network managed by SusTrans and known as the Cloud Trail. Cloud Wood is located to the east of the quarry. Immediately to the south of the quarry there is a 5m high screening mound, with a permissive right of way running along its southern boundary. Further to the south lies an area of regimented commercial woodland and amenity woodland planted around ten years ago.
3. The proposed development is located on land in the southern part of Cloud Hill Quarry. The northern boundary of the planning application lies adjacent to the existing quarry. The eastern boundary runs along a short length of lane known as Middle Brand. The southern boundary follows the outer toe of a proposed new screening mound. The north western boundary lies close to, but set back from the Cloud Trail Cycle route. The application site also includes an area in the base of the existing quarry and a stretch of internal haul road.
4. The nearest residential properties are at Mill House Farm (which contains several residential properties) and Manor Drive, Worthington, some 160 metres and 200 metres respectively to the west and south west of the application site. The properties on Manor Drive are located approximately 50-100 metres to the north of the outskirts of the village of Worthington, which lies at a minimum distance of around 250m from the boundary of the application site.

Description of Proposal

5. In summary the proposed extension to Cloud Hill Quarry includes the following elements:
 - extraction of 4.3 million tonnes of limestone;
 - relocation of the existing southern screening mound to a maximum of 100 metres south;
 - extension to the southern screening mound to screen a proposed minor south western extension of the quarry;
 - overburden excavated from the proposed extension would be mainly deposited in the worked out northern end of the quarry;
 - stone extracted from the extension would continue to be processed through the existing plant site and mobile plant, and would be transported from site via the existing site access;



- the maximum depth of quarry workings (at Phase 3) would be 68m below Ordnance Datum; and
 - restoration of the whole quarry to a water body with restoration of peripheral areas.
6. There are some 12 million tonnes of permitted reserves remaining at the quarry, although a substantial part of these are located beneath operational areas and at depth within the quarry. Extraction of the full reserve would prevent access to the proposed southern extension. The additional reserves that would be released by the proposed extension have been estimated to be about 4.3 million tonnes. These would increase the life of the quarry by some 3 to 4 years at typical rates of extraction.
 7. Following detailed investigations of the geological conditions to the south of the existing quarry the availability of recoverable limestone has been proved to be limited in its extent. No further development to the south beyond the proposed new extraction limit is considered possible.
 8. The proposals would not involve any material change to the operations already established at the quarry. In particular, the methods of extraction and processing would remain as at present. Stone is extracted by blasting and is transferred from the working faces to either fixed or mobile processing plants by either loading shovels or conveyors. The stone is processed by crushing and screening. A proportion of the processed stone is then utilised in the roadstone coating plant and concrete plant.
 9. No changes are proposed to the existing access arrangements, levels of output, or consented hours of operation for the quarry and associated plant as part of this planning application. Vehicles would continue to access the quarry from Stocking Lane with all HGVs using Top Brand as per the existing lorry routing agreement. The levels of drystone output from the quarry would continue at a level of up to 1.5 million tonnes per annum.
 10. A separate planning application has been submitted to amend the scheme of mineral extraction within the currently permitted boundary in order to take account of amendments to the quarry layout resulting from the proposed southern extension.
 11. The proposed quarry development scheme, incorporating the extension area, would take place in 3 development phases. The scheme has been designed specifically such that the extraction of limestone would take place no closer to residential properties in Worthington than the current limit of the working area.
 12. During Phase 1, the main emphasis is to extract as much limestone as possible from within the northern part of the quarry and to provide the infrastructure to enable future overburden volumes to be transported and placed within the excavation area. Approximately 4.8 million tonnes of limestone would need to be extracted during this phase which would take some 4-5 years to complete.

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13. Phase 2 includes the first major overburden strip, which is to be taken from the western part of the extension area. During this phase, approximately 384,000 cubic metres of overburden, including the soils, would be stripped in total. The soils would be stripped separately and mostly placed in storage for future restoration works. The remainder would be used in landscaping a new southern screening bank in order to limit the visual intrusion of the main overburden removal and extraction operations to be carried out behind it. The new screen mound would be formed using some 36,000 cubic metres of overburden, and would be constructed during the first stage of the overburden removal. The remaining overburden would be transferred via the newly established haul road and ramp network into the tipping area at the northern end of the quarry.
14. Prior to the construction of the new screen bund, the permissive footpath, which runs around the southern boundary of the existing screen mound, would be diverted onto a new permanent route to the south of the new bund. Following construction of the new screen bund, planting would take place on the bund and land to the south to provide a landscaped buffer and screen between the village of Worthington and the quarry. After the overburden has been stripped, the existing quarry faces would be advanced southwards. Overall, an estimated 3.4 million tonnes of limestone would be extracted during Phase 2
15. Phase 3 initially involves the removal of the remaining 745,000 cubic metres of overburden within the proposed extension area. This volume would all be deposited into the northern tipping area. Once all the overburden has been removed, the quarry faces can be advanced to their projected final lateral limits. This would provide sufficient space for further workings at depth to be developed to the final level at approximately 68 metres below Ordnance Datum. Access roads and ramps would be established in a clockwise fashion continuing on from the current eastern ramp arrangement. The final configuration of the quarry would be achieved by the extraction of a further 9.255 million tonnes of limestone.
16. A conceptual restoration scheme for the whole quarry has been submitted. Proposed restoration comprises establishment of blocks of broad-leaved woodland, species-rich grassland and areas of natural regeneration to mixed scrub and grassland mosaic habitat, together with the controlled flooding of the quarry void by groundwater. Three key considerations have fed into the design, namely to minimise the risk of bird strike due to the quarry's proximity to East Midlands Airport, to compensate for the loss of any habitat associated with the development, and to preserve areas of geological interest where possible given its status as a SSSI.
17. Parts of the final restoration would take place progressively throughout the operation of the quarry, in particular the natural regeneration of the overburden slopes at the quarry rim. The remainder, and most substantial part of the restoration scheme would take place on decommissioning of the plant site, which would occur once quarry operations have ceased. This would

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involve placement of overburden and available soil forming materials on the plant site floor in order to establish areas of woodland, scrub and species rich grassland. The proposed scheme would increase cover of broad-leaved woodland of native species composition within and immediately adjacent to the proposed extension area by approximately 2.35ha and would include creation of approximately 2.6ha of species-rich grassland.

18. With regards the final water body, it is anticipated that, following cessation of active groundwater management at the site, groundwater locally will rebound to an elevation of approximately 55m above Ordnance Datum. The water body would not be stocked with fish so as to avoid attracting fish eating birds and use for angling.

Environmental Statement

19. An Environmental Statement has been submitted in support of the planning application as required by the Town and Country Planning (Assessment of Environmental Effects) Regulations 1999. The Environmental Statement includes sections on the following matters: geology and hydrogeology; ecology; landscape and visual impact; noise; blasting; air quality; cultural heritage; and soils and agriculture.
20. The potential impacts of the quarry development upon the water environment have been identified and assessed, and where appropriate, mitigation measures have been presented which include good site practice and measures to prevent the discharge of potentially polluted water to the water environment and to manage flood risk at the site and to adjacent property and land. The assessment indicates that further deepening and development of the quarry would not locally impair groundwater resources or pose a hydrological risk to the adjacent Cloud Hill SSSI. Overall, it is concluded that there are no significant residual effects to the water environment after incorporation of the proposed mitigation measures.
21. In respect of ecology, an extended Phase I habitat survey has been undertaken, together with detailed surveys for bats, great crested newt, badger, veteran trees and hedgerows. It is considered that the proposed development would have a negligible effect on any designated sites. It is not considered that either great crested newts or badger are present within the proposed extension area at the present time.
22. Losses of habitat as a result of the proposed development would include approximately 2.4ha of mixed and broad-leaved plantation woodland, 2.3ha of re-colonised grassland, 0.65ha of broad-leaved semi-natural woodland, 0.2ha of dense scrub, 0.16ha of unimproved calcareous grassland, 235m of species-poor hedgerow, 265m of ditch and an individual mature pedunculate oak.

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23. Mitigation and compensation measures have been devised to minimise the potential impacts upon habitats of ecological value. Specific mitigation and avoidance measures have been outlined for bats and nesting birds to ensure that there are no adverse effects upon these species. The assessment indicates that the implementation of appropriate avoidance and mitigation measures and the continued application of operational good practice would ensure that there are no significant adverse effects upon flora and fauna associated with the site in the long term; and no residual impacts of the proposed development have been highlighted.
24. A landscape and visual assessment of the proposed development has been completed in accordance with accepted guidance. Overall the identified landscape impacts are not considered significant. While short term disturbance caused by initial works is likely to cause an impact to a limited number of receptors, the assessment indicates that it is likely that in the medium term (i.e. during quarry operation) the proposed quarry extension would not prove to be materially more intrusive than the current operation. Long term, on completion of the restoration works, Cloud Hill Quarry will begin to assimilate itself with the surrounding landscape; the eventual removal and restoration of the plant site being of significant benefit to both the landscape and visual amenity of the local landscape.
25. The noise assessment found that the predicted noise levels from temporary operations would meet the criterion for temporary operations stipulated in the current planning permission; and the predicted absolute worst-case noise levels produced by normal operations within the proposed extension would meet the noise limits stipulated in the current planning permission at all locations except Mill House Farm and Manor Drive. Mitigation measures have been suggested to facilitate compliance with the stipulated noise limits.
26. A blasting assessment has been undertaken which considers the likely vibration levels that would be generated by the proposed development at the nearby sensitive receptors. The assessment indicates that the predicted vibration levels at the nearest vibration-sensitive locations would be below the criterion of 6.0mm/s ppv at 95% confidence. Subject to the adoption of recognised good practice and adherence to the existing planning conditions, it is concluded that the environmental impact of the blasting operations for the proposed development of Cloud Hill Quarry would be acceptable.
27. An air quality assessment has been undertaken of the proposed development. The majority of the identified potentially sensitive nearby receptors have been assessed as being likely to experience either an insignificant or acceptable risk of dust impact from the quarry and processing plant operations. With the inclusion of appropriate mitigation measures, all of the identified potentially sensitive nearby receptors have been assessed as being likely to experience an acceptable risk of dust impact from the quarry and processing plant operations.

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28. Cloud Hill Quarry and the proposed extension lie in an area of significant archaeological potential, largely relating to medieval and post-medieval activity within the area. The assessment of cultural heritage indicates that there is nothing in the existing documentation which suggests that the remains are of national importance, and that therefore it is highly likely that any remains could be "preserved by record", or archaeologically excavated and recorded. A staged programme of investigation is proposed to establish the date, nature, extent and quality of any archaeological remains which may exist within the areas of direct impact.
29. The assessment of soils and agriculture indicates that only a small part of the application site, around 1 hectare, is currently in agricultural use. The development would result in the loss of a maximum of 4.66 hectares of Grade 2 land, the majority of which is not currently in agricultural use. The assessment concludes that the limited loss of agricultural land and the associated soil resources is not significant.

Planning History

30. Quarrying and related activities were carried out at Cloud Hill Quarry for a considerable number of years prior to the introduction of planning legislation. In 1947, planning permission was granted for the continuation of quarrying under the Town and Country Planning (General Interim Development) Order 1946. In accordance with the Planning and Compensation Act 1991, an application for registration of this IDO permission was granted in 1992.
31. In August 1997, planning permission (ref. 96/0139/7) was granted for the continuation and extension of extractive and associated quarrying operations at Breedon and Cloud Hill Quarries. It consolidated all the earlier permissions. The permitted development at Cloud Hill Quarry included a southern extension of the quarry, and the application site included much of the land covered by the current application. The planning permission was granted subject to 83 conditions.
32. In January 2006, planning permission (ref.2005/0508/7) was granted for the construction of asphalt and concrete batching plants, together with a new weighbridge office building, at Cloud Hill Quarry. This permits the importation of materials to supplement those from the quarry for use in the asphalt and concrete plant. The permission is accompanied by a legal agreement that requires all heavy goods vehicles to turn left into and right out of site onto Stocking Lane thereby avoiding the use of Doctors Lane towards Breedon on the Hill.

Planning Policy

Government Guidance

33. Planning Policy Statement 1: *Delivering Sustainable Development* sets out the overarching planning policies on the delivery of sustainable development through the planning system. Planning Policy Statement 7: *Sustainable*

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Development in Rural Areas promotes sustainable development, whilst protecting and enhancing the quality and character of the local countryside. Planning Policy Statement 9: *Biodiversity and Geological Conservation* gives advice on how Government wants planning decisions to promote, conserve, enhance and restore the diversity of England's Wildlife and Geology.

34. Minerals Planning Statement (MPS) 1, '*Planning and Minerals*' (2006), sets out the Government's key overarching policies and principles which apply to all minerals development. It seeks to ensure that the principles of sustainable development and environmental consideration are balanced against the need to maintain an adequate supply of minerals. Annex 1 (Aggregates) to MPS 1 provides guidance on how to maintain an adequate and steady supply of material to the construction industry, at a national, regional and local level, with the best balance of social, environmental and economic costs, through full consideration of all resources and the principle of Sustainable Development.
35. Minerals Policy Statement 2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction* (March 2005) sets out environmental policies and considerations that should be taken into consideration when assessing a new quarry or extension to an existing planning permission. MPS2 includes two annexes in respect of noise and dust.

Development Plan

36. The current Development Plan for the application site comprises the Regional Spatial Strategy for the East Midlands (March 2009), the Leicestershire Minerals Core Strategy and Development Control Policies (2009) and the North West Leicestershire Local Plan (2003) The principal policy considerations relevant to the current planning application as contained in these plans are set out below.
37. The Regional Spatial Strategy highlights the need for sufficient environmentally acceptable sources to maintain an appropriate supply of aggregate and other minerals of regional or national significance. It also emphasises the importance of protecting the countryside environment, respecting landscape character, and the role of high quality design, in line with Planning Policy Statement 7.
38. Policy 37 of the Regional Spatial Strategy for the East Midlands (RSS8) deals with regional priorities for minerals. This states that Development Plans and future Local Development Frameworks should, amongst other matters, identify sufficient environmentally acceptable sources to maintain an appropriate supply of aggregates and other minerals of regional or national significance.
39. Policy MCS1 of the Minerals Core Strategy aims to ensure an adequate and steady supply of minerals. The strategy for aggregates (crushed rock and sand and gravel) (MCS2) is to release reserves of crushed rock to be worked as extensions to existing extraction sites where they are required to ensure

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sustainable supply; and to allow proposals for aggregate extraction only where they will not cause unacceptable harm to the environment or communities. The strategy also contains policies concerned with, the protection of the environment (MCS11), transport of minerals (MCS16), and the reclamation and after-use of mineral sites (MCS17).

40. The Minerals Development Control Policies contains a number of policies to be used when determining planning applications for mineral developments including the following matters: sustainable mineral development, design, sites of national, regional and local importance, archaeology, open countryside, agricultural land, landscaping and woodland, health and amenity, transportation, rights of way, the water environment, air safeguarding, reclamation, after-use, planning conditions and obligations.
41. The North West Leicestershire Local Plan identifies the existing quarry and the proposed extension as being within a general Countryside designation. The majority of the existing quarry, and the adjacent Cloud Wood, is identified as a site of ecological or geological interest due to their designation as a Site of Special Scientific Interest (SSSI). Policy E26 of the NWLLP seeks to prevent damage to sites of ecological or geological interest. The Proposals Map also identifies the disused railway that now forms part of the Cloud Hill Trail as a 'Former Transport Route'.

Consultations**North West Leicestershire District Council – Planning**

42. No objection subject to the resolution of concerns raised by the District Council's Environmental Health Department, and subject to the conclusions of the potential impacts as outlined in the Environmental Statement being accepted by the County Council.

North West Leicestershire District Council – Environmental Health

43. The predicted noise levels comply with current guidance therefore are acceptable to North West Leicestershire District Council. The proposed dust action plan is satisfactory.

Worthington Parish Council

44. Following a meeting of the Worthington Parish Council on Thursday 29th October 2009 the Worthington Parish Council discussed the planning application from Ennstone Johnson Ltd for a southern extension to the existing quarry for the purpose of further extraction of limestone.

The Worthington Parish Council did not have any objections to this application.

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However the Worthington Parish Council was concerned that this proposal did not specify any detailed programme of restoration and landscaping following completion of this extension.

The Parish Council was also concerned that following cessation of total extraction of limestone from Cloud Hill Quarry, there are no specific restoration plans for the whole quarry and following the discontinuation of water pumping from the quarry site would flood an area to such a depth, creating the possibility of a potential hazard for anyone accessing this site.

The Parish Council was also concerned that the excavation of the over burden and the creation of a new bund close to the village of Worthington would create unacceptable levels of noise from lorries used to remove the waste extraction, and create dust levels which would affect the residents living close to the southern boundary of the quarry.

The Parish Council also wish to raise its concerns with the number of continued extension application programmes by the owners of Cloud Hill Quarry, which have extended the life of the Quarry and its continued impact upon Worthington Village.

The Parish Council also wish to question the Planning Authority with regard to the role of the Quarry facility once total extraction is completed and what safeguards the Planning Authority can impose with regard to future use of this facility.

Worthington Parish Council therefore ask that these concerns are addressed by the Leicestershire County Council Planning Authority whilst considering this planning application.

Breedon on the Hill Parish Council

45. No reply received at the time that this report was prepared.

Environment Agency

46. No objection.

It is the applicant's responsibility to ensure that the existing discharge consent conditions for the quarry water discharge and sewage treatment plant are met.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Consent will be required from the Environment Agency for any diversion of a watercourse.

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Natural England

47. The application presents no change in the eventual impact on the SSSI, but encourage the applicant to continue to work with the BGS and other groups to ensure that, prior to the cessation of pumping of the site, the appropriate recording of the SSSI interest is undertaken.

Accept that the opportunities to create limestone grassland on the site are limited and a restoration strategy which proposes a mix of woodland and grassland is appropriate. The creation of additional woodland adjacent to Cloud Hill Wood has the potential, if created and managed properly, to enhance the adjacent BAP and SSSI habitat.

Submission of an updated restoration concept should be required which makes explicit mention of BAP habitat, alongside a condition which requires production of a detailed restoration scheme (prior to cessation of mineral extraction) which maximises opportunities across the site to create habitats which contribute to local biodiversity targets.

The long term management of any habitats created on site needs to be secured for the longest period possible, ideally 25 years. It is vital that there is a degree of created habitats will be appropriately managed because appropriate management is critical to achieving good habitats.

A condition is required to secure more details about the proposed planting of 2.7 ha of native woodland and the translocation of calcareous grassland of Parish Value. The scheme must describe the composition of the planting and confirm that the stock will be of local provenance. A clear method for the translocation of the area of grassland should be submitted alongside a commitment to monitor progress on an annual basis and amend management as necessary. This monitoring will need to continue until the habitat has established.

The soils team has no comments.

East Midlands International Airport

48. Pleased to note the inclusion of Bird Strike material in the Environmental Statement and appreciate the applicant's efforts to consider the birdstrike hazard in drawing up proposals and restoration plans.

In accordance with the birdstrike mitigations outlined in the ES, the Airport would like to suggest a number of conditions:

- Site access by Airport Birdstrike personnel as required
- No future creation of islands, peninsula or incipient peninsulas either by design or inadvertently
- No feeding of wildfowl
- Final riparian planting scheme to be submitted for approval by the County Council through consultation with the Airport

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- West-East and North-South cross sectional bank profiles indicating mean water level to be submitted for approval by the County Council through consultation with the Airport
- Implementation of a positively managed grassland, through the introduction of wildflower meadows; details of the cutting/grazing regime to be submitted for approval by the County Council through consultation with the Airport.

Leicestershire & Rutland Wildlife Trust

49. No comments.

Sustrans

50. The path to be moved to accommodate the earth bund is not the one licensed to Sustrans, nor does it form part of the National Cycle network. Consequently we have no objection to this application.

Leicestershire County Council - Landscape Advice

51. The proposed extension represents a relatively small element in relation to the overall size of the quarry. The Landscape and Visual Impact Assessment points out that the scale and presence of the quarry is a major modifying factor in the impact assessment.

The Landscape and Visual Impact Assessment is adequate and its conclusions are broadly accurate. Whilst it does not seem to address the possible visual impacts of the tipped overburden and soil storage areas, these are not expected to be significant. The sequence of operations in relation to the bunding and planting needs to be clarified.

Proposals for protecting retained trees, woodland and hedges during the screen bund construction should be approved under a condition. The details of the new screen bunding should be similarly approved (from the information available it appears to be similar in height and gradients to the existing), as should detailed proposals for planting and maintenance of the associated woodland and grassland areas.

The general restoration proposals shown on CH5/5 are broadly acceptable, subject to the following issues being addressed in due course :

- long straight edges to the water body should be avoided wherever possible;
- if the access from the north is vehicular, then a car park area will be required;
- there would appear to be some potential conflicts between access and safety, given the steeply sloping nature of the water's edge;
- natural regeneration would be the preferred means of woodland establishment in those areas adjoining Cloud Wood;
- there will need to be long term management arrangements for the grassland and woodland areas.

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Leicestershire County Council - Rights of Way Advice

52. The proposed extension to Cloud Hill Quarry will not have a direct effect upon any formal public rights of way. In addition, it would appear that the Cloud Trail permissive cycleway together with its extension which skirts around the southern end of the proposed extension will continue to be available while quarrying operations are taking place, and also following the restoration of the land. Although opportunities to enhance further the formal rights of way network upon restoration of the land are likely to be limited, this particular issue should be considered in more detail at the time a final restoration plan has been formulated by the Company.

Leicestershire County Council - Highways Authority

53. On the basis of the submission whereby the number and routing of vehicles will be the same as the existing working/requirements, there are no highway safety or capacity issues associated with the proposal. In terms of restoration, there should be no access to car parking from Middle Brand given its nature.

County Archaeological Advice

54. The existence of a post-medieval to 19th/20th century squatter settlement has been well documented, and is noted in the environmental statement (ES). The extent and character of the buried (and upstanding) archaeological remains has been tested and lie partly within the application area, including the screening mound and extraction area.

The proposed works, including extraction, construction of the screening mound and the associated landscaping will impact upon the expected archaeological remains, leading to either their removal or their substantial truncation. The ES proposes a staged programme of further assessment (fieldwalking, topographic survey, geophysical investigation and trial trenching), this would then be followed by the preparation and implementation of a suitable mitigation programme, likely to comprise targeted area excavation.

The suggested assessment has already been adequately addressed by the existing completed work and it is recommended that any permission be subject to a condition requiring the implementation of an appropriate programme of archaeological work. This is likely to culminate in an archaeological excavation of the affected area, comprising an approximate 1 hectare area adjacent to the south eastern boundary of the application site, encompassing both the proposed screening mound and the extraction area to its north.

To the south of the screening mound and at its eastern end, the applicant proposes the planting of a further 1ha of woodland; this will also affect buried and potentially upstanding archaeological remains. It is recommended that

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the applicant consider retention and interpretation of any significant upstanding archaeological remains within the planting scheme. To inform this, the applicant should undertake an earthwork survey of the affected site (extraction, screening mound and woodland planting). Where, retention of the affected earthworks cannot be achieved, the applicant should make provision for their archaeological excavation in line with the recommended planning condition.

Finally, previous archaeological investigation has noted the presence of sluices and a bridge associated with the water course defining the southern and western quarry boundary. The current scheme appears to exclude these affected features, however, where the present scheme may impact upon these remains the applicant should make provision for their maintenance and retention, or alternatively give consideration to their investigation and recording.

Leicestershire County Council - Ecological & Geological Advice

55. In general terms, the ecology report and assessment is acceptable. The majority of impacts on ecology are not significant, as the area for the proposed extension is mainly arable land, recent plantation woodland or species-poor grassland, with few features of more than local value. The main impacts are as follows:

- Loss of small area of calcareous grassland, scrub and well-established secondary woodland along the cycle path west of the quarry. Calcareous grassland is a UK BAP habitat and is extremely scarce within Leicestershire, but this is a very small area and does not appear to support notable species. Its loss could be compensated for in the restoration scheme. The secondary woodland is species-rich, with 2008 records for Anemone, Moschatel and Greater Bellflower. This woodland cannot be replaced within the medium term but it is a small area, and again the restoration proposals will eventually provide adequate compensation.
- Probably adverse impacts to a species-rich hedgerow along the lane to Cloud Wood, on the eastern edge of the proposed extension. Notably, this lane is used as a bat 'commuting' route to Cloud Wood, with 4 species recorded using it: Common Pipistrelle, Noctule, Whiskered/Brandt's and Brown long-eared. Whiskered/Brandt's bat are a scarce species in Leicestershire. Concerned about the indirect impact on the population. Although it does not appear to be directly threatened with loss, it is immediately adjacent to the boundary of the proposed extension, and it is very likely that bat activity will be disturbed by the quarry extension. Further information on the impact on bats of disturbance to this hedge should be provided, plus mitigation proposals if adverse impacts are identified.

An opportunity to create a significant area of calcareous grassland that could make a significant dent in the regional target for creation of this habitat is being missed in the restoration proposals. There are very few opportunities

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in Leicestershire to create this locally, regionally and nationally important habitat, and this is one of them. Creation of woodland is of secondary potential value for biodiversity in this context. These aspects of the restoration plan should be scaled down to that necessary for screening, to release more land for grassland creation, particularly at the northern edge of the void on the former quarry plant site. The proposal for blocks of woodland planting interspersed with grassland should be replaced by plans for creation of a large expanse of calcareous grassland with scattered scrub. Similarly, at the southern edge of the void, as much of this as possible should be restored as calcareous grassland, instead of the proposed woodland planting. Ideally the topography in these grassland areas should be left in an irregular state, with changes in slope and humps and hollows, as this will create more niches for species to colonise.

The proposed scrub/grassland/woodland habitat would attract at least as many birds as open calcareous grassland, possibly more, so proximity to East Midlands Airport is not an adequate reason for not creating the more important grassland habitat. Dry calcareous grassland is unlikely to attract waterfowl grazing as long as is separated from the water's edge by scrub and is managed as a wildflower meadow by low-intensity grazing to create longer grass habitat (waterfowl prefer short grass). The preferred method for creation of grassland would be natural colonisation.

Publicity

56. The application was advertised by way of press notice in the Leicester Mercury and Coalville Times. Neighbour notification letters were sent to some 222 residential properties in the immediate vicinity of the proposed development informing them of the Company's proposal. Site notices were posted on 18th September 2009.

Representations Received

57. A total of 56 responses have been received objecting to the proposed development. These include 52 responses from residents of Worthington.
58. In addition, a petition 'Say No to the Quarry Extension in Worthington' with 103 signatures has been received from Worthington village residents and parents of village school children.
59. The main concerns raised in representations are:

Proximity to village of Worthington

- Adverse effect on quality of life in village.
- The proposed development will bring the edge of the quarry much closer to the village, in particular the local school.
- Quarrying closer to the village of Worthington will increase the noise, dust, pollution, blast noise and all the other problems associated with the quarry.

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- Further extension of the quarry is not acceptable because the local community have already suffered enough.
- The amount of stone from the proposed extension does not merit the considerable detrimental environmental impact.
- The quarry should not be allowed to encroach any further south towards the village.
- Quarry should develop operation away from village.

Proximity to Worthington school

- Quarry would get even closer to the village school.
- Will have a particularly adverse effect on the school and schoolchildren.
- Additional blasting, increased noise and dust will have a detrimental effect on children's learning environment and their health.
- School children are already bothered by blasting.

Removal of trees and bund

- Removal of the bund and trees planted to reduce the noise and visual impact of the last extension.
- Removal of trees will increase noise levels.
- New trees will not provide a screen for the village.
- Proposed new bund is inadequate to properly achieve its aims.
- There will be a significant loss of wooded areas which are enjoyed by a wide range of local people and visitors and of increasing wildlife habitat value.

Effect on path

- Will remove footpath which is well used by the local community.
- Paths that remain will be impacted severely by the quarry operations being that much closer.
- New footpath proposed runs very close to and virtually parallel to another footpath.

Blasting

- Concern about blasting noise and potential damage caused by blasting.
- Blasting already causes vibration to the houses in the village.
- Concerned about the effects on property from blast vibrations.
- Proposed workings will increase the level of vibration currently experienced when the Quarry blasts, and possibly cause damage to properties.

Traffic

- Will be an increase in number of vehicles in the area.
- Traffic levels have increased dramatically since the opening of the asphalt plant.
- Roads not suitable for heavy traffic.
- Roads around quarry already become covered with dirty slippery deposits.
- Local roads damaged by quarry traffic.
- Extension of the quarry will prolong the effect of heavy traffic on area.

2009/0940/07 (2009/C121/07) – continuedNoise

- Noise levels during the working day are already noticeable.
- Noise level will increase.
- Noise levels would exceed current limits at Mill House Farm and Manor Drive.

Dust

- Dust from the quarry is already a problem.
- Quarrying closer to village will make situation worse.
- Dust levels will increase, particularly from movement of overburden.

Wildlife

- Disturbance to wildlife.
- Would destroy bank where sand and house martins nest each year.
- Extension of the quarry will also result in the loss of a significant proportion of the wildlife plantation which was offered to the local community to compensate for the previous quarry extension.

Visual Impact

- Quarry is already a large blot on the landscape.
- Visual impact of extension will be significant.
- Concerned that further move towards village will cause permanent visual intrusion.
- Woodland and scenic views along a significant part of the Cloud Trail would be destroyed.

Restoration

- Concerned about the future use for the area and whether it will be used for landfill.
- Cannot replace loss of trees and other wildlife within a reasonable timescale.
- Plan shows very attractive body of water in a sylvan setting – better than filling with waste.
- Concerned at term 'conceptual' – need some commitment to restoration of the site together with timescale for completion of restoration work.

Previous Assurances

- Promised last time that would not extend any further.
- Believed that previous application was last extension to be made.
- The previous extension included assurances that the establishment of the southern bund and planted trees would effectively mark the line of extension.
- Previous application stated that full lateral extent of limestone deposit had been identified. Hence reference to permanent bund to be constructed at southern limit.

Previous decisions taken against wishes of villagers

- Hope comments of residents receive more consideration than last time.
- Feel very strongly that wishes of the villagers are ignored.

2009/0940/07 (2009/C121/07) – continuedNeed/Commercial Benefit

- Question need for extension.
- Pure commercial gain without regard to the environment.
- Need to ensure that balance does not favour commercial benefits over the quality of life of local people.
- No over-riding need for degradation to quality of environment and life of Worthington and its residents.
- Will not bring any great economic or social benefit.
- Previous promises and decisions ignored for commercial reasons.

Timescale

- Concern at potential timescale for overburden removal.
- Application should only be granted with a strict timescale.
- 10 years is completely unacceptable.
- Need realistic and binding timescale on restoration.

Geological reasons

- Stone of poor quality. Question justification/need.
- Will mean the removal of huge amounts of overburden that will ultimately have to 'dumped' elsewhere.
- Were deposits 'missed' in previous investigations? Why cannot existing reserves at depth be worked without this extension?

Miscellaneous

- Detrimental effect on property values.
- Concern that further floodlighting will be required.
- Operating hours should be restricted.
- Question whether long-term plan to continue expanding south towards Bull Hill.
- Concern at lack of safe pedestrian access to Cloud Wood.
- Effect on course of stream running to east of village.
- Concern about safety of children playing near quarry; and about safety for animals and humans.
- Lack of commitment to creation of new employment opportunities.
- Effect on several listed buildings near the edge of the village.

60. The table below provides a breakdown of the main issues raised in the representations.

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Issue	Number of letters in which issue raised
Proximity to Worthington Village	35
Blasting	33
Effect on existing paths	32
Noise	30
Dust	29
Removal of existing trees/bund	25
Visual Impact	19
Traffic	18
Wildlife	13
Previous Decisions	11
Previous Assurances	10
Proximity to Worthington School	10
Commercial Benefit	8
Property Values	5
Restoration	4
Geological issues	3
Timescale	3

Assessment of Proposals

61. This proposal, like any other application, must be determined on its own merits taking account of current relevant Government guidance and advice, the Development Plan, relevant statutory or non-statutory policies and any other material considerations. It is necessary to make a careful assessment of all the issues involved to determine whether the development proposed would cause demonstrable harm to interests of acknowledged importance, and if so, would that harm be offset by other relevant considerations. In the light of the above, it is appropriate to consider the following issues:

- a) Policy Background
 - Government Guidance
 - Development Plan

- b) Environmental Effects
 - Noise
 - Dust
 - Blasting
 - Traffic
 - Public Rights of Way
 - Landscape and Visual impact
 - Effect on Wildlife
 - Restoration

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Policy Background

62. With respect to National policy, Minerals Planning Statement (MPS) 1 is of particular relevance. It points out that minerals can be worked only where they occur. It sets out the Government's objectives for mineral planning. These include the following:
- to conserve mineral resources through appropriate domestic provision and timing of supply;
 - to secure working practices which prevent or reduce as far as possible, impacts on the environment and human health arising from the extraction, processing, management or transportation of minerals;
 - to protect internationally and nationally designated areas of landscape value and nature conservation importance from minerals development, other than in exceptional circumstances
 - to secure adequate and steady supplies of minerals needed by society and the economy within the limits set by the environment, assessed through sustainability appraisal, without irreversible damage;
 - to maximise the benefits and minimise the impacts of minerals operations over their full life cycle;
 - to protect and seek to enhance the overall quality of the environment once extraction has ceased, through high standards of restoration, and to safeguard the long-term potential of land for a wide range of after-uses.
63. The Practice Guide accompanying MPS1 recognises that it may sometimes be preferable, as a means of minimising environmental disturbance, to adopt a policy of preference for allowing extensions to existing mineral workings rather than allowing mineral working at greenfield sites. It indicates that this can secure the utilisation of minerals that might otherwise be sterilised, but goes on to state that this will not always be the case because some existing mineral workings may be unsuitably located, and others may have already reached their acceptable boundaries.
64. In February 2004, the East Midlands Regional Assembly approved sub-regional apportionments for each of the Mineral Planning Authorities across the region. Leicestershire is required to provide some 257 million tonnes of crushed rock in the period between 2001 and 2016. In addition, 80 million tonnes are required for the period of 2017 to 2021. Calculations published in the Minerals Development Framework indicate that, taking into account permitted crushed rock reserves, there would be a surplus of approximately 147 million tonnes over the period to 2021. The Core Strategy states that there are a variety of circumstances under which proposals to extend existing sites may nevertheless come forward during the MDF period in order to ensure continuity of supply.
65. The strategy for the supply of minerals in the Minerals Core Strategy (MCS1) is to release land for extraction where it is necessary to maintain an adequate supply of minerals and it can be shown that demand could not be met from existing permitted reserves, having regard to the sub-regional apportionment figures for aggregate minerals. Priority will be given to the extension of

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appropriate existing sites. The strategy for aggregates (crushed rock and sand and gravel) (MCS2) is to make provision for sufficient supplies to meet the sub-regional apportionment; and to release reserves of crushed rock to be worked as extensions to existing extraction sites where they are required to ensure sustainable supply.

66. The County Council needs to be satisfied that a steady supply of mineral can be produced throughout the plan period, and that its contribution to regional/national aggregates provision can be met. MPS1 advises MPAs to use the length of the landbank of permitted reserves in its area as an indicator of when new permissions for aggregates extraction are likely to be needed. It states that the landbank indicator in the case of crushed rock is at least 10 years. As at 31st December 2008, the crushed rock landbank for Leicestershire was some 22 years. The spread of reserves is not equally split across the sites however. Cloud Hill Quarry has the lowest life expectancy for existing quarries at approximately 9 years.
67. The proposed development is intended to secure the long-term future of operations at Cloud Hill Quarry by maximising the mineral reserves within the Company's ownership, thereby ensuring a continuity of supply of limestone beyond the existing limited reserve situation. The provision of further reserves would help to sustain jobs at the Quarry and the contribution that the company makes to the local economy. The Company state that current reserves at the Quarry are sufficient for around 10 years at current rates of extraction. The proposed extension would enable the quarry to remain in operation for an additional 3-4 years.
68. The 1996 planning application was submitted by Breedon plc. The statement accompanying that application stated that, following an extensive geological exercise, it was felt that the full lateral extent of the limestone deposit had been identified. In answer to a question at the District Council's Minerals Subcommittee, the applicant's agent stated that the southern perimeter mound formed the limit of what could currently be economically extracted. In his opinion, further extraction in the future was possible but was not probable.
69. The 1996 planning permission and its associated legal agreement do not include any provisions restricting the future development of the quarry. A Government Planning Inspector has previously commented (in respect of representations made on the Leicestershire Minerals Local Plan) that if the County Council felt it desirable to protect certain areas from future extraction, it is open to them to refuse those planning applications for mineral extraction which they consider unacceptable. He felt that planning applications should be determined on their own merits and should not be forestalled by planning obligations.
70. The new site operators, Ennstone Johnston, have themselves undertaken an extensive programme of drilling to the south of the existing quarry in order to determine the extent of the mineral resource. This included the fields to the south of the quarry, and the fields to the south east of the quarry and to the south of Cloud Wood. These drilling results revealed that the accessible

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mineral resource to the south of the quarry is limited to the areas included in the current planning application. In other locations the limestone was found to dip rapidly beneath increasing amounts of overburden. Therefore the Company does not consider that any further southwards extensions of the quarry, beyond the current application, are viable.

71. Comment has been made that the Quarry should develop its operation away from village. The Environmental Assessment Regulations require a consideration, in environmental terms, of alternatives that were considered by the applicant. The ES considers alternative possible sources of aggregate that may be accessible from Cloud Hill Quarry. It points out that the quarry is relatively constrained by existing infrastructure or environmental features. The eastern boundary of the quarry runs along an ecological SSSI based around Cloud Wood. The northern end of the quarry houses the quarry plant together with the roadstone coating plant and the concrete plant. A northern extension beyond the plant area would require the relocation of Stocking Lane and the potential removal of roadside vegetation including trees covered by Tree Preservation Orders. A western extension of the quarry would require the relocation of the Cloud Trail SusTrans route and the Ramsley Brook.
72. Concern had been expressed by local residents that the planning application for a new asphalt plant submitted in 2005 might lead to further extension of the quarry. The report to the Board on that application indicated that any proposals to work further areas would be subject to a separate application and detailed consultation process. This is what has happened with the current planning application. The previous planning permission for the asphalt plant does not however have any bearing on the determination of this application.
73. The strategy for aggregates in the Minerals Core Strategy (MCS2) is also to allow proposals for aggregate extraction only where they will not cause unacceptable harm to the environment or communities. The environmental and other effects of the current proposal are examined below.

Environmental Effects

Noise

74. Concern has been expressed about the potential levels of noise that will be generated by the proposed development. The normal practice in accordance with MPS 2 is to set a day time limit of 55 dBLAeq. MPS 2 does, however, say that in particularly quiet rural areas, where a limit of 55 dB LAeq would allow existing background levels to be exceeded by more than 10dB(A), a lower limit may be appropriate. This is on the basis that noise levels which are more than 10dB above background are known from research to be likely to cause annoyance/disturbance that may be construed to amount to nuisance. MPS 2 states that the setting of a daytime limit below 45 dB LAeq would not normally be appropriate as such a limit should prove tolerable to most people in rural locations.

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75. The noise limit for Cloud Hill Quarry, as set out in the existing planning permission, is 50 dBLAeq at any noise sensitive property. The Company's noise assessment, as set out in the Environmental Statement accompanying the planning application, predicted that absolute worst-case noise levels produced by normal operations within the proposed extension area would exceed this noise limit at Mill House Farm and Manor Drive.
76. The worst-case scenario was based on 'GSB', '20-5 mm' and 'chippings' plant all operating within the proposed extension area. The Company has indicated however that it would not be intended or possible to operate the 20-5mm crushing/screening plant together with the GSB plant as assumed in the original predictions. The 'worst case' predictions have been revised accordingly. The revised predicted worst-case noise levels for Mill House Farm and Manor Drive, assuming that the 20-5mm plant is not operated, is 48.3 and 49.4dB L_{Aeq,1hr} respectively. These predicted noise levels are below existing permitted noise levels. Consequently, it is not considered that local residents should experience any unacceptable adverse noise impact.
77. It is predicted that the existing noise limit of 50 dBLAeq will be exceeded for certain operations related to soil stripping, overburden handling and screen mound construction works. MPS 2 provides for the raising of noise limits temporarily to allow for short-term noisy phases in mineral extraction operations. It suggests that a noise level of 70 dB LAeq should be considered for periods of up to 8 weeks in a year to facilitate such temporary operations. The predicted noise levels for a combination of all operations associated with soil stripping, overburden handling and bund construction are below this noise level. It is anticipated that the new perimeter screen mound will take 2-3 weeks to construct. It is not therefore anticipated that the proposed operations will give rise to noise levels that exceed the noise criterion for temporary operations at any inhabited property.
78. Concern has been expressed that the loss of trees at the southern end of the quarry will lead to increased noise levels from the quarry. Trees generally provide no significant noise reduction. For trees to provide any significant noise reduction, some noise experts suggest that a tree belt must be more than 100m thick and very densely planted before any significant excess attenuation is achieved. In this instance, the outer belt of deciduous woodland would in any event be retained. The imposition of a planning condition is recommended to ensure that this belt of trees is retained and managed for the duration of operations at Cloud Hill Quarry.

Dust

79. The applicants have submitted a Dust Action Plan which specifies measures that will be taken in order to control and monitor dust emissions from the site. Control will be exercised essentially through the use of good working practices and, as necessary, wet suppression. The District Environmental Health Officer has indicated that the submitted dust action plan is satisfactory. It is considered that dust emissions can be kept to acceptable levels through the implementation of this action plan.

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Blasting

80. Concern in respect of blasting normally relates to the potential damage to property. Each individual's perception of blast vibrations varies. Some individuals find very low levels disturbing and find it difficult to accept that they offer no danger to property. It is in the operator's interest to minimise vibrations to avoid complaints and to ensure efficient blasting.
81. The threshold of perception of vibration is very much lower than the onset of even cosmetic damage (plaster cracking). Humans may well start to notice vibration levels at around 0.2-0.5mm/s ppv. This compares to a level of 12mm/s for cosmetic damage, e.g. plaster cracks, and 18mm/s for structural damage to residential properties.
82. The limit on ground vibration for the existing operations at Cloud Hill Quarry is 6mm per second ppv. Such a limit is well below the level where even cosmetic damage might occur. It would be appropriate to impose the same limit at any inhabited building for the proposed quarry extension. The Company's blast consultants predict that vibration levels at the nearest vibration-sensitive locations would be below this limit.
83. During the last 6 months of 2009, there were some 47 blasts at the quarry. The Company monitored each of these blasts outside 1 Main Street, Worthington. The highest recorded reading was 2.46 mm/s ppv. All of these blasts were thus well within the specified limit. The last complaint regarding a specific blast at the quarry was received by Council officers in 2006.
84. The frequency of blasting will not change since the proposals are intended to replace reserves that have been worked and not to increase production. No change to blasting hours is proposed: the applicant is not seeking to extend the hours of blasting to include Saturdays, or to remove the restriction on not blasting in hours of darkness.
85. In respect of comments made about blasting at Cloud Hill Quarry, the Company always blast at 1p.m., at which time children would not normally be having lessons in school. Ennstone state that they have not been approached by the school to change the time of blasting. Sentries are posted along the path when blasting nearby to warn people of the blast. The proposed ground vibration limit should ensure that there is no structural damage to any listed buildings.

Traffic

86. No change in vehicle movements from the quarry is anticipated as a direct result of the proposed development. On the basis that the number and routing of vehicles will be the same as the existing situation, there are no highway safety or capacity issues associated with the proposal and consequently no objection on highway grounds to the proposed development.

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87. Residents are correct in saying that traffic levels may have increased since the asphalt plant was constructed, but this was taken into account when determining that application. Thus, it was estimated that there would be a net increase of 62 traffic movements per day as a result of the installation of the asphalt plant. This represents approximately 10% of the overall hgv traffic movements associated with the quarry development.

Removal of the bund/woodland

88. The applicant has submitted a revised set of plans which correct and clarify the phasing of the operations. Works within Phase 1 are entirely confined to the existing quarry site, and no operations will take place in the proposed extension. During this phase, extraction will be concentrated at the northern end of the quarry in readiness to receive the overburden from the extension development. This will take up to 5 years.
89. Works within the extension area start in Phase 2 and these commence with the formation of the new screen mound around the extended boundary. This requires 36,000 cubic metres of overburden/soil and is anticipated to take 2-3 weeks to construct. This would be completed prior to the removal of the existing screen mound. Except for a short section where the new screen mound is built on the strip occupied by the existing screen mound, the existing screen mound will remain in place, and would not be removed until Phase 3. Following completion of the new screen mound, the new planting would be implemented.
90. The original planning application submitted in 1996 included proposals for the establishment of a permanent landscaped screening mound to the south of Cloud Hill Quarry. The area between the mound and the quarry was to be planted as commercial woodland. Following concerns expressed by local residents, an amended scheme was submitted and subsequently approved. In the amended scheme, the permanent bund feature was replaced by a 30 metre belt of deciduous woodland with modified screen bunds.
91. The report to Committee in respect of the 1996 application commented that the proposed woodland planting south of the proposed mound will, once established, ameliorate the general visual impact of Cloud Hill Quarry when viewed from the south. No comment was made about any noise attenuation effect that this planting would have. The current proposal involves the removal of some of the commercial woodland planted south of the quarry, but does not involve the removal of the outer 30 metre belt of deciduous woodland. The Company has also confirmed that it is not proposed to remove that part of the existing plantation woodland that lies outside the application boundary beyond the proposed new southern screen bank.

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Public Rights of Way

92. Policy MDC15 of the Minerals Development Framework states that planning permission will not be granted for minerals development that would adversely affect a public right of way, unless satisfactory proposals which are both convenient and safe are made for its diversion or the creation of an alternative route both during operations and following restoration of the site. The opportunity will be taken wherever possible to secure appropriate, improved access into the countryside.
93. The proposed extension to Cloud Hill Quarry will not have a direct effect upon any formal public rights of way. In addition, the Cloud Trail permissive cycleway together with its extension which skirts around the southern end of the proposed extension will continue to be available while quarrying operations are taking place, and also following the restoration of the land. Sustrans have confirmed that the path to be moved is not the one licensed to them, nor does it form part of the National Cycle network.
94. Opportunities to enhance further the formal rights of way network upon restoration of the land are likely to be limited, but this particular issue can be considered in more detail at the time that a final restoration plan has been formulated by the Company.
95. The amended scheme associated with the 1996 planning application showed the establishment of a permissive path around the deciduous woodland planting area south of the quarry. This outer permissive path is not affected by the current proposal. The path to be diverted is the one that runs adjacent to the existing perimeter bund. There was no requirement to provide such a path in the 1996 permission. The relocated path will be approximately 70m from the Cloud Hill trail Extension.

Landscape and Visual

96. The proposed extension represents a relatively small element in relation to the overall size of the quarry. The Landscape and Visual Impact Assessment accompanying the application concludes that, while short term disturbance caused by initial works is likely to cause an impact to a limited number of receptors, it is likely that in the medium term the proposed quarry extension would not prove to be materially more intrusive than the current operation. The proposed new perimeter mound would be screened by the vegetation to be retained between the application site and in and around Worthington.
97. Long term, on completion of the restoration works, the assessment concludes that Cloud Hill Quarry will begin to assimilate itself with the surrounding landscape; the eventual removal and restoration of the plant site being of significant benefit to both the landscape and visual amenity of the local landscape.

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98. It is considered these conclusions are broadly accurate. The existing peripheral tree belt would continue to provide an adequate screen and the proposed bund will be substantially screened by existing vegetation. The proposed perimeter bund will be similar in height to the existing bund and views to the extraction void will be little-altered.
99. The imposition of planning conditions are recommended to protect retained trees, woodland and hedges, including vegetation immediately adjacent to Cloud Trail and around the southern perimeter of the quarry, and to require the submission of details of the new screen bunding together with detailed proposals for planting and maintenance of the associated woodland and grassland areas.

Effect on Wildlife

100. The EU Habitats Directive requires Member States to endeavour to encourage the management of features of the landscape which are of major importance for wild flora and fauna. Such features are essential for migration, dispersal and genetic exchange because of their linear and continuous structure or their function as 'stepping stones'.
101. Whilst much of the site is of limited nature conservation value, there are a number of species and features within and around the site which are of local importance. Neither Natural England nor the County Ecologist has however objected to the proposed development. It is considered that the landscaping and restoration proposals will make a significant contribution to local biodiversity and will outweigh any predicted losses caused by the proposed development.
102. Losses of habitat as a result of the proposed development would include approximately 2.4ha of mixed and broad-leaved plantation woodland, 2.3ha of re-colonised grassland, 0.65ha of broad-leaved semi-natural woodland, 0.2ha of dense scrub, 0.16ha of unimproved calcareous grassland, 235m of species-poor hedgerow, 265m of ditch and an individual mature pedunculate oak.
103. In general terms, the ecology report and assessment submitted with the planning application is considered acceptable. The majority of impacts on ecology are not significant, as the area for the proposed extension is mainly arable land, recent plantation woodland or species-poor grassland, with few features of more than local value.
104. A small area of calcareous grassland, scrub and well-established secondary woodland will be lost along the cycle path west of the quarry. Calcareous grassland is a UK BAP habitat and is extremely scarce within Leicestershire, but this is a very small area and does not appear to support notable species. The secondary woodland is species-rich. Whilst this woodland cannot be replaced within the medium term, it is a small area, and again the restoration proposals will eventually provide adequate compensation. Natural England

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has recommended the imposition of a condition requiring more details regarding the proposed planting of the native woodland and the translocation of calcareous grassland to the south of the quarry.

105. Several commuting common pipistrelle, brown long-eared and whiskered/Brandt's bats were recorded commuting along the track adjacent to the species-rich hedgerow on Middle Brand during activity survey in summer 2008. Whiskered/Brandt's bats are uncommon species within Leicestershire. The applicant has assessed the potential impacts of the proposed development on the species-rich hedgerow, and therefore the bat commuting route. The assessment concludes that there will be no significant impacts on the hedgerow and as such no significant impacts on commuting bats along this route as a result of the proposed development.
106. The extraction boundary is approximately 9.5m from the hedgerow and as such there would be no direct loss of the hedgerow habitat as a result of the development. Given this distance between the extraction boundary and the hedgerow, no damage to tree roots – and as such no impacts on the stability of or uptake of water by the hedgerow – are predicted. The quarry would continue to be operational during daylight hours only, and substantially below existing ground levels following the initial removal of overburden. As a result no significant adverse effects upon commuting bats as a result of noise or lighting disturbance are predicted. In order to protect this hedgerow habitat, a condition is recommended regarding the retention of a protected 10m buffer along the hedgerow, to the top of the excavation.
107. Additional commuting routes for bats would be created as part of landscaping proposals. Planting around the proposed new screen bank would create a sheltered commuting route for bats from west to east across the site.
108. It is understood that there is a colony of sand martins nesting within a small area of the soil bund around the existing southern boundary. Sand martins are not specially protected, but like all wild birds, their nests are protected under the Wildlife and Countryside Act 1981 (as amended) from damage or destruction whilst in use or being built.
109. Suitable nesting habitat for sand martins within the local area is expected to be very limited, and the species is listed as an Action Plan species within the Leicestershire BAP. This colony could therefore be assessed as being of up to county ecological value. The applicant proposes that an artificial sand martin bank be created within the new screen mound to be constructed to mitigate for the loss of nesting habitat. This screen mound would be formed prior to removal of the existing bund. Accordingly, the imposition of a condition is recommended requiring the construction of a replacement artificial sandmartin bank.

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Effect on Watercourses

110. Two channels associated with the Ramsley Brook run to the south of the existing quarry. The western channel is now effectively the only watercourse. The eastern channel carries a negligible flow and is dry for significant parts of the year. The proposed extension would only require a minor realignment to the eastern channel. Such a realignment has previously been approved to allow the existing perimeter screening bund to be constructed. No further drain/watercourse diversions are required as part of the current proposals.

Restoration

111. Policy MDC20 of the Minerals Development Framework states that planning permission for minerals development will not be granted unless satisfactory provision has been made for the reclamation and after-use of the site and where necessary its long term management.
112. The application includes a conceptual restoration scheme for the whole quarry. This indicates that the quarry void would be flooded to create a water body with blocks of broad-leaved woodland and grassland on peripheral areas. The proposed scheme would increase cover of broad-leaved woodland of native species composition within and immediately adjacent to the proposed extension area by approximately 2.35ha and would include creation of approximately 2.6ha of species-rich grassland.
113. The applicant has indicated that opportunities for the creation of limestone grassland are limited. Upon cessation of quarrying the void will flood as a consequence of surface water drainage and inflows of groundwater. The margins of the site are almost entirely wooded, and the proposed extension area would simply provide for an enlarged water body. Consequently, there are no areas within the application site where a significant area of grassland could be established. Moreover, due to geological conditions (the underlying geology comprising Mercia Mudstone), the land surrounding the quarry would not generally be suitable for the establishment of calcareous grassland. In addition, the quarry margins are very narrow and there is no scope to introduce areas of grassland into the restoration/landscaping proposals. The only significant expanse around the quarry which would not be flooded is the processing plant site at the northern end of the quarry. This will remain in operation for many years and the planning permission covering this area requires a restoration scheme to be submitted upon completion of minerals extraction.
114. The general restoration proposals are broadly acceptable. The network of semi-natural habitats proposed as part of the restoration appears good and will create a mosaic of habitats for wildlife. Natural England is satisfied that the opportunities to create limestone grassland on the site are limited and that a restoration strategy which proposes a mix of woodland and grassland is appropriate. The creation of additional woodland adjacent to Cloud Hill Wood has the potential, if created and managed properly, to enhance the adjacent BAP and SSSI habitat.

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115. Natural England has recommended the imposition of conditions requiring the submission of an updated restoration concept which makes explicit mention of BAP habitat, together with the production of a detailed restoration scheme (prior to cessation of mineral extraction) which maximises opportunities across the site to create habitats which contribute to local biodiversity targets.
116. In order to ensure the biodiversity enhancement of the area, the appropriate management of the site for nature conservation purposes needs to be guaranteed over a longer period than the statutory 5-year aftercare period. The requirement for the long term management of nature conservation habitats to protect and or enhance the biodiversity of an area is supported in MPG7. Natural England has recommended that the long term management of any habitats created on site needs to be secured for the longest period possible. Ennstone have indicated that a 10 year period of aftercare/ management would be consistent with the arrangements in place following the permission granted to extend Breedon Quarry. Natural England has agreed that this would be reasonable in the circumstances.
117. Policy MDC16 of the Minerals Development Framework states that planning permission will not be granted for minerals development which could give rise to new or increased hazards to aviation. East Midlands Airport has however raised no objections to the restoration proposals subject to the implementation of certain birdstrike mitigation measures.

Other issues

118. The applicant has indicated that no additional floodlighting will be required for the proposed quarry extension. In respect of concerns about existing lighting arrangements, Ennstone have adjusted some higher level floodlights on site so that the spread of light is directed downwards and adjusted the controlling time clock to turn the lights off when operations have ceased on site.
119. In respect of the access to Cloud Wood, this matter is being dealt with by the Leicestershire and Rutland Wildlife Trust. A new pedestrian access route is to be provided.

Conclusions

120. The key Development Plan policy is MCS2. The proposed development would release 4.3 million tonnes of limestone representing an additional 3-4 years of reserve. This would ensure a continuity of supply of limestone beyond the existing limited reserve situation at Cloud Hill Quarry. To that extent, the proposal accords with Policy MCS2. The additional reserves could not otherwise be worked.
121. As far as environmental effects are concerned:
noise levels are predicted to remain below those advised by government and will not exceed existing levels set for the site;
dust emissions can be kept to acceptable levels with the imposition of appropriate planning conditions;

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blasts can be designed to ensure compliance with a vibration limit well below the level where even cosmetic damage might occur;

traffic: no change in vehicle movements from the quarry is anticipated;

public rights of way: the proposal will not have a direct effect upon any formal public rights of way or the Cloud Trail permissive cycleway;

landscape and visual impact: there would be some short term disturbance caused by initial works; the landscaping measures would effectively screen the quarry operations; the proposed new perimeter mound would be substantially screened by existing vegetation;

effect on wildlife: much of the site is of limited nature conservation value, although there are a number of species and features within and around the site which are of local importance; the landscaping and restoration proposals will make a significant contribution to local biodiversity and outweigh any predicted losses;

restoration: the application includes a conceptual restoration scheme for the whole quarry; the existing permission does not contain any restoration conditions.

122. In conclusion, it is not considered that the proposed development conflicts with either National planning policy and guidance, or the Development Plan (particularly the Minerals Development Framework). The main areas of concern are either overcome by various measures contained within the planning application or can be overcome through the imposition of conditions such that the proposed development would not cause unacceptable impact to local residents and the local environment. It is therefore recommended that the proposed development be permitted subject to the imposition of conditions and the completion of a legal agreement.

Recommendation

1. PERMIT subject to the prior completion of a Legal Agreement covering the longer term management of proposed woodland and nature conservation areas and subject to the conditions as set out in the appendix.
2. To endorse, as required by The Town and Country Planning (General Development Procedure) Order 1995 (as amended), a summary of the:
 - a. policies and proposals in the development plan which are relevant to the decision, as follows:
 - i. This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant development plan policies, including the following, and those referred to under the specific conditions as set out in the appendix:-
Leicestershire Minerals Core Strategy and Development Control Policies: MCS1&2; MDC15,16 & 20
North West Leicestershire District Local Plan Policies: S3, E25, E26 and T14.

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- b. reasons for the grant of planning permission, as follows:
 - i. The County Council considers that the proposed development accords with the development plan and there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm to the local environment as a result of the proposed development would reasonably be mitigated by the imposition of conditions as set out in the appendix, and that any harm would be outweighed by the benefits associated with the proposal.

Background Papers

1. Planning Application 2009/0940/07 dated 2nd September 2009
2. Planning Permission Nos. 96/0139/7 dated 14th August 1997 and 2005/0508/07 dated 11th January 2006.

2009/0940/07 (2009/C121/07) – continued

Conditions

General

1. The permission relates to the extension of extractive and associated quarrying operations at Cloud Hill Quarry within the land shown edged red on Plan CH5/1 submitted with the planning application (the “application site”).

Commencement

2. The winning and working of minerals shall be begun within 7 years from the date of this permission. Written notification of the commencement of operations involving the winning and working of minerals shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Duration

3. The winning and working of minerals within the application site shall be limited to a period expiring on 31st December 2025.

Display of Conditions

4. A copy of the planning application and this permission with relevant plans shall be lodged with the quarry manager and shall be available at all times for reference by appropriate staff.

Working and Phasing Details

5. Unless otherwise required by the conditions attached to this permission, the working, restoration and aftercare of the site shall be carried out in accordance with the Application No. 2009/0940/7 dated 2nd September 2009 and the accompanying statement, plans and Environmental Statement; together with the revised plans (CH5/1-4) dated December 2009.
6. The extraction of limestone shall be limited to the areas shown in yellow on Plan CH5/3 dated December 2009.
7. Working shall be carried out sequentially as indicated on Drawing Nos. CH5/1-3 dated December 2009.
8. The construction of the proposed screening bund and the proposed restoration of the application site shall only be carried out using materials derived from within the site.
9. No waste materials shall be imported onto the application site for final disposal.

2009/0940/07 (2009/C121/07) – continued

10. No soil stripping and overburden extraction shall take place within the application site (other than as may be necessary to provide material for the construction of the proposed screening bund) unless and until the proposed screening bund has been constructed to screen site operations in the location as shown on drawing no. CH5/4 dated December 2009. The bund shall be constructed in accordance with details which have previously been agreed in writing with the Mineral Planning Authority. The outer facing portion of the bund shall be seeded to grass and landscaped at the earliest opportunity and maintained in weed free condition. The bund shall be maintained and managed for the duration of operations hereby permitted.
11. No minerals other than those extracted from Cloud Hill Quarry shall be brought onto the application site for processing.

Restriction of Permitted Development Rights

12. Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced at the application site without the prior agreement in writing of the Mineral Planning Authority.

Hours of Operation

13. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), the hours of operations within the application site shall be as follows:
- (a) operations (other than water pumping, servicing, environmental monitoring and management, maintenance and testing of plant) shall only be carried out between the hours of 0700 and 1800 Monday to Friday and 0700 and 1200 on Saturday;
 - (b) servicing, maintenance and testing of plant shall only be carried out at the site between the hours of 0700 and 1900 Monday to Friday and 0700 and 1700 on Saturday;
 - (c) soil stripping, overburden removal and the storage or replacement or emplacement of soil/overburden shall only be undertaken within 200 metres of the nearest point of any occupied residential building between 0900 and 1700 hours Monday to Friday and none of these operations shall be carried out during the hours of darkness.
 - (d) no operations (other than environmental monitoring and water pumping at the site) shall take place on Sundays or public or bank holidays.

Access

14. There shall be no vehicular access to or from the application site for any purpose in connection with the development hereby permitted except by means of the existing quarry access onto Stocking Lane.

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Dust

15. The monitoring and control of dust at the application site shall be carried out in accordance with the Dust Action Plan dated February 2010. The Dust Action Plan shall be reviewed by the operator, in consultation with the Mineral Planning Authority, at 2 yearly intervals from the date of this permission and any revisions deemed appropriate shall be submitted to the Mineral Planning Authority for formal approval in writing. The scheme as further approved shall be implemented in full.
16. If any operations on the application site appear to give rise to nuisance by way of dust leaving the site, such as during strong winds combined with dry weather, the actions detailed in the Dust Action Plan shall be implemented and, if necessary, such operations shall be temporarily suspended until such time as they can be resumed without causing nuisance, either by a change in working, weather conditions, or by taking other additional measures.

Noise

17. Measures shall be taken within the application site to ensure that the best practicable means are used to control the emission of noise and to ensure so far as is reasonably practicable that the operations carried out do not give rise to nuisance at nearby residential properties. Such measures shall include the control of all audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery.
18. The noise levels arising from the development (except as provided in condition no.19 below) shall not exceed 50 L_{Aeq, 1 hour} free field when measured at any noise sensitive property.
19. Noise levels arising from temporary operations, such as soil stripping and bund construction, shall be minimised as far as is reasonably practicable and shall not exceed 70db (L_{Aeq}) (1 hour), freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in condition no.18 above shall be limited to a total of 8 weeks in any 12-month period for any individual noise sensitive property. At least 3 days prior notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available on request.
20. All vehicles, plant and machinery operated within the application site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment shall be treated as an emergency and shall be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected shall be taken out of service and replaced with equipment which functions to an equivalent standard.

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21. Noise levels including those arising from the development shall be measured at least once every three months commencing from the start of operations within the application site at a location(s) to be agreed with the Mineral Planning Authority. The survey shall report the LAeq (1 hour) and LA90 (1 hour) noise level, the weather conditions during the survey and annotated comments on the audible sources of noise and plant operating conditions. The measurements shall be taken for a minimum period of 3 hours. Results shall be forwarded to the Mineral Planning Authority within 10 days of their being taken. The monitoring arrangements shall be kept under regular review and may be varied or amended by agreement with the Mineral Planning Authority.
22. In the event that noise levels exceed the levels set out in condition nos. 18 and 19 above, appropriate remedial measures shall be submitted to the Mineral Planning Authority and undertaken in accordance with a programme previously agreed by the Mineral Planning Authority.

Blasting

23. Except in an emergency, no quarry blasting shall be carried out within the site other than between the hours of 1100-1700 Monday to Friday provided that no blasting shall take place during hours of darkness. No quarry blasting shall take place on any Saturday, Sunday, Public or Bank Holiday.
24. Any emergency quarry blasting needed to be carried out outside the specified hours shall be notified to the Mineral Planning Authority within 72 hours of its occurrence together with details of the reasons as to why it was necessary.
25. No blasting operations shall be carried out which would knowingly result in ground vibration exceeding 6.0 mm/s peak particle velocity (ppv) in any of the three planes of measurement at any residential property, with a 95% upper confidence level, measured over any period of 6 months. No individual blast shall result in ground vibration exceeding 10.0 mm/s ppv in any of the three planes of measurement at any residential property. In the event that 6.0mm per second peak particle velocity is exceeded at any monitoring location, the operator shall inform the Mineral Planning Authority as soon as possible and provide details of investigations undertaken within 7 days.
26. Every blast shall be designed to minimise noise or air overpressure by use of the latest available techniques with the aim that air overpressure should not exceed 120dB peak linear as measured externally at any residential property under normal atmospheric conditions.
27. No secondary blasting shall be carried out within the application site the subject of this permission.

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28. No development pursuant to this permission shall be undertaken until a scheme for the monitoring of blasting has been submitted to and approved by the Mineral Planning Authority. The submitted scheme shall include:
- a. blast monitoring locations and frequency of monitoring;
 - b. the monitoring equipment to be used;
 - c. presentation of results;
 - d. procedures to be adopted if vibration goes above a certain level.
29. Monitoring of all blasts shall be undertaken in accordance with the approved scheme. All blast monitoring results shall be provided to the Mineral Planning Authority in accordance with the approved scheme. The monitoring scheme shall be kept under regular review and may be varied or amended by agreement with the Mineral Planning Authority. Blast design shall be continually reviewed in the light of the blast monitoring results to ensure that the limits set out in condition nos. 25 and 26 above are not exceeded.
30. The equipment to be used for the measurement of vibration from blasting shall be maintained in good condition in accordance with the manufacturer's specification at all times throughout the development.

Other Environmental Protection

31. Measures shall be taken and the development carried out in such a manner as to ensure that, so far as is reasonably practicable, the operations carried out within the application site do not give rise to nuisance at nearby residential properties by reason of illumination. So far as is reasonably practicable lights shall not be directed beyond the boundaries of the site particularly during hours of darkness. All lighting shall be of flat glass, full cut off design with horizontal mountings to ensure that there is no light spill above the horizontal.

Archaeology

32. No development pursuant to this permission shall take place unless and until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Mineral Planning Authority. The investigations shall be carried out in accordance with the approved scheme.

Landscape Management

33. All existing woodland, trees, shrubs or hedges within the Applicant's control shall be retained unless it is necessary for them to be removed for efficient operational purposes in order to carry out the development in accordance with this permission.

2009/0940/07 (2009/C121/07) – continued

34. No development pursuant to this permission shall take place unless and until a Woodland Management Plan for retained woodland, trees, shrubs and hedges has been submitted to and approved by the Mineral Planning Authority. The Plan shall identify all trees, shrubs and hedges to be retained within the land edged blue on Plan CH3/1. All existing woodland, trees, shrubs and hedges that are to be retained shall be maintained and managed throughout the duration of the operations hereby permitted in accordance with the Woodland Management Plan.
35. Woodland, trees, shrubs and hedges planted in accordance with schemes required by the conditions of this permission shall be retained, protected and maintained throughout the duration of the operations hereby permitted.

Ecology

36. No development pursuant to this permission shall take place unless and until details of the stripping and subsequent use of soils from the area of unimproved calcareous grassland, as shown on drawing no.CH9/1 within Section 9 of the Environmental Statement (Target Note 24) have been submitted to and approved by the Mineral Planning Authority. The details shall include the method to be used for the translocation of the grassland, measures to monitor progress and provision for the long-term management of the translocated grassland. Monitoring in accordance with the approved scheme shall continue until the habitat has become established. Management of the grassland shall be carried out in accordance with approved scheme for the duration of the operations hereby permitted. The monitoring and management details shall be reviewed every 2 years and may be varied or amended by agreement with the Mineral Planning Authority.
37. A 10 metres wide strip of land shall be left completely undisturbed, save for gaining access within the application site, between the hedgerow along Middle Brand (Target Note 15 as shown on drawing no.CH9/1 within Section 9 of the Environmental Statement) and both the top of the proposed excavation area and the proposed screening bank, as shown on Plan CH5/4.
38. The existing screening bund (as shown on Plan CH5/1) shall not be disturbed until provision for a replacement bank suitable for sandmartins to nest has been made and approved by the Mineral Planning Authority. The replacement bank shall be constructed in accordance with detailed plans and a timetable for implementation that have been approved by the Mineral Planning Authority.

Soils

39. All soils shall be retained within the site of Cloud Hill Quarry (the land edged blue on Plan CH3/1) for use in the proposed landscaped areas and for restoration purposes.

2009/0940/07 (2009/C121/07) – continued

40. No development pursuant to this permission shall take place unless and until details of the stripping and subsequent storage of soils from within the application site have been submitted to and approved in writing by the Mineral Planning Authority. Soil stripping and storage shall be carried out in accordance with the approved details.

Landscaping and Restoration

41. No development pursuant to this permission shall take place unless and until a detailed scheme of planting (including species, provenance, spacings, sizes and planting specification) for the proposed areas of screen planting shown on Plan CH5/4 dated December 2009 has been submitted to the Mineral Planning Authority for approval. Planting in accordance with the approved details shall be carried out, as far as reasonably practicable, in the first available planting season coinciding or immediately following completion of the proposed screening bund.
42. Within one year of the completion of the removal of overburden from the proposed extension area, an outline scheme for the final restoration of the quarry complex (comprising all the land edged blue on Plan CH3/1) shall be submitted to the Mineral Planning Authority for its approval. The submitted scheme shall be based on proposals shown on the Conceptual Restoration Masterplan (Plan CH 5/5) and include provision for the creation of species rich, native habitats which contribute to meeting biodiversity targets set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan (or its equivalent).
43. Within one year of the permanent cessation of extraction of mineral at Cloud Hill Quarry or by no later than 31st December 2025, whichever is the sooner, a detailed scheme for the final restoration and aftercare of the quarry complex shall be submitted to the Mineral Planning Authority for its approval in writing. The submitted scheme shall be based on the outline scheme approved pursuant to the above condition. The scheme shall 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;

2009/0940/07 (2009/C121/07) – continued

- i. measures to ensure that the restored site does not increase the bird strike risk to aircraft operating to or from Nottingham 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.

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

- 44. Following the restoration of any part of the quarry complex in accordance with condition no.43 above, the restored land shall be treated and managed over a period of at least 5 years in accordance with an after-care scheme which has previously been submitted to and approved in writing by the Mineral Planning Authority.
- 45. Access shall be afforded at all reasonable times to allow personnel nominated by the Mineral Planning Authority and East Midlands Airport to observe measures taken to ensure that the quarry complex is not giving rise to increased bird strike risk to aircraft operating to or from Nottingham East Midlands Airport.
- 46. Prior to the cessation of pumping of the site, a scheme for the monitoring, surveying and recording of the geological SSSI at Cloud Hill Quarry shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall be implemented in full immediately following approval and shall be reviewed on a five-yearly basis following approval.

Interim Restoration

- 47. In the event of the temporary cessation of the winning and working of minerals for a period of more than 24 months, an interim restoration scheme, to include details of aftercare shall be submitted for approval to the Mineral Planning Authority within 12 months of a request from the Mineral Planning Authority. Such approved scheme shall be commenced within 1 year of the written approval (and thereafter completed), unless otherwise agreed in writing with the Mineral Planning Authority.

Reasons

- 1,5, 6,7, 8&9 For the avoidance of doubt and to ensure that the development is carried out in accordance with the application and in a satisfactory manner in the interests of the amenities of the area. (Leicestershire Minerals Development Framework Policy MDC18 & 20)

2009/0940/07 (2009/C121/07) – continued

- 2 To ensure the development is commenced within a timescale which reflects the submitted application. (Leicestershire Minerals Development Framework Policy MDC18)
- 3 To provide for the completion and restoration of the site within a specified timescale in the interest of the amenities of the area. (Leicestershire Minerals Development Framework Policy MDC18)
- 4 To ensure that the site operator is fully aware of the conditions and the approved details.
- 10,11, 12,13, &31 To protect the amenities of the area. (Leicestershire Minerals Development Framework Policy MDC18)
- 14 In the interests of highway safety and the amenities of the area. (Leicestershire Minerals Development Framework Policy MDC18)
- 15& 16. To protect the amenities of the locality from the effects of dust arising from the development. (Leicestershire Minerals Development Framework Policy MDC18)
- 17,18, 19,20, 21&22 To minimise the adverse impact of noise from site operations on local residents. (Leicestershire Minerals Development Framework Policy MDC18)
- 23,24, 25,26, 27,28, 29&30 To minimise the adverse impact of blasting from site operations. (Leicestershire Minerals Development Framework Policy MDC18)
- 32 To ensure satisfactory archaeological investigation and recording. (Leicestershire Minerals Development Framework Policy MDC18)
- 33,34, 35&37 To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees. (Leicestershire Minerals Development Framework Policy MDC18)
- 36 To ensure the satisfactory translocation of calcareous grassland. (Leicestershire Minerals Development Framework Policy MDC18)
- 38 To ensure that satisfactory provision is made for nesting sand martins. (Leicestershire Minerals Development Framework Policy MDC18)
- 39&40 To protect the soil resource and in the interests of final restoration. (Leicestershire Minerals Development Framework Policy MDC18 & 20)
- 41,42 &43 In the interests of satisfactory landscaping and restoration of the site. (Leicestershire Minerals Development Framework Policies MDC18 and MDC20)

2009/0940/07 (2009/C121/07) – continued

- 44 To ensure the site is restored to a condition suitable for long term beneficial use. (Leicestershire Minerals Development Framework Policy MDC20)
- 45 To minimise the risk of bird strike for aircraft operating to and from Nottingham East Midlands Airport. (Leicestershire Minerals Development Framework Policy MDC18)
- 46 To ensure the monitoring, surveying and recording of the geological SSSI at Cloud Hill Quarry. (Leicestershire Minerals Development Framework Policy MDC18)
- 47 To ensure reclamation of the site in the event of temporary cessation of mineral working. (Leicestershire Minerals Development Framework Policy MDC18)

Note to Applicant

The applicant's attention is drawn to the contents of the letter from the Environment Agency dated 5th January 2010, a copy of which is attached.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children's 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, the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Disability Discrimination Act 1995. You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) 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 are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices;
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.