

Agenda Item No. 4.1

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

7 August 2017

Report of the Strategic Director – Economy, Transport and Communities

- 1 PROPOSED WESTERN EXTENSION TO SWARKESTONE QUARRY
FOR THE EXTRACTION OF SAND AND GRAVEL WITH
RESTORATION TO AGRICULTURE AND THE USE OF EXISTING
MINERAL PROCESSING PLANT, ON LAND OFF TWYFORD ROAD,
BARROW UPON TRENT, DERBYSHIRE
APPLICANT: TARMAC LIMITED
CODE NO: CM9/0217/98**

9.346.15

Introductory Summary

Swarkestone Quarry is a large (90 hectares) part restored sand and gravel quarry situated near the River Trent, close to the village of Barrow upon Trent and Ingleby Parish. The applicant company and its associated companies have operated the quarry since 1999, and, up until June 2017, it was extracting approximately 300,000 tonnes of sand and gravel per annum from the Trent River Terrace sand and gravel deposits at the quarry. The extant planning permission for the quarrying, granted by the County Council in 2014, permits removal of these minerals with the void areas subsequently being infilled with imported inert wastes, followed by soils being replaced and restoration undertaken to provide a part agricultural and part water based nature conservation after-use.

Although the current planning permission allows extraction for another three years (until 2020), it has recently been found that the minerals in the final phases of the current permitted extraction have a high percentage of silt and are not commercially viable. As a consequence, all mineral extraction ceased at the quarry in June 2017.

This application seeks permission to excavate sand and gravel from land immediately to the west of and adjoining the existing Swarkestone Quarry. The void areas would be infilled progressively with inert wastes (similar to the larger site), then the site soiled (using the in-situ soils), reseeded and returned to agriculture.

Taking into account a substantial proposed reduction in extraction area and proposed quantity of minerals to be extracted, as the applicant has indicated

recently (from 14.7 hectares and 500,000 tonnes to 6.1 hectares and 250,000 tonnes) I consider this would be a relatively modest extension to the existing quarry, and the proposed works would be relatively short term (estimated at between 11 and 13 months, with a further 6 months to enable restoration works to be completed). I am satisfied that there is a continued need for these minerals, which this extraction would play a role in meeting. In my opinion, the proposal accords with the National Planning Policy Framework (NPPF) and the relevant policies of the development plan. I have taken account of the objections that have been raised by local residents but, in view of the reduced scale proposed, I do not feel there would be any significant environmental harm caused. Any minor disturbances arising from the daily workings at the site could, in my opinion, also be controlled effectively by condition. I am therefore recommending that this application be approved subject to the conditions as set out in the Officer's Recommendation.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

The Site and its Surroundings

The part of the application site which the applicant now intends to extract mineral from under this proposal (consistent with amendment soil handling plans received in June 2017) is a large field of flat pasture land with a surface area of approximately 6.1 hectares (ha). The site situated in a rural setting adjoining the western boundary of Swarkestone Quarry. The River Trent lies 600 metres (m) to the south and 300m to the north is the A5132 (Twyford Road). Barrow upon Trent Village is 800m to the east and the hamlet of Ingleby is approximately 1 kilometre (km) to the south-east beyond the River Trent. Twyford village lies approximately 2km to the west. The north-western boundary is formed by the applicant company's processing plant, with offices, a weighbridge and car park a few metres east of the plant.

The field which is enclosed by mature hedgerows and trees. Surrounding the site is attractive open countryside, typical of the area (being essentially low lying), with agriculture being prevalent. Although the field and its surroundings are predominantly flat, towards Ingleby beyond the River Trent and the south-east, the land rises sharply. There is evidence of historic mineral working in the vicinity of the site with large former gravel pits to the east towards Stanton by Bridge. Due to the topography and screen/soil mounds, the main unobstructed view into the site would be from the rising ground to the south beyond the river at Ingleby. Swarkestone Quarry immediately to the west, is a collective description for a series of now well-established and relatively shallow excavations (3m - 4m deep), from where high quality sand and gravel deposits have been extracted.

The nearest residential properties are at Fields Farm (a collection of recently renovated barns and a farm house) which lies 300m to the north with Poplars Cottage and The Poplars approximately 400m to the north-west. There are several properties fronting Twyford Road, the nearest being the Parsonage (600m) and The Grange (700m). The residential areas of Barrow upon Trent lie to the north-east (800m). The current access to the site is via farm gates and adjoining fields from Twyford Road.

Planning History

The County Council does not hold any planning permissions, historic or extant for development on the application site, although the site was part of a larger area that was considered and included as a potential site for allocation in the Minerals Sites Allocations (Aggregates) Development Plan Documents (DPD) (2007). This document was not progressed beyond the Preferred Options stage. Relevant to this site is the adjoining Swarkestone Quarry site where various planning permissions have been granted for mineral extraction, the most recent of which was permission CM9/1109/166 which was issued in 2014 and allowed the operator an extension of time (until 2020), in which to continue to extract sand and gravel from the established mineral workings.

Mineral extraction has now ceased and approved restoration works are underway. The Swarkestone Quarry permission has, in addition, a legal agreement under Section 106 of the Town and Country Planning Act 1990 whereby the restoration and future long term management of the site is secured.

Current Proposal

Site investigations and boreholes information have identified the presence on the site of a continuous spread of high quality terrace sand and gravel, consistent with the minerals that, up until May/June 2017, were worked at Swarkestone Quarry. This application proposes the removal of the minerals by backacter and dumptruck on a phased campaign creating regular shaped voids which would then be restored using locally sourced infill materials comprising inert wastes that would be imported to the site. The compacted wastes would then be topped with soils and cultivated to restore the area to agricultural land. The applicant estimates that the mineral extraction work would be complete in a maximum of 13 months (weather dependant), followed by a further 6 months for restoration works.

Since the applicant has notified the Authority of the 'phase 2' extraction originally included under the application being withdrawn, the proposed extraction is effectively reduced to the extraction of sand and gravel in a single phase from only the 6.1 ha field. A new access point into the proposed extension area would be created through a short stretch of hedgerow on the eastern boundary of the site. This would link to the existing quarry haul road. All internal traffic would then use this access point to transport mineral from

the working area to the existing quarry stocking area. Top soils would be removed and retained on site and a 3m high soil bund constructed along the northern field boundary. The applicant envisages that this would provide a visual screen for the residents of those properties located directly north of the site. Subsoils would also be stored in 3m high bunds positioned along the eastern boundary close to the new access point. Where stored, soils mounds would be graded and seeded to give a more natural appearance, restricting views into working area. Sand and gravel would be extracted using hydraulic excavators and articulated dump trucks to transfer minerals to the existing adjoining mineral processing plant. Any land not immediately required for extraction would remain in agricultural use until needed.

Once mineral extraction had ceased, the site would then be progressively restored in order to achieve a land level close to the original landform. The restoration would be achieved using a combination of soils and overburden from the site and imported inert materials. The applicant considers that the progressive restoration would provide long-term landscape enhancement with nature conservation gains from linked hedgerows and woodland, as well as the provision of species-rich habitats.

The proposed hours of working at the site would remain as per those of the existing quarry site i.e. 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays. An exception to these working hours would be the proposed servicing, maintenance and testing of plant and other similar work of an essential nature, including pumping should the mineral workings become flooded. Other than the above, no working is proposed on Sundays, Bank Holidays or other National Holidays.

The application states that excavated material would be transported from site by heavy goods vehicles (HGVs) and all traffic would continue to use the existing Swarkestone Quarry access point off Twyford Road (A5132). Based on the most recent rates of working, the applicant estimates that the development would generate up to a maximum of 61 trips per day, resulting in a total of 122 traffic movements (61 in/61 out). A Transport Assessment (TA) accompanies the application which considers the proposal in highway terms, including highway capacity and road safety. The assessment confirms that the road network (taking the existing operation into account) is currently operational, well within capacity.

The applicant company proposes that Monitoring Action plans will be maintained in respect of any potential noise, dust and/or groundwater emissions, which will be consistent with the existing Quarry planning controls.

Environmental Statement

The application is accompanied by a detailed Environmental Statement (ES) which includes technical reports compiled by specialist consultants in

landscape and visual amenity, traffic, ecology, archaeology, noise, dust, hydrology and hydrogeology, soils and agricultural quality. A summary of the information and conclusions set out in the ES is provided below.

Need for the Mineral

The applicant has included a short statement regarding the need for this mineral to be won. It is acknowledged that relatively small amounts of sand and gravel aggregate are exported from Derbyshire. In general terms, it concludes that the sand and gravel to be extracted and processed from this proposal go towards meeting a requirement for sand and gravel, as recognised in the Local Aggregate Assessment (LAA). It would primarily be used as a feedstock for precast existing concrete factories, a local network of ready mixed concrete plants and site operations in the East Midlands, including existing plants at Derby, Mansfield, Nottingham and Chesterfield.

Employment

The applicant company indicates that up to five people local to the area are currently employed permanently at the site. In addition to the direct employment at the quarry, it considers that there would be continued indirect local employment benefits sustained by the money spent in connection with the project, including sub-contractors, suppliers of plant and construction materials. The ES refers to the spending of wages and salaries received by people employed on the operational site, as helping to sustain other local businesses (such as local garages supplying petrol and car maintenance services).

Waste Infilling

The application proposes the continued use of imported inert waste to infill the extraction voids. The material would be placed in layers, gradually bringing the restored site up to original ground levels. The waste materials would be regulated and controlled largely by the Environment Agency (EA), by way of the current Environmental Permit. The nature of the materials would be restricted specifically to inert wastes only, to protect the hydrological and hydrogeological interests of this site and the surrounding area. The restored and final levels have been designed to integrate the site into the wider landscape and to enable it to remain in agricultural use (arable and pasture). The infilled areas would then be treated in accordance with any Environmental Permit or other relevant requirements before being capped with soils seeded and cultivated. The ES considers that the rate of infilling and the methods of infilling would continue to be controlled by market supply and the relevant geotechnical and operational requirements.

Landscape and Visual Amenity

The ES describes the landscape in this area as a fragmented patchwork of pastoral and arable land, generally intermixed with urban developments and transport routes with localised mineral extraction. A landscape and visual

appraisal (LVA) is included in the ES and it states that the consented working and restoration schemes would follow a number of landscape design objectives designed to minimise any perceived visual impact during the operational phase and to improve the area in terms of landscape and ecological value in the long-term. The LVA considers the effect of the continuation of quarrying on the landscape character of the area in the long term to be minimal, due to the improvements that would be brought about by the proposed form of restoration, which would involve restoring the topography using landfill and blending the restored topography with the existing landscape. The newly restored land would be landscaped and planted to reflect the surrounding landscape character and the land would be treated to improve the agricultural quality of the application site. The assessment considers both the visual impacts of the operational phases of the quarry developments and the completed restoration with associated landscaping. The ES considers that, visually, the application site is well contained because of the combined effect of the low-lying topography and extensive vegetation screening, and concludes that the proposals would have a limited impact on the surrounding visual amenity. The ES acknowledges that where views of the site are possible, there may be temporary adverse visual effects. However, it concludes that the consented restoration scheme would remove the most intrusive landscape features from quarrying, resulting in significant visual benefits. The ES recognises that the operational phase of the development would be more visually intrusive to a small number of receptors but considers that this would be temporary and consist of the working and restoration of portions of the quarry, thereby reducing the visual impact for any view. Overall, the assessment indicates that, while there would be temporary adverse impacts on landscape character and visual amenity during operational phases, these would be outweighed by the substantial beneficial effects following restoration. The assessment indicates that there would be no adverse landscape or visual effects following restoration of the site.

Soils and Agricultural Quality

The agricultural land quality and soil conservation issues have been assessed for the ES from existing published information and field surveys. The ES considers that the agricultural land quality of the application site is moderate (varying between grade 2 and grade 3(b), depending on particular soils). It is proposed to restore the land to original conditions by backfilling the voids with inert waste. Appropriate management of soils when excavated, stored and replaced should ensure that the pre-extraction conditions are recreated as closely as possible.

Hydrology and Hydrogeology

The hydrological and hydrogeological settings of the existing and proposed workings are described in the ES. The ES includes desk-based resources and information derived from detailed site visits and the site has been characterised in respect of its geology, hydrogeology, and hydrology to

provide a baseline setting/conceptual model. In respect of surface water and groundwater, the ES states that the proposed development is considered to be “water compatible development” in terms of the requirements of national policy. A number of measures have been established and incorporated into the proposed development of the site to ensure that the potential impact upon the existing water environment is appropriately mitigated. These would also ensure that the risks of flooding to the proposed operations (and operators) would be managed safely throughout the lifetime of the development. The ES considers that there would be no impact on flood risk due to the use of inert restoration materials as flood dissipation is principally by overland flow rather than infiltration.

Ecology

The application includes a detailed assessment to determine the ecological interests and value of the site, and identifies the possible ecological impacts from the proposed development. The site is considered in the ES as a site of importance for wintering birds and breeding birds. Extended surveys have been commissioned and carried out which have encompassed specialist methodologies in respect of hedgerows, amphibians and bats. Water-bodies present on site have been assessed and evaluated to indicate their potential as suitable habitats for amphibian species (in particular great crested newt). An assessment has also been made of the potential suitability of terrestrial habitat to support such a population. Most of these surveys have subsequently been updated, taking into account the revised restoration proposals following detailed on-going consultation with East Midlands Airport Authority, Natural England and Derbyshire Wildlife Trust (DWT).

Archaeology

The ES acknowledges that the application site includes Historic Environment Record features comprising remains of ridge and furrows, and part of an Iron Age boundary ditch feature (showing as crop marks). The application is accompanied by a detailed Written Scheme of Investigation (WSol), prepared in consultation with Derbyshire County Council, and this is supplemented by detailed fieldwork proposals. The fieldwork proposals comprise a variety of non-intrusive (field walking, geophysics) and intrusive techniques, and include provisions for recording and analysis of all relevant finds and matters of archaeological interest.

Highways and Traffic

The ES estimates that overall, daily traffic to be generated by the proposal would be similar to the traffic which was generated by extraction on the existing quarry site, (for both the proposed period of mineral working and for restoration). The application includes a traffic survey which identifies that the A5132 is lightly trafficked, with HGV movements forming a very small proportion of overall traffic movements. The assessment refers to an operational output of 250,000 tonnes per annum, noting that this would equate

to a maximum of 122 HGV movements per day (61 in/61 out). The report refers to the accident statistics for the A5132 concluding that the data infers a general decreasing trend in accident rates since 2005. No recorded accidents over the past five years have involved HGVs and no accidents have occurred in the vicinity of the site access.

Noise

A noise survey and assessment has been undertaken to determine existing background noise levels and predict noise levels at sensitive receptors that would be generated by the proposed development. It identifies that the proposed workings would be relatively remote with the operations generally moving away from the villages of Barrow upon Trent and Ingleby but towards Twyford. The study identifies several properties close to the site (300m). It states that noise measurements were taken using precision integrating sound level monitoring equipment and in compliance with current industry standards. No specific external noise sources were identified as unduly affecting the background data. In addition, the plant at the application site was minimal and heavy plant movements minimal; this was considered to be representative of the pre-development background levels. The report indicates that noise from the site is currently being generated by the extraction of aggregate, mineral processing and the movement of vehicles to and from the site areas. As such, it is anticipated that even in the worst case, the continuation of the mineral working would not have any significant impact on sensitive receptors and the existing vegetation and proposed bunding would help to mitigate this. With regard to noise, the predicted worst case noise levels from the proposed site would not exceed the background noise levels by more than 10 dB(A) as set out in the NPPF.

Dust and Air Quality

The ES acknowledges that quarries can potentially generate significant levels of dust from soils handling, gravel extraction, movement of materials, crushing and grading, storage of minerals and transport within and off site. An assessment has therefore been undertaken by a company qualified in such issues, to consider and assess the impact of dust and particulates from the proposed quarry extension. The assessment confirms that there are a number of sensitive receptors located in the vicinity of the site but these are over 200m distant. Current levels of dust and PM10s have been surveyed and shown to be well below the national target at sensitive receptors of 40ug/m³. Potential impacts are therefore assessed as negligible.

The dust assessment acknowledges that there is the potential for dust levels to increase during dry or windy conditions or during specific activities, such as soil stripping or restoration. It recommends that in order to mitigate against windblown dust, standard mitigation measures should be applied such as wetting spoil heaps and roads, the creation of bunds and the setting of speed limits. It confirms that many of these procedures are already in place at the

site. It is considered, therefore, very unlikely that any significant decrease in air quality will occur should this application be approved.

Public Rights of Way

There are no public rights of way close to the application site or otherwise affected by this proposal. Public Footpath No. 3 crosses the large Swarkestone Quarry site to the east but this currently has a temporary Stopping Up Order.

Liaison Committee Meeting (SQLLC)

The Swarkestone Quarry Local Liaison Committee (SQLLC) has been established since 1994. The Committee comprises of representatives of the applicant company, Derbyshire County Council (Planning), Parish Councils local to the area, and the EA. The applicant company proposes that if a further planning permission is granted, regular meetings (currently twice annually), would continue and include the proposed site workings. In addition, the Swarkestone Quarry site development benefits from an established Technical Working Group (TWG). This was originally established by the applicant company to ensure that the restoration strategy was continually developed in accordance with best practice. The applicant company considers that should planning permission be granted for this proposal, its restoration works could also be overseen by the established TWG.

Conclusion of the Environmental Statement

The author considers that the proposal would represent a sustainable and logical extension to the mineral workings at Swarkestone Quarry and that it would be fully consistent with the requirements of local planning policy documents. The context of the site is such that the mineral resource proposed in this application could be recovered with minimal impact on the surrounding environment. If implemented, the proposal would maintain a sustainable contribution to the supply of essential minerals and would also safeguard the jobs of the existing quarry workforce, along with indirect employment, not only via the Company's haulier fleet and sub-contractors, but also indirectly via the wide network which the site supplies.

Consultations

Local Members

Councillor Atkin (as Ward Member) and Councillors Ford and Chilton (as adjoining Ward Members) have been notified.

South Derbyshire District Council Planning

No objections.

Environmental Health Officer

The Environmental Health Officer (EHO) considers that the proposal would be acceptable in respect of noise, dust and vibration, subject to the imposition of conditions in respect to noise and dust.

Barrow upon Trent Parish Council, Ingleby Parish Council, Repton Parish Council, Aston on Trent Parish Council, Twyford and Stenson Parish Council

No comment.

Lead Local Flood Authority, Severn Trent Water Ltd and Natural England

No objection.

Historic England

Historic England originally raised concerns regarding the proposals under its letter of 24 March 2017 but, following the applicant's notification of withdrawal for part of the extraction originally proposed, has subsequently stated that it is satisfied that, subject to the suggested mitigations, the integrity of the archaeology should not be threatened.

Derbyshire Wildlife Trust

The DWT does not object to the proposals. Any additional comments received will be reported to the Committee.

Environment Agency

No objections to the proposals, subject to:

"Conditions being imposed to reduce the risk of flooding to the proposed development and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided."

East Midlands Airport

The East Midlands Airport (EMA) raised no objection subject to conditions being imposed to reduce the attractiveness of potential feeding, nesting, breeding and roosting opportunities for hazardous bird species in the vicinity of the Airport in order to avoid the interception of bird and aircraft flight lines in the interest of aviation safety.

Highway Authority

No objection. It is not considered that approval of the proposal would result in a significant impact on existing highway conditions.

Publicity

The application was advertised by site notice, press advert (Derby Telegraph) and by neighbour notification. As a result of this publicity, 9 letters of representation in objection have been received from local residents. The objections involve the following concerns:

- Traffic disturbance.
- Twyford Road is dangerous.
- Air pollution.
- Lorry movements early mornings.
- Light pollution.
- Risk of flooding.
- Operation hours are too long.
- No footpath on Twyford Road.
- Noise from pumps working outside working hours.
- Mud transferred from the site onto the road.
- Impacts on property values.

Where the objections raise relevant material planning considerations, I refer to these issues below. Impact on property values is not a material planning consideration.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the development plan comprises the South Derbyshire Local Plan: Part 1 (SDLPP1), the Derby and Derbyshire Minerals Local Plan (DDMLP) as amended, the Derby and Derbyshire Waste Local Plan (DDWLP). Other material considerations are the NPPF, the National Planning Practice Guidance and other relevant national planning policy.

The policies considered to be most pertinent are contained in the DDMLP and are:

- MP1: The Environmental Impact of Mineral Development.
- MP3: Measures to Reduce Environmental Impact.
- MP4: Interests of Acknowledged Environmental Importance.
- MP5: Transport.
- MP6: Nature Conservation – Mitigation Measures.
- MP7: Archaeology – Mitigation Measures.
- MP8: Planning Conditions.
- MP10: Reclamation and After-Use.
- MP14: Disposal of Non-Mineral Waste in Association with Mineral Development.
- MP16: Maintenance of Landbanks.
- MP18: Extensions to Sites.
- MP19: Additional Sites.
- MP21: Sand and Gravel Sites.

The main objective of these policies is to ensure the provision of appropriate sites for the extraction of sufficient amount of sand and gravel from within Derby and Derbyshire, with the minimal level of environmental and amenity impact, whilst ensuring that extraction sites are restored to a satisfactory standard and after-use. These issues are explored in detail below.

The saved policies of the adopted DDMLP remain relevant and must be taken into account in the determination of this proposal. However, they should also be considered in the context of the NPPF. This sets out, at Paragraph 215, that the closer the policies of the DDMLP are to the policies of the NPPF, the greater the weight that may be given to these. It follows that where there are areas of inconsistency between the policies of the adopted DDMLP and the NPPF, the weight the policies of the adopted DDMLP should be afforded is reduced (see 'National Planning Policy' Section below).

Policy MP21: Sand and Gravel Sites, lists the sites which are allocated for sand and gravel extraction over the period of the DDMLP. However, the provision for the adopted DDMLP was for the period from 1991-2006, using sales and reserve data from 1996, and was based on aggregate apportionment figures which were superseded several times, and figures for assessing aggregate demand and supply are now provided on an annual basis by the LAA system. This indicates that this DDMLP policy no longer provides the appropriate means to identify sufficient reserves to satisfy ongoing and forecast need for aggregates. Therefore, the non-inclusion of a site within the allocation within Policy MP21 can no longer be given much weight.

Policy MP19: Additional Sites, states that proposals for the working of aggregates outside permitted or allocated sites will not be permitted except where they meet a proven need which would not otherwise be met and the impact on the environment is acceptable. Although this proposal is not an allocated site, the issue of need, in terms of the current information and data available, has moved on significantly since the DDMLP was adopted in 2000. The latest information available relating to need is considered below under the LAA. The site allocations this policy refers to may be considered to be of limited relevance since they reflect what is now historical information regarding need. The issue of need remains entirely relevant, but in the updated context of the LAA. The updated information regarding need will be considered below.

In terms of other policies of the adopted DDMLP, the site would be an extension to an existing quarry and would accord, therefore, with the provisions of Policy MP18: Extensions to Sites, which gives preference to extensions to existing sites over new ones, provided they can be accommodated in an environmentally acceptable manner. Although the NPPF does not prioritise extensions over new sites, the NPPG does set out a

number of mineral related development criteria to consider when such proposals are considered on their own merits. These criteria, which promote the objective of the achievement of the provision targets in the most sustainable and environmentally acceptable manner, an objective which is also to be promoted strategically for Derby and Derbyshire by assessment of sites for allocation under the emerging Minerals Local Plan) are fully in line with a focus on extensions to existing sites rather than new sites. The underlying principles of this policy therefore remain an important factor in the assessment of this proposal.

The saved general environmental and social policies of the adopted DDMLP also remain fully relevant and are considered to be generally consistent with the NPPF and should continue to be used in the assessment of applications for minerals development. General policies MP1, MP4, MP6 and MP7 are relevant to this proposal.

Derby and Derbyshire Waste Local Plan

The relevant policies of the DDWLP are W5: Identified Interests of Environmental Importance, W6: Pollution and Related Nuisances, W7: Landscape and Other Visual Impacts, W8: Impact of the Transport of Waste, W9: Protection of Other Interests, W10: Cumulative Impact, W11: Need for Landfill, and W12: Reclamation and Restoration. The relevance of these policies is due to the proposed use of imported waste materials to backfill the extraction voids.

South Derbyshire Local Plan Part 1 June 2016

The SDLPP1 is the first stage in the replacement of the South Derbyshire Local Plan (SDLP) adopted in 1998. It sets out the long-term vision, objectives and strategy for spatial development in the District and will be supplemented, in due course, with Part 2, which will set out the position for the development of smaller sites and the general development management policies for the assessment and determination of all development proposals. Accordingly, it does not wholly replace the current adopted SDLP.

The relevant policies of the new plan are S1: Sustainable Growth Strategy, S6: Sustainable Access, SD1: Amenity and Environmental Quality, SD2: Flood Risk, SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure, SD4: Contaminated Land and Mining Legacy, BNE2: Heritage Assets, BNE3: Biodiversity, BNE4: Landscape Character and Local Distinctiveness, and INF2: Sustainable Transport.

The strategic policies reflect the focus of the NPPF and NPPG, which is to deliver sustainable growth with a presumption in favour of proposals which represent sustainable development. The other policies set out the requirements to ensure that development proposals do not result in unacceptable harm to the environment and also that they satisfy minimum

requirements in terms of infrastructure provision to support the proposed development.

As the SDLPP1 does not wholly replace the previous adopted SDLP, several of its development management policies remain in place and the ones of relevance to this proposal are set out below.

South Derbyshire Local Plan

The SDLP was adopted in 1998 and will be completely replaced in due course. For the reasons set out above, some of the SDLP policies remain as part of the development plan for the area. Those policies relevant to this proposal are EV1: Development in the Countryside, EV11: Sites and Features of Natural History Interest, EV13: Listed or other Buildings of Architectural or Historic Importance, EV14: Archaeological and Heritage Features and R8: Public Footpaths and Bridleways. The relevant aspects of these policies raise similar issues to those of the DDMLP with regard to the protection of the environment and other identified interests of importance from inappropriate development.

National Planning Policy Framework

The NPPF does not change the established provisions of planning law that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides guidance on material considerations, and the guidance can itself be a material consideration. It states that the purpose of the planning system is to help achieve sustainable development and adds that there should be a presumption in favour of sustainable development. It does not include a definition of sustainable development but it states that ensuring better lives for society without worsening lives for future generations is at the core of sustainability. It also states that sustainable development has economic, social and environmental aspects. The economic aspect is stated as contributing to the economy by providing sufficient land of the right type, in the right place and at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

The NPPF states that when determining applications for mineral development, mineral planning authorities should give great weight to the benefits of mineral extraction, recognising the importance of minerals to the national economy and overall quality of life. It states that it is important that there is a sufficient supply of minerals to provide for the infrastructure and building needs of the country, but it also recognises that minerals are a finite resource and can only be worked where they are found, making it important to make the best use of those resources to secure their long-term conservation. It adds that importance should be given to sustainability issues and, in terms of the

relevant environmental factors for assessing applications, it reiterates objectives and criteria which are similar to those of the DDMLP by stating that mineral planning authorities should ensure that the winning and working of minerals does not give rise to unacceptable adverse impacts.

The NPPF expects mineral planning authorities to plan for a steady and adequate supply of aggregates by determining their own levels of aggregate provision through the preparation of an annual LAA. This should be prepared either individually or with another or other mineral planning authorities, based on a rolling average of 10-years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources). It is also advised that published National and Sub National Guidelines on future provision should also be taken into account. LAAs should also assess the balance between demand and supply, and the economic and environmental opportunities and constraints that might influence the situation. They should conclude whether or not there is a shortage or surplus of supply and, if there is, how this shortage is being addressed.

The current situation in terms of mineral provision is set out in the LAA Section below.

Paragraphs 215 and 216 of the NPPF provide guidance on the weight that might be afforded to policies in existing and emerging local plans. They advise that the weight given to existing policies will depend on their consistency with the NPPF and, in the case of emerging plans, the stage of preparation and degree of consistency with the NPPF; the more advanced the preparation and the closer the policies are to the NPPF, the greater the weight that may be given.

National Planning Practice Guidance

The NPPG reiterates much of the policy guidance of the NPPF in terms of the need for and how to plan for mineral extraction. It recognises the contribution of minerals to our economy and overall quality of life, but also acknowledges that they are a finite resource and need to be used prudently to ensure their continued availability for future generations. It recognises that minerals can only be worked where they naturally occur but that the means of obtaining them can have economic, social and environmental impacts which need to be balanced.

The advice on how to plan for a steady supply of aggregates repeats the guidance in the NPPF referred to above. The guidance also advises consideration is given to average sales over the last three years to identify the general trend of demand as part of the consideration as to whether it might be appropriate to increase supply.

It also sets out that aggregate landbanks should be used as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the Plan.

It states that mineral planning authorities should plan for the steady and adequate supply of minerals through a) the designation of specific sites; b) the designation of preferred areas or c) the designation of areas of search.

It states that the suitability of each proposed site, whether an extension to an existing site or a new site, should be considered on its individual merits, taking into account issues such as:

- need for the specific mineral;
- economic considerations (such as being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure);
- positive and negative environmental impacts (including the feasibility of a strategic approach to restoration); and
- the cumulative impact of proposals in an area.

The Local Aggregate Assessment

A mechanism by which to determine future aggregate requirements provided by LAA (as required by national policy). This is part of the current Managed Aggregate Supply System (MASS). This sets out the current position regarding aggregate demand and supply, and is reviewed on an annual basis. The Derbyshire and Derby LAA 2016 (which uses the latest data from 2015), suggests that Derbyshire would need to provide 15.45 million tonnes of sand and gravel from 2016 – 2030. This equates to an annual production rate of 1.03 million tonnes over the 15 year Plan period.

There are permitted reserves of 12.53 million tonnes (this figure includes the 2.07 million tonnes of reserves at Willington Quarry which was granted in September 2016). The 2016 LAA shows, therefore, that additional provision will have to be made for around 3 million tonnes of sand and gravel for the period to 2030 ('the Plan period'). It confirms, therefore, that an additional site or sites will be required to meet the identified provision figure.

Emerging Minerals Local Plan

Derbyshire County Council and Derby City Council are currently preparing a new Minerals Local Plan which will, when adopted, replace the DDMLP. It will set out the provision for minerals and/or the approach to new mineral development proposals for the Plan period. The County and City Councils have recently undertaken an extensive consultation exercise, "Towards a Minerals Local Plan" setting out the main issues facing the replacement Plan and asking for responses to a set of options to establish the broad approach of the Plan to ensure it will deliver a sustainable supply of minerals to meet the

identified needs of the local area and the country as a whole over the Plan period. The responses to this consultation exercise have been analysed and will be used to help the preparation of a Consultation Draft of the new Plan later this year but, at this stage, it does not provide any draft policies or proposals which can be considered material considerations in the assessment and determination of this application. The application site, however, is part of a larger site that has, along with a number of other sites in the Trent Valley, been put forward for consideration for allocation for sand and gravel extraction in the new Minerals Local Plan.

River valley sand and gravels are relatively shallow and do not generate large quantities of overburden for use as fill material in the final restoration scheme. As a result, inert infill material, such as pulverised fuel ash, builders' rubble and soils from ground excavations is used, where appropriate, to restore land levels.

The shallow nature of sand and gravel workings does mean that opportunities to assimilate restored sites into the landscape is greater than, for example, restored hard rock quarries where extraction can be very deep into the ground.

Work undertaken as part of the emerging Minerals Local Plan has highlighted the need for a more co-ordinated approach to planning for landscape change in the Trent Valley and to arrest further erosion of its essential qualities. A Restoration Strategy is being developed, which will set out a detailed and co-ordinated long-term approach to the restoration of sand and gravel workings in the Trent, Lower Derwent and Lower Dove Valleys. It will provide guidance about how sand and gravel workings in the Trent, Derwent and Lower Dove valleys should be restored to help achieve the overall aim of creating a more co-ordinated and integrated landscape.

Identification of Issues

With regard to the supply of aggregates, the NPPF states that planning authorities should plan for a steady and adequate supply, making provision for the maintenance of landbanks of at least seven years supply for sand and gravel. With regard to the broad location of the site, in strategic terms, is not allocated for mineral development in the current DDMLP (Policy MP21) and therefore this application is to be considered against Policy MP19: Additional Sites, which states:

“Proposals for working aggregates or industrial limestone outside permitted and allocated sites will not be permitted, except where:

- 1) they are required to meet a proven need which would not otherwise be met and their impact on the environment is acceptable.”*

The issues of need and of environmental acceptability of impact are addressed further below.

In terms of other policies of the current DDMLP, the site, however, would be an extension to an existing quarry and would therefore generally accord with the provisions of Policy MP18 which gives preference to such sites over new ones, provided they can be accommodated in an environmentally acceptable manner. The proposal also accords in principle with the requirements of Policy MP10 which states that “*Proposals for mineral development will only be permitted where satisfactory provision has been made for the reclamation and after-use of the site as soon as practicable*”. This proposal makes provision for the implementation of a progressive, phased restoration programme to a mixture of wetland conservation and agriculture. The use of the existing access/egress arrangements onto the A5132 (Twyford Road), also means that the proposal accords in principle with the requirements of Policy MP5.

The main issues for this proposal are therefore the need for the Mineral (and wider economic issues of mineral extraction at this site) and those detailed considerations relating to the implications of obtaining mineral from this site in this location and by the proposed method of working and restoration set out in the submitted application documents. Those implications include the potential social impacts on the local communities and impacts on the environment.

Alternatives/Need

The rate of extraction from the previous working area at Swarkestone Quarry progressed in accordance with the anticipated programme. However, due to the presence of silts within the final phases of that previously approved scheme, the site has now been mothballed. In the absence of a further extension, the quarry would have to close. The absence of a new extension to the quarry would therefore increase the pressure for additional supplies to be obtained from other existing or new sites. Due to the restrictions on production at some existing sites and the inevitable delay in any new site coming on stream, it is likely that the Plan area would not be able to meet its LAA supply targets over the next few years.

The 2016 LAA referred to above indicates that of the 15.45 million tonnes of sand and gravel, which is required over the Plan period, current planning permissions at the time provide for a potential supply of 12.53 million tonnes. (This figure includes the 2.07 million tonnes at Willington Quarry which was approved in 2016 leaving a requirement for a further 3 million tonnes up to the end of the Plan period). Whilst the existing permitted reserves are sufficient to maintain the landbank requirement stipulated in national policy, the mineral from this site would contribute towards meeting the latest overall supply requirement figure for the Plan period. In addition, the landbank figure is intended as a minimum requirement in order to maintain a consistent and

steady supply and, therefore, the current availability of that minimum requirement does not constitute a reason to refuse this application.

In summary, there is a need to make more mineral available during the Plan period in order to meet the LAA assessed provision figure for sand and gravel for the Plan period and mineral from this site would make a positive contribution to this.

Landscape and Visual Impacts

The site is a large flat field enclosed by hedgerows and situated close to an established large mineral site. Overall, the proposal, although a modest extension to the existing quarry, would result in some adverse impacts. However, the proposal includes mitigation measures including maintaining a 10m stand-off to mature trees and hedgerows, the use of 3.0m high soil storage bunds to screen views of the site, restoration to agriculture, and the replacement of a single field tree that is proposed for removal. The proposed retention of existing boundary vegetation is noted and strongly supported as this will play an important role in screening the development and integrating the site back into the surrounding landscape on final restoration of the site. However, I would recommend a more extensive planting scheme than that currently proposed to be implemented in order to strengthen the existing hedgerows and to bring about some longer term benefits to the landscape.

Mitigation measures, such as protection of existing vegetation, replacement planting, retention of trees and shrubs and screening provided by soil bunds, would also help to reduce the impact on the landscape and visual character by retaining and reinforcing characteristic enclosure features, such as hedgerows, where practicable and by ensuring that restoration planting reflects the character of the trees and shrubs in the surrounding area. Overall, I am satisfied that with a sequential programme of working and a high standard of restoration, an objection on landscape terms would not be warranted.

Archaeology

In archaeological terms, following the submission of the revised and reduced working area, the submitted WSol and the conditions set out in the Officer's Recommendation, I am satisfied that the proposals would not result in adverse impacts to the archaeological resource and I do not consider an objection in these terms could be sustained.

Noise and Dust

The impacts of noise and dust arising from the continuation of the proposed works are areas of concern and have been raised by local residents. Additionally, if the proposed workings are to continue, they would bring the development closer to residential areas, particularly those located off Twyford Road. However, having considered the revised and reduced development

proposals, I am satisfied that the distance of the site from sensitive receptors, the surrounding topography and existing vegetation cover, together with the proposed methods of extraction, transportation and proposed mitigation measures, would mean that the development would have minimal direct impact on local communities including the small number of isolated properties in the vicinity of the site. I have discussed the issue with the EHO at South Derbyshire District Council and, based on the evidence of previous workings at this quarry, I am satisfied that during the working day, noise is unlikely to have any significant detriment impact upon the identified sensitive receptors and can be adequately controlled by the conditions recommended.

A dust assessment submitted with the application confirms that activities at the site have the potential, without mitigation, to create increased quantities of dust compared to background concentrations. It also confirms that it is likely that quantities of dust particles would be increased as a result of quarrying activities, particularly during dry or windy conditions and soil stripping operations. The assessment proposes a number of mitigation measures which relate largely to management of the site workings, i.e. the use of bunds, dust suppression including use of water bowsers and road sweepers, signage and speed limits. It concludes that with such measures in place the proposed operations could be undertaken in accordance with the guidance contained in the NPPF. I have discussed these issues with the EHO at South Derbyshire District Council and the EA, and no objections have been raised and, based on the evidence of previous workings at this quarry. I have therefore concluded that dust can be adequately controlled subject to the imposition of appropriate planning conditions.

The detailed information submitted with the application clearly indicates that the proposed operations would be able to continue to operate within the parameters relating to noise and dust, and which national planning guidance considers acceptable. I am therefore satisfied that appropriate planning conditions can be imposed to adequately control the development in these respects. Similarly, whilst the existing site has operated a good distance away from residential areas, it is accepted that this will change. I consider that the proposed noise and dust conditions are therefore strengthened with a requirement to submit monitoring schemes, such that this issue can be kept under close scrutiny.

Traffic Impacts

There are no anticipated increases in traffic generation to and from the site from when the quarry site was fully operational. The existing access is proposed to be used and will be maintained to a high standard. I do not consider therefore that the traffic movements are excessive and, other than local concerns, no objections have been raised on highway grounds.

Effects on the Quality and Quantity of Water Resources

The EA notes and accepts the comments in the ES relating to flood risk and surface water drainage and hydrology, but recommends the imposition of conditions relating to site drainage. The EA also confirms that there are no water quality concerns and the conditions proposed by the applicant company adequately protect the water environment. In view of the above, I am satisfied that the concerns raised are unfounded.

Proposed Working Hours

The working hours that are proposed at the site are, in my opinion, normal for this type of operation and have been in force for the duration of the workings at the existing quarry site without giving rise to any complaint to the Authority. I consider that the hours of 0700 hours to 1800 hours weekdays and 0700 hours to 1300 hours on Saturdays is not excessive and, although the working day will be shorter during the winter months, I do not see that there are any special circumstances for otherwise reducing the proposed working hours at the site.

Conclusion

Taking account of the latest information available from the LAA and anticipated levels of economic growth, I am satisfied that there is a need for the mineral that would be supplied by the proposed development. It would help to maintain a steady and adequate supply of mineral as required by the NPPF and would contribute to the sand and gravel requirements for Derbyshire and Derby for the period up to 2030.

I am also satisfied that it can be obtained in an environmentally acceptable manner, subject to full adherence to the proposed amendments to the form of the development and other requirements detailed in this report. It therefore complies with the requirements of the saved policies of the DDMLP and represents a sustainable form of development in accordance with the appropriate criteria of the NPPF and would support sustainable economic growth.

As an extension to an existing quarry which benefits from the availability of all the required infrastructure in a location that does not give rise to any unacceptable impacts on the environment and amenity, it represents an efficient means of obtaining the mineral within the site and the benefits that supply entails. It is also serviced with a good standard of internal haul road leading to an access onto the public highway in a position that provides excellent links to the strategic highway network and the customers the quarry supplies.

Subject to the suggested conditions listed below, it is in accordance with the policies of the development plan and it is therefore recommended for approval on this basis.

(3) **Financial Considerations** The correct fee of £28,245 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990, which falls to this Authority to determine as the Mineral Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendations.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No 9.346.15
All documents, including Environmental Statements submitted under the application (Code No CM9/0217/98) various dates and including Supplementary information.
Amended application area, including phasing plan reference no. as prepared by David L Walker Limited and dated May 2017.
Assessment of Environmental Impact of Noise Report prepared by Vibrock Limited Report No dated 31 August 2016.
Ecology Report by Crewood dated December 2016.
Letter from Natural England dated 10 April 2017.
Letter from South Derbyshire District Council dated 29 March 2017.
Letters from East Midlands Airport dated 24 March and 30 May 2017.
Letter from Derbyshire Wildlife Trust dated 4 May 2017.
E-mail from Derbyshire County Council's Flood Team dated 22 May 2017.
Letter from the Environment Agency dated 30 May 2017.
Letter from Severn Trent Water Ltd dated 29 March 2017.
Letters of Representations (various dates).
Planning permission Swarkestone Quarry (application code no CM9/1109/66 dated September 2014).

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the conditions based on the following:

Commencement

1) The development hereby approved shall be begun within three years of the date of this permission. The Mineral Planning Authority shall be

notified, in writing, of the date of commencement of operations within 14 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990. The Mineral Planning Authority requires prior notification of the date of commencement of the development so that it has sufficient time to ensure that all the requirements of the planning permission are in place and to make arrangements for monitoring the development.

Approved Details

- 2) Except as may be modified or required by other conditions of this permission, or as may otherwise be approved, in writing by the Mineral Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the following:
 - i) The application documents dated and the accompanying Environmental Statement, Plans and Appendices as revised by supplementary written statements and appendices dated February 2017 and accompanying drawings subject to reduction in area for extraction as provided by the amendment submissions referred to at (iv), (v) and (vi) below.
 - ii) Supplement Planning Statement dated January 2017.
 - iii) Non Technical Summary dated February 2017.
 - iv) Plan ref S34600016 dated June 2017 (amended area).
 - v) Plan ref S34600017 dated June 2017 (amended area).
 - vi) Plan ref S34600018 dated June 2017(amended area).
 - vii) Ecological survey and assessment prepared by Crestwood dated December 2016.
 - viii) Extended Phase I Habitat Survey dated November 2016.
 - ix) Bat Survey (Crestwood) dated November 2016.
 - x) Flood Risk Assessment reference Hydrological Impact Assessment and the Flood Risk Assessment (FRA) dated August 2016 prepared by Golder Associates.
 - xi) Hydrological Impact Assessment dated February 2016.
 - xii) Landscape Impact Assessment prepared by ECUS dated August 2016.
 - xiii) Archaeology Assessment.
 - xiv) Transport Assessment prepared by URS dated March 2015.
 - xv) Geophysical Survey dated December 2016.
 - xvi) Archaeological Assessment prepared by APS dated November 2016 and additional information dated April 2017.
 - xvii) Dust Monitoring Scheme dated May 2017.
 - xviii) Noise Monitoring Scheme dated May 2017.

Reason: To clarify that the details of the application that have been approved and the scope and extent of the planning conditions.

Availability of Plans

- 3) From the date of their coming into effect, a copy of these conditions, including all documents referred to in them, and any further submissions to, and approvals by the Mineral Planning Authority under these conditions, shall be available for inspection at the reception office at Swarkestone Sand and Gravel Site during working hours, and the terms and conditions of the permission shall be made known to any person(s) given responsibility for the management and control of operations.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of the development.

Duration of Works

- 4) All operations for the winning and working of minerals authorised or required by this permission, and the restoration and landscaping of the sites (excluding aftercare) shall be completed no later than 24 months from the commencement of the development.

Reason: To comply with Part 1 of Schedule 5 to the Town and Country Planning Act 1990 that requires all planning permissions for mineral working to be subject to a time limit condition.

Removal of Plant and Equipment

- 5) Within three months of the completion of mineral extraction, or by such other time as may be agreed in writing by the Mineral Planning Authority, all plant, buildings, fencing, structures, foundations associated with mineral extraction, the access road, gates and all signage shall be removed from the application site.

Reason: To enable site restructure and in the interest of local amenity.

Access and Traffic

- 6) The sole access to the Swarkestone Sand and Gravel Site for all vehicles shall be by way of the existing Swarkestone Quarry site entrance off the A5132 (Twyford Road).

Reason: To control access into the site in the interests of local amenity, highway safety and the environment.

- 7) Unless otherwise agreed in writing by the Mineral Planning Authority, all the existing visibility splays and road markings at the access shall be retained and maintained for the duration of the proposed works.

Reason: In the interests of Highway Safety.

Protection of Existing Vegetation

- 8) No operations required by this permission, including the stripping or storage of soils, shall take place within 10m of the centre line of any hedge or within 10m of the trunk of any tree which is to be retained on the site.

Reason: To ensure that all existing vegetation is preserved.

- 9) All existing perimeter hedges and fences shall be maintained and made stock-proof. Where the site boundary does not coincide with an existing hedge or fence, then stock-proof fencing with gates or cattle grids at every opening shall be provided and maintained.

Reason: To provide protection to existing field enclosures.

Site Works

- 10) There shall be no excavations, stocking or storage of soils, overburden or other materials, or any other operations connected with the winning and working of sand and gravel except within the areas shown on drawing nos 5646.00016, 5346.00017 and 5346.00018.

Reason: In the interests of protection of visual amenity

Mineral stockpiles

- 11) No mineral stockpiles shall exceed 7m height (as measured from adjacent ground levels),

Reason: For the avoidance of doubt and in the interests of protection of visual amenity.

- 12) There shall be no importation of aggregates.

Reason: To ensure that the site is worked in accordance with the application details.

Phased Working

- 13) Until such times as it is required, any land within the application site not immediately required for mineral working shall remain in agricultural use in accordance with good land management practice.

Reason: To ensure that land is retained in agricultural use.

Soil Stripping/Handling and Storage

- 14) The Mineral Planning Authority shall be given at least seven days prior notice in writing of the intended date of commencement of any soil stripping operations.

Reason: To enable the Mineral Planning Authority to monitor soil stripping works

- 15) No top soil and subsoil shall be stripped unless it is in a dry and friable condition. No soils shall be moved:
- During the months of November to March inclusive, unless otherwise approved in writing by the Mineral Planning Authority. This shall only be considered on the basis of a soil assessment carried out in the presence of a representative of the Mineral Planning Authority.
 - When the soil to be moved or trafficked upon has a moisture content that is equal to, or greater than that at which the soils become plastic. (Tested in accordance with the 'worm test' as set out in BS 1377: 1975 British Standard Methods Test for Soils for Civil Engineering Purpose) or the equivalent test.

Reason: To protect the quality of the soil and to prevent unnecessary trafficking of soils by heavy equipment.

- 16) All topsoils and subsoil shall be retained on site (for use in the restoration of the site).

Reason: To ensure that the integrity of the soils and to ensure that the site is restored to a satisfactory standard.

- 17) Except as provided by Condition 18 of this permission, no part of the site shall be excavated or traversed or used for a roadway, storage of topsoil, subsoil or overburden or water, until all available topsoil or subsoil has been stripped from that part, with the exception that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.

Reason: To preserve the integrity of the soil.

- 18) In the event that trafficking of vehicles over an area of unstripped topsoils or subsoil is essential and unavoidable for purposes of undertaking permitted operations, any proposed essential trafficking routes over the area shall be suitably marked out on the site and shall not be used until the Mineral Planning Authority gives approval in writing to it.

Reason: To preserve the integrity of the soils.

- 19) All topsoil and subsoil shall be stored in separate mounds. Topsoil storage mounds shall not exceed 3m in height. Subsoil mounds shall not exceed 5m in height. The mounds shall be constructed with the minimum amount of compaction. They shall not be traversed by heavy plant or machinery, except where essential for purposes of mound construction or maintenance. They shall not subsequently be moved until required for restoration.

Reason: In the interests of protection of visual amenity.

Soil Storage

- 20) All storage mounds to remain in situ for more than 3 months shall be grass seeded and managed in accordance with a scheme that has received the prior approval in writing of the Mineral Planning Authority. The scheme, which shall be implemented as approved by the Mineral Planning Authority, shall be submitted and be recorded on a plan, no later than two months after the commencement of soil stripping, as notified to the Mineral Planning Authority under the terms of Condition 19 above.

Reason: On the grounds of visual amenity and effective soil management.

Hours of Operation

- 21) No operations authorised or required by this permission (unless pumping operations to remove water are required from the excavations and the servicing, maintenance and testing of plant and other similar work of an essential nature), shall be carried out on the site except between the following times.

Monday to Friday 0700 hours to 1800 hours
Saturday 0700 hours to 1300 hours

Servicing, maintenance and testing of plant and other similar work of an essential nature shall not be carried out on the application site except between the normal working hours specified above and the following extended times other than with the prior approval, in writing, of the Mineral Planning Authority:

Saturday 1300 hours to 1600 hours
Sunday 0900 hours to 1600 hours

No working shall take place on Bank Holidays or other National Holidays.

Reason: In the interests of local and residential amenity.

Noise

- 22) With the exception of temporary operations, including stripping and replacement of soils, the noise levels from the site excluding all the noise sensitive properties identified in Condition 25 below, shall not exceed 55 dB(A) as expressed as a 1 hour LAeq (free field), measured at 1.2m to 1.5m above ground level between the hours of operation as specified in Condition 23 above.

Reason: In the interests of protection of amenity.

- 23) Except as allowed by Condition 24 above, noise from the site and received at the noise receptors specified in the table below, shall not exceed the following limits:

Noise Receptor	Noise Limit dB(A) LAeq,1 hour
Fields Farm Cottage	51
The Barns	51

Reason: In the interests of protection of amenity.

- 24) All pumps used in connection with the development shall be super silent or equivalent.

Reason: In the interests of protection of amenity.

- 25) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions, on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: In the interests of protection of amenity.

- 26) The reversing warning system on all vehicles on the site and those using the site shall not emit a noise that would have an adverse impact on local or residential amenity. Reversing warning devices shall be non-audible, ambient-related or low tone devices.

Reason: In the interests of protection of amenity.

- 27) Within 1 month from the date of this permission, a scheme for the monitoring of noise from the site throughout the mineral extraction and restoration works shall be submitted to and have received the written approval of the Mineral Planning Authority. The scheme shall include details of a noise mitigation and monitoring system.

Reason: In the interests of protection of amenity.

Dust

- 28) At all times during the carrying out of the operations authorised or required by this permission, water bowsers, sprayers, whether mobile or fixed, or similar equipment shall be used to minimise the emission of dust from the site. No vehicles used for the movement of materials shall be equipped with downward pointing exhaust pipes. At such times as the prevention of dust nuisance by these means is not possible, movements of soils and overburden shall temporarily cease until such times as weather conditions improve.

Reason: To control dust emissions in the interests of protection of amenity.

- 29) No lorries transporting sand and gravel shall leave the site unless their loads are sheeted.

Reason: To control dust emissions.

- 30) Within 1 month from the date of this permission, a scheme for dust mitigation and a scheme for the monitoring of dust from the site throughout the mineral extraction and restoration works shall be submitted to and received the written approval of the Mineral Planning Authority. The scheme shall include details of dust mitigation and a dust monitoring system.

Reason: In the interests of protection of amenity.

Mud on Highway

- 31) No mud, debris or other dirt shall be carried from the site on to the public highway. The existing wheel-cleaning facility installed and maintained on the site (or any subsequent replacement), shall continue to be operated for the duration of works on the site.

Reason: On the grounds of Highway Safety.

- 32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (Order) 2015, as amended, no fixed plant or machinery, buildings, structures or erections, or private ways shall be erected, extended, installed, replaced, repaired or altered without the prior written approval of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to consider any proposed further development in those parts of the site, other than the area on the drawings referred to in Condition 2 above, where any such development might have an unacceptable impact upon amenity and the

environment, to enable site restoration and in the interests of local amenity.

Drainage

- 33) No surface water drainage system or watercourse shall be contaminated by drainage from the site.

Reason: To ensure that the site drains efficiently.

- 34) Any facilities for the storage of oils, fuels 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, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. 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 bend.

Reason: To protect groundwater quality.

- 35) There shall be no interruption of the surface water drainage system of the surrounding land as a result of operations on this site. Provision shall be made to ensure that all existing drainage systems continue to operate effectively.

Reason: To ensure that the site drains efficiently.

- 36) The development permitted by this planning permission shall be carried out only in accordance with the approved Hydrological Impact Assessment and the FRA dated August 2016 Ref.1660167.500/B.0, prepared by Golder Associates and the following measures detailed within the FRA:

- i) Final restoration ground levels within the plant site are to be set as pre-development ground levels, as stated in Section 7.2.4 of the approved FRA listed above.
- ii) Excavation voids on site are to be maintained dry for the full duration of the works in order to ensure there is no loss in floodplain storage volume for the 1% Amended Environmental Permit (AEP), otherwise they are not applicable as floodplain storage compensation.
- iii) Extracted material will be shaped into bunds and stored on site as per drawing: S346STP15.pdf, however, we require them to be all

completely parallel to each other and smaller in length (divide the full distance in more bunds rather than fewer and longer), in order to allow water flowing in the event of flooding.

- iv) No additional infrastructure or ancillary facilities for mineral processing associated with the current Swarkestone Quarry are to be retained for use within the proposed extension.

Reason: To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Site Restoration

- 37) The site shall be progressively restored in accordance with the scheme/s as contained within the Environmental Statement as amended and as submitted with the planning application, together with the previously approved details.

Reason: To ensure that the site is restored in accordance with the approved details.

Soil Replacement

- 38) No large areas of subsoil shall be left without topsoil and crop cover over winter. Subsoil shall only be replaced when it, and the ground are in a dry and friable condition.

Reason: To ensure that the site is restored and to prevent damage to soils.

- 39) During replacement of the subsoil, it shall be subsoiled (rooted) with a heavy subsoiler to ensure that, within a total depth of 1m below the surface of the topsoil, there is:
 - i) no fill material or other sterile material injurious to plant life;
 - ii) no rock, stone, boulder or other materials capable of preventing or impeding normal agricultural or land drainage operations, including mole ploughing or subsoiling;
 - iii) no wire rope, cable or other foreign objects;
 - iv) a reasonable level surface suitable to receive subsoil; and
 - v) stone or other unwanted material at the surface of the subsoiled material, which will not pass through a 230mm diameter ring in any dimension, shall be removed from the site or buried not less than 2m below the final surface contours.

Reason: To ensure a high standard of restoration.

- 40) All available subsoil shall be respread evenly over the worked area. The subsoil shall be so treated to comply with the general requirements of condition. No layer of replaced soil shall exceed 450mm thickness (or such thickness as is approved by the Mineral Planning Authority) before it is subsoiled. The subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface.

Reason: To ensure that the site is restored successfully.

- 41) Subsoil, upon which other soils have been stored, shall be subsoiled (rooted) as set out in Condition 42 above.

Reason: To ensure that the site is restored successfully.

- 42) After satisfactory replacement and treatment of the subsoil, all available topsoil shall be re-spread evenly over the site. The topsoil shall be cultivated and so left as to comply with the requirements of Condition 43 above. Stones greater than 100mm in anyone direction shall be removed. Topsoil upon which other topsoil has been stored shall be subsoiled (rooted) and cultivated as above.

Reason: To ensure that the site is restored successfully.

Landscaping Management and Maintenance

- 43) Notwithstanding the previously submitted details; within 1 month from the date of this permission, a landscaping scheme for that part of the site to be restored for agriculture shall be submitted to and approved by the Mineral Planning Authority. The scheme shall include the following details:

- i) provision for the reinstatement of any hedgerows disturbed by the proposal;
- ii) the replacement of soils conserved from the existing hedgerows;
- iii) details of species, size, spacing and protection of hedgerow plants;
- iv) fencing and gates;
- v) replacement tree planting scheme for all trees removed as part of the approved works; and
- vi) a programme of implementation.

The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority.

Reason: To ensure the successful establishment of landscaping at the site.

- 44) For the first five years following new planting of any trees, shrubs, and hedgerows, the planting shall be maintained in accordance with the principles of good forestry and husbandry, and any stock which die or become seriously damaged, diseased or is missing, shall be replaced with plants of the same species or such alternative species as have been approved by the Mineral Planning Authority (for the avoidance of doubt, 100% replacement is necessary).

Reason: To ensure the successful establishment of landscaping at the site.

Premature Cessation of Site Works

- 45) In the event of the development hereby approved being discontinued, within three months of receiving written notification from this Authority, a scheme for the restoration and treatment of the site, as so left, and all other operational areas associated with the site shall be submitted to the Mineral Planning Authority. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of the date of notification of determination of the scheme and shall be fully implemented within a further period of six months or such period as may be approved in writing by the Mineral Planning Authority.

Reason: To secure the full restoration of the site in the event of the development ceasing prematurely.

Aftercare

- 46) The restored site shall be subject to a programme of aftercare in accordance with a scheme or schemes which has/have been submitted and approved in writing by the Mineral Planning Authority. The scheme for the whole site or any part of the site shall be submitted no later than six months prior to the programmed completion of restoration of any part of the site in accordance with Condition 45 above. The submitted scheme(s) shall provide for such steps as may be necessary to bring the land to the required standard for use for agriculture, during a five year aftercare period, and shall include details of:
- i) the removal of any stone exceeding 100mm in any dimension, any wire or other object which would impede the cultivation of the land;
 - ii) fertiliser applications based on soil analysis;
 - iii) cultivations, seeding and crop management;
 - iv) pruning regimes of hedgerows;
 - vi) weed control;
 - vi) field drainage;
 - vii) field water supplies;
 - viii) grazing management;
 - ix) protection from poaching by grazing animals; and

- x) maintenance of fencing.

The scheme(s) shall be implemented as approved by the Mineral Planning Authority.

Reason: To ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the Mineral Planning Authority in the interests of agricultural land quality.

Bird Management Plan

- 47) No development shall commence until a Bird Management Plan (BMP) has been submitted to and approved in writing by the Mineral Planning Authority (in consultation with EMA). The BMP should encompass all construction, operational, restoration and aftercare phases, and include the whole Swarkestone Quarry Site.

The scheme shall be implemented as approved.

Reason: To reduce the attractiveness of potential feeding, nesting, breeding and roosting opportunities for hazardous bird species in the vicinity of the Airport in order to avoid the interception of bird and aircraft flight lines in the interest of aviation safety.

Archaeology

- 48) No development shall take place until a Written Scheme of Investigation (WSol) for archaeological work has been submitted to and approved by the Minerals Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and
 - i) The programme and methodology of site investigation and recording.
 - ii) The programme or post investigation assessment.
 - iii) Provision to be made for analysis of the site investigation and recording.
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - v) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the WSol.

Reason: To ensure that any archaeological interests in or on the site are preserved and protected accordingly.

- 49) No development shall take place other than in accordance with the archaeological WSol approved under Condition 51 (above) and the archaeological recording condition will normally only be discharged

when all elements of the WSoI, including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: To ensure that any archaeological interests in or on the site are preserved and protected accordingly.

- 50) Within 1 month from the date of this permission, a scheme illustrating the final restored levels at the site shall be submitted to and received the written approval of the Mineral Planning Authority.

Reason: To ensure that the final restored levels are sympathetic to in-keeping with the surrounding landscape.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice however as to what information would be required.

The Environmental Statement, as submitted, covered all the necessary topics but did not fully address or explain all the relevant aspects and issues of each topic in a manner which enabled the Mineral Planning Authority to make a full and comprehensive assessment. In accordance with the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2011, the applicant was given clear advice as to the form and content of the supplementary survey work required to enable an appropriate assessment of the proposed development to be made. The requested information identified the need to complete the range of survey work submitted with the application which related to the ecological, archaeological and landscape, and visual impact interests of the site.

The planning application was accompanied by an Environmental Statement and this was supplemented by additional submissions in response to the request referred to above. The environmental information and the subsequent supplementary information were taken into consideration by the Mineral Planning Authority in reaching this decision.

Footnotes

- 1) The applicant's attention is drawn to the public rights of way (PRoW) close to the site which may be affected by the proposed mineral and restoration works. The development hereby approved shall not interfere

with any of the PRow and the operator shall ensure that the safety of all users of the PRow is not threatened at any time.

- 2) The applicant is asked to liaise with the Environment Agency Office at Trent Side, North West Bridgford, Nottingham Telephone 0208 475166, regarding the proposed extension of the Environmental Permit,
- 3) Severn Trent Water Ltd advises that *“although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building”*.

Mike Ashworth
Strategic Director – Economy, Transport and Communities



Postcode, Name or Address

**APPLICATION CODE CM9/0217/98 PROPOSED WESTERN EXTENSION OF SWARKESTONE QUARRY**