PART A – SUMMARY REPORT


LOCATION: Cliffe Hill Quarries, Stanton under Bardon (Hinckley & Bosworth Borough and North West Leicestershire District)

APPLICANT: Midland Quarry Products

MAIN ISSUES: Traffic and access, blasting, dust, noise, geological interest, site reclamation and local amenity.


Circulation Under Sensitive Issues Procedures

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PART B – MAIN REPORT

Background Information

1. Schedule 14 of the Environment Act 1995 requires all mining sites to be periodically reviewed every 15 years from the date of either a previous review or in Cliffe Hill Quarries' instance, from the date of the latest substantive mineral permission relating to the site. The review process aims to allow the County Council to update the older mineral planning permissions by imposing modern operating, restoration and aftercare conditions.

2. Periodic reviews are for planning permissions for mineral extraction or the deposition of mineral waste (including IDOs) granted after 22nd February 1982. The County Council is required to impose a deadline on the operators/holders of these permissions to submit an application for updated conditions.

3. As with normal planning applications for mineral development, the application for a new scheme of conditions is required to go through a statutory consultation process and publicity procedures before being determined. Unlike normal planning applications, refusing an application for updated planning conditions is not an option.

4. The Cliffe Hill Quarries' main planning permission is dated 16th March 1992 and therefore the County Council agreed that the periodic review should be submitted by the 16th March 2007, to be accompanied by an environmental statement. Midland Quarry Products (MQP) applied for an extension of time until 31st August 2007 to complete the environmental statement required as part of the periodic review. The Director of Community Services agreed to that extension and therefore the submission date for MQP to submit their periodic review for their Cliffe Hill Quarries site was revised to the 31st August 2007.

Site Location

5. This application covers two separate quarries, New Cliffe Hill Quarry (NCH) and Old Cliffe Hill Quarry (OCH). NCH is located about 250 metres to the west of the village of Stanton under Bardon, with OCH being located approximately 180 metres to the east of the village. The two quarries are connected by a 700 metre tunnel, about 50 metres below Cliffe Hill Road.

6. Access to NCH is gained from West Lane (B585) on the western side of the quarry. OCH is accessed via a roundabout to the south of the quarry at the Junction of Cliffe Lane, Cliffe Hill Road and Stoney Lane. All processed stone leaves via NCH, with permission existing for the exportation of overburden and poor quality topsoil only from OCH.
Site Location

7. The nearest properties to NCH are located approximately 280 metres to the north of the quarry along South Lane. NCH is effectively screened from views from outside the site due to extensive screening bunds and topography. The surrounding land uses are agriculture and areas of tree planting.

8. Cliffe Lane and Cliffe Hill Road form the eastern, western and southern boundaries to OCH, with agricultural fields and one residential property to the north. The nearest residential properties to OCH are located about 30 metres to the east beyond Cliffe Lane and immediately to the north west of the Quarry. The property to the north west of OCH is privately owned but is located, along with two fields in the same ownership, on land that benefits from planning permission for mineral extraction (1971/6279/17 refers).

9. The main ancillary buildings and processing facilities relating to quarrying operations are located in a triangular shaped area at the western end of NCH quarry, away from Stanton under Bardon. At present, the only processing facility within OCH is the primary crusher, which is located on the western side of the quarry, approximately 50 metres down from the quarry’s top face.

10. Footpaths around OCH include R5, R6 and R100, which skirt the northern boundary of the site. Footpaths R3, R18 and R23 are located to the south of the quarry beyond Cliffe Hill Road, with parts of these footpaths being located within the boundary of planning permission No. 1980/1437/04.

11. Footpaths around NCH include R7, R8 and N48 to the north and east and footpaths R114 and R31 to the south. All these footpaths are located on land contained within planning permissions subject to this application.

12. The site is identified within the Hinckley & Bosworth Local Plan as Countryside, within a Local Landscape Improvement Area and within the boundaries of the National and Charnwood Forests. The northern faces of OCH are designated as a Site of Special Scientific Interest (SSSI) due to their geological interest. This area is shown on the committee plan attached.

Planning History

13. Mineral extraction has taken place at Old Cliffe Hill Quarry since the 19th Century, with the first planning permission being dated 1947. A small extension to the existing workings to the north east of OCH was permitted in 1976 (1971/6279/17), however this extension area, known as the Brown Land, is largely unworked. In 1983, permission was granted for an extension to quarrying operations at OCH, the re-alignment of Cliffe Hill Road and the development of a new quarry at Stud Farm-now known as NCH, to the west of Stanton under Bardon. In 1990, permission was granted to amend Condition 44 of the 1983 permission to vary the approved hours of blasting (1990/0419/04).
14. Under the 1983 permission, NCH was developed and transferred all processing facilities from OCH. The aim was to fully exhaust NCH and then move back to OCH at a future date, keeping the processing facilities in NCH, adjacent to the rail loading facilities. All production blasting in NCH ceased in June 2007 and the eastern part of the quarry is being in-filled with overburden from OCH, which is transported to NCH through the tunnel. With the exception of a permitted temporary period of blasting to create a drainage sump in the base of NCH, reserves at NCH quarry are exhausted.

15. In 1992 planning permission (1989/1483/04) was granted for a lateral extension to the east of NCH, taking quarry workings much closer to Stanton under Bardon. This permission included requirements for the erection of extensive landscaping bunds around NCH. The planning permission was dated 16th March 1992, is subject to 60 planning conditions and a legal agreement and is the main planning permission at Cliffe Hill Quarry.

16. Since the main planning permission in 1992, there has been one application to extend the extraction boundary at NCH. Permission Nos. 1994/1026/07 & 1994/0891/04 amended the limit of extraction at NCH as defined under the 1992 permission. The 1992 permission limited the extraction area at NCH to a figure of ‘8’ shape with a narrow pinch point in the middle. The 1994 permissions amended the limit of extraction to take out the mid pinch point and allow for a more regular shaped quarry.

17. MQP currently produces about 4 million tonnes of stone products per annum from OCH, with about a quarter of this figure leaving the site by rail. The quarry is being extended to the south and deepened, within previously consented parameters. The final quarry floor level will be -15m AOD. It is envisaged that based on current extraction figures, remaining reserves will last approximately 20 years.

**Description of Proposal**

18. MQP has submitted a schedule of conditions under the minerals review procedure of the Environment Act 1995. The proposed conditions seek to consolidate and update the conditions on existing planning permissions on site related to the winning and working of minerals.

19. The current operations at the Cliffe Hill Quarries facility include extraction, processing and tipping of quarry waste. All areas have been included within the review process and are assessed within the supporting Environmental Statement.

20. The environmental statement assesses the following matters and provides additional information regarding operations on site relating to:

- Geology
- Hydrology & Hydrogeology
- Landscape and Visual Impact
- Ecology
- Highways and Transportation
Old Cliffe Hill Quarry has an estimated reserve of 60 million tonnes of high grade igneous rock. The remaining development of the quarry would proceed to a depth of -15m AOD and would equate to a remaining quarry life of 15 years at the current production rate of approximately 4 million tonnes per annum. However, it is likely that production rates would slow towards the end of the quarry life and it is expected that the quarry will be operational for about 20 years. A further ROMP application will be due in 15 years.

Extraction at OCH would continue in a vertical and lateral direction. The lateral extension, as permitted in 1983, would mostly see the quarry extend to the south towards Cliffe Hill Road. There remains some minor works to trim the northern faces and an area of land as yet undisturbed, in the north west corner of the site and referred to as the ‘Brown Land’. The Brown Land area consists of two agricultural fields and a property (Hibury Cottage). This land benefits from planning permission but is not currently in the control of MQP, who are actively seeking to acquire it.

The extraction area would continue to be worked in a phased manner and worked in benches. All rock benches would be cut to a height of 15m and a depth of 7.5 metres with a 20m wide ramp giving permanent access to the base of the quarry. The current quarry base of OCH is at 120m AOD.

Phase one would see the majority of the remaining 3.6 million cubic metres of overburden removed from the south and north east of OCH and tipped into the NCH void via dump truck through the tunnel. Over the next five years or so, the extraction area would extend to the south and the quarry would also increase its depth. It is anticipated that an access ramp will be incorporated into the final southern quarry wall design, with the ramp providing access to the processing infrastructure and for the progressive deepening of the quarry. Subject to land acquisition, the Brown Land would be stripped of overburden and rock extracted to a depth of 165m AOD and the area incorporated into the overall quarry profile.

The second phase of operations would see the remaining overburden stripping undertaken and the northern and eastern walls of the quarry would achieve their final profiles to a level of 150m AOD with the quarry floor being at the 90m AOD level. The main access ramp would be developed to a level of 100m. At this level the ramp would also give access to the primary crusher, which is to be relocated from its current position against the western wall of the quarry.
26. The third and final stage will see the quarry deepened whilst maintaining the design profile of 15 metre faces cut at a gradient of 1(V) in 0.5(H) with 7.5 wide safety benches. The design would retain the 20m wide haul road, which would slope down the quarry in an anti-clockwise direction and allow access to the final basal plane of the quarry floor at -15m AOD.

27. All mineral extracted at OCH Quarry will be processed, screened and stored on site. All stone will be put through the primary crusher in OCH and transported via the tunnel link to NCH for secondary processing to produce products for sale. As part of the quarrying activities, waste is generated at a rate of approximately 1 %. This waste is derived from inferior stone associated with weathering and fault degradation and will be taken to NCH for disposal.

28. The applicant has submitted a concept restoration scheme for the quarries that includes various habitats and landscape formation. The restoration concept submitted proposes the continued management of existing tree and hedge planting, increasing woodland cover and hedging around the quarries and treatment of the sparsely vegetated internal overburden batters to ensure long term stability and the development of suitable habitats.

29. The applicant proposes at this stage that the final reclamation would include the two quarries being allowed to fill with water, to depths of about 140m in NCH and 190m in OCH. The area of OCH designated as a geological SSSI would be open for study and recording throughout the operational phase. Although the exact details are unknown, it is thought that the base level of the SSSI would be about 50-100 metres above the final quarry floor, and it is anticipated that another 5 to 10 years would pass after the cessation of quarrying before the water level started to obscure the lower section of the SSSI.

30. Additional tree planting around the periphery of the site would be undertaken along with new hedge planting. The inner batters of the screening bunds would be grass seeded to create a species rich grassland environment. Footpaths around the quarry would be enhanced and would be supplemented by the erection of interpretation boards for local interest. It should be noted that the restoration scheme submitted with this application is only a concept scheme at this stage. Some works such as perimeter tree planting and footpath enhancement can be undertaken in the near future, but the final reclamation of the site is unlikely to be completed for at least twenty years.

31. Cliffe Hill Quarry currently extracts approximately 4 million tpa, which is exported off site via road and rail. Currently, approximately 3 million tpa is exported off site by road, which equates to 615 vehicles per day (1230 vehicle movements per day); the remaining is exported by rail. The company expects that extraction levels will remain the same over the next five to ten years, but drop off over the longer term. The company has investigated increased rail export, however, current rail capacity is limited and therefore it predicts that it will maintain its current 0.9 million tpa being moved by rail, which equates to an average of 3 trains per day.
32. The environmental statement (ES) proposes to improve the visibility at the NCH access into the quarry by the trimming of trees and hedges on the verges. The ES states that the current traffic levels generated by the site would not increase as a result of this application and therefore the local highway network would not be adversely affected.

**Planning Policy**

*Government Guidance*

33. Planning Policy Statement 1: *Delivering Sustainable Development* gives advice on how to achieve sustainable development using the 4 main aims of social progress, protection of the Environment, prudent use of natural resources and the maintenance of high and stable levels of economic growth and employment. There is now a new national sustainable development policy document entitled "The UK Government Sustainable Development Strategy" which was published in March 2005. The strategy is based on five principles – with a more explicit focus on environmental limits and sets four agreed priorities – sustainable consumption and production, climate change, natural resource protection and sustainable communities,


36. Planning Policy Statement 10: *Planning for Sustainable Waste Management* (July 2005) continues to promote sustainable development and the waste hierarchy of reduction, re-use, recycling and composting and energy recovery with disposal as the last option.

37. Planning Policy Guidance Note 16: *Archaeology and Planning* (1990) gives advice on the handling of archaeological remains and discoveries, what investigations should be carried out prior to the determination of applications, and what can be left to control by means of planning conditions and obligations.

38. Mineral Policy Statement 1: *Planning and Minerals* (November 2006) continues to ensure that the principles of sustainable development and environmental consideration are balanced against the need to maintain an adequate supply of minerals. Annex 1 (Aggregates) to MPS 1 has replaced MPG 6: *Guidelines for Aggregates Provision in England* and provides guidance on how to maintain an adequate and steady supply of material to the construction industry, at a national, regional and local level, with the best balance of social, environmental and economic costs, through full consideration of all resources and the principle of Sustainable Development.
39. Minerals Policy Statement 2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction (March 2005)* sets out environmental policies and considerations that should be taken into consideration when assessing a new quarry or extension to an existing planning permission. MPS2 includes two annexes in respect of noise and dust.


**The Development Plan**

42. The starting point for the assessment of this review is the development plan, which comprises: the Regional Spatial Strategy for the East Midlands (RSS8) (March 2005), The Leicestershire, Leicester and Rutland Structure Plan (March 2005), the Hinckley & Bosworth Local Plan (February 2001) and the Leicestershire Minerals Local Plan Review (May 1995). Relevant policies from the development plan have been used as the framework for the assessment section of this report.

43. The regional spatial strategy highlights the need for sufficient environmentally acceptable sources to maintain an appropriate supply of aggregate and other minerals of regional or national significance. RSS8 also emphasises the importance of protecting the countryside environment, respecting landscape character, and the role of high quality design, in line with Planning Policy Statement 7.

**Leicestershire, Leicester and Rutland Structure Plan (March 2005)**

44. *Strategy Policy 8: Development in the Countryside* seeks to protect the countryside from inappropriate development, but does acknowledge that minerals and waste development may be accommodated if it can be demonstrated that there is an overriding need for the development to be located in the countryside and appropriate measures of mitigation are undertaken.

45. *Strategy Policy 10: Good Design* aims to ensure that development provides for the efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests, and (amongst other things) protects and enhances the form and local character and distinctiveness of the built and natural environment; develops a high quality walking and cycling network and enhances the feeling of personal safety.

46. *Strategy Policy 13: The National Forest* aims to ensure that development proposals are accompanied by proposals for creating an appropriate woodland setting.

47. **Strategy Policy 14: Charnwood Forest** aims to ensure development conserves or enhances the character of the Charnwood Forest, including its landscape, ecology, cultural heritage, built heritage and recreational value.

48. **Environment Policy 1: Historic Environment** states measures will be taken to identify, protect, preserve and enhance areas, sites, buildings and settings of archaeological importance. Development will only be acceptable in areas of archaeological potential if proper evaluation of the archaeological implications of the proposed development has been undertaken and taken into account.

49. **Environment Policy 3: Biodiversity Enhancement** seeks measures to be taken through development opportunities to protect, maintain and enhance natural biodiversity, having regard to the objectives of the Leicester, Leicestershire and Rutland Biodiversity Action Plan.

50. **Environment Policy 4: Geology** seeks to protect and conserve sites of geological importance.

51. **Resource Management Policy 9: Environmental Impact of Mineral Extraction and Waste Management** states when allocating land and considering a planning application for the extraction of minerals or for waste management development or related development, account will be taken of its likely impact on the environment.

52. **Resource Management Policy 12: Transportation of Minerals and Waste** states account will be taken of the transportation implications of the proposed development, promotion of alternative transport to road borne is encouraged.

53. **Resource Management Policy 13: Restoration Aftercare and Afteruse** states when granting planning permission for mineral workings or the use of land for the disposal of waste materials or related development, restoration to an acceptable use will be required at the earliest opportunity. Priority will be given, where appropriate, to restoration to forestry, water recreation or nature conservation uses.

54. **Leisure Policy 4: Public Rights of Way and Access to the Countryside** seeks to ensure that developments affecting rights of way ensure that they are protected, or that safe and convenient alternatives are provided. New routes are also encouraged.

**Leicestershire Minerals Local Plan Review**

55. **MLP Policy 2: Assessment of Proposals** sets out a list of factors that will be taken into account in assessing proposals for mineral extraction.

56. **MLP Policy 3: Environmental Considerations** states that unless there is an overriding need or the impact can be alleviated by appropriate measures, proposals for mineral working will not normally be permitted if there would be an adverse impact on the environmental issues identified in the policy.
57. **MLP Policy 5: Planning Conditions for the Protection of the Environment** states that conditions will be imposed, where appropriate, in respect of the following matters: *(inter alia)*, duration of permission, protection of water, control of noise, dust and blasting, regulation of hours, protection of local highways and rights of way, retention and protection of trees and other ecological and geological features, landscaping, site access and siting of buildings and plant.

58. **MLP Policy 11: Restoration and Aftercare Conditions** states in granting permission for the winning and working of minerals and other mineral related developments, the County Council will attach conditions aimed at ensuring the high quality restoration of worked out mineral operations at the earliest opportunity.

59. **MLP Policy 12: After Use** seeks increased woodland cover particularly within the National Forest and encourages new wildlife habitats creation.

60. **MLP Policy 30: Surface Disposal of Mineral Waste** takes into consideration the environmental effects of surface disposal of mining waste.

Hinckley & Bosworth Local Plan

61. **Policy BE13** states that an archaeological assessment is required with any application for development of a site in excess of 0.4 hectares.

62. **Policy NE5** states that the countryside will be protected for its own sake and sets out criteria that have to be met in order for development to be acceptable in the countryside.

63. **Policy NE6** states that planning permission will not be granted for proposals which would damage SSSIs or Regional Important Geological Sites unless it can be demonstrated that:
   a) No other suitable sites are available for the development proposed; and
   b) The development is of such overriding national or international need that it exceeds the level of importance for nature conservation or geological interest.

64. **Policy NE10** states that within Local Landscape Improvement Areas, any development permitted should include comprehensive landscaping proposals.

65. **Policy NE19** seeks to restrict development for large new recreational facilities and other development that would diminish the unique character and amenity of the Charnwood Forest.

66. **Policy REC9** states that proposals for development in the countryside should make provision for:
   a) Improved access to the countryside;
   b) The promotion of walking, cycling and horse riding;
c) Safeguarding existing rights of way and ensuring acceptable alternatives are provided where appropriate;
d) Ensuring new development does not affect the health and safety and convenience of existing off-road routes; and
e) Improving and where possible extending the rights of way network.

Consultations

Hinckley & Bosworth Borough (Planning)

67. No objection.

Hinckley & Bosworth Borough (Environmental Health)

68. No objection.

North West Leicestershire District Council (Planning)

69. No objection.

Stanton under Bardon Parish Council

70. Verbally reported, no comment.

Ellistown and Battleflat Parish Council

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

Markfield Parish Council

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

Environment Agency

73. Has the following comments to make:
The surface water management scheme should ensure that there is no increase in flooding risk either at the site or downstream of the site. This can be achieved by ensuring that the maximum rate of acceptable discharge to the Rothley Brook would be the equivalent of greenfield run-off rate (5l/s/ha).

Our Water Resources team are satisfied that the environmental assessment has considered the impacts on abstraction licences and water resources in the surrounding area adequately.

The EA has also suggested the following precautionary conditions:
13


1) Quarry walls shall be inspected regularly (at least every 2 months) and any significant seepages in quarry walls noted.

2) If the inspections identify the regular presence of significant or unexpected seepages, or details of the quarry development and de-watering change, then a detailed assessment of the potential impacts is undertaken for all identified controlled water receptors.

3) If the assessment in 2 above indicates the potential for de-watering activities to adversely impact an identified controlled water receptor, then mitigation measures shall be agreed with the Planning Authority in consultation with the EA.

Highway Authority

74. Has raised concerns primarily about the condition of the highway immediately beyond the access to New Cliffe Hill Quarry along West Lane, and suggests that the operator contributes to the resurfacing of this stretch of road. The Highway Authority has also raised concerns relating to the condition of West Lane beyond the quarry entrance, the junction of Victoria Road and Terrace Road and Cliffe Hill Road and Main Street, Stanton under Bardon. Concerns have also been raised regarding HGVs using Main Street, Stanton under Bardon, which is restricted, and signage along Victoria Road to Stanton and the NCH quarry exit.

75. The Highways Authority also recommend that pruning along West Lane takes place to maintain visibility splays and that further scrutiny of the existing wheel wash facilities is required.

County Archaeological Advice

76. No objection subject to the imposition of the following condition:

‘No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, which shall be undertaken in accordance with a written scheme of investigation submitted to and approved in writing by the planning authority.’

County Ecological & Geological Advice

77. No objection, but recommend minor amendments to the proposed planting details.

County Rights of Way Advice

78. The Rights of Way Officer is satisfied that the proposal should not affect the existing Rights of Way network around the quarries. However, he notes that Drawing No. CH2/1 submitted as part of the Environmental Statement does not reflect a short diversion of Footpath R100 along the northern perimeter of OCH to the west of Cliffe Lane, which became operative in August 2006.
Natural England

79. Object to the proposed development for the following reasons:
1. The proposed development is likely to destroy the special scientific interests of the SSSI;
2. The site is of national importance, and it is Government policy to protect SSSIs from the adverse effects of development as set out in paragraphs 7 and 8 of PPS 9;
3. The proposed development would adversely affect the (potential) educational, training and/or research value of the SSSI; and
4. In the opinion of Natural England, substantial modifications could be proposed by the applicants which would justify the reconsideration of this objection and which would need to include:

   The retention of the northern face of the SSSI. Natural England disagrees with the assessment of the impact on the SSSI given on pages 7-6 and 7-7 as the extension of the quarry in the northern face will result in the loss of the interest of the SSSI.

80. After further discussions, Natural England now understands that the County Council cannot stop development part way through without revoking the permission, which would leave the Council having to pay considerable compensation. In mitigation, the operator has stated that the SSSI will be made available for survey, sampling and monitoring throughout the life of the quarry. Natural England has stated that subject to conditions being imposed on the planning permission to secure the continued recording of the SSSI, it would withdraw its objection to the application.

The National Forest Company

81. The NFC regrets that the development would result in the loss of 0.6ha of young woodland, 2ha of semi-improved grassland and 140 metres of hedgerow (on the Brown Land). However, it acknowledges and welcomes the fact that new woodland and hedgerow planting and grassland habitat creation is planned. The NFC has made minor recommendations to the proposed planting mix and recommends in the long-term that the water areas be used for recreational purposes, with some areas, particularly shallow areas and margins set aside for biodiversity.

Publicity

82. The proposal has been advertised locally by two site notices posted on 13th September 2007, 295 neighbour notification letters posted on 13th September 2007 and 1st October 2007 and press notice dated 21st September 2007. MQP also held an open evening in Stanton under Bardon where the application was displayed, with representatives of the company and LCC being present to answer questions from local residents. In total, 38 people attended the open evening.
83. 12 letters of representation have been received by the County Council. 7 of the letters raise an objection to the development. The plan attached to the initial neighbour notification letters sent to residents showed the existing planning permission boundaries that form the ROMP review. These extend up to the western and eastern edges of Stanton under Bardon, but are not the approved extraction boundaries. All the objections were based on the belief that quarrying would expand right up to the edge of the village, which is not the case. In order to clarify the matter, a further letter was sent on 1st October 2007 to explain more fully what the ROMP review entailed, and that the existing NCH extraction boundary would not be changed and extraction in OCH would remain within previously consented boundaries.

84. The 12 letters of representation raised the following concerns:
   • Poorly worded neighbour notification letter
   • Increased noise levels due to height of new workings in north west corner of OCH and proximity to local residential properties
   • Continued dust problems arising from the quarry
   • Loss of existing trees
   • Vibrations and structural damage due to quarry blasting
   • Operator working outside permitted hours of operation
   • Impact of development on the environment, e.g. Badgers
   • The effect on the local environment
   • Discharge in to the Rothley Brook
   • Concerns raised about future landfill within the quarries
   • Air quality
   • Object to quarry moving closer to Stanton under Bardon
   • Devaluation of property

85. A presentation was made to the Cliffe Hill Liaison Committee at the meeting held on 11th June 2007 to inform local elected representatives of what the ROMP entailed and the key issues that would be included in the accompanying Environmental Statement. At its meeting of the 8th October 2007, the Committee resolved that the following should be raised when the application is determined:
   • Concerns relating to the proposed blasting times
   • MQP should be asked to keep villagers informed of operations and changes
   • Concerns relating to water discharge into Rothley Brook
   • The extraction boundary of the quarry should be clarified.

Assessment of Proposals

86. Midland Quarry Products has submitted an application under the Environment Act 1995 to ensure the Cliffe Hill Quarries site operates under modern planning conditions. The County Planning Authority does not have the power to refuse the application, but it can modify the submitted conditions provided that any further restrictions do not prejudice adversely to an unreasonable degree either
the economic viability of operating the site or the asset value of the site, otherwise compensation may be payable. This submission needs to be assessed in accordance with Minerals Planning Guidance 14 and the Development Plan, in particular policies 3, 5 and 9 of the Leicestershire Minerals Local Plan.

87. The assessment of the Cliffe Hill Quarries review has highlighted four main issues regarding the continued operation of the site. These are blasting, noise, dust and the geological SSSI. These, amongst other matters, are considered below:

**Blasting**

88. Blasting is one of the main concerns with local residents arising from quarrying operations at Old Cliffe Hill Quarry. The existing conditions relating to blasting require the operator to design each blast so that there is 95% confidence that the vibrations recorded at any residential property will be less than 6mm/s ppv. Government guidance suggests a limit of no higher than 12mm/s ppv and therefore the existing constraint on blasting is much lower than that recommended. The limit is also consistent with those imposed at the other hard rock quarries in the county.

89. Another associated concern arising from blasting is air over pressure (AOP). AOP is energy transmitted from the blast site within the atmosphere in the form of pressure waves. As these waves pass a given position, the pressure of the air rises very rapidly then falls more slowly then returns to the ambient value after a number of oscillations. The maximum excess pressure in this wave is known as the peak air overpressure, generally measured in decibels linear (dB). The pressure waves consist of energy over a wide range of frequencies, some of which are audible and hence may be sensed in the form of noise, but most are at inaudible frequencies of less than 20 Hz. This relatively low frequency component can be sensed by people in the form of a pressure wave known as concussion. The noise and concussion together is known as air overpressure. The effects of AOP can be difficult to differentiate from ground vibrations.

90. The County Council has received 152 complaints relating to blasting since 1993 and actively monitors at local properties. It is considered that most complaints and concerns relating to quarry blasts are a result of AOP and not ground vibrations. Nevertheless, the operator monitors each blast in at least three properties and the County Council also monitors on a regular basis to ensure compliance with the planning conditions. There have been occasions when blasts have registered above the 6mm/s ppv, particularly in regard to one particular property in Main Street, Stanton under Bardon. Several blasts well in excess of the 6 limit were recorded in December 2003 and January and February 2004. These incidents were investigated by the County Council in conjunction with the operator and measures were put in place to ensure the quarry complied with the conditions.
91. As a result of quarrying operations moving back into OCH after a break of around 15 years, the effects of blasting have been noticed by some residents who for many years were unaffected by blasting. OCH is also closer to residential properties than NCH and the impacts from OCH blasting consequently are potentially greater than from NCH. Following several complaints in 2007 from local residents living along Cliffe Lane, extensive blast monitoring was undertaken by the County Council. The County Council recorded several blasts in excess of the limit of 6 at one property, whilst similar monitoring by the operator recorded much less than 6. The blast monitor responsible for these results was sent twice to Vibrock, the manufacturer, for checks, and it was ultimately found that the recording device was faulty. A new machine was purchased and has been recording for several weeks at the property in question. There has been one recorded exceedance of the 6mm limit, and this is currently being investigated by Officers in conjunction with MQP.

92. It is considered that the effects of blasting can be controlled adequately by the continued imposition of appropriate planning conditions and continued monitoring by both the operator and the County Council. A quarry liaison committee meets quarterly to discuss issues arising from the site and proposed future developments. A blasting sub-committee also meets on a three-monthly basis with representatives from MQP, planning officers and local residents invited. The sub-committee discusses issues arising from dust, noise and primarily blasting within the local community. It is a useful tool in ensuring that the impacts of blasting are kept within the limits set.

**Noise**

93. As part of the Environmental Statement that accompanied the schedule of conditions, a noise assessment was undertaken. The noise assessment was undertaken using monitoring results collated since 2002 and submitted to the County Council, as part of a noise monitoring scheme agreed in 2002. The noise assessment concludes that subject to mitigation measures, including perimeter bunds adjacent to the Brown Land, then the site noise levels will comply with the proposed noise limits.

94. Several representations made reference to noise problems arising from the site, and the County Council has received eight complaints of noise since 1993. The majority of the complaints relate to night time operations, however, in all but 1 of the cases, the operator has confirmed that the noise did not arise from the quarry and the County Council and the operator have been unable to locate the noise sources.

95. The Borough Environmental Health Officer has received three noise complaints since 1993, with the last complaint being made in 2005. The EHO has raised no objection to the proposals and it is considered that the continuation of existing hours of operation should not have a significant adverse impact on local residents or lead to an increase in noise levels. It is therefore considered that the existing noise limits and monitoring requirements provide satisfactory noise control for the quarry.
Dust

96. The main cause of dust on site is the movement of material to and from stockpiles. Due to the fact that the stockpiles are located within NCH, which is a relatively new quarry, all the stockpiles are screened from sensitive receptors and the haul roads are located away from the boundaries to reduce nuisance. In addition, all stockpiles have dust suppression systems, as do all the conveyors and processing operations.

97. Under condition 4 of approval letter dated 21st July 2003, the operator was required to submit to the Director of Community Services a dust monitoring scheme for his approval. The operator has undertaken extensive monitoring and analysed several sets of results to determine the percentage of dust recorded outside the site that actually arose from within the quarries. However, whilst the dust management scheme has been formally approved, there is an outstanding requirement to agree a trigger level at which further investigations would commence to ensure any problems are rectified as soon as possible. A trigger level has been agreed informally and it is considered that a condition can be attached to the permission covering this matter.

98. The Environmental Health Office has received seven complaints relating to dust and the County Council has received eight complaints since 1993. The EHO has raised no objection to the application and it is considered that conditions can effectively control the issue of dust arising from the site.

SSSI

99. The northern faces of OCH have been designated as a Site of Special Scientific Interest (SSSI). The description of the SSSI, as given by the Natural England is as follows:

“This site provides excellent exposures of the contact between the southern-type diorite, (markfieldite) and the volcanic and sedimentary rocks of the Precambrian Charnian Maplewell Series. The markfieldite (diorite) shows signs of having been intruded by magma-stoping and is considered to be the plutonic expression of the igneous episode which produced the Charnian volcanic rocks. Recent geochemical studies have shown that both groups of rocks carry a similar geochemical signature being relatively depleted in elements such as niobium, titanium and zirconium. This is consistent with their generation in a volcanic island setting.”

100. Natural England initially objected to the application due to the potential loss of the SSSI. They considered that further quarrying would destroy the SSSI, and even if the SSSI survived quarrying, it would be covered by water as the quarry was allowed to flood. A meeting was held between the operator, LCC and Natural England to try and overcome the objection. The operator has stated
that the SSSI is not yet fully exposed and is not likely to be until the quarry extends to a depth of about 20 - 60m AOD. It is expected that the full extent of the SSSI would remain observable for around 10 years following the cessation of extraction operations, until the quarry filled with water and slowly covered it, which means that the SSSI should be observable and accessible for around the next 30 years.

101. Natural England proposed at the meeting that the operator could adjust their working patterns, benches and access to make the SSSI more accessible. This would involve creating wider benches and slackening faces, effectively sterilising part of the northern faces of OCH, which if required as part of this ROMP permission could leave the County Council open to a compensation claim. The operator is unwilling at this stage to amend the proposed working scheme, but indicated that they would continue to allow access to the SSSI as and when necessary for the purposes of monitoring and education, subject to health and safety and quarry operations not being compromised.

102. Natural England also suggested that the water level in the quarry be maintained at a level below that of the SSSI following restoration. This is acceptable whilst the quarry is operational, but would ultimately mean that the operator would be required to pump the quarry water in perpetuity. It is considered that this would be an unreasonable condition to impose on the operator through this application.

103. Natural England has now withdrawn its objection subject to suitable conditions being attached to any permission requiring the operator to submit a scheme for the monitoring and recording of the geological SSSI. The operator considers the proposed conditions acceptable.

Environmental Considerations

104. Other environmental effects raised through the Environmental Statement, consultee responses and public representations have been assessed below:

Reclamation

105. The long term nature of this quarrying operation means that firm details of reclamation difficult to resolve now and there is likely to be another review prior to the operations being completed. Nevertheless, it is important to ensure that the principles of proper reclamation and aftercare are put in place so that work can be carried out towards its ultimate achievement and so as to bring the land into beneficial use as soon as is practicable.

106. As part of the review the company produced a satisfactory reclamation concept that can be developed. The concept includes maintaining existing, and planting additional, peripheral screening around the site, which the company propose to maintain for the life of the site and such planting and maintenance can be
ensured through conditions. Ultimately, the long term reclamation of the quarries at present is to allow them to fill with water, which is likely to be to a depth of around 140m in NCH and 190m in OCH.

107. The western part of the NCH site that currently houses all the processing and office buildings is proposed at this stage to be cleared of existing buildings and is indicated as potential industrial land on the masterplan. However, this is not a use that can be approved under the mineral permissions and it is therefore proposed that the precise afteruse of the plant area shall be determined in the future.

Rights of Way

108. There would be no alterations to the rights of way network as part of the review process. Should the company wish to alter any rights of way, they would need to gain prior written approval from the County Council. The reclamation concept identifies potential for a new viewing platform and interpretation board on the north west side of OCH which is welcomed.

Archaeology

109. Only a relatively small area of the operational site remains undisturbed, the part of the site referred to as the Brown Land. The Archaeology section has recommended that certain conditions be imposed to ensure that a necessary programme of archaeological investigation and recording is undertaken as and when the topsoil is stripped from this land. As previously stated, this land is currently not in the control of MQP and may not be worked.

Ecology

110. There is no notable, rare or protected flora or fauna within the submission area. However, there is historic evidence of badgers within the boundaries of NCH, but no setts have been found as part of the habitat survey. Pipestrelle bats have been recorded within Stanton under Bardon village, but it is considered that the existing buildings within the site are not suitable for use by bats.

111. The company understand that should they encounter any protected species, then they would need to cease operations and contact the correct professional body. A procedure could be placed as a condition to ensure the continued safeguarding of protected species.

112. The proposed reclamation scheme and long term management of the site includes the creation of woodland, species-rich grassland and species rich hedgerows; all of which are BAP habitat targets and in accordance with MLP Policy 3. It is considered that the reclaimed site should provide a greater value of wildlife than that which currently exists.

Hydrology & Hydrogeology

113. A local resident has raised concerns regarding the effect of dewatering the quarries on the adjacent Rothley Brook. Currently, during particularly wet periods, water is pumped from NCH to a licensed discharge point in Rothley Brook, just to the south of Stanton Lane and outside the application boundary.

114. The Environment Agency’s consultation response did not raise an objection to the application, but did recommend that a condition be added to restrict the discharge into the Rothley Brook to that equivalent of greenfield run-off, i.e. 5 litres/second per hectare (L/S/Ha).

115. The operator holds three discharge licences from the EA, with the licence for the Rothley Brook discharge point limiting the discharge to 50 L/S/Ha. PPS 10 requires that the planning system complements rather than duplicates other regulatory regimes. In the circumstances, it is not considered appropriate that a condition relating to water discharge be included in the planning permission.

116. With the exception of the above concern, there have been no existing problems regarding surface water, groundwater, flooding or any water pollution through operations on site. As operations on site should not significantly change there should be no adverse impact on ground or surface water, in accordance with MLP Policy 3.

Highways

117. It is considered that the majority of issues raised by the Highways Authority are well beyond the site entrances to Cliffe Hill and it is not reasonable to expect the company to contribute to maintaining the public highway in these locations. The company has recently resurfaced part of the road immediately outside the entrance of NCH and regularly employ a road sweeper to ensure that the road is in an acceptable condition. A wheel wash is also located within the site, although the operator is looking at possible replacements, and a condition could be attached requiring prior approval for any new wheel cleaning facilities.

118. The Environmental Statement suggests that measures to increase the visibility splays and the avoidance of excessive cleaning of the B585 outside the NCH entrance would help mitigate highway problems.

119. In the circumstances, as there is no proposal to increase vehicle numbers leaving the site, and considering the scale of warehouse and general industrial developments in the Bardon and Bagworth area, it would be unreasonable to insist on further contributions from the applicant.
Conclusion

120. The review of the Cliffe Hill Quarries mineral permissions will result in an update of planning conditions, taking into consideration modern working methods and techniques and the environmental standards required today. As part of the review process, various environmental issues were assessed in particular blasting, noise, dust and the SSSI. All significant environment effects can be suitably controlled and mitigated through the imposition of appropriate planning conditions. The proposed conditions submitted by MQP, as set out in Appendix 2, are recommended to be modified as set out in Appendix 1.

121. Under Paragraph 13 of schedule 14 of the Environment Act 1995 the County Council is required to consider the recommended conditions and whether the conditions would restrict the working rights of the site to an unreasonable degree. The proposed recommended conditions should not restrict the working rights of Cliffe Hill Quarries and are considered to be reasonable. The company has confirmed that the proposed recommended conditions set out in appendix 1 would be acceptable.

Recommendation


Background Papers

SCHEDULE OF DRAFT CONDITIONS

Approved Documents

1. Unless otherwise approved in writing by the Director of Community services or required by the conditions attached to this permission, the development shall only be carried out in accordance with the approved documents.

2. For the purpose of Condition 1, the approved documents for this Schedule of Conditions consent shall comprise:-
   - The forms and Environmental Statement accompanying application No. 2007/1059/04;
   - Plans numbered CH 2/2, CH 5/0-CH 5/3 and CH 6/1;
   - The details required by conditions attached to this decision.

3. Until such time as operations at the quarry cease, copies of these conditions and the approved documents referred to in Condition 1 and any subsequently approved in accordance with these conditions shall always be available for inspection at the quarry manager's office during normal working hours. Their existence and contents shall be made known to all operatives likely to be affected by matters covered by them.

Duration

4. The winning and working of minerals and the deposition of mineral waste at the site shall cease no later than the 31st December 2032.

5. Unless otherwise agreed in writing with the Director of Community Services, within 24 months of the permanent cessation of mineral working, all buildings, plant and machinery within the site shall be removed and the site restored in accordance with the Reclamation Scheme required by Condition 67 below.

6. In the event that mineral working permanently ceases prior to the full implementation of the approved scheme required by Condition 36, a revised scheme to include details of reclamation, aftercare and a timescale for the completion of the reclamation works, shall be submitted for approval by the Director of Community Services within 12 months of the permanent cessation of working. Such a revised agreed scheme shall be fully implemented within 24 months unless otherwise agreed in writing with the Director of Community Services.

7. If mineral workings are suspended for a period of 6 months or more, then the operator shall give written notification to the Mineral Planning Authority of the date upon which mineral working was suspended. Written notification shall also be given to the Mineral Planning Authority prior to the resumption of mineral working.
8. In the event that mineral workings are temporarily suspended for a period exceeding 2 years, then within 36 months from the suspension of mineral working an interim reclamation scheme for the site and timetable for its completion shall be submitted for approval to the Mineral Planning Authority. The interim reclamation scheme shall then be implemented in its entirety within 12 months of approval.

**Access and Protection of Public Highway**

9. With the exception of the tunnel link with Old Cliffe Hill Quarry, the sole vehicular access to and from New Cliffe Hill Quarry shall be via the approved site access off West Lane, as shown on Drawing CH 2/2.

10. The existing access into Old Cliffe Hill Quarry off Cliffe Lane may be used to export lower grade materials including overburden, block stone and gabion stones, subject to a maximum of 100,000 tonnes of material in any calendar year, unless otherwise agreed in writing with the Director of Community Services.

11. Unless otherwise agreed in writing by the Mineral Planning Authority, the use of the Old Cliffe Hill access for the exportation of the materials identified in Condition 10 shall cease no later than 31st March 2010.

12. Unless otherwise agreed in writing with the Director of Community Services, all HGVs leaving the site via the Old Cliffe Hill Quarry access shall turn left on to Cliffe Lane.

13. Except in an emergency or unless otherwise agreed in writing with the Director of Community Services, no excavated material shall be carried from Old Cliffe Hill Quarry to New Cliffe Hill Quarry via the public highway. In emergency situations, the Mineral Planning Authority shall be notified of operations within 24 hours.

14. Unless otherwise agreed in writing with the Director of Community Services, no excavated material shall be carried from New Cliffe Hill Quarry to Old Cliffe Hill Quarry via the public highway.

15. Unless otherwise agreed in writing with the Director of Community Services no mineral shall be brought onto the site for processing in the primary crusher.

16. The surfacing of the existing accesses referred to in Conditions 9 and 10 above, together with internal access roads, roads serving parking areas, servicing of fixed plant areas and internal traffic circulation areas shall be maintained in a good state of repair and kept clean and free of mud and other deleterious material at all times until completion of the site restoration.

17. An efficient drainage system shall be provided in respect to the surfaced areas used by road borne vehicles and maintained at all times until completion of the site reclamation.
18. Measures shall be employed to ensure that the public highway is kept clean and free from mud and other deleterious material originating from the site.

19. All vehicles leaving the site transporting stone less than 75 mm in diameter shall be securely sheeted to prevent dust emissions and spillage.

20. At the New Cliffe Hill quarry access on to West Lane, vegetation shall be managed to ensure that 4.5 metre visibility splays are maintained at all times to the maximum achievable distances across the site’s frontage.

**Old Cliffe Hill Quarry**

21. Details of the type and quantity of material and the numbers of HGVs leaving the site via the Old Cliffe Hill Quarry access shall be submitted to the Director of Community Services on a three monthly basis. The first three month period shall commence on the first day exportation commences.

22. Written notice shall be given to the Director of Community Services when the first exportation of material from Old Cliffe Hill has commenced. Such notice shall be given within seven days of the commencement date.

23. With the exception of the existing primary crusher in Old Cliffe Hill Quarry, no crushing or screening operations shall be carried out within Old Cliffe Hill Quarry above 175 metres AOD until details of any crusher and screening units, including their locations, have been submitted to and approved in writing by the Director of Community Services. Crushing and screening operations above 175 metres AOD shall only be carried out in the locations and using equipment previously approved by the Director of Community Services.

24. Prior to the first use of the Old Cliffe Hill Quarry access for the exportation of material, details of signage and its location shall be submitted for the written approval of the Director of Community Services. The signage shall indicate to drivers the approved routes that all HGVs shall take when exiting and entering the site and the signage shall be erected and maintained as approved.

25. Prior to the first use of the Old Cliffe Hill Quarry access for the exportation of material, the developer shall make provision at the Old Cliffe Hill access for the wheels of vehicles to be cleaned before leaving the site to prevent the deposit of mud and detritus on the public highway. Such provision shall be in accordance with details and specifications to be first agreed in writing by the Director of Community Services.

26. Prior to the commencement of the development, the proposed locations and heights of any stockpiles above 185 metres AOD shall be approved in writing by the Director of Community Services. Stockpiles above 185 metres AOD shall be maintained in the locations, and to heights no higher than those agreed by the Director of Community Services, for the life of the development.
27. Unless otherwise agreed in writing by the Director of Community Services, when the primary crusher is moved to its new location it shall be encased on 3 sides in a slot in the quarry face and open on the fourth side. It shall be fitted with a wet dust suppression unit comprising directional and fixed sprays. The feeder, conveyor and transfer points shall be equipped with strategically located spray bars for dust suppression.

**Working Programme**

28. Development of the site shall be carried out in accordance with the phased working scheme shown on the drawings referred to in Condition 2 above, or such amendments to the approved scheme as may be agreed in writing with the Director of Community Services.

29. The extraction of stone shall be limited to the area defined by the dashed pink line on Drawing CH 2/2.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), unless otherwise agreed in writing by the Director of Community Services:
   a. No fixed plant or machinery, buildings, structures or erections shall be extended, installed or replaced at the site;
   b. No new lighting or fencing or posts above 2m in height shall be installed or erected at the site;
   c. No additional open stocking, storage, loading, parking or other hard surfaced area or lagoons or tipping areas shall be constructed within Old Cliffe Hill Quarry above 175 metres AOD on the site.

31. Prior to the stripping of any undisturbed land details shall be submitted to the Director of Community Services for approval showing the location and form of soil stock piles and the form and location of any amenity or landscape screen mounds created from stripped overburden and/or soils and the proposed retention and protection necessary for any boundary hedgerows.

32. Soil movement operations shall only be carried out when the full volume of soil involved is in a dry and friable condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without any difficulty.

33. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is unavoidable in undertaking soil handling operations hereby permitted. Where trafficking does occur it shall be kept to the essential minimum and all available topsoil (and subsoil) shall be stripped from that part where trafficking occurs.

34. Unless otherwise agreed in writing with the Director of Community Services, no soil shall be exported from the site.
35. All soil storage mounds that will remain in situ for more than 6 months or over winter are to be seeded. Mounds shall be managed throughout the period of storage to maintain satisfactory vegetation cover, weed control and to avoid erosion or waterlogging.

36. Notwithstanding the provisions of Conditions 28 and 29 above, by no later than 31st March 2013 and at least every 5 years thereafter or as otherwise agreed in writing with the Director of Community Services, a detailed scheme of working for the following 5 years, or such other period as may be agreed, shall be submitted for approval to the Mineral Planning Authority. Such a scheme shall, inter alia, include provision for:-
   i) The method, direction, sequence, depth and area of working;
   ii) The angles of excavated slopes and margins to the site boundary;
   iii) The location and construction of primary haul roads within the site;
   iv) The location and height of mineral stockpiles;
   v) The location, height, size, shape and surface treatment of any overburden and quarry waste tips;
   vi) The location of any fixed plant and equipment;

37. No operations for trimming the top edges of the north west corner of Old Cliffe Hill Quarry shall take place until details of a 2 metre high barrier to protect Hibury Cottage from noise has been submitted to the Director of Community Services for his approval. No operations for trimming the North Western corner of Old Cliffe Hill Quarry shall take place until a barrier has been erected in accordance with the approved details.

38. Unless otherwise agreed in writing by the Director of Community Services, prior to soil stripping operations commencing on the Brown Land, the applicant shall submit a scheme for the approval of the Director of Community Services to mitigate noise and visual impacts from the development on properties along Stanton Lane and Main Street, Stanton under Bardon. All operations on the Brown Land shall be undertaken in accordance with the approved scheme.

39. At least 48 hours prior written notice shall be given to the Director of Community Services of the commencement and the estimated duration of any overburden stripping operations.

40. The types of waste to be disposed of in the Quarry Waste Tip within New Cliffe Hill Quarry as shown on Plan No. CH5/3 shall be restricted to inert waste generated at Cliffe Hill Quarries only. No waste material shall be imported to the site.

**Archaeology**

41. No development shall take place within the area known as ‘The Brown Land’ until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, which shall be undertaken in accordance with a written scheme of investigation previously submitted to and approved in writing by the Director of Community Services.

**Control of Weeds**

42. Measures shall be taken to control the growth of noxious weeds and necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

**Operating Hours**

43. Except in emergencies to maintain safe quarry working (which shall be notified to the Director of Community Services as soon as practical), or with the prior agreement of the Director of Community Services,

(a) Servicing, maintenance and testing of static and mobile plant and the operation of the roadstone coating plants and railhead shall be 24 hours Monday to Sunday including Public and Bank Holidays.

(b) No production of concrete shall take place at the ready mix concrete plant outside the hours of:
   - 0700 hours to 1900 hours Monday to Friday
   - 0700 hours to 1400 hours Saturdays

(c) No mineral extraction or processing operations at the site, including the operation of the conveyor between Old Cliffe Hill Quarry and New Cliffe Hill Quarry and the stripping of overburden within Old Cliffe Hill Quarry below 185 metres AOD shall take place outside the hours of:
   - 0600 hours to 2200 hours on Monday to Saturday, subject to no operations taking place on any Sunday, Public or Bank Holiday

(d) No HGVs shall leave the site via the Old Cliffe Hill Quarry access outside of the hours of:
   - 0600 hours to 1800 hours Monday to Friday
   - 0700 hours to 1400 hours Saturdays, or at any time on a Sunday, Public or Bank Holiday

(e) Within Old Cliffe Hill Quarry, operations, on the periphery of the site in the vicinity of any noise sensitive property or above 185 metres AOD or on unscreened locations, such as the formation, removal and alteration of spoil tips, baffle mounds, screening and storage embankments, formation or maintenance of drainage works and the stripping and replacement of soils shall not be carried out except between the following times:
   - 0700 hours to 1900 hours on Monday to Saturdays

(f) No blasting shall take place except between the hours of:
   - 1000 hours to 1800 hours on Monday to Friday

(g) Except where stated no operations, other than environmental monitoring and otherwise in accordance with an agreed schedule shall be carried out on Sundays, Bank or Public Holidays.

(h) Crushing and screening operations within Old Cliffe Hill Quarry undertaken above a height of 175 metres AOD shall be limited to between 08:00 and 17:00 Monday to Friday and between 08:00 and 13:00 on Saturdays. Crushing and screening operations undertaken within Old Cliffe Hill below 175 metres AOD shall not be undertaken outside the hours of 06:00 to 22:00 hours Mondays to Saturdays. There shall be no crushing or screening operations within Old Cliffe Hill Quarry on Sundays or Public/Bank holidays.
Environmental Protection

Dust

44. Unless otherwise agreed in writing with the Director of Community Services, dust suppression methods shall be implemented in accordance with table 12/8 of the Environmental Statement that accompanied application No. 2007/1059/04.

45. Notwithstanding the provisions of Condition 44 above, a water bowser shall at all times be available for use on site. All haul roads within the site shall be kept damp as necessary to control dust to the satisfaction of the Director of Community Services.

46. At such times as operations on site give rise to unacceptable levels of dust leaving the site such as during adverse conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until the operations can be resumed without causing nuisance, either by change in working, improved weather conditions or other additional measures.

47. Unless otherwise agreed in writing by the Director of Community Services, dust monitoring shall be undertaken in accordance with the details contained with Appendix 12/1 of the Environmental Statement accompanying planning application 2007/1059/04.

48. Notwithstanding the details contained within condition 47, in the event that monthly monitoring results at any location exceed a trigger level of 300 mg.m$^{-2}$/day, the operator shall report in writing, within 14 days of the results being known to them, to the Director of Community Services on the monitoring results and the quarry operations undertaken for the relevant period. If required by the Director of Community Services, within 28 days the operator shall submit in writing a proposed scheme of measures to reduce dust levels for his approval. The scheme shall be implemented as soon as practicable following the approval of the Director of Community Services.

Noise

49. Noise levels shall not exceed the below levels at any noise sensitive property;
   - 55dB (A) L$_{Aeq}$, 1h (freefield) between the hours of 06.00 to 19.00;
   - 45dB (A) L$_{Aeq}$, 1h (freefield) between the hours of 19.00 to 22.00;
   - 38dB (A) L$_{Aeq}$, 1h (freefield) between the hours of 22.00 and 06.00;

50. Measures shall be taken within the site to ensure that emissions of noise from the site are controlled and ensure so far as is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties.
51. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be affected within a reasonable period, the equipment affected should be taken out of service.

52. All audible warning devices fitted to mobile plant, vehicles and machinery whilst affording the required safety protection shall be designed and operated so as to minimise disturbance to nearby residents.

53. Notwithstanding Condition 49 above, during the removal of any overburden or quarry wastes, the creation of any screen mounds or reclamation works, the noise limit at the nearest noise sensitive property used as a dwelling shall not exceed 70dB LAeq 1 hr for a period of up to 8 weeks in any calendar year. At least five working days (being Monday to Friday inclusive) prior written notice shall be given to the Director of Community Services of the commencement and the estimated duration of such operations.

54. Unless otherwise agreed in writing by the Director of Community Services, site noise monitoring shall be undertaken in accordance with the details set out in paragraph 14.63 of the Environmental Statement accompanying application No. 2007/1059/04.

**Blasting**

55. Every blast shall be designed with a 95% confidence level that ground vibration levels recorded at any vibration sensitive property arising from any blast shall not exceed a peak particle velocity of 6mm per second measured in any mutually perpendicular plane. No blast shall exceed a peak particle velocity of 12mm per second as measured at any vibration sensitive property.

56. Except in an emergency no secondary blasting shall be carried out without the prior approval in writing of the Mineral Planning Authority. In emergency situations, the Director of Community Services shall be notified of operations within 24 hours.

57. Every blast shall be designed to minimise noise or air over pressure by use of the latest available techniques such that air over pressure shall not exceed 120dB peak linear as measured externally at any vibration sensitive property.

58. By no later than 30th September 2008, a scheme for the monitoring of each blast, including the location of monitoring points, equipment to be used and the reporting of results to the Director of Community Services shall be submitted to the Director of Community Services for his written approval. Blast monitoring shall be undertaken in accordance with the approved scheme to the satisfaction of the Director of Community Services.
Lighting

59. All reasonable measures shall be taken to ensure that the operations carried out on site do not give rise to nuisance in the locality by reason of illumination.

Complaints

60. The developer shall continue to operate the existing complaints procedure and the local quarry Liaison Group and Sub-Committee in the current format for the life of the operation, or as otherwise may be agreed in writing by the Director of Community Services.

Groundwater and Surface Water Drainage Protection

61. At all times, all necessary steps shall be undertaken until the completion of reclamation and aftercare of the site to prevent pollutants from contaminating groundwater or any watercourse.

62. All settlement lagoons and associated ditches shall be maintained in good working order and shall be kept clear of mud and silt as necessary.

63. 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 should be at least equivalent to 110% of the capacity of the tank. For multiple tankage, the compound should be at least equivalent to 110% of the volume of the largest tank, or 110% of the combined capacity of interconnected tanks. 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 discharge downwards into the bund.

Care of boundaries

64. Throughout the period of the operation until such time as the reclamation and aftercare of the site has been completed, the boundary to the active mineral operations shall be maintained in a stock proof condition.

65. All tree, shrubs and hedges along the boundaries of the site shall be retained, protected and maintained throughout the duration of the operations. Whilst operations, including the passage of vehicles, are occurring within the vicinity of hedges to be retained an area around the hedges at a distance equivalent to not less than 3 metres shall be cordoned off with distinctive markings. Whilst operations, including the passage of vehicles, are occurring within the vicinity of any tree(s) to be retained, an area around the tree(s) shall be cordoned off with distinctive markings in accordance with the recommendations of BS 5837:2005.
66. By no later than 30th September 2008, a planting scheme shall be submitted for the written approval of the Director of Community Services. The scheme shall provide details of proposed species, types, numbers, sizes, protection and maintenance in the locations identified in paragraph 6.21 of the Environmental Statement dated August 2007 that forms part of planning application 2007/1059/04. The planting shall be undertaken in accordance with the above scheme in the first available planting season.

67. Unless otherwise agreed in writing by the Director of Community Services, the dry stone wall forming the boundary between the brown land and Footpath R100 shall be retained and maintained throughout the life of the development.

SSSI

68. By no later than 30th September 2008, a scheme for the monitoring, surveying and recording of the geological SSSI in Old Cliffe Hill Quarry shall be submitted for the written approval of the Director of Community Services in consultation with Natural England. The scheme shall be implemented in full immediately following approval and shall be reviewed on a five-yearly basis following approval.

Reclamation

69. Unless otherwise agreed in writing with the Mineral Planning Authority, by 31st March 2010 and at least every five years thereafter, a detailed scheme of reclamation for the following five year period shall be submitted for approval to the mineral planning authority. Such scheme shall, inter alia, include provision for:-

(a). Final contours for the parts of the site which will become exhausted during the period;

(b). The treatment of any remnant quarry faces and benches;

(c). Location, species, numbers, sizes, ground preparation works and protective measures for tree and shrub planting;

(d). Detailed grass and/or wildflower seed mixes, fertiliser or other treatments;

(e). Hydroseeding of internal overburden batters;

(f). The provision of fences, gates and stiles; and

(g). Removal of any redundant quarry buildings, plant or machinery.

70. The site shall be reclaimed in accordance with the approved scheme having regard to the actual progress of mineral operations, or such amendments to the approved documents as may be agreed in writing with the Director of Community Services.

Tree and hedge planting

71. All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained within the principles of good forestry and husbandry until the expiry of this permission. Any trees or plants which die or become seriously damaged or diseased within five years of being planted shall be replaced with plants of the same species or such other species as may be agreed with the Director of Community Services.

Aftercare

72. Any areas of the site reclaimed to forestry or amenity use shall be subject to the requirements of an aftercare scheme under the provisions of section 72(5) of the Town and Country Planning Act 1990. A scheme shall be submitted for the approval of the Mineral Planning Authority prior to each phase of reclamation commencing. The aftercare requirements shall be carried out for a period of five years from the completion of each phase of reclamation.

Notes To Applicant

1. In all conditions where there is reference to the "site", the reference means the areas of land edged red on the approved Plan No. 2/2.

2. For the purposes of Conditions 43 (e), 53 and 54 above:-
   i) The noise level is expressed as 1 hr freefield LAeq. Freefield shall be defined as a point 3.5 metres in front of the facade of any noise sensitive property facing the mineral extraction operation. Any measurements to check compliance shall have regard to the effects of noise and shall be corrected for such effects.

   ii) A noise sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by an increase in noise levels and which was before 13th March 2008 such was under construction for such use or was the subject of a planning permission (not being outline permission) for such use granted under Part 3 of the Town and Country Planning Act 1990.

3. For the purpose of Condition 55 and 57 above, a vibration sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by any increase in vibration levels and which was before 13th March 2008 such use, or was under construction for such use or was the subject of a planning permission (not being outline permission) for such use granted under Part 3 of the Town and Country Planning Act 1990.
Reasons

1, 2, 10, For the avoidance of doubt and to ensure that the development is carried out in accordance with the application.

28, 29, 40. To enable the MPA to adequately control the development and to minimise its impact on the amenities of the local area (Minerals Local Plan Policy 5).

3, 36. To enable the MPA to adequately control the development and to minimise its impact on the amenities of the local area (Minerals Local Plan Policy 5).

4. To comply with Section 91 of the Town and Country Planning Act 1990 (Minerals Local Plan Policy 5).

5, 6, 7, 8. To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse and in the interest of amenity of local residents (Minerals Local Plan Policy 11).

9, 16, 17. In the interests of Highway safety (Policy 5 of the Leicestershire, Leicester and Rutland Minerals Local Plan).

18, 19, 20, 24. To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse and in the interest of amenity of local residents (Minerals Local Plan Policy 11).

21, 22. To enable the Mineral Planning Authority to monitor operations to ensure compliance with this permission.

23, 26. In the interests of local amenity (Policy 5 of the Leicestershire Minerals Local Plan).

27, 31. In the interests of local amenity (Policy 5 of the Leicestershire Minerals Local Plan).

30. To restrict development not authorised by this permission (Minerals Local Plan Policy 5).

32, 33. To protect the soil resource and ensure the satisfactory restoration of the site (Policy 11 of the Leicestershire Minerals Local Plan).

34, 35. To protect the soil resource and ensure the satisfactory restoration of the site (Policy 11 of the Leicestershire Minerals Local Plan).

37, 38. To protect the amenities of local residents (Policy 5 of the Leicestershire Minerals Local Plan).

39, 43. To protect the amenities of local residents (Policy 5 of the Leicestershire Minerals Local Plan).

59. To ensure that satisfactory provision is made for the safeguarding of any archaeological remains affected by the development (Policy 5 of the Leicestershire Minerals Local Plan).
To prevent the spread of noxious weeds and in the interests of satisfactory restoration (Policy 11 of the Leicestershire Minerals Local Plan).

To protect the amenity of the locality from the effects of dust arising from the development (Leicestershire Minerals Local Plan Policy 5).

To minimise the adverse impact of noise generated by the operations on the local community (Leicestershire Minerals Local Plan Policy 5).

To minimise the adverse impact of blasting generated by the operations on the local community (Minerals Local Plan Policy 5).

To ensure that disturbance to local residents is monitored and kept to acceptable levels (Policy 7 of the Leicestershire Minerals Local Plan).

To minimise the risk of pollution of drains and watercourses (Leicestershire Minerals Local Plan Policy 5).

In the interests of Health and Safety and to prevent accidental access to the site by livestock (Leicestershire Minerals Local Plan Policy 5).

To ensure that proper steps are taken to safeguard the existing vegetation during the course of the development (Leicestershire Minerals Local Plan Policy 5).

To enhance the appearance of the development in the interests of visual amenity and to ensure that the development is carried out in accordance with the application.

To safeguard the appearance of the locality (Strategy Policy 10 of the Leicestershire, Leicester and Rutland Structure Plan).

To ensure that satisfactory arrangements are made to enable adequate geological investigation and to record any relevant findings whilst the development is being carried out (Environment Policy 4 of the Leicestershire, Leicester and Rutland Structure Plan).

To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse and in the interest of local amenity (Minerals Local Plan Policy 11).
SCHEDULE OF DRAFT CONDITIONS - MQP

Approved Documents

1. Unless otherwise approved in writing by the Director of Community Services or required by the conditions attached to this permission, the development shall only be carried out in accordance with the approved documents.

2. For the purpose of Condition 1, the approved documents for this Schedule of Conditions consent shall comprise:
   • The submitted form;
   • Plans numbered CH 2/2, CH 5/0-CH 5/3 and CH 6/1;
   • The details required by conditions attached to this decision.

3. Until such time as operations at the quarry cease, copies of these conditions and the approved documents referred to in Condition 1 and any subsequently approved in accordance with this permission shall always be available for inspection at the quarry manager’s office during normal working hours. Their existence and contents shall be made known to all operatives likely to be affected by matters covered by them.

Duration

4. The winning and working of minerals and the deposition of mineral waste at the site shall cease not later than the 31st December 2032.

5. Unless otherwise agreed in writing with the Director of Community Services, within 24 months of the permanent cessation of mineral operations within Old Cliffe Hill Quarry, all buildings, plant, machinery, within Old Cliffe Hill Quarry shall be removed and the site restored in accordance with the Restoration Scheme required by Condition 50 below.

6. Unless otherwise agreed in writing with the Director of Community Services, within 24 months of the permanent cessation of mineral operations within the site, the developer shall agree with the Director of Community Services which buildings, plant, machinery are to be removed and a timetable for their removal from the site.

7. In the event that mineral operations permanently cease prior to the full implementation of the approved scheme required by Condition 28, a revised scheme to include details of restoration aftercare and timescale for the completion of the restoration works, shall be submitted for approval by the Director of Community Services within 12 months of the permanent cessation of working. Such a revised agreed scheme shall be fully implemented unless otherwise agreed in writing with the Director of Community Services.
8. If mineral operations are suspended for a period of 6 months or more, then the operator shall give written notification to the Mineral Planning Authority of the date upon which mineral extraction was suspended. Written notification shall also be given to the Mineral Planning Authority prior to the resumption of mineral extraction following a temporary suspension.

9. In the event that mineral operations are temporarily suspended for a period exceeding 2 years, then within 36 months from the suspension of mineral extraction an interim restoration scheme for the site and timetable for its completion shall be submitted for approval to the Mineral Planning Authority. The interim restoration scheme shall then be implemented in its entirety.

**Access and Protection of Public Highway**

10. With the exception of the tunnel link with Old Cliffe Hill Quarry, the sole vehicular access to and from New Cliffe Hill Quarry shall be via the approved site access off West Lane, as shown on Drawing CH 2/2.

11. The existing access into Old Cliffe Hill Quarry off Cliffe Lane may be used to export lower grade materials, block stone and gabion stones, subject to a maximum of 100,000 tonnes of material in any calendar year, unless otherwise agreed in writing with the Director of Community Services.

12. Unless otherwise agreed in writing with the Director of Community Services, all HGVs leaving the site via the Old Cliffe Hill Quarry access shall turn left on to Cliffe Lane.

13. Except in an emergency or unless otherwise agreed in writing with the Director of Community Services, no excavated material shall be carried from Old Cliffe Hill Quarry to New Cliffe Hill Quarry via the public highway. In emergency situations, the Mineral Planning Authority shall be notified of operations within 24 hours.

14. Unless otherwise agreed in writing with the Director of Community Services, no excavated material shall be carried from New Cliffe Hill Quarry to Old Cliffe Hill Quarry via the public highway.

15. Unless otherwise agreed in writing with the Director of Community Services, no mineral shall be brought onto the site for processing in the primary crusher.

16. The surfacing of the existing access referred to in Conditions 10 and 11 above, together with access roads, roads serving parking areas, servicing of fixed plant areas and internal traffic circulation areas shall be maintained in a good state of repair and kept clean and free of mud and other deleterious material at all times until completion of the site restoration.

17. An efficient drainage system shall be provided in respect to the surfaced areas used by road borne vehicles and maintained at all times until completion of the site restoration.
18. Measures shall be employed to ensure that the public highway is kept clean and free from mud and other deleterious material originating from the site.

19. All vehicles leaving the site transporting stone less than 75 mm in diameter shall be securely sheeted to prevent dust emissions and spillage.

20. Details of the type and quantity of material and the numbers of HGVs leaving the site via the Old Cliffe Hill Quarry access shall be submitted to the Director of Community Services on a three monthly basis. The first three month period shall commence on the first day exportation commences.

**Working Programme**

21. Development of the site shall be carried out in accordance with the phased working scheme shown on the drawings referred to in Condition 2 above, or such amendments to the approved scheme as may be agreed in writing with the Director of Community Services.

22. The extraction of stone shall be limited to the area denoted on Drawing CH 2/2 attached to and forming part of this Schedule of Conditions.

23. Prior to the stripping of any undisturbed land details shall be submitted to the Director of Community Services for approval showing the location and form of soil stock piles and the form and location of any amenity or landscape screen mounds created from stripped overburden and the proposed retention and protection necessary for any boundary hedgerows.

24. Soil movement operation shall only be carried out when the full volume of soil involved is in a dry and friable condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without any difficulty.

25. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is unavoidable in undertaking soil handling operations hereby permitted. Where trafficking does occur it shall be kept to the essential minimum and all available topsoil (and subsoil) shall be stripped from that part where trafficking occurs.

26. Unless otherwise agreed in writing with the Director of Community Services, no soil shall be exported from the Site.

27. All soil storage mounds that will remain in situ for more than 6 months or over winter are to be seeded. Mounds shall be managed throughout the period of storage to maintain satisfactory vegetation cover, weed control and to avoid erosion or waterlogging.
28. Notwithstanding the provisions of Conditions 21 and 22 above, within 5 years from the date of these conditions and at least every 5 years thereafter or otherwise agreed in writing with the Director of Community Services, a detailed scheme of working for the following 5 years, or such other period as may be agreed, shall be submitted for approval to the Mineral Planning Authority. Such a scheme shall, inter alia, include provision for:-
   i) The method, direction, sequence, depth and area of working;
   ii) The angles of excavated slopes and margins to the site boundary;
   iii) The location and construction of primary haul roads within the site;
   iv) The location and height of mineral stockpiles;
   v) The location, height, size, shape and surface treatment of any overburden and quarry waste tips;
   vi) The location of any fixed plant and equipment

29. At least 48 hours prior written notice shall be given to the Mineral Planning Authority of the commencement and the estimated duration of any overburden stripping operations.

**Control of Weeds**

30. Measures shall be taken to control the growth of noxious weeds and necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

**Operating Hours**

31. Except in emergencies to maintain safe quarry working (which shall be notified to the Director of Community Services as soon as practical), or with the prior agreement of the Director of Community Services,

   (a) The operation of the roadstone coating plants and railhead shall be 24 hours Monday to Sunday including Public and Bank Holidays.
   (b) No production of concrete shall take place at the ready mix concrete plant outside the hours of:
       - 0700 hours to 1900 hours Monday to Friday
       - 0700 hours to 1400 hours Saturdays
   (c) No mineral extraction or processing operations at the site, including the operation of the conveyor between Old Cliffe Hill Quarry and New Cliffe Hill Quarry, shall take place outside the hours of:
       - 0600 hours to 2200 hours on Monday to Saturday
   (d) No HGVs shall leave the site via the Old Cliffe Hill Quarry access outside of the hours of:
       - 0600 hours to 1800 hours Monday to Friday
       - 0700 hours to 1400 hours Saturdays
   (e) Operations on the periphery of the site in the vicinity of noise sensitive property used as a dwelling, or at high level, unscreened locations, such as the formation, removal and alteration of spoil tips, baffle mounds, screening
and storage embankments, formation or maintenance of drainage works and the stripping and replacement of soils shall not be carried out except between the following times:-

0700 hours to 1900 hours on Monday to Saturdays

(f)  no blasting shall take place except between the hours of:-

1000 hours to 1800 hours on Monday to Friday

(g)  Servicing, maintenance and testing of static and mobile plant shall be carried out at the site between the hours of :-

24 hours per day Monday to Sunday inclusive

(h)  Except where stated no operations, other than environmental monitoring and otherwise in accordance with an agreed schedule shall be carried out on Sundays, Bank or Public Holidays.

Environmental Protection

Dust

32. Unless otherwise agreed in writing with the Director of Community Services dust suppression methods shall be implemented in accordance with the details below.

33. Notwithstanding the provisions of Condition 32 above, a water bowser shall at all times be available for use on site. All haul roads within the site shall be kept damp as necessary to control dust to the satisfaction of the Director of Community Services.

34. At such times as operations on site give rise to unacceptable levels of dust leaving the site such as during adverse conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until the operations can be resumed without causing nuisance, either by change in working, improved weather conditions or other additional measures.

35. The developer shall continue to undertake a Dust Monitoring Scheme as agreed from time to time with the Director of Community Services.

Noise

36. Measures shall be taken within the site to ensure that emissions of noise from the site are controlled and ensure so far as is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties.

37. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufactures specification at all times and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be affected within a reasonable period, the equipment affected should be taken out of service.
38. All audible warning devices fitted to mobile plant, vehicles and machinery whilst affording the required safety protection shall be designed and operated so as to minimise disturbance to nearby residents.

39. Notwithstanding the provisions of Condition 36 above, the noise level attributable to mineral operations at the site at the nearest noise sensitive property used as a dwelling shall not exceed 55dB LAeq 1 hr between the hours of 0600 and 1900 hours or 45dB LAeq 1 hr at other times with the exception as set out in Condition 39 below.

40. During the removal of any overburden or quarry wastes, the creation of any screen mounds or restoration works, the noise limit at the nearest noise sensitive property used as a dwelling shall not exceed 70dB LAeq 1 hr for a period of up to 8 weeks in any calendar year. At least five working days (being Monday to Friday inclusive) prior written notice shall be given to the Director of Community Services of the commencement and the estimated duration of such operations.

41. The developer shall continue to undertake a Noise Monitoring Scheme as agreed from time to time with the Director of Community Services.

**Blasting**

42. Ground vibration levels arising from blasting shall not exceed a peak particle velocity of 6mm per second in any mutually perpendicular plane and calculated with a 95% confidence limit, and no blast shall exceed a peak particle velocity of 12mm per second as measured at any vibration sensitive property.

43. Except in an emergency no secondary blasting shall be carried out without the prior approval in writing of the Mineral Planning Authority. In emergency situations, the Mineral Planning Authority shall be notified of operations within 24 hours.

44. The developer shall continue to undertake a Blast Monitoring Scheme as agreed from time to time with the Director of Community Services.

**Lighting**

45. All reasonable measures shall be taken to ensure that the operations carried out on site do not give rise to nuisance in the locality by reason of illumination.

**Complaints**

46. The developer will continue to operate the existing complaints procedure and the local Liaison Group in the current format for the life of the operation as agreed from time to time with the Director of Community Services.
Groundwater and Surface Water Drainage Protection

47. At all times, all necessary steps shall be undertaken until the completion of restoration and aftercare of the site to prevent pollutants from contaminating groundwater or any watercourse.

48. Any contaminated water from the site shall be treated prior to the discharge into any ditch, stream, watercourse, culvert or soakaway.

49. All settlement lagoons and associated ditches shall be maintained in good working order and shall be kept clear of mud and silt as necessary.

50. 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 should be at least equivalent to 110% of the capacity of the tank. For multiple tankage, the compound should be at least equivalent to 110% of the volume of the largest tank, or 110% of the combined capacity of interconnected tanks. 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 discharge downwards into the bund.

Care of boundaries

51. Throughout the period of the operation until such time as the restoration and aftercare of the site has been completed, the boundary to the active mineral operations shall be maintained in a stock passing condition.

52. All tree, shrubs and hedges along the boundaries of the site shall be retained, protected and maintained throughout the duration of the operations hereby permitted. Whilst operations, including the passage of vehicles are occurring within the vicinity of trees and hedges to be retained an area around the trees and hedges at a distance equivalent to not less than the existing spread of branches from the trunk and in any case not less than 3 metres shall be cordoned off with distinctive markings.

Restoration

53. Unless otherwise agreed in writing with the Mineral Planning Authority, within 24 months of the date of this permission and at least every five years thereafter, a detailed scheme of restoration for the following five year period shall be submitted for approval to the mineral planning authority. Such scheme shall, inter alia, include provision for:-
   (a). Final contours for the parts of the site which will become exhausted during the period;
   (b). The treatment of any remnant quarry faces and benches;
(c). Location species, numbers, sizes, ground preparation works and protective measures for tree and shrub planting;
(d). Grass and/or wildflower seed mixes, fertiliser or other treatments;
(e). The provision of fences, gates and stiles; and
(f). Removal of any redundant quarry buildings, plant or machinery.

54. The site shall be restored in accordance with the approved scheme having regard to the actual progress of mineral operations, or such amendments to the approved documents as may be agreed in writing with the Mineral Planning Authority.

Tree and hedge planting

55. All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained within the principles of good forestry and husbandry until the expiry of this permission. Any trees or plants which die or become seriously damaged or diseased within five years of being planted shall be replaced with plants of the same species or such other species as may be agreed with the Mineral Planning Authority.

Aftercare

56. Any areas of the site restored to forestry or amenity use shall be subject to the requirements of an aftercare scheme under the provisions of section 72(5) of the Town and Country Planning Act 1990. A scheme shall be submitted for the approval of the Mineral Planning Authority prior to each phase of restoration commencing. The aftercare requirements shall be carried out for a period of five years from the completion of each phase of restoration.

Notes To Applicant

1. In all conditions where there is reference to the “site”, the reference means the areas of land edged red on the approved drawings.

2. In all conditions where there is reference to “mineral operations”, the reference means the winning, working and processing to produce crushed aggregates, together with the haulage of mineral within the site and the loading of lorries. The term does not include the operation of the roadstone coating plants or the movement of lorries.

3. For the purposes of Conditions 38 and 39 above:-
   i) The noise level is expressed as 1 hr freefield LAeq. Freefield shall be defined as a point 3.5 metres in front of the facade of any noise sensitive property facing the mineral extraction operation. Any measurements to check compliance shall have regard to the effects of noise and shall be corrected for such effects.
ii) A noise sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by an increase in noise levels and which was before [date] such was under construction for such use or was the subject of a planning permission (not being outline permission) for such use granted under Part 3 of the Town and Country Planning Act 1990.

4. For the purpose of Condition 31e and 41 above, a vibration sensitive property shall be defined as any building outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by any increase in vibration levels and which was before [date of determination] such use, or was under construction for such use or was the subject of a planning permission (not being outline permission) for such use granted under Part 3 of the Town and Country Planning Act 1990.
The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

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

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children’s Services and the Director of Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person’s Act 1970, the Design Note 18 “Access for the Disabled People to Educational Buildings” 1984 and to the Disability Discrimination Act 1995. You are advised to contact the County Council’s Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Any relevant provisions of the development plan (i.e. the Regional Spatial Strategy, Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to “have regard” to the development plan are given in the Town and Country Planning Act 1990:

Section 70(2) : determination of applications;
Section 77(4) : called-in applications (applying s. 70);
Section 79(4) : planning appeals (applying s. 70);
Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2) : power to vary period in statutory condition requiring development to be begun;
Section 92(6) : power to vary applicable period for outline planning permission;
Section 97(2) : revocation or modification of planning permission;
Section 102(1) : discontinuance orders;
Section 172(1) : enforcement notices;
Section 177(2) : Secretary of State’s power to grant planning permission on enforcement appeal;
Section 226(2) : compulsory acquisition of land for planning purposes;
Section 294(3) : special enforcement notices in relation to Crown land;
Sched. 9 para (1) : minerals discontinuance orders.