

Agenda Item No. 4.3

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

5 September 2016

Report of the Strategic Director – Economy, Transport and Communities

- 3 PROPOSED APPLICATION TO CONSOLIDATE PREVIOUS PLANNING PERMISSIONS AND EXTENSION OF EXISTING QUARRY, INVOLVING THE EXTRACTION OF SAND AND GRAVEL WITH RESTORATION TO CONSERVATION WETLAND AND LOWLAND MEADOW, RETENTION OF EXISTING AGGREGATE PROCESSING PLANT, SILT LAGOON, READY MIX CONCRETE PLANT, ACCESS/HAUL ROAD, SIGNS AND SOIL BUNDS AT WILLINGTON QUARRY, CASTLEWAY LANE, EGGINTON**
APPLICANT: CEMEX UK OPERATIONS LTD
CODE NO: CM9/0715/63

9.1061.17

Introductory Summary The main aspect of the proposal is for an extension to the working area of the quarry complex known as Willington Quarry, where extraction would progress to the south and west, enabling the production of a further 2.07 million tonnes of sand and gravel from an area of 34 hectares (ha). This would be worked in a series of six phases with a further one year period for the restoration works which would create areas of conservation based wetland, lowland meadows and water features. The proposal seeks to retain and use the existing processing plant, ready-mix facility, the access road and other ancillary features for the duration of the proposed extension period.

The application site is not allocated for mineral extraction in the adopted Derby and Derbyshire Minerals Local Plan (DDMLP) but the Plan only made specific provision until 2006. It is acknowledged, however, that there is an ongoing need for sand and gravel. The proposal represents an extension to an existing quarry rather than a completely new site, which is a factor in its favour. For the reasons referred to below, it is also considered acceptable in the context of the relevant policies of the Plan and the requirements of the National Planning Policy Framework (NPPF).

The assessment of the proposal recognises the location and characteristics of the site, the distance from nearby properties and the absence of significant or sensitive features. It also took account of the proposed method of operation and the proposed controls and mitigation measures. In conclusion, it is

considered that it would not have a significant adverse impact on the landscape of the area or result in any substantial and long-term visual impacts.

The availability of the direct access onto the A5132 and immediately onto the A38 also provides the site with good links to the highway network and would avoid adverse impacts on local roads.

The proposal would result in an increase in the area alongside the River Trent that had experienced disturbance and where it would be several years before the restored site and landscape features reached maturity. It would also involve the retention of the processing plant and ancillary facilities for a longer period. Set against the need for the mineral, however, these impacts are not considered sufficient to outweigh the benefits of the proposal.

Subject, therefore, to the amendments to the form of the development as detailed in the report below, the application is recommended for approval, subject to conditions and a legal agreement in accordance with the terms also suggested below.

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

(2) **Information and Analysis** This report relates to a proposal to extend the existing sand and gravel workings at Willington Quarry into an area of 34 hectares (ha) to the south and west of the existing quarry complex. The proposal would see the land restored to wetland conservation, woodland and lowland meadow. In order to maintain the current form of operation, the application also seeks to retain the existing aggregate processing plant and silt lagoons, the ready-mix concrete plant, the site access road and associated road signage. The application proposes that all the relevant planning permissions for these facilities are consolidated in a single planning permission.

Extraction operations at the quarry are taking place in accordance with a permission granted by this Authority in February 2012. In order to fully consolidate the entire operations at the quarry, this application also seeks to consolidate that permission (in particular the relevant conditions) into the new permission. This would enable a smooth transition from the current extraction to the proposed extension and also enable the provision and approval of combined phasing plans.

Existing Quarry

Willington Quarry is located in the Trent Valley to the south-east of the village of Egginton, to the south-west of the villages of Willington and Repton and north of the village of Newton Solney, and is accessed by means of a purpose

built haul road off the A5132 (The Castle Way). The quarry complex currently occupies a site area of approximately 87ha of former agricultural land between The Castle Way and Highbridge Lane, and includes existing mineral workings, restored mineral working areas, a processing plant, a ready-mix concrete plant, silt lagoons, stocking areas, soil storage bunds and internal haul roads. The area included in this application, including both the extension area and the parts of the existing quarry complex which the company seeks to retain the use of, extends to 79ha.

The existing mineral extraction area is immediately to the south of the plant site, east of Highbridge Lane and is bounded by agricultural land to the south. The wider quarry complex is bounded by the Trent and Mersey Canal to the north, by agricultural land to the south and by the River Dove to the west. The Derby to Birmingham railway runs through the middle of the quarry complex in a north-east to south-westerly direction. The Egginton Brook crosses the northern part of the site in a north-west to south-easterly direction, and forms the eastern site boundary to the south of the railway. The site is entirely within the floodplain of the Rivers Trent and Dove, as well as the Egginton Brook.

The existing quarry sits in a sparsely populated area with the nearest residential property, Bridge House, being 0.56km to the north-west. Newton Solney is approximately 0.95km to the south-west. The site is just outside the Airport Safeguarding Zone for Nottingham East Midlands Airport which lies 17km to the east.

Sand and gravel is extracted from the current working area in accordance with an approved plan consisting of five phases. The site is being progressively restored to mixture of open water areas suitable for nature conservation, and lowland pasture for agricultural grazing by infilling with overburden and soils that have been stored on site for this purpose. The rate of extraction from the quarry has averaged at 300,000 tonnes per year. All sand and gravel is processed at the plant site. The applicant has indicated that, based on current rates of extraction, the permitted reserves at Willington Quarry will be exhausted by the autumn of this year.

Planning Background

Piecemeal mineral extraction in the vicinity of the site now known as Willington Quarry has been undertaken since the 1960s, although it is only since the late 1980s that the site has developed into a substantial quarry site with associated infrastructure.

Permissions for the extraction of sand and gravel from land to the east of Highbridge Lane, land to the west of Highbridge Lane (REP/1166/18) and land to the south-west of The Castle Way (A5132) were granted in 1966 (REP/166/17), 1991 (9/689/279) and 2014 (CM9/0305/235) respectively. These areas have now been fully worked out and restored, with the land

covered by permission REP/166/17 now being occupied by the quarry's Plant Site and silt lagoons. The land covered by planning permissions REP/166/18 and CM9/0305/235 is currently in aftercare.

Planning permission CM9/1205/154 for the extraction of sand and gravel as a southern extension to Willington Quarry (current working area) was granted on 14 February 2012. As stated above, it is anticipated that extraction of mineral from the final phase of this site will be completed before the end of this year.

In addition to the above, the quarry complex is subject to a number of other planning permissions relating to quarry infrastructure which are as follows:

- CM9/700/35 (dated 13 October 2000) for the temporary retention of a soil storage bund at Willington Quarry
- CM9/1100/89 (dated 27 March 2001) to regularise the layout of the existing soil bunds on land to the south of the railway and to the east of High Bridge Lane
- CM9/401/5 (dated 24 May 2001) for the temporary retention of quarry entrance signage at Willington Quarry
- CM9/0906/95 (dated 14 February 2012) – Section 73 not to comply with condition 6 (restoration) of planning permission REP/166/17 to allow restoration to a low level without the need to import materials
- CM9/0311/182 (dated 14 February 2012) – To continue use of existing haul road and processing plant previously granted planning permission under code number CM9/0307/196 at Willington Quarry without complying with conditions 2 (time limit) and 3 (restrictions on minerals that can be processed and transported via internal haul road) of that permission
- CM9/0311/189 (dated 14 February 2012) – To continue use of existing ready-mix concrete plant previously granted permission under CM9/0307/197 without complying with conditions 2 (time limit) and 6 (restrictions on minerals that can be processed at the ready-mix concrete plant) of that permission.

All of the above permissions are subject to end dates coterminous with that of CM9/1205/154 and also further restrictions limiting the sand and gravel which is processed at the site to mineral obtained from the workings within the quarry. This also applies to the mineral used in the ready-mix plant.

Current Proposal

The current proposals seek to extend mineral extraction into a further 34ha of land to the south and west of the 'southern extension area', yielding an estimated 2.07 million tonnes of sand and gravel. The applicant company refers to the proposed extension as the 'Trent Extension' as it lies close to the River Trent. The application site consists of two parcels of agricultural land situated to the east and west of Highbridge Lane. The eastern parcel of land is

bounded by the River Trent to the south and the existing quarry working area to the north. The western parcel of land is bounded by the railway line to the north, the River Dove to the west and by Highbridge Lane to the east. Land to the south would remain in agricultural use.

The application also seeks to consolidate those sections of the site and quarry infrastructure covered by planning permissions CM9/700/35, CM9/1100/89, CM9/401/5, CM9/0906/95, CM9/0311/182 and CM9/0311/189 into a single planning permission. As a consequence, the overall proposals can be described as follows:

- Completion of mineral extraction and ongoing progressive restoration works within the existing quarry under the terms of the current planning permission with some minor amendments to facilitate the transition of working into the proposed extension area.
- Phased extraction of sand and gravel from the Trent Extension for a period of 6 years followed by restoration over a further 12 month period.
- Retention of the existing Processing Plant Site (processing plant, ready-mix concrete plant) and other quarry infrastructure for the duration of working in the extension area.
- Operation of the processing and ready-mix concrete plants in accordance with the current limits and up to 300,000 tonnes per annum production.
- Working to the current hours of operation.
- Use of the existing quarry haul road to The Castle Way (A5132).
- Vehicular access to the Trent Extension via the existing quarry so that no new access is required.
- The inclusion of a No-Working Area within the western part of the site to provide a stand-off to the railway line, the River Dove and the River Trent, as well as those existing hedgerow and trees that are to be retained.
- Public footpaths to be kept open during the works (through diversion if necessary).
- Phased and progressive restoration of the Trent Extension using overburden and soils stored on site for that purpose.
- Restoration of the land to a mix of wetland conservation, woodland and lowland meadow.

Site and Surroundings

The site of the proposed Trent Extension is an area of flat land lying within the floodplains of the Rivers Trent and Dove, as well as the Egginton Brook, with a land use of grassland and pasture fields. As noted above, the application site is made up of two parcels of land bisected by Highbridge Lane. The eastern area comprises a single large field bounded by mature hedgerows with hedgerow trees along its northern and south-western boundaries, and the River Trent along its south-eastern boundary. The western boundary, adjacent

to Highbridge Lane, is bounded by a gappy hedgerow which peters out towards its southern end. Intermittent clumps of willow are present along the south-eastern boundary, adjacent to the River Trent. Two small/medium areas of standing water are present in the southern section of the site.

The western parcel of land, which is made up of seven smaller field parcels, is bounded by the River Dove to the west, by the railway to the north and by agricultural land to the south. Within the site, the field parcels are separated by mature hedgerows and tree belts. A small area of wet woodland runs through the site in a roughly north to south direction. The south-western boundary of the site, which also forms the banks of the River Dove, is characterised by clumps of willow. Three fields immediately to the south of the railway line contain good quality remnant ridge and furrow landscape.

The closest properties to the application areas are High Bridge House, some 0.38km to the north-west. At its closest point, the village of Newton Solney is located 150 metres to the south separated by the River Trent.

There is one public right of way, Newton Solney Bridleway Number 12, which runs adjacent to the western site boundary. Newton Solney public footpath number 20 is approximately 350 metres south of the application site on the southern bank of the River Trent.

There are no statutory wildlife designations within the site but there are several close by; notably the Willington Wetlands Local Wildlife Site (LWS) based on the restored site of the former Repton gravel pit and now managed by Derbyshire Wildlife Trust (DWT) lies immediately to the east. Heritage designations include Newton Solney Conservation Area, 0.5km to the south-west and the Trent and Mersey Canal Conservation Area, 0.67km to the north. The surrounding area also hosts several listed buildings.

The landscape character of the surrounding area is similar to much of the Trent Valley within Derbyshire which has been shaped by earlier mineral extraction operations where historic low-lying pastoral land is characterised by open water features from quarry restoration schemes.

Proposed Development

The proposals would see the extraction of approximately 2.07million tonnes of sand and gravel at a rate of approximately 300,000 tonnes per year, over a six year period. A further year would be required to complete final restoration. The mineral would be extracted in six principal phases (numbered 6-11 to follow on from phases 1-5 of planning permission CM9/1205/154). Work would commence in the northern half (phases 6 a-c) of the eastern parcel of land travelling southwards (phases 7 a-b), before moving into the western area. Working in the western area would commence in the eastern section (phase 8) and travel in a roughly anti-clockwise direction before finishing adjacent to

the southern site boundary (phase 11). Soils stripped from phase 6 would be stored on phase 7 and phase 1 of the existing permission area. These, and soils stripped off the later phases, would be used to progressively restore the land as the minerals were removed. The sand and gravel would be excavated using a hydraulic excavator and then transported to the quarry's processing plant via dumper trucks. Working in the Trent Extension would commence during the final phase of extraction in the Southern Extension area. The application states that the mineral is available in bands of 4.2 metres thickness on average but excavations could be to a depth closer to 7 metres.

Preliminary works associated with the quarry extension would include the creation of a small gap in the hedgerow which forms the northern boundary of the Trent Extension area, close to its junction with Highbridge Lane, to facilitate access between the proposed phases 6 and 7 working areas and the processing plant and the construction of an internal haul road. Following the completion of working in phases 6 and 7, a further gap would be made in a section of hedgerow along the western edge of Highbridge Lane located opposite the plant site to facilitate access into the working area for phases 8-11.

The general approach to extraction would involve the pegging out of the intended extraction area followed by the erection of fencing, where required, for protection purposes. All vegetation would then be cleared, and soils and overburden stripped to enable access to the mineral. All soils and overburden would be stored in bunds; principally along the southern or eastern boundaries, or used directly as part of the progressive restoration works. The operation would employ dry extraction techniques so the areas lying below the water table would be pumped to provide suitable working conditions. The application indicates that the bunds would be constructed to function as part of the noise mitigation measures incorporated into the proposal.

The proposed haul roads would be stripped of soils and constructed using hard core material to ensure it was suitable for use by dump truck. On entering the plant area, the haul road would run northwards from the extension area travelling between the silt lagoons and fresh water lagoon and the processing plant.

Following processing, sand and gravel would continue to be transported from the quarry site by heavy goods vehicles (HGVs). All vehicles would use the existing quarry haul road which links the processing plant area to The Castle Way. The application states that vehicle movements for the entire quarry complex would continue at approximately 198 per day, (99 in and 99 out). It states that this includes the ready-mix operation where the planning permission is limited to 80 movements per day and confirms that overall traffic movements would not increase as a result of the development.

Proposed working hours would be the same as for existing operations and would be 0700 hours to 1900 hours Mondays to Fridays, and 0730 hours to 1300 hours on Saturdays.

The existing silt lagoons, to the east of the processing plant, would continue to be used for the duration of working in the Southern Extension area and would also assist the final restoration of the Plant Site area. The water area to be created in phases 2, 3 and 4 of the Southern Extension would be used as an additional silt lagoon for the proposed Trent area extension.

The application is accompanied by an Environmental Statement (ES) which addresses the potential impacts of the development in terms of ecology, landscape and visual impact, hydrology and hydrogeology, noise, air quality, archaeology, transport and soils. The ES also provides an assessment of likely cumulative impacts, assessments of sustainable development, historic environment, flood risk, recreation and rights of way. The base information and the assessments and conclusions arising from the information is summarised in the 'Planning Considerations Section' below, together with the case officers assessment against the relevant policies of the development plan and other material considerations.

Post Application Submissions

In response to the comments from consultees and a formal request by the Mineral Planning Authority, the applicant submitted a number of supplementary reports, drawings and other information to clarify and amend certain aspects of the original planning application details. The supplementary submissions updated the ecological survey reports, the flood risk assessment, provided a revised arboricultural method statement and impact assessment, revised landscaping, restoration and aftercare proposals, and an addendum to the statement of need for the proposed development.

Where appropriate, the contents of these submissions and the planning issues they raise are addressed in the 'Planning Considerations Section' below.

Unilateral Undertaking

The applicant has also offered to provide a Unilateral Undertaking relating to the following:

- Multi-user route of the access and haul road.
- The creation of a liaison committee.

Consultations

Local Member

The Local Members, Councillor Ford (Etwall and Repton) and Councillor Chilton (Melbourne) have been notified. No responses had been received at the time of writing.

South Derbyshire District Council Environmental Health Officer (EHO)

The EHO strongly recommended that *‘the controls of potential noise and dust from the site, outlined in the accompanying reports, are implemented in full and retained thereafter’*.

Planning

The Council raised no objections to the proposed development in respect of planning.

Egginton Parish Council

The Council made the following comments:

1. *“The village of Egginton and its outlying residential properties lie within flood zone 3 for the most part. The village is fortunate to enjoy the protection of new flood defences but is mindful of the importance of safeguarding the free and unrestricted flow of all the watercourses, adopted or otherwise, both upstream and downstream of the village. Any permission must take full account of these extreme sensitivities and should be informed by Environment Agency approved flood risk assessments. There are detailed and complex flood models which pertain to Egginton which should be consulted as part of this assessment.*
2. *Any planning permission should expressly condition working procedures and practices which should safeguard the free flow of flood waters at all times to protect the village of Egginton and the surrounding areas of the parish. This is extremely important especially in respect of locating spoil and associated operational building which would be sensitively located and mindful of not increasing flood risk upstream to Egginton. Included within this condition should be an inspection regime and some form of report back facility to inform the parish council of the outcomes of such inspections.*
3. *Any permission should include environmentally friendly restoration to open water with sufficient capacity to store flood waters and reduce flood risk to neighbouring communities. Any permission should also condition dewatering works in such a way which would exacerbate flooding upstream in Egginton”.*

The Council further commented that, subject to the issues highlighted above being satisfactorily resolved and subject to a Section 106 community fund being made available, it would be broadly supportive of the proposed development. It also expressed a view that the current application site was environmentally less sensitive than the currently dormant Egginton Pit site, for which the operator had put forward a site as part of this Authority's current work on the emerging Derby and Derbyshire minerals plan.

In response to subsequent consultations, the Council reiterated the points highlighted above and brought to the Council's attention the potential omission from the applicant's flood risk assessment and hydrological assessment of a local tributary of the Egginton Brook known as 'The Drain' which is known to interact with the Rivers Trent and Dove, as well as Egginton Brook. The Council also raised additional concerns relating specifically to the potential adverse impacts of the development on Hull Bank, the remnant ridge and furrow, as well as impacts to protected species such as bats and invertebrates.

Comment: The request for a community fund to be made available is noted. With the exception of planning applications for coal extraction, it has not been common practice to operate such a fund. I am informed that the applicant Company nevertheless does operate a community fund which supports specific projects to improve local community facilities near its operations. The Company also endorses Lend a Hand Day which sees Cemex employees volunteering to help with local projects and to support charities and community organisations.

Willington Parish Council, Newton Solney Parish Council and Repton Parish Council

Were all consulted with a request for observations but no responses have been received to date.

Environment Agency

The Environment Agency (EA) raised no objections in principle to the proposals, but recommended the imposition of a number of conditions relating to ground water and contaminated land, as well as updated wording for a condition relating to the plant site.

Following the submission of additional information relating to the additional water courses in the vicinity of Egginton Brook, the EA made the following comment:

"With reference to the query from Egginton Parish Council in respect of the hydraulic modelling of the Fleem and Drain within the Flood Risk Assessment (FRA) Willington Quarry South West Extension, dated July 2015, Ref: 2014s1328, we have reviewed the additional information submitted by

JBA consulting, dated 29 March 2016, Ref: KRH\2014s1328-s-L001-1 and accept the conclusions. Our previous response therefore remains valid”.

Lead Local Flood Authority

Derbyshire County Council, as the Lead Local Flood Authority (LLFA), had no objections in principle but commented that it had some concerns over the increased flow into the Egginton Brook from the lowering of the water table. Reference is made to four previous incidents of the Brook overtopping its banks. The LLFA noted that the Egginton Brook is classified as a main river and refer the Mineral Planning Authority to the EA as the relevant body in respect of this application.

Highway Authority

Derbyshire County Council, as the Highway Authority, raised no objections to the proposals commenting that *‘in view of the existing use on site and operations currently being carried out, it is not considered that approval of the proposal would result in any significant impact on existing highway conditions’.*

Natural England

Natural England (NE) confirmed that it did not consider that the development would be likely to cause any significant risk to any Site of Special Scientific Interest (SSSI), Natura 2000 site, National Park, Area of Outstanding Natural Beauty or a large population of a protected species and/or cases or generic issues which affect a large suite of sites, or may set a precedent and thereby affect a significant quantity of habitat across the country, and referred this Authority to its standing advice in respect of protected species. The response also advised that, if the application site was close to a LWS, this Authority should ensure it has sufficient information to fully understand the impact of the proposal on the LWS, and the importance of this in relation to development plan policies, before it determines the application.

NE confirmed that agriculture (in part) would be an appropriate after-use and provided some suggested conditions which would ensure the safeguarding of soil resources to ensure a satisfactory agricultural reclamation. It further indicated that the development had the potential to enhance the character and local distinctiveness of the surrounding natural and built environment; to increase the biodiversity value of the area (through the incorporation of bat boxes/bird nest boxes, etc) and that the application site is located in an area that could benefit from enhanced green infrastructure (GI) provision. NE commented that it was broadly supportive of the creation and enhancement of priority habitats as part of the proposed restoration of the quarry, particularly the creation of wetland, reeds and woodland, and also recommended consulting DWT to ensure that the proposed restoration habitat is suitable for the local area.

In response to the supplementary submissions, NE confirmed that it would not raise any new issues in addition to the points raised in its original response.

Derbyshire Wildlife Trust

DWT initially advised that insufficient ecological information had been submitted with the application to provide a robust assessment of the impacts of the proposal on habitats and species, and to inform appropriate mitigation and compensation.

Following the submission of the supplementary/revised information, DWT subsequently commented that the further ecological information provided sufficient clarification and greater detail in relation to the ecological impacts associated with the proposal, and that it had been used to inform mitigation and compensation and a final restoration scheme that is broadly acceptable, and made further observations which can be summarised as follows:

- Fully supports the proposed stand-offs to the Rivers Trent and Dove, mature hedgerows and boundary hedgerows but requests that these details are secured via condition.
- Satisfied that sufficient survey work has been carried out to demonstrate that great crested newts and badger are unlikely to be impacted by the development.
- Notes that no evidence of bats/bat roosts were found in the surveyed trees but that they were present in three of the five bat boxes that were installed on the mature trees in the hedge that marks the northern boundary of the existing working southern extension area. To minimise the risk of harm to roosting bats, DWT recommends that the measures set out in the Ecological Impact Assessment (EclA) be secured by condition.
- Accepts that, due to the lack of reptile records for the area, the phased nature of the work, the retention of suitable reptile habitat within the stand-off areas, lack of hibernating and egg-laying sites, and the provision of suitable reptile habitat within the restoration, a specific reptile survey was not required but that the safeguarding strategy in respect of reptiles set out in the EclA be secured as a condition of any consent.
- Supports the implementation of the safeguarding measures designed for nesting birds and requests that this be secured by condition.
- Fully supports the safeguarding measures proposed in respect of barn owl and requests that these measures be secured by condition.
- Notes that the site would be progressively restored to lowland meadow, wetland and woodland with hedgerows but advises that the areas of proposed lowland meadow, as part of the restoration scheme, would not compensate for the net loss of floodplain grazing marsh. DWT acknowledges that whilst it may not be possible to increase the extent of lowland meadow creation, it would be possible to increase the quality

of the proposed meadow areas through the use of a more species-diverse seed-mix.

- Recommends the creation of greater areas of reedbed within the restoration scheme to provide greater biodiversity benefit.
- Comments that the principles of aftercare are broadly acceptable but advises that this be secured via the imposition of a condition requiring a landscape and ecological management plan (LEMP).

In a further response, DMT confirmed that it was pleased to see that the applicant welcomes the landscape condition as recommended and also that the details to be included in a landscape management plan is already largely addressed in the supplementary information provided by the applicant.

Historic England

Historic England responded as follows:

“With regard to direct archaeological impacts we refer you to the expertise and advice of the County Council Archaeologist Dr Dave Barrett. The loss of ridge and furrow cultivation earthworks represents further erosion of the historic landscape character of the Trent. The remains of openfield agriculture are a key aspect of the Midlands landscape and losses on this scale should in our view to be avoided where possible. In order for your authority to understand the impact of the development (NPPF128/129) you need also to understand the character of feature MDR11340 a possible prehistoric burial mound which if real and substantially intact would be of equivalent importance to designated heritage assets (NPPF 139). Setting impacts upon this feature located as it is on the edge of the proposed extraction cannot be effectively understood without sufficient investigation to at least establish date and preservation.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.”

In response to the supplementary information, Historic England noted the additional details about the archaeological interest of the site but reiterated that the application should be determined in accordance with national and local policy guidance, and on the basis of other specialist conservation advice.

National Planning Casework Unit

No response provided.

Canal and River Trust

The Canal and River Trust raised no objections to the proposed development.

Network Rail

Network Rail stated that in order to provide comments concerning the appropriateness of the proposed works in the vicinity of its property, the applicant would need to provide further information in line with that requested at the pre-application stage consultation.

In response to the supplementary information from the applicant, Network Rail stated that it had concerns that the safe operation of railway and/or the integrity of railway infrastructure could potentially be jeopardised by the proposed works and consequently confirmed a holding objection, pending the supply of sufficient information to allow the risks associated with the proposed development to be fully evaluated.

Specific concerns were as follows:

“Although a stability report has been submitted by the applicant (see report reference 15-S135 dated the 14th of October 2015), it does not contain sufficient information to allow the potential risks to the railway to be fully evaluated. It is therefore recommended that the applicant makes direct contact with me to discuss our requirements.

The potential for settlement of the ground beneath the railway as a result of dewatering of the (quarry) also needs to be assessed, and it must be demonstrated that there will be no impact on the railway.”

In response to further information and after discussions held directly between Network Rail and the applicant, it responded as follows:

“Network Rail are prepared to remove the holding objection to the above application provided that:

- 1) A planning condition detailing the additional works proposed in the enclosed letter from Stephen Hopkins at CEMEX is attached to any grant of planning permission;*
- 2) Conditions A1 to A10 are attached to any grant of planning permission and also that the Operational and Safety Informatives B1 to B5 be passed to the applicant for information.*

Part A: Conditions to be attached to any grant of planning permission

A.1 No operations shall take place within a lateral distance of 15 metres from the railway boundary fence.”

Western Power

Western Power confirmed that the proposal would not inadvertently affect its apparatus in the site and welcomed the proposed 20 metres stand-off

distances. It also confirmed that it was undertaking detailed discussions with the applicant concerning the possible need to divert any supply lines.

E.on Central Networks/National Grid, East Midlands Airport safeguarding, Tatenhill Airport safeguarding, Derby Airport safeguarding, Severn Trent Water Ltd

No responses received.

Publicity

The application was advertised by press notice (Burton Mail) and by site notice in July 2015. The supplementary submissions were also advertised by further press and site notices. The concerns expressed in the (19) representations received can be summarised as follows:

- Unacceptable disturbance to wildlife
- Loss of a green buffer between the villages of Willington, Repton and Newton Solney and the A38
- Potential adverse visual impacts on the confluence of the River Dove and River Trent and Newton Solney
- Impacts associated with noise
- Impacts associated with dust
- Increased HGV movements through local villages
- Local infrastructure not adequate to accommodate additional traffic generated by the proposals
- Future potential expansion of the quarry, particularly to areas to the south of the River Trent
- Advance planting/restoration needs to be undertaken earlier to aid visual screening
- Lack of restoration to agriculture
- Potential effect on property prices
- Uncertainty regarding whether the proposed extension of the current operations is the most suitable way of meeting minerals need
- Irreversible loss of landscape structure
- Unacceptable adverse visual impact on the village of Newton Solney without the possibility of mitigation
- Unacceptable adverse impact on the Newton Solney Conservation Area

Comment: Many of these concerns are addressed in the appropriate part of the 'Planning Considerations Section'. Certain points of concern seem to reflect some misunderstanding about what is proposed. This is a temporary development and will not result in the permanent loss of countryside. The traffic to be generated by the proposed extension would not result in an increase in vehicle movements to and from the quarry over and above existing levels and none of the HGV movements would be through local villages.

Regarding the concerns about a possible further expansion of the quarry, particularly to areas south of the River Trent, this proposal is confined to the north of the River Trent and each case must be determined on its own merits and not against what may be incorporated into any future planning application. The potential effect on property prices 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 relevant policies of the development plan are contained in the saved policies of the adopted DDMLP, the recently adopted South Derbyshire Local Plan Part 1 (SDLPP1) and the remaining saved policies of the adopted South Derbyshire Local Plan (SDLP). The National Planning Policy Framework, March 2012 (NPPF) and the National Planning Practice Guidance, March 2014 (NPPG) are also material considerations.

Adopted Derby and Derbyshire Minerals Local Plan

The main policies of the DDMLP which are relevant to the determination of this proposal are MP1: The Environmental Impact of Mineral Development, MP2: The Need for Mineral Development, MP3: Measures to Reduce Environmental Impact, MP4: Interests of Acknowledged Environmental Importance, MP5: Transport, MP6: Nature Conservation – Mitigation Measures and MP7: Archaeology – Mitigation Measures. Other DDMLP policies of relevance are MP8: Planning Conditions, MP9: Planning Obligations, MP10: Reclamation and After-Use, MP14: Disposal of Non-Mineral Waste in Association with Mineral Development, MP16: Maintenance of Landbanks, MP18: Extensions to Sites, MP 19: Additional Sites and MP21: Sand and Gravel Sites.

The main objective of these policies is to ensure the provision of sufficient sites for the extraction of an agreed and appropriate 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 lists the sites which are allocated for sand and gravel extraction over the period of the DDMLP. However, the provision period for the adopted SSMLP was from 1991-2006, using sales and reserve data from 1996, and was based on aggregate apportionment figures which were superseded several times and which have now been replaced with the Local Aggregate Assessment (LAA) system. This indicates that the DDMLP does not now provide the necessary means to identify sufficient sites to satisfy the current need for aggregates. This policy is, therefore, now considered to be out of date. It is considered, therefore, to no longer be relevant and not in accordance with NPPF. Therefore, the non-inclusion of a site within the allocation within 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. The latest information available relating to need is considered below under the LAA. As a result, although this policy is considered to be out of date, in respect of its reference to sites which were allocated using what is now historical information, the issue of need remains entirely relevant but in an updated context. 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, 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 which requires such proposals to be considered on their own merits. In applying these criteria to the draft assessment of sites which have been identified for allocation in the emerging Minerals Local Plan, it is possible that the most sustainable and environmentally acceptable provision target could be met by a focus on extensions to existing sites rather than new sites, and the underlying principles of this policy remain a relevant factor in the assessment of this proposal.

The saved general environmental and social policies of the adopted DDMLP remain 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.

Due to the age of the adopted DDMLP (adopted 2000), other more up to date policies and evidence should also be considered alongside these policies in the determination of this proposal, as set out below.

South Derbyshire Local Plan Part 1 June 2016

The SDLPP1 is the first stage in the replacement of the 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 SSDLP, several of its development management policies remain in place and the ones of relevance to this proposal are set out below.

Whilst a public consultation on the draft South Derbyshire Local Plan Part 2, has recently come to an end, at this stage, the draft plan carries very little weight as a material consideration.

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 relevant to this proposal are Environmental Policy 1: Development in the Countryside, Environmental Policy 11: Sites and Features of Natural History Interest, Environmental Policy 13: Listed or other Buildings of Architectural or Historic Importance, Environmental Policy 14: Archaeological and Heritage Features and Recreation and Tourism Policy 8: 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 reiterates 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 those material considerations. 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. The term sustainable development is not defined as such but the NPPF states that ensuring better lives for society without worsening lives for future generations is at the core of sustainability. It states that sustainable development has economic, social and environmental aspects.

The economic aspect for planning 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 requires 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 Local Aggregate Assessment (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. It should also assess the balance between demand and supply, and the economic and environmental opportunities and constraints that might influence the situation. It should

conclude if there is a shortage or surplus of supply and, if the former, how this is being addressed.

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

Paragraphs 215 and 216 set out the weight that should 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 NPPG sets out that a LAA should include a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information, and an analysis of all aggregate supply options. It should also look at 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 MPA 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 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

The mechanism by which to determine future aggregate requirements is set out in a 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 2015 sets out that Derbyshire will provide 16.80 million tonnes of sand and gravel from 2015 – 2030. This equates to an annual production rate of 1.05 million tonnes over the 16 year Plan period.

There are permitted reserves of 9.05 million tonnes (and an additional 4 million tonnes of reserves has been granted planning permission in November 2015 at Shardlow Quarry). The 2015 LAA is based on 2014 data and shows, therefore, that additional provision will have to be made for 7.75 million tonnes of sand and gravel for the period to 2030 ('the Plan period'). This will be reduced to 3.75 million tonnes now that the Shardlow extension has been permitted and this will be incorporated in the figures in the 2016 LAA. It therefore confirms 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 DDLMP. It will set out the provision for minerals and/or the approach to new mineral development proposals for the period up to 2030. The County and City Councils are currently undertaking 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. 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 one of several sites which have been put forward for consideration for allocation for sand and gravel extraction during the new minerals Plan period.

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 7 years supply for sand and gravel. This is of particular relevance to the determination of this proposal. The site is not allocated for mineral development in the current DDMLP (Policy MP21) and therefore conflicts with the first part of Policy MP19: Additional Sites, which states: *Proposals for working aggregates or industrial limestone outside permitted and allocated sites will not be permitted, except where: they are required to meet a proven need which would not otherwise be met and their impact on the environment is acceptable.*"

It is necessary to consider the proposal against the exceptions specified in the second part of the policy. The issue of need, in terms of the current and anticipated landbank, is addressed 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 mineral development will only be permitted where satisfactory provision is made for appropriate reclamation and after-uses as soon as practicable. This proposal makes provision for the implementation of a progressive, phased restoration programme to a mixture of wetland conservation, woodland and lowland meadows, albeit at lower than existing ground levels. The use of the existing access/egress arrangements onto the A5132 (Castle Way), close to a junction onto the A38, also means that the proposal accords in principle with the requirements of Policy MP5.

The main issues for the determination of this proposal are therefore the need for the mineral, as assessed against the latest demand/supply information, the environmental acceptability of the proposed method of working at this site, at this point, and whether or not there would be any significant cumulative impacts.

The planning application is accompanied by an ES. The following assessment addresses individual topics in the order they are reported in the ES. Each heading contains a summary of the conclusions of the ES followed by the Officer assessment.

Alternatives/Need

The rate of extraction from the current working area has progressed in accordance with the anticipated programme and it is likely that the permitted reserves will be close to exhaustion by the date this report is presented to Members. In the absence of a further extension, the quarry would have to

close and the applicant company has stated that it does not have any other sites to bring forward within a 10km radius to enable it to maintain its supply commitments. 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 2015 LAA referred to above indicates that of the 16.8 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 13.05 million tonnes. In addition, a further 4 million tonnes of reserves at a site in Shardlow have since been granted planning permission, leaving a requirement for a further 3.75 million tonnes over the remainder 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 overall supply figure established for the emerging replacement minerals local Plan. 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, it is accepted that there is a need to make more mineral readily available to meet the LAA assessed provision figure for sand and gravel in the emerging Plan and that the mineral from this site could make a positive contribution to this.

Ecology

The ES included a baseline ecological assessment undertaken during May 2014 which was based on a Phase 1 survey of the proposed extraction site. The assessment recognised the presence of designated wildlife sites in the area but concluded that the proposed development would not impact on those environments, either in the short or long-term. It concluded that the restored site would deliver improvements for long-term biodiversity and habitat creation, although it recognised that the development would remove some mature hedgerow trees to facilitate the works, representing a short-term adverse impact.

The assessment noted that the proposed extraction area was agricultural land used for grazing, which often reduces ecological potential. In this case, the report identified that the area did have potential to provide habitats for protected species and so advocated a precautionary approach to the development, incorporating further ecological surveys to be undertaken prior to the commencement of work in each phase and the operations to be amended, where necessary, by the survey findings.

An initial assessment, by officers and consultees, of the information on which the ES was based confirmed that further information would be required to enable a full and comprehensive assessment of the potential impact of the proposal on the biodiversity interests of the area. I can confirm that the supplementary information provided by the applicant post submission does enable such an assessment to be undertaken. It also included a detailed scheme for the management of the ecological interests of the site.

Based on the characteristics of the area of the proposed extension, the method of working and the form of restoration, I can confirm that the proposal would not pose any significant risk to the integrity and function of any of the designated sites around the site or in the surrounding area. This view was supported by both NE and DWT. It is also accepted that the restoration proposals would result in a net increase in the biodiversity score of the site in the longer term, particularly by the creation of wetlands, areas of reeds and woodland.

The response of DWT recorded above confirms that there would not be any unacceptable impact on any species of flora and fauna and that the proposal, including the ecological management plan, incorporates adequate safeguarding and mitigation measures, such that the final details of controls to ensure that they are properly implemented can be the subject of schemes to be determined under conditions. Accordingly, I consider that, subject to the recommended conditions, the proposal would not raise any significant conflicts with the requirements of DDMLP policies MP1, MP3, MP4, and MP6, and SDLPP1 Policy BNE3 and SDLP Policy EP11.

Landscape and Visual Impact

The ES provides an overview of the proposed development and considers the effects on features and characteristics important to the landscape character of the site and its setting, and on the visual amenity of users of the site and surrounding landscape. The ES further confirms that the baseline against which the development has been assessed includes the current quarry operations, as well as the proposed extension site and its surrounding landscape. In setting out that baseline, the ES refers to the national, regional and sub-regional landscape character areas within which the site sits. At the sub-regional level, the site is identified as falling within the Trent Valley Washlands Landscape Character area, as set out in the Landscape Character of Derbyshire document. The ES notes that the site is not subject to any national designations.

The site is described by the ES as sitting within a landscape with a generally flat topography (40-45 metres above ordnance datum (AOD)) which, south-east of the River Trent, rises up towards Newton Solney to elevations of approximately 45-60 metres AOD. To the south-west, Bladon Hill is identified as being a prominent local landscape feature. The dominant land-use in the

area is agricultural, with remnant ridge and furrow in places, mainly utilised for arable or pasture with field boundaries typically defined by hedgerow and hedgerow trees. Within the wider landscape, the ES notes that woodland is relatively scarce, limited to a number of small copses to the south of the application site, all associated with the river corridor. Former areas of mineral extraction, associated with both Willington Quarry and Repton Quarry, have resulted in areas of open water surrounded by grassland margins. The River Trent is described as the dominant landscape feature.

The ES provides a summary of landscape receptors which, it states, can either be landscape features or landscape character. With regard to landscape features, the assessment identifies the following separate elements: grassland fields; boundary hedgerows and hedgerow trees; small woodland copses and belts; small ponds; public rights of ways (PRoW) and landform. The defining landscape characteristics of the site are summarised as: location in low lying river flood plain; pastoral land-use subdivided by hedgerows; limited woodland cover; historic mineral extraction with resultant large open waterbodies which, combined with streams in the area, have created a landscape heavily influenced by water; sparsely settled and public access via PRoW. The ES states that it is these characteristics that would be affected by the development.

With regard to landscape impacts arising from the development, the site is assessed as having a medium sensitivity to change, whilst the magnitude of landscape effect during the operational and restoration phases is considered to be high. The magnitude of landscape effect during the 5-10 years post restoration period is assessed as small-medium. The overall significance of effect upon the site and the surrounding area from the proposed development is therefore assessed as moderate/major (significant) during the operational phases and minor (beneficial) during the 5-10 years post restoration.

With regard to potential visual impacts associated with the proposed extension to Willington Quarry, following liaison with this Authority, 12 representative viewpoints (vp) were chosen, including looking south-east from the public footpath adjacent to the Trent and Mersey Canal (vp1); looking south-west from the public footpath adjacent to the eastern site boundary (vp2). The assessment addressed the sensitivity of visual receptors to the proposed development, magnitude of potential visual effects and the overall degree of visual effects of the development at the operational and post restoration stages.

Factors listed in the assessment as being of importance to this proposal included the relative flat nature of the site, the distance between sensitive receptors and the working areas, the intervening vegetation between these receptors and the working area and the phased, temporary nature of the proposed development.

The level of sensitivity was considered to be high for all viewpoints as these were the locations of local residents and/or users of rights of way. During the operational phase, the ES concluded that visual effects from some of the viewpoints would be high but, in the post restoration period, the provisions of the scheme would integrate the site into the surrounding landscape and the effect would be small. Overall, the visual impact of the proposal was considered to acceptable.

The overall conclusion took account of the identified benefits of the proposed mitigation measures which include the following elements:

- advance planting, including the gapping up of hedgerows adjacent to Highbridge Lane/the PROW to increase screening, enhance green links and benefit nature conservation;
- the restoration of working phases as quickly as possible following extraction operations in order to minimise areas of disturbed and unrestored land;
- the seeding and maintenance (including weed control/grass cutting) of temporary soil bunds;
- allowing retained hedgerows to grow as high as possible during extraction operations to provide additional screening;
- restoration proposals would include for a net gain of wet woodland, aquifer fed water bodies and reedbeds which would offset the loss of lowland meadows and hedgerows, benefit landscape character and enhance nature conservation; and
- soil stripping undertaken in accordance with the recommendations of the soils and agriculture report, and in line with a Department for Environment, Food and Rural Affairs (DEFRA) Good Practice Guide

It is self-evident that minerals can only be worked where they are found and this restricts the locational options compared to other forms of development. It is also evident that surface mineral development involves a significant disturbance to the ground and the features it contains, especially on large sites and particularly sites which are extensions to existing, large quarry developments. It is also acknowledged, as stated in the ES, that the site does not contain any areas with landscape orientated designations. However, the existing quarry extends over a considerable area and the proposal would further extend mining activity over a much larger area. The additional extension would result in the retention of the processing plant, the ready-mix business and other ancillary facilities for a longer period with a delay in the planned restoration of those areas. The proposed form of restoration will result in the permanent loss of another area of lowland riverside meadow land and the introduction of another water feature into the area. It will also be several years before the restoration works and new landscaping matures, and the site is assimilated into its surroundings.

The most notable changes to the landscape as a result of the proposed development would include:

- loss of 26 of the 53 individual trees on the site;
- all or partial loss of 4 groups of trees – out of 11 on site;
- loss of approximately 1,200 linear metres of hedgerow – out of 3,100 metres on site; and
- removal of the majority of a visually significant wet woodland tree group which runs north to south across the site.

Important landscape features to be retained and/or enhanced include:

- peripheral trees and hedgerows, particularly the important tree/hedgerow features along the northern boundary; and
- retention of willows and tree groups adjacent to River Dove and River Trent, including an area of wet woodland along the River Dove.

The inclusion of the proposed gapping up of the hedgerows which are to be retained, together with advanced planting in parts of the site and the proposed management of the hedgerows (allowing them to grow higher in certain areas), are also noted.

With regard to the visual impact of the proposed development, it is acknowledged that it would involve the retention of the existing processing plant and other structures for a longer period but, given their location relative to sensitive viewpoints and the flat nature of the land in the area between, this would not give rise to any unacceptable, additional visual intrusion.

It is acknowledged that the area of working would extend further south towards Newton Solney, bringing the operations closer to residential properties in the area, as well as other community facilities such as a children's playground and PRow. This area (particularly viewpoints 8 to 12) is considered to be the most sensitive area in visual impact terms, due to the more limited intervening vegetation along that part of the river corridor and the elevated nature of the topography around Newton Solney and Bladon Hill. It is acknowledged that some residential properties have extensive and relatively unimpeded views north across the site, as would users of the recreational facilities.

In terms of visual impact, however, it is noted that most of the views from residential properties are at long distance. Users of some of the rights of way will be much closer to the site but their experience will be transitory as they walk along and past the site. The development will also be temporary in nature with exposure further limited in extent to the period of each of the phases (approximately one year for each phase). The mitigation measures put forward by the applicant, including allowing hedgerows to grow higher,

gapping up of hedgerows and advanced planting, will help to reduce any visual impacts.

Overall, I am satisfied that the ES provides an accurate description of the site and surroundings, and that the landscape and visual impact assessment has been undertaken in accordance with appropriate guidance and by a suitably qualified landscape professional. I also agree with the overall assessment of the landscape effects, both during the extraction period and in the post restoration era. I consider that the proposed method of working has taken account of the location, character and nature of the landscape of the site and its wider setting, and that the proposed mitigation measures would help reduce the landscape and visual impacts to acceptable levels.

For these reasons, I consider that the proposed development would not conflict with the requirements of policies MP1 and MP4 of the DDMLP, Policy BNE4 of the SDLPP1 and Environmental policies 1 and 11 and Tourism Policy 8 of the SDLP.

Hydrology and Hydrogeology

The ES describes the water environment of the site and surrounding area and states that the development will require pumping to achieve the dry working conditions required by the proposed methodology. Overall, however, it concludes that the impact of extraction and other operations on surface water flows is likely to be small. This is based on the high permeability of the land whereby water being circulated through the site by the proposed pumping would minimise and changes to the water environment.

It concludes that the impact of dewatering operations on the Rivers Trent and Dove will be insignificant compared to existing water flows on these rivers, and that there would be only minor impacts on the lesser watercourses in the area.

The ES recognises the location of the site relative to rivers and the designation of the area on the EA's flood risk maps, but states that the workings have been designed to minimise any flood risk associated with the Trent, Dove and Eggington Brook. It adds that the design of the phases and associated soil storage bunds would ensure no adverse impact on any watercourses in the area with no increased risk of flooding to nearby settlements and no increase in flood flows. Indeed, it states that the proposed restoration offers a reduction in peak water levels which would be a benefit during any future flooding events.

Based on the experience of the current operation and the associated management of water issues and the broad similarities in the geology of the current working and proposed working areas, I have no reason to dispute the broad conclusions of the ES. I am mindful of the positive consultation

responses of the Canal and River Trust and the EA who have both confirmed no objection subject to adherence to the proposed method of working and the implementation in full of the mitigation measures identified in the ES, in tandem with the continuation of the controls exercised through the conditions of the current planning permission.

The concerns raised by Egginton Parish Council are noted, particularly those relating to the Fleem and Drain, however, the latest response from the EA confirms that this issue has been satisfactorily addressed in the supplementary information provided by the applicant. Accordingly, I consider that the proposal does not conflict with the requirements of Policy MP4 of the DDMLP or policies SD2 and SD3 of the SDLPP1.

Noise

The ES states that the existing quarry is fully compliant with all relevant noise limits in the respective planning permissions and that the operator fully satisfies the monitoring regime requirements. It identifies additional noise sensitive receptors as the proposed development moves southwards towards Newton Solney and west towards the boarding kennels, and states that appropriate noise surveys were undertaken to ascertain the background noise levels in all relevant areas. Based on modelling incorporating the 'worst case scenario', it concludes that the proposed development would not exceed the 55db background or +10db increase in noise levels stipulated in the National Planning Policy and would therefore not be detrimental to those who live and work in the area. The ES includes suggested upper noise limits for locations around the site in accordance with existing practice and national policy, taking account of the specific noise generating operations in each area of the site.

The assessment of this issue is assisted by the operational experience of the earlier and current mineral working areas, and the substantial monitoring records which confirm compliance with the relevant noise limits and monitoring requirements. I am satisfied that the assessment included in the ES is based on an appropriate and accurate recording and estimation of the background noise environment, and the predicted noise levels that would be generated by the proposed development in the extension area, and for the continued use of the processing plant and the ready-mix facility. In reaching this conclusion, I am mindful and also note that this view is not disputed by the EHO.

The movement of the extraction areas to the south and west will automatically mean that those properties, considered to be noise sensitive locations for the current and earlier working areas, will be less susceptible to noise from those operations. The proposal does involve the retention and use of the processing plant and ready-mix facility but those are not significant noise generators for most of the nearest residential properties where the noise environment is dominated by traffic on the A38.

The extension area will bring working closer to other properties, particularly ones in Newton Solney but, taking account of the respective distances between the site and these properties, the temporary nature of the development and the method of operation, together with the mitigation measures put forward by the applicant, I am satisfied that the ES demonstrates that the noise impact of the development would be within the guidance limits set out in the NPPF and the NPPG, and would therefore not conflict with the provisions of policies MP1 and MP4 of the DDMLP or Policy SD1 of the SDLPP1.

Air Quality

The ES notes the underlying ground conditions, including the level of the water table, and concludes that fugitive dust emissions are likely to be minimal from extraction operations, but it does recognise the potential for dust releases from some of the other activities. Accordingly, it identifies those activities and situations where dust emissions could occur and describes the mitigation measures that would be adopted. It states that these measures, together with a dust monitoring scheme and management procedures for dust control, litter and pest control, would ensure that the extraction area and processing plant would continue to operate in a manner which would eliminate any adverse impact from dust on the surrounding environment or on local amenity. Notwithstanding this overall conclusion, the assessment provided in the ES investigated the potential for significant effects to occur as a consequence of uncontrolled emissions of coarse dust and PM10 particles from the extraction and restoration operations, and from emissions from on-site plant and vehicles.

The assessment reiterates that the operations would remain the same as those carried out under the existing planning permission, maintaining the same rate of production, hours of operations and on-site practices and procedures. Site management procedures for the control of fugitive dust would also continue as at present. It states that the extent of the proposed extension relative to the existing operational area of the quarry would mean that potential receptors to the north-east (in line with the majority of the strongest winds) would be further away from potentially dust generating activities than they are under the current operation. It also states these receptors would all be more than 100 metres from any dust generating activities and that the potential impacts would be negligible. Whilst the operator expresses confidence in this assessment, the ES refers to the operational controls exercised through the existing dust control management plan which would be applied to the proposed extension area and a list of further specific mitigation measures that would be considered in the event of any problems arising during the working of the extension area.

The results of the dust monitoring undertaken for the current working area would support the conclusions of the ES. That site has been worked without

undue disturbance and nuisance from fugitive dust as a result of the wet working conditions, the mitigation measures employed to the most dust susceptible operations and the distance of the site from sensitive receptors. I acknowledge that some of the operations have the potential to give rise to significant dust emissions (vehicles on the haul road in dry conditions and infilling of voids) but, I am satisfied that the continuation of the existing mitigation measures and controls would prevent any significant problems affecting the nearest residential properties or any sensitive ecological features in the area.

Accordingly, I consider that the proposal does not conflict with the requirements of DDMLP Policy MP1: The Environmental Impact of Mineral Development.

Archaeology

The ES noted that this part of the Trent valley was known to be settled by people from historic times and accordingly, the site has a high potential for archaeological interests to be found within it. Previous investigations in the area have revealed that the area was inhabited in the Neolithic and Bronze Ages. Notable finds included a Bronze Age Barrow and four Bronze Age burnt mounds. The quarry complex is also close to the line of the roman road Ryknield Street. Anglo-Saxon remains have also been found in the area and post-medieval osier beds lie to the north-west of the proposed extension area.

The potential interest of the site was investigated via a desk based exercise and by field evaluation consisting of 32 trial trenches. Based on the previously known records in the area, together with the findings of the surveys, it was concluded that there are likely to be archaeological remains in the site and the application states that operations would be undertaken in an appropriate manner, in accordance with an agreed scheme, to ensure that all findings were recorded and preserved as appropriate. It is also proposed to demarcate a stand-off area from the identified Barrow (outside the site) to ensure that it is not disturbed by the development.

The Trent valley does indeed have a very high level of archaeological interest. Evidential finds which has increased the knowledge of this history has been assisted by information obtained from the survey work carried out in association with mineral development proposals and from the artefacts unearthed by the excavations. It is acknowledged that the survey work carried for the ES has added to this information.

The survey work confirms that there are unlikely to be any features within the site that would merit refusal of the mineral extraction proposals or that there are any areas that should be taken out of the proposed extraction area due to the importance of the potential archaeological interest. The proposed stand-off from the Barrow is noted and accepted. The nature and importance of this

feature is such that its setting could potentially be affected by inappropriate restoration but in this instance, I am satisfied that the proposed restoration scheme would be appropriate and that there would be no adverse impacts to the setting of the Barrow.

In conclusion and subject to the imposition of a condition to secure appropriate implementation of the mitigation measures set out in Paragraph 2.7.21 of the ES, I do not consider that there is any archaeological based reason to not allow the proposed development to proceed or to require any amendment to the working area or method of extraction. Accordingly, it accords with the requirements of Policy MP7 of the DDMLP.

Transport

The ES incorporates the findings of a Transport Assessment prepared to investigate the daily traffic generation associated with the quarry and whether the site access arrangements and local highway network has sufficient capacity and safety features to accommodate quarry traffic beyond 2017. It states that as a report undertaken as part of an ES, it also includes a review of quarry traffic levels in relation to the thresholds for an environmental assessment of road traffic recommended by the Institute of Environmental Management and Assessment (IEMA).

The ES states that the proposed development would not increase historic or current traffic movement levels at the quarry complex and so would remain within the limits imposed on previous planning permissions. It states that extraction and processing activities would generate 109 HGV movements per day with an additional 10 movements by cars and light vehicles. The ready-mix concrete plant would continue generating 76 HGV movements and 4 movements by car or light vehicle. It reaffirms that all HGV movements would turn left out of the site onto The Castle Way (A5132) before accessing the A38, heading either north or south. It is estimated that equal numbers of HGVs would travel north and south on the A38. Accordingly, no HGV movements would be through Willington village, although most of the cars and light vehicles are expected to take that route.

The ES also states that this level of traffic generation was accepted by this Authority when determining the application for the southern extension area in 2012 (CM9/1205/154). This statement is not correct. The information provided in support of the previous extension application indicated that there would be a maximum of 85 movements associated with the operation of the processing and ready-mix concrete plants at the site, and that application was assessed on that basis. The information provided in respect of planning permission CM9/1205/154 dates from 2005 and in the intervening 10 years (up to the submission of the current application), business at the site has increased to the extent that the 2015 HGV movements are in line with current patterns of usage. Despite this discrepancy, I am still of the opinion that the development

would not result in significant impacts to highway safety. The quarry access onto The Castle Way provides excellent visibility and proximity of the site to the A38, and the wider strategic highway network ensures good links to the traditional end users of the mineral. I acknowledge and accept that most of the HGV movements would continue to use these routes and avoid travelling on local roads through villages in the area, thereby minimising any potential highway related impacts.

On the basis of the above and subject to the continuation of the controls and restrictions imposed by conditions on previous planning permissions, I am satisfied that the proposals would accord with the requirements of DDMLP policies MP1 and MP5: Transport. These conditions require the site access and haul road to be maintained to approved standards, the continuation of signage at the site entrance and the prevention of materials being imported to the site for use in the mineral processing plant and the ready-mix facility.

Soil

The ES states that it incorporates the findings of a detailed Agricultural Land Classification (ALC) survey of approximately 41.5ha of land to the south and south-west of the existing quarry, covering some land outside the actual proposed extension area. It confirms that the land has been graded in accordance with the published Ministry of Agriculture, Fisheries and Food ALC guidelines and criteria (MAFF, 1988). The survey recorded that the site is used for grazing pasture.

It notes that the soil environment of the proposed extension area is more complex than that of the existing parts of the quarry complex. Using the agricultural land classification system, the extension area is recorded as being grade 3b (moderate quality agricultural land) due to its significant wetness and does not contain any "Best and Most Versatile" (BMV) agricultural land. It states that it has two main soil types linked to the geological conditions. The topsoil is described as heavy clay loam or occasionally clay, typically overlying a thin layer of similar textured subsoil with poor drainage. The report does acknowledge two areas of different soil types. One is an area where flooding is most frequent and where the incidences last longest and is therefore considered to be grade 4 land. It adds, however, that as there is insufficient information available to enable them to delineate between the areas, and as it is likely that the grade 4 land will occur in small and sinuous areas, the decision was taken to map all the land as sub-grade 3b. The report also referred to a small area on the western side of the south-eastern block of the proposed extension which never floods, and where soils are free draining which could be assessed as being of a higher grade and potentially within the category of the best and most versatile land. Again, due to its very small extent and the difficulty in being able to delineate its boundary, it has not been identified as a separate mapping unit.

The report also sets out an evaluation of the soil resources, detailing how they will be handled and stored during the excavation works in order to retain their integrity and condition for re-use in the restoration phase. It states that this regime will be implemented in accordance with an agreed scheme based on DEFRA's best practice guidance. In conclusion, it states that the soil environment of the site does not present any significant problems for the proposed development.

I consider that, based on the information provided, the assessment demonstrates that there are no significant agricultural land issues concerning this proposal. The planned restoration of the site would result in a reduction in land in agricultural use but it would not involve land classified as being in the best and most versatile category. The ES sets out an appropriate scheme for handling and managing soils throughout the development which has built on the experience gained from the earlier stages of the quarry workings.

Accordingly, I consider that the proposed development would not conflict with the requirements of policies MP1 and MP5 of the DDMLP or the policies and guidance of the NPPF and NPPG.

Cumulative Impact

The ES states that, in the absence of any statutory guidelines in the UK for the assessment of cumulative impacts, guidance has been adopted from the EU document, *"Guidelines for the assessment of indirect and cumulative impacts as well as impact interactions"*. It indicates that cumulative impacts are therefore those that result from changes caused by other past, present or reasonable foreseeable action, together with those directly attributable to the project. It addresses incremental impacts which could occur when one type of impact from a development occurs at the same time as another impact from a separate development, and combined impacts relating to different kinds of impacts caused by one development at one particular location.

It identifies the communities of Willington, Egginton and Newton Solney as being the ones sensitive to cumulative impacts arising from the proposed extension to the quarry. It refers to the historic mineral and landfill operations in the surrounding area and notes the current sand and gravel operations. It then presents an assessment, in tabular form, of the potential cumulative impacts arising from the individual issues listed in the ES in accordance with the incremental and combined categories referred to above.

It concludes that the incremental impacts for each of the issues identified in the ES would not result in any overall cumulative impact, due in large to the limited impacts assessed for each of those issues. In terms of combined impacts, the ES notes that the proposed extension area is located to the south and west of the existing workings and moving away from sensitive receptors in Willington village, but moving towards sensitive receptors in Newton Solney

and, therefore, the impact is varied. It adds that views from the south are open with only limited screening from some willow planting and so the first two phases will be visible to some residents in Newton Solney, and, due to flooding restrictions, the proposal is unable to place soil bunds as screening mitigation. The phased working pattern is considered to be a measure that would reduce any impacts of noise and air quality and so limiting a combined or cumulative impact. Maintaining the operation with no increase in vehicle movements is also considered to limit any combined impacts. It concludes by stating that good environmental practice and management combined with mitigation measures should ensure that there would not be any cumulative impact upon sensitive receptors at Willington Quarry.

I acknowledge that there is not yet a standard methodology which has been adopted in the UK for the assessment of cumulative impacts and agree that the EU publication referred to does provide a suitable basis for such an assessment. Whilst I accept the overall conclusion of the ES that the level of adverse impact that would occur as a result of the proposed development taking place at this time would not give rise to any substantive reason to refuse planning permission, I do consider that the potential for cumulative impacts has been under assessed. The Trent Valley has been the focus of sand and gravel extraction operations for some years and the inability to restore sites to former levels and uses, with the introduction of more water features, has had an incremental impact on the area. The proposed extension would result in the further loss of an area of traditional riverside meadow land and the introduction of additional water features. The extension would also require the retention and use of the processing plant and other ancillary facilities for a longer period. I reiterate, however, that mineral extraction can only take place where mineral exists and that restoration options are limited by the lack of suitable materials to infill sites and restore them to previous ground levels and uses. In this case, I consider that the impacts on the environment and amenity would be within acceptable limits and that the form of restoration offers substantial ecological benefits which weigh in favour compared to the potential adverse impacts of prolonging activity were infilling of the site to be a possibility.

Sustainable Development and Socio-Economic Assessment

The ES states that in formulating the proposal, the applicant company has taken into consideration the need for maintaining an adequate supply of sand and gravel, general economic growth considerations and the overall acceptability of the development within the environment. It states that this includes a review of the development against the sustainable development and other requirements identified in the NPPF and the policies of the DDMLP.

It concludes that Willington Quarry has played an important role in meeting the sand and gravel requirements of the Plan area and beyond for some years, where the rate of production has been consistent and reliable and that it is

important to enable the site to maintain this role for the next seven years or so by allowing the readily accessible reserves to be extracted. It states that this would enable the site to make a valuable contribution to meeting the provision target set out in the LAA and fulfil one of the important requirements of the emerging new minerals local Plan. It adds that this would be achieved without stifling competition or binding up the landbank to very few sites.

The ES lists other quarries owned and operated by the applicant with most being in Nottinghamshire and beyond the catchment area which the Willington site supplies. One of these quarries, located along the Trent Valley at Attenborough, has recently been exhausted, leaving the Company unable to meet the demand for this process in the local area if Willington Quarry closes upon completion of the current working area.

The ES provides a summary of the existing developments in the area which it supplies mineral to and also the future projects which the Company expects to help contribute to the mineral needs to ensure they are completed on time to help deliver economic growth. It adds that the site is very well placed to help deliver that economic growth, both in terms of the location of the site but also as the site has a well-established plant and road infrastructure which is capable of serving the requirements of the proposed extension area.

The ES sets out the financial contribution the quarry makes to the local area and the wider economy in terms of employment, rates, taxes and other general aspects. It also considers the social aspects of the site in terms of the sustainability factors listed in the NPPF.

The Councils recognise the importance of the minerals industry to the economy of the area and the wider country as a whole. The Council also recognises the valuable contribution minerals make to meeting the needs of our modern society and supporting economic growth. Willington Quarry has made a significant contribution to all of these elements and allowing the proposed extension would enable the quarry to continue to do so. Accordingly, the proposal is considered to be harmonious with the economic and social elements of sustainability as set out in the NPPF.

Climate Change

The ES states that Cemex is aware of the importance that climate change has on the economy and on global well-being, and is therefore fully committed to applying its *resources and leading edge technologies to minimise the environmental impact of its operations*. The ES states that the Company has developed priorities in its operations in this regard relating to sustainable construction, housing and infrastructure, carbon strategy, environment and biodiversity, health and safety, strengthening local communities and stakeholder engagement.

The ES recognises that mineral operations involve processes that could contribute to climate change and therefore sets out the main ways in which the applicant Company is seeking to minimise its contribution. Although not all the measures will be incorporated into the management of the proposed extension, these measures include the efficient use of energy, increased use of renewable energy, alternative fuels and targets for carbon dioxide emissions.

The NPPF sets out measures for meeting the challenge of climate change and, whilst it is still at an early stage in development, these will be translated in to the overall philosophy of the emerging new minerals Plan. Although the adopted DDMLP does not contain a specific climate change policy, the environmental factors identifies in policies MP1, MP3, MP4, MP5, MP6 and MP7 are all potentially subject to adverse changes by climate change aspects of new developments and the issue is therefore relevant to the consideration of this proposal.

Whilst the mitigation measures identified in the ES are indicative of the overall policy of the applicant, and are not tailored to this specific proposal, it is considered that they would help reduce the impact of extending the extension area and retention of the processing plant and ready-mix facility.

Conclusion

Taking account of the latest information available from the LAA and anticipated levels of economic growth, I am satisfied that there is currently 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.

It does not raise any conflicts with the policies of the development plan or any other material considerations, and, subject to the conditions listed below, it is recommended for approval.

(3) **Financial Considerations** The correct fee of £40,612 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. 9.1061.17
Application form (1APP) from Cemex UK Operations Ltd dated 14 July 2015 and application documents, including Environmental Statement, Non-technical Summary and Planning Statement.

Letters from Cemex dated 21 December 2015, 1 February 2016 and 7 and 31 March 2016 and accompanying submissions, including: Stability Assessment October 2015, Ecological and individual species survey reports (August to December 2015), Landscape, Restoration and Aftercare report February 2016, Arboricultural Impact Assessment March 2016 and Arboricultural Method Statement July 2016.

Emails from Cemex dated 9 August 2016 including the report entitled Archaeology - Written Scheme of Investigation dated 8 August 2016 and Drawing number WIL-PLA-CAW-111214-A dated 17 August 2016 containing a revised version of the Ecological Management Plan.

Letter from JBA Consulting dated 29 March 2016.

Consultation response letters from:

Egginton Parish Council dated 7 August 2015 and 29 February 2016.

Historic England dated 4 August 2015, 21 and 22 January and 4 May 2016.

South Derbyshire District Council dated 7 August 2015, 6 October 2015, 12 February 2016 and 2 March 2016.

Canal and River Trust dated 18 February 2016.

Environment Agency dated 18 August 2015, 19 January 2016 and 13 May 2016.

Western Power Generation Ltd dated 26 January 2016.

Natural England dated 12 August 2015 and 27 April 2016.

Derbyshire Wildlife Trust dated 12 August 2015, 10 February 2016 and 15 July 2016.

Network Rail dated 29 August 2015, 5 February 2016 and 23 May 2016.

Responses from Derbyshire County Council, as Lead Local Flood Authority, dated 4 September 2015 and 19 May 2016.

Memorandum from Highways Network Management dated 8 January 2016 and 6 May 2016

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** subject to conditions substantially in accordance with the following draft conditions:

Conditions

Commencement and Duration

- 1) The development hereby approved comprises both the continuation and completion of operations previously approved under planning permission CM9/1205/154, and the extension of the quarry onto land known as the Trent Extension. The development hereby approved that comprises the extension onto the Trent Extension, 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 in the Trent Extension within 14 days of such commencement. For the purposes of this condition, commencement shall involve the stripping of soils within the Phase 6a area.

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.

- 2) The development hereby approved shall be completed no later than seven years after the date it is begun. On or before that date, the extraction of minerals shall have ceased, all plant, machinery, structures, buildings, access and haul roads associated with the development shall have been removed, and the whole site shall have been restored in accordance with the further conditions of this permission.

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

Approved Plans

- 3) The development shall be carried out in accordance with the details set out in the application for planning permission and Environmental Statement from Cemex UK Operations Ltd dated 14 July 2015, together with the letters and accompanying documents from Cemex dated 21 December 2015, 1 February 2016 and 31 March 2016. In particular, the following drawings and documents:

Mineral Extraction

- Drawing number 15_C022_WILL_001 entitled 'Location Plan'
- Drawing number 15_C022_WIL_002 entitled 'Site Plan'
- Drawing number 15_C022_WILL_007 entitled 'Phase Plan'
- Drawing numbers 15_PO52_WIL_D001 to 15_PO52_WIL_D026 inclusive (entitled Method of Working Phases 6a to 11b) updated 30 September 2015
- Drawing number P1/210/32 Rev A entitled 'Restoration Plan' dated 15 December 2015
- Drawing number P1/210/33 entitled 'Restoration Sections'
- Drawing number P1/210/31 Rev B entitled 'Restoration Concept MasterPlan' dated 29 February 2016
- Drawing number P1/210/34 entitled 'Integrated Restoration Phasing' dated 15 December 2015
- Drawing numbers 15_PO52_WILL_D_027 and 15_PO52_WILL_D_028 'Soil Storage Plan'
- Drawing number WIL SITE2500 T&D OGL-1214RJJ entitled 'Topographical Survey'
- Drawing number 15_C022_WILL_003 entitled Planning History Plan
- Drawing number 15_C022_WILL_009 entitled 'Water Management Plan'
- Drawing number 15_C022_WILL_006 entitled 'Bridleway'
- Drawing number 15_CO22_WILL_102 entitled 'Plant Site Area'
- Drawing number WIL_D_PWJ_090514b entitled 'Services Plan'
- Drawing number 15_CO22_WILL_008 entitled 'Ancillary Operations'
- Drawing number 15_CO22_WILL_015 entitled Extraction Area Plan
- Drawing number WIL_D_PWJ_4100615A entitled Phase 9 cross section
- Drawing number P1/210/35 entitled Haul Road Phase 6
- Drawing number P1/210/36 entitled Haul Road Phase 8
- Drawing number P1/210/34 entitled Integrated Restoration Phasing
- Drawing number L1/210/6 entitled Advance Planting Plan
- Drawing number L1/210 Part 1, Part 2, Part 3 and Part 4 entitled Tree Constraint Plan

- Drawing number WIL_PLA_CAW_111214_A
- Tree Survey document reference number L1/210/Tree Survey Overview
- Archaeology – Written Scheme of Investigation Report dated 8 August 2016
- Report – Ecological Management Plan for land at Willington Quarry, Castleway Lane, Egginton, Derbyshire dated July 2016
- Report – Arboricultural Method Statement for the proposed Willington Trent Extension at Willington Quarry dated July 2016
- Willington Quarry South Western Extension: Hydrogeological and Flood Risk Assessment dated July 2015

Processing Plant and Haul Road

- Letter from RMC Technical Services Limited dated 1 June 1990
- Drawing number P1/210/15 entitled 'Haul Road and Plant Site'
- Letter from RMC Aggregates UK Limited dated 14 November 1996 and accompanying drawing number P1/210/22
- Report entitled 'Proposed Pond at Willington, Derbyshire, Ecological Survey, Evaluation and Design'
- Letter of 26 November 1996 and accompanying drawing no P1/210/21/1 and the letter dated 6 December 1996, as amended by the details submitted by RMC Aggregates (UK) limited dated 15 January 1999 as approved by the Mineral Planning Authority in letters dated 21 January 1997 and 26 February 1999 as amended by the letter dated 2007

Ready Mix Concrete Plant

- W1 2/1 entitled 'Modified Plant Layout' May 2000
- W1 2/2A entitled 'Modified Plant Layout Elevations' dated July 2000
- Letters from Cemex UK operations Ltd dated 6 March 2007 and 29 March 2011

Quarry Entrance Sign

- Drawing number W15/1 entitled 'Proposed Temporary retention of Quarry Entrance Signage Location and Site Plan'

Northern and Eastern Soil Bunds

- Drawing number W1 4/1 entitled 'Retention of Soil Bunds Location Plan' annotated with the addition of nos 1-4 and revised mound locations shown hatched as relating to the letter from RMC Aggregates (UK) Ltd dated 6 February 2001

Southern Soil Bund

- Drawing number W1 3/1b entitled 'Retention of Soil bund'

Reason: To secure conformity with the details of the development that is approved and to clarify its scope.

Availability of Approved Documents

- 4) From the date of any of the operations authorised under the permissions are commenced, a copy of the permission, including all the documents referred to in it, and any submissions approved by the Mineral planning Authority under the approved conditions, shall be displayed at the Willington Quarry site office 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 the permission.

Notifications

- 5) The Mineral Planning Authority shall be given at least five working days' notice of the following operations:
- (i) the commencement of tree works, such as tree protection and arboricultural work and pegging out standoff areas;
 - (ii) the commencement of soil stripping operations in any phase;
 - (iii) the completion of mineral extraction operations in any phase;
 - (iv) the commencement of soil placement and shaping in any phase;
 - (v) any advance tree and hedgerow planting; and
 - (vi) tree and hedgerow planting during the restoration of the site.

Reason: To enable the Mineral Planning Authority to properly monitor the progress and timing of key stages of the approved operations having regard to the restrictions on the timescales for each stage of the development and to determine the commencement of the aftercare periods for each phase.

Buildings, Fixed Plant and Machinery

- 6) Notwithstanding the provisions of Article 3 and Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, except within the area shown on drawing15_CO22_WILL_102 entitled 'Plant Site Area', no building, fixed plant or machinery or structure in the nature of plant or machinery shall be erected or placed on site except as existing or previously authorised or required by the terms of this permission.

Reason: To enable the Mineral Planning Authority to consider whether any such proposed further development in the site might have an unacceptable impact on amenity and the environment.

- 7) The external appearance of all buildings, fixed plant and machinery and structures comprising the processing plant and ancillary operations shall be maintained. New plant and any replacement cladding on existing plant shall be painted and/or clad using the colour BS:00A05 or alternative specific standard type of colour which has the prior written approval of the Mineral Planning Authority.

Reason: In the interests of the protection of local amenity.

- 8) At such time as they are no longer required for the approved development, all plant, structures, other installations, tanks, machinery and temporary buildings shall be dismantled and removed from site.

Reason: In the interests of the protection of local amenity.

Quarry Infrastructure

- 9) At such time as they are no longer required in connection with the operations authorised or required under this planning permission, the haul road, quarry entrance sign, the northern, southern and eastern soil bunds and the silt lagoons shall be removed from the site and the land restored in a manner consistent with the other conditions of this permission.

Reason: To ensure the satisfactory restoration of the site.

Mineral Processing

- 10) No material shall be processed at the Willington Quarry processing plant site other than that extracted by virtue of planning permission CM9/1205/154 or CM9/0715.63 or any such other future permission for an extension to the Willington Quarry site.

Reason: In the interests of highway safety.

Ready-Mix Concrete Plant

- 11) There shall be no importation of sand and gravel for use in the ready-mix concrete plant other than that extracted from the Willington Quarry site by virtue of planning permission CM9/1205/154 or CM9/0715/63 or any such future permission for an extension to the Willington Quarry site.

Reason: In the interests of highway safety.

Access, Traffic and Protection of Public Highway

- 12) The sole means of access to and from the site for all vehicles shall be via the site entrance and existing quarry haul road off Castleway Lane (A5132), and the short stretch of Highbridge Lane marked between

points A and B on drawing number CM9-0715-63 B entitled 'Highbridge Lane Access details' attached to the end of this permission.

Reason: To restrict the routes for accessing the site and in the interests of highway safety and the environment.

- 13) Access onto the public highway from the site shall be maintained as constructed in accordance with the details set out in the letter dated 22 May 1992 and accompanying drawing PR/A5132/6/18 and the letter dated 10 June 1992 and accompanying drawing numbers SG1040 16/B-A6A1 and SG1040.16/B00, as approved by the Mineral Planning Authority on 12 October 1992.

Reason: In the interests of highway and pedestrian safety.

- 14) The haul road shall be maintained as constructed in accordance with the details set out in the letter from RMC Aggregates UK Ltd dated 14 November 1996 and accompanying drawing numbers P1/210/15/2 entitled 'Haul Road Details', P1/210/19/2 entitled 'Haul Road Landscaping' and P1/210/20 entitled.

Reason: To maintain an access between the processing plant and ready-mix site and the access on to the public highway to a standard commensurate with the type and number of vehicles that will use it and to prevent any adverse impact on amenity from noise or dust.

- 15) No mud or other dirt shall be carried from the site onto the public highway.

Reason: To ensure that the site access is kept clean in the interests of local amenity.

- 16) No loaded lorries shall leave the site unsheeted.

Reason: To ensure that the site access is kept clean in the interests of local amenity.

Protection of Network Rail Property

- 17) No excavation or deposit of any material or the erection of any building within the plant site/silt lagoons area shall take place within a lateral distance of 10 metres of the railway boundary fence.

Reason: To protect the integrity and function of the railway.

- 18) No work shall commence within phases 9a or 9b until a scheme for the protection of the railway has been submitted to and received the written

approval of the Mineral Planning Authority. The scheme, which shall include the following details, shall then be implemented as approved:

- a detailed ground investigation comprising 2-3 boreholes in order to obtain site specific ground strength parameters achieved through in-situ testing and laboratory testing;
- a detailed analysis of the potential impact of dewatering on the stability of the excavation/railway line;
- provision for a programme of ongoing groundwater level monitoring for the duration of operations within the Willington Trent extension area;
- provision of measures to mitigate the potential impact of dewatering on the stability of the railway line;
- provision of an annual report of the monitoring and any required mitigation measures; and
- a programme of implementation.

Reason: In the interests of protecting the stability of the railway.

- 19) No operations within the Trent Extension area shall take place within a lateral distance of 15 metres from the railway boundary fence.

Reason: In the interests of protecting the stability of the railway.

- 20) No work shall commence in Phase 9a, until a slope stability scheme has been submitted to and received the written approval of the Mineral Planning Authority. The scheme, which shall then be implemented as approved, shall provide the following information:

- a slope stability report detailing the design of the working slopes adjacent to the railway, to demonstrate the stability of the site during the operational phases; and
- a slope stability report detailing the design of the restored slopes adjacent to the railway, to demonstrate the long term stability of the site.

Reason: In the interests of the protecting the stability of the railway.

- 21) Trees planted close to the railway should be located at a distance in excess of their mature height from railway property.

Reason: In the interests of protecting the stability of the railway.

- 22) There shall be no increase in the existing flow rates into any culvert that passes beneath the railway adjacent to the Willington Quarry site without the prior written approval of the Mineral Planning Authority.

Reason: In the interests of protecting the stability of the railway.

- 23) There shall be no discharge of storm or surface water onto or towards Network Rail property. Suitable drainage or other works, the details of which shall have been submitted to and received the prior written approval of the Mineral Planning Authority, shall be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

Reason: In the interests of protecting the stability of the railway.

- 24) All cranes and jibbed machines used in connection with the development shall be positioned so as to ensure that the jib, or any suspended load, does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.

Reason: In the interests of protecting the stability of the railway.

- 25) All cranes, machinery and constructional plant shall be positioned and operated so as to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.

Reason: In the interests of protecting the stability of the railway.

Hours of Operation

- 26) Other than pumping operations to remove water from the excavations, and the servicing, maintenance and testing of plant, or other similar work of an essential nature, no operations authorised or required by this permission, including transporting minerals to the processing plant, shall be carried out at the site except between the following times:

General site operating hours (including the use of the processing plant and ready mix concrete plant)

0700 hours and 1900 hours Mondays to Fridays; and
0730 hours to 1300 hours Saturdays.

For mineral extraction, the transport of minerals to the processing plant and the export of minerals from site

0700 hours and 1800 hours Mondays to Fridays; and
0730 hours and 1300 hours Saturdays.

For the servicing, maintenance and testing of plant

0700 hours to 1800 hours Mondays to Fridays; and
0730 hours and 1600 hours Saturdays

There shall be no operations, including the servicing, maintenance and testing of plant, at any time on Sundays, Bank or other public holidays.

Reason: To limit the hours of operation in accordance with DDMLP Policy MP1: The Environmental Impact of Mineral Development, in the interests of local and residential amenity.

Noise

- 27) Except as allowed by Condition 28 below, noise from the site and received at the noise receptors specified in the table below, shall not exceed the respective limits for the receptors that are specified there in:

Noise receptor	dB(A) LAeq 1 hour freefield
Site Entrance (dwellings)	55
St Mary's Close, Newton Solney	46/53
Hill Top Farm	50
Bridge House	55
Doveside Boarding Kennels	55

Reason: To maintain the amenity of the local area.

- 28) During noisy short term activities at the site, the received noise limits set out in Condition 27 above may be exceeded between the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays for periods not exceeding a total of eight weeks in any period of 12 months throughout the duration of the development. During these periods, the received noise levels shall not exceed 70dB(A) LAeq, 1 hour, free field. For the purposes of this condition, noisy, short term activities are considered to be such activities as 'soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance' as referred to in the National Planning Practice Guidance or any successor document.

Reason: To control the impact of noise generated by the development in the interests of local and residential amenity.

- 29) 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 covers open/removed.

Reason: To control the impact of noise generated by the development in the interests of local and residential amenity.

- 30) The reversing warning system on all vehicles on the site, and visiting 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: To control the impact of noise generated by the development in the interests of local and residential amenity.

Noise Monitoring Scheme

- 31) From the date the development is commenced, the noise mitigation and monitoring measures set out in the submitted Willington Noise Monitoring Scheme, 2015 (included in the Environmental Statement) shall be fully implemented and thereafter shall be complied with at all times for the remainder of the development.

Reason: In the interests of local amenity, to ensure the control of noise generated by site operations and to enable the Mineral Planning Authority to monitor the noise impacts arising from the site.

Dust

- 32) At all times during the carrying out of 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 on site 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 time as weather conditions improve.

Reason: To control dust resulting from the site operations in the interests of local and residential amenity and the local environment.

Dust Monitoring and Control Scheme

- 33) From the date that the development commences, the dust mitigation and monitoring procedures set out in the submitted Willington Dust Monitoring Scheme 2015 documents (included in the Environmental Statement) shall be fully implemented and thereafter shall be complied with at all times for the remainder of the development.

Reason: In the interests of local amenity, to ensure the control of fugitive dust from the site and to enable the Mineral Planning Authority to monitor the impacts of dust arising from the site.

Surface Water Drainage and Pollution Control

- 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 bund.

Reason: To prevent pollution of the water environment and to protect groundwater quality in the area.

- 35) No foul or contaminated drainage from the site shall be discharged into groundwater or any surface water either directly or via soakaways. All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

Reason: To prevent pollution of the water environment and to protect groundwater quality in the area.

- 36) No materials shall be imported to and deposited on the site other than such soil ameliorants as may be required in the restoration of the site and have received the written approval of the Mineral Planning Authority or those ancillary materials required for use at the ready-mix concrete plant.

Reason: To prevent pollution of the water environment and to protect groundwater quality in the area.

Flood Risk

- 37) The development shall be undertaken in full compliance with the details set out in the Hydrogeological and flood risk assessment dated July 2015, submitted as part of the Environmental Statement. To assist in this, the final levels of the restored land shall not exceed existing ground levels as shown on drawing number WIL SITE2500 T&D OGL-1214RJJ entitled 'Quarry Survey December 2014'.

Reason: In the interests of protecting against flood risk.

- 38) No excavation or deposit of any material or raising of ground levels in any ways shall take place within 10 metres of the top of either bank of the water courses in the north-eastern part of the site, except where such development would be required should proposals for the realignment of any part of those watercourses be approved by the Mineral planning Authority.

Reason: In the interests of flood protection and surface water drainage.

Phased Working Scheme(s)

- 39) The phased working of the site shall be undertaken in accordance with the details provided in drawing numbers 15-P052-WIL-D-001 to 15-P052-WIL-D-026 inclusive or such other revised phased working scheme(s) that may be required to accommodate potential further extensions to the Willington Quarry site and which have received the prior written approval of the Mineral Planning Authority.

Reason: To ensure that the site is worked in accordance with the submitted working scheme and in the interests of local amenity and the environment.

Soil Stripping, Handling, Storage and Replacement

- 40) All stripping, handling, storage, replacement and management and maintenance of soils at the site shall be undertaken in accordance with the details provided in the submitted Soil Handling Criteria and Soil Handling Methodology documents dated January 2015 and their associated appendices (as included in the Environmental Statement).

Reason: To prevent damage to soils by avoiding movement when soils are wet or excessively moist, to ensure that suitable monitoring arrangements for soil stripping and storage are in place, and to prevent unnecessary trafficking of soil by heavy equipment and vehicles that may damage the soil and in the interests of the successful restoration of the site.

- 41) All topsoil and subsoil shall be retained on site for use in the restoration of the site.

Reason: In the interests of the successful restoration of the site.

- 42) In the event that the Mineral Planning Authority notifies the operator in writing that it is satisfied that trafficking of vehicles over an area of unstripped topsoil or subsoil is essential and unavoidable for the purposes of undertaking certain permitted operations, the area concerned shall be suitably marked as an essential trafficking route for the duration of those operations, and shall be useable as such.

Reason: To prevent unnecessary trafficking over soil by heavy equipment and vehicles that may damage the soil and in the interests of the successful restoration of the site.

- 43) Infilling material and soil shall be levelled and graded in accordance with the approved restoration contour plan(s) required by other conditions to this permission.

Reason: To ensure that soils resources are protected and that arrangements for soil placement and for the preservation of soil resources in the interests of agricultural land and restoration quality.

Archaeology

- 44) The development shall be carried out in full compliance with the 'Archaeological Mitigation Strategy' set out on drawing number WIL-PLA-CAW-111214 and the archaeological interests of the site shall be assessed, monitored, recorded, protected and preserved in accordance with the details set out in the report 'Archaeology - Written Scheme of Investigation for CM9/0715/63, dated 8 August 2016.

Reason: To ensure that procedures are in place to protect the archaeological interests of the site.

Ecology

- 45) No vegetation removal, cutting or clearance shall be undertaken during the bird breeding season, i.e, March to August inclusive, except where the affected area has been the subject of a new walkover survey by a suitably qualified ecologist and the results have been submitted to and approved in writing by the Mineral Planning Authority allowing such clearance.

Reason: In the interests of the protection of breeding birds.

- 46) All operations approved and required by the terms of this planning permission shall be undertaken in full compliance with the provisions of the report entitled Ecological Management Plan for Land at Willington Quarry dated July 2016.

Reason: To ensure that the development, so far as practicable, avoids disturbance of reptiles and amphibians, and that where disturbances cannot be avoided, appropriate mitigation measures are in place in the interests of nature conservation.

- 47) Within one month of the date of this permission, a Feasibility Study for the realignment of the Egginton Brook has been submitted to the Mineral Planning Authority. The study, which shall be undertaken in consultation with the Environment Agency and Derbyshire Wildlife Trust, shall include details of the proposed methodology for undertaking the works, the course that the realigned Brook may take and any consequential impacts.

Reason: In the interests of nature conservation, landscape character and protection against flood risk.

Management and Protection of Trees, Shrubs, Hedgerows and Boundary Features

- 48) The development shall be undertaken in full compliance with the details set out in the report entitled 'Arboricultural Method Statement for Proposed Willington Trent Extension, Willington Quarry, dated July 2016.

Reason: In accordance with DDMLP Policy MP3: Measures to Reduce Environmental Impact, to ensure that these features are properly maintained and managed for the duration of the development in the interests of visual amenity and local landscape character and biodiversity.

- 49) All existing hedgerows and fences and any new fencing or hedgerows around the site boundary shall be maintained throughout the period of operations until both the aftercare period and the maintenance period for trees and shrubs for the site have been completed. Hedgerow management must have due regard to the invertebrate interest identified as associated with the hedgerows, and the saproxylic invertebrate fauna associated with dead wood of shrubs and trees.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interests of visual amenity and local landscape character and biodiversity.

- 50) New planting to maintain and reinforce the existing hedgerows around the site shall be carried out in the first available planting season in accordance with a scheme that has received the prior written approval of the Mineral Planning Authority. The scheme, which shall be submitted no later than three months after the commencement of operations on the site and which shall be implemented as approved, shall include details of the following:

- (i) the location, species, size and spacing of the proposed shrubs and hedgerow trees;
- (ii) protection of newly planted stock, including provision for removal of tree guards when no longer required;
- (iii) fertilisers and weedkillers to be used and their rate of application;
- (iv) a programme of management and maintenance, such as trimming and layering;
- (iv) a programme of management and maintenance (which shall have particular regard to the presence of saproxylic beetle species);
- (v) detail of fencing provision; and
- (vi) a programme of implementation.

Reason: In accordance with DDMLP Policy MP3: Measures to Reduce Environmental Impact, to ensure that these features are properly

maintained and managed for the duration of the development in the interests of visual amenity and local landscape character and biodiversity.

Restoration Scheme(s)

51) The site shall be progressively restored in accordance with a scheme (or schemes) based on Drawing No. P1/210/31 Rev B, that has received the prior written approval of the Mineral Planning Authority. The scheme(s), which shall be submitted within three months of the date of commencement, shall be implemented as approved by the Mineral Planning Authority, and shall include the following:

- (i) the sequence and phasing of reclamation showing its relationship to the working scheme;
- (ii) a restoration contour plan;
- (iii) the formation of lakes and ponds (shapes, margins, profiles, depths) with detailed sections. The scheme shall allow for the finished contour and profile levels when constructed to relate to the 'actual' water levels on site so as to create and sustain the proposed habitats;
- (iv) measures for the prevention of the accidental creation of islands or additional peninsulas through wave action or other erosion and remediation measures in the event of any such occurrences;
- (v) depths of soil replacement proposed for pasture areas, tree and hedgerow planting, wet woodland areas and lake margins;
- (vi) provision for the planting of oak within the site in the hedgerows and either side of Highbridge Lane;
- (vii) provision of dry and wet woodland in accordance with local landscape character;
- (viii) provision for nature conservation, including replacement grassland habitats (including that capable of and suitable for supporting skylark)*, replacement and the creation of hedgerow ditches;
- (ix) treatment of land disturbed by mineral working activities but not subject to extraction; and
- (x) a programme of implementation.

* For the avoidance of doubt, (viii) above should have regard to the grassland species currently present, the likely composition of grassland species prior to current deterioration, and the typical species found in meadows in the wider local area.

Reason: To ensure the satisfactory reclamation of the site in accordance with the requirements of DDMLP Policy MP10: Reclamation and After-Use and in the interests of landscape and visual amenity, ecology and agriculture.

Landscaping

52) The site shall be landscaped in accordance with a landscaping scheme which has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall be submitted within three months of the date of commencement and shall relate to the general principles shown on drawing number P1/210/31 Rev B entitled Restoration Concept Masterplan. The scheme shall be implemented as approved by the Mineral Planning Authority and shall include details of the following:

- (i) ground preparation prior to planting (ripping, seeding);
- (ii) the location, species (which shall include a percentage of stock of local provenance), size and spacing of trees and shrubs;
- (iii) protection of newly planted stock and provision for removal of tree guards when no longer required;
- (iv) seed mixtures, fertilisers (if necessary) and weed killers to be used and their rate of application;
- (v) a reed bed planting and management plan;
- (vi) fencing and gates; and
- (vii) a programme of implementation.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority in the interests of visual amenity and ecology and the environment.

Aftercare of the Restored Land

53) The restored site shall be subject to a programme of aftercare in accordance with a scheme or schemes which has/have been submitted to 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 12 months prior to the programmed completion of restoration of any part of the site in accordance with the scheme submitted for the purposes of Condition 51 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, woodland and nature conservation during a 10 years aftercare period and shall include details of:

In the case of land restored for use for agriculture:

- (i) soil treatments, including stone picking, moling and subsoiling, and 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;

- (v) weed control;
- (vi) field drainage;
- (vii) field water supplies;
- (viii) grazing management; and
- (ix) protection from poaching by grazing animals.

In the case of land restored for use for woodland:

- (i) fertiliser applications based on soil analysis;
- (ii) drainage; and
- (iii) weed control.

In the case of land restored for use for nature conservation:

- (i) a Nature Conservation Establishment and Management Plan which provides for habitat development and maintenance;
- (ii) grassland establishment and maintenance;
- (iii) fertiliser applications, if necessary, based on soil analysis;
- (iv) cultivation practices;
- (v) watering and draining;
- (vi) lake margins establishment including reed bed establishment and maintenance; and
- (vii) wetland maintenance.

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

The 10 year agricultural, woodland or nature conservation aftercare period for the site or each part thereof, shall commence on the date of written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored. Records of the agricultural, woodland and nature conservation and amenity aftercare operations shall be kept by the operators throughout the period of aftercare. The records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority between June and August each year, to determine the detailed annual programmes of aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation. Meetings shall be arranged to inspect and evaluate progress in the agricultural, woodland and nature conservation and amenity aftercare respectively.

Reason: In accordance with DDMLP Policy MP10: Reclamation and After- Use, 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.

Aftercare: Maintenance of Tree and Shrub Planting

- 54) The provisions of Condition 53 notwithstanding, for the first five years following new planting of any trees and shrubs (including the hedgerows referred to in Condition 50 above) and reedbeds, the planting shall be maintained in accordance with the principles of good forestry and husbandry, and any stock which dies or becomes 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 required).

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

Premature Cessation

- 55) If a) the permission subject to these conditions expires or otherwise ceases to have effect; or
b) the Mineral Planning Authority and all the persons with an interest in the site agree that mining operations have ceased, such as not to permit the reclamation of the site in accordance with conditions 51 and 52, the site shall be reclaimed in accordance with a scheme which has the approval in writing of the Mineral Planning Authority. The scheme shall be based on the principles of conditions 51 and 52 and shall include a programme of implementation.

Statement of Compliance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended

The Mineral Planning Authority engaged with the applicant in a positive and pro-active manner based on seeking solutions to problems and issues arising in the processing of this planning application in full compliance with this Article.

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 and the potential impact on Network Rail property.

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) Attention of the applicant/operator is drawn to the advice in the attached memoranda from the Rights of Way Officer dated 10 August 2015.
- 2) Attention of the applicant/operator is drawn to the advice provided by Network Rail:

Part B: Operational and safety informatives to be passed to the applicant or operator

B.1 Dewatering operations must not compromise railway operations or damage railway infrastructure. Prior to the commencement of any dewatering operations, Network Rail requires the installation of piezometers to monitor the effect of the operations on water pressures in ground adjacent to or on railway property. It may also be necessary to monitor track levels during such operations. All costs for such works must be met by the developer.

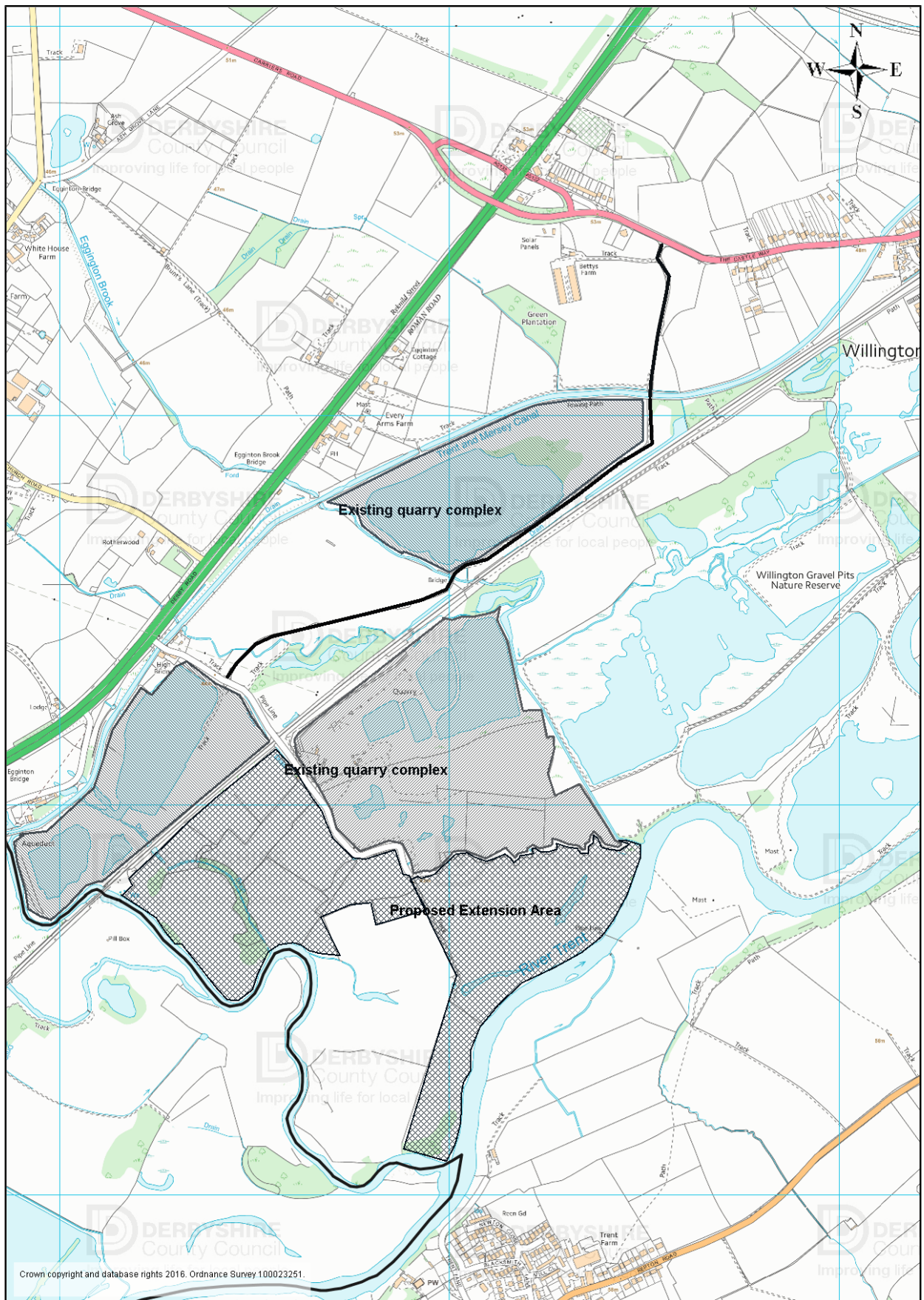
B.2 Where alterations to existing ground levels are proposed within 10 metres of the boundary of railway land (including the construction of storage mounds), detailed plans of the development, including cross-sections, should be forwarded to Network Rail for assessment and comment before development commences.

B.3 The site operator should ensure that the lighting scheme at the site does not present a dazzle hazard to train crew, and also that any coloured lighting does not conflict with the railway signalling system. The lighting scheme for the site must be submitted to Network Rail for prior approval.

B.4 It would be preferable for deciduous trees and pines not to be planted close to the operational railway.

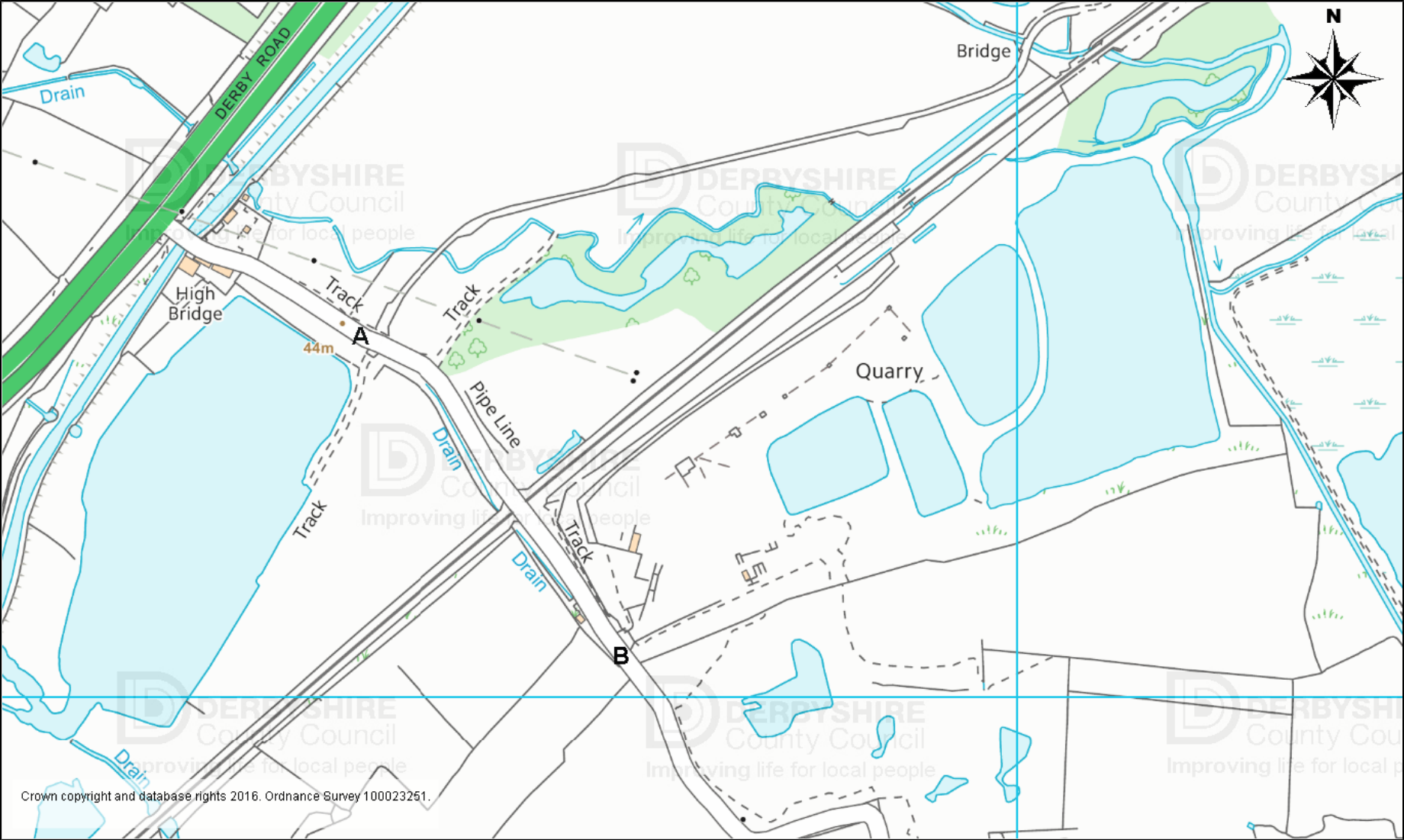
Mike Ashworth
Strategic Director – Economy, Transport and Communities

Proposed Extension to Willington Quarry, The Castleway, Egginton



Scale 1 : 14322

CM9-0715-63A : High Bridge Lane Access Details



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