

DEVELOPMENT CONTROL AND REGULATORY BOARD

21ST JULY 2011

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP. NO. & DATE:	2010/0470/01 (2010/C299/01) – 28 th May 2010
PROPOSAL:	Application for determination of conditions for mineral site - Schedule 14 of the Environment Act 1995: periodic review
LOCATION:	Croft Quarry, Croft
APPLICANT:	Aggregate Industries UK Ltd
MAIN ISSUES:	Vibration from rock blasting, noise, dust from operations
RECOMMENDATION:	That planning permission 1992/1209/01 relating to Croft Quarry be subject to the conditions set out in Appendix 1 to the report.

Circulation under Local Issues Alert Procedure

Mr. E. F. White CC

Officer to Contact

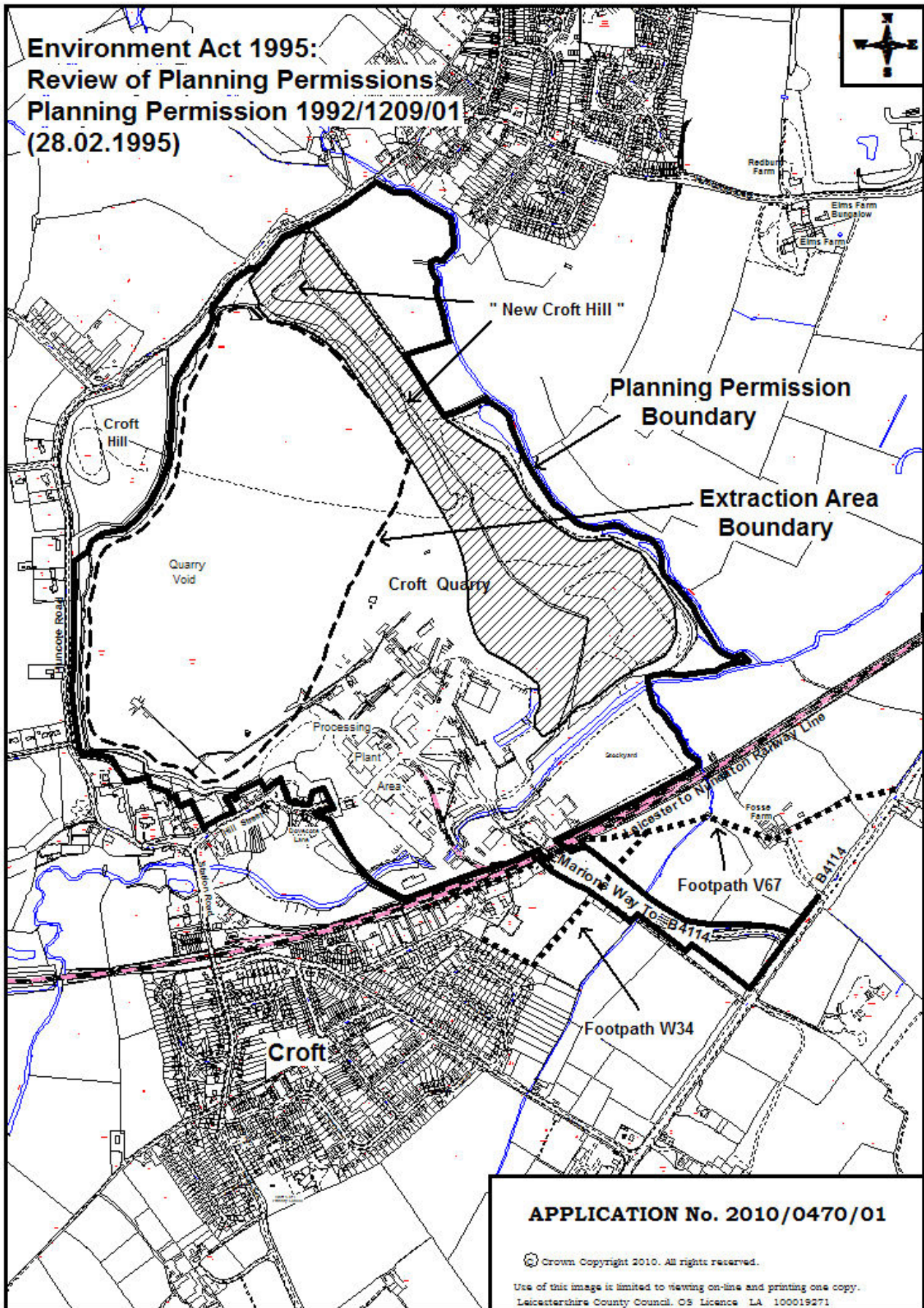
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PART B – MAIN REPORT

Background

1. Schedule 14 to the Environment Act 1995 provides for the periodic review of all mineral planning permissions on a continuous 15 year rolling programme. The aim of the review process is to bring the older mineral workings up to date in terms of their operating and environmental controls, and looks to the mineral industry in the first instance, to demonstrate their commitment to raising standards.
2. The periodic review date for any given site is 15 years after the date on which new planning conditions have been determined for that site, or 15 years after the date on which the most recent mineral planning permission was granted for that site.
3. All mineral planning permissions granted after 22 February 1982 are subject to periodic review. The main mineral planning permission relating to Croft Quarry was granted on 28th February 1995. Therefore in the case of this site, the due date by which an application for determination of new planning conditions had to be made was the 28th February 2010.
4. On 23rd February 2009, Leicestershire County Council gave notice that Croft Quarry was subject to periodic review under paragraph 4 of Schedule 14 of the Environment Act 1995 and that an Environmental Impact Assessment had to be undertaken as part of the review process. The landowner of the quarry, Aggregate Industries UK Ltd, subsequently (on 4th December 2009) requested a three month extension of time to the submission date for an updated scheme of new planning conditions, so that an Environmental Impact Assessment could be carried out. In the light of the fact that Croft Quarry has been operating relatively well in planning terms for a number of years, the County Council considered that whilst the existing conditions are in need of updating, they are sufficiently robust to allow a small extension of time within which to submit review conditions. Consequently, the company's request was agreed to.
5. The review submission was duly made on 28th May 2010. The submission was accompanied by an Environmental Statement which assesses the impact of the operation on the environment under the headings of geology, landscape and visual impacts, ecology, hydrogeological setting and flood risk assessment, transportation and highways, 'sensory aspects' (which includes impacts in terms of noise, dust and vibration from rock blasting), archaeology, and carbon management. The submission also addresses the reclamation, restoration and aftercare of the site. For reference purposes, the schedule of proposed conditions as submitted by Aggregate Industries is reproduced in Appendix 2 to this report. Appendix 3 contains a schedule which explains the changes between the proposed conditions submitted by Aggregate Industries and the original planning conditions attached to permission 1992/1209/02.

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Site Description

6. The applicant, Aggregate Industries UK Ltd., is the landowner of Croft Quarry, one of the largest hard rock quarries in Leicestershire. The company is engaged in the quarrying, manufacture and distribution of primary aggregates, asphalt, ready-mixed concrete, pre-cast concrete products and recycled/secondary aggregates for the use in the construction and civil engineering industry. The quarry itself is operated by Bardon Aggregates, a subsidiary of Aggregate Industries. Other processes on the site (such as concrete block and asphalt manufacturing) are carried out by various other trading companies which are also subsidiaries of Aggregate Industries.
7. Croft Quarry is located north of the village of Croft and south of the village of Huncote in the District of Blaby, approximately 10km south west of the city of Leicester. The quarry processing plant area and associated activities are situated south east of the quarry void. The Leicester to Nuneaton railway line runs between the quarry and the village of Croft.
8. The residential properties closest to the quarry are located along the Huncote Road between Croft and Huncote (approximately 35 metres west of the site boundary), and along Hill Street in Croft (where properties on the northern side of the road are backing onto the quarry site). The majority of properties in Croft are located south of the Leicester to Nuneaton railway line at distances in excess of 300-400 metres from the quarry void and in excess of 150m from the production buildings. The nearest properties in Huncote are 180-250m north of the foot of New Croft Hill and 400-450m from the edge of the extraction area.
9. The application site covers 111.4 hectares and includes the mineral extraction area, the primary and secondary crushers, an asphalt plant, a concrete batching plant, a materials laboratory, a specialist concrete products factory and a concrete blockworks, as well as associated infrastructure such as weighbridges, wheel washing facilities, workshops, offices, material storage areas, a dedicated rail siding and a rail loading facility. To the north and east of the quarry void, a screening mound has been constructed, using overburden from the site. Known locally as New Croft Hill, this structure reduces the visual, noise and dust impacts of the site on properties in Huncote. Parts of New Croft Hill are accessible to the public by permission of the site operator.
10. The quarry is accessed via a dedicated access road, known as Marion's Way, directly from the B4114 Coventry Road. This access road was constructed under planning permission 1992/1209/01. Prior to the construction of Marion's Way, all heavy goods vehicles accessing and leaving the quarry had to travel through Croft village.

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11. A dedicated rail siding is being used for the export of aggregates and other products manufactured on the site. Historically, approximately 35% of aggregate was exported by rail, however, in more recent years this figure has dropped to around 10%, due to the changing economic climate and destination of the exported material.
12. To the west of the quarry lies Croft Hill, a locally significant landscape feature which rises to 128m above Ordnance Datum (AOD).
13. Croft Hill supports a nationally rare type of acid grassland which is one of only two known areas of this grassland type in Leicestershire. For this reason part of Croft Hill is designated as a biological Site of Special Scientific Interest (SSSI). In addition, the quarry void is designated as a geological SSSI due to the specific composition of different minerals characteristics.

Planning History

14. The area between the villages of Croft and Huncote has a long history of granite extraction dating back to Roman times. Quarrying on a more industrial scale commenced during the second half of the 19th century, and operations expanded again in the years after the Second World War. In 1947, the then Blaby Rural District Council granted two planning permissions under the Interim Development Order (IDO), relating to two separate quarrying operations near Croft and Huncote. A later planning permission was granted by Leicestershire County Council in August 1982 (reference 1980/0977/01). This allowed for the two separate quarries to form a single extraction site.
15. On 28th February 1995, planning permission was granted under reference 1992/1209/01 for the lateral extension and deepening of quarrying operations, the construction of a new access road with related landscape works, and the extension of the existing screening embankment to form a new hill. This permission consolidates earlier planning permissions and is subject to a legal agreement which controls quarrying and related activities. A number of ancillary permissions were granted in subsequent years, which mainly relate to the installation of additional plant and buildings.
16. Planning permission 1992/1209/01 is subject to 77 conditions relating to general provisions, access and highway matters, construction of the new hill, soil handling, drainage, hours of operation, dust prevention, noise levels, blasting, ecological and landscape matters, footpaths and Public Rights of Way, archaeology, and site restoration.

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The Review Submission

17. Under the provisions of the Environment Act 1995, the owner of Croft Quarry, Aggregate Industries UK Ltd., has submitted a schedule of planning conditions to cover the entire review site. This new set of conditions will bring the planning conditions for the site up to a modern standard.
18. The review application is accompanied by an Environmental Statement which covers geology, landscape and visual impacts, ecology, hydrology, transportation and highways impacts, "sensory impacts" (i.e. impacts in terms of noise, dust and vibration from rock blasting) and archaeology.

Description of Development

Method of Working / Operations on the Site

19. Current working practices would be unaffected by the review. Mineral is extracted by means of rock blasting using explosives and loaded into dump trucks. It is then delivered to a primary crusher within the quarry and transferred from there via conveyors to the secondary and tertiary crushers, which are located in the processing plant area south east of the quarry void. The mineral is crushed and graded into several sizes, which is then stored in stockpiles in an area adjacent to the processing plant, ready for sale as construction aggregate.
20. In addition, mineral from the quarry is used as raw material by the other businesses on the site. These comprise:
 - An asphalt plant;
 - A concrete batching plant;
 - A specialist concrete products factory (Charcon); and
 - A factory producing concrete blocks (Masterblock).

Vehicle Traffic

21. Heavy goods vehicles access the quarry site from the B4114 Coventry Road via a dedicated access road known as Marion's Way. They pass a weighbridge and are then directed to the specific area of the site which they intend to access (e.g. special concrete products factory, asphalt plant, aggregate sales etc). On exiting the site, vehicles pass through a wheel wash and over the weighbridge before leaving via Marion's Way.
22. Planning permission 1992/1209/01 is subject to a legal agreement which restricts heavy goods vehicles accessing or leaving the quarry to only use certain roads which are identified in the legal agreement. These roads form part of the public road network which is not subject to weight restrictions.

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23. Road traffic volumes at Croft Quarry are monitored in relation to the amount of material which is exported by road. The legal agreement contains a clause which requires the quarry operator to submit at quarterly intervals information about the number of HGVs leaving the site during the preceding period of three months. This figure is then divided by 75 in order to calculate the average daily number of HGVs leaving the quarry. The agreement stipulates that if the quarterly figure of vehicles leaving the site divided by 75 exceeds 710 then further highway works specified in the legal agreement will have to be implemented.
24. The vehicle traffic data submitted by the operator shows that the average daily number of HGVs leaving the site has to date not reached 710. During the period between April 2006 and August 2008, which was the busiest period over the last 13 years, the average daily number of HGVs leaving the quarry was between 400 and 500. However, data submitted since April 2008 shows a decline in the number of vehicles leaving the quarry to around 300 per day, which reflects the recent drop in production due to the general economic situation.

Hours of Operation

25. The current hours of operation are controlled by a planning condition and are as follows:

Operations involving or connected with the extraction, internal movement (other than to the coating plant and concrete products works) and dispatch of stone (other than by rail), receipt of delivered materials and the operation of primary crushing, secondary crushing and tertiary crushing plant, aggregate stocking areas, filter media plant and ready mixed concrete plant	0600 to 2200 hours, Mondays to Saturdays
Coating plant operations and deliveries of coated stone	0330 to 1900 hours, Mondays to Saturdays
The manufacture of concrete products	No time restrictions

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The loading and transport of finished concrete products	0600 to 2200 hours, Mondays to Fridays and 0600 to 1200 on Sundays No loading or transport of any finished concrete products is permitted on any Sunday or any Public or Bank Holiday.
The loading, movement and servicing of trains	No time restrictions
Soil stripping, overburden removal and placement to form the new hill	0800 to 1800 hours, Mondays to Fridays and 0800 to 1200 hours on Saturdays, provided that no operations are carried out during the hours of darkness
Essential repair work and maintenance	Essential repair work and maintenance may be carried out at any time, provided that between the hours of 2200 and 0600 Mondays to Saturdays and at any time on Sundays or any Public or Bank Holidays such work is carried out in such a manner that it does not give rise to nuisance at nearby residential properties.
Any other operations	In respect of any other operations except essential repair work and maintenance, there shall be no operations on any Sunday or any Public or Bank Holiday.

Planning Policy

26. This proposal relates to an application for the review of planning conditions rather than a new development proposal and as such it is controlled by the terms of Schedule 14 of the Environment Act 1995, together with guidance provided by Minerals Planning Guidance Note 14 (MPG14) *Review of Mineral Planning Permissions*.

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27. Regard has also been had to the following national Government policy and guidance:
- Minerals Policy Statement 1 (MPS1) *Planning and Minerals* (November 2006);
 - MPS2 *Controlling & Mitigating the Environmental Effects of Minerals Extraction in England* (March 2005) and its Annexes dealing with Dust and Noise;
 - MPG2 *Applications, Permissions and Conditions* (1998);
 - MPG7 *Reclamation of Mineral Workings* (1996);
 - PPS1 *Delivering Sustainable Development* (February 2005); and
 - PPS9 *Biodiversity and geological conservation* (Aug 2005).
28. The Development Plan in this instance comprises the East Midlands Regional Plan, the Leicestershire Minerals Development Framework (Core Strategy and Development Control Policies) and the (saved policies of the) Blaby Local Plan. In addition, selected policies from the Leicestershire Minerals Local Plan were saved by direction of the Secretary of State and have not been superseded by policies in the Minerals Core Strategy.
29. The East Midlands Regional Plan acknowledges that the East Midlands Region provides a significant proportion of the UK's mineral production. Policy 37 of the East Midlands Regional Plan sets out the regional priorities for minerals, which includes applying the regional aggregates apportionment figures.
30. Policy MCS1 of the Leicestershire Minerals Development Framework (Core Strategy and Development Control Policies) (adopted October 2009) sets out the strategy for the supply of minerals.
31. *Policy MCS2* contains the strategy for aggregate minerals and includes maintaining landbanks for crushed rock in line with national policy and to allow proposals for aggregate extraction only where they will not cause unacceptable harm to the environment or communities.
32. *Policy MCS11* states that the strategy for environmental protection is to protect and enhance the natural and built environment of Leicestershire by ensuring that there are no unacceptable adverse impacts from minerals development, that the highest standards of operational practice for the management, restoration and aftercare of sites are developed, and that development is designed to a high standard, incorporates sustainable construction principles and includes appropriate landscaping.
33. *Policy MCS16* (Strategy for the transportation of minerals) supports the location of sites in close proximity to the County's lorry route network and the maximisation of alternative means of transport for the movement of minerals.

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34. *Policy MCS17* sets out the strategy for the reclamation and future use of mineral sites.
35. *Policy MDC1* presumes against minerals development unless it can be demonstrated that the Government's objectives for sustainable mineral development have been appropriately addressed.
36. *Policy MDC2* requires proposals for minerals development to demonstrate that they have been designed to ensure impact on the environment is minimised by appropriate measures.
37. *Policy MDC3* presumes against minerals development which would have significant adverse effects on sites of national historic importance or on their character, appearance or setting.

Consultations**Blaby District Council (Planning)**

38. No response received.

Blaby District Council (Environmental Health)

39. The Environmental Health Officer makes the following comments:

- Hours of Operation

The proposed condition relating to the various times and controls for the business operations is acceptable.

- Dust

A condition should be included in the environmental scheme to require routine indicative dust measurement at the boundary of the site. In this way the effectiveness of the management, suppression techniques and controls applied can be judged and an immediate investigation and response triggered. Further, data can be made available on the content of any sample to permit source apportionment and identification.

- Noise

The planning consent shall include agreed separate sound level limits for the nearest sensitive receptor(s) within each village. The levels shall be agreed in writing with Leicestershire County Council and Blaby District Council following measurements carried out using established procedures and having regard for relevant guidance.

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- Blasting

A specific planning condition should be included to detail vibration and air overpressure limits relevant to the nearest dwellings. Monitoring requirements can be specified as part of an adopted environmental scheme.

- Lighting

A lighting survey should be included as part of the environmental scheme and the proposed condition revised to include reference to glare as well as illumination.

- Environmental Scheme

This should include procedures for the investigation of complaints and specific actions to be taken in the event of a recorded or observed exceedance. The scheme shall be regularly reviewed (annually) to ensure its relevance and application to the site and to reflect best practice.

- Junction of Marion's Way and B4114

The Environmental Health Officer is aware of a number of concerns raised by both Huncote and Croft Parish Councils relating to highway safety at this junction. This review may create an opportunity for this to be raised on a more formal basis and the possibility of additional controls to be considered.

Croft Parish Council

40. No objection, but refers to ongoing issues of Traffic Management at the junction of Marion's Way and the B4114, which need to be reviewed. The Parish Council also highlights the ongoing concerns of local Croft residents regarding the severe vibrations caused by recent blasting from the quarry.

Huncote Parish Council

41. Advises that it has been given a copy of a letter of representation from Mr. Denner of Huncote (dated 11th July 2010), and having reviewed the application and letter at a recent Parish Council meeting, the Council would like to submit Mr. Denner's letter as its official response.
42. Mr Denner's letter comments that the previous planning conditions which cover blasting, noise and dust should not be replaced by an Environmental Scheme, as proposed by the operator, as they are easier to enforce and would provide better protection to local residents from disturbance.

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43. He also makes other detailed comments relating to specific planning conditions and requests that the aftercare elements of conditions relating to the drainage of the New Hill be retained as planning conditions.
44. With respect to the timescale for the submission of a restoration scheme, Mr Denner comments that the timescale proposed by the operator would not take into account the anticipated duration of currently permitted reserves, which are likely to be worked some time before the required restoration schemes would have to be submitted.
45. Furthermore, he comments that the construction of the New Hill has not been carried out in accordance with planning conditions, as the crest of the hill is 13 metres below the approved height. He is concerned that as a result the noise attenuation qualities of the New Hill are reduced and that there is insufficient space available for the deposition of overburden from the quarry, now that the New Hill has been grass seeded and planted.

Environment Agency

46. Has no objections to the proposed amendments to the permission but comments as follows:
47. The Agency understands from the information submitted that there is no de-watering proposed for the site associated with groundwater and there has been no significant groundwater inflow to the quarry void since operations began. If significant inflows of groundwater is encountered in future or associated de-watering is required, the Environment Agency would like to be consulted to ensure that there would be no impact on the surrounding water environment.
Any surface water from future landscaped overburden areas that do not drain back into the main quarry site should have measures in place for settlement. On the main quarry site any necessary settlement capacity should be provided to enable conditions on the permitted discharge lagoons to be met.

Natural England

48. "Are satisfied that the application is not going to have a significant negative impact upon the interest features of Croft Hill SSSI in terms of mineral extraction. The Biodiversity Management Plan covers the management of Croft Hill SSSI which will broadly achieve the conservation objectives for this site. This is welcomed.

With regard to the other land covered in the Biodiversity Management Plan, Natural England broadly supports these measures to be implemented as part for the planning permission.

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The geological interest of Croft and Huncote Quarry SSSI has been exposed as a result of the quarry development. In addition, the SSSI is wholly within the area covered by the current planning permission but there are no conflicts with the geological interest features and the implementation of this permission. The inclusion of a Geodiversity Action Plan is really helpful and the implementation of this plan under the planning permission would be a very positive contribution to the management of the geological features of Croft and Huncote SSSI.”

Network Rail

49. Expresses concerns that the safe operation of railway infrastructure may be jeopardised by the proposed works and consequently recommends that a number of conditions be attached to any grant of planning permission, covering drainage, plant and machinery to be used adjacent to the railway, and a request that Network Rail be consulted on any scheme for the restoration of the site.

Leicestershire & Rutland Wildlife Trust

50. No objection, provided the appropriate ecological surveys have been undertaken. Notwithstanding this, the Wildlife Trust advises that the applicants should plant native trees of local provenance in the areas that are proposed for planting (from Seed Zone 402 – East Midlands), predominantly tree and shrub species that would naturally grow in this area. Details of recommended suppliers may be obtained from Leicestershire and Rutland Wildlife Trust.

Leicestershire Footpaths Association

51. No objection. The Leicestershire Footpaths Association is generally satisfied with the current quarry operations at Croft and is pleased with the artificial hill and its screening, and with the nature reserve to the north of the hill and the access provided. Whilst the present application relates to a review of the quarry operations, in the long term the Leicestershire Footpaths Association is anxious that the appropriate protection be given to access rights at Croft Hill. Furthermore, the Footpaths Association welcomes the retention of footpath V67 which crosses the access road to the quarry.

Ramblers Association

52. No response received.

Highway Authority Advice

53. In light of previous permissions granted on the site, the County Highway Authority has no comment on this proposal.

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Landscape Advice

54. The County Council's Landscape Architect notes that there are no proposals to alter operations at the quarry from those already permitted and that there are no proposals for new landforms which would impact upon landscape character or visual amenity. With reference to the proposed conditions covering the restoration of the site, the landscaping scheme should also include details of any areas to be grassed or planted. Also, the final sentence needs to be re-written to make its intent clearer.
55. The Landscape Architect welcomes the proposals for a comprehensive Landscape Aftercare and Management Plan, reviewed and updated via an annual monitoring visit and provides comments on the content of the management plan in more detail.
56. With regard to the Landscape Audit accompanying the ROMP submission, the assessment of the originally planned offsite planting indicates that much of this was not implemented. Some, but not all, of the reasons for this are explained. However, unless there are particular local demands for the outstanding elements of this planting to be carried out, there are no landscape objections to the situation to remain as set out in the landscape audit.
57. The Landscape Aftercare and Management Plan should cover issues relating to landscape, ecology and access/recreation and not be just a biodiversity management plan. It should cover all relevant areas of the site, including trees, shrubs and hedges that have been retained throughout the development (as covered by existing condition 70). There is no reference to the management of hedgerows around and within the site in Section 3 of the submitted Ecological Audit.
58. The annual monitoring visit should take place during the growing season, to allow a proper assessment of planted or seeded areas to be made.
59. The Landscape Audit refers to scrub colonisation between woodland blocks on the new hill. There is no objection to this, but scrub management in these areas needs to form part of the Landscape Aftercare and Management Plan.
60. The Landscape Audit also refers to the creation of approximately 1 hectare of acid grassland on the summit of the New Hill, despite an enclosed report which points out the highly unsuitable nature of the existing site for this and the need for a considerable amount of intervention with no guarantee of success. It is therefore suggested that the requirement for the creation of this acid grassland is reconsidered.

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Archaeology Advice

61. Under condition 74 of planning permission 1992/1209/02, the quarry operator's duties in terms of archaeological recording are defined in the 'Brief for Prior Archaeological Excavation, Recording and Reporting'. This details the required areas for investigation and the types and stages of work required, including the requirements for publication and archiving. It would appear that the operator's duties under this condition included the preparation of a full report on the archaeological survey results, the publication of the findings of any archaeological work on the site, and the presentation of a full copy of the archive to Leicestershire County Council Museums within 12 months of the completion of fieldwork.
62. It is understood that the operator's archaeological contractor at the time prepared a full report and post-excavation assessment and proposed to publish the site survey results in two publications (local and national). The Planning Archaeologist understands, but has no evidence to confirm, that the report in the national specialist publication has been published, but publication in the local journal (Transactions of the Leicestershire Archaeological & Historical Society – TLAHS) remains outstanding. Furthermore, it is understood that the archive also remains outstanding.
63. Consequently the operator will have to provide, as a minimum, clarification as to the status of the project archive, in addition to providing an agreed schedule for its deposition. Furthermore, the operator should submit a copy of the published report together with an agreed approach to the proposed reporting in the local journal (TLAHS).

Geology Advice

64. No comments received.

Ecology Advice

65. The Ecological audit and assessment carried out by the applicant's ecological consultants dated May 2010 is satisfactory, and there is no need for any further survey work to be done until the next review is undertaken. The requirement to update this prior to any future ROMPs should be prescribed by a planning condition.
66. The ecologist's main comments relate to the Landscape Aftercare and Management Plan which would cover all the areas already restored, landscaped or subject to biodiversity enhancement or habitat creation.
67. In the Ecological Audit and Assessment, reference is made to the application of sewage cake to an area intended for wildflower grassland creation on the New Hill. The application of this high-nutrient cake has effectively removed the possibility that wildflower grassland of any significant value could be

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created. It is likely that attempts to strip fertility from the soil by planting potatoes, cereals etc. as recommended in the Audit will not be successful. Therefore, rather than attempting to recover the situation this area should be allowed to colonise naturally with scrub.

68. The proposal to create acid grassland on the New Hill (constructed from a slightly calcareous mudstone) is extremely onerous, and has a limited prospect of success. The requirement to create acid grassland should be removed and replaced instead with the requirement to create species-rich neutral grassland, as on the rest of the hill, which should then be managed properly, either through grazing or removal of arisings after hay-cutting.
69. There are concerns that, while some of the other created grassland are developing well as wildlife habitats, the correct management to ensure their continued value is not being done. The grasslands will deteriorate unless cuttings are removed or the grassland is grazed; these are not 'ideal' options but are essential to produce grassland of biodiversity value. Therefore, the quarry operator must find a way of either grazing these areas (this is preferable) or removing arisings after hay-cutting. It would be a better use of time and resources to set up conditions under which this grassland can be managed properly, rather than trying to recover the land treated with sewage cake or creating the acid grassland.
70. The Landscape Aftercare and Management Plan should be amended to cover these three points, and in particular it should include a plan for grazing or removal of arisings from grassland areas. Whilst this may be seen as difficult or challenging, the applicant should be aware that the grassland will not be sustained without this management. The preferred option, and the most sustainable in the long-term, is for the grassland to be grazed, as already takes place on the SSSI. This management should be monitored regularly as part of the annual monitoring programme.

Publicity

71. The review submission and the accompanying Environmental Statement was advertised by 10 site notices posted in Croft, Huncote and on the New Croft Hill on 22nd June 2010. Individual notification letters were sent to 730 properties within a 325 metre radius around the review site. In addition, a public notice was published in the Leicester Mercury on 24th June 2010.

Representations

72. Ten representations were received as a result of publicising the application, six from residents of Croft, three from residents of Huncote and one from Aylestone. Residents objected to the operation on grounds of vibration from rock blasting (six responses), dust (three responses), noise (two responses), the height of the New Hill and its reduced ability for noise attenuation (one response), and the impact of quarrying operations on archaeologically and

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environmentally significant areas. Of those representations concerned about dust, one expressed concern about both nuisance dust (e.g. dust deposits on cars and window ledges) and health risks from the inhalation of minute dust particles (particles of 10 micrometres or less, which are referred to as PM₁₀). Representations include a letter from a resident of Huncote (Mr. Denner), whose correspondence was subsequently also submitted by Huncote Parish Council as the Parish Council's formal consultation response. This representation is summarised earlier in this report.

Assessment of Proposal

73. The main purpose of submissions under the Environment Act is to ensure that the site is brought up to date with new, modern planning conditions, in order to properly control the continuation of mineral extraction. Refusing an application for determination of new conditions is not an option available to the planning authority. Nevertheless, the County Council does have powers to impose different conditions from those put forward by the applicant, subject to certain provisos. Consultees' comments and recommendations were taken into account in the review process, resulting in a number of amendments to the conditions originally proposed in this review submission.

Potential Issues

74. The submission relates to a review of existing planning condition rather than to a planning application for additional development. The anticipated impacts from the operation are likely to remain similar to those experienced to date.

Geology

75. Croft Quarry is designated as a geological SSSI due to the specific composition of different minerals characteristics. A palaeochannel (a historic river course which was buried due to the deposition of sediments) crosses the quarry, and its shape is visible at the top of one of the exposed rock faces on the eastern side of the quarry.
76. The continuation of operations would not have an adverse impact on the geology of the site (other than the removal of mineral from the extraction area). The existing final rock faces where geological characteristics are visible would not be affected by continuation of operations.
77. A geodiversity action plan for Croft Quarry accompanied the review submission. This explains the geological features in the quarry and lists a number of possible actions, such as erecting information boards in publicly accessible locations near the quarry, which would explain the geological history of the quarry. It also suggests that there may be potential for using the geology of Croft Quarry for research projects as part of university courses.

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78. Whilst such actions may have educational benefits, it is considered that they could not be required by conditions, as the required conditions would not meet the relevant tests set out in government guidance. The preservation of geological exposures and features following cessation of working could form part of the final restoration scheme for the site.

Landscape and Visual Impacts

79. The impact of the quarry on the landscape and visual amenity was assessed within the Environmental Statement accompanying the 1992 planning application. The review submission is accompanied by a landscape audit which lists the landscape works that have taken place over the last 15 years, and describes those works still outstanding.
80. The New Croft Hill to the east of the quarry void was constructed using spoil and overburden excavated from the works. Its shape and dimensions were approved by the Mineral Planning Authority as part of planning permission 1992/1209/01. The hill has an irregular shaped footprint and is between 330 and 370 metres wide at its base. Its highest point, as constructed, is 110m AOD. In addition, a narrower, elongated section stretches out in a north-north-westerly direction towards Croft Hill Road, north of the quarry void. This section is 88m AOD high, rising to a second peak of 95m near its north western end.
81. The New Hill was originally designed with a peak height of 120m AOD. During construction works, the operator encountered engineering problems relating to the pressure of the water contained within the material forming the hill ('pore pressure'). This meant that it was not possible to place sufficient amounts of material for the New Hill to reach the approved maximum height without risking ground movement and instabilities. As a result, the final landform of the New Hill had to be constructed about 10 metres lower than that approved.
82. The representation from Mr. Denner of Huncote (subsequently adopted by Huncote Parish Council as its consultation response) questions the ability of the New Croft Hill to act as a baffle mound for sound attenuation. Whilst no detailed noise monitoring data from properties in Huncote is available, it is considered likely that the distance of in excess of 800 metres between the nearest properties in Huncote and the quarry processing plant provides sufficient distance attenuation for noise from operations to comply with MPS2 guidelines.

Ecology

83. As part of the ongoing landscape works the operator intends to introduce more variety to the grassland on the New Croft Hill by attempting to establish an area of roughly 1 hectare of acidic grassland on the top of the new hill. This is intended to complement the existing acidic grassland on the adjacent Croft Hill, which is designated a biological SSSI.

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84. Consultees express doubt over the suitability of the hill as a basis for acid grassland, given the highly unsuitable nature of the site for this purpose and the need for a considerable amount of intervention with no guarantee of success. Instead it is proposed that the operator should consider establishing a species-rich neutral grassland which should then be subject to proper management.

Transportation and Highways

85. The review of planning conditions would not result in changes to processes or production rates. Consequently, there would not be a change in the number of heavy goods vehicles accessing and leaving the quarry.
86. The legal agreement relating to planning permission 1992/1209/01 requires the quarry operator to implement certain specified highway works if during any three-month period the average daily number of heavy goods vehicles leaving the quarry exceeds 710. The quarry operator is providing quarterly returns of vehicle numbers to the planning authority which allows this trigger figure to be monitored. The submitted vehicle figures show that the trigger level of 710 has not been reached in the past.
87. Accident records at the B4114 show that there have been no road accidents resulting in personal injury or death associated with the junction of Marions Way and the B4114. Concern has been raised by Croft Parish Council about dangerous overtaking manoeuvres at this junction when HGVs travelling the B4114 slow down to turn into Marions Way. In early 2011, a trial was conducted during which the left-turn filter lane on the north-east bound carriageway of the B4114 was closed off and a central barrier was erected temporarily. This kept HGVs accessing Croft Quarry on the main carriageway, whilst at the same time removing the available space in the centre of the road for other vehicles to overtake them. The intention of this trial was to monitor the behaviour of motorists using video recording equipment. The analysis of the trial is currently ongoing and the results are expected in late summer of 2011. Depending on the trial results, there may be further negotiations between Aggregate Industries and the Highway Authority about longer term changes to this junction.

Sensory Aspects (noise, dust and vibration from rock blasting)

88. Planning permission 1992/1209/01 has been subject to conditions covering the environmental effects of dust, noise and vibration from rock blasting. These include:
- The requirement for plant and machinery to be silenced,
 - Audible warning devices to be of a design that does not cause unreasonable noise intrusion to residential areas,

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- Noise levels, measured at specified locations, shall not be exceeded;
 - The need to have water bowsers available on site at all times to control dust from internal traffic movements, and
 - The requirement to dampen down material stockpiles in order to prevent wind-blown dust in dry weather.
89. In terms of vibration from rock blasting, the permission sets a limit of 6mm/s peak particle velocity (ppv) when measured at any inhabited building and also includes other conditions controlling the effects of rock blasting, such as the times when blasting may take place at the site.
90. As part of the review process, the operator submitted a draft Environmental Scheme which lists background information, monitoring procedures (noise and blasting), suppression measures (noise and dust), permissible levels (noise, dust and blasting), and the procedures to be followed in the event of permissible levels of noise or blasting vibration being exceeded. The scheme also contains details of a proposed complaints procedure.
91. In the review submission, the operator argued that the existing conditions controlling noise, dust and vibration from rock blasting should be replaced with a single condition relating to the control of these environmental impacts in line with the submitted Environmental Scheme.
92. Notwithstanding the proposed control measures as set out in the submitted Environmental Scheme, it is considered that sufficient control over the environmental effects of the operation of the quarry and processing plant can only be maintained by means of more prescriptive planning conditions. For this reason the existing planning conditions covering noise, dust and blasting have been retained and updated.

Dust

93. In terms of dust control, the quarry operator has implemented a series of improvements to the processing plant during recent years, including the installation of dust covers on conveyors to ensure they are fully enclosed. In addition, haul roads and stocking areas are being dampened down using two water bowsers. A system of automatic water sprays in the northern part of the stock yard and along the eastern bund of the quarry void has been installed in 2010 in order to keep stockpiles of material damp. Finer materials (10mm and smaller sizes) were moved further away from the quarry boundary in order to avoid dust blowing off site in windy conditions. Subject to appropriate dust mitigation measures as set out above and required in the proposed conditions, it is considered that there should not be an excessive impact from nuisance dust from operations at the quarry.

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94. A long-term dust survey was carried out in the vicinity of the quarry in 2010 to assess both nuisance dust generation and PM₁₀ generation. This involved taking measurements of dust levels at two locations in Croft and one location in Huncote. The study found that fine materials (PM₁₀) which had originated at the quarry were being recorded at the survey locations; however, the levels recorded were below national guidelines set out in the National Air Quality Strategy. It was therefore concluded that PM₁₀ levels generated at Croft Quarry were not likely to cause harm to human health.

Blasting

95. The schedule of conditions submitted by Aggregate Industries proposed to remove planning conditions relating to blasting and replace them by the provisions of an Environmental Scheme. It is considered that this approach would not give the Mineral Planning Authority sufficient control over the effects of blasting and the resulting vibration. The planning conditions controlling blasting operations have therefore been retained and their wording updated to reflect guidance in MPG9 and MPG14 and relevant British Standards. The previous limit of 6mm/s peak particle velocity (ppv) for ground vibration associated with blasting is still considered appropriate and has therefore be retained.
96. During recent years, the number of complaints about blast vibration has been low. The location of complaints is associated with the area within the quarry where blasting takes place. In recent years, a number of complaints have been received from properties within a small area of Croft. Vibration monitoring at these properties shows that the vibration limit of 6mm/s ppv is not being exceeded. However, the nuisance element of these blasts is the subject of ongoing investigation by the quarry operator, the Environmental Health Officer at Blaby District Council and Leicestershire County Council. The blasting liaison committee, which is attended by Croft and Huncote Parish Councils, the site operator Bardon Aggregates, and Blaby District Council and Leicestershire County Council provides a forum for the discussion of issues of concern relating to blasting.

Noise monitoring

97. Historically, noise monitoring was carried out at properties at 21 Bala Road, Croft and 2 Hill Street, Croft. After 21 Bala Road had become inaccessible for noise monitoring purposes in the late 1990s, the Mineral Planning Authority agreed that noise monitoring should instead be carried out at 39 Windermere Drive, Croft. When noise monitoring is carried out in Huncote, this is done at 38 Radcliffe Drive. The maximum permitted noise levels at these properties were set in a planning condition attached to the permission.

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98. The draft Environmental Scheme accompanying the Review submission states that the limits set in the existing condition had not been breached. Therefore the applicant proposes to retain the previous noise levels. However, the draft Environmental Scheme makes no reference to the recommendations in MPS2 Annex 2 (Noise), which states that noise emissions from mineral workings, when measured at noise sensitive properties, should not exceed the background level by more than 10dB(A), subject to a maximum of 55dB(A) L_{Aeq} (1 hour) free field.
99. The limits previously set by the planning condition for these properties are:
- a) at 39 Windermere Drive, Croft:
- | | |
|-------------------|-------------------------|
| 0600 – 0700 hours | 50dB L_{Aeq} , 1 hour |
| 0700 – 1900 hours | 55dB L_{Aeq} , 1 hour |
| 1900 – 2200 hours | 50dB L_{Aeq} , 1 hour |
| 2200 – 0600 hours | 45dB L_{Aeq} , 1 hour |
- b) at 2 Hill Street, Croft:
- | | |
|-------------------|-------------------------|
| 0600 – 0700 hours | 52dB L_{Aeq} , 1 hour |
| 0700 – 1900 hours | 55dB L_{Aeq} , 1 hour |
| 1900 – 2200 hours | 50dB L_{Aeq} , 1 hour |
| 2200 – 0600 hours | 48dB L_{Aeq} , 1 hour |
- c) at 38 Radcliffe Drive, Huncote:
- | | |
|-------------------|-------------------------|
| 0600 – 0700 hours | 50dB L_{Aeq} , 1 hour |
| 0700 – 1900 hours | 55dB L_{Aeq} , 1 hour |
| 1900 – 2200 hours | 50dB L_{Aeq} , 1 hour |
| 2200 – 0600 hours | 45dB L_{Aeq} , 1 hour |
100. To account for any potential changes in the noise climate of the location since the original permission was granted, it is considered that a noise monitoring scheme should be submitted for the approval of the Mineral Planning Authority. As part of this scheme, the locations for future noise monitoring and a baseline background noise level at these locations should be agreed. The maximum permissible noise levels generated by quarrying operations should not exceed the minimum levels advised in MPS2 Annex 2, i.e. not exceeding 10dB(A) above background levels, when measured against this reference background level at the agreed locations.

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Archaeology

101. Mineral extraction operations at Croft Quarry have reached their lateral limits, and the construction of the quarry access road (Marion's Way) and the New Croft Hill has been completed. Given that it is not proposed to alter the operations taking place on the site, it is considered that it is unlikely that the operation would impact the archaeological resource on the site. For this reason, the operator's review submission does not contain any conditions relating to archaeology. However, it appears that the requirements of the original archaeological watching brief (which related to areas of land affected by the construction of the access road and the New Hill) have not been fulfilled with respect to the recording and archiving of archaeological finds and publishing of the results of the watching brief. For this reason it is proposed to include a condition which requires the outstanding archaeological information and archive to be submitted.

Reclamation, Restoration and Aftercare

102. Planning permission 1992/1209/01 previously required the quarry operator to submit a scheme for the reclamation and reinstatement of the land within one year of the cessation of the extraction of minerals. The review submission contains a similar condition which requires the submission of a restoration and aftercare scheme by 31st December 2024. In specifying a date for the submission this condition would not take into account the fact that the permitted reserves at Croft Quarry may run out some time before this date, depending on mineral production levels. It is therefore considered that the submission of a scheme of restoration and aftercare should remain linked to the date of permanent cessation of mineral working. In addition, a condition has been introduced which requires the submission of a restoration scheme in the event of works ceasing prematurely.

Conclusion

103. This review process will result in an updated schedule of planning conditions attached to the existing mineral permission for Croft Quarry. During the review process, a number of issues had to be addressed, relating to the environmental impact of future operations on the site, in particular the control of environmental effects of operations (noise, dust and vibration from rock blasting). Where the development will have significant environmental impacts, these can be controlled by adequate mitigation measures or by means of suitably worded planning conditions.

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104. The County Council is required to consider the recommended conditions in the light of paragraph 13 of Schedule 14 of the Environment Act 1995 and whether the conditions would restrict the working rights of the site to an unreasonable degree. In having regard to the Act and advice contained in MPG14, in the case of this submission, the recommended conditions should not restrict the working rights of Croft Quarry and are considered to be reasonable. The operating company has confirmed that the recommended conditions as set out in this report would be acceptable.

Recommendation

105. It is recommended that planning permission 1992/1209/01 relating to Croft Quarry be subject to the conditions as set out in Appendix 1 to this report.

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APPENDIX 1

SCHEDULE OF PLANNING CONDITIONS FOR CROFT QUARRY

1. This permission shall expire on 31st December 2029, by which date all extraction and processing of minerals and associated operations hereby permitted in accordance with the conditions below shall have ceased and the site shall have been restored in accordance with a reclamation scheme to be agreed in writing with the Mineral Planning Authority. The conditions set out in permission 1992/1209/01 dated 28th February 1995, and any variations thereof, shall no longer apply.

Definition of Development

2. These conditions shall apply to planning permission 1992/1209/01 relating to Croft Quarry and shall relate to the following development within the area defined by a red line on Plan No. HDA1 dated May 2010 attached to and forming part of this schedule of conditions and hereinafter referred to as the site:
 - a) the deepening of quarrying operations at Croft Quarry and ongoing related landscape work;
 - b) the extraction of stone by means of blasting and its preparation (by means of crushing in primary, secondary and tertiary crushing plants) for further processing;
 - c) the operation of a roadstone coating plant;
 - d) the operation of concrete products works ("Blockworks" and "Special Products" factories);
 - e) the operation of a silt press;
 - f) any plant, machinery and buildings associated with the above processes;
 - g) the export of mineral from the site by road and by rail; and
 - h) operations relating to the restoration of the site, as may be required by planning conditions.
3. No extraction of stone shall take place other than in the area shown coloured pink on Plan no. HDA 1 dated May 2010 attached to and forming part of this schedule of conditions.
4. Unless otherwise required by these planning conditions, the development hereby permitted shall be carried out only in accordance with the Environment Act Review submission ref. 2010/0470/01 dated 28th May 2010 with accompanying Environmental Statement, Supporting Statement and Plan no. HDA 1 dated May 2010.
5. The tipping or deposition of soils and overburden shall not be carried out outside the areas shown edged brown and identified on Plan No HDA1 dated May 2010 attached to and forming part of this schedule of conditions.

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6. No stocking of aggregates or roadstone shall take place outside of the areas edged and hatched blue on Plan No HDA1 dated May 2010 attached to and forming part of this schedule of conditions. No materials shall be stored on the site other than those produced at Croft Quarry.
7. A scheme showing maximum stockpile heights is to be submitted to the Mineral Planning Authority within 6 months of these conditions coming into effect. Any stockpiles of roadstone, aggregates or other materials within the permission area shall be located and restricted in height so as to minimise them being visible from outside the site to the satisfaction of the Mineral Planning Authority.
8. No waste or other material shall be brought onto the site for the purpose of tipping or disposal with the exception of topsoils and subsoils for restoration/landscaping use.
9. No topsoil, subsoil or other soil making materials shall be exported from the site.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no buildings, plant, structures or machinery (excluding mobile plant and machinery) shall be erected or replaced on any part of the site without the prior approval in writing of the Mineral Planning Authority. Any requests for approval under this condition shall be accompanied by details and plans showing the location and (where appropriate) external appearance of the buildings, plant, structures, or machinery to be erected or replaced.

Availability of Plans

11. A copy of the Environment Act Review submission and accompanying Environmental Statement and this schedule of planning conditions, together with all plans and documents referred to in condition 4 above, including any other plans and documents subsequently approved in accordance with any condition of this schedule of conditions, shall be kept available for inspection on site during the prescribed working hours for the duration of the development.

Access and Highways

12. The access road known as Marion's Way shall be the sole means of vehicular access to site. The previous site access onto Hill St shall remain permanently closed to all traffic other than for use by fire, police and ambulance use and in exceptional circumstances where vehicular access along Marions Way is not possible. In any event such emergency use will be restricted to a period not exceeding 72 hours.

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13. The surfacing of existing internal access roads, roads serving parking areas, servicing areas of fixed plant and internal traffic circulation areas shall be maintained in a good state of repair at all times until completion of the site reclamation.
14. The junction of Marion's Way with the B4114 Coventry Road shall include and maintain visibility splays 9 x 295 metres free of obstruction at all times.
15. Any security gates shall be set back a minimum of 50m from the highway boundary.
16. Wheel cleaning facilities shall be provided and used at the site to ensure that no mud or other deleterious matter is carried onto the public highway.

Construction of the New Hill (including incorporation of the existing amenity embankment)

17. Notwithstanding the detail shown on drawing ref HDA LS1 dated May 2010 and accompanying the Environment Act Review submission, a further drawing of the New Hill including final contours, cross sections, volumes of materials remaining to be deposited, areas remaining to be soiled, existing and proposed tree planting areas, layout and specification of footpaths, including the proposed linkage to Croft village and separate bridleways shall be submitted for the written approval of the Mineral Planning Authority within 6 months of this schedule of conditions coming into effect. Thereafter the construction of the New Hill and footpath link shall be completed in accordance with the approved scheme.

Landscape Management, Restoration and Aftercare

18. Notwithstanding the requirements of Condition 19 below, a written scheme for the reclamation and aftercare of the quarry complex shall be submitted for the approval of the Mineral Planning Authority by 31st December 2022 or no later than 12 months after permanent cessation of mineral extraction, whichever is the earlier. The scheme shall include details of:
 - (i) the nature of the intended use of the site;
 - (ii) the final levels of the restored land;
 - (iii) drainage of the restored land;
 - (iv) details of the removal or retention of buildings or structures;
 - (v) the treatment of hard surfaced areas;
 - (vi) the boundaries of any lake(s) to be left on conclusion of workings;
 - (vii) a timetable for the restoration and aftercare; and
 - (viii) the preservation of geological exposures.

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Reclamation requirements pursuant to this condition shall not apply to any part of the mineral site which the Mineral Planning Authority agrees in writing to have been satisfactorily reclaimed prior to the submission of the scheme. Aftercare requirements pursuant to this condition shall not apply to any part of the mineral site which the Mineral Planning Authority agrees in writing has been satisfactorily reclaimed and restored for a period of 5 years or more prior to the submission of the scheme.

In respect of any areas of the site which the Mineral Planning Authority agrees have been satisfactorily reclaimed and restored but the 5 year aftercare period has not elapsed by the date of the submission of the scheme, this condition shall only apply to that portion of the 5 year period that remains.

19. All landscape management and aftercare at the site shall be carried out in accordance with a schedule of landscape management and aftercare, which shall be submitted to the Mineral Planning Authority within 6 months of this schedule of conditions coming into effect. The scheme shall make provision for an annual monitoring visit, and shall be reviewed annually and updated as informed by the monitoring visit or as otherwise required by the Mineral Planning Authority. Following any amendments to the scheme, an updated version of the scheme shall be submitted to the Mineral Planning Authority for further approval in writing. The landscape management and aftercare scheme as further approved shall thereafter be implemented in full.

Soil Resources (Handling, Restoration and Aftercare)

20. No movement of soil shall take place except when the full depth of soil to be stripped or otherwise transported is in a suitably dry soil moisture condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty.
21. Topsoil and subsoil mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall be grassed down and kept weed free and thereafter protected from any operations likely to result in any further compaction.
22. Throughout the period of working, reclamation and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
23. Following the placement of overburden and before the placement of subsoil, the upper layer of overburden shall be subsoiled to a depth of one metre with a heavy duty subsoiler to remove compaction.

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24. No layer of replaced subsoil shall exceed 450mm before it is subsoiled (rooted).
25. After satisfactory placement of the subsoil in any part of the site which is undergoing restoration, all available topsoil shall be spread evenly over those areas agreed to receive such topsoil. The topsoil shall be subsoiled (rooted) and cultivated so that there is no sterile material injurious to plant life and the subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface. Stones greater than 100mm in any dimension shall be removed.
26. All operations involving soil placement and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition to minimise soil damage and to maximise the effects of the subsoiling operations.
27. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil and other soil making materials.

Drainage and Protection of Watercourses

28. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls (BS 799 Part 5: 1987 refers).
29. There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse.

Hours of Operation

30. The hours of operations within the site shall be as follows:
 - a) No operations involving or connected with the extraction, internal movement (other than to the Coating plant and concrete products works) and dispatch of stone, (other than by rail), receipt of delivered materials and the operation of primary crushing, secondary crushing and tertiary crushing plant or aggregate stocking areas shall be carried out except between the hours of 0600 and 2200 Mondays to Saturdays.
 - b) No operations associated with the ready mixed concrete plant shall be carried out except between the hours of 0600 and 2200 Mondays to Saturdays.

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- c) Any asphalt plants on the site shall not be operated except between the hours of 0130-1900 Mondays to Fridays. No deliveries of coated stone shall be made except between the hours of 0330 and 1900 Mondays to Saturdays.
 - d) The manufacture of concrete products may be carried out at any time. No loading and transport of finished concrete products shall be carried out except between the hours of 0600 and 2200 Mondays to Fridays and 0600 and 1200 on Saturdays. No loading or transport of any finished concrete products shall take place on any Sunday or any Public or Bank Holiday.
 - e) The loading, movement and servicing of trains may be carried out at any time.
 - f) No soil stripping, overburden removal and placement to form the new hill shall be carried out except between the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1200 hours on Saturdays, provided that no operations are carried out during the hours of darkness.
 - g) Essential maintenance, water pumping and repair work may be carried out at any time provided that between 2200 and 0600 hours Mondays to Saturdays and at any time on Sundays or any Public or Bank Holiday such work is carried out in such manner as to ensure that it does not give rise to nuisance at nearby residential property.
 - h) In respect of all operations above except (e) there shall be no operations on any Sunday or any Public or Bank Holiday.
31. Any emergency operations which need to be carried out outside the specified hours shall be notified to the County Solicitor within 72 hours of their occurrence together with details of the reasons why such operations were necessary.

Environmental Scheme

32. Within three months of these conditions coming into effect, an Environmental Scheme shall be submitted for the written approval of the Mineral Planning Authority. Such a scheme shall identify the impacts of operations in terms of dust, noise, lighting, ground borne vibration and air overpressure and include provisions for the monitoring and control of such impacts, procedures for the investigation of complaints and specific actions to be taken in the event that it is recorded or observed that the set limits are being exceeded. The scheme shall be reviewed annually to ensure its relevance and application to the site and to reflect best practice.

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Dust

33. In order to control dust from internal traffic movements, as necessary, all haul roads within the site shall be kept damp, all hard surfaced areas including Marion's Way shall be subject to regular sweeping and all spillages shall be removed without delay.
34. Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of dust from the site and to ensure so far as is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties. Any stockpiles of materials capable of generating windborne dust shall be either physically contained or sufficiently dampened with water to ensure an adequate surface crust to prevent such as occurrence.
35. If during adverse weather conditions (e.g. strong winds combined with dry weather), nuisance by way of dust is, following consultation between the Mineral Planning Authority, the Blaby District Council Environmental Health Officer and the operator, being caused to nearby residential properties as a result of any operations, activities or use of land within the site, then that operation, activity or use shall be temporarily suspended or amended until such time as the operations can be resumed without causing such nuisance, either by a change in working, weather conditions or by taking other additional dust suppression measures.
36. All fixed plant and machinery, including loading bays and hoppers, shall be so designed to prevent emissions of dust to the satisfaction of the Mineral Planning Authority in consultation with the Blaby District Council Environmental Health Officer.
37. All conveyors and transfer points shall be enclosed to the satisfaction of the Mineral Planning Authority in consultation with the Blaby District Council Environmental Health Officer.

Noise

38. All mobile and fixed plant, equipment, machinery and vehicles shall be effectively silenced and thereafter be so maintained at all times to the satisfaction of the Mineral Planning Authority.
39. All audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery, whilst affording suitable safety, should be of a design that does not cause unreasonable noise intrusion to residential areas.

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40. Within three months of these conditions coming into effect, a scheme of noise monitoring shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall include and provide for:
- (i) details of noise monitoring locations to be agreed with the Mineral Planning Authority,
 - (ii) background noise levels ($L_{A90, T}$) at the agreed monitoring locations, to be agreed with the Mineral Planning Authority;
 - (iii) maximum equivalent continuous noise levels ($L_{Aeq, 1 \text{ hour}}$) attributable to the day-to-day operations on the site, to be agreed with the Mineral Planning Authority, taking into account agreed background levels and having regard to Annex 2 to MPS2 or any subsequent document superseding it;
 - (iv) noise monitoring at the agreed locations, to assess whether or not the limits specified in condition no. 41 below have been complied with;
 - (v) details of all proposed noise monitoring equipment;
 - (vi) details of the frequency of measurements;
 - (vii) details of the presentation of results; and
 - (viii) details of modelling procedures (if required).

Noise monitoring shall be carried out in accordance with the approved scheme and shall be kept under regular review and may be varied or amended only by written agreement with the County Solicitor.

The noise monitoring scheme required by this condition may be submitted as part of the Environmental Scheme required pursuant to condition 32 above or as a separate document.

41. The equivalent continuous noise levels ($L_{Aeq, 1 \text{ hour}}$) attributable to the day-to-day operations on the site, as agreed in the scheme of noise monitoring, shall not exceed 10dB(A) $L_{Aeq, 1 \text{ hour}}$ above background noise levels, subject to a maximum of 55dB(A) $L_{Aeq, 1 \text{ hour}}$, when measured freefield at the locations agreed as required by condition 40 above.

Blasting

42. Except in an emergency, no blasting shall be carried out within the site except between the hours of 1100 and 1600 Mondays to Fridays, provided that no blasting shall take place during the hours of darkness. No blasting shall take place on any Saturday, Sunday or Bank or Public Holiday. Blasting shall normally be carried out at regular time which shall be displayed in locations to be agreed with the County Solicitor. Prior notification of each blast shall be given to the Mineral Planning Authority and to the Blaby District Council Environmental Health Officer.
43. Any emergency blasting required to be carried out outside the hours specified in Condition 42 above, shall be notified to the Mineral Planning Authority within 72 hrs of its occurrence, together with details of the reasons why it was necessary.

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44. Every blast shall be designed with a 95% confidence level that ground vibration levels recorded at any vibration sensitive property arising from any blast shall not exceed a peak particle velocity of 6mm per second measured in any mutually perpendicular plane. No blast shall exceed a peak particle velocity of 12mm per second as measured at any vibration sensitive property.
45. Every blast shall be designed to minimise noise or air overpressure by use of the latest available techniques such that air overpressure shall not exceed 120dB peak linear as measured externally at any vibration sensitive property.
46. No secondary blasting shall be carried out within the site without the prior approval in writing of the Mineral Planning Authority.

Archaeology

47. Within 12 months from the date of these conditions coming into effect, details of the results of any archaeological investigation required under condition 74 attached to planning permission 1992/1209/01 when that permission was first granted shall be reported to the Mineral Planning Authority. Provision shall be made for the recording and deposition of any archaeological finds discovered on the review site with the Leicestershire Museums Service.

Premature Cessation

48. Notwithstanding the requirements of conditions 18 and 19 above, in the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme of reclamation as defined in this schedule of conditions, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for the approval of the Mineral Planning Authority within three months of the cessation of winning and working of minerals. The approved revised scheme shall be implemented fully within 12 months of the written approval.

APPENDIX 2

Schedule of updated planning conditions as submitted by Aggregate Industries

1995 Act Standard

1. The conditions set out in permission 92/1209/1 dated 28 February 1995, and any variations thereof, shall no longer apply.

Duration

2. Unless otherwise approved in writing by the MPA, the permission hereby granted shall expire on 31 December 2029, by which date all quarrying and associated operations shall have ceased.

Scope of the permission

3. This permission shall only relate to the site edged red on Plan No HDA 1 (dated May 2010), hereinafter referred to as 'the Site'.
4. Unless otherwise approved in advance and in writing by the MPA, the extraction of stone from the Site shall be limited to the area shown coloured pink on Plan No HDA 1 (dated May 2010) attached to and forming part of this permission.
5. Unless otherwise approved in writing by the MPA, the tipping or deposition of soils and overburden shall not be carried out outside the areas shown edged brown and identified on Plan No HDA 1.
6. Unless otherwise approved in writing by the MPA, the stocking of aggregates or roadstone shall be restricted to the area edged blue on Plan No HDA 1 and shall only comprise material produced at Croft Quarry.
7. Any stockpiles of roadstone, aggregates or other materials within the permission area shall be located and restricted in height so as to minimise them being visible from outside the site to the satisfaction of the MPA.
8. Unless otherwise approved in writing by the MPA, no mineral shall be brought onto the site for processing purposes except that sand and other necessary raw materials not available from within the site may be imported for the purposes of manufacturing ready mixed concrete, concrete products and asphalt.
9. Unless otherwise identified within the 'Landscape Aftercare and Management Scheme' provided under Condition No 23 attached to this permission or required as part of any Restoration and Aftercare Scheme submitted under Condition No 14 attached to this permission, no waste or other materials shall be imported onto the site for the purpose of tipping or disposal.

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10. No topsoil, subsoil or other soil making materials shall be exported from the site subject of this permission without the prior approval of the Director of Planning, Historic and Natural Environment.

Permitted Development

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended, no permanent fixed plant, machinery or buildings (excluding mobile plant and machinery) shall be stored, erected or replaced on any part of the site without the prior approval in writing of the MPA, given following the submission of details and plans showing the location and (where appropriate) external appearance of the buildings, plant, structures, or machinery to be erected or replaced.

Access and Highways

12. The surfacing of existing internal access roads, roads serving parking areas, servicing of fixed plant areas and internal traffic circulation areas shall be maintained in a good state of repair at all times until completion of the site restoration.
13. Wheel cleaning facilities shall be provided, and used, at the site to ensure that no mud or other deleterious matter is carried onto the public highway.

Restoration

14. Notwithstanding the requirements of Condition No 23 (Landscape Aftercare and Management) attached to this permission, a scheme for the final restoration and aftercare of the quarry complex shall be submitted to the MPA by 31 December 2024 or such other period as agreed in writing with the MPA, for its approval in writing. The scheme shall include details of:
- (i) the nature of the intended use of the site;
 - (ii) the final levels of the restored land;
 - (iii) drainage of the restored land;
 - (iv) details of the removal or retention of buildings or structures;
 - (v) the treatment of hard surfaced areas;
 - (vi) the boundaries of any lake(s) to be left on conclusion of workings;
 - (vii) the preservation of geological exposures/resources; and
 - (viii) a timetable for the restoration and aftercare.

Restoration pursuant to this condition shall not apply to any part of the mineral site which the MPA agrees in writing to have been satisfactorily restored prior to the submission of the scheme.

Aftercare pursuant to this condition shall not apply to any part of the mineral site which the MPA agrees in writing has been satisfactorily restored for a period of 5 years or more prior to the submission of the scheme.

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In respect of any areas of the site which the MPA agrees have been satisfactorily restored by the 5 year aftercare period has not elapsed by the date of the submission of the scheme, this condition shall only apply to that portion of the 5 year period that remains.

Deposition of Soils and Overburden

15. Unless covered by an existing approved scheme or as otherwise approved in writing by the MPA, the tipping or deposition of soils and overburden at the site shall only be carried out in accordance with a scheme which shall be submitted to, and approved in writing by, the MPA prior to its commencement. Such a scheme shall include an estimate of the quantities of soils and/or overburden involved; the area of the site the materials are to be removed from; the areas of the site the materials are to be moved to; along with details of the final landform to be created and estimated timescales involved. The scheme shall be implemented as approved. The area of deposition shall subsequently be included within the 'Landscape Aftercare and Management Plan' as provided by Condition No 23 attached to this permission.
16. No movement of soil shall take place except when the full depth of soil to be stripped or otherwise transported is in a suitably dry soil moisture condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty
17. Topsoil and subsoil mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall be grassed down and kept weed free and thereafter protected from any operations likely to result in any further compaction.
18. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
19. Following the placement of overburden and before the placement of subsoil, the upper layer of overburden shall be subsoiled to a depth of one metre with a heavy duty subsoiler to remove compaction.
20. After satisfactory placement of the subsoil, all available topsoil shall be spread evenly over those areas agreed to receive such topsoil. The topsoil shall be subsoiled and the subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface. Stones greater than 100mm in any dimension shall be removed.

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21. All operations involving soil placement and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition to minimise soil damage and to maximise the effects of the subsoiling operations.
22. The operator shall take all reasonable precautions to prevent the mixing of topsoil, subsoil and other soil making materials.
23. All landscape aftercare and management at the site shall be carried out in accordance with the 'Croft Quarry Landscape Aftercare and Management Plan' to be submitted within 6 months of the date of these conditions being finally determined. Provision shall be made for an annual monitoring visit, and the plan shall be reviewed annually and updated as informed by the monitoring visit or as otherwise required, in writing, by the MPA. Any updated plan produced shall be submitted to the MPA for further approval in writing. The plan as further approved shall be implemented in full.

Drainage

24. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, or shall be stored in an approved double skin proprietary tank/s. The volume of the bunded compound shall be at least equivalent to the capacity of the tank/s and other containers plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.
25. There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch or watercourse.

Hours of operation

26. Except in emergencies where operations are required to protect life, limb or property, or unless otherwise agreed in advance and in writing by the MPA, other than water pumping, any pollution prevention measures or essential maintenance (which shall be notified to the MPA as soon as is practicable) the hours of operation at the site shall be as follows:

Extraction of Minerals

- (a) Operations involving or connected with the extraction, internal movement (other than to the asphalt plant and concrete products works) and dispatch of stone, (other than by rail), receipt of delivered materials and the operation of the primary crushing, secondary crushing and tertiary crushing plant, aggregate stocking areas, filter media and silt press plant shall only be carried out between the hours of 0600-2200 Mondays to Saturdays.

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Ready Mixed Concrete Plant

- (b) Operations associated with the ready mixed concrete plant shall only be carried out between the hours of 0600-2200 Mondays to Saturdays.

Asphalt Plant

- (c) The asphalt plant may be operated and deliveries of coated stone made between the hours of 0330-1900 Mondays to Saturdays.

Concrete Products Manufacture

- (d) The manufacture of concrete products may be carried out at any time. The loading and transport of finished concrete products shall only be carried out between the hours of 0600-2200 Mondays to Fridays and 0600-1200 on Saturdays. There shall be no loading or transport of any finished concrete products on any Sunday or any Public or Bank Holiday.

Use of Rail

- (e) The loading, unloading, movement and servicing of trains may be carried out at any time.

Soil and Overburden Stripping

- (f) Soil stripping, overburden removal and any operations associated with the deposition of overburden, shall only be carried out between the hours of 0800-1800 Mondays to Fridays and 0800-1200 hours on Saturdays, provided that no operations are carried out during the hours of darkness.
- (g) In respect of all operations above except (e) there shall be no operations on any Sunday or any Public or Bank Holiday.
- (h) Essential maintenance and repair work may be carried out at any time provided that between 2200-0600 hours Mondays to Saturdays and at any time on Sundays or any Public or Bank Holiday such work is carried out in such manner as to ensure that it does not give rise to nuisance at nearby residential property.

Dust

27. The measures to be implemented by the Applicant to minimise the impact of dust from the proposed development shall be in accordance with the details provided in the submitted Environmental Scheme. The Scheme shall be implemented forthwith upon final determination of these conditions. The approved scheme shall be reviewed by the Applicant, with the mutual agreement of LCC and BDC, and in the event of significant changes to Government guidance and British Standards. The amended Scheme shall be submitted to the MPA for further approval in writing. The Scheme as further

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submitted to the MPA for further approval in writing. The Scheme as further approved shall be implemented in full.

Noise

28. The measures to be implemented by the Applicant to minimise the impact of noise from the proposed development shall be in accordance with the details provided in the submitted Environmental Scheme. The Scheme shall be implemented forthwith upon final determination of these conditions. The approved scheme shall be reviewed by the Applicant, with the mutual agreement of LCC and BDC, and in the event of significant changes to Government guidance and British Standards. The amended Scheme shall be submitted to the MPA for further approval in writing. The Scheme as further approved shall be implemented in full.

Blasting

29. The measures to be implemented by the Applicant to minimise the impact of blasting from the proposed development shall be in accordance with the details provided in the submitted Environmental Scheme. The Scheme shall be implemented forthwith upon final determination of these conditions. The approved scheme shall be reviewed by the Applicant, with the mutual agreement of LCC and BDC, and in the event of significant changes to Government guidance and British Standards. The amended Scheme shall be submitted to the MPA for further approval in writing. The Scheme as further approved shall be implemented in full.

Footpaths/Rights of Way

30. Fencing to be erected along the length of the footpath between Croft Village and the new hill, parallel to the railway line between the new railway bridge and Broughton Astley Stream shall be maintained in a secure condition (Note: footpath yet to be implemented)

Prior to cessation

31. In the event of cessation of the winning and working of minerals for a period of more than 24 months, a restoration scheme, to include details of aftercare and preservation of geological exposures shall be submitted for approval to the MPA within 2 years of the cessation, or within such period as may otherwise be agreed in writing with the MPA. Such approved scheme shall be commenced within 1 year of the written approval (and thereafter completed), unless otherwise agreed in writing with the MPA.

Lighting

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

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APPENDIX 3

Review of existing conditions attached to planning permission 1992/1209/01 against new condition numbers as submitted by Aggregate Industries

Permission 92/1209/1

Condition Number	Retained ✓ Retained/Amended ✓(A) Removed *	New Condition Number	Reason/Comment
		1	The new planning permission will replace the existing substantive planning permission at the site (and any variations thereof) and should be read instead of, and not in addition to, the conditions attached to that permission.
1	✓	2	
2	✓(A)	3	Reference to plan updated. Red line boundary has been extended to include land purchased since 1995.
3	✓(A)	4	Reference to plan updated. Reference to hatched area not being used until access road completed has been removed.
4	✓(A)	3	Reference to plan updated.
5	✓(A)	5	Reference to plan updated. Works to the new hill are almost complete but brown line retained to regulate ongoing tipping of soils/overburden.
6	✓(A)	6	Reference to plan updated.
7	✓	7	
8	✓	8	
9	✓(A)	9	Reworded to make allowance for materials required under any landscape aftercare or management plan or restoration scheme for the site.
10	✓	10	
11	✓(A)	11	Amended to refer to 1995 Order.
12	x		Unnecessary.
13	x		Access road completed.
14	x		Access road completed.
15	x		Access road completed.
16	x		Acoustic fence along access road installed.
17	x		Hill Street entrance closed.
18	✓(A)	12	Reworded to cover ongoing maintenance of internal access roads.
19	x		Access road completed.
20	x		Access road completed.
21	x		Access road completed.
22	✓(A)	13	Reworded to cover ongoing maintenance of wheel cleaning facility.
23	x	15	The new hill is practically completed, but New Condition No 15 will cover any ongoing deposition of soils and/or overburden.
24	x		No ongoing requirement for screening using straw bales.
25	✓(A)	14	Condition replaced to cover final restoration and prior to cessation (also see New Condition No 31).
26	✓(A)	23	Annual review meetings included within

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Condition Number	Retained ✓ Retained/Amended ✓(A) Removed *	New Condition Number	Reason/Comment
			New Condition No 23.
27	✓(A)	23	Management requirements to improve site for recreation to be included within New Condition No 23.
28	✓(A)	27	Control of dust included within New Condition No 27.
29	✓(A)	27	Control of dust included within New Condition No 27.
30	✓(A)	27	Control of dust included within New Condition No 27.
31	✓(A)	28	Control of noise included within New Condition No 28.
32	✓(A)	15	Reworded to cover any future deposition of soils and overburden.
33	✓	16	
34	✓	17	
35	✓	18	
36	✓	19	
37	*	15	Subsoil operations complete, but New Condition No 15 will cover any future deposition of soils and overburden.
38	✓	20	
39	✓	21	
40	✓	22	
41	✓(A)	23	Reworded to cover submission of a Landscape Aftercare and Management Plan.
42	✓(A)	23	Incorporated within New Condition No 23 for submission of a Landscape Aftercare and Management Plan.
43	*		Wetland creation completed.
44	*		Compensatory wetland and crossings of watercourses completed.
45	*		Wetland creation completed.
46	*		Scheme for disposal of foul and surface water approved and undertaken.
47	✓(A)	24	Slight amendment to wording.
48	✓	25	
49	✓(A)	26	Slight amendment to wording.
50	*	26	Procedure for emergency operations incorporated into condition regulating hours of operation.
51	*	27	Replaced with a single condition relating to the control of dust in line with submitted Environmental Scheme.
52	*	27	Replaced with a single condition relating to the control of dust in line with submitted Environmental Scheme.
53	*	27	Replaced with a single condition relating to the control of dust in line with submitted Environmental Scheme.
54	*	27	Replaced with a single condition relating to the control of dust in line with submitted Environmental Scheme.
55	*	27	Replaced with a single condition relating to the control of dust in line with

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Condition Number	Retained ✓ Retained/Amended ✓(A) Removed *	New Condition Number	Reason/Comment
			submitted Environmental Scheme.
56	*	27	Replaced with a single condition relating to the control of dust in line with submitted Environmental Scheme.
57	*	27	Replaced with a single condition relating to the control of dust in line with submitted Environmental Scheme.
58	*	27	Replaced with a single condition relating to the control of dust in line with submitted Environmental Scheme.
59	*	28	Replaced with a single condition relating to the control of noise in line with submitted Environmental Scheme.
60	*	28	Replaced with a single condition relating to the control of noise in line with submitted Environmental Scheme.
61	*	28	Replaced with a single condition relating to the control of noise in line with submitted Environmental Scheme.
62	*	28	Replaced with a single condition relating to the control of noise in line with submitted Environmental Scheme.
63	*	28	Replaced with a single condition relating to the control of noise in line with submitted Environmental Scheme.
64	*	29	Replaced with a single condition relating to the control of blasting in line with submitted Environmental Scheme.
65	*	29	Replaced with a single condition relating to the control of blasting in line with submitted Environmental Scheme.
66	*	29	Replaced with a single condition relating to the control of blasting in line with submitted Environmental Scheme.
67	*	29	Replaced with a single condition relating to the control of blasting in line with submitted Environmental Scheme.
68	*	29	Replaced with a single condition relating to the control of blasting in line with submitted Environmental Scheme.
69	*	29	Replaced with a single condition relating to the control of blasting in line with submitted Environmental Scheme.
70	✓(A)	23	Incorporated within New Condition No 23 for submission of a Landscape Aftercare and Management Plan.
71	*	23	Condition satisfied, but ongoing management of areas of ecological/ landscape significance to be included in Landscape Aftercare and Management Plan.
72	*		Works to footpath crossing completed.
73	✓(A)	30	Footpath not yet implemented, therefore condition to provide fence retained.
74	*		Archaeological works completed.
75	*		Archaeological works completed.

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Condition Number	Retained ✓ Retained/Amended ✓(A) Removed *	New Condition Number	Reason/Comment
76	✓(A)	31	Condition replaced to cover final restoration and prior to cessation (also see New Condition No 14).
77	✓(A)	32	Reworded to cover ongoing maintenance of site illumination.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the following 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 and Young People's Service and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the County Council's Human Resources Department if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

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

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