



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY 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 390,000m<sup>3</sup> 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 seasonings 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 EclA 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 Year 4 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 bowsers, 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/310 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

