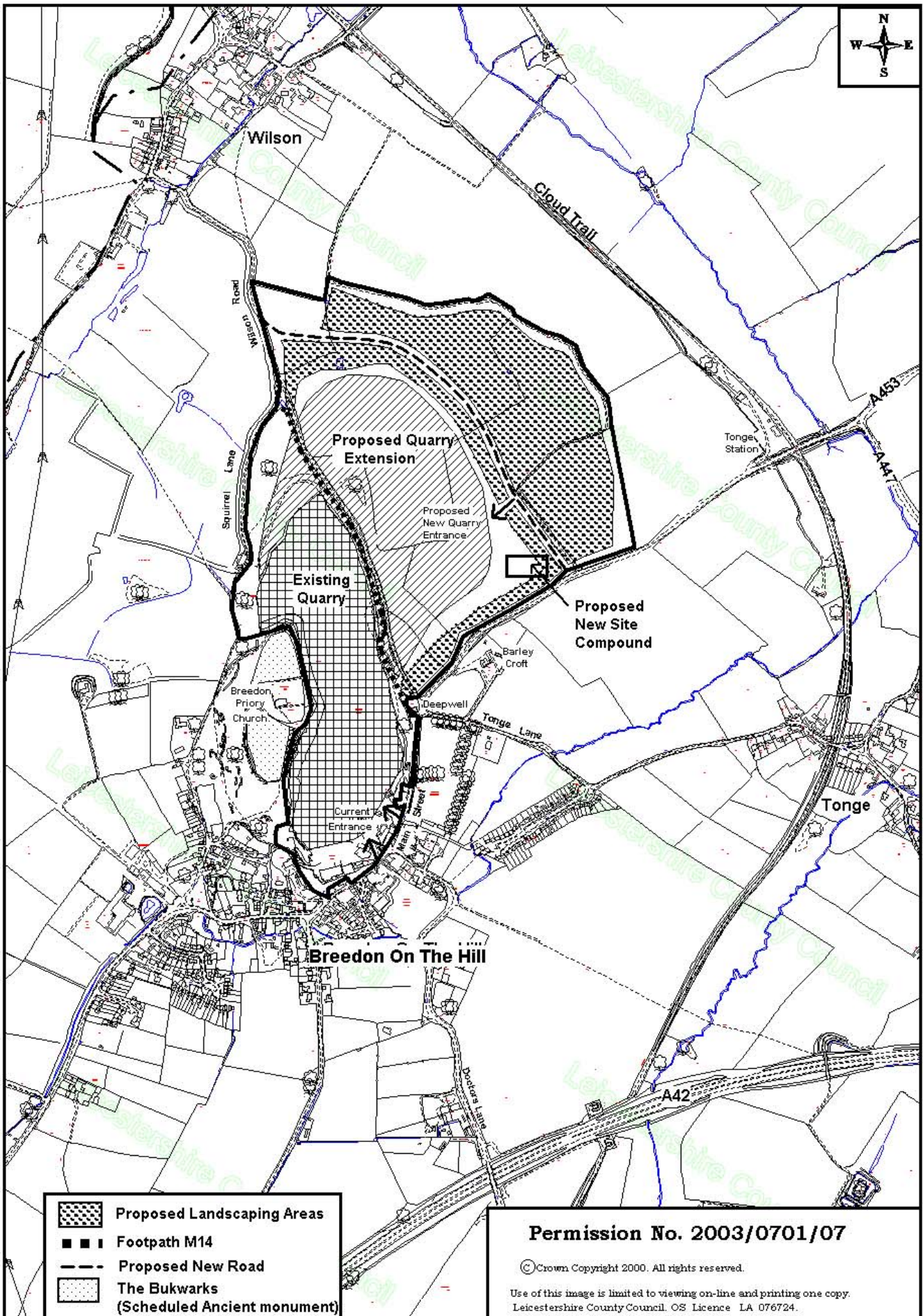


DEVELOPMENT CONTROL AND REGULATORY BOARD**10TH JUNE 2004****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****COUNTY MATTERS****ENNSTONE BREEDON LTD – PROPOSED EASTERN EXTENSION TO
BREEDON QUARRY AND ASSOCIATED DEVELOPMENT, INCLUDING THE
CONSTRUCTION OF A NEW HIGHWAY AND QUARRY ACCESS, AND NEW
LANDSCAPING AND RESTORATION PROPOSALS -
BREEDON-ON-THE-HILL (NORTH WEST LEICESTERSHIRE DISTRICT)****2003/0701/7 – 7th May 2003****Location of Proposed Development**

1. The application site covers 70.8 hectares. This includes the permitted area of the existing quarry (24.2 ha), the proposed eastern extension to the quarry workings (16.1 ha) and the new road and landscaping areas to the east (30.5 ha).
2. Breedon Quarry is situated at Breedon-on-the-Hill. The quarry has developed into the flank of a limestone outcrop upon which the Parish Church is situated. The quarry is bounded to the east by the Breedon to Wilson road, to the south by Main Street, to the north-west by Squirrel Lane, and to the south-west by The Delph and Breedon village itself. St. Mary and St. Hardulph's Church lies immediately to the west of the old quarry faces. The southern part of the quarry contains the Company's vehicle and haulage workshops and a range of quarry related stores and buildings.
3. The ground within the proposed eastern extension area mainly comprises rolling agricultural land. To the east of the Breedon to Wilson road, the land rises to a prominent which then falls northwards towards a generally flat lying area and eastwards into the valley of the Ramsley Brook.
4. Wilson lies over 400 metres north of the application site. Tonge lies over 500 metres to the south east of the site. The nearest residential properties to the proposed eastern extension are Deep-Well (at the junction of Main Street and the Breedon-Wilson road), Barley Croft (immediately to the south of the former A453) and The Old Vicarage (off Tonge Lane). The converted residential property at Tonge Station lies some 300 metres to the east of the site. East Midlands Airport lies about 3 kilometres to the north east.

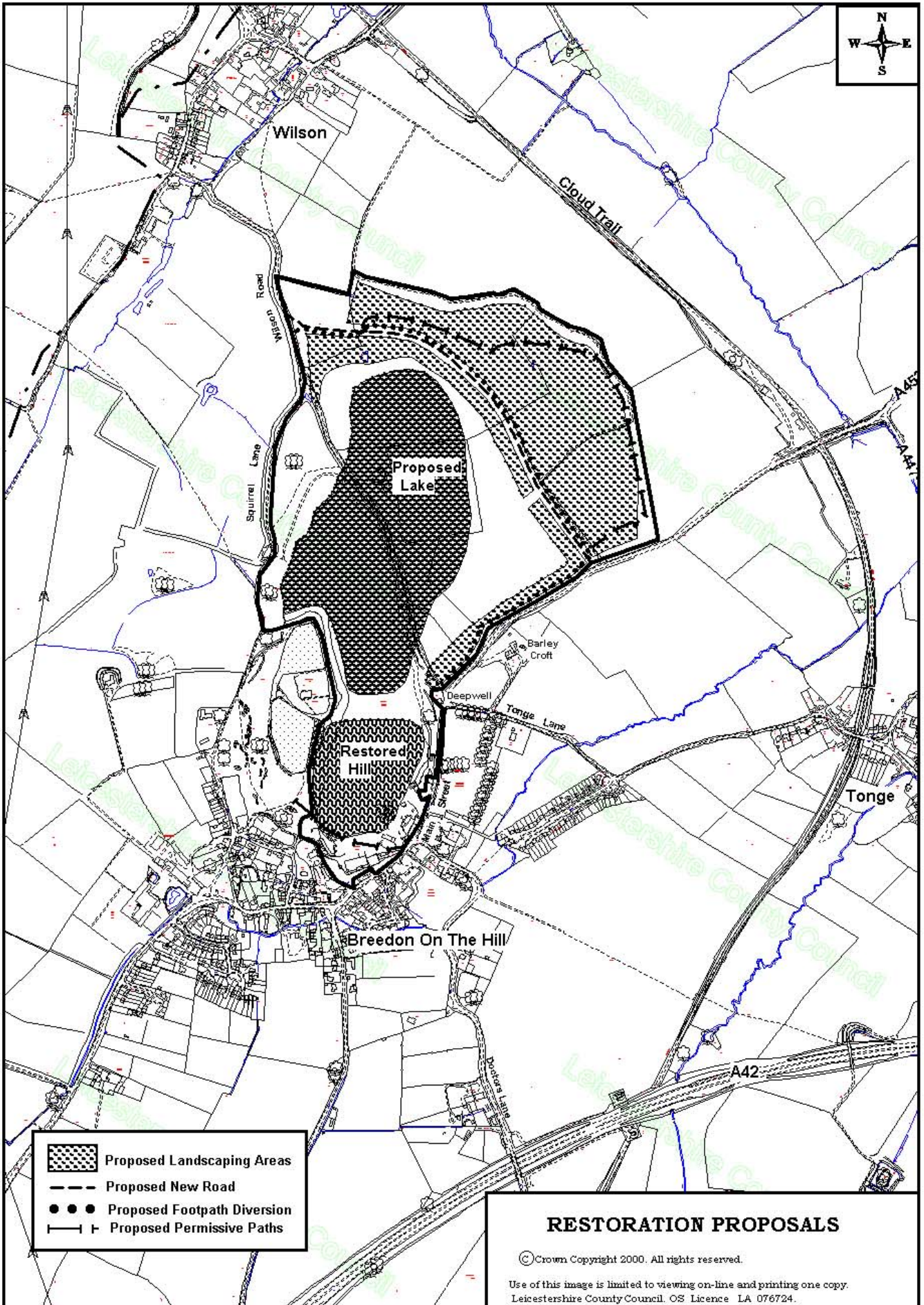


	Proposed Landscaping Areas
	Footpath M14
	Proposed New Road
	The Bukwarks (Scheduled Ancient monument)

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- Proposed Landscaping Areas
- Proposed New Road
- Proposed Footpath Diversion
- Proposed Permissive Paths

RESTORATION PROPOSALS

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Description of Proposal

5. The planning application comprises the following principal elements:
 - Extraction of limestone;
 - Relocation/diversion of the existing Breedon to Wilson road, and the adjacent public footpath, together with the provision of a new quarry access;
 - New landscaping and restoration proposals using overburden from the mineral extraction.

Limestone Extraction

6. It is proposed to extend the existing workings at Breedon Quarry in an eastwards direction in order secure the long-term future of the quarry and allow a continuity of supply of limestone into local and national aggregate markets. An additional 16.1 hectares of land is proposed for quarrying. It is anticipated that this would provide 17 million tonnes of limestone. This represents an additional 34 years of reserve, at an anticipated output rate of about 500,000 tonnes per annum. It is not intended that production output be increased as a result of the proposed new development.
7. Some 3.1 million tonnes of reserves are estimated to be present within the currently consented extraction area. Existing and new limestone reserves would together provide a lifetime of approximately 40 years.
8. It is proposed that current operations to extract and process the limestone reserves will continue into the eastern extension area. The limestone will be extracted using both conventional blasting and a Wirtgen 'rock planer'. All crushing and screening operations will be undertaken using mobile plant, which will be located adjacent to the advancing quarry faces.

Landscaping and Restoration

9. To release the mineral reserves within the eastern extension area, it is estimated that up to 3.5 million cubic metres of clay overburden will have to be removed. It is proposed to excavate this material in a phased manner and use it to create a series of landscaping features around the proposed extraction area including the re-creation of the southern slopes of Breedon Hill.
10. Overburden will be used to re-contour land around the southern, eastern and northern parts of the eastern extension area. Ground levels will be raised by a maximum of 7m to the east of the proposed new road, although the height of the proposed landscaped areas will generally be between 3m and 6m. Soils stripped as part of the earthworks operations will be placed over the overburden material and planted to create a series of predominantly grassland and woodland habitats. It is proposed that works commence in the south and progress northwards.

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11. Overburden will also be deposited within the southern part of the quarry workings, following the completion of limestone extraction in this area, to re-create the southern part of Breedon Hill. It is proposed that woodland and scrub be planted on the lower flanks of the Hill, with the majority of the area restored to grassland.
12. The Company has stated that it is prepared to relinquish its existing permitted rights to infill the quarry with imported inert waste material. The final restoration concept for the worked out quarry is for the creation of a water body, which does not require the use of imported materials, together with landscaped areas around the northern and eastern margins of the site.

Highways/Traffic

13. It is proposed that a section of the existing road between Breedon and Wilson, which bounds the existing quarry to the east, be replaced by an alternative route to the east, thus allowing extraction of limestone from beneath the existing road section. The proposed new road includes a roundabout at the southern end, and a T- junction at the northern end where it meets Squirrel Lane.
14. A new quarry entrance is proposed onto the new road. This will allow the existing access located within the village to be closed. The current workshops and other ancillary facilities will be relocated to a new compound adjacent to the new site entrance. The new road has a design width of 7.3m to the south of the quarry entrance, and 6.3m to the north. The level of quarry traffic would be no more than that which has previously taken place. At a maximum production level of 500,000 tonnes per annum, there would be about 560 2-way lorry movements per day.
15. It is estimated that the construction of the proposed new highway and junctions may take up to one year to complete. It is not anticipated, however, that the new road will be open until the second year of the proposed development, at which stage the existing Wilson Road will be stopped up.
16. Unladen vehicles travelling from Breedon Quarry to Cloud Hill Quarry currently use Doctors Lane. The number of lorries currently using this route varies between 10 and 50 per day. With the construction of the new quarry access, it is proposed that such vehicles use the A453 and A447, thereby avoiding Breedon village. The construction of the new road and quarry access also provides an opportunity for the current weight restriction on Main Street to be re-located at the proposed new roundabout.

Rights of Way

17. It is proposed that a section of public footpath M14, which lies on the eastern boundary of the current workings, be diverted around the proposed new road. The diverted footpath will be separated from the new road by a hedgerow or fence. It is proposed that a new permissive footpath be constructed to the east of the new road. This path will generally follow the southern and eastern boundary of the proposed landscape area. As part of the re-creation of the

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southern part of Breedon Hill, it is proposed that a new footpath be constructed linking to the existing footpath network.

18. The proposed footpath diversion from Main Street to Squirrel Lane is approximately 1.43km long, which is approximately 0.6km longer than the existing footpath. The proposed permissive path is about 0.96km in length.

Phasing

19. It is proposed that the development will be undertaken in a series of phased operations. Four main phases have been identified. Phase 1 will take about 5 years to complete; Phases 2 and 3 are each anticipated to take about 10 years; the final phase will take some 15 years.
20. Phase 1 will involve the construction of the new road and the new quarry entrance, and the development of the new quarry 'compound'. Overburden from the Phase 1 extraction area will be removed in phases to form the re-contoured landscape around the southern, eastern and northern parts of the site. Footpath M14 will be diverted. Towards the end of the phase, the construction of a new internal haul road between the eastern extension and the current quarry workings will enable the existing quarry entrance to be closed to HGVs.
21. Overburden removed during Phase 2 operations will be deposited within the southern part of the quarry workings, nearest to Breedon village. During this phase, the workshop facilities located on the southern edge of the site will be relocated to the new compound area.
22. Phase 3 includes the final removal of overburden. This material will be deposited within the southern part of the quarry to re-create the southern part of Breedon Hill.
23. The final development phase comprises the completion of quarry workings. Final restoration will be implemented upon completion of extraction. This will involve re-profiling of the overburden slopes and quarry faces to their final gradients, followed by landscaping. Water levels will then be allowed to recover to their final rest level. The final lake will be 19.4 hectares in size, with a depth of 65 metres. It is proposed that the lake will have steep margins and have no islands or periphery marginal vegetation, in order to deter breeding wildfowl and the development of gull roosts.

Hours of Working

24. It is proposed that, during Phase 1, operations will be carried out within the current permitted working hours, namely 0700 – 1800 hours Monday to Friday, 0700 – 1200 Saturday, with no working on Sunday, Public and Bank Holidays. On commencement of Phase 2, it is proposed that working starts one hour earlier in the morning, i.e. 0600 hours. In order to supply materials to specific projects that require delivery out of normal hours, it is also proposed that, from Phase 2 onwards, loading operations within the new compound area commence at 0400 hours.

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Employment

25. The total number of employees based at Breedon Quarry is about 70. This comprises 46 quarry production, maintenance and administrative staff, together with 24 HGV drivers who work from the site.

Environmental Statement

26. An Environmental Statement has been submitted In support of the planning application as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Environmental Statement includes sections on the following matters: cultural heritage and archaeology, ecology and nature conservation, geology, surface water and groundwater, air quality, noise and vibration, landscape and visual impact, soils and agriculture, and highways, traffic and public rights of way. The Statement concludes that the implementation of mitigation measures proposed will ensure that the development proposals for Breedon Quarry will not have a significant impact on the local environment.
27. An archaeological investigation has been carried out within the proposed eastern extension area. This included the study of available archaeological information, fieldwalking, and a geophysical survey. No areas of archaeological interest were identified.
28. Ecological surveys have confirmed that no areas of national or international importance are present, but various habitats of parish and district importance, such as hedgerows, were identified. The assessment concludes that the landscaping and restoration proposals will make a significant contribution to local biodiversity and will outweigh any predicted losses caused by the proposed development.
29. Geological investigations have proved the presence of limestone overlain by a substantial thickness of clay and marl. In terms of local and regional geology, it is considered that the proposals will provide greater access to both Carboniferous Limestone and Mercia Mudstone formations.
30. The potential impacts on local surface water and groundwater resources have been assessed. It is concluded that there will be no adverse impact on either local or regional groundwater or surface water regimes during the operations and restoration of the quarry workings.
31. The dust assessment predicts that the proposed development is unlikely to decrease local air quality and that Air Quality Standards will not be exceeded. It is considered that any dust occurrence will be limited and of short duration, particularly in relation to the new roads construction, and will be minimised by the implementation of dust control measures.
32. Noise monitoring has been undertaken at a number of properties located around the site and noise predictions made for those properties as a result of proposed operations. It is predicted that 'worst case' noise levels will occur during soil stripping and landscaping operations, but these will be of short duration and

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within the noise criteria considered by MPG11 to be normally justified for such operations. It is recommended that the restoration works to Breedon Hill be carried out behind a temporary 5m high bund. With the exercise of reasonable control over general site operations, the assessment concludes that the proposed extension area can be worked within the noise criteria considered by MPG11 to be normally justified for mineral extraction operations.

33. Following an assessment of the likely impact from blasting within the proposed development area, recommendations are made to ensure that the vibration impact of blasting operations to nearby residents and structures is minimised and within Government guidelines.
34. The landscape and visual assessment concludes that the direct impact of the proposed development on the landscape would be low to medium due to the relatively few features of landscape value and the influence of existing mineral workings on the current landscape character. In landscape terms, the loss of features is not considered particularly significant: these would be compensated for (in the medium to long term) by the introduction of new areas of woodland planting. Landscape measures during the operational phase will effectively assimilate the proposals into the landscape, protecting landscape character and the visual amenity of the area. It is considered that the landscape features to be created will enhance the local landscape character and that the overall landscape impact would be slightly beneficial.
35. The visual assessment has identified a restricted number of sensitive receptors. The locations of highest sensitivity were identified as specific streets within Breedon and Wilson, together with individual properties at Tonge and the footpath along the eastern boundary of the existing quarry. Initial adverse impact would diminish when the majority of the re-profiling is complete and structural planting matures. The proposed landscaping and re-profiling would effectively screen the quarry workings.
36. The agricultural and soil assessment investigated the Agricultural Land Classification and the nature of soil resources on agricultural land within the application area. The proposed quarry extension will affect 17 hectares of best and most versatile agricultural land, of which 7.1 hectares is Grade 2 and 9.9 hectares is Grades 3a. The best and most versatile agricultural land comprises 38% of the proposed extension area. Whilst it is not proposed to restore the land back to agricultural use, the proposed landscape area could be used for agricultural purposes at some time in the future.
37. Traffic data has been collected in order to assess the likely traffic and highway impacts of the proposed development. The only location where traffic flows would increase as a result of the development would be the 175 metres long section of the realigned Wilson Road between the proposed quarry access and the proposed new roundabout. Traffic flows would decrease by up to 18% (mostly HGV movements) on Main Street between the existing quarry access and the new roundabout, improving amenity and driver stress.

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38. During construction of the realigned road, there would be minor disruption to the free flow of traffic on Wilson Road and Main Street for a short length of time while the new carriageway is tied into the existing road. The new road would increase the distance from the existing Main Street/Tonge Lane junction to the existing Wilson Road north of Squirrel Lane by 440 metres (44%). For pedestrians, this would increase journey times by about 5 minutes. Amenity and driver stress would be improved due to the layout of the new road.

Planning History

39. Quarrying and related activities were carried out at Breedon Quarry for a considerable number of years prior to the introduction of planning legislation. In 1947, planning permission was granted for the continuation of quarrying under the Town and Country Planning (General Interim Development) Order 1946. In accordance with the Planning and Compensation Act 1991, an application for registration of this IDO permission was granted in 1992.
40. Further quarrying permissions were granted at Breedon Quarry in 1969 and 1973. In August 1997, planning permission was granted for the continuation and extension of extractive and associated quarrying operations at Breedon and Cloud Hill Quarries, together with the restoration of Breedon Quarry by infilling with imported waste. This later permission consolidated all the earlier permissions.
41. In February 2000, Breedon plc submitted a planning application to allow the importation of an extended range of waste materials, including industrial and commercial waste, and the development of a Materials Recycling Facility at Breedon Quarry. This application was withdrawn in December 2002.

Planning Policy

Government Guidance

42. Planning Policy Guidance Note (PPG) 7, 'The Countryside: Environmental Quality and Economic and Social Development' (1997), gives advice on the role of the planning system in relation to the countryside. PPG9, 'Nature Conservation (1994) provides advice on the relationship between planning control and nature conservation. PPG15, 'Planning and the Historic Environment' (1994), provides advice on controls for the protection of historic buildings and conservation areas. PPG16, 'Archaeology and Planning' (1990), gives advice on the handling of archaeological remains and discoveries.
43. Minerals Planning Guidance Note (MPG) 1, 'General Considerations and the Development Plan System' (1996) provides advice on policies and the operation of the planning system with regard to minerals. MPG 6, 'Guidelines for Aggregates Provision in England' (1994) provides advice on the supply of aggregate materials to the construction industry. MPG7, 'The Reclamation of Mineral Workings' (1996) provides advice on the reclamation of mineral sites. MPG11, "The Control of Noise at Surface Mineral Workings" (1993), provides advice on how the planning system can be used to keep noise emissions from surface mineral workings within environmental acceptable limits.

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Leicestershire, Leicester and Rutland Structure Plan (as proposed to be adopted July 2003).

44. Strategy Policy 8 aims to protect the countryside from development but does acknowledge that minerals extraction may well have to be located in the countryside. Resource Management Policy 1 aims to avoid air, noise, water, land and light pollution. Resource Management Policy 5 seeks to protect the best and most versatile agricultural land. Leisure Policy 4 calls for adequate arrangements to safeguard or provide acceptable alternative public rights of way. Environment Policy 1 seeks to protect, preserve and enhance areas, sites, buildings and settings of historic or architectural interest.
45. Resource Management Policy 7 aims to release land to maintain an adequate supply of minerals to contribute to local, regional and national needs. Resource Management Policy 9 says that planning permission will only be granted where the need for the development outweighs the environmental impact that would arise. Resource Management Policy 13 requires restoration of mineral workings to an acceptable use at the earliest opportunity and thereafter a programme of aftercare for an appropriate period.

Leicestershire Minerals Local Plan (May 1995)

46. Policy 2 sets out a list of factors that will be taken into account in assessing proposals for mineral extraction. Policy 3 indicates instances where mineral working will not normally be allowed by virtue of the impact on environmentally sensitive areas. Policy 5 sets out measures to control the environmental effects of mineral operations through the imposition of suitable planning conditions. Policy 6 outlines the basis on which planning obligations will be sought.
47. Policy 11 identifies the kinds of conditions likely to be attached to any permission in order to achieve high quality restoration and aftercare. Policy 12 sets out the policy for after uses. In particular, it seeks the restoration of the best and most versatile agricultural land to an agricultural use, an increase in woodland cover, the creation of new wildlife habitats and a revised network of rights of way.
48. Policy 20 is specific to limestone. It states that "*planning permission for limestone quarrying will normally only be granted where the proposal is to extend an existing operational quarry to ensure continuity of supply, provided that the environmental impact of the proposed development can reasonably be kept to an acceptable level*".

North West Leicestershire Local Plan

49. The site is outside 'limits to development' as defined in the Plan. Policy S3 presumes against non-essential development within the countryside. Policy E3 presumes against development which, by reason of its scale, height, mass, design, oppressiveness, proximity, noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or excessive traffic generation, would be significantly detrimental to the amenities enjoyed by the occupiers of existing nearby dwellings.

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Consultations

North West Leicestershire District Council

50. The District Council supports the application subject to the concerns of the District Council's Head of Environmental Protection being taken into account.

North West Leicestershire District Council (Environmental Health)

51. At the Council's Minerals Group meeting, the Head of Environmental Protection queried whether Ennstone Breedon would find it acceptable to assess control standards against noise, air quality and blasting in "real time". He stated that with respect to air quality government was issuing new guidance on a regular basis and therefore, with controls changing, it would be better to review control standards regularly. This principle of revised controls should be applied to air quality and noise and blasting issues. Indeed the protracted timescale of the proposed quarry workings indicated the necessity of such revisions. The Head of Environmental Protection also noted that the Environmental Assessment recommended a relaxation in noise limits and that bearing in mind environmental controls were generally becoming more restrictive, the present plan controls on the existing quarrying should be retained.

Breedon-on-the-Hill Parish Council

52. The Parish Council is unanimously in favour of the proposed development, but makes the following observations:
1. New road and access should be brought into use as soon as possible and used by $\frac{3}{4}$ of the quarry traffic as proposed in year 2. Wonder whether wider quarry access or central bollard would improve safety on new road.
 2. Closure of present access, movement of weight limit further out of village and proposed re-routing of traffic between Cloud Hill and Breedon Quarries are all important steps to improving the local environment.
 3. Company's proposal not to extract any mineral to west of present extraction area should be a condition of any approval.
 4. Any archaeological finds should be properly examined and logged.
 5. Prominent ridge to east of proposed development must be maintained to protect village from noise pollution in the event of any second runway at East Midlands Airport.
 6. Support a restoration scheme to incorporate the existing Breedon Hill SSSI to restrict the advance of scrub and woodland. Sensitive management of SSSI should be secured through legal agreement.
 7. Proposed restoration scheme is so important to the future of the village and the surrounding area that it must be a condition of any approval. Conditions must ensure that there is no opportunity in the future for any void to be used for any other purpose.

Environment Agency

53. No objections, in principle, subject to the imposition of conditions.

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English Nature

54. English Nature agrees with the applicant's assessment that, with the appropriate restoration and long-term management plan, the application could help deliver biodiversity plan targets for limestone grassland as well as helping to bring Breedon Hill SSSI into favourable condition.
55. English Nature does not object to this application provided that the requirement for a restoration plan (including timing of its production prior to the commencement of mineral extraction) is attached as a condition to any permission.

East Midlands International Airport

56. The Airport's primary concern is the potential increased risk to aircraft that would arise should the restored site prove attractive to birds. The Airport is content however that a suitable restoration plan can be implemented. It is requested that conditions be imposed regarding the following matters:
 - A system of pumping to prevent water accumulating in the quarry void
 - Submission of a scheme for the restoration of the quarry at a later stage in the development which ensures that the restored site does not increase the bird strike risk
 - Lighting
 - Submission of a landscaping scheme that complies with Aerodrome Safeguarding Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design'.

Archaeological Advice

57. An Archaeological Desk Based Assessment, fieldwalking programme and Geophysical Survey has been commissioned by the applicant to support their planning application. This work was undertaken by Oxford Archaeology and has revealed some interesting results.
58. The quarry lies in an area of archaeological sensitivity as the limestone outcrop at the site contains a Scheduled Monument, consisting of an Iron Age hillfort and a Saxon monastery. The village of Breedon on the Hill has a Medieval origin. As a result there is a potential for important information relating to the Scheduled Monument and its hinterland within the application area.
59. The results of the preliminary investigations do not suggest that archaeology of national importance lies within the application area and there is no indication as yet of sub surface archaeological features surviving. However, only a part of the site has been investigated and the exact nature of the results can not be fully interpreted without some form of intrusive survey.

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60. The areas that have been fieldwalked suggest the area was subject to manuring and therefore farmland, from the Medieval period onwards. However, there is a possibility earlier remains of prehistoric date survive within the application area. As well as a number of flint tools, an area of raised topography has been highlighted in the report as having high archaeological potential. In addition a whetstone has been retrieved from the site. This is at present of unknown date and it is not clear whether this derives from the Scheduled area or from an activity area within the application site.
61. As a result it is recommended that further archaeological works are carried out systematically on a phase by phase basis. This should take the form of a continuous Watching Brief to be maintained during any topsoil and subsoil stripping. The applicant should provide a contingency provision to enable the full excavation of any significant archaeological deposits that are encountered.

Ecological Advice

62. Pleased to note that the opportunity will be taken during the restoration phase to create diverse habitats on site, particularly those prioritised in the County Biodiversity Action Plan. As large an area of species-rich Carboniferous limestone grassland should be created. The restoration proposals should also incorporate woodland, species-rich linking habitats such as hedgerows and ditches, and wet areas, both permanent and seasonal. Wherever possible, the habitat should be created by means of natural regeneration.

DEFRA

63. Having considered the proposals in the light of PPG7, the Department does not wish to comment on the principle of the proposals where agriculture is not the proposed afteruse. It is, however, important that the soil resources from the 'best and most versatile' agricultural land, and similar resources from the poorer quality land, are used in the restoration in such a way that their potential for agricultural use in the future is not compromised. The best soil resources should therefore be used for restoration of the proposed landscaped area to a condition whereby land could in future be returned to agricultural use.
64. To that end, all topsoils, upper and lower subsoils identified as being the most valuable soil resource should be handled in accordance with Defra's Good Practice Guide for Handling Soils. All topsoil/subsoil resources within the proposed landscaping areas should be stripped, temporarily stored, and then replaced on top of overburden. Surplus soil resources should as far as is possible be concentrated into areas of land based restoration, whilst avoiding over-deepening of topsoils. Any remaining subsoils (other than subsoils indistinguishable from underlying material) should be stockpiled on site for potential future use on site or elsewhere locally.

Countryside Agency

65. No reply received at the time this report was published.

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English Heritage

66. English Heritage recommends that, should the County Council be minded to grant permission, appropriate planning conditions be applied to ensure:
- mitigation of the physical impacts on the buried archaeological resource
 - monitoring of the effects of blasting on the church; and
 - that opportunities for enhancing the amenity value of Breedon Hill are maximised.

Leicestershire Footpaths Association

67. No reply received at the time this report was published.

Ramblers Association

68. Although the proposed diversion of footpath M14 is considerably longer than the current route, this is felt to be unavoidable, and will not significantly detract from the use and enjoyment of the route. This will continue to be part of a very localised network, which has traditionally been self-contained. The proposed new permissive route, and the new footpath on the restored hill, will add to the variations possible for local use.
69. The proposed path width of 1.8 metres is of concern, as this will lend itself to potential overgrowth from the proposed boundary hedge, which may reduce the enjoyment of the route, much of which is enclosed. Fences and hedges enclosing the new path should be sufficiently far apart to maintain an 'open' aspect to the path. Kissing-gates should be used where the path crosses or meets a road.
70. Otherwise, no objection to the proposal.

Health and Safety Executive

72. No reply received at the time this report was published.

Forestry Commission

73. No reply received at the time this report was published.

Derbyshire County Council

74. No objection based on the 'potential alternative restoration concept' (see paragraph 146 below). Requests that the potential impacts on residents of Derbyshire including traffic, noise and dust be considered.

South Derbyshire District Council

75. No comment provided that there are no additional traffic or environmental implications for Melbourne parish.

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Worthington Parish Council

76. No objection.

Isley cum Langley Parish Council

77. No reply received at the time this report was published.

East Midlands Electricity

78. East Midlands Electricity has high and low voltage cables/overhead lines in the vicinity of the proposed works. A method of safely managing all these cables/lines must be agree with East Midlands Electricity.

Highway Authority

79. The proposals provide some highway/transportation benefits. There are therefore no objections subject to the imposition of suitable planning conditions and obligations contained within a Section 106 agreement.

Publicity

80. The application was advertised by way of press notice, site notice (dated 13th May 2003) and neighbour notification (dated 12th May 2003). The applicant held an exhibition of the proposals at Breedon Community Centre on 28th February and 1st March 2003.

Representations Received

81. A total of 13 responses related to the proposed development have been received. These include 9 responses from Breedon, 3 from Wilson, 1 from Tonge.

82. The main concerns raised in these letters are:

Noise & Dust

- Prolongation/increase of noise, dust and air pollution from the quarry.
- Noise and dust from the new quarry workings will impinge seriously on the village of Wilson, which already suffers more than most local communities from aircraft noise from the East Midlands Airport.
- Will mean more noise, dust and disturbance to Breedon residents of Berry Avenue and Tonge Lane, and the residents of Tonge village.
- Start time should be 7 a.m. to minimise noise to local residents. Proposed start time of 4 a.m. would have enormous impact on quiet enjoyment and value of property.

Blasting

- Residents of Berry Avenue and Tonge Lane Breedon, and of Wilson and Tonge villages will have to live with the effects of blasting much closer to their homes.

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- For the sake of Breedon church alone, blasting must not increase.
- Need to monitor and rigorously enforce blasting levels on a continuing basis to ensure compliance with guidelines

Landscape/Visual impact

- Proposal will result in adverse visual impact for many years, devastating the local area.
- Additional workings will be highly visible, especially from the top of Breedon Hill.
- Proposed quarry extension would have a very severe environmental impact on Wilson.
- Concern at loss of view of Breedon Church/cliff face from Tonge Station
- Loss of amenity and scenic value of the footpath and road from Breedon to Wilson.
- Height of proposed landscaping area should not be reduced as this will provide a barrier for Breedon village should the proposed second runway at EMA proceed.
- Adequate screening should be required to limit the impact.

Traffic and Transportation.

- Increased traffic and pollution from diesel vehicles
- Increased heavy traffic on A453 past Tonge with consequent noise.
- More intensive production could lead to problems of mud on the local roads.
- Concern about heavy lorry movements on Doctors Lane.
- Existing Breedon to Wilson road will be destroyed and replaced with a modern new road, considerably changing the 'rural' view of the area
- Relocation of road will move traffic noise much closer to properties on edge of Wilson and result in increased journey distance

Public Rights of Way

- Footpath M14 is well used. The proposed alternative route will increase the distance to walk and does not adequately compensate for the loss of the current route.

Effect on Wildlife.

- Damage to wildlife and ecology in the area.

Effect on water resources

- Effect on ground water in and around Tonge/Breedon and Wilson because of pumping operations.

Restoration

- There are already several water facilities in the area – all much larger and with better access
- Restoration of the old hillside will be unsympathetic to the old quarry face and look more like a grassed over spoil heap.
- Proposals for the replacement of paths and highways and the restoration of the old quarry are insufficient reasons to grant this application.

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Employment

- Claim that quarry is vital to the local economy is spurious. Few of the employees actually live in the Breedon area. Modern quarrying techniques will further reduce this workforce.
- Insufficient guarantees of future employment
- Jobs could be absorbed into other existing quarries locally.

Other

- Ennstone Breedon Ltd are driven entirely by profit motive with little genuine concern for the local environment
- Quarry company has had its fair share of profit from the quarry over the last century and now has a moral duty to fill in the void with inert material in a reasonably short time span.
- No definitive time scale or limit given for the various elements of the proposed development
- Timing of application is wrong as it coincides with the timing of the possible second runway proposals for East Midlands Airport. Close proximity of both proposals may cause future problems.
- Area is well used for tourism and leisure with great potential for further growth. Further quarry expansion will detract from this.
- If permitted, strict enforceable restrictions must be made related to the operation and timescales for the extension and its eventual restoration to beneficial use for conservation and public amenity.
- Annual production should be restricted.
- Probable adverse effects on residential property values in surrounding villages and may lead to increase in house insurance

Assessment of Proposals

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

a) Policy Background

- Government Guidance
- Development Plan

b) Environmental Effects

- Noise
- Dust
- Blasting
- Traffic
- Public Rights of Way
- Landscape and Visual impact
- Effect on Wildlife

- Agriculture
- Historic Environment
- Restoration

Government Guidance

84. With respect to National policy, Minerals Planning Guidance (MPG) Notes 1 and 6 are of particular relevance.
85. MPG1 points out that minerals can be worked only where they occur and that MPAs should make an appropriate contribution to meeting local, regional and national needs which reflects the nature and extent of minerals in its area and other relevant planning considerations.
86. MPG1 also identifies objectives for sustainable development for minerals planning. These objectives include the following:
- To conserve minerals as far as possible, whilst ensuring an adequate supply to meet needs;
 - To ensure that the environmental impacts caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum;
 - To encourage sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment;
 - To protect areas of designated landscape or nature conservation value from development, other than in exceptional circumstances and where it has been demonstrated that development is in the public interest.
87. MPG 6 indicates that it is important that an adequate and steady supply of aggregates is available for the construction industry. It recognises however that aggregates extraction can have a significant environmental impact. It states that it may be generally preferable, as a means of minimising environmental disturbance, to adopt a policy of allowing extensions to existing mineral workings rather than allowing mineral workings at new greenfield sites, although this will not always be the case.

Development Plan

88. Section 54A of the Town and Country Planning Act 1990 requires that the Development Plan should be the starting point for the consideration of all development proposals. The current Development Plan for the area comprises the Leicestershire Structure Plan (1994) (LSP), Leicestershire Minerals Local Plan (1995) (MLP) and the North West Leicestershire Local Plan (2002) (NWLLP). The Leicestershire, Leicester & Rutland Structure Plan, Written Statement (as proposed to be adopted July 2003) (LLRSP) is also an important consideration. The principal policy considerations relevant to the current planning application as contained in these plans are set out below.

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89. LSP Minerals and Waste Policy 1 states that:

“When allocating land and considering planning applications for the extraction of minerals, the County Council will consider the need to release sufficient land to maintain, wherever possible, a landbank of permitted reserves of construction aggregates equivalent to at least ten years production taking into account guidelines for aggregate provision in England and Wales and the findings of the East Midlands Aggregates Aggregates Working Party;... ”.

90. LLRSP Resource Management Policy 7 states that:

“When allocating land and considering planning applications for the extraction of minerals, consideration will be given to the need to release sufficient land to:
a) maintain an adequate supply of minerals to contribute to local, regional and national needs, while minimising the effect on the environment and agriculture;
b) maintain an appropriate land bank of permitted reserves of construction aggregates in accordance with guidelines for aggregate provision in England and Wales and the findings of the East Midlands Regional Aggregates Working Party;”

91. The Minerals Local Plan Monitoring Report and Key Issues Consultation Paper (May 2003) indicates that the overall reserve figure for limestone stood at some 64.39Mt as at December 2000, of which total aggregate reserves accounted for 47.68Mt. This gives a landbank of approximately 33 years. There is no specified landbank provision for crushed rock aggregates, although 15 years has been used recently and appears to have been accepted as a reasonable time-scale. This may however be subject to change when revised guidance is eventually issued, and a more definite figure possibly put forward. The spread of reserves is not equally split across the sites however. Breedon Quarry has the lowest life expectancy for existing quarries at approximately 7.5 years. The Report suggests that future working options need to be discussed for the site at Breedon, with consideration being given to the identification of future reserve areas at Breedon Quarry in the MLP review.

92. LSP Minerals and Waste Disposal Policy 2 states that: *“When allocating land and considering planning applications for the extraction of minerals or for the disposal of waste materials or related development, account will be taken of its likely impact on the environment and the operational and economic needs for the development. Where development would cause demonstrable harm to interests of acknowledged importance, planning permission will normally only be granted where the need for the development is sufficient to justify its environmental impact. ”* LLRSP contains a similar policy (Resource Management Policy 9).

93. The key policies in the Minerals Local Plan are Policies 3 and 20. Policy 20 is specific to limestone. It states that *“planning permission for limestone quarrying will normally only be granted where the proposal is to extend an existing operational quarry to ensure continuity of supply, provided that the environmental impact of the proposed development can reasonably be kept to an acceptable level”*.

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94. The proposed development is intended to secure the long-term future of operations at Breedon Quarry by maximising the mineral reserves within the Company's ownership, thereby ensuring a continuity of supply of limestone beyond the existing limited reserve situation. The provision of further reserves would help to sustain jobs at the Quarry and the contribution that the company makes to the local economy.
95. MLP Policy 3 sets out a number of circumstances under which planning permission would not be granted unless there was an overriding need or the impact could be alleviated by appropriate measures. Of the various circumstances, the following are the most applicable in relation to current proposal:
- the development would result in the irreversible loss of significant amounts of the best and most versatile agricultural land (grades 1, 2 and 3a);
 - the development would adversely affect a scheduled ancient monument or other nationally important archaeological site or its setting or amenity value;
 - where insufficient capacity is available on the local or wider road system for the traffic that is expected to be generated unless satisfactory improvements can be implemented;
 - the development including its associated traffic movements would have an unacceptable impact on local residential amenity;
 - the development would adversely affect public rights of way unless adequate arrangements can be made to safeguard the existing routes or to provide acceptable alternatives.

The environmental and other effects of the proposal are examined below.

Environmental Effects

Noise

96. Concern has been expressed about the potential levels of noise that will be generated by the proposed development. The normal practice in accordance with MPG 11 is to set a day time limit of 55 dBLAeq. MPG 11 does, however, say that in particularly quiet rural areas, where a limit of 55 dB LAeq would allow existing background levels to be exceeded by more than 10dB(A), a lower limit may be appropriate. This is on the basis that noise levels which are more than 10dB above background are known from research to be likely to cause annoyance/disturbance that may be construed to amount to nuisance. MPG11 states that the setting of a daytime limit below 45 dB LAeq would not normally be appropriate as such a limit should prove tolerable to most people in rural locations.
97. The Company's noise assessment indicates that existing background noise levels at residential properties around the quarry generally exceed 40dB(LA90). The noise limit, as set out in the existing planning permission, is 50 dBLAeq at any noise sensitive property. The predicted noise levels from the normal operations will not exceed this level. Consequently, it is not considered that local residents should not experience any unacceptable adverse noise impact.

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98. It is predicted that the existing noise limit of 50 dBLAeq will be exceeded for certain operations related to soil stripping, bund construction, road construction and restoration works. MPG11 provides for the raising of noise limits temporarily to allow for short-term noisy phases in mineral extraction operations. It suggests that a noise level of 70 dB LAeq should be considered for periods of up to 8 weeks in a year to facilitate such temporary operations. It is not anticipated that the proposed operations will give rise to noise levels that exceed the noise criterion for temporary operations at any inhabited property.
99. It is proposed that, from Phase 2 onwards, operations start one hour earlier (at 0600 hours) and that loading operations within the new compound area start at 0400 hours. MPG11 suggests that night-time should normally be defined as 1900-0700 hours. It sets a nominal night-time noise limit of 42dBLAeq at noise sensitive properties. It is considered that operations would be acceptable between 0600 -0700 hours, provided that this night-time noise limit is not exceeded and that provision is made for remedial action to be taken in the event of complaints. It is not considered that operations should be allowed before 0600 hours until a detailed assessment of the potential impact has been carried out.

Dust

100. The applicants have specified measures that will be taken in order to minimise dust emissions from the site. Control will be exercised essentially through the use of good working practices and, as necessary, wet suppression. Dust monitoring is already required by the existing permission. It is considered that dust emissions can be kept to acceptable levels with the imposition of appropriate planning conditions.

Blasting

101. Concern in respect of blasting normally relates to the potential damage to property. Each individual's perception of blast vibrations varies. Some individuals find very low levels disturbing and find it difficult to accept that they offer no danger to property. It is in the operator's interest to minimise vibrations to avoid complaints and to ensure efficient blasting.
102. The limit on ground vibration for the existing operations is 6mm per second ppv. Such a limit is well below the level where even cosmetic damage might occur. It would be appropriate to impose the same limit at any inhabited building for the proposed quarry extension. The Company's blast consultants predict that, with modifications to blast design, operations will be able to comply with this limit.
103. Within the southern part of the quarry (nearest to the village of Breedon-on-the-Hill), all limestone extraction is currently carried out using a Wirtgen rock planer, with no blasting operations taking place, thereby minimising any potential impacts from quarrying operations. It is proposed that extraction within the southern part of the quarry will predominantly take place using the rock planer, although there may be times that other extraction techniques may be required

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due to changes in the characteristics of the stone. The rock planer only produces material below a certain size. Blasting will therefore continue to be necessary within the central and northern parts of the quarry to produce material sizes to meet customer requirements.

Traffic

104. It is proposed that a section of the existing road between Breedon and Wilson, which bounds the existing quarry to the east, be replaced by an alternative route to the east. There is no objection on highway grounds to the proposed development in principle, subject to the signing of a legal agreement in respect of the proposed highway works. The proposals will provide the following highway/transportation benefits:
- The existing poor access to the quarry in the village will be closed and replaced by an access on the diverted Wilson Road designed to full standards.
 - The existing poor junction of Wilson Road and Main Street will be replaced by a new roundabout designed to full standards, providing a gateway feature to the village.
 - Part of Wilson will be realigned providing an improved junction with Squirrel Lane.
105. No change in vehicle movements from the quarry is anticipated as a direct result of the proposed development. Traffic flows would however decrease on Main Street, Breedon between the existing quarry access and the new roundabout by up to 18% (mostly HGV movements totalling up to 560 per day). The proposed new quarry entrance onto the new road will allow the existing access located within the village to be closed and the current workshops and other ancillary facilities to be relocated to a new compound adjacent to the new site entrance. It is proposed that unladen vehicles travelling from Breedon Quarry to Cloud Hill Quarry via Doctors Lane (currently between 10-50 per day) use the A453 and A447, thereby avoiding Breedon village. The construction of the new road and quarry access also provides an opportunity for the current weight restriction on Main Street to be re-located at the proposed new roundabout.
106. An assessment of the impact of traffic noise from the new road has concluded that levels would increase by less than 3dB. The Design Manual for Roads and Bridges indicates that only changes of greater than 3 dB are of significance. The new road would increase the distance from the existing Main Street/Tonge Lane junction to the existing Wilson Road north of Squirrel Lane by 440 metres. It is considered however that any disbenefit that this may cause is significantly outweighed by the environmental benefits that would result for Breedon village.

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Public Rights of Way

107. LLRSP Leisure Policy 4 states that where development proposals affect a public right of way, the development must ensure the existing or diverted route is both convenient and safe in order to encourage its future use. It indicates that advantage will be taken to secure appropriate, improved access into the countryside, including opportunities presented by development schemes, and that the creation of new routes for leisure cycling, walking and horse-riding will be encouraged.
108. MLP Policy 3 indicates that proposals for mineral workings will not normally be permitted where the development would adversely affect public rights of way unless adequate arrangements can be made to safeguard the existing routes or to provide acceptable alternatives.
109. In the event of planning permission being granted for the proposed development, the applicant will take steps to make a footpath order giving effect to the diversion of footpath M14. The suggested alternative route is considered suitable. The route will have a minimum width of 1.8 metres. The surface will need to be level, compacted and drained to an acceptable standard for use by pedestrians. This may necessitate the application of suitable all-weather material along any parts of the route where drainage is less efficient. Staggered barriers will be provided at the two points where the proposed alternative route crosses the new Wilson Road.
110. It is proposed that a new permissive footpath be constructed to the east of the new road, and that a spur from the proposed permissive path be provided to join the existing footpath L96 which extends between the A453 Road and Tonge. A new footpath is also proposed as part of the re-creation of the southern part of Breedon Hill. These new routes will provide useful additional links to the rights of way network and are to be welcomed.
111. Access to Breedon on the Hill by cyclists could also be improved by the provision of a link between the Cloud Trail and Squirrel Lane, via the permissive route. The applicant does not control the land between Cloud Trail and the proposed development, but has indicated a willingness to provide such a link, subject to agreement from the adjoining landowner.

Landscape and Visual Impact

112. The overall strategy of the Leicestershire Structure Plan (LSP) states that measures will be taken so that *'the environment is conserved and where possible enhanced'*. The overall strategy for the Replacement Structure Plan (LLRSP) also has as one of its aims: *'protecting and enhancing irreplaceable and essential features and assets of the natural environment'*.
113. Strategy Policy 4 of the LSP states that *'Development having a significant adverse effect on the appearance or character of the landscape will not normally be appropriate.'* Strategy Policy 9 of the LLRSP states that *'The Countryside will be protected for its own sake. Development in the Countryside will only be acceptable if it has no adverse effect on the appearance and character of the landscape'*.

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114. The proposed extension will create a significant change to the local landscape. The heights and levels of the proposed landscaped areas will however be varied across the site in order to create a more 'natural' landscape. About 1 hectare of woodland would be lost as a result of the proposed development, but it is proposed to plant some 8 hectares of new native woodland on the proposed landscaping areas.
115. The proposed landscaped areas around the periphery of the site would screen the proposed quarry operations from the surrounding communities, although there would be some temporary visual impact during their construction. Overall, it is not considered that the proposed operations would result in an unacceptable visual impact.
116. The proposed landscaping and restoration schemes have been designed to ensure that views of the quarry face below Breedon Church will generally be retained. From the residential property at Tonge Station, however, any tree planting on the sight line from the property to the church may restrict views following any modest tree growth. It is therefore proposed that a non-planting zone be identified, which will be bounded by the sight-lines from the property. The occupants of Tonge Station are pleased with the concept of a non-planting zone, but have asked to be consulted regarding the area that this will cover.
117. The Parish Council has requested that the prominent ridge (at 95m AOD) to the east of the proposed development be maintained to protect the village from noise pollution in the event of any second runway at East Midlands Airport. The applicant has stated that it is not possible to do this as the land lies within the central part of the proposed extension area. It is however proposed that the landscaped areas to the east of the quarrying operations be constructed to a maximum height of about 90mAOD. Part of Breedon Hill within the southern part of the site nearest to the village would also be recreated to a height of around 110m AOD.
118. It has been suggested in representations that the new road be cut into the existing landform in order to minimise its impact. This would however generate significantly more overburden, which would have to be deposited somewhere else on site. This is likely to have a significant impact on the local landscape.

Effect on Wildlife

119. The EU Habitats Directive requires Member States to endeavour to encourage the management of features of the landscape which are of major importance for wild flora and fauna. Such features are essential for migration, dispersal and genetic exchange because of their linear and continuous structure or their function as 'stepping stones'.
120. PPG9 recognises that important nature conservation issues relate to areas outside statutory sites, and that development can contribute to biodiversity. Non-statutory sites of nature conservation interest, landscape features of major importance to wildlife, and the full range of wild species and their habitats should therefore be conserved and, where possible, enhanced by development proposals.

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121. LSP Environment Policy 7 states: *'Development will not be permitted which could adversely affect sites of county and district level ecological interest, unless an overriding national or local need can be shown'*.

122. LLRSP Environment Policy 3 states:

'Development will only be acceptable where it would not adversely affect any protected species or its habitat...unless an overriding national need for the development can be shown to outweigh the site's ecological interest and there is no other less ecologically important site available for that development.'

Development will only be acceptable where it would not adversely affect any Site of Importance for Nature Conservation;...or landscape feature of importance to wild flora and fauna by reason of its continuous nature or function as a stepping stone between habitats, unless an overriding national or local need can be shown to outweigh the ecological interest.'

123. Whilst much of the site is of limited nature conservation value, there are a number of species and features within and around the site which are of local importance. Neither English Nature nor the County Ecologist has raised any objection to the proposed development. It is considered that the landscaping and restoration proposals will make a significant contribution to local biodiversity and will outweigh any predicted losses caused by the proposed development.

Agriculture

124. MLP Policy 3 indicates that *'proposals for mineral workings will not normally be permitted...[where] the development would result in the irreversible loss of significant amounts of the best and most versatile agricultural land (grades 1, 2 and 3a)'*. Policy 12 states that *'the best and most versatile agricultural land will normally be restored to an agricultural use.'*

125. The proposed new quarry will affect 7.1ha of Grade 2 and 9.9ha of subgrade 3a agricultural land. This land is considered to be "best and most versatile" agricultural land in accordance with PPG7, which states that within the principles of sustainable development, such land should be protected as a national resource for future generations.

126. Having considered the proposals in the light of advice contained in PPG7, DEFRA has not objected to the proposals. The Department considers, however, that it is important that the soil resources from the 'best and most versatile' agricultural land are used in the restoration in such a way that their potential for agricultural use in the future is not compromised. The Department has recommended the imposition of certain conditions to enable proposed landscaped area to be restored to a condition whereby land could in future be returned to agricultural use.

127. In the light of DEFRA's comments, the Company has prepared an outline of proposed soil movements during the proposed development. This identifies the origin, intermediate storage and final use of soils. It is proposed that all the better quality soil resources are used in the landscaped area to the east of the new road. DEFRA have indicated that this outline scheme is satisfactory.

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Historic Environment

128. The local historic environment includes the Grade I Listed Church of St Mary and St Hardulph, also known as Breedon Priory Church, which contains *ex situ* Saxon sculptures from the hilltop that are of international importance; the Iron Age hillfort, known as 'The Bulwarks', which is a Scheduled Monument of national importance; and buried archaeological evidence within the application area itself. There are 3 particular issues in respect of related to the historic environment, namely archaeological investigation, physical impact, and setting.

Archaeological investigation

129. English Heritage initially expressed concern about the incomplete coverage of the preliminary, non-intrusive archaeological investigations, and the lack of any corroboration of the results by intrusive works, such as test-pitting and/or trial trenching. The applicant has subsequently carried out an additional phase of trial trenching (covering 0.5% of the site), specifically targeting the areas of apparent archaeological potential suggested by the initial assessment.
130. Thirty-two trial trenches were excavated in February 2004. Only 7 of the trenches identified any archaeological features, only two of which found any items of interest. To ensure that the areas of archaeological interest can be fully assessed during the site development, it is proposed that the area where the finds were identified be stripped of soils during the early part of the scheme. The County Council's Senior Planning Archaeologist has recommended the imposition of a planning condition requiring the approval an appropriate scheme of archaeological investigation and recording in order to safeguard any important archaeological remains potentially present.

Physical impact

131. The proposed development of the quarry will not take place within the identified Scheduled Ancient Monument known as the Bulwarks, which lies on the western part of Breedon Hill. The proposed development could, unless adequately controlled, however cause damage to the Grade I Listed church on the hilltop as a result of blast vibration. English Heritage has received written representations claiming that current quarrying operations have caused structural damage to the Church and its contents, but acknowledges that no linkage has been scientifically proven.
132. Quarrying operations have historically taken place within 80 metres of the Church, the nearest workings occurring between the period 1946 and 1970. The proposed quarrying operations will move quarrying operations further away from the Church. English Heritage has however recommended that blast monitoring of air overpressure and ground vibration be continued to ensure that no damage occurs to the church – and also to reassure the local community who place great importance on the structural integrity and general well-being of this historic place of worship. In the circumstances, it is considered appropriate to impose a blast vibration limit at the Church to ensure that structural damage does not occur and to require appropriate blast monitoring.

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Setting

133. English Heritage (EH) initially raised concerns about the impact of the proposed development on the setting of the Priory Church. EH consider that stone quarrying and the creation of a lake would change the existing character of a patchwork of fields and the appearance of the landscape. Following the receipt of additional information from the applicant, EH accept, however, that views from the hilltop will not be significantly affected – mainly as a consequence of the limited physical opportunities for viewing the near-landscape that lie within the application area. Views towards the hilltop would be affected only from elevated locations around the margins of the lake. The restricted number of locations as a consequence of the topography is a key point in assessing the impact on the setting.
134. Whilst the proposed lake may not be in keeping with the historic hillside, it will lie well below surrounding ground levels and will only be seen from elevated locations around the margins of the lake and from the eastern side of Breedon Hill. The lake will not be seen from any distant locations, so that the views of the hill and church gained from the surrounding landscape will be unaffected. The lake will not be seen from Breedon Church itself or the church frontage, but will be seen from the car park and footpath/access road.
135. English Heritage welcome the proposals for the partial restoration of the hilltop, and for the enhancements to physical (by footpaths) and intellectual access (by the provision of on-site information), and the management scheme for the land. They also note the benefits to the local community of the proposed relocation of the quarry compound, and the importance that the community attaches to the distinctive, landmark views of the hilltop. On balance, EH consider that the proposals could enhance the overall amenity value of Breedon Hill. Having considered various factors, including the current practicalities and opportunities for the restoration and aftercare of hard rock quarries, English Heritage does not object to the proposed development.

Restoration

136. LSP Minerals and Waste Disposal Policy 3 states:

'When granting planning permission for mineral working or the use of land for the disposal of waste materials or related development, the County Council will require restoration to an acceptable use at the earliest opportunity. After restoration has been completed, the County Council will require a programme of aftercare for an appropriate period. The best and most versatile agricultural land will normally be restored to an agricultural use. On other land, priority will normally be given to water recreation, forestry or nature conservation uses.'

137. It is proposed to create a series of predominantly grassland and woodland habitats together with a water body within the worked out quarry. The new area of water would be approximately 19.4ha and would be used for informal recreation and conservation. Some 7.8ha of new woodland would be planted and 24ha of grassland provided.

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138. The network of semi-natural habitats proposed as part of the restoration appears good and will create a mosaic of habitats for wildlife. English Nature is satisfied with the aim to restore part of the site for nature conservation benefit. The prospect of creating a significant area of grassland is particularly attractive. The proposals accord well with the *Leicester, Leicestershire and Rutland Biodiversity Action Plan*.
139. The requirement for the long term management of nature conservation habitats to protect and or enhance the biodiversity of an area is supported in PPG9. In order to ensure the biodiversity enhancement of the area, the appropriate management of the site for nature conservation purposes needs to be guaranteed over a longer period than the statutory 5-year aftercare period.

Bird Strike Hazard

140. Circular 01/03 'Safeguarding aerodromes, technical sites and military explosives storage areas' states that birdstrikes are one of the major controllable hazards to aviation. Common birds have caused catastrophic accidents to all types of aircraft. Most birdstrikes occur on or near aerodromes but, because birds are very mobile, features far beyond an aerodrome boundary may increase the hazard. If a man-made development provides feeding, roosting or breeding opportunities, or shelter and security, it may, depending on the siting of the development and the species which it attracts, increase the number of birds visiting or overflying an aerodrome or the number of birds in the airspace used by aircraft. Gulls and starlings congregate in very large overnight roosts and travel long distances daily, while waterfowl are large and often fly in close formation. There is only limited scope for taking action on aerodromes to counter these hazards.
141. The Circular states that the primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include the creation or modification of areas of water such as reservoirs, lakes, ponds, wetlands and marshes, which attract gulls and waterfowl. Mineral extraction and quarrying can create a bird hazard because, although these processes do not in themselves attract birds, the sites may be used for the creation of wetland.
142. Local planning authorities are advised to consider not only the individual potential bird attractant features of a proposed development but also whether the development, when combined with existing land features, will make the safeguarded area, or parts of it, more attractive to birds or create a hazard such as bird flightlines across aircraft flightpaths. If a local planning authority propose to grant planning permission contrary to advice given on behalf of the consultee for a civil aerodrome, or not to attach conditions which that consultee has requested, or to attach conditions which the consultee has advised against, the Civil Aviation Authority must be notified as well as the consultee and permission may not be granted for 28 days. During this time, the CAA may ask the Secretary of State to 'call in' the application.

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143. East Midlands Airport originally objected to the proposed development on the grounds of aviation safety. The Airport considered that should the development proceed it would significantly increase the risk of an aircraft bird strike in an operationally sensitive area. A key issue is the timing for the creation of the proposed water body. The applicant has indicated that the water body would only be formed once extraction had ceased, which would be in about 40 years time.
144. MPG7 suggests that, for longer-term workings, early agreement on the details of at least the later stages of reclamation may not be appropriate. For such workings, it states that the submission of a detailed restoration scheme, for agreement, should normally be required by some specific stage towards the end of the life of the permission. This advice seems particularly pertinent given the circumstances regarding the proposed extension to Breedon Quarry.
145. MPG7 also indicates that the review procedures required under the Environment Act 1995 provide a suitable opportunity to reassess after-use proposals. This Act introduced a requirement for the periodic review of all mineral permissions every 15 years. Such a review provides an opportunity to assess whether an existing intended after-use remains appropriate. Restoration conditions may be amended without a liability for compensation.
146. It is still appropriate however to consider whether the site could be satisfactorily restored albeit at some time in the future. At the Council's request, Ennstone have drawn up an alternative restoration concept without a water body. The completed workings above the estimated final water level would be restored as per the original scheme, but the benches below the water table would be planted with a range of shrubs, with areas of limestone grassland also established. On the floor of the completed workings, water would continue to be pumped from a de-watering lagoon to maintain the reduced groundwater levels. The Company considers that this lagoon will not attract birds due its depth (over 120m) below the surrounding ground levels. The Company would only propose to implement this alternative restoration concept if East Midlands Airport maintained an objection to the restoration concept plans originally submitted.
147. Views have been sought about the proposed alternative restoration concept. These are set out below:

North West Leicestershire District Council – revised scheme does not appear to offer the same potential for community benefits as the water-based restoration scheme.

Breedon Parish Council – are satisfied with the original proposals and see no need for them to be changed. Question EMA's motives for objection. Raise issue of responsibility for ongoing pumping.

Environment Agency – no objection

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English Nature – wishes to see site restored in such a way as to maximise the potential for limestone grassland; pleased to see that the proposed alternative would result in the creation of greater amounts of limestone grassland.

Ecological Advice – approve of alternative restoration concept.

Derbyshire County Council - no objection.

East Midlands Airport - alternative restoration concept would not conflict with the requirements of aerodrome safeguarding.

148. It is considered that the 'potential alternative restoration scheme' would be an acceptable alternative to the original water-based restoration of the final mineral void in the event that the creation of a large water body is still deemed unacceptable due to bird strike hazard.
149. MPG 7 addresses the issue of leaving the level of restored mineral workings below the water table but requiring the site to be adequately drained by pumping on a continuing basis. It suggests the use of planning obligations to complement normal planning conditions in order to secure the enforceability of covenants for longer-term or 'perpetual' pumping. Arrangements for the pumping of final mineral void in perpetuity, if that proves to be necessary, therefore needs to be covered in a legal agreement.
150. Given that the final restoration of the mineral void would not take place for some 40 years, it is considered that the most appropriate approach would be to impose a condition requiring the submission of a detailed restoration scheme for the final mineral void at a later date. Such an approach would be in line with the advice contained in MPG7. East Midlands Airport are content with such an approach.

Environmental Trust

151. The applicant has agreed to establish an environmental trust fund to be used to finance environmental improvements and other benefits for the local community. It is unlikely that monies from this fund will be spent on projects which are immediately associated with the development site. It is therefore considered that the proposal to establish an environmental trust fund should be noted, but that little or no weight should be attached to it in the determination of the current planning application.

Conclusions

152. The key Development Plan policy is MLP Policy 20. The proposed development would release 17 million tonnes of limestone representing an additional 34 years of reserve. This would ensure a continuity of supply of limestone beyond the existing limited reserve situation at Breedon Quarry. To that extent, the proposal accords with MLP Policy 20. The additional reserves could not otherwise be worked.

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153. As far as environmental effects are concerned:
- noise levels are predicted to remain below those advised by government and will not exceed existing levels set for the site.
- dust emissions can be kept to acceptable levels with the imposition of appropriate planning conditions.
- blasts can be designed to ensure compliance with a vibration limit well below the level where even cosmetic damage might occur.
- traffic: routing arrangements will mean that all hgv traffic will be directed away from Breedon village resulting in a decrease in traffic flows on Main Street and Doctors Lane; the new quarry entrance will allow the existing access located within the village to be closed, and the current workshops and other ancillary facilities to be relocated; the current weight restriction on Main Street can be moved further out of the village; the new road would increase the distance from Breedon to Wilson by 440 metres.
- public rights of way: a section of public footpath will need to be diverted; the diversion would be approximately 0.6km longer than the existing footpath; additional public access will be provided to the east of the new road and as part of the re-creation of the southern part of Breedon Hill – this will provide useful additional links to the rights of way network.
- landscape and visual impact: there would be some initial adverse impact whilst landscaping and re-profiling operations are carried out around the periphery of the site; the landscaping measures would effectively screen the quarry operations; 1 hectare of woodland would be lost but it is proposed to plant some 8 hectares of new native woodland.
- effect on wildlife: much of the site is of limited nature conservation value, although there are a number of species and features within and around the site which are of local importance; the landscaping and restoration proposals will make a significant contribution to local biodiversity and outweigh any predicted losses.
- agriculture: 17 hectares of high quality agricultural land will be affected; it is not proposed to restore the land back to agricultural use; the best soil resources will however be used in the restoration in such a way that the land could be returned to agricultural use in the future.
- historic environment: an appropriate scheme of archaeological investigation and recording can be required by planning condition to safeguard any important archaeological remains potentially present; to ensure that structural damage does not occur at the Church, a blast vibration limit can be imposed and appropriate blast monitoring undertaken; whilst the proposal may have some impact on the historic landscape character of the area, English Heritage consider that on balance the proposals could enhance the overall amenity value of Breedon Hill.
- restoration: the proposed development facilitates the restoration of the quarry without the importation of waste; the existing permission contains restoration conditions, but the timescale for restoration is uncertain and there is a shortage of suitable material for infilling; the applicant is prepared to relinquish its existing permitted rights to infill the quarry with imported inert waste material; the creation of a large water body could increase the risk of an aircraft bird strike; a detailed restoration scheme for the final mineral void can be required at a later date, in line with advice contained in MPG7.

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timescale: The proposed development will be phased over a period of 40 years; during the first 5 year Phase, significant local environmental improvements will be achieved as a result of the construction of the new road and the new quarry entrance, the development of the new quarry 'compound', the re-contoured landscape areas, and the closure of the existing quarry entrance.

154. In conclusion, it is not considered that the proposed development conflicts with either National planning policy and guidance, or the Development Plan (particularly the Minerals Local Plan). The main areas of concern are either overcome by various measures contained within the planning application or can be overcome through the imposition of conditions or the inclusion of matters within a legal agreement such that the proposed development would not cause unacceptable impact to local residents and the local environment.
155. It is considered that the benefits to be gained from allowing the development to go ahead, subject to stringent safeguards and controls, more than compensate for the element of environmental disturbance that would be caused by the proposed development. It is therefore recommended that the proposed development be permitted subject to the imposition of conditions and the completion of a legal agreement.

Recommendation

1. PERMIT subject to the prior completion of a Legal Agreement covering the following matters:
 - Major alterations to the highway to construct new road and provide new access
 - No development within extension area until Orders to stop up the existing Wilson Road and divert footpath M14 are in place
 - Routing of road construction traffic
 - Routing of lorries using new quarry access
 - Routing of lorries between Cloud Hill Quarry and Breedon Quarry
 - Provision of further Environmental Weight Restriction Orders on roads in Breedon Parish
 - Relinquishment of existing planning permission for disposal of inert waste at Breedon Quarry
 - No importation of waste materials for restoration purposes
 - Agreement never to work minerals underlying land to west of present extraction area or to allow anyone else to work them.
 - Management Plan for calcareous grassland at Breedon Hill SSSI.
 - Longer term management of proposed woodland and nature conservation areas
 - Pumping of final mineral void in perpetuity (if necessary)
 - Creation of permissive paths across proposed landscape areas and re-created Breedon Hill
 - Best endeavours to enhance access by cyclists into the village of Breedon on the Hill, by the development of a Cycleway between the Cloud Trail and Squirrel Lane.
 - Continuation of the existing Quarry Liaison Committee for the duration of the approved development.

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- Conditions for Cloud Hill Quarry to be reviewed in accordance with the Environment Act 1995 no later than 14th August 2012.
- Establishment of an environmental trust fund

and subject to the conditions as set out in the appendix.

2. To endorse, as required by The Town and Country Planning (General Development Procedure) Order 1995 (as amended), a summary of the:
 - a. policies and proposals in the development plan which are relevant to the decision, as follows:
 - i. This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant development plan policies, including the following, and those referred to under the specific conditions as set out in the appendix:-

Leicestershire Structure Plan: Strategy Policy 4; Environment Policy 7; and Mineral and Waste Policies 1, 2 and 3.
Leicestershire Minerals Local Plan Policies: 2, 3, 5, 6, 11, 12 and 20.
North West Leicestershire District Local Plan Policies: S3, E3, E16 and E19.
 - b. reasons for the grant of planning permission, as follows:
 - i. The County Council considers that the proposed development accords with the development plan and there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm to the local environment as a result of the proposed development would reasonably be mitigated by the imposition of conditions as set out in the appendix, and that any harm would be outweighed by the benefits associated with the proposal.

Background Papers

1. Planning Application No. 2003/0701/7 and all associated correspondence held on file 2000/0137/7.
2. Planning Permission No. 96/0139/7 dated 14th August 1997.
3. Planning Application No. 2000/0137/7 dated 16th February 2000.

Circulation Under Sensitive Issues Procedure

Mr. N. Rushton CC.

Officer to Contact

Mr. N.Hunt (Tel. 0116 2657042)
E-Mail: planningcontrol@leics.gov.uk

ConditionsCommencement

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission, and written notification of the commencement of the development shall be sent to the Mineral Planning Authority within 7 days of such commencement.

General

2. The permission relates to the extension of extractive and associated quarrying operations at Breedon Quarry within the land shown edged red on Plan PA2 submitted with the planning application.

Duration

3. The permission hereby granted shall expire on 31st December 2042, by which date all quarrying operations shall have ceased.

Display of Conditions

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

Working and Phasing Details

5. Unless otherwise agreed in writing by the Mineral Planning Authority or required by the conditions attached to this permission, the working, restoration and aftercare of the site shall be carried out in accordance with the Application No. 2003/0701/7 dated 6th May 2003 and the accompanying statement, plans and Environmental Statement; together with the letters and accompanying statements and plans from Greenfield Associates dated 17th November 2003, 28th January 2004, 30th January 2004, and 6th February 2004.
6. The extraction of limestone shall be limited to the areas shown on Plan PA3.
7. No operations shall commence within any part of the extension area until details of the weighbridge, wheelwash, offices within the new quarry compound as shown on Plan PA4 have been submitted to and approved in writing by the Director of Community Services.
8. Details of the proposed workshops within the new quarry compound as shown on Plan PA4 shall be submitted to and approved in writing by the Director of Community Services prior to their construction.
9. No stockpiling of minerals, mineral products, mineral waste or other materials shall take place within the site without the prior approval of the Director of Community Services.

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10. The construction of the proposed landscaping areas and the proposed restoration of Breedon Hill and the final quarry void shall only be carried out using materials derived from within the site.
11. No mineral shall be brought onto the site for processing purposes.
12. Unless otherwise agreed by the Director of Community Services, working and restoration shall be carried out sequentially as indicated on Drawing Nos. Appendix 4 – Plan 1-8.
13. Prior to the commencement of soil stripping and overburden extraction within the proposed extension area (other than as may be necessary to provide material for the construction of the bund itself), a bund shall be constructed to screen site operations in the location opposite Barley Croft as shown on drawing no. Appendix 4 Plan1. The bund shall be constructed in accordance with details which have previously been agreed in writing with the Director of Community Services. The outer facing portion of the bund shall be seeded to grass and landscaped at the earliest opportunity and maintained in weed free condition. The construction of the bund shall only be carried out using materials derived from within the site. Unless otherwise agreed in writing with the Mineral Planning Authority, the bund shall be maintained and managed for the duration of operations hereby permitted.
14. Unless otherwise agreed by the Mineral Planning Authority, no limestone extraction shall take place:
 - to the east of the existing Wilson Road until the proposed new road has been completed and brought into use.
 - below 70m AOD until the internal haul road linking the new site entrance and the existing workings has been completed
 - below 25m AOD until the existing workshops have been relocated
 - below 10m AOD until interim restoration of Breedon Hill has been completed as shown on Plan ref. Appendix 4 – Plan 6.
 - below 0m AOD until the final restoration of Breedon Hill together with overburden extraction areas as shown on Plan PA 7 has been completed
15. Unless otherwise agreed by the Mineral Planning Authority, no overburden deposition shall take place within:
 - Year 2 landscape area until the year 1 area has been completed (other than soil replacement and planting)
 - Year 3 landscape area until the year 1 area has been soiled and planted; until year 2 area has been completed (other than soil replacement and planting); and until the new quarry access has been brought into use and the compound laid out in accordance with approved details
 - Year 4 landscape area until the year 2 area has been soiled and planted; and year 3 area has been completed (other than soil replacement and planting)

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- the mineral void until all the peripheral landscaping areas have been completed (other than soil replacement and planting); and until the year 3 area has been soiled and planted.
16. No overburden shall be deposited above 80m AOD within the southern part of the existing Quarry until a working method for the final restoration of Breedon Hill (as shown on Plan Ref. Appendix 4 – Plan 7) has been submitted to and approved by the Director of Community Services. The working method shall include measures to minimise disturbance to residential properties as a result of the final restoration works. Operations shall be carried out in accordance with the approved working method.

Production limits

17. The total amount of mineral leaving the site shall not exceed a level of 500,000 tonnes for any calendar year. From the date of this permission the operator shall maintain records of monthly output and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept for at least 2 years.

Restriction of Permitted Development Rights

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

Hours of Operation

19. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing, the hours of operations within the site during the Phase 1 development period shall be as follows:
- (a) operations (other than water pumping, servicing, environmental monitoring and management, maintenance and testing of plant) shall only be carried out between the hours of 0700 and 1800 Monday to Friday and 0700 and 1200 on Saturday;
 - (b) servicing, maintenance and testing of plant shall only be carried out at the site between the hours of 0700 and 1900 Monday to Friday and 0700 and 1700 on Saturday;
 - (c) soil stripping, overburden removal and the storage or replacement or emplacement of soil/overburden shall only be undertaken within 200 metres of the nearest point of any occupied residential building between 0900 and 1700 hours Monday to Friday and none of these operations shall be carried out during the hours of darkness.
 - (d) no operations (other than environmental monitoring and water pumping at the site) shall take place on Sundays or public or bank holidays.

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20. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing, the hours of operations within the site during Phase 2 and subsequent development phases shall be as follows:
- (a) operations (other than water pumping, servicing, environmental monitoring and management, maintenance and testing of plant) shall only be carried out between the hours of 0600 and 1800 Monday to Friday and 0600 and 1200 on Saturday;
 - (b) Essential maintenance and repair work may be carried out at any time provided such work is carried out in such manner as to ensure that it does not give rise to nuisance at nearby residential property by reason of noise or lighting.
 - (c) soil stripping, overburden removal and the storage or replacement or emplacement of soil/overburden shall only be undertaken between 0700 and 1700 hours Monday to Friday and 0700 and 1200 hours on Saturday.
 - (d) no operations (other than environmental monitoring and water pumping at the site) shall take place on Sundays or public or bank holidays.
21. In the event of any complaint being received about any operations between 1900 and 0700 hours, the Company shall inform the Director of Community Services within 24 hours. If the Director of Community Services considers the complaint warrants further investigation and/or remedial action, no further operations shall be undertaken between 1900 and 0700 hours unless and until a scheme of mitigating measures (necessary to deal with the effects of the matter giving rise to the complaint) has been submitted to and approved in writing by the Director of Community Services and implemented to his satisfaction.

Access

22. No operations shall commenced within any part of the extension area until details of the design and specification of the proposed new road and quarry access have been submitted to and approved by the Director of Community Services. The submitted details shall be based on the general arrangement shown on drawing no. TRT/01042/12 Revision P4 dated 22nd December 2003. The works shall be designed in accordance with the design standard current at the time of construction of the Highways Agency, Design Manual for Roads and Bridges or its successor. Once the new road has been brought into use, the existing Wilson road shall be permanently stopped up in accordance with details that have been approved by the Director of Community Services.
23. All heavy vehicles (over 1.5 tonnes unladen) leaving via the new access shall turn right only.

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24. Prior to the new quarry access being brought into use, signs shall be erected at the exit, advising drivers of vehicle routes agreed with the Director of Community Services. The details and locations of the signs shall be submitted to and approved by the Director of Community Services. The signs shall be maintained for the duration of the operations hereby permitted.
25. Adequate wheel cleansing facilities shall be provided and maintained and used as necessary by all vehicles leaving the new access to ensure that no mud or detritus is carried from the site onto the public highway.
26. No public roads shall be used for the transportation of mineral, overburden or soils between any areas within the application site with the exception of a temporary crossing of the new road during Development Years 2 and 3. Unless otherwise agreed in writing by the Director of Community Services, the use of the temporary crossing shall cease as soon as the Year 3 earthworks have been completed.
27. Before the temporary crossing of the new road is brought into use, details of the proposed crossing and associated traffic management measures shall be submitted to and approved by the Director of Community Services. All works within the limits of the public highway shall be carried out to the satisfaction of the Director of Community Services.
28. Measures shall be taken to ensure that the crossing is kept clean and free of mud and other debris at all times. Details of proposed wheel washing facilities and road cleaning facilities shall be submitted to and approved by the Director of Community Services. Such facilities shall be provided before the temporary crossing is brought into use and shall remain in use until such time as the temporary crossing is permanently closed.
29. Immediately following the cessation of use of the crossing point for haulage of soils and overburden, the crossing shall be reinstated to the satisfaction of the Director of Community Services.
30. On completion of the internal haul road linking the new site entrance and the existing workings (as shown on Plan Ref. Appendix 4 – Plan 4), the site entrance near Pinnacle Stores (access A on Plan 96/0139/7/M1) shall be closed and landscaped in accordance with details that have been previously agreed in writing by the Director of Community Services.
31. On completion of the internal haul road linking the new site entrance and the existing workings (as shown on Plan Ref. Appendix 4 – Plan 4), no heavy goods vehicle traffic associated with the proposed development shall use access B as shown on Plan 96/0139/7/M1. This access may then only be used by cars and light vehicles for personnel and service access to the existing offices adjacent to Pinnacle Stores.

Dust

32. All operations shall be carried out in a manner to minimise the emission of dust from the site in accordance with the details set out in paragraphs 9.3.1/2 and 9.3.4 and Appendix C of Appendix 6 of the Environmental Statement accompanying the planning application. In order to minimise any dust created by site activities, the following steps shall be taken as appropriate:-
- tarmac surfaced roads to be regularly swept.
 - all spillages to be removed without delay.
 - all haul roads within the site to be watered as necessary to control dust from internal traffic movements (1-2 each hour during dry conditions), either by water bowser or fixed spray system.
 - water bowser to be available for use on site at all times.
 - meteorological conditions to be monitored.
 - volume of water applied to road surface to be monitored and adjusted according to weather conditions.
 - Any dry, exposed material to be watered as necessary in dry and windy conditions.
 - Drilling rig to be fitted with efficient dust control measures.
 - Haul roads to be compacted, graded and maintained.
33. If, in the opinion of the Mineral Planning Authority, any operations on site give rise to nuisance by way of dust leaving the site, such as during adverse weather conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as they can be resumed without causing nuisance, either by a change in working, weather conditions, or by taking other additional measures.
34. Prior to the commencement of any soil stripping, a scheme of dust monitoring shall be submitted to and approved in writing by the Director of Community Services. The scheme shall include:-
- details of the specification and type of equipment to be installed
 - measures to be taken to monitor weather conditions
 - number and location of monitoring points
 - the frequency of monitoring
 - trigger mechanism for action in the event of excessive dust levels
 - reporting of results
 - provision for periodic review of the scheme
- Dust monitoring shall be carried out in accordance with the approved scheme.

Noise

35. Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of noise 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. Such measures shall include the control of all audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery.

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36. Between 0700 and 1900 hours, the noise levels arising from the development (with the exception of temporary operations identified in condition no. 38 below) shall not exceed 50 $L_{Aeq, 1 \text{ hour}}$ free field when measured at any noise sensitive property.
37. Between 1900 and 0700 hours, noise levels arising from the development shall not exceed 42dB (L_{Aeq}) (1 hour), freefield at any noise sensitive property.
38. Noise levels arising from temporary operations, such as soil stripping, bund construction, road construction and restoration works, shall be minimised as far as is reasonably practicable and shall not exceed 70db (L_{Aeq}) (1 hour), freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in Condition No.36 above shall be limited to a total of 8 weeks in any 12 month period for any individual noise sensitive property. Advance notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available on request.
39. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment shall be treated as an emergency and shall be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected shall be taken out of service and replaced with equipment which functions to an equivalent standard.
40. Noise levels including those arising from site operations shall be measured at least once every three months at a location(s) to be agreed with the Director of Community Services. The survey shall report the L_{Aeq} (1 hour) and LA_{90} (1 hour) noise level, the weather conditions during the survey and annotated comments on the audible sources of noise and plant operating conditions. The measurements shall be taken for a minimum period of 3 hours. Results shall be forwarded to the Director of Community Services within 10 days of their being taken. The monitoring arrangements shall be kept under regular review and may be varied or amended by agreement with the Director of Community Services.
41. In the event that noise levels exceed the levels set out in condition nos. 36, 37, or 38 above, appropriate remedial measures shall be submitted to the Director of Community Services and undertaken in accordance with a programme previously agreed by the Director of Community Services.

Blasting

42. Blasting shall only take place within the 'Wirtgen Extraction Area' as shown on Plan No. J04/1 in accordance with a scheme that has previously been submitted to and approved in writing by the Director of Community Services. The scheme shall include details of the location and frequency of blasting, blast design, and proposals to minimise ground vibration and air overpressure.
43. Except in an emergency, no quarry blasting shall be carried out within the site other than between the hours of 1100-1700 Monday to Friday provided that no blasting shall take place during hours of darkness. No quarry blasting shall take place on any Saturday, Sunday, Public or Bank Holiday.
44. Any emergency quarry blasting needed to be carried out outside the specified hours shall be notified to the Mineral Planning Authority within 72 hours of its occurrence together with details of the reasons as to why it was necessary.
45. No blasting operations shall be carried out which would knowingly result in ground vibration exceeding 6.0 mm/s peak particle velocity (ppv) in any of the three planes of measurement at any residential property or at Breedon Priory Church, with a 95% upper confidence level, measured over any period of 6 months. No individual blast shall result in ground vibration exceeding 10.0 mm/s ppv in any of the three planes of measurement at any residential property or at Breedon Priory Church.
46. Every blast shall be designed to minimise noise or air overpressure by use of the latest available techniques with the aim that air overpressure should not exceed 120dB peak linear as measured externally at any residential property under normal atmospheric conditions.
47. No secondary blasting shall be carried out within the site the subject of this permission.
48. No blasting shall be undertaken until a scheme for the monitoring of blasting has been submitted to and approved by the Director of Community Services. The submitted scheme shall include:
 - a. blast monitoring locations and frequency of monitoring;
 - b. the monitoring equipment to be used;
 - c. presentation of results;
 - d. procedures to be adopted if vibration goes above a certain level.
49. Monitoring of all blasts shall be undertaken in accordance with the approved scheme. All blast monitoring results shall be provided to the Mineral Planning Authority in accordance with the approved scheme. The monitoring scheme shall be kept under regular review and may be varied

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or amended by agreement with the Director of Community Services. Blast design shall be continually reviewed in the light of the blast monitoring results to ensure that the limits set out in condition nos. 45 and 46 above are not exceeded.

50. The equipment to be used for the measurement of vibration from blasting shall be maintained in good condition in accordance with the manufacturer's specification at all times throughout the development.

Other Environmental Protection

51. Measures shall be taken and the development carried out in such a manner as to ensure that, so far as is reasonably practicable, the operations carried out within the site do not give rise to nuisance at nearby residential properties by reason of illumination. So far as is reasonably practicable lights shall not be directed beyond the boundaries of the site particularly during hours of darkness. All lighting shall be of flat glass, full cut off design with horizontal mountings to ensure that there is no light spill above the horizontal.
52. Prior to the commencement of the construction of the new quarry compound as shown on Plan PA4, a lighting scheme for the area of the compound shall be submitted to and approved in writing by the Director of Community Services.
53. A system of pumping shall be implemented and maintained to ensure that water is prevented from accumulating in the quarry void at all times throughout the working life of the quarry.

Water Protection and Pollution

54. Throughout the period of working, restoration and aftercare, all reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the operations hereby permitted. All reasonable steps, including the provision of any necessary works, shall be taken to prevent damage by erosion or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.
55. Any facilities for the storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

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56. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
57. No development approved by this permission shall be commenced until a scheme for the disposal of foul waters from the new compound has been submitted to and approved by the Director of Community Services. The scheme shall be implemented in accordance with the approved details.
58. No operations shall commenced within any part of the extension area until proposals for the monitoring of groundwater levels have been submitted to and approved in writing by the Director of Community Services. Monitoring shall be carried out as approved, unless varied or amended by agreement with the Director of Community Services.

Archaeology

59. No operations shall commenced within any part of the extension area until the Appellant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, including an initial phase of exploratory investigation, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Director of Community Services. The investigations shall be carried out in accordance with the approved scheme.

Retention of existing woodland, trees and hedges

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

Maintenance of existing woodland, hedges and trees to be retained

61. No operations shall commenced within any part of the extension area until a Woodland Management Plan for retained woodland, trees, shrubs and hedges has been submitted to and approved by the Director of Community Services. The Plan shall identify all trees, shrubs and hedges to be retained on the site. All existing woodland, trees, shrubs and hedges that are to be retained shall be maintained and managed throughout the duration of the operations hereby permitted in accordance with the Woodland Management Plan.

Landscaping Implementation

62. Woodland, trees, shrubs and hedges planted in accordance with schemes required by the conditions of this permission shall be retained, protected and maintained throughout the duration of the operations hereby permitted.

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Ecology

63. No operations shall commenced within any part of the extension area until a Habitat Management Scheme has been submitted to and approved by the Director of Community Services. The scheme shall make provision for the long-term management of the land for conservation purposes. Habitat management shall be carried out in accordance with approved scheme for the duration of the operations hereby permitted. The scheme shall include:-
- measures to be taken to ensure that birds are not disturbed by site preparation works during the breeding season;
 - measures to be taken to ensure no loss or damage to existing populations of statutorily protected species;
 - proposals for the harvesting of seed from Grassland Areas G1 and G2, as shown on drawing no.P2203 D3 within Appendix 3 of the Environmental Statement, for use on future restoration areas;
 - details of the stripping and subsequent use of soils from Grassland Areas G1 and G2, as shown on drawing no.P2203 D3 within Appendix 3 of the Environmental Statement;
 - a Management Plan for calcareous grassland at Breedon Hill SSSI.

Retention of soils for use in restoration

64. Unless otherwise agreed in writing by the Mineral Planning Authority, all topsoil and subsoil shall be retained on site for use in the proposed landscaped areas and for site restoration.

Soil Handling

65. No soils shall be stripped from any part of the site until a detailed soil handling scheme has been submitted to and approved in writing by the Director of Community Services. The scheme shall accord with the advice set out in Defra's Good Practice Guide for Handling Soils. Soils shall only be handled in accordance with the approved scheme.
66. Plant or vehicle movement shall be confined to clearly defined haul routes or to the overburden or limestone surfaces and shall not cross areas of topsoil or subsoil except where such trafficking is unavoidable in undertaking soil handling operations hereby permitted.

Soil Stripping and Storage

67. Prior to the commencement of any soil stripping within any phase of the site, details of the proposed soil movement shall be submitted to and approved in writing by the Director of Community Services. The submitted details shall be based on the outline soil movement scheme submitted with the letter from Greenfield Associates dated 6th February 2004, and accompanying drawing nos. BQES1b-4b. Soil movements shall be carried out in accordance with the approved details.

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68. Advance written notice shall be given to the Director of Community Services not less than three days and no more than 7 days before the commencement of soil stripping operations on any phase of the development hereby permitted.
69. Soils shall only be moved when in a dry and friable condition, based on a field assessment of the soils' wetness in relation to its lower plastic limit. An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples of each major soil type.
70. All topsoils and subsoils will be stripped using a tracked 360⁰ bucket excavator without teeth in order to minimise mixing between soil horizons.
71. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), all available topsoil shall be stripped from that part.
72. Except as may otherwise be approved in writing by the Director of Community Services, all available subsoil shall be stripped from the following areas:
 - (a) all areas to be excavated;
 - (b) all areas to be used for roads, offices, stores, fixed plant, plant yards and the storage of overburden or for other purposes which may cause damage to the soil;
 - (c) all areas to be traversed by heavy vehicles and machinery not otherwise specified.
73. Topsoil and subsoils, including if necessary lower horizons selected as suitable for soil making, shall be separately stripped to their full depth and, wherever possible, be immediately respread in their correct sequence. If immediate respreading is not practicable, the topsoil and subsoils shall be stored separately for subsequent replacement. Where there are continuous mounds, dissimilar soils shall be separated by a third material as agreed with the Director of Community Services.
74. Soils shall only be stored in locations that have previously been approved in writing by the Director of Community Services.
75. Unless otherwise agreed in writing by the Director of Community Services, topsoil mounds shall not exceed 3 metres in height, and subsoil mounds shall not exceed 5 metres in height.

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76. Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil mounds and subsoil from beneath any mounds of overburden.
77. All soil storage mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability, and shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or removal for restoration purposes.
78. All storage mounds that will remain in situ for more than 6 months or over the winter period shall be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. The seed mixture and application rates shall be agreed with the Director of Community Services in writing no later than one month before it is expected to complete the formation of the storage mounds.

Soil Replacement

79. Each subsoil horizon shall be tipped in windows and spread to the required level, in 6m wide strips, in such a manner as to avoid compaction of placed soils. Topsoil shall then be tipped, lifted and evenly spread onto the levelled subsoil, also in such a manner as to avoid compaction of the placed soils.
80. The minimum combined settled depth of subsoil and topsoil for land to be restored for agricultural use shall be 1.2m. For tree planting areas, soil and soil-forming materials shall be loose tipped to create a soil profile of no less than 1 metre.
81. All stones and other materials which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.
82. The Director of Community Services shall notify at least 3 working days but no more than 7 days in advance of the final subsoil placement on each phase or part phase to allow a site inspection to take place.
83. Prior to final surface treatment within any phase of the site, the Director of Community Services Authority shall be notified in writing and approval obtained for final restoration operations.

Differential Settlement

84. Unless otherwise agreed with the Director of Community Services, in any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall fill the depression to the final settlement contour specified with suitable material to a specification to be agreed with the Director of Community Services.

Restoration

85. No operations shall commenced within any part of the extension area until a detailed scheme of planting, habitat creation and slope profiles for the proposed landscape areas shown on Plan PA5 has been submitted to the Director of Community Services for approval. The submitted details shall make provision for a non-planting zone bounded by the sight lines from the dwelling at Tonge Station towards Breedon Church; and shall comply with Aerodrome Safeguarding Advice Note 3 'Potential Bird Hazards from Amenity Landscaping and Building Design'. Planting in accordance with the approved details shall be carried out, as far as reasonably practicable, in the first available planting season coinciding or immediately following completion of each phase of the landscaping earthworks.
86. The proposed landscaped areas shall generally conform to the levels shown on Plan PA5. Prior to the replacement of any soils within any phase of the construction of these landscaped areas, the Director of Community Services shall be notified in writing and approval obtained for final restoration contours.
87. No mineral extraction shall take place within Phase 3 of the development (as shown on Plan Ref. Appendix 4 – Plan 7) until a detailed scheme for the final restoration of Breedon Hill (as shown on Plan Ref. Appendix 4 – Plan 7) together with the working area above 65m AOD has been submitted to the Director of Community Services for approval. The submitted scheme shall be based on proposals shown on Plan PA7 and the Conceptual Site Restoration Plan (Plan PA8). The scheme shall include details of: -
- a) final contours;
 - b) soil profiles;
 - c) the treatment of exposed quarry benches and side slopes;
 - d) tree and shrub planting (including species, provenance, spacings, sizes and planting specification);
 - e) Drainage;
 - f) proposals for the creation and management of grassland
 - g) the phasing and the anticipated timescale for completion of restoration works;
 - h) maintenance proposals.

The final restoration of Breedon Hill together with the working area above 65m AOD shall be carried out in accordance with the approved scheme.

88. No mineral extraction shall take place within Phase 4 of the development (as shown on Plan Ref. Appendix 4 – Plan 8) until a detailed scheme for the final restoration of the mineral extraction area has been submitted to the Mineral Planning Authority for approval. The scheme shall include details of: -
- a) final contours;
 - b) the treatment of exposed quarry benches and side slopes within the quarry void;

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- c) tree and shrub planting (including species, provenance, spacings, sizes and planting specification);
- d) drainage;
- e) retention of any geological features;
- f) proposals for the restoration of the final quarry void which ensure that the restored site does not increase the bird strike risk to aircraft operating to or from Nottingham East Midlands Airport;
- g) the phasing and the anticipated timescale for completion of restoration works;
- h) maintenance proposals.

The mineral extraction area shall be restored in accordance with the approved scheme.

- 89. Restoration work shall be carried out, as far as is reasonably practicable, in the first suitable season following the completion of working in any particular area.
- 90. Within 12 months of the completion of mineral extraction, all buildings, plant, structures, machinery, hardstandings, and roads shall be removed from the site, unless otherwise agreed in writing by the Director of Community Services.

Alternative Restoration

- 91. In the event of a cessation of winning and working of minerals prior to the achievement of the approved restoration scheme, 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 and programme for the restoration of the site shall be submitted in writing for approval to the Mineral Planning Authority within 6 months of such cessation. The approved scheme shall be fully implemented within 12 months of the written approval unless otherwise agreed in writing by the Mineral Planning Authority.

Aftercare

- 92. Following the restoration of any part of site in accordance with Condition Nos. 85 - 88 above, the restored land shall be treated and managed over a period of at least 5 years in accordance with an aftercare scheme which has previously been submitted to and approved in writing by the Director of Community Services. The submitted scheme shall specify the steps that will be taken to bring the newly restored land to a condition capable of long term beneficial use.

Annual Monitoring Report

- 93. Within one month of each anniversary of the date of this permission, a report shall be submitted to the Mineral Planning Authority including:

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- a. operations carried out on the land during the previous 12 months in respect of mineral extraction, including the volume/tonnage of mineral extracted;
- b. a topographical survey carried out within the two months preceding the date of each anniversary of this permission consisting of a plan drawn to a scale of not less than 1:5000, which identifies all surface features within the site and levels relating to ordnance datum over all the land where mining operations have taken place;
- c. a plan showing the location, contours and volumes of soil storage mounds, and identifying the soil types and units contained therein;
- d. measures taken in respect of landscaping, restoration and habitat protection/creation/establishment;
- e. measures taken to implement the aftercare provisions;
- f. intended operations for the next 12 months, including the anticipated programme of soil stripping.

Not later than two months after the submission of the annual monitoring report, a meeting or meetings shall be held between the applicants, the Mineral Planning Authority and other relevant interested parties to discuss its contents.

Reasons

1. To ensure the development is commenced within an acceptable timescale.[MLP Policy 5a]
- 2,5,
6,10
11,12,
14,15
&17. For the avoidance of doubt and to ensure that the development is carried out in accordance with the application and in a satisfactory manner in the interests of the amenities of the area.
3. To provide for the completion and progressive restoration of the site within a specified timescale in the interest of the amenities of the area [MLP Policy 5a]
4. To ensure that the site operator is fully aware of the conditions and the approved details.
- 7,8,
9,13,
16,18,
19,20,
21,51,
&52, To protect the amenities of the area. [MLP Policy 5]
- 22,23,
24,25,
26,27,
28,29,
30&31. In the interests of highway safety and the amenities of the area. [MLP Policy 5]

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- 32,33 To protect the amenities of the locality from the effects of dust arising
&34. from the development. [MLP Policy 5g]
- 35,36, To minimise the adverse impact of noise from site operations [MLP
37,38, Policy 5f]
39,40
&41.
- 42,43, Tto minimise the adverse impact of blasting from site operations [MLP
44,45, Policy 5h]
46,47,
48,49,
&50.
53. To minimise the risk of bird strike for aircraft operating to and from
Nottingham East Midlands Airport.
- 54,55, To prevent pollution to the water environment [MLP Policy 5e]
56,57,
&58
59. To ensure satisfactory archaeological investigation and recording [MLP
Policy 5r]
- 60,61, To protect visual amenity in the locality and to preserve ecological
62&63. aspects of hedgerows and trees. [MLP Policy 5 k, l and q]
- 64,65, To protect the soil resource and in the interests of final restoration [MLP
66,67, Policy 11d and e]
68,69,
70,73,
74,75,
76,77
&78.
- 71,72, In the interests of satisfactory restoration of the site. [MLP Policy 11, 12]
79,80,
81,82,
83,84,
85,86,
87,88,
89&90
91. To ensure reclamation of the site in the event of cessation of mineral
working.
92. To ensure the site is restored to a condition suitable for long term
beneficial use [MLP Policy 11h]
93. To enable the Mineral Planning Authority to monitor the development.

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Note to Applicant

The applicant's attention is drawn to the contents of the letters from the Environment Agency dated 17th July 2003 and 8th January 2004, East Midlands Electricity dated 3rd June 2003, and the County Council's Senior Planning Archaeologist dated 12th May 2004, copies of which are attached.

The submitted scheme as required by condition 88 should be based on the Conceptual Site Restoration Plan (Plan PA8) provided that the proposed water body does not increase the bird strike risk to aircraft operating to or from Nottingham East Midlands Airport. If this is not the case, the scheme should be based on the alternative restoration scheme (as shown on the plan dated October 2003 accompanying the letter from Greenfield Associates dated 13th October 2003).

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

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

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Education and the Director of 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.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

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 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or 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:

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 (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
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.