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PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 25 November 2022

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 5 December 2022** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Apologies for Absence
To receive apologies for absence (if any)
2. Declarations of Interest
To receive declarations of interest (if any)
3. Declarations of Significant Lobbying
To receive declarations of significant lobbying (if any)

4. Petitions

To receive petitions (if any)

5. Minutes (Pages 1 - 4)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 31 October 2022

To consider the non-exempt reports of the Executive Director - Place on:

6. Application under Section 73 of the Town and Country Planning Act 1990 to not Comply with Conditions 3, 4, 6, 9, 10 and 18 of Planning Permission Code No. CW5/0218/89 in Order to Extend the Duration of the Permission for the Importation of Inert Waste on Land at Creswell Colliery Lagoons, Frithwood Lane, Creswell. Applicant: Welbeck Estates Company Limited. Code No: CW5/1121/24
7. Application under Section 73 Relating to Shardlow Quarry, Acre Lane, Shardlow, for Permission to not Comply with, Conditions 7 and 63 to the Existing Permission CM9/0811/53, to Allow Commencement of Extraction in the 'Weston Extension' Prior to Completing Restoration of Phases 8 and 9 and Increased Stocking of Waste Materials in the Landfill Transfer Station (Retrospective) . Applicant: Hanson Quarry Products Europe. Code No: CM9/0816/46
8. Current Enforcement Action
9. Outstanding Application List
10. Current Appeals/Called in Applications
11. Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers
12. Departmental Performance Monitoring

PUBLIC

MINUTES of a meeting of **REGULATORY - PLANNING COMMITTEE** held on Monday, 31 October 2022 at Committee Room 1, County Hall, Matlock, DE4 3AG.

PRESENT

Councillor M Ford (in the Chair)

Councillors R Ashton, L Grooby, R Mihaly, P Niblock, R Parkinson, S Swann, M Yates and D Wilson.

Apologies for absence were submitted for Councillor D Murphy.

Following the recent death of Councillor Alan Griffiths the Chairman, on behalf of the Committee, passed on condolences to the family at this sad time, and recognised the valued contribution he had made to the committee over many years.

35/22 DECLARATIONS OF INTEREST

There were no declarations of interest

36/22 DECLARATIONS OF SIGNIFICANT LOBBYING

There were no declarations of significant lobbying.

37/22 PETITIONS

No petitions were received.

38/22 MINUTES

RESOLVED that the minutes of the meeting of the Committee held on 10 October 2022 be confirmed as a correct record and signed by the Chairman.

39/22 APPLICATION FOR IMPORTATION AND STOCKPILING OF 50,000 TONNES OF PULVERISED FUEL ASH (PFA) WITHIN EXISTING CLAY STOCKPILING AREA OF WAINGROVES QUARRY AT WHITELEY ROAD, RIPLEY, DERBYSHIRE, DE5 3QL - APPLICANT: FORTERRA BUILDING PRODUCTS LTD - PLANNING APPLICATION CODE NO: CM6/0522/5

An application had been received from Forterra Building Products Ltd, the owner and operator of Waingroves Quarry (a brick clay quarry near

Ripley) and was seeking planning permission to import and stockpile temporarily 50,000 tonnes of Pulverised Fuel Ash (PFA) at the current clay stockpiling area at Waingroves Quarry.

A report on the application by the Executive Director for Place had been published with the agenda, which explained that the applicant sought to use, on a temporary basis, part of the existing clay stockpiling area within the site to import 50,000 tonnes of Pulverised Fuel Ash (PFA) for stockpiling before exporting to brickworks for production of Thermalite blocks. The PFA would be transported from Ratcliffe-on-Soar Power Station which was due to close and provided an opportunity to ensure the ongoing supply of the applicant's brickworks interests by storage of the PFA at the Waingroves Quarry site.

The report also referred to the PFA being imported over a 12 week period. The location of the PFA stockpile would be within the established clay stocking areas with the clay stockpiles reduced in scale during its use. The PFA would then be exported on an 'as need' basis to the applicant's Thermalite factories. The PFA would be fully exported by the end of 2024 and, as such, temporary permission was sought for this period.

The report also included details of the consultation process, publicity, objections, observations, comments received, and commentary on the planning considerations.

The site was located within the Green Belt. Amenity and landscape impacts had been considered and no significant adverse impacts were identified. The proposal is considered to comply with development plan policies in the Amber Valley Borough Local Plan (AVBLP) and the Derby and Derbyshire Minerals Local Plan (DDMLP).

In the morning of 31 October (the day of the meeting), members of the Committee had carried out a visit to the site.

The Development Management Team Leader provided an oral summary of the main aspects of the proposal, including a presentation of slides showing plans and views of the site, and informed members of a further consultation response that had been received by email following publication of the report, from Amber Valley Borough Council (Principal Pollution Officer) on Environmental Health matters, copies of which were circulated at the meeting. The consultation response drew attention to existing environmental controls at the quarry, of which officers had been aware when preparing the report.

Councillor D Williams, Ripley Town Council attended the meeting and

commented on the potential for increased daily volume of traffic and the need for traffic management, with other ongoing developments already in the area.

Members in discussion referred to some aspects of the application that were mentioned in the report. Particular reference was made to the importation period being referred to as 12 weeks in the body of the report but as 4 months in the conditions listed. The Team Leader Development Management explained that whilst the applicant was working towards a 12 week target for importation that it was anticipated that it could take a little longer, and that had been accounted for in the condition listed. The discussion did not raise any other relevant planning considerations that were not addressed by the report.

RESOLVED that planning permission be granted subject to conditions substantially similar to the draft conditions contained in the Executive Director's report

40/22 TO CONSIDER THE REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES ON APPLICATION TO REGISTER LAND KNOWN AS NORBRIGGS FIELD, WOODTHORPE, DERBYSHIRE AS A TOWN OR VILLAGE GREEN (VG128)

Members were asked to determine an application made pursuant to section 15 of the Commons Act 2006 ("the 2006 Act") to register land known as Norbriggs Field, Woodthorpe ("the Application Land") as a town or village green (TVG). A report on the application by the Director of Legal and Democratic Services had been published with the agenda, which included a detailed account of the nature of the application; relevant legal considerations; the submissions provided by the applicant; objections received from the County Council as landowner; and on behalf of the governors of Norbriggs Primary School; submissions by the applicant in response to those objections; and appended a report by Counsel which concerned the principle of statutory incompatibility.

The report concluded with a reasoned recommendation that the Committee should resolve to refuse the application, with particular reference to the statutory purpose for which the application land was held being incompatible with its registration as a TVG.

RESOLVED to refuse the application to register the land known as Norbriggs Field in Woodthorpe as a TVG.

41/22 CURRENT ENFORCEMENT ACTION

RESOLVED to receive the report on current enforcement action.

42/22 OUTSTANDING APPLICATION LIST

RESOLVED to receive the list on decisions outstanding on 19 October 2022 relating to eia applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

43/22 CURRENT APPEALS/CALLED IN APPLICATIONS

There were currently no appeals lodged with the Planning Inspectorate.

44/22 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR - PLACE UNDER DELEGATED POWERS

RESOLVED to note applications that had been approved by the Executive Director – Place under delegated powers as detailed in the report.

The meeting finished at 1.20 pm



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

5 December 2022

Report of the Executive Director of Place

**Application under Section 73 of the Town and Country Planning Act 1990 to Not Comply with Conditions 3, 4, 6, 9, 10 and 18 of Planning Permission Code No. CW5/0218/89 in Order to Extend the Duration of the Permission for the Importation of Inert Waste on Land at Creswell Colliery Lagoons, Frithwood Lane, Creswell
Applicant: Welbeck Estates Company Limited
Code No: CW5/1121/24**

5.5373.4

1. Introductory Summary

- 1.1 The applicant, Welbeck Estates Company Limited, is the owner and operator of the Creswell Lagoons site and is seeking to extend the duration of the temporary period for tipping of inert waste in the restoration of the former Creswell Colliery lagoons and settlement ponds to agriculture and nature conservation.
- 1.2 The existing planning permission (code no. CW5/0218/89) for the site anticipated a completion date of 31 July 2023. This application seeks a new permission that would not be subject to planning conditions 3, 4, 6, 9, 10 and 18 to that existing planning permission, to allow a further two years of tipping and restoration at the site. Amenity and landscape impacts have been considered and no significant adverse impacts are identified. Highway impacts are addressed to the satisfaction of the Highway Authority. The proposal is considered to comply with development plan policies in the Bolsover Local Plan and the Derby and

Derbyshire Waste Local Plan. The application is recommended for approval subject to planning conditions.

2. Divisions Affected

- 2.1 Bolsover North.

3. Purpose

- 3.1 To enable the application to be determined by the Regulatory Planning Committee.

4. Information and Analysis

The Site

- 4.1 The site of the development is 16.03 hectares (ha) in area and is situated between Frithwood Lane to the west and the A616 Mansfield Road to the east. It is located to the south of Creswell village and represents the smallest colliery spoil tip site associated with the former Creswell Colliery and the only one which remains unrestored. It is roughly rectangular in shape and slopes generally from north to south in a two-tier fashion of broadly 5 metres (m) falls. The highest point is stated as 100m Above Ordnance Datum (AOD) and falls to 90m AOD at the lowest point on the southern boundary. The northern edge of the tip slopes down towards the Model Village area of Creswell.
- 4.2 During the 1990s, nine water storage lagoons were created on the site and then used for the storage of mine water. Six of these have since been infilled by pushing the surrounding embankments into the voids. This created a northern plateau on an open area, featuring scattered vegetation and concrete structures which show the location of the former lagoons. The other three storage ponds remain in place on the lower plateau but, since pumping associated with the colliery mine(s) in the area has ceased, these are now predominantly dry basins.
- 4.3 Areas to the immediate south, south-east and east of the site contain other former tips now restored to pastoral fields with new hedgerows. A length of Frithwood Lane, which is included in the site as the means of access and egress, extends to the east over a railway bridge crossing the Robin Hood line, and further east beside areas of restored tip land containing solar panel development on either side of the lane, and a sewage treatment works. Frithwood Lane was historically a highway maintainable at public expense throughout its length, but this section was extinguished as a highway by legal order, to enable mineral development at other parts of the former colliery. A Section 106

agreement of 1996 in relation to development of other former colliery tips includes an obligation, which remains undischarged following their restoration, for completion of an agreement with the Council, as Highway Authority, under Section 25 of the Highways Act 1980, for formal re-dedication of this length of the lane as a bridleway. It now appears that such an agreement should include Network Rail because this section of lane traverses the Robin Hood line over a bridge in its ownership. However, works for the reinstatement of the lane as a bridleway were carried out in the early 2000s and it has since then been used freely by members of the public for walking, cycling and riding. Therefore, it is considered to have become re-established as a bridleway, without having been adopted as maintainable highway.

- 4.4 Bordering the site to the west is a former railway line which is now used as a cycle route. To the west and south-west lies agricultural land and the closest residential properties at Frithwood Farm. To the north is an area of reclaimed colliery land on which it is proposed to construct some 180 new dwellings, green space and employment land.
- 4.5 The Creswell Village and Model Village Conservation Area boundary is located approximately 250m to the north of the site boundary. New residential development is underway and proposed between the site and Creswell Village.
- 4.6 The closest part of the Creswell Crags Conservation Area is located approximately 750m to the north-east. The Creswell Crags Site of Special Scientific Interest (SSSI) is located approximately 1.2 kilometres (km) to the north-east. Creswell Crags is also a Scheduled Ancient Monument of interest for its Palaeolithic and later prehistoric remnants. Hollinhill and Markland Grips SSSIs are located approximately 1.7km to the north-west; the application site is located within the SSSI Impact Risk Zone (IRZ). The site is also fringed by two potential Local Wildlife Sites (LWS), 'Creswell Railway Line' to the west and 'Frithwood Farm Grassland Verge' to the south of the site.

Planning History

- 4.7 As background history, Creswell Colliery was established prior to 1898. Spoil from the colliery was deposited on five tip areas, initially to the south of the colliery and, by 1955, spoil was being deposited to the east of the railway line. The application site was formerly part of tip areas 4 and 5. Creswell Colliery closed in 1991 and following its closure, a mine water pumping system was constructed on the site of tips 4 and 5, which involved the construction of six new water treatment lagoons and the re-use of three existing ones, to protect other collieries, then still operating in Nottinghamshire, from rising mine water. At the time, the

mine water pumping system was developed as permitted development under the provisions of Schedule 2, Part 20, Class E of the Town and Country Planning (General Permitted development) Order 1988, subject to the approval of the Mineral Planning Authority.

- 4.8 It is understood that mine water pumping ceased prior to 2012. In 2015, the pumping equipment was removed, the remaining surface buildings were demolished and regrading works to infill the six northerly lagoons were undertaken for health and safety reasons (also as permitted development). The land has reverted to Welbeck Estates Company Limited, together with any ongoing liability for the site.
- 4.9 An application for planning permission (code no. CW5/0218/89) for the restoration of the former colliery lagoons and settlement ponds to agriculture and nature conservation, through the importation of 231, 000 tonnes of inert waste, was approved at the 6 August 2018 Regulatory Planning Committee for a grant of permission subject to conditions (Minute No. 54/18 refers). The development authorised under this permission, commenced on site on 27 January 2020. The development was permitted for a temporary period, with works (including final soiling, landscaping and site clearance) required to be completed by 27 July 2023 in accordance with an approved work programme. The purpose of the development is to restore the site to a state which would enable beneficial uses of the land and, in so doing, address concerns regarding the health and safety implications of leaving the site in its current condition and address the unsightly landform.

The Proposal

- 4.10 This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and is seeking a new permission that would not be subject to conditions 3, 4, 6, 9, 10 and 18 to permission CW5/0218/89, to allow a further two years for infilling and restoration at the site and the use of the shorter direct access from the residential site being developed to the north for importation of inert wastes arising at the housing development.
- 4.11 The applicant is seeking further time to complete the development as works were suspended during the Covid-19 pandemic. The applicant does not now consider it to be realistic to be able to complete the development within the approved timescale.

Condition 3

- 4.12 Condition 3 required the submission and approval of a Work Programme, which included dates for the starting and completion of each distinct part of the development and dates for further schemes to

be submitted. A Work Programme submitted under this condition was approved in March 2019. The programme was later revised through the approval of a non-material amendment application in October 2019; the approved programme of works is now set out in programme document 8D1. The applicant now wishes to substitute this programme with programme document 8F2, which amends the dates in the programme in line with the proposed two year extension to the duration of the permission.

Condition 4

- 4.13 Condition 4 relates to the duration of the permission and requires operations to cease no later than the date which is the third anniversary of the date of commencement with a further six months permitted to clear the site of all plant, machinery, equipment, waste, other stored materials, and other equipment associated with the operations. Waste operations are thereby currently required to cease on 27 January 2023, with the site cleared by 27 July 2023. The applicant is seeking to extend this duration by a further two years.

Condition 6

- 4.14 Condition 6 sets out the approved plans and documents that the development must be carried out in accordance with. A Section 73 permission in accordance with this application would need to be subject to a replacement for this condition that would incorporate the appropriate replacement, updated, or amended documents that have been submitted with the Section 73 application.

Condition 9

- 4.15 Condition 9 relates to site contamination and requires the submission of an investigation and risk assessment within timescales that would have been imposed through the existing approved working programme 8D1 and would require the submission of site characterisation and remediation (if necessary) reports in 2022. As a result of the works on the site being delayed, the updated Work Programme, for which approval is sought, requires submission of these reports in March and April 2025. The application is therefore seeking to amend the requirements of this condition.

Condition 10

- 4.16 Condition 10 also relates to the potential for land contamination and requires the submission of a remediation scheme, if necessary, within timescales that would have been imposed through the existing approved working programme 8D1. Similar to Condition 9 above, the application is seeking to amend the requirements of this condition to reflect the new proposed timescales.

Condition 18

- 4.17 Condition 18 restricts vehicular access to the site to via the junction of Frithwood Lane within the A616 (Mansfield Road), except for some exceptional loads that were identified in the Construction Traffic Management Plan. The Gleeson Homes planning permission, granted by Bolsover District Council, for the adjacent housing development has been amended to allow waste soil material to be directly imported and placed on the lagoons site. Derbyshire County Council also granted a non-material amendment application in respect of the approved development (NMA/0620/71) in June 2020 which allowed 6000m³ of excavated soils to be transferred directly from the housing site to the lagoons. This Section 73 application now seeks to amend the restrictions of Condition 18 to allow movements of material internally from the adjacent housing development site that avoids the use of the highway network as such times as material is available for the remaining duration of the development.

Environmental Statement

- 4.18 The original application was accompanied by an Environmental Statement (ES). The applicant has submitted an addendum to the ES providing updated information in respect of ecology, highways, hydrology and drainage, landscape and visual, noise and air quality impacts from the proposed extension of the duration of the permission. The Addendum Environmental Statement (AES) concludes that there will continue to be no significant adverse impacts from the proposals, as revised, with positive beneficial impacts in the long term.

Consultations

Local Member

- 4.19 Councillor Yates was consulted and has no objections.

Bolsover District Council - Planning

- 4.20 No objection.

Bolsover District Council - Environmental Health Officer

- 4.21 The Environmental Health Officer (EHO) was consulted and provided a "no comments" response.

Elmton with Creswell Parish Council

- 4.22 The Parish Council commented "*the Council have no comments to add to the request other than the sooner it is completed the better, and approve the application progress.*"

Highway Authority

- 4.23 Derbyshire County Council, in its statutory role as Highway Authority, had no objections. It reviewed the proposals in reference to comments previously provided for the existing permission and raised minor queries in relation to the proposed changes to the condition controlling access to the site. These queries were subsequently clarified to the satisfaction of the Highway Authority subject to an informative note in relation to wheel washing facilities.

Public Rights of Way

- 4.24 The Public Rights of Way Section has been consulted and advises that Elmton and Creswell Public Footpath No.10 runs close to the proposed development site but should not be affected. Elmton with Creswell Public Footpath No.5 and No.21 connect to the access road, Frithwood Lane. In addition, the Frithwood Trail runs along the western boundary of the site and is well used. The Section has no objection to the proposals as it appears that the routes will be ultimately unaffected by the proposed works. The Section request that the applicant is advised of the following:

- The paths must remain open, unobstructed and on their legal or current alignments, as applicable.
- There should be no disturbance to the path surfaces without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the paths during the works, particularly where they emerge onto Frithwood Lane. A temporary closure of paths will be permitted on application to the Council where the path(s) remain unaffected on completion of the development.
- There should be no encroachment of the paths, and no fencing should be installed without consulting the Rights of Way Section.

Environment Agency

- 4.25 The Environment Agency (EA) has been consulted and raised no objections to the application but provided a number of informative comments to be drawn to the applicant's attention, which are set out in the Informative section of the report.

Network Rail

- 4.26 Network Rail (NR) was consulted but provided no response.

Natural England

- 4.27 Natural England (NE) was consulted and raised no objection and commented *“Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.”*

The Coal Authority

- 4.28 The Coal Authority (CA) was consulted and considers that the response necessitates a “Material Consideration”. The CA goes on to say that the site does not fall within the defined Development High Risk Area and is located within the defined Development Low Risk Area. The CA recommends that, if granted planning permission, the CA’s Standing Advice is attached to the Decision Notice as an informative to the applicant in the interests of public health and safety.

Derbyshire Wildlife Trust

- 4.29 Derbyshire Wildlife Trust (DWT) provides the following comments: *“the application seeks to extend the duration of the permission for the importation of inert waste for a period of up to two years. Whilst this will delay the restoration of the site for agriculture and nature conservation it does not necessarily result in any additional impacts on biodiversity as far as we are aware. Section 5.22 of the addendum to the Environmental Statement therefore seems to be a reasonable assessment of the proposed variation on ecology. Provided the landscape and biodiversity enhancement scheme is fully implemented after the extension, the site should still be able to deliver the biodiversity benefits previously envisaged and agreed.”*

Bolsover Countryside Partnership

- 4.30 Bolsover Countryside Partnership (BCP) did not provide a response.

Severn Trent Water Ltd

- 4.31 Severn Trent Water Ltd (STW) Asset Strategy and Planning provided the following comments:

“Planning Practice Guidance and Section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available, as an alternative another sustainable method should be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to a public sewerage system is considered.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the

Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

- 4.32 STW provided a suggested informative note to the applicant which is detailed in the Informative section of this report.

Publicity

- 4.33 The application has been advertised by site and press notice on 28 July 2022 on and near to the site and in the Derbyshire Times. Comments were requested by 28 August 2022.
- 4.34 One representation has been received raising the following matters:
- debris left on the road from lorries;
 - most lorries do not have covers;
 - noise at 07:30am from lorries “bouncing” on the two mini roundabouts and sleeping policemen;
 - lorries carrying waste which use the B6042 as a short cut which has a 7.5 ton restriction on it; and
 - *“In the winter months Frithwood Lane becomes a mud track and that mud is then deposited onto the A616 in the past I have had to contact Cawood to ask that a road sweeper is used to clear the mess, I shouldn't have to do this it should be done automatically and regularly.”*
- 4.35 The concerns, where they raise material planning considerations, are addressed throughout the report.

Planning Considerations

- 4.36 Section 38(6) Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are the saved policies contained within the Derby and Derbyshire Waste Local Plan (DDWLP) (2005) and the Bolsover Local Plan (BLP) (2020). Other material considerations include national policy, as set out in the 2021 National Planning Policy Framework (NPPF), and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE) (2021) and the National Planning Policy for Waste (NPPW) (2014).

- 4.37 Whilst the original planning application (CW5/0218/89), granted in August 2018, pre-dated the adoption of the BLP, relevant planning policy documents largely remain as that which were considered under the previous planning permission. The NPPF was revised in 2019 and again in 2021 and the WMPE has also been updated, however, it is not considered that the content of these revisions are of particular relevance to this application.

The Development Plan

- 4.38 Relevant planning policies in the DDWLP (2005) include:

W1b: Need for the Development.
W2: Transport Principles.
W4: Precautionary Principle.
W5: Identified Interests of Environmental Importance.
W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W8: Impact of the Transport of Waste.
W9: Protection of Other Interests.
W10: Cumulative Impact.
W11: The Need for Landfill.

- 4.39 Relevant policies in the BLP include:

SC8: Landscape Character.
SC9: Biodiversity and Geodiversity.
SC10: Trees, woodland and Hedgerows.
SC11: Environmental Quality (Amenity).
SC12: Air Quality.
SC14: Contaminated and Unstable Land.
ITCR2: The Multi-User Trails Network.
ITCR3: Protection of Footpaths and Bridleways.

- 4.40 Relevant paragraphs in the NPPF include:

Chapter 2: Sustainable development.
Chapter 6: Building a strong, competitive economy.
Chapter 11: Making effective use of land.
Chapter 12: Achieving well-designed places.

- 4.41 The relevant parts of the PPG include:

- Air Quality.
- Noise.

- Transport Assessments.
- Statements.

Need for and Principle of the Development

- 4.42 Planning permission has previously been granted by this authority for infilling and restoration of this site using imported inert waste materials. The principle of the development is therefore established, having been assessed against the provisions of the development plan and Government guidance in force at the time. There has been an update to local plan policy and Government guidance since the determination of the original application as described above. The new policies of the BLP are noted and will be considered where relevant in the assessment of the proposal.
- 4.43 The need for the wider development has been previously assessed and has been accepted in consideration of the previous application. The key questions that need to be considered now are whether there is a need to increase the approved limited duration of the development by two years, together with the consequential proposed amendments to the conditions, and whether the impacts of these proposed changes significantly differ to what has previously been assessed.
- 4.44 The applicant has stated that the importation of waste material was affected by the Covid-19 pandemic and works were suspended on site soon after commencement, due to the pandemic. The applicant considers that this impact presented extenuating circumstances in which the ability to undertake the works has been severely impacted. The applicant states that it is evident that achieving all the required works within the original timescales, with importation completed by January 2023 and a further six months landscaping period as currently approved, is no longer realistic. There is also the requirement for material in the north-western corner of the site to be moved into the void, and much of this cannot take place since approved tree clearance for landscape screening could not take place before September 2022. Combined, these issues necessitate the extension of time request.
- 4.45 Whilst in principle these changes would appear acceptable and justified in order to complete the works, it is desirable that the site restoration is completed in order to bring the land into beneficial use, the potential environmental impacts which may occur, as a result of the changes, must be considered further and be assessed against relevant planning policy.
- 4.46 The original application was supported by an ES and the potential environmental and amenity impacts of the development were assessed,

mitigation measures were proposed and planning conditions imposed to reduce those identified impacts where required. The applicant has provided an AES providing updated environmental information in relation to the proposed amendments to the development.

- 4.47 Consideration of the potential impacts identified in the AES and any cumulative impacts from the development are considered further below.

Amenity and Environmental Impacts

4.48 Ecology

The site has previously been assessed as being of some ecological interest and this has been impacted on by the development commenced on this site, which was accepted in the planning balance when the original application was approved. However, this impact is to be compensated for through the restoration scheme, which provides for ecological enhancement, and there is an approved Landscape and Ecological Management Plan (LEMP) which provides for its long term management and is secured through a planning condition.

- 4.49 The proposed extension of time would increase the period over which negative ecological impacts would be present, however, they would be temporary and would continue to be managed through the mitigation measures that are in place. As such, I do not consider that the extension of the duration of the development would significantly impact further upon the sites ecological interest which has already been negatively impacted upon.

- 4.50 The AES concludes that, upon completion of the development, it has been assessed that the development will have an overall 'positive' impact and any impacts seen during construction will be either reduced or neutralised.

- 4.51 The development will continue to deliver some ecological benefits after completion, the extended duration of the development does not present any significant ecological concerns. Furthermore, the LEMP that was required to be submitted under a planning condition attached to the original planning permission has now been approved and this will secure the beneficial long term management of site. I am satisfied that the development, as proposed to be amended, would accord with the NPPF, the NPPW, Policy W5 of the DDWLP and Policy SC9 of the BLP in respect of ecology.

Landscape and Visual Impacts

- 4.52 Policy W7 of the DDWLP is concerned with landscape and visual impact.
- 4.53 Policy W7 of the DDWLP states *“Waste development will be permitted only if: the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape.”*
- 4.54 The relevant sections of Paragraph 130 of the NPPF states, “Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) ...”
- 4.55 The potential for landscape and visual impacts associated with the development was previously assessed and found to be acceptable during the determination of planning application CW5/0218/89. Overall, I do not consider that the proposed extended duration of the restoration works would significantly alter that conclusion. The applicant has not proposed any amendments to the nature of the restoration scheme or the restoration landform and, in that respect, I am satisfied that the impacts would remain as previously assessed.
- 4.56 I am, however, aware that a number of the dwellings constructed under Bolsover District Planning Permission 18/00087/OUT have been completed and are now in occupation. The remainder of that scheme is still under construction. There is some potential for visual impacts to arise as a result of the proposed extension of time, particularly for the occupants of these new dwellings. Such impacts are likely to arise both from the development under consideration here, as well as in cumulation with the ongoing construction works. The AES indicates that, in the short term, extending the construction timescales would result in a slight increase in the duration of the adverse visual impacts, although this was considered temporary and unlikely to alter the long term overall visual impacts of the completed scheme which are ‘none’ and, in time, ‘slight beneficial’. I concur with this assessment of the likely impacts and am satisfied that the proposal would accord with the

requirements of Policy W7 of the DDWLP and the relevant section of the NPPF in terms of landscape and visual impacts.

Hydrology and Drainage

- 4.57 The potential impacts to hydrology and flooding from surface water associated with the development was previously assessed and found to be acceptable during the determination of planning application CW5/0218/89.
- 4.58 The applicant has provided an update to that assessment in the AES which acknowledges there is a potential risk of flooding in adjacent areas to the site from the development and the extension of the duration of the development would extend the period within which these adverse impacts may occur. Mitigation measures implemented throughout this stage, however, reduce the potential impact to 'negligible' during works. The assessment concludes that the impact upon completion would be 'positive'. The increase in the timeframe is not considered to alter the overall long-term benefits and 'positive' impact of the development.
- 4.59 Overall, I do not consider that the proposed extended duration of the works would significantly alter that conclusion. The applicant has not proposed any amendments to the drainage scheme or the restoration landform and, in that respect, I am satisfied that the impacts would remain as previously assessed. I am satisfied that the proposal would accord with the NPPF, the NPPW, Policy W6 of the DDWLP and Policy SC11 of the BLP in this regard.

Noise

- 4.60 Appendix B of the NPPW is concerned with general environmental impacts from waste development, which require consideration of noise impacts. Policy W6 of the DDWLP and Policy SC11 of the BLP are similarly concerned with the potential impacts from noise.
- 4.61 The AES states that noise impact has been assessed from two perspectives, from operations on-site during construction and from the road traffic generated by delivery of materials. The impacts from on-site operations were experienced at receptors to the south-west of the site, resulting in a 'negligible' impact that is not considered by the applicant to be significant. There is no predicted increase in the noise generated by vehicle movements. The extension of the duration of the development would temporarily increase the time in which there is an impact from increased noise on-site. The applicant's assessment concludes that this is temporary and, overall, the associated noise impact is considered to remain 'negligible'.

- 4.62 I would agree with the applicant's conclusion that whilst the impacts of noise would be experienced over a longer duration, any impacts would be of the same nature to what was previously assessed, which were found to be acceptable. Construction has commenced on the new housing development to the north of Colliery Road in Creswell since the original application was approved, however, the closest residential receptors remain those properties off Frithwood Lane. Movements of waste arisings directly to the site from the housing development to the north may cause some noise disturbance to the residents of the already occupied new dwellings, however, movements of waste would need to occur regardless and this would likely be by road transport. Moving directly may therefore have a positive impact.
- 4.63 There is an approved Noise Management Plan (NMP) for the site, subject to a condition requiring on going compliance with the agreed NMP. I am satisfied that the proposal would accord with the NPPF, the NPPW, Policy W6 of the DDWLP and Policy SC11 of the BLP in this regard. No significant noise impacts are likely to result as a consequence of the extension of duration the development.

Air Quality and Dust

- 4.64 Appendix B of the NPPW, Policy W6 of the DDWLP and Policy SC11 of the BLP are also relevant to the consideration of air quality and dust.
- 4.65 The AES provides as assessment of the potential impact on air quality as a result of the proposed amendments to the scheme. It concludes that any impact on air quality would only take place throughout the construction period and therefore the extension of the duration would extend the timeframe that the impacts are experienced. Nonetheless, these impacts are assessed as 'negligible' and not significant.
- 4.66 Air quality and dust impacts were taken into consideration during the processing of the original planning application and conditions were imposed in respect of dust management. A Dust Management Plan (DMP) has been approved under a condition of the previous permission.
- 4.67 The EHO and the EA were consulted on this application and raised no objections or concerns in respect of air quality and dust.
- 4.68 I am satisfied that the proposed change to the development would be unlikely to result in any unacceptable and significant impacts in regard to air quality and dust emissions. The development is therefore considered to be in accordance with the NPPF, the NPPW, Policy W6 of the DDWLP and Policy SC11 of the BLP. A condition is recommended

to require compliance with the approved DMP for the remainder of the development.

Transport of Waste and Highway Impacts

- 4.69 Policy W8: Impact of the Transport of Waste in the DDWLP (2005) and Policy ITCR3: Protection of Footpaths and Bridleways of the BLP (2020) seek to ensure that development proposals can demonstrate adequate access, do not generate unacceptable levels of traffic on the local highway network and ensure road safety is maintained, as well as protecting footpaths and bridleways for public use.
- 4.70 The AES provides an assessment of the impact of the transport of waste on the highway from the development as proposed to be amended by this application. It is concluded that the development, as amended, would continue to have an overall 'Negligible' impact. The proposed amendment to Condition 18, to allow internal movements of material from the adjacent housing scheme, avoids the highway network and is not considered to create additional adverse environmental effects. These internal movements that avoid the highway network would be a more sustainable option.
- 4.71 The potential for highway impacts associated with the development was previously assessed and found to be acceptable during the determination of planning application CW5/0218/89. Overall, I do not consider that the proposed extended duration of the restoration works or permitting movements of material from the adjacent housing site would significantly alter that conclusion.
- 4.72 The representation made does refers to highway matters. These relate to debris left on the road by lorries using the site, lorries being unsheeted, road traffic noise in early morning, using the B6042 as a short cut which has a 7.5 ton restriction on it and mud being dragged out from the site onto the A616.
- 4.73 The proposed development would take place using the existing site access which is suitable for HGV movements apart from exceptional loads and inert waste directly from housing development sites to the north of the lagoons site. The proposal would not result in any increase of HGV movements to/from the site which can be accommodated on the local highway network and is not considered to give rise to any adverse impacts upon road safety. The Highway Authority has not received any formal complaints regarding the causes of concern expressed in the representation. The applicant has confirmed that a road sweeper is available daily and regularly cleans the A616 near the site entrance at

Frithwood Lane. Monitoring reports have not identified any issues regarding noise, mud on road and sheeting of vehicles, nor is the planning authority aware of any breaches in the route taken by hauliers or from users of the public footpath network.

- 4.74 The Highway Authority, is satisfied that the proposed development is acceptable, subject to an informative, and raises no objection.
- 4.75 I am satisfied that any transport impacts are capable of being mitigated by the existing environmental and transport conditions in place. As such, it is recommended that these conditions are repeated as part of a new permission. Subject to the recommended conditions, the development is considered to be in accordance with policies W8: Impact of the Transport of Waste in the DDWLP (2005) and ITCR3: Protection of Footpaths and Bridleways of the BLP (2020).

Conditions

- 4.76 Since the grant of the existing planning permission, details required to be approved, as part of a planning condition, have been complied with. Where this has happened, the condition requirements can be updated under any grant new permission by Section 73, so that they refer to the current approval and compliance details. This is reflected in the draft conditions recommended below.

Conclusion

- 4.77 The application has been fully considered and assessed for need, environmental and amenity impact, as well as highway and transport impacts. The situation giving rise to the need for the amendments to the conditions is considered to be grounded in delays that were experienced as a result of the Covid-19 pandemic.
- 4.78 The policies W1b: Need for the Development, W6: Pollution and Related Nuisances, W7: Landscape and Other Visual Impacts and W8: Impact of the Transport of Waste of the DDWLP are supportive, since it is not considered that there would be any unacceptable environmental impacts associated with a grant of permission subject to conditions as recommended below. Similarly, it is considered that policies SC11: Environmental Quality (Amenity), SC14: Contaminated and Unstable Land and ITCR3: Protection of Footpaths and Bridleways of the BLP are also supportive.
- 4.79 The issues raised in the representation received has been considered and the Highway Authority raises no objections subject to an informative to the applicant regarding the requirements of the Highways Act 1980. I am satisfied that both amenity and highway safety impacts are capable

of control via planning conditions and through the Highways Act, if necessary. No consultees have raised any objections to the application.

- 4.80 Having considered the comments raised by consultees and the representation in the course of the application process, I am satisfied that the application should be granted, subject to planning conditions. The application is therefore recommended for approval, subject to conditions and provision of informative notes as set out in the recommendation below.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers File No. 5.5373.4

- 6.1 Application documents received from Planning & Design Group, acting as agent for Welbeck Estates Company Limited.

6.2 Documents

- Application form and certificates.
- Planning Statement.
- Cross-Sections and Ground Levels (Existing and Proposed) Statement.
- Decision Notice.

6.3 Plans

- Drawing entitled Site Location Plan undated;
- Drawing 1068 001 Rev C entitled Landscape Strategy undated;
- Drawing PSS-170-006-023.1 entitled Revised Option C Design dated 9 May 2022;
- Drawing PSS-170-006-023.2 entitled Revised Option C Southern Design dated 9 May 2022;
- Drawing PSS-170-006-024.1 entitled Topographic Survey (Northern Tip Area) dated 5 July 2022;
- Drawing PSS-170-006-024.2 entitled Topographic Survey (Southern Tip Area) dated 5 July 2022

6.4 Correspondence from:

- Elmtun and Creswell Parish Council (email) dated 28 October 2022.
- Bolsover District Council (Planning and Environmental Health) (email) dated 20 July 2022.

- The Environment Agency (letter) dated 28 July 2022.
- Network Rail (email) dated 8 August 2022.
- Severn Trent Water Ltd (email) dated 8 August 2022.
- The Coal Authority (email) dated 27 July 2022.
- Derbyshire Wildlife Trust (email) dated 15 September 2022.
- Councillor Mick Yates (Bolsover North) (email) dated 20 July 2022.
- County Highway Authority (emails) dated 8 August 2022, 26 October 2022 and 14 November 2022.
- County Conservation, Heritage and Design (emails) dated 2 August 2022 and 25 July 2022.
- Public Rights of Way (email) dated 5 August 2022.
- Agent (email) dated 15 July 2022.

9. Appendices

9.1 Appendix 1 - Implications.

9.2 Appendix 2 – Site Plan.

10. Recommendation

10.1 That the Committee resolves to **grant** planning permission, subject to conditions substantially to the effect of the following draft conditions:

Conditions

Duration of Permission

- 1) Waste operations (including the importation of inert waste) under this permission, shall cease no later than the 31 January 2025 and the site shall be cleared of all plant, machinery, equipment, waste, other stored materials, and other equipment associated with the operations hereby permitted by no later than six months from that cessation of waste operations date.

Reason: To minimise the impact on local amenity and in order that the site is restored in the timescales detailed in the application in the interests of local amenity.

- 2) A copy of this permission shall be kept available for inspection at the site offices during the prescribed working hours for the duration of the development.

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

Programme of Working

- 3) The programme of working shall be in accordance with the details submitted in working programme 8F2, submitted under application code no. CW5/1121/24.

The programme of working 8F2 provides for the latest dates for the starting and completing of each distinct part of the development which together comprise the development to which this permission relates (including restoration), and a date by which each scheme or set of further details which is to be required to be submitted by other conditions of this permission shall be submitted, subject to any alteration of a time limit specified by a date set out in that programme which the Waste Planning Authority, at its discretion, approves in writing upon consideration of any reasoned request for such an alteration that it might receive in writing and in advance of that date from the developer.

Each distinct part or phase of the development which is specified in the approved programme of working 8F2 shall be commenced and completed in accordance with the relevant time limit(s) for that part or phase in the working programme.

Reason: To ensure that site is developed and restored in accordance with the timescale in the application, in the interest of local amenity.

Permitted Development Rights

- 4) Notwithstanding the provisions of Part 7, Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), except for those identified in the planning application, no new or replacement buildings, plant structures, screening and crushing equipment, shall be brought to site without the prior written approval of the Waste Planning Authority.

Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area.

Plans and Documents

- 5) The development shall be carried out in accordance with the following plans and documents:

Documents

- 1 App form and certificate dated 22 June 2022.
- Planning Supporting Statement incorporating Addendum Environmental Statement dated May 2022.

- Letters dated 8 February 2018 and 27 May 2022.
- Environmental Statement and appendices dated November 2016, as amended.
- Revised Non-Technical Summary (NTS) dated November 2017.
- Appendix A – addendum dated November 2017.
- Explanatory Statement dated November 2017.
- South Tip Restoration.
- Proposals (Supplementary Report V4) dated November 2017.
- Creswell Interpretative Report Final dated October 2016.
- Creswell Revised boundary DTS dated November 2015.
- Creswell Supporting Statement dated November 2016 and Supporting Planning Statement dated May 2022
- Arboricultural report (BS4142) dated November 2016.
- Tonnage report for planners dated 15 July 2022.
- Revised Working Programme 8F2 received 18 November 2022.

Plans

- Appendix 1 to Supporting Statement - Location Plan – undated.
- PSS-170-006-007.1 - Existing Site 23-08-2017 - A1 - November 2017.
- PSS-170-006-009.1 - Cross Section Location Plan – A1 - November 2017.
- 001_Passing Bay Locations ALL A01 .pdf from 1A to 1F - January 2016.
- Appendix 4 to supporting statement - MAGIC.
- PSS-170-006-23.1- Revised Option C Design dated 9 May 2022.
- PSS-170-006-23.2- Revised Option C Southern Design dated 9 May 2022.
- PSS-170-006-24.1- Survey Southern Tip dated 5 July 2022.
- PSS-170-006-24.2- Survey Northern Tip dated 5 July 2022.

Except so far as any contents of the documents and plans listed above are incompatible with the requirements of the conditions specified below.

Reason: To ensure that the development is carried out in accordance with the details in the submitted planning application.

Railway Bridge Protection

- 6) The railway bridge protection measures implemented in accordance with Scheme SW3501 Railway Bridge Protection Measures Scheme (approved 26 June 2019) shall be maintained in accordance with the details approved for the duration of the development. The approved details are:

- Frithwood lane Bridge, Creswell, Assessment report January 2016.
- Frithwood lane Bridge no. PSE/62, Method statement for Proposed Remedial Works, March 2019.
- Bridge capacity Clarification statement, 1 April 2019.

Maintenance of these measures shall be undertaken following the completion of each importation season.

Reason: In order that the safety of railway users, development operatives and the public are adequately addressed throughout the course of development.

Hours of Operation and Vehicle Entry

- 7) With the exception of necessary works arising from emergency situations:
- (i) No operations in the site (including movement of waste, recyclable materials, and processed materials, inert waste and equipment and deliveries from vehicles) shall take place other than between the following hours:
0800 hours – 1800 hours Mondays – Fridays;
0800 hours – 1300 hours on Saturdays, and
not at any time on Sundays and Bank/public holidays.
 - (ii) No vehicles shall enter or leave the site at any time on Sundays and Bank/public holidays or at any time before 0730 hours on Mondays to Saturdays; and
 - (iii) The engine of any vehicles entering the site between 0730 hours and 0800 hours must be turned off immediately following entry to the site and no tipping activities or deliveries from any vehicle shall start before 0800 hours.

Reason: To protect the amenity of the area.

Land Contamination

Site Characterisation

- 8) By no later than the relevant submission date, specified as 27 March 2025, in the approved programme of working referred to in Condition 3 of this permission, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The contents of the scheme are subject to the approval in writing of the Waste Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The

written report is subject to the approval in writing of the Waste Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users and ecological receptors.

Submission of Remediation Scheme

- 9) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment must be prepared and submitted for the approval in writing of the Waste Planning Authority by no later than the relevant submission date, specified as 16 April 2025, in the approved programme of working referred to in Condition 3 of this permission. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to an agricultural and amenity use of the land after remediation.

Reason: To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users and ecological receptors.

Implementation of Approved Remediation Scheme

- 10) The approved remediation scheme must be carried out in accordance with its terms and conditions, unless otherwise agreed in writing by the

Waste Planning Authority. The Waste Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Waste Planning Authority.

Reason: To remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users and ecological receptors.

Reporting of Unexpected Contamination

- 11) In the event that any contamination source that might be a factor in an assessment of any part of the site for potentially qualifying as contaminated land under Part 2A of the Environmental Protection Act 1990, in relation to a pastoral agricultural and amenity use of the land, is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Waste Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 9 and, where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of Condition 10, which is subject to the approval in writing of the Waste Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Waste Planning Authority in accordance with Condition 10.

Reason: To identify, remediate and control any contaminated land, or pollution of controlled waters and to minimise the risk to site workers, the public, end users and ecological receptors.

Importation of Soil

- 12) Prior to the importation of soils onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be made available to the Waste Planning Authority upon request.

Reason: In order that appropriate soil material for restoration is brought onto the site.

Scope of Development

- 13) No waste or recyclable materials, other than soils and inert construction and demolition waste, shall be imported to the site.

Reason: To define the scope of the development in the interests of safeguarding the amenity of neighbouring occupiers/residents and for monitoring purposes.

- 14) The site layout shall be fully implemented and maintained for the duration of the development in accordance with the drawings submitted under scheme submission reference SW3293, as approved on 14 February 2020. The approved details are:

- Operations Management Plan, revision D, dated 27 January 2020.
- Site Layout, Drawing No Figure 3.

Reason: In the interests of safeguarding the amenity of occupiers of neighbouring properties.

Import Limit

- 15) The total quantity of waste and soil material imported and handled at the site during each annual period of the development, starting and finishing on the date which corresponds to the day on which the development commences, shall not exceed 100,000 tonnes.

Reason: In the interests of safeguarding the amenity of neighbouring occupiers/residents, ecology in the area, highway safety and for the avoidance of any unacceptable impacts on the highway network.

- 16) The operator shall keep accurate records of the amount of inert waste and soils arriving at the site, and this record shall be submitted to the Waste Planning Authority every four months and made available for inspection by the Waste Planning Authority upon request.

Reason: In order to monitor compliance with the authorised waste input tonnage.

Access, Traffic and Highway Protection

- 17) No vehicles shall enter or exit the site other than via the junction of Frithwood Lane with the A616 (Mansfield Road), except for temporary inert waste/soil imports from the housing development sites directly to the north of this site, and vehicles carrying such exceptional loads as specified and approved in the Construction Traffic Management Plan under Condition 18 below.

Reason: In the interests of the safety of the users of the highway and to protect the amenity of the area.

- 18) The storage of plant and materials, site accommodation, loading, unloading of goods vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic signing or restrictions shall be carried out in accordance with the Construction Traffic Management Plan (CTMP) Revision D, dated 22 January 2020 submitted under scheme reference SW329 as approved on 14 February 2020 and the approved traffic routing under non-material amendment application code no. NMA/0620/71, approved 12 August 2020. The approved details provide for:

- An amendment to the approved traffic routeing to allow approximately 6000m³ of approved soils to be transferred from an adjacent residential development site to the approved soil processing avoiding use of Frithwood Lane and public road (for a temporary period) in accordance with Creswell Lagoons Proposed Soil Location and Route, Drawing No.18 119/02 dated June 2020.

The approved CTMP shall be fully complied with during the course of the development.

Reason: In the interests of the safety of the users of the highway and to protect the amenity of the area.

- 19) The work for the inter-visibility improvement of the junction between the site entrance/exit and the A616 Mansfield Road at Frithwood Lane shall be maintained in accordance with Drawing No.CIV13711-100 WIE/DCC/00/001, including visibility sightlines of 2.4m x 134m in the southerly direction and 2.4m x 142m to the north, taken from a distance of 2.4m back from the A616 carriageway edge (measured along the centre line of Frithwood Lane), extending to a point 134m to the south and 142m to the north, measured 1m into the carriageway from the A616 nearside carriageway edge. Thereafter, for the remainder of the development, the area forward of the sightlines shall be kept clear of any vegetation or other potential obstruction to visibility exceeding 600mm in height relative to the ground level of the nearside carriageway edge.

Reason: In the interests of the safety of the users of the highway and to protect the amenity of the area.

- 20) The six passing places on Frithwood Lane constructed in accordance with Drawing nos. CIV17311 – CIV/NOTT'M/06 001A, 001B, 001C revA01, 001D, 001E revA01 and 001F, shall be maintained throughout the life of the development free of any impediment to their designated use.

Reason: In the interests of the safety and amenity of users of Frithwood Lane and to protect the amenity of the area.

- 21) Throughout the carrying out of the development, the condition of Frithwood Lane shall be maintained so as to provide a surface to an acceptable standard for both bridleway users and the traffic associated with the development.

Reason: In the interests of the safety and amenity of users of Frithwood Lane and to protect the amenity of the area.

- 22) The Travel Safety Plan submitted under scheme reference SW3295, as approved 14 January 2020 providing instruction for all drivers of lorries travelling over Frithwood Lane, shall be fully complied with throughout the remainder of the development.

Reason: In the interests of the safety and amenity of users of Frithwood Lane and to protect the amenity of the area.

- 23) The reconstruction of Frithwood Lane during the restoration stage shall be completed in accordance with the details submitted under scheme reference SW3459, as approved 2 September 2020. The approved drawings/details are:

- Application Form dated 1 June 2020;
- Creswell Lagoons Proposed Construction Details, Drawing No. 18.11901d; and
- Creswell Lagoons French Drain Details, Drawing No. 18.119/03

The scheme shall be fully complied with and implemented as part of the restoration of the site.

Reason: In the interests of the safety and amenity of users of Frithwood Lane and to protect the amenity of the area.

Noise

- 24) Noise levels for the development shall not exceed 55dB (A) LAeq 1hr (free field) measured at or calculated to a position representing the boundary of the nearest noise sensitive dwelling.

Reason: In the interest of the aural amenity of nearby dwellings and businesses.

- 25) Noise emissions from site activities shall be controlled and mitigated in accordance with the Scheme reference SW3296 Noise Management Plan, approved on 14 February 2020, including the following details/drawings:

- Noise Management Plan, January 2020; and
- Site Layout, Drawing No. Figure 3.

The Scheme shall be implemented and complied with throughout the lifetime of the development.

Reason: To control the noise generated by the development in the interests of the amenity of the area.

- 26) All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturers' specifications at all times and shall be fitted with and use effective silencers.

Reason: To control the impact of noise generated by the development in the interests of the amenity of the area.

- 27) All reversing warning systems used on plant and vehicles on the site shall either be non-audible, ambient related or low tone devices.

Reason: To control the impact of noise generated by the development in the interests of the amenity of the area.

Dust

- 28) Dust emissions from site activities shall be controlled and mitigated in accordance with the Dust Management Plan submitted under scheme reference SW3297, as approved on 14 February 2020. The approved details/drawings are:

- Noise Management Plan, January 2020; and
- Site Layout, Drawing No. Figure 3.

The Scheme shall be implemented and complied with throughout the lifetime of the development.

Reason: To reduce the impacts of dust disturbance from the site on the local environment.

- 29) All laden vehicles entering or leaving the site shall be fully sheeted.

Reason: To minimise dust and other debris from falling from the vehicles using the site.

Lighting

- 30) No external lighting shall be installed except in accordance with a scheme that has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include precise details of the lighting proposals, including lux levels. The scheme shall then be implemented as approved.

Reason: To minimise the nuisance and disturbance to neighbours, the surrounding area and the ecology of the area.

It is considered that compliance with these requirements would only be effective if the lighting scheme is found to be acceptable and approved as such, prior to the installation of the lighting.

Waste

- 31) Non-conforming wastes shall be stored in a sealed container or skip and removed from site within seven days.

Reason: In the interests of amenity and management of waste not authorised to be received or processed at the site.

- 32) The maximum height of any stockpiles shall not exceed 5m in height.

Reason: In the interests of visual amenity.

- 33) There shall be no burning of waste or any other materials on site.

Reason: To enable the Waste Planning Authority to control the emission to air from the development in the interests of amenity of the area.

Water Protection and Pollution Prevention

- 34) Management and maintenance of surface water drainage for the site for the restored landscape shall be carried out in accordance with the submitted drainage scheme reference SW3298, as approved on 14 January 2020. The approved details/drawings are:

- Water Protection and pollution Prevention, Maintenance and Management Plan, November 2019.

The scheme shall be implemented in accordance with the approved detailed design prior to restoration works commencing.

Reason: To ensure mitigation of flood risk.

- 35) The installation of sustainable drainage at the site shall be in accordance with the details submitted under scheme reference SW3299 Water Protection and Pollution Prevention, as approved on 14 January 2020. The approved details/drawings are:

- Water Protection and pollution Prevention, Maintenance and Management Plan, November 2019.

The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems over the site (including the part of Frithwood Lane in the site) is provided to the Waste Planning Authority.

- 36) 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 are multiple tanks, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be directed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Soil Handling and Storage

- 37) All available topsoil (and subsoil) stripped, or to be stripped, from the site shall be stored in accordance with the Soil Handling and Storage Management Plan submitted under scheme reference SW3300, as approved on 14 February 2020.

The scheme shall be implemented in accordance with the approved details.

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

- 38) All topsoil, subsoil and soil forming material derived from the site shall be retained on the site for use in its subsequent restoration.

Reason: To ensure that remaining soil resources are retained in the interests of the successful restoration of the site.

- 39) Movements of plant and site vehicles shall be confined to clearly defined haul routes, or to the overburden surface, and shall not cross areas of topsoil and subsoil.

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

Restoration and Aftercare Landscape and Ecology

- 40) The Landscape and Ecology Management Plan (LEMP) Revision H dated October 2022 and accompanying drawings Conceptual Phasing Plan Phase 1 Drawing No 1022 101 G, Conceptual Phasing Plan Phase 2 Drawing No 1022 102 G, Conceptual Phasing Plan Phase 3 Drawing No 1022 103 G and Landscape Softworks Drawing No 1022 200 F submitted by Planning & Design Group, dated 11 November 2022 submitted under scheme reference SW3683, as approved on 17 November 2022, shall be fully implemented in accordance with the approved details.

Reason: To ensure the re-establishment of landscape features and habitats within the site, in the interests of nature conservation, landscape character and visual amenity, and as required to bring the site up to the appropriate standard for use for agriculture and amenity.

- 41) In the event that importation of waste under the development ceases without the approved full tonnage of waste under this permission having been imported, a written scheme for the revised reclamation and restoration and aftercare of the site according to the actual imported tonnage shall be submitted to the Waste Planning Authority for its approval within six months of the cessation of the importation.

Reason: In the interest of the amenity of the area and of the environment.

- 42) Immediately after the depositing of waste under this permission has ceased the site shall be restored within six months by the use of topsoil and sub-soil or soil-making material in accordance with a detailed restoration scheme, in conformity with the relevant dates referred to in the programme of work referred to in Condition 3, which shall be approved by the Waste Planning Authority, and a draft of which shall be submitted for its approval no more than two years after the date of this permission. (For the avoidance of doubt the site shall be considered to be restored upon completion of the landform in accordance with the approved drawings). The approved scheme shall be fully implemented prior to aftercare.

Reason: To ensure the restoration of the site, in the interests of nature conservation, landscape character and visual amenity.

Liaison Committee

- 43) Liaison committees shall take place in accordance with details submitted under scheme reference SW3302, as approved 14 January 2020. The approved scheme shall be fully implemented throughout the duration of the approved development.

Reason: To ensure that there is a forum for engaging with the local community, to ensure that it is fully informed with regard to activities associated with the approved development, and to encourage positive relations between the community and the operator in the interests of local amenity.

Informatives

1. The development approved under planning permission code no. CW5/0218/89 commenced on 27 January 2020. Written notification of commencement of development on 27 January 2020 was submitted by the Planning and Design Group on 28 January 2020.
2. Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3. Pursuant to the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council, as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved may be obtained from the Economy, Transport and Environment Department at County Hall, Matlock. The applicant is advised to allow at least 12 weeks in any programme of works to obtain an Agreement.
4. The applicant is advised to contact the Traffic and Safety Team in the Place Department at County Hall, Matlock for advice regarding any temporary traffic management measures required at any time during the period of construction.
5. The application site is affected by a number of Public Rights of Way. The routes must remain unobstructed and on their legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further information can be obtained from the Rights of Way Duty Officer in the Place Department at County Hall, Matlock.
 - The granting of planning permission is not consent to divert or obstruct a Public Rights of Way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works, then a temporary closure is obtainable from DCC. Please contact 01629 533190 for further information and an application form.
 - Any development, insofar as it will permanently affect a Public Rights of Way must not commence until a Diversion Order (obtainable from the Planning Authority) has been confirmed. A temporary closure of the Public Rights of Way to facilitate public safety during the works may then be granted by the County Council.
6. The applicant is advised of the need to enter into an appropriate agreement with Network Rail property for a licence regarding its bridge affected by the development.
7. The Coal Authority Standing Advice applies in the interests of public health and safety.
8. If waste is to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' (Meeting these criteria mean the material is not waste and permitting requirements do not apply).

9. Where the applicant cannot meet the criteria, they will be required to obtain/maintain the appropriate waste permit or exemption from the Environment Agency.
10. A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) WFD as:
 - Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
 - We have produced guidance on the recovery test which can be viewed as (insert <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>)
11. You can find more information on the waste framework directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>
12. More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>
13. More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>
14. Non-waste activities are not regulated by us (i.e. activities carried out under the CL:ARE CoP), however, you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>
15. If you require any local advice or guidance, please contact your local Environment Agency office: Trentside Offices, Scarrington Road, West Bridgford, NG2 5FA Tel: 03708 506 506
16. In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome."

17. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Secern Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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

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

In addition, the applicant was given further advice concerning the coverage of the documentation submitted with the planning application resulting in revisions and additions to its original proposals which were incorporated into this application.

Chris Henning
Executive Director - Place

Implications

Financial

1.1 The correct fee of £234 has been received.

Legal

2.1 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 report.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 I do not consider that there are any significant equalities impacts associated with this application.

Corporate objectives and priorities for change

6.1 None.

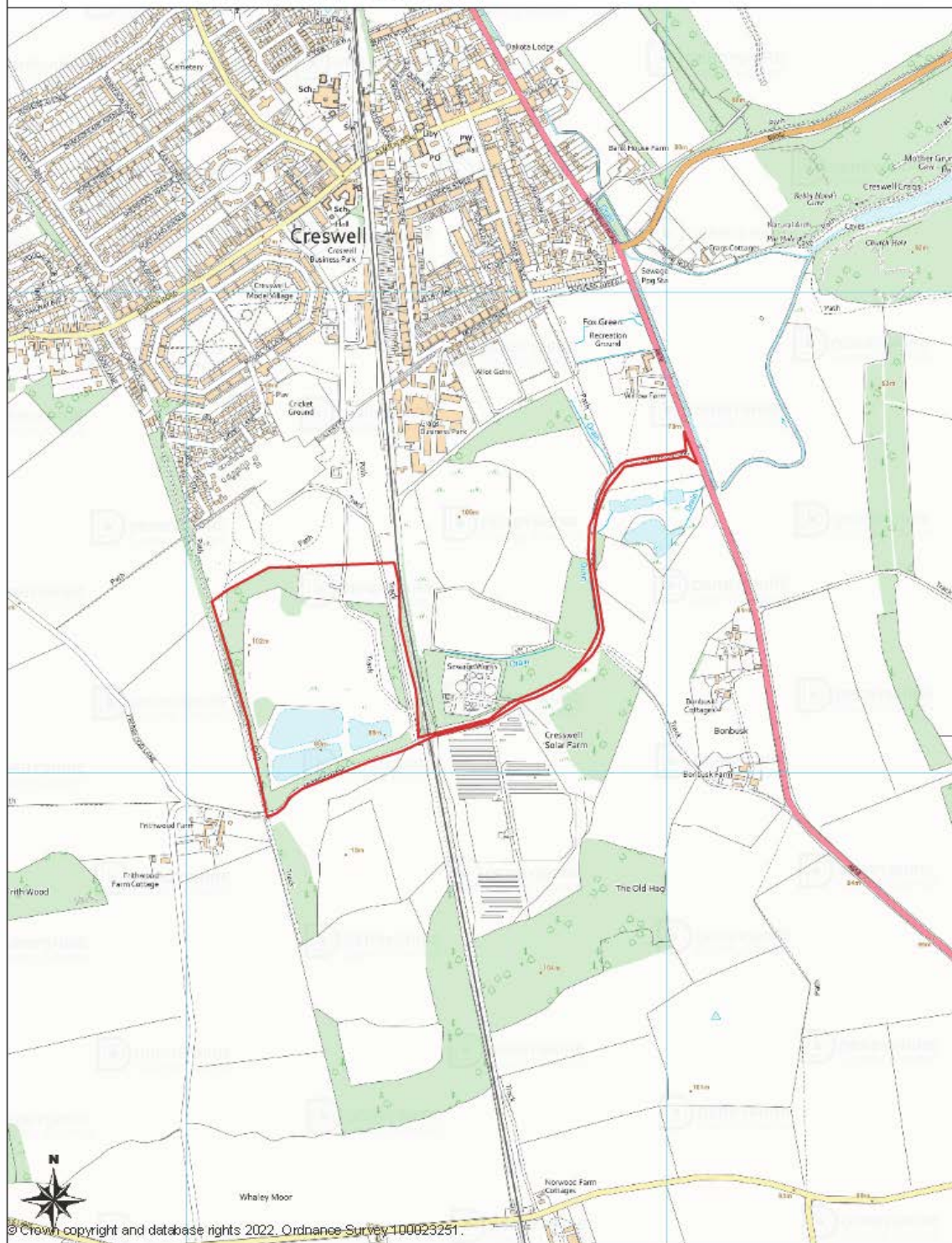
Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

Site Plan

Appendix 2

Committee Plan CW5/1121/24



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200 m

21-Nov-2022

Scale = 1:10000



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGUALTORY PLANNING COMMITTEE

5 December 2022

Report of the Executive Director - Place

**Application under Section 73 relating to Shardlow Quarry, Acre Lane, Shardlow for Permission to Not Comply with Conditions 7 and 63 to the Existing Planning Permission CM9/0811/53 to Allow Commencement of Extraction in the 'Weston Extension' Prior to Completing Restoration of Phases 8 and 9 and Increased Stocking of Waste Materials in the Landfill Transfer Station (Retrospective)
Applicant: Hanson Quarry Products Europe
Code No: CM9/0816/46**

9.701.24

1. Introductory Summary

- 1.1 Planning permission code no. CM9/0811/53 was granted on 3 November 2015 to allow development in the Weston extension area at Shardlow Quarry, which commenced on 5 October 2016. The extension provides an extra 4 million tonnes of sand and gravel at the quarry over an eight year period with a further two years required for final infilling and restoration.
- 1.2 This report relates to an application that has been made to end the need for the applicant to comply with, conditions 7 (working programmes and working restrictions) and 63 (landfill transfer station) of planning permission code no, CM9/0811/53, by a new permission being granted, which could be made subject to conditions with varied provisions in these respects (as well as other conditions as may be necessary)
- 1.3 Due to operational difficulties and requirements, the applicant seeks a new planning permission to allow for its commencement of working in the Weston extension prior to restoration of Phases 8 and 9 of the

northern part of the quarry, and also relaxation of the maximum height of temporary storage of fill material at the transfer station. As working has commenced in the Weston extension since the application was submitted, the proposal is considered in retrospect.

- 1.4 I do not consider that the variations to the provisions of conditions 7 and 63 of planning permission code no. CM9/0811/ 53 that are proposed under the application would lead to any unacceptable significant impacts, either singularly or in cumulation as outlined in the Environmental Statement (ES). The application is considered to be in accordance with national and local planning policy.

2. Divisions Affected

- 2.1 Aston.

3. Purpose

- 3.1 To enable the application to be determined by the Regulatory Planning Committee.

4. Information and Analysis

Site and Surroundings

- 4.1 Shardlow Quarry is located in the Trent valley to the east of the villages of Aston-on-Trent and Weston-on-Trent and to the south of Shardlow. The quarry is accessed by means of a private road off the A50 (Stoke – Derby) Trunk Road which runs west-east across the northern part of the quarry. A second access is available via Acre Lane, a minor road off Aston Lane, Shardlow, and is used by HGVs when the A50 access is flooded. The quarry currently occupies a site area of approximately 242 hectares (ha) and includes existing mineral workings, restored mineral working areas, a processing plant, ready-mix concrete batching plant, silt lagoons, stocking areas, a waste transfer station and internal haul roads.
- 4.2 The quarry is bounded to the east by the River Trent and the Trent and Mersey Canal to the west. A freight railway line runs west-east across the site. The Aston Brook flows within the site. Weston Cow Pasture Bridge, which spans the Trent and Mersey Canal, provides the crossing point for Bridleway No 6 that extends from the village of Aston-on-Trent to the River Trent, passing through the site and under the railway, through accommodation Bridge No 16. There is a further accommodation Bridge No 17, 185 metres (m) west of Bridge No 16. These bridges, and an unused level-crossing bridge next to Bridge No

16, provide the only means of access between the land to the north and the land to the south of the railway. To the north of the processing area lies Witches Oak Water, a former mineral extraction area that has been restored by Severn Trent Water Ltd as a water storage facility and nature conservation area.

- 4.3 The closest residential property is Weston Grange, located on the north side of the Trent and Mersey Canal near the western limits of the site. The nearest residential properties in the nearby villages are within 200m at Weston-on-Trent and 500m from Aston-on-Trent, and, from Shardlow, the distance to the processing plant site is over 1 kilometre (km). East Midlands Airport is located to the south-east and is less than 2km from the quarry and therefore, the site falls within the Airport's safeguarding zone.
- 4.4 The site does not fall within any sensitive locality, such as conservation area, Green Belt, or ecological designation, however, is in close proximity to Trentside Ponds Local Wildlife Site (LWS) (approximately 10m to the east) and Donington Park Site of Special Scientific Interest (SSSI) is approximately 640m to the south. The site is predominantly within Flood Zone 3.

The Proposal

- 4.5 Despite operational problems, it remains the Operator's objective to complete all infill within 18 months of the completion of extraction of sand and gravel, in order that the overall life of the site will not extend beyond its anticipated life. Development under the existing planning permission code no. CM9/0811/53, commenced in the Weston extension area on 5 October 2016. The extension provides an extra 4 million tonnes of sand and gravel at the quarry over an eight year period, with a further two years required for final infilling and restoration. This would take extraction to October 2024, with the further two years permitted for final filling and restoration to be complete by October 2026.
- 4.6 Taking into account all current void space – mainly in Phase 6 and phases 8 and 9, plus the void in the Weston extension, this gives a total requirement for approximately 390,000m³ of fill per annum.
- 4.7 The application seeks to obtain amendments of the provisions currently contained in conditions 7 (working scheme) and 63 (landfill waste transfer station) to the existing planning permission code no. CM9/0811/53, so as to revise the previously approved working scheme for phasing to allow the operator to restore phases 8 and 9, at a slower pace than previously approved, and to temporarily remove the existing

upper height limit on the stockpiles at the waste reception area. This would enable the stockpiling of greater quantities of infill material until such time as the phase 8 and 9 workings are restored.

- 4.8 Condition 7 of planning permission code no. CM9/0811/53, which relates to working programmes and working restrictions, states:
'Except as may be otherwise approved in writing by the Mineral Planning Authority, the development shall be carried out in accordance with the programme of extraction and restoration detailed in Chapter 5 of the Planning Application and Supporting statement dated July 2011, as amended by the details provided under cover of the letter from Hanson Quarry Products Europe Ltd dated 29 June 2015, including the works detailed on the chart and phasing drawings numbered S121/471 to S121/488 and S121/491. For the avoidance of doubt, mineral extraction shall not be commenced in a new phase until infilling operations have been completed in the phase prior to the preceding one. Furthermore, no trees, hedgerows or shrubs shall be removed during the bird nesting season (1 March to 31 August in any year).'
- 4.9 Condition 63 of planning permission CM9/0811/53, which relates to the importation of waste materials at the landfill transfer station, states:
'All pulverised fuel ash and other waste materials that are to be used in the infilling and restoration of the excavated areas of the site shall be tipped and stored only in the area identified as the Landfill Transfer Station on drawing number S28/10 dated January 2011 submitted with the application documents dated February 2011. The height of the stockpiles of material on this area shall not exceed the height of the boundary bund which accommodates the Primary Feed hopper (situated adjacent) at a crest height of 40m AOD'.
- 4.10 The applicant proposes a revised the wording in relation to each of the above conditions:

Proposed variation of wording regarding Condition 7:

'Except as may be otherwise approved in writing by the Mineral Planning Authority, the development shall be carried out in accordance with the programme of extraction and restoration detailed in Chapter 5 of the Planning Application and Supporting Statement dated July 2011, as amended by the details provided under cover of the letter from Hanson Quarry Products Europe Limited dated 29 June 2015 and permission [this application CM9/0816/46] dated [to be confirmed] including the works as detailed on the chart and phasing drawings numbered S121/471 to S121/488 and S121/491a. For the avoidance of doubt with the exception of Phases 6 to 9 of permission CM9/0211/163,

mineral extraction shall not be commenced in a new phase until infilling operations have been completed in the phase prior to the preceding one. Further, no trees, hedgerows or shrubs shall be removed during the bird nesting season (1 March to 31 August in any year).'

Proposed variation of wording regarding Condition 63:

'All pulverised fuel ash and other waste materials that are to be used in the infilling and restoration of the excavated areas of the site shall be tipped and stored only in the area identified as the Landfill Transfer Station on drawing S28/10 dated January 2011 submitted with the application documents dated February 2011. The height of the stockpiles of material on this area shall not exceed the height of the boundary bund which accommodates the Primary Feed Hopper (situated adjacent) at a crest height of 40mAOD except during the period until restoration of Phase 8/9 of planning permission CM9/0211/163 is complete.'

- 4.11 In addition, the operator will not now be extracting sand and gravel from the eastern end of phases 8 and 9, near to Trentside Ponds, as the small volume of mineral reserve and the prohibitive cost of engineering for infilling render it unviable. The affected area has been deleted on drawing S121/512 now submitted.

Planning History

- 4.12 Planning permission for sand and gravel extraction at Shardlow Quarry was first granted in 1971 on an area of 132ha of land in the floodplain of the River Trent, to the south of the village of Shardlow. Hanson's interest in the site stems from 1989 and, since then, extraction has progressed southwards along the Trent Valley. Operations in the original quarry area were completed in 2002 (the restored area now known as Witches Oak Water).
- 4.13 In 2002, planning permission (application code no.CM9/900/48) was granted for an extension to the site into 84ha of land immediately to the south-west. Within this area, sand and gravel was permitted to be worked from 65ha over a 9 to 10 year period through a phased scheme of working and restoration, with an anticipated completion of restoration by the end of 2013. Until the commencement of operations in the Weston extension area, the site was worked under this permission, subject to the variation approved in 2011 (CM9/0211/163), which authorised the import of Pulverised Fuel Ash (PFA) as an additional type of material to be used in the restoration of the site. The Weston extension area application consolidated those existing parts of the wider quarry operation, such as processing plant and the A50 access road,

the proposed Weston extension, as well as a number of phases of working previously included in planning permission CM9/900/48 which had not yet been worked out or fully restored. In particular, phases 6 and 6a, as well as phases 8 and 9 were included in the Weston extension application.

Environmental Statement

- 4.14 The application is accompanied by an Environmental Statement (ES) which provides information about ecology, landscape and visual impacts, hydrology and hydrogeology and the potential for bird strike. The ES also addresses the potential cumulative impacts of the development. The base information and the assessments and conclusions arising from the information is summarised in the 'Planning Considerations' section below, together with the case officer's assessment against the relevant policies of the development plan and other material considerations.
- 4.15 In response to the comments from consultees and a formal request by the Mineral Planning Authority (MPA), the applicant submitted a revised Bird Hazard Management Plan which forms part of the ES.
- 4.16 Where appropriate, the planning issues raised are addressed in the 'Planning Considerations' section below.

Planning Obligations

- 4.17 There are planning obligations that are currently kept in place by Section 106 undertakings, which relate to phasing of working areas and their subsequent restoration. The company and other relevant landowners could enter into a deed of variation under Section 106A to modify the planning obligations as necessary to retain their effectiveness following any grant of permission under this application and as may otherwise be considered necessary.

Consultations

4.18 **Councillor Atkin**

Councillor Atkin has made the following comments:

"I have no objection in principle to further extraction works being carried out at the proposed Acre Lane Quarry site extension. I also support the proposals for phases 8\9 restoration works to bring it back to agriculture, on completion of phase 8\9 it should be supported by a minimum 10 year management plan for agriculture and restoration of any hedgerow \ trees lost due to the quarry workings. All drainage ditches must be included in the plan to take excess flood water away

from the site. I have no objection to the proposed increase of waste stocks required to promote infill.

Further work & research is required on large wild birds of all descriptions to prevent any future aircraft Bird Strike for flights arriving & departing East Midlands Airport after a recent incident. Airport growth is due to expand over the next few years in particular cargo flights.

Although the River Trent is adjacent to the Quarry workings I do not support any further open water lagoons at this location due to the high costs of future works \ maintenance and the obvious bird strike as detailed in the above paragraph, therefore to promote bringing the land back to agriculture is to be encouraged. In addition to these proposals it is now a requirement from famers \ landowners Insurance companies to keep \ provide a record of all workings and restoration plans when applying for insurance cover policies (please refer to the NFU for details)".

4.19 South Derbyshire District Council - Planning

Raised no objections.

4.20 South Derbyshire District Council - Environmental Health Officer

Raised no objections.

4.21 North West Leicestershire District Council - Planning

Raised no objections.

4.22 Leicestershire County Council

Had no comments to make from a minerals or waste planning perspective.

4.23 Weston on Trent Parish Council

No comments received.

4.24 Castle Donington Parish Council

No comments received.

4.25 Aston on Trent Parish Council

No comments received.

4.26 Environment Agency

Raised no objection to the proposal but advised the applicant to contact the Environment Agency (EA) regarding the potential need for a Variation of Permit relating to the landfill transfer station.

4.27 Lead Local Flood Authority

Derbyshire County Council, in its statutory role as Lead Local Flood Authority (LLFA), raised no objections to the proposal.

4.28 Highways England

Raised no objections.

4.29 Highway Authority

Derbyshire County Council, in its statutory role as Highway Authority, raised no objection to the proposal.

4.30 Historic England

Historic England referred to the Shardlow long boat, a nationally important non-designated heritage asset, which was preserved in-situ at the site during previous phases of working at the Shardlow Quarry site. Historic England commented that any changes to the working and subsequent reinstatement of the site should, with the benefit of expert knowledge, be checked against the preservation requirements of the boat to ensure its protection from fluctuations in water levels/redox. In the event that risk was identified, Historic England requested that appropriate monitoring and mitigation be required in order for the application to meet the requirements of the National Planning Policy Framework.

4.31 East Midlands Airport

In comments received 16 August 2019- East Midlands Airport (EMA) objected to the proposals, unless amendments were made to the Bird Hazard Management Plan (BHMP), primarily to formalise an agreed communication/liaison strategy with the Quarry operator and EMA.

4.32 Further comments were received 21 December 2021. On considering a revised BHMP, EMA requested details of all locations of water bodies to remain on site after quarrying is complete, and ownership details of each water body in the future.

4.33 Following further discussions with the applicant and EMA, the objection was withdrawn. EMA made the following comment, received 5 October 2022:

“The Safeguarding Authority for East Midlands Airport has assessed the proposal and its potential to conflict aerodrome Safeguarding criteria. We conclude that we have no objection to this Variation.”

4.34 Natural England

Natural England raised no objections to the proposal.

4.35 Derbyshire Wildlife Trust

Overall, the Derbyshire Wildlife Trust (DWT) did not consider that the delay in delivery of the agreed restoration would result in any significant ecological impacts, provided that the mitigation measures detailed in Section 6.4 of the Ecological Impact Assessment in respect of common toad, grass snake, breeding birds and badger are implemented. DWT requested that these be secured by condition.

4.36 Network Rail

Commented that it had no observations to make regarding the proposal.

4.37 Canal and Rivers Trust

Confirmed it had no comment to make.

Publicity

4.38 The application was initially advertised by site notice, press advert (Derby Telegraph) and by neighbour notification with a request for comments by 25 April 2018. One representation has been received objecting to the proposals. The main issues raised are as follows:

- All existing voids should be filled and restored before any new working areas are opened.
- The applicant should provide guarantees, including appropriate bonds, that new and existing voids be filled within a short period of time following cessation of mineral extraction.
- How will the applicant source fill if PFA is not available?
- *"I strongly object to any further development of this area until suitable guarantees, including financial guarantees are supplied. Further, Hanson should pay a premium to the County Council and local councils in the same way as housing developers to compensate local people for the continuing inconvenience of their operations. This would allow for improvements to local footpath links such as a new bridge across the river at New Mills as a replacement for the former ferry which is now defunct."*

4.39 The application was advertised for a second period following submission of a revised BHMP, under Regulation 25 of the Environmental Impact Assessment Regulations 2017, by site notice, press advert (Derby Telegraph) with a request for comments by 13 February 2022. Neighbour notification was also undertaken with a request for comment by 24 February 2022. No further representations were received.

Planning Considerations

- 4.40 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the Derby and Derbyshire Minerals Local Plan 2002 (DDMLP), Derby and Derbyshire Waste Local Plan (DDWLP) 2005, and the South Derbyshire Local Plan (SDLP) (comprising Part 1 (adopted June 2016) [SDLP:P1], and Part 2 (adopted November 2017) [SDLP:P2]). There is no neighbourhood plan in place which would cover the site area. The National Planning Policy Framework (NPPF), the associated National Planning Practice Guidance (NPPG), and the National Planning Policy for Waste (NPPW) are also material considerations.
- 4.41 The most relevant policies that must be taken into account when considering this application are set out below:

Derby and Derbyshire Minerals Local Plan 2002 Policies

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
MP7: Archaeology – Mitigation Measures
MP10: Reclamation and After-Use
MP21: Sand and Gravel Sites.

Derby and Derbyshire Waste Local Plan 2005 Policies

W1b: Need for the Development
W5: Identified Interests of Environmental Importance
W6: Pollution and related nuisances.
W7: Landscape and other visual impacts.
W8: Impact of the Transport of Waste
W9 Protection of Other Interests
W10: Cumulative Impact.
W11: Need for landfill.
W12: Reclamation and Restoration.

South Derbyshire Local Plan Part 1 2016 Policies

S1: Sustainable Growth Strategy
S2: Presumption in Favour of Sustainable Development
SD1: Amenity and Environmental Quality
SD2: Flood Risk
BNE3: Biodiversity

BNE4: Landscape Character and Local Distinctiveness
INF5: East Midlands Airport

South Derbyshire Local Plan Part 2 2017 Policies

BNE10: Heritage

National Planning Policy for Waste (October 2014)

Part 7: Determining Planning Applications.

Appendix A: The Waste Hierarchy.

Appendix B: Locational Criteria.

National Planning Policy Framework (July 2021)

Part 2: Achieving sustainable development.

Part 4: Decision making.

Part 6: Building a strong competitive economy.

Part 8: Promoting healthy and safe communities.

Part 14: Meeting the challenge of climate change, flooding and coastal change.

Part 15: Conserving and enhancing the natural environment.

Part 17: Facilitating the sustainable use of minerals.

Principle of Development and Main Considerations

- 4.42 The principle of development of the site for quarrying operations is long established under the grant of previous planning permissions outlined above, and therefore is not the subject of further consideration under this application. The main considerations with regard to this proposal are:

Whether

- the proposed variation of the provisions now under Condition 7 to allow extraction in the Weston extension area prior to restoration of phases 8 and 9, and
- the proposed variation of the provisions now under Condition 63 to allow the height of infill waste stored on site to exceed the 40 metres AOD during restoration of phases 8 and 9;

are acceptable in terms of potential additional impacts that may arise as a result of these variations, weighed against the operational and other benefits that may result. In making this judgement, the main areas to be assessed are considered to be:

- Need to not comply with and to vary conditions
- Landscape and Visual Impact
- Ecology
- Highways

- Flood Risk and Hydrology
- Airport Safeguarding

Need to Not Comply with the Current Conditions

- 4.43 The need for landfilling is established as a result of the requirement to fill voids from quarrying operations, in order to restore the site, and has previously been approved.
- 4.44 The applicant considers there is a need to carry on the development in a way that is at variance with some of the controls under the conditions to the existing permission, due to operational issues that have occurred at the site. The applicant has provided supporting information with the application and in summary the issues are as follows:

Skerry Bands:

The last extraction phase area (8 and 9) under planning permission CM9/211/163 has a significantly higher proportion of bands of sandstone, known as 'skerry bands', within the clay floor than has been encountered in previous phases. It is critical that these are dug out and voids are replaced with clay to effect the seal required by the operator's Environmental Permit for landfilling, in order to restore the site to agricultural land. The greatest volume of suitable clay lies within the last areas of sand and gravel to be worked (in the Weston extension), and accordingly, it is only possible to engineer the site for restoration once the required clay, as well as the sand and gravel have been extracted.

Flooding:

The development has been hampered by flooding in recent years. The River Trent frequently overtops its banks and directly floods the working area which prevents all extraction, engineering and infilling activities, until the area is made dry by pumping out floodwater. The river also floods the site egress where it passes under the A50 trunk road; at such times, aggregate (and concrete) vehicles are permitted to travel through Shardlow village on leaving the site, but waste vehicles are not allowed to do so and hence importation of waste has to cease. This can give a disparity between aggregate output and waste input that is not helpful in seeking to keep restoration progress up with the quarry workings.

Other complications since the submission of the application:

The effects of the Covid-19 pandemic have hampered works and restoration efforts further. The site was completely closed for 8 days in 2020, for example, and staff were furloughed for a time. Ratcliffe-on-Soar power station also previously supplied large quantities of PFA to the site for infill. PFA from Ratcliffe-on-Soar power station is, however,

now increasingly being diverted to other uses and the operator is more reliant on other sources of inert waste to use as infill.

- 4.45 Policy MP2 of the DDMLP supports mineral development where there is a sufficient need assessed against a number of criteria. Given that the proposal relates to elements of both extraction and landfilling, waste policies are also relevant.
- 4.46 Policy W1b of the DDWLP, states that “*waste development will be permitted if the development would help cater for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management*”.
- 4.47 Chapter 6: Building a strong, competitive economy, of the NPPF, states that “*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...*”.
- 4.48 Given the above complications outlined by the applicant, I am satisfied that there is a demonstrable need for the proposed non-compliance with, and variation of conditions 7 and 63 of planning permission code no.CM9/0811/53.
- 4.49 I consider that the variations would allow a change in the sequence of working and restoration and would result in a more effective operation of the site. The application is therefore considered to be in accordance with the policies outlined above in this respect.

Landscape and Visual Impact

- 4.50 Policies MP1 of the DDMLP, W7 of the DDWLP and BNE4 of the SDLP:P1, and Part 15 of the NPPF, all seek to protect landscape character.
- 4.51 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the ES. In defining the baseline position, it refers to the Derbyshire Landscape Character Assessment, wherein the site lies within the ‘Trent Valley Washlands’. The site is described as typical of agricultural land within the wider landscape along the broad river valley.
- 4.52 This locality’s character has certainly been influenced greatly by past and present industrial features, i.e. canal, railway, pylons and factories, through to more recent intensively managed water and agricultural industries, roads and quarrying. Due to the relatively high level of

screening along the site boundaries, the landscape character has limited influence on the wider landscape character beyond. Upper elements of the existing plant site buildings and structures are partially visible from areas of higher ground in the surrounding landscape. The site has no designations relating to landscape quality and, due to the nature of the low-lying landform, other significant infrastructure and development unrelated to the site are visible, both close to and in the far distance. Overall, the site is considered to be of low sensitivity to the proposed development as it represents a temporary land use which would deliver pastoral and arable farmland as final land uses, including restoration of the current field patterns and boundary features.

- 4.53 Visual impacts of working and restoration have already been assessed in the previous application CM9/0811/53. The proposal to vary Condition 7 would prolong restoration to phases 8 and 9, but not the overall intended timeframe for final restoration, neither would it alter final restoration proposals. In response to the Trent Valley Washland character definition, final restoration proposals would enhance the visual character of the site, given that it would be restored back to agriculture.
- 4.54 The proposed variation to Condition 63 to remove the restriction on stockpile heights, does have the potential for visual impact on a temporary basis while restoration and fill of voids continues. The current plant and existing vegetation around the site do provide an effective screen and of the stockpile area, however, and it is not considered that the relaxation in stockpile height would cause significant landscape impacts in the short term.
- 4.55 I am satisfied that the proposed variations to conditions 7 and 63 would enable the longer term restoration commitment for the site, which would enhance the landscape character. The proposal is considered to be in accordance with policies MP1 of the DDMLP, W7 of the DDWLP and BNE4 of the SDLP:P1 in this respect.

Ecology

- 4.56 Policies MP1 and MP6 of the DDMLP, W5 of the DDWLP, BNE3 of the SDLP:P1 and Part 15 of the NPPF all seek to protect ecological interests and promote biodiversity.
- 4.57 An ecological impact assessment (EclA) has been submitted in support of the ES. The proposed variation to the provisions of conditions 7 and 63 would not change the requirement for the site to be restored back to agriculture, which is an ecological gain. All restoration works, except the restoration sequence, would remain within intended timeframes. There

would be no change to the physical methods used or the extent of the restoration plans. This EclA therefore assesses ecological impacts caused by the delay in restoration to phases 8 and 9, and not the impacts from the physical act of restoration.

- 4.58 Whilst there are potential habitats in the wider site, such as for common toad, reptiles, bats and birds, badgers and otters, the proposed variation to the conditions would not affect these wider potential habitats. Phases 8 and 9 which is being filled, and the waste stockpile area which are specifically the subject of this application, are working parts of the operation, which currently have extremely limited ecological value. Incorporating the avoidance, mitigation and compensation measures already approved under the previous planning permission within the scheme, the EclA predicts that no protected species licences would be required to facilitate restoration at the site and no adverse impacts upon local populations are predicted. The EclA does provide some limited updated recommendations for mitigation including dewatering and clearance works outside of certain breeding seedings for various species, which would be applied to the entire site as part of the revised ecological survey as a result of this application, which would be required by imposition of planning condition.
- 4.59 Proposed biodiversity enhancement measures are already agreed as part of the approved restoration plan for phases 8 and 9. No additional biodiversity enhancements are therefore suggested in relation to the proposed variation to the provisions of conditions 7 and 63.
- 4.60 Subject to the imposition of a condition requiring that ongoing ecological mitigation is carried out in accordance with the EclA submitted in support of this application, I am satisfied that the proposals are acceptable with regards to protection of ecological interests and are in accordance with policies MP1 and MP6 of the DDMLP, W5 of the DDWLP, BNE3 of the SDLP:P1 and Part 15 of the NPPF.

Highways

- 4.61 Policies MP1, MP4 and MP5 of the DDMLP and Policy W8 of the DDWLP are concerned with consideration of highways issues.
- 4.62 The operation is not specifically restricted by condition with regard to exact numbers of HGV movements, however, there is a limitation on the amount of mineral extraction under Condition 4 of planning permission CM9/0811/53 to no more than 600,000 tonnes per annum. There is no similar restriction on the amount of infill material that can be brought to the site annually.

- 4.63 The application now under consideration does not propose any changes to the amount of material to be imported and, as such, no objections have been received by the Highway Authority (DCC).
- 3.64 It is considered that there would be no additional impacts upon the highway network or highway safety as a result of the proposal, and the application is in accordance with the policies identified above.

Flood Risk and Hydrology

- 4.65 Policies MP1 and MP4 of the DDMLP, W5, W9 and W10 of the DDWLP, SD2 of the SDLP:P1 and Part 14 of the NPPF are concerned with consideration of flood risk and hydrological issues.
- 4.66 The site is predominantly within Flood Zone 3 and is within the floodplain of the River Trent. Quarry voids are flooded at certain times as a result. The voids are then 'dewatered' by pumping floodwater back into the River Trent, under discharge permits, granted by the EA.
- 4.67 The current application and the ES is informed with regard to these issues by a report submitted, entitled '*Hydrogeological and hydrogeological assessment of extended working periods in phases 8 and 9*'.
- 4.68 The report has considered the potential impacts on the water environment from extending the period during which there would be simultaneous dewatering in the Weston extension and in the final phases of the previous workings.
- 4.69 The assessment concludes that there would be no additional impacts on groundwater level, or water quality from this combined operation.
- 4.70 The combined operation would result in an increased leakage of surface water from the River Trent into the voids. However, as water pumped from all the working areas is returned to the river, there would be no net loss of flow in it.
- 4.71 Dewatering water is currently discharged via sumps in the quarry void which allow suspended solids to settle out. This is an established procedure in all areas of the quarry and no additional impacts on surface water quality would occur.
- 4.72 During flood events, the quarry would be inundated by the River Trent. The extended period over which additional void space would remain open would increase flood plain storage. Following flood events, due to the increased void volume as a result of phases 8 and 9 remaining

wholly or partially open, additional water would be discharged into the River Trent to remove flood water from the voids.

- 4.73 Neither the EA or LLFA have raised objections to the approach as set out by the applicant. I am therefore satisfied that the proposed variation to conditions are supported by effective flood management and that groundwaters would also be suitably protected, through the EA permitting regime. I consider that the application is therefore in accordance with the planning policies identified above with regard to Flood Risk and Hydrological issues.

Airport Safeguarding

- 4.74 EMA is within approximately 2 km, to the south-east of the site and is therefore within the aerodrome safeguarding area for EMA. The overall operation has the potential to create areas attractive to large and/or flocking birds which could create a bird strike risk to aircraft using EMA. Previous planning permissions relating to the operation have required Bird Hazard Management Plan's (BHMP), to identify the risks, but also to propose any necessary mitigation.
- 4.75 Policy IN5 of the SDLP:P1 requires that certain planning applications will be the subject of a consultation with the operator of EMA within the safeguarding zone.
- 4.76 An updated BHMP initially submitted with the application was further revised following consultation and an objection received from EMA, who had requested an agreed communication/liaison strategy with the Quarry operator and that EMA be included in recommendations in the BHMP. This has now been done, as requested, to the satisfaction of EMA, and recommendations in the revised BHMP include notification to EMA within 24 hours if High Trigger Levels (of bird populations as defined in the report through monthly bird survey) are exceeded; and the holding of an annual review meeting on site with a representative of EMA to review site operations, survey results and actions, and, if appropriate to update the BHMP. Following further consideration of the revised BHMP, EMA has now confirmed that it has no objection to the application.
- 4.77 No major water bodies (which can attract birds) are located in the areas of the site affected by this application, and the areas affected by this proposal would be restored back to agriculture. However, the BHMP does note the potential for attraction of birds to standing water, given the potential for flooding of voids.

- 4.78 Monthly bird surveys would continue to be undertaken by the operator and made available to EMA, until Phase 6 and phases 8/9 voids are permanently dewatered or the voids infilled so no substantial water body remains. Other mitigation includes the aim to infill extraction voids as soon as practicable and thus minimise flooding potential and the creation of new water bodies which may stay beyond the short term.
- 4.79 I am satisfied that, subject to the recommendations being followed in the BHMP by way of condition, the potential for bird strike would be satisfactorily mitigated against, and that the application is in accordance with Policy IN5 of the SDLP:P1 in respect to airport safeguarding.

Conclusion

- 4.80 I consider that a need has been demonstrated which justifies the proposed variations to the provisions of conditions 7 and 63 to the existing planning permission CM9/0811/53. This would result in a more effective operation of the site, which would not hinder the longer term restoration commitments.
- 4.81 Subject to the imposition of a condition requiring that ongoing ecological mitigation is carried out in accordance with the EcIA submitted in support of this application, I am satisfied that the proposals are acceptable with regards to protection of ecological interests.
- 4.82 I am satisfied that effective flood management has been demonstrated, and that groundwaters would also be suitably protected, through the EA permitting regime. With regard to airport safeguarding, subject to the recommendations in the BHMP being required to be complied with by condition, it is considered that the potential for bird strike would be satisfactorily mitigated against.
- 4.83 I do not consider that the proposed variations would lead to any unacceptable significant impacts, either singularly or in cumulation as outlined in the ES. Subject to a deed of variation to the Section 106 agreement, as outlined above and conditions below, the application is considered to be in accordance with national and local planning policy.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 As on file 9.701.24, Application CM9/0816/46

7. Appendices

7.1 Appendix 1 - Implications.

7.2 Appendix 2 – Site Plan.

8. Recommendation

That the Committee resolves to authorise a **grant** of planning permission relating to Shardlow Quarry under Section 73 of the Town and Country Planning Act 1990 in accordance with the application under code number CM9/0816/46, subject to:

8.1 Prior to completion of a deed of variation under Section 106A of the Town and County Planning Act 1990 in respect of the existing planning obligations relating to Shardlow Quarry that the Executive Director of Place and the Director of Legal and Democratic Services are satisfied that the modification to the obligations preserves their effectiveness with regard to changed phasing of working areas and their subsequent restoration under the permission to be granted; and

8.2 Conditions that are substantially in accordance with the following draft conditions:

Duration

1) All operations, uses and development, as approved by this permission, including the restoration and landscaping of the site (but excluding aftercare), shall be completed in accordance with the other conditions to this permission subject to the following timescales:

- Progressive restoration of the Weston Extension area to be completed within two years from the completion of mineral extraction in each phase.
- Removal of processing plant and restoration of the site within one year of the completion of all mineral extraction at the quarry.
- Removal of the waste transfer area and restoration of the site within one year of the final import of waste materials used in the restoration and aftercare of the mineral extraction area.
- Aftercare of all restored areas for a period of five years after the completion of restoration works.

Reason: to ensure the timely completion of stages of the development in the interests of the amenity of the area.

Approved Plans and Form of Development

- 2) Except as may be modified or required by the terms of the other conditions of this permission, the development hereby approved shall be carried out in accordance with the details, including all mitigation measures, set out in the planning application documents, including the Environmental Statement, submitted by URS Scott Wilson Ltd under cover of letter dated 29 July 2011, and received by the Mineral Planning Authority on 3 August 2011, as amended by the supplementary submissions by URS Scott Wilson Ltd under cover of two letters dated 19 March and 10 September 2012, and the further submission under cover of the letter dated 30 April 2014 and the further amending submissions from Hanson Quarry Products Europe Ltd on 29 June 2015, as further amended by application documents and Environmental Statement and supporting documents received as valid 31 January 2018. For the avoidance of doubt, the approved development shall be carried out in accordance with the following drawings:

- D136735.SS.001 entitled 'Site Location Plan'
- D136735.SS.002 entitled 'Location Plan'
- D136735.SS.003 Rev A entitled 'Revised Application Boundary Plan'
- D136735.SS.004 Rev A entitled 'Topographical Survey'
- D136735.SS.006 Rev A entitled 'Development Masterplan'
- S121/472 entitled 'Proposed Method of Working During Year 1 Extraction'
- S121/473 entitled 'Proposed Method of Working End of Year 1 and Start of Year 2 Extraction'
- S121/474 entitled 'Proposed Method of Working During Year 2 Extraction'
- S121/475 entitled 'Proposed Method of Working End of Year 2 Extraction'
- S121/476 entitled 'Proposed Method of Working During Year 3 Extraction'
- S121/477 entitled 'Proposed Method of Working During Year 4 Extraction'
- S121/478 entitled 'Proposed Method of Working During Year4 Extraction'
- S121/479 entitled 'Proposed Method of Working During Year 5 Extraction'
- S121/480 entitled 'Proposed Method of Working During Year 5 Extraction'
- S121/481 entitled 'Proposed Method of Working During Year 6 Extraction'
- S121/482 entitled 'Proposed Method of Working During Year 6 Extraction'

- S121/483 entitled 'Proposed Method of Working During Year 7 Extraction'
- S121/484 Proposed Method of Working During Year 7 Extraction
- S121/485 Proposed Method of Working Start of Year 8 Extraction
- S121/486 Proposed Method of Working End of Year 8 Extraction and Start of Year 9 Extraction
- S121/487 Proposed Method of Working End of Year 9 Restoration
- S121/488 Chart of Yearly Activities
- S121/491a Proposed Method of Working
- Drawing no D136735.SS.022 Rev A entitled 'Location of Clay Sealing'
- Drawing no D136735.SS.024 Rev B entitled 'Restoration Masterplan'
- Drawing no D136735.SS.025 entitled 'Soil Restoration Profiles'
- Drawing no D136735.SS.026 Rev A entitled 'Restoration Surface Water Drainage Plan'
- Drawing no D136735.SS.027 entitled 'Environmental Monitoring Points'
- Drawing no D136735.PS.004 entitled 'Shardlow Quarry Plant Detail'
- Drawing no D136735.PS.003 entitled 'Aston Brook Restoration Detail'
- S121fc/220 Restoration Scheme
- S121cg/293 Restoration Scheme
- S121fc/246 Method of Working End of Year 5
- S121fc/247 Method of Working End of Year 6
- S121fc/248 Method of Working End of Year 7
- S121fc/249 Method of Working End of Year 8
- S121fc/250 Method of Working End of Year 9
- S121fc/251 Method of Working End of Year 10
- S121fc/252 Method of Working End of Year 11
- S121fc/253 Method of Working End of Year 12
- S121fc/254 Method of Working End of Year 13
- S121fc/255 Method of Working End of Year 14
- S121g/396 South of Railway Toe Drainage System
- S121g/411 Section Through Perimeter Bund
- S121g/412 Section Through Perimeter Bund
- S121g/413a Section Through Perimeter Bund
- S121g/415 Section Through Free-Standing Bund
- S121g/439c, May 2014 King's Mill Lane Temporary Diversion and Reinstatement
- S121/444, June 2014 Tree Survey/Retention Plan
- S121/433a, June 2014 King's Mill Lane Crossing Detail and Temporary Diversion
- S121c/272
- S121c/310 Lighting Plan S121fc/257 Processing Plant

- S121/364
- S121/371
- S121c/284
- S28/10

This requirement includes the maintenance of all the stand-off distances from the River Trent and the Trent and Mersey Canal, as identified on drawing no.D136735.SS.009 Rev A in the Weston extension area, the stand-off distances from trees and hedgerows specified in the Environmental Statement and the stand-off distances agreed under the terms of planning permission CM9/900/48. The form of the haul road crossing point on King's Mill Lane and the details of the clay liner and road reinstatement shall be in full accordance with the details specified on drawings S121/439c and S121/443a. For the avoidance of doubt, the area subject to the planning permission is that identified on drawing no. D136735.SS.003 Rev A submitted under cover of the letter from URS Scott Wilson Ltd dated 30 April 2012.

The concessionary bridleway indicated on drawing no. D136735.SS.24 Rev B shall be dedicated as a permanent bridleway, or, alternatively, footpath number 7 shall be reinstated to bridleway standards.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details in the interests of the amenity of the area.

- 3) The rate of production of mineral from the quarry shall not exceed an annual limit of 600,000 tonnes per year.

Reason: To establish an upper limit of production to minimise the environmental impact on the area and to maintain amenity.

Availability of Plans

- 4) A copy of the permission, including all the documents referred to in it, and any further submissions to, and approved by the Mineral Planning Authority under the approved conditions, shall be displayed at the site office during working hours, and the terms and conditions of the permission shall be known to any person(s) given the responsibility for the management and control of operations on site.

Reason: To ensure that the site operators are fully aware of the scope of the planning permission and the requirements of these conditions throughout the period of the development in order to ensure that it is carried out as approved in the interests of the amenity of the area.

Notifications

- 5) The applicant/operator shall notify the Mineral Planning Authority within seven days of the commencement and completion of each phase of the development and give at least seven days' notice of the intention to undertake soil stripping in each phase. The applicant/ operator shall also maintain production and output records which shall be made available to the Mineral Planning Authority on an annual basis.

Reason: The Mineral Planning Authority requires appropriate notification of these dates to establish the base dates for the duration of the operations and to ensure that it has sufficient time to make arrangements for monitoring of the development in the interests of maintaining the amenity of the area. The maintenance and provision of the annual production figures are required to ensure that the quarry operates within the approved limits.

Working Programme and Working Restrictions

- 6) Except as may be otherwise approved in writing by the Mineral Planning Authority, the development shall be carried out in accordance with the programme of extraction and restoration detailed in Chapter 5 of the Planning Application and Supporting Statement dated July 2011, as amended by the details provided under cover of the letter from Hanson Quarry Products Europe Limited dated 29 June 2015 and planning permission [this application CM9/0816/46] dated [to be confirmed] including the works as detailed on the chart and phasing drawings numbered S121/471 to S121/488 and S121/491a. For the avoidance of doubt with the exception of Phases 6 to 9 of permission CM9/0211/163, mineral extraction shall not be commenced in a new phase until infilling operations have been completed in the phase prior to the preceding one. Further, no trees, hedgerows or shrubs shall be removed during the bird nesting season (1 March to 31 August in any year).

Reason: To establish the sequence of operations to enable the Mineral Planning Authority to monitor it in the interests of protecting the amenity of the area and to minimise the area of operations at any one time.

Buildings, Fixed Plant and Machinery

- 7) Notwithstanding the provisions of Part 17 Class A Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015, no fixed plant or machinery, buildings, structures or erections, or private ways shall be erected, extended, installed, replaced, repaired or altered without the prior approval of the Mineral Planning Authority, except on the site of the processing plant as shown on drawing no S121fc/257 of planning permission CM9/900/48.

Reason: To enable the Mineral Planning Authority to assess any proposed further development in those parts of the site, other than the processing plant site, where any such development might have an unacceptable impact on amenity and the environment.

Hours of Operation

- 8) Except in the circumstances set out below, no operations authorised or required by this permission, including vehicle movements to and from the site, or within the site shall be carried out on the site except between the following times:

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

No operations shall be carried out on Saturday afternoons, Sundays, Bank Holidays, or other Public Holidays, without the prior written approval of the Mineral Planning Authority.

The exceptions to this requirement are as follows:

- i) in case of emergencies affecting public safety;
- ii) routine plant maintenance shall be permitted between 1300 hours and 1600 hours on Saturday and 0800 hours to 1600 hours on Sundays.

Only emergency repairs to machinery may be carried out outside these hours provided no machinery or plant is run or operated.

Reason: To control the hours of operation in the interests of local amenity.

Access, Traffic and Protection of Public Highway

- 9) Sole access/egress by vehicles transporting mineral from the site, or which are entering the site to collect minerals shall be by way of the existing access/exit roads to the A50 except during periods when these roads are impassable because the River Trent is in flood. On these occasions, vehicles transporting minerals from the site shall use the existing Aston Lane/Acre Lane access. The Mineral Planning Authority and Shardlow and Great Wilne Parish Council shall be informed immediately by telephone of any such occurrence. The duration of the occurrence, and number of lorry movements during the occurrence, shall be notified to these bodies, in writing, no later than seven days after the end of the occurrence.

Reason: To restrict the routes for accessing the site in the interests of local amenity.

- 10) Sole access/egress by vehicles which are importing materials to the site, or which have imported materials to the site for restoration purposes shall be by way of the existing access/exit roads to the A50.

Reason: To restrict the routes for accessing the site in the interests of local amenity.

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

Reason: In the interests of highway safety and local amenity.

- 12) No mud or other dirt shall be carried from the site on to the public highway.

Reason: In the interests of highway safety and local amenity.

Noise

- 13) Except as provided at Condition 14 below, the free field noise generation from the site, expressed as a 1 hour LAeq as measured at all the noise sensitive locations identified in Chapter 14 of the Environmental Statement dated July 2011, shall not exceed the 'preferred' daytime operational limit (expressed as dB for any one-hour) between 0700 hours and 1900 hours, Mondays to Fridays and 0700 hours - 1300 hours on Saturdays.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

- 14) The noise limits referred to in Condition 13 above may be exceeded for noise emitted from temporary operations related to the stripping of soils and overburden, formation of soil storage and flood protection bunds and their subsequent re-use for restoration, and received at any of the noise sensitive properties for a total period not exceeding eight weeks in any calendar year, provided that at no time shall noise exceed 55 dBLAeq, 1 hour, free field.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

- 15) Prior to the commencement of the stripping of topsoil, subsoil and overburden, the formation of storage mounds and their subsequent reuse for restoration in the phases near to the identified noise sensitive properties the operator shall notify the respective occupants at least seven days in advance about the date of commencement, the duration of these operations and the proposed hours of daily working and inform the Mineral Planning Authority, in writing, about the details of the notification within seven days of the date of the notification.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

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

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

- 17) No audible warning devices shall be used on any mobile plant, including hired plant, except in accordance with details that have received the prior written approval of the Mineral Planning Authority.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

Noise Monitoring Scheme

- 18) At all times for the remainder of the development, noise monitoring shall be undertaken in accordance with the 'Noise Monitoring Scheme' report, submitted under SM2871, and approved by the Mineral Planning Authority 23 March 2017.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

Dust

- 19) At all times during the carrying out of operations authorised or required by this permission, water bowzers, sprayers, whether mobile or fixed, or similar equipment and measures 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, the movements of soils and overburden, infilling materials and any other dust generating activity shall temporarily cease until such time as weather conditions improve and the emission of dust from the site has been abated.

Reason: To control dust resulting from site operations and to provide for the monitoring of the impact of dust emissions in the interests of protecting the local amenity and the environment.

- 20) At all times for the remainder of the development, dust monitoring and suppression shall be undertaken in accordance with the 'Dust Monitoring Scheme' report submitted under SM2872, and approved by the Mineral Planning Authority 23 March 2017.

Reason: To control dust resulting from site operations and to provide for the monitoring of the impact of dust emissions in the interests of protecting the local amenity and the environment.

Lighting

- 21) No outdoor lighting in addition to that identified in the lighting survey submitted on 21 September 2004 and indicated on drawing no. S121c/31O shall be installed at the processing plant site, as shown on drawing no S121fc/257, without the prior written approval of the Mineral Planning Authority.

Reason: To ensure that lighting is appropriate in the interests of protecting local amenity and the environment.

Water Protection and Pollution Prevention

- 22) The development shall only be carried out in accordance with the provisions and requirements of the Flood Risk Assessment Addendum dated March 2012 and the following mitigation measures:
1. The dewatering discharge rate is limited to current discharges of an average 100-130 l/s. Should this rate be exceeded to the maximum consented rate of 451 l/s, dewatering must cease immediately, should any flooding occur in the Aston Brook, and water temporarily stored in the quarry void.
 2. Operations shall be halted during flooding conditions as is current practice.
 3. Ground levels within the restored area should not exceed original contours, and similar proportions of greenfield run-off shall drain to the Aston Brook and the River Trent post-restoration when

compared to the pre-development situation.

4. The Aston Brook shall be restored to its original course upon completion of the restoration phase. There shall be no decrease in capacity of the channel when restored channel and pre-development channels are compared. Gradients as in the long profile of the channel shall remain similar, with the exception of the addition of pool and riffle sections.
5. The storage mounds shall be in accordance with the details specified in Section G3 of the Addendum. In particular, they shall be placed parallel to the flood flows of the River Trent in the vicinity and there shall be gaps of at least 5m between each.
6. The mound closest to the River Trent, opposite the Priest House Hotel as shown on figure G.2a-d shall remain in place for a six month period only.

Reason: To prevent flooding elsewhere by ensuring that discharge rates do not exceed current rates. To ensure safe access and egress to and from the site. To ensure that upon restoration, the pre-developed greenfield scenario is replicated and that there is no increase in flood risk to third parties caused by the loss of floodplain storage. To ensure that flood risk is not increased to third parties from the diversion of the Aston Brook. To minimise the potential impact upon blockage of flood flows of the River Trent.

- 23) At all times for the remainder of the development, water management shall be undertaken in accordance with the 'Scheme for Water Management' report and details submitted under SM2873, and approved by the Mineral Planning Authority 6 October 2016.

Reason: To provide adequate protection to the water environment of the area.

- 24) At all times for the remainder of the development, engineered clay lining for quarry voids shall be undertaken in accordance with the details submitted under SM2874, and approved by the Mineral Planning Authority, 23 March 2017.

Reason: Further details are required to demonstrate that the properties of the clay are suitable to construct a lining and how it would be engineered to protect the environment from the Pulverised Fuel Ash and other infill materials.

- 25) With the exception of those operations detailed in the application documents, no other soil storage or excavations shall take place within 45m of the edge of the bank of the River Trent.

Reason: To maintain access to the River Trent and to minimise the risk of a potential breach in the bank of the River Trent.

- 26) The finished level for the haul roads to be used in the site shall be no higher than the corresponding existing ground levels.

Reason: To ensure there is no interruption to flood flow routes crossing the site.

- 27) The final levels of the restored land shall not exceed existing ground levels as shown on drawings submitted in accordance with other conditions to this permission.

Reason: To ensure that levels are not restored to the detriment of the flood plain in terms of both storage and flood flow.

- 28) 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, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

- 29) No foul or contaminated drainage from the site shall be discharged into groundwater or any surface water either directly or via soakaways.

Reason: To prevent pollution of the water environment.

- 30) Only inert materials and Pulverised Fuel Ash shall be used to infill the site.

Reason: To prevent pollution of the water environment.

Soil Stripping, Handling and Storage

- 31) The Mineral Planning Authority shall be given at least seven days' notice in writing of the commencement of soil stripping operations.

Reason: To ensure these operations are carried out in the specified appropriate physical conditions and that monitoring arrangements are in place.

- 32) No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for undertaking permitted operations. Essential trafficking routes shall be clearly marked on the ground by stakes or other means. No part of the site shall be excavated, traversed, used for a road, for the stationing of plant or buildings, storage of subsoil or overburden, waste or mineral deposit, until all available topsoil and subsoil have been stripped from that part.

Reason: To prevent unnecessary trafficking of soil by heavy equipment and vehicles that could damage the soil.

- 33) No topsoil and subsoil shall be stripped unless they are in a dry and friable condition. No soils shall be moved:
- i. during the months of November to March inclusive, unless otherwise approved in writing by the Mineral Planning Authority (this shall only be considered on the basis of a soil assessment carried out by a qualified person);
 - ii. when the soil to be moved or trafficked upon has a moisture content that is equal to, or greater than that at which the soils become plastic. (Tested in accordance with the 'worm test' as set out in BS 1377:1975 "British Standards Methods Test for Soils for Civil Engineering Purposes"); and
 - iii. when there are pools of water on the soil surface.

Reason: To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and which, therefore, do not meet the defined criteria.

- 34) All topsoil and subsoil shall be stored in separate mounds. Topsoil storage mounds shall not exceed 3m in height and subsoil mounds 5m in height. The mounds shall be constructed with the minimum amount of compaction. They shall not be traversed by heavy plant or machinery except where essential for purposes of mound construction or maintenance. They shall not subsequently be moved until required for restoration. If continuous mounds are used, dissimilar soils shall be separated by a third material previously approved in writing by the Mineral Planning Authority.

Reason: To prevent the loss of soil and minimise damage to soil structure during storage in the interests of the long-term restoration of the site.

- 35) All storage mounds to remain in situ for more than three months shall be grass seeded and managed in accordance with the scheme submitted and accompanying drawing no. S121/364 by the applicant company on 13 December 2007, as approved by the Mineral Planning Authority 17 March 2008.

Reason: To prevent the loss of soil and minimise damage to soil structure during storage in the interests of the long-term restoration of the site.

- 36) All topsoil and subsoil shall be retained on site. No later than three months from the stripping and formation of storage mounds in each calendar year, the quantities shall be measured and recorded on a plan showing the area of stripped topsoil and subsoil, the location of each storage mound, and the quantity and nature of the stored materials.

Reason: To facilitate soil stock-taking and monitoring of resources in the interests of the long-term restoration of the site.

Soil Replacement

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

Reason: To ensure adequate surface drainage and to enable an effective under-drainage system to be installed. Excessive slopes increase the risk of soil erosion and hinder use of agricultural machinery.

- 38) No large areas of subsoil shall be left without topsoil and crop cover over the winter. Subsoil shall only be replaced when it and the ground are in a dry and friable condition. No movement, respreading, levelling, ripping or loosening of topsoil or subsoil shall occur:
- i. during the months November to March inclusive, unless otherwise approved in writing by the Mineral Planning Authority;
 - ii. when rain affects soil conditions;
 - iii. when there are pools of water on the surface of the storage mound or receiving area.

Reason: To avoid land being without a vegetation/crop cover and becoming waterlogged over winter, and to control soil erosion. Also, to prevent trafficking of the soils during wet periods and to ensure that restoration is completed sufficiently early in the year as to enable vegetation to be established to protect soil over winter.

- 39) No plant or vehicles shall cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for the purposes of carrying out ripping and stone-picking or otherwise treating such areas. Only low ground pressure machines shall work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil.

Reason: To avoid soil smearing and compaction.

Archaeology

- 40) During all soil stripping and mineral extraction operations, the development shall be carried out in accordance with the 'Specification for Archaeological Works' report, undertaken Phoenix Consulting and supporting information submitted under SM2875 and approved by the Mineral Planning Authority, 6 October 2016.

Reason: To ensure that procedures are in place for identifying, excavating and recording any archaeological features that may be uncovered during the development.

Ecology

- 41) The development shall be undertaken in accordance with the 'Ecological Management Plan' (undertaken by SLR June 2016) including addendum (undertaken by Hanson dated January 2017), with all details submitted under SM2876, and approved by the Mineral Planning Authority 23 March 2017, and with the mitigation measures in the report 'Restoration of Phases 8 and 9-Ecological Impact Assessment' dated June 2017.

Reason: To ensure that all the mitigation measures identified are implemented in the interests of the protection of the ecological interests of the area.

- 42) The development shall be undertaken in accordance with the 'Habitat and Environmental Management Scheme' indicated in plan S121/499a, submitted under SM2877 and approved by the Mineral Planning Authority 8 June 2017.

Reason: In order to ensure the protection of wildlife and supporting

habitat, and secure opportunities for the enhancement of the nature conservation value of the site in accordance with the requirements of the National Planning Policy Framework.

Bird Hazard Management Plan

- 43) All operations within the site shall be carried out in accordance with the report entitled 'Shardlow Quarry -Updated Bird Hazard Management Plan' dated, December 2021.

Reason: In order to discourage birds that may be a hazard to aircraft operating in the area.

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

- 44) All existing hedgerows and fences, and any new fencing round the site boundary, shall be maintained throughout the period of operations until the aftercare of the site has been completed. All existing hedgerows and fences within the site shall be maintained until they are removed in accordance with the phased working scheme(s) required by other conditions to this permission. There shall be no soil stripping or storage, excavation or site traffic within 6m of any site boundary hedgerow or within 10m of hedgerow that includes trees.

Reason: To ensure that the trees, hedgerows and shrubs are properly protected during the development and in the interests of the visual amenity and local landscape.

- 45) In the first available planting season after the date of this planning permission, gaps in existing hedgerows (including hedgerow trees) to be retained shall be planted up with the same species as in the existing hedgerow. The hedgerows shall be inspected annually by representatives of the company and the Mineral Planning Authority, and any gaps that they identify during the development and aftercare periods shall also be planted up. Maintenance of any new planting in the hedgerows shall include fertilising, weed control and the replacement of dead, dying or missing stock. The hedgerows shall be trimmed in accordance with good agricultural practise and as agreed with the Mineral Planning Authority.

Reason: To ensure that the trees, hedgerows and shrubs are properly protected during the development and in the interests of the visual amenity and local landscape

Tree Protection Scheme

- 46) The development shall be undertaken in accordance with the details for tree protection including plan S121/498a submitted under SM2881 and approved by the Mineral Planning Authority 23 March 2017.

Reason: To ensure that the trees, hedgerows and shrubs are properly protected during the development and in the interests of the visual amenity and local landscape

Tree, Hedgerow and Aquatic Plant Translocation

- 47) The development shall be undertaken in accordance with the details submitted with regard to hedgerow translocation including plan S121/498a submitted under SM2881 and approved by the Mineral Planning Authority 21 December 2017.

Reason: For the avoidance of doubt and to ensure that the works are undertaken and managed in the most appropriate manner in the interests of the landscape and visual amenity of the area.

- 48) No trees which are to be translocated shall be removed until a scheme for their translocation has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall specify:

- i. the location of each individual tree to be translocated and the locations to which the trees are to be moved (on a plan at a scale of 1:1250);
- ii. the method of lifting, site preparation and replacing of trees;
- iii. the measures to be taken to protect, maintain and manage the trees at the receptor sites; iv. a programme of implementation; and
- iv. measures to be undertaken should the translocation fail. The scheme shall be implemented as approved.

Reason: For the avoidance of doubt and to ensure that the proposed works are undertaken and managed in the most appropriate manner in the interests of the landscape and visual amenity of the area.

- 49) No works on Aston Brook shall be commenced until a scheme for the translocation of aquatic plants from the Brook has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall specify:

- i. the species of plants to be translocated;
- ii. the location and estimate of the numbers of plants to be translocated;
- iii. the locations to which the plants are to be translocated (on a plan at a scale of 1:1250);

- iv. clarification of which plants are to remain in their new location and which ones are to be returned to Aston Brook upon its reinstatement;
- v. the method of lifting, site preparation and replacing of the plants;
- vi. the measures to be taken to protect, maintain and manage the plants at the receptor sites;
- vii. a programme of implementation; and
- viii. measures to be undertaken should the translocation fail.

The scheme shall be implemented as approved.

Reason: For the avoidance of doubt and to ensure that the proposed works are undertaken and managed in the most appropriate manner in the interests of the landscape and visual amenity of the area.

Restoration: Quarry Complex

- 50) Except as otherwise required by the terms of other conditions of this planning permission, the whole quarry complex site, including the existing operational areas and the Weston extension, shall be restored in accordance with a scheme which has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be based on the details provided in the planning application and Environmental Statement dated July 2011 submitted by URS Scott Wilson Ltd, as amended by the details contained in the further submissions under cover of the two letters dated 19 March 2012. Thereafter, the scheme shall be implemented as approved.

For the avoidance of doubt, this provision relates to the form, timing and phasing of restoration. It shall cover the following elements:

- 1) The inclusion of any scheme approved under the terms of planning permissions CM9/900/48 CM9/0211/163, and CM9/0811/53
- 2) The processing plant, stocking area and silt lagoons.
- 3) The waste transfer area.
- 4) The area covered by the Weston Extension.

Reason: To ensure that the site is restored in accordance with the terms approved by the Mineral Planning Authority in the interests of the environment, landscape and amenity of the area.

Restoration: Haul Road Link to A50

- 51) The haul road and associated links from the processing plant site to the A50 shall be removed, restored and landscaped, or otherwise treated, in accordance with a scheme that has received the prior written approval of the Mineral Planning Authority in consultation with Severn

Trent Water Ltd. The scheme, which shall be submitted no later than 24 months before the completion of the development, or within six years of the date of commencement, whichever is the sooner, shall thereafter be implemented as approved by the Mineral Planning Authority.

Reason: To ensure that the haul road is reclaimed, or otherwise treated, when it is no longer required and that account is taken of Severn Trent Water Limited's interest in it.

Landscaping

- 52) Landscaping of the site shall be undertaken in accordance with the details (including plans S121/499a and S121/500a) submitted under SM2883 and approved by the Mineral Planning Authority, 3 May 2017. Landscaping shall be implemented on a progressive basis and shall be completed within two years of the date of the completion of mineral extraction activities, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To ensure that the overall quarry complex site is landscaped after being restored in the interests of assimilating it into the surrounding landscape.

- 53) All advance planting within the proposed Weston Extension area, as indicated on drawing no. D136735.SS.009 Rev A, shall be maintained in accordance with the details of the scheme submitted under SM2884 as approved by the Mineral Planning Authority 3 May 2017, including plan S121/500a. All advanced planting undertaken in accordance with planning permission CM9/900/48 shall be maintained in accordance with the scheme and accompanying drawing no. S121c/272 submitted by the applicant company on 6 March 2003, as approved by the Mineral planning Authority on 28 April 2003.

Reason: All of the restored land at the overall quarry complex shall be subject to an aftercare programme which shall be carried out in accordance with a unified scheme that has been submitted to and approved in writing by the Mineral Planning Authority. Until such time as a unified scheme has been approved, the areas restored under the terms of planning permission CM9/900/48 shall continue to be maintained in accordance with the scheme entitled "Shardlow - Agricultural Areas on Restoration Scheme Plan no S121fc/220" and accompanying drawing no. S121fc/220 submitted by the applicant company on 5 July 2007 as approved by the Mineral Planning Authority on 6 August 2007.

- 54) For each year that the site remains in aftercare, a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority for approval setting out:
- (a) proposals for managing the land in accordance with the rules of good husbandry, including planting, cultivating, seeding, fertilising, weed control, draining, watering or otherwise treating the land for the forthcoming 12 months; and
 - (b) a record of aftercare operations carried out on the land during the previous 12 months.

The annual programme, which shall be implemented as approved by the Mineral Planning Authority, shall be submitted in writing three months prior to any part of the site being restored, and every subsequent year during the aftercare period.

Reason: To ensure a suitable regime of agricultural husbandry is pursued to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 in order to bring each phase of restored land to the required standard for agriculture.

- 55) The mineral operator shall arrange an aftercare meeting on site before March of every year during the aftercare period unless otherwise approved in writing by the Mineral Planning Authority. The Meeting shall include representatives from the operators and Mineral Planning Authority.

Reason: To ensure a suitable regime of agricultural husbandry is pursued to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 in order to bring each phase of restored land to the required standard for agriculture.

- 56) For the first five years following the implementation of each phase or phases, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any hedgerow plant and trees which die or become seriously diseased or are missing shall be replaced with plants of the same species or such alternative species as may be approved in writing by the Mineral Planning Authority.

Reason: To ensure a suitable regime of agricultural husbandry is pursued to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 in order to bring each phase of restored land to the required standard for agriculture.

Other Controls and Requirements

Railtrack

- 57) No extraction shall take place within a lateral distance of 20m from the railway boundary. Outside that distance, no excavation shall take place that shall encroach upon the plane created by a line drawn at 1 vertical to 1.5 horizontal downwards from the 20m berm.

Reason: To ensure the continued stability of the embankment in the interests of railway safety.

- 58) Soil storage bunds shall be placed at least 6m from the railway boundary.

Reason: To ensure the continued stability of the embankment in the interests of railway safety.

Processing Plant Maintenance

- 59) The external cladding and painting of all existing and new buildings, fixed plant, machinery and structures comprising the processing plant and ancillary operations, including the ready-mix concrete plant, and any recladding or repairing of any such existing item, shall conform with colour BS4800 00-A-05 (light grey), and shall be so maintained.

Reason: To control the visual impact of the development in the interests of the visual amenity of the area.

Water Pumping Scheme

- 60) Water pumping operations in the Weston Extension area and the remaining mineral extraction operations in the land to the south of the railway shall be carried out in accordance with the water pumping scheme as set out in the document entitled 'Shardlow quarry: Condition 51 (including measures for protection of Trentside Ponds under Condition 48) - Water pumping scheme' and drawing no. S121/371 submitted by the applicant company on 22 April 2008 as approved by the Mineral Planning Authority on 14 July 2008 under the terms of the requirements of planning permission CM9/900/48.

Reason: To ensure that before any pumping operations are undertaken on the site, the nature of the operations and their potential impact have been fully considered in the interests of local amenity and the environment.

Trentside Ponds

- 61) The Trentside Ponds shall be protected in accordance with the scheme designed for their protection and conservation, as set out in the document entitled "Shardlow Quarry: Water pumping scheme" and accompanying drawing no. S121/371 submitted by the applicant company on 22 April 2008, as approved by the Mineral Planning Authority on 14 July 2008, under the terms of planning permission CM9/900/48.

Reason: To protect and enhance the Trentside Ponds in the interests of nature conservation.

Landfill Transfer Station Area

- 62) All pulverised fuel ash and other waste materials that are to be used in the infilling and restoration of the excavated areas of the site shall be tipped and stored only in the area identified as the Landfill Transfer Station on drawing S28/10 dated January 2011 submitted with the application documents dated February 2011. The height of the stockpiles of material on this area shall not exceed the height of the boundary bund which accommodates the Primary Feed Hopper (situated adjacent) at a crest height of 40mAOD except during the period until restoration of Phase 8/9 of planning permission CM9/0211/163 is complete.

Reason: For the avoidance of doubt and to control and monitor dust emissions from the site in the interests of local amenity and the environment.

- 63) Throughout the duration of the use of the Landfill Transfer Station, the area it occupies and the material stored on it shall be treated with water bowsers, sprayers or other similar equipment to minimise the emission of dust.

Reason: For the avoidance of doubt and to control and monitor dust emissions from the site in the interests of local amenity and the environment.

- 64) Dust from the site shall be monitored in accordance with the details submitted under SM2885 including the revised dust monitoring scheme and drawing no. S121/508a approved by the Mineral Planning Authority 23 March 2017.

Reason: For the avoidance of doubt and to control and monitor dust emissions from the site in the interests of local amenity and the environment.

**Management of Land Prior To Extraction and In Those Areas
Where No Extraction Will Take Place**

- 65) All the remaining undisturbed land to south of the railway, lying within the existing quarry area, together with land in the extraction areas within the approved Weston extension area, shall be managed in accordance with good agricultural practise (including weed control) until such time as they are required for mineral extraction. The land comprising the stand-off to the River Trent, the stand-off to the Trent and Mersey Canal, and the other areas of the site that will not be disturbed by mineral extraction, shall be managed in accordance with good agricultural practise (including weed control) throughout the period of development, restoration and aftercare.

Reason: To ensure that all land to remain undisturbed throughout the development, and land that will not be worked until later in the extraction programme is properly maintained for the current usage and in the interests of local amenity and the environment.

**Statement of Compliance with Article 35 of the Town and Country
(Development Management Procedure) (England) Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The Authority has requested clarification on the application, where required, which the applicant has provided.

**Chris Henning
Executive Director - Place**

Implications

Financial

- 1.1 The correct fee of £195 has been received.

Legal

- 2.1 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.
- 2.2 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.

Human Resources

- 3.1 None.

Information Technology

- 4.1 None.

Equalities Impact

- 5.1 None.

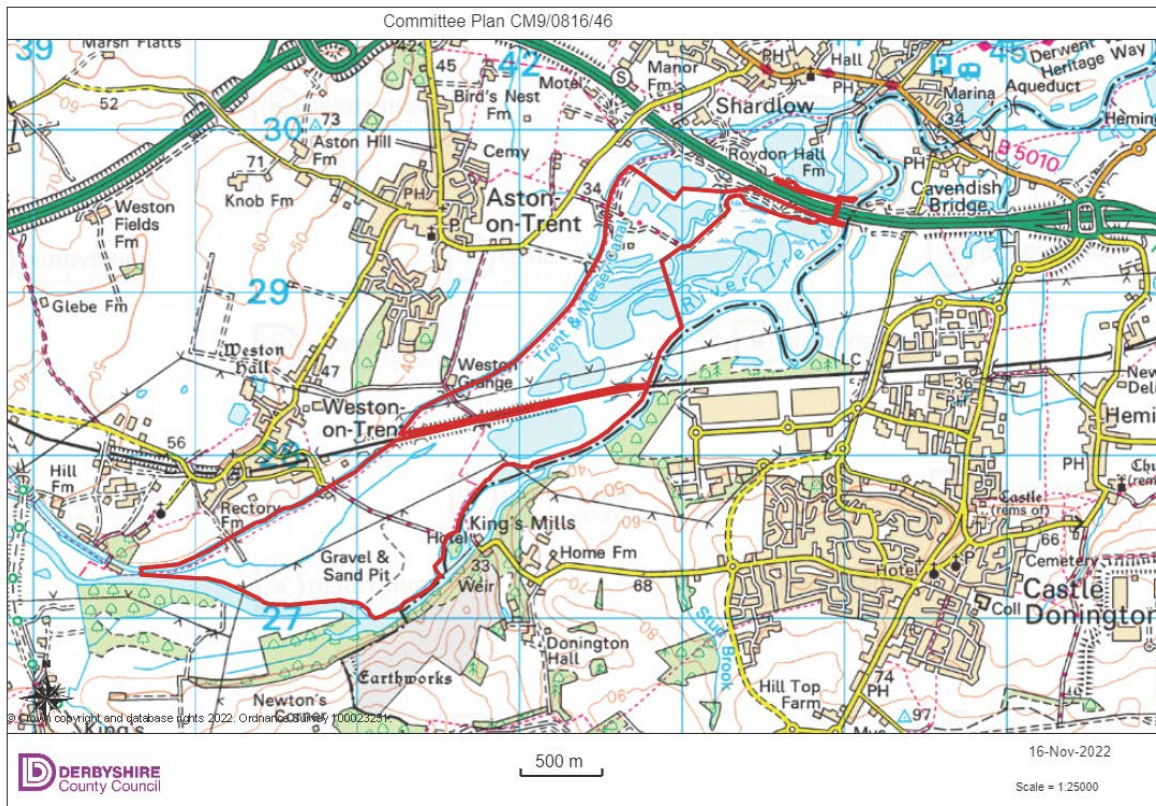
Corporate objectives and priorities for change

- 6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 As indicated in the report.

Site Plan



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

5 December 2022

Report of the Executive Director – Place

Item for the Committee’s Information

CURRENT ENFORCEMENT ACTION

Site	Breach	Action Taken	Comment
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received).	Site inactive.

		Breach of Condition Notice (Mud on Road) issued 19 December 2016. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme. February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017. Interim Injunction Order granted 31 March 2017.	Site inactive. Two planning applications relating to the site under consideration CM3/0918/48 and CM3/0918/49). (Applications held in abeyance pending submissions to Derbyshire Dales District Council).
Land west of Park Farm, Woodland Road, Stanton	Without planning permission, the change of use of the land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	Date notice takes effect – 21 January 2019. Ongoing monitoring of notice requirements. Monitoring stalled previously due to Covid-19. Inspection to be arranged.
Land at Park Hills Farm, Mugginton	Without planning permission, the	Temporary Stop Notice issued 29 May 2019. Enforcement Notice issued 3 February 2020.	Ongoing monitoring/review. Enforcement notice took effect 4 March 2020.

Lane End, Weston Underwood	deposit of waste materials onto land.		Monitoring stalled previously due to Covid-19. Inspection to be arranged.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	Planning Contravention Notice issued 28 October 2019. Temporary Stop Notice issued 29 May 2020. Enforcement Notice issued 16 July 2020 – Notice takes effect on 19 August 2020 unless an appeal is lodged before the effective date.	Appeal against enforcement notice lodged with Planning Inspectorate. Appeal start date - 8 September 2020. Appeal Decision received 21 April 2022 – Enforcement notice upheld. Compliance monitoring of notice requirements ongoing.

Chris Henning
Executive Director – Place

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PLANNING SERVICES

Outstanding Items

Date: 23/11/2022

EIA applications outstanding more than 16 weeks

MAJOR applications outstanding more than 13 weeks

MINOR applications outstanding more than 8 weeks

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
EIA (5)				
CD9/0222/34	Conversion and extension of existing buildings to commercial use, and construction of access drive and car park.	Elvaston Castle Country Park, Borrowash Road, Elvaston, DE72 3EP	Further Information Awaited	36
CM6/0122/28	Outline planning permission with some matters reserved, for an alternative form of restoration and redevelopment of Crich quarry for a mixed-use leisure development on approximately 43 acres of land.	Crich Quarry, Town End, Crich, Matlock, DE4 5DP	Awaiting additional information with regard to EIA following Regulation 25 request	39
CM9/0816/46	Application under section 73 to not comply with, and to vary, conditions 7 and 63 of planning permission CM9/0811/53, relating to commencement of extraction in the 'weston extension' prior to completing restoration of phase 8 and 9, and to allow increased stocking of waste materials in the landfill transfer station at shardlow quarry	Shardlow Quarry, Acre Lane, Shardlow, DE72 2SP	Report Written	251
CM3/0817/40	Development of a lateral extension to the south west of the existing permitted operations to provide the winning and working of minerals, associated ancillary operations and amended restoration scheme through landfill at Slinger Top Quarry.	Slinger Top Quarry, Cromford, Matlock, DE4 3QS	Consultation replies being considered	276
CM6/1110/112	Recovery of 400,000 tonnes of coal using surface mining and the development of two flood alleviation areas along the Bottle Brook at George Farm Reclamation Site, Denby.	George Farm, Denby, Derbyshire, DE5 8PP	Approved Pending Legal Agreement	617
Major (10)				
CW5/0822/15	Application to not comply with conditions 1,3,4,5,10,14,16 of application CW5/0820/30: and to vary those conditions including updated drainage design, noise, dust and odour management plans.	H W Martin, 14 Clover Nook Road, South Normanton, Derbyshire, DE55 4RF	Consultation Replies Awaited	13
CW5/1121/24	Application under S73 to vary conditions 3, 4, 6, 9, 10 and 18 of planning permission CW5/0218/89 in order to extend the duration of the permission for the importation of inert waste	Land at Creswell Colliery Lagoons, Frithwood Lane, Creswell	Report Written	18
CW8/0622/7	Partial replacement of middle waste handling building at existing recycling facility (in retrospect).	The Old Ironworks, Crompton Road, Ilkeston, Derbyshire, DE7 4BG	Consultation Replies Awaited	24
CW5/0422/3	Single storey portal frame extension to existing waste recycling hall	H W Martin, Recycling Centre, 14, Clover Nook Road, South Normanton, Derbyshire, DE55 4RF	Further Information Awaited	27
CW2/0322/37	Proposed development / recommencement of operation of a dry recyclates storage/ bulking facility & associated infrastructure at the former GKN Engineering Site, Sheepbridge Lane, Chesterfield, Derbyshire.	Sheepbridge Works, Units 11a And 11b, Sheepbridge Lane, Sheepbridge, Derbyshire, S41 9RX	Report Written	30
CW2/0521/3	Extended area for scrap metal recovery and ancillary operations to encompass wider site area, including increase incoming waste tonnage to 75,000 tonnes per annum, additional storage areas, and increase the storage stockpile heights to 4 metres (m) in bays.	Pinball Metals Ltd., Unit 2, Burley Close, Chesterfield, S40 2UB	Further Information Awaited	75

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
CM3/0918/48	Amendment to condition 7, 10 & 11 of determined conditions approval R3/0699/17 (LET 7276). Relating to quarry permit 1390/9/2 (7 March 1952)	Stancliffe Quarry, Dale Road North, Matlock	Held in Abeyance	206
CM3/0918/49	Formation of new access and road to existing quarry	Stancliffe Quarry, Dale Road North, Darley Dale, DE4 2GY	Held in Abeyance	206
CM5/0818/42	Reclamation, cut of and fill site, of the former Whitwell Colliery site to facilitate mixed use redevelopment of the site together with landscaping, ecology and drainage.	Former Whitwell Colliery, Station Road, Whitwell, S80 4TS	Approved Pending Legal Agreement	211
CW8/0818/45	Section 73 application seeking permission to amend condition 24 of planning permission CW8/0811/61 to extend the hours of working on the established Ward Waste Recycling Facility on land at the Quarry Hill Industrial Estate, Hallam Fields Road, Ilkeston, Derbyshire	Donald Ward Limited, Quarry Hill Industrial Estate, Ilkeston, DE7 4AZ	Approved Pending Issue of Decision	220
Minor (1)				
CD2/0722/14	Demolition and replacement of veranda room	Highfield Hall Primary School, Highfield Lane, Newbold, S41 8AZ	Consultation Replies Awaited	8



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

5 December 2022

Report of the Executive Director – Place

Item for the Committee's Information

CURRENT APPEALS/CALLED IN APPLICATIONS

There are currently no appeals lodged with the Planning Inspectorate.

Chris Henning
Executive Director – Place

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

5 December 2022

Report of the Executive Director – Place

Item for the Committee's Information

**MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR
– PLACE UNDER DELEGATED POWERS**

16/11/22	<p>Applicant: Derbyshire County Council Planning Application Code No. NMA/1022/84 Non-Material Amendment in Respect of CD3/0918/51 to Show that Electric Vehicle (EV) Charging Points have been Installed in the Spaces between Bays 4 and 5 and 6 and 7 (Rather than at Bays 2 and 3 and 4 and 5 as Previously Approved) and Various other Changes to the Car Park Layout at County Hall, Smedley Street, Matlock, DE4 3AG</p>
16/11/22	<p>Delegated Decisions on Schemes Required by Planning Conditions: CD5/1115/116 Creswell C of E Infants School, Gypsy Lane, Creswell SD3687 – Discharge of details relating to design and colour finish of the new proposed fencing, pedestrian and vehicular gates. SD3688 – Submission of detailed designs for the layout and construction of the access. CW5/0218/89 Creswell Colliery Lagoons, Frithwood Lane, Creswell SW3683 - Submission of a revised Landscape and Ecological Management Plan</p>

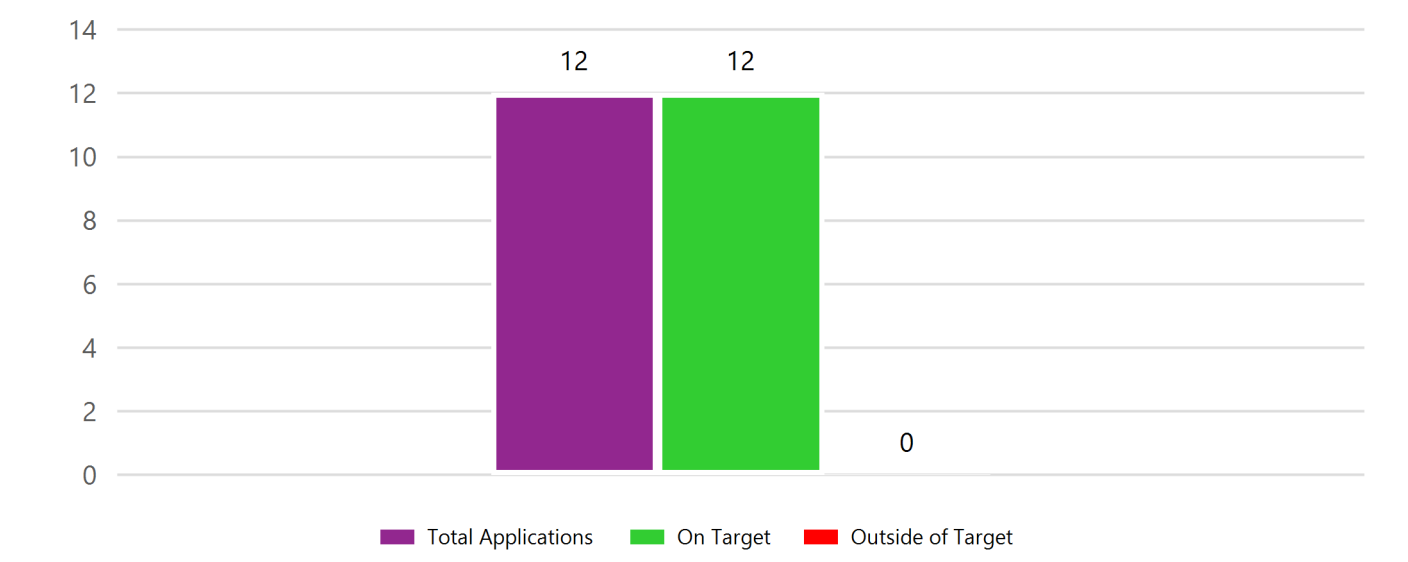
24/11/2022	<p>Applicant: Breedon Trading Limited Planning Application Code No: PD17/1/94 Request for the Council's Prior Approval to Amend the Location of the New Office Building at Dowlow Quarry, Sterndale Moor, Buxton, SK17 9QF</p>
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Chris Henning
Executive Director - Place

PLANNING SERVICES DEVELOPMENT MANAGEMENT

Quarterly Performance Statistics
01 July 2022 to 30 September 2022

APPLICATIONS OVERVIEW	
EIA Applications: 0 - Major Applications: 5 - Minor Applications: 7	
Applications Determined	12
On Target	12
Outside of Target	0
TARGET RESULT	100.00%



SUBMISSIONS OVERVIEW	
Submissions Determined	18
On Target	12
Outside of Target	6
TARGET RESULT	66.67%

