
PROPOSAL: Southern extension to Cadeby Quarry for the extraction of 605,000 tonnes of sand and gravel over a period of three years

LOCATION: Cadeby Quarry and land south of Bosworth Road, Kirkby Mallory, Hinckley & Bosworth

APPLICANT: Tarmac Ltd.

MAIN ISSUES: Extension of existing sand and gravel quarry, construction of temporary loading area and construction of conveyor tunnel under Bosworth Road.

RECOMMENDATION: PERMIT subject to conditions covering phasing of operations, control of environmental effects and reclamation of the site.

Circulation under Local Issues Alert Procedure

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Location of Proposed Development

1. Cadeby Quarry is an established sand and gravel quarry situated between the villages of Cadeby and Newbold Verdon. Sand and gravel extraction has been carried out at the site since 1964 under a number of planning permissions. Previously worked parts of the site have been restored progressively to agriculture by a combination of infilling with inert material and low level restoration. The most recent substantial minerals permission was granted on 1st August 2006 under reference 2005/0893/04. Since then, one further permission was granted in January 2010 which related to the extraction of sand and gravel from a small area near Cadeby adjacent to the previously permitted extraction area.

2. The processing plant, silt settlement lagoons and previously worked and restored areas of the quarry are located between the villages of Cadeby, Newbold Verdon and Kirkby Mallory.

3. The boundary of the quarry extends to approximately 0.8km south of Newbold Verdon, 0.3km east of Cadeby and 1km northwest of Kirkby Mallory. Desford is located 2.3km east of the site and Market Bosworth 2km west-northwest. Historically, quarrying operations were carried out on land to the north of Bosworth Road, a rural road leading from Kirkby Mallory west towards the A447. This includes an area known as Becks Farm, a part of the quarry which was worked in the 1970s and has since been restored to agriculture at lower level.

4. The application site includes the processing plant in the north west of the quarry area and the silt lagoons to the south of Newbold Verdon, a corridor leading south towards the road, and the proposed future extraction area, which is located on the south side of Bosworth Road.

5. The settlement of Stapleton is about 1.8km southeast of the proposed extension area. Properties in Kirkby Mallory are between 700 and 1200 metres east of the site, and Peckleton is about 2km to the east.

6. There are a small number of individual properties near the proposed southern extraction area: Kirkby Lodge and Mallory House, on the north side of Bosworth Lane, are situated about 200m (Kirkby Lodge) and 60m (Mallory House) north of the extraction area. To the south, four properties are located along Stapleton Lane: The Oaks, The Cottage, New Park Farm and a property known as Galvaston, all of which are about 260 metres south of the proposed extraction area.
Extraction of sand and gravel by means of a southern extension to Cadeby Quarry.
7. The proposed southern extension to the quarry comprises a total of 29.2 hectares of arable agricultural land (of which 17.4 hectares would be required for mineral extraction) and is located between Bosworth Road in the north and Stapleton Lane in the south. The surrounding area is generally agricultural and pasture land, with some smaller wooded areas and a small lake to the east. The site forms part of two large arable fields and has been assessed as being 80% Grade 2 and 20% Grade 3 ‘Best and Most Versatile’ agricultural land. One hedgerow crosses the application site in east-west direction. The landform in the area slopes gently from Bosworth Road to the south east.

8. There are no public rights of way within the proposed extension area. One public footpath crosses the existing lagoon system south of Newbold Verdon. This footpath would not be affected by the proposed development.

Planning History

9. During the 1960s and early 1970s, various smaller scale permissions for sand and gravel extraction were granted on land east of the village of Cadeby. In 1973, permission was granted for sand and gravel extraction from an area known as Becks Farm, north of Bosworth Road. This area was worked in the 1970s and 1980s and has since been restored to lower level agricultural land. In 1988, a further permission was granted for sand and gravel extraction to the north of the Becks Farm area.

10. In August 2006, the most recent substantial mineral permission was granted (under reference 2005/0893/04). This enabled sand and gravel extraction from three additional areas: the Northern Working Area (near Newbold Verdon), the Western Working Area (adjacent to the A447 east of Cadeby) and the site of the former Brascote House (a derelict farm building in the centre of the quarry, which has since been dismantled).

11. A further permission was granted in January 2010 under reference 2009/0890/04, to allow sand and gravel extraction from an additional area. This permission related to a minor amendment to Condition 4 of PP 2005/0893/04. The area to which this permission related measured approximately 50 x 60 metres, contained around 11,000 tonnes of mineral and was completely worked in the spring of 2010.

12. The majority of the previously worked parts of the quarry have been restored. The Western Working Area is currently undergoing progressive restoration. Mineral extraction is currently ongoing in the Brascote House Area. The remaining permitted reserves in this area are anticipated to last until the summer of 2011. The quarry operator, Tarmac UK, has therefore submitted a planning application to work mineral reserves in an area to the south of the existing quarry.
Description of Proposal

13. The proposed development contains the following elements:

- The retention of the existing quarry processing plant and associated settlement lagoons and the creation of a new silt lagoon (as approved by planning permission 2005/0893/04);
- The construction of a conveyor tunnel under Bosworth Road;
- The installation of a field conveyor from the existing quarry processing plant to land south of Bosworth Road, Kirkby Mallory;
- The construction of a temporary loading area to the south of Bosworth Road, Kirkby Mallory;
- The extraction of sand and gravel from an area to the south of Bosworth Road, Kirkby Mallory;
- The restoration of the land south of Bosworth Road, Kirkby Mallory to high quality agricultural land, tree planting and field margins and a field pond.

Site Preparation Works

14. Soils would be stripped from a 7m wide corridor adjacent to a hedgerow and placed alongside the corridor. A field conveyor would then be extended from the processing plant along the western edge of the former Becks area to Bosworth Road. A new tunnel would be constructed under Bosworth Road to enable the conveyor to be extended into the extraction area.

15. The construction of the conveyor tunnel would require Bosworth Road to be closed to vehicle traffic for a period of up to four weeks. Spoil from tunnel excavation would be used as backfill around concrete structures or in restoration of the proposed extraction site.

16. A new parking and turning area would be created with a dedicated access off Bosworth Road. This area would be used to allow low loaders to visit the extraction areas to deliver and collect plant and machinery. The area would measure 22.5 metres by 16.5metres and would be surfaced with compacted crushed gravel and fenced with a post and wire fence.

Mineral Extraction

17. Topsoils and subsoils would be stripped from and placed in bunds around the extraction area. These bunds would generally be 3m high, with the exception of one bund along the western boundary, which would be 2m high, and the bund along the southern boundary, which would be 5m high. Extraction works would progress in three phases. During Phase 1a, excavation would start in the south eastern part of the site and initially move north along the eastern part of the extraction area. The conveyor would initially be extended to its maximum length and would then be shortened as excavation works progress. Phase 1b involves mineral excavation from the south western part of the site in a general south to north direction.
18. During Phase 2, the mineral would also be worked in a south to north direction, with the conveyor again being shortened as work is progressing. Soils from the extraction area would be stripped progressively and placed either directly in Phase 1 for restoration or stored temporarily on the quarry floor.

19. The applicant advises that, on the basis of a saleable conversion factor of 1.308 tonnes per m\(^3\), allowing for processing and stripping losses, and a site output of 200,000 tonnes per annum, the workable reserve in the southern extension area has been calculated as follows:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Reserve</th>
<th>Life</th>
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<tbody>
<tr>
<td>Phase 1a</td>
<td>152,000 tonnes</td>
<td>268,000 tonnes</td>
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<tr>
<td>Phase 1b</td>
<td>116,000 tonnes</td>
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<tr>
<td>Phase 2</td>
<td>337,000 tonnes</td>
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<tr>
<td>Total</td>
<td>605,000 tonnes</td>
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### Restoration

20. The extraction area to the south of Bosworth Road would be restored progressively. Of the 17.4 hectares of extraction area, 16 hectares would be restored to ‘Best and Most Versatile’ agricultural land, 0.5 hectares to wildflower margins (on the BMV land), 0.8 hectares would be woodland planting, and a field pond of 0.1 hectares. In addition, the 390 metre length of hedgerow removed to enable mineral extraction would be fully replaced. An additional 0.6 hectares of woodland planting outside the extraction area would also be planted.

21. Restoration of Phase 1A of the southern extension would commence at a time when mineral extraction operations are still ongoing in Phase 2. The exact duration of restoration works would depend on the time of year when preparation works in the extension area will commence and on weather conditions, but it is anticipated that restoration of the southern extension would be completed approximately one to two years after the completion of mineral extraction operations. This would be followed by the removal of the processing plant and the reclamation of other currently unrestored areas such as access roads and the materials stocking area. The applicant anticipates that, weather permitting, the final reclamation of the quarry would be completed within six to seven years from the date of commencement of preparatory operations in the southern extension area.

### Aftercare

22. When completed, each restoration phase would be subject to a five year period of aftercare programme, the aim of which is to complete the reclamation of the land to agriculture.
The existing plant site

23. The plant site comprises a washing and processing plant, offices, workshops, a stockyard and settlement lagoons. The plant site also accommodates a ready mixed concrete plant which is operated by Lafarge Aggregates Ltd. The application does not propose any changes to the plant site or structures or the operation of these facilities.

Transport

24. In the past, the quarry output was between 200,000 and 250,000 tonnes per year of sand and gravel, which generated around 40 HGV loads (80 movements) per day. The proposal would not result in any change in mineral production and therefore these levels of traffic are expected to continue. The applicant proposes to continue the existing site access on Brascote Lane (Cadeby) for the sales and distribution of mineral.

Hours of Operation

25. The currently permitted hours of operation are 0700-1800 Monday to Friday and 0700-1400 on Saturdays for soil stripping, mineral extraction and mineral processing operations, with no such activities allowed to take place at all on Sundays, Bank Holidays and Public Holidays. Certain activities such as dewatering, repairs and maintenance and emergency workings to ensure site safety, may be carried out at any time as required. No change is proposed to these arrangements.

Staff

26. The quarry currently employs 10 full-time staff directly, as well as a number of associated hauliers. The proposal would not result in a change to employment levels.

Planning Policy

National Guidance

27. Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system.

28. Minerals Policy Statement 1 (MPS1): Planning and Minerals, published in November 2006, sets out the key overarching policies and principles the Government expects Mineral Planning Authorities to follow when preparing minerals development frameworks and in considering applications. Minerals Policy Statement 2 (MPS2) Controlling and Mitigating the Environmental Effects of Mineral Extraction in England states the principles to be followed in considering the environmental effects of mineral working. Regard has also been had to its Annexes dealing with dust and noise.
29. Minerals Planning Guidance Note 7 (MPG7) *Reclamation of Mineral Workings* sets out the contribution which reclaimed mineral sites can make to the Government's policies for sustainable development and mineral working and provides some advice on preparation of schemes of conditions for restoration, aftercare and after-use which owners/operators of older mineral sites may need to draw up for future reviews of such sites.

30. Planning Policy Statement 9 (PPS9) *Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system and states that sites of regional and local biodiversity and geological interest have a fundamental role to play in meeting overall national biodiversity targets.

31. The Development Plan in this instance comprises the East Midlands Regional Plan, the Leicestershire Minerals Development Framework (Core Strategy and Development Control Policies) and the saved policies of the Hinckley and Bosworth Local Plan. In addition, selected policies from the Leicestershire Minerals Local Plan were saved by direction of the Secretary of State and have not been superseded by policies in the Minerals Core Strategy.

32. *Policy MCS1* of the *Leicestershire Minerals Development Framework – Core Strategy and Development Control Policies* gives priority to proposals for the extension of existing sites. *Policy MCS2* sets out the strategy for aggregates minerals, which is to maintain landbanks in line with national and regional policy, to give priority to proposals for sand and gravel extraction to be worked as extensions to existing site operations and to allow proposals for aggregate extraction only where they will not cause unacceptable harm to the environment or communities.

33. *Policy MCS11 – Environmental protection* aims to ensure that there are no adverse impacts from minerals development, that the highest standards of operational practice are adopted and that development is designed to a high standard.

34. *Policy MCS12 – Reclamation of mineral sites* aims to ensure that land used for mineral extraction is reclaimed at the earliest opportunity and that an appropriate after-use is sought that is in keeping with the local area. *Policy MDC7 – Archaeology* states that proposals for minerals development likely to affect important archaeological remains will be required to make provision in situ, excavation or recording of any archaeological interest in accordance with the importance of the finds.

35. *Policy MDC10 – Agricultural land* presumes against proposals for mineral extraction which would result in the significant loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) unless it can be demonstrated that there is an overriding need for the development, there are no suitable alternative sites of lower agricultural quality, the land could be restored to its previous agricultural quality or better, other beneficial afteruses can be secured which outweigh its loss, or the development is consistent with other sustainability considerations.
36. Policy MDC11 aims to protect the water environment from detrimental effects of the development. Policy MDC12 presumes against development which would have unacceptable adverse impacts on the health or amenity of local residents by means of noise, dust, emissions, illumination, visual intrusion or traffic. Policy MDC18 lists the matters to be covered by planning conditions in the event that permission is granted for development. Policy MDC20 requires development proposals to make satisfactory provision for the reclamation and afteruse of the site.

37. Hinckley & Bosworth Local Plan Policy BE14 – Archaeological Field Evaluation of Sites states that in cases where an initial assessment indicates that archaeological remains may exist, developers are required to arrange for an archaeological field evaluation to be carried out. Policy NE14 aims to protect surface waters and ground water quality and presumes against development which will affect the water quality and ecology of groundwater resources, unless satisfactory arrangements are made for the disposal of foul sewage, trade effluent and surface water.

**Consultations**

Hinckley and Bosworth Borough Council (Planning Officer)

38. Raises no objection to the proposal.

Hinckley and Bosworth Borough Council (Environmental Health Officer)

39. Raises no objection, but offers the following comments on the proposal:

- **Illumination:** No details of the proposed extent or use of lighting at the site is given, and any such lighting should therefore be controlled by a planning condition.
- **Vibration:** Within the noise report no consideration is given to vibration from the on site operations, or from the field conveyor. Vibration should be considered at sensitive receptors.
- **Noise:** The EHO recommends a number of conditions relating to the control of noise from operations at the site, including a noise monitoring scheme to be agreed which should make provision for noise monitoring at regular intervals.
- **Dust:** The EHO recommends a number of conditions relating to the control of dust from operations at the site, including the compacting of haul roads, watering dry and exposed material as necessary in dry and windy conditions, and the temporary suspension of operations if there are unacceptable levels of dust leaving the site.

Cadeby Parish Council

40. Has no comments to make.
Newbold Verdon Parish Council

41. Has no comments to make.

Peckleton Parish Council

42. Comments that the applicant is to be commended for the quality of the application and supporting technical documentation, and for consulting with the Parish Council prior to submitting the application. The Parish Council notes the anticipated impact (noise, air quality, hydrology, ecology, socio economic, landscape, transport, soils, culture etc.) of the proposed quarry activities on nearby properties, villages and the racing circuit, but has not received any representations from any owners or residents. It is assumed that they have been contacted direct by the applicant and the County Council and been given the opportunity to respond directly to this application. Noise, dust and hydrology are some of the issues that will need to be considered carefully.

The Parish Council is not convinced that the final reduced level will be satisfactory from a visual / landscape point of view as it will not look natural in context.

The Parish Council is concerned that the water table will be severely affected as a result of the reduced level and cause problems for the future. With regard to vehicle traffic, the Parish Council assumes that HGVs would enter and exit the new extraction site from Bosworth Road and consequently has concerns about the impact this would have on the road surface and on highway safety, especially in the light of recent planning permissions for further groundworks at the nearby Mallory Park motor racing circuit. The Parish Council requests that no heavy goods vehicles should be allowed to pass through Kirkby Mallory.

With regard to the temporary closure of Bosworth Road, the Parish Council requests that this be carried out during school holidays if possible, in order to reduce disruption to the daily school run. Regarding the restoration of the site, the Parish Council has concerns that a high quality of restoration cannot be guaranteed.

Highway Authority

43. Raises no objections, subject to conditions being imposed covering the design and construction of the proposed temporary loading area on the south side of Bosworth Road. The Highway Authority also advises that the proposed temporary closure of Bosworth Road to construct a conveyor tunnel will require a licence under Section 50 of the Highways Act 1980 for the future maintenance of the tunnel, and that the full cost of the tunnel would have to be borne by the developer. Furthermore, the developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway (installation of the conveyor tunnel, and formation of a new vehicular access) and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.
44. Advises that the proposed development will only be acceptable if a number of planning conditions are imposed, requiring

- A surface water drainage scheme to be submitted for the approval by the Minerals Planning Authority;
- A scheme to treat and remove suspended solids from surface water run-off during construction works to be submitted and agreed by the Minerals Planning Authority;
- A scheme for the monitoring of groundwater levels to be submitted and agreed by the Minerals Planning Authority, to ensure that dewatering activities do not adversely affect sensitive receptors as noted in the Hydrogeological Risk Assessment; and
- A contingency scheme for hydrocarbon spills to be submitted and agreed by the Minerals Planning Authority (Reason: To protect water quality which could be under threat by the use of fuel powered generators and pumps in the base of the quarry);

45. Does not wish to comment in detail on the application, but ask that the County Planning Archaeologist is consulted on the proposed development.

46. Notes that the application area consists entirely of Best and Most Versatile (BMV) land and provides advice relating to soil handling and site restoration. Natural England welcomes the enhancement measures described in Non-Technical Statement (NTS 5.19, 5.20.5.8 and 13.12) and would like to see the proposal deliver biodiversity net gains thus increasing the biodiversity in the locality.

Natural England notes that there are no Sites of Special Scientific Interest (SSSIs) within 2 km of the application site. However, the planning authority should take into account that sites of district and parish importance are within 2km, and may wish to consult the Leicestershire and Rutland Wildlife Trust on any potential impact of the development on these sites.

Natural England notes that some of the trees located within the site had the potential to support roosting bats, but that there would be a buffer of at least 10m from the trees to the site layout.
Natural England endorses the proposal to maintain a 30m minimum buffer around the badger setts on the development sites (E5.0.5). However, Natural England recommends that measures to prevent badgers falling into the quarry accidentally are submitted to the planning authority for approval before the planning application is determined.

The land is described as best and most versatile agricultural land, and the proposal promises to restore the site within 4 years to the same grade with careful removal and storage of the top soil and the sub soil, and with only minor changes to the topography. Natural England would expect at least the equivalent of hedgerow that has been removed, to be planted in order to restore habitat networks and connectivity.

The significance of effect of the quarry extension upon the broader landscape character is considered negligible and Natural England has no objection to the proposal on landscape grounds.

Based on the information provided, Natural England has no objection to the above proposal subject to conditions being imposed covering the protection of badgers, bats and nesting birds.

**Forestry Commission**

47. No response received.

**Health and Safety Executive**

48. No response received.

**Leicestershire and Rutland Wildlife Trust**

49. No response received.

**Publicity**

50. The application was advertised by site notices posted near the extension area and in Kirkby Mallory in July 2010. Individual notification letters were sent to properties in Kirkby Mallory and to individual properties near the extension site. In addition, a public notice was published in the Hinckley Times in July 2010.

**Representations**

51. Six representations have been received from Kirkby Mallory, objecting on grounds of noise, dust, visual impact, traffic impact (both from HGVs associated with the transport of minerals as well as impacts arising from roadworks relating to minerals conveyor construction), mud on road, detrimental impacts on property prices and the saleability of properties, and impacts arising following the restoration of the site at lower levels. Representations also stated that the
proposals would add to traffic passing through Kirkby Mallory and raise concerns about the resulting accident risk. One letter of representation requests restrictions on working hours and dust levels and considers the applicant should make a financial contribution (via a S.106 legal agreement) to road safety in Kirkby Mallory.

52. Hinckley District Scout Council were notified as a near neighbour and submitted a representation, highlighting its concerns about perceived impacts of past quarrying activities on groundwater levels on a site south of Newbold Verdon which is occupied by the Scout Council.

Assessment of Proposal

53. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires every planning application to be determined in accordance with the development plan unless material considerations indicate otherwise.

54. Annex 1 of MPS1 states that a landbank for sand and gravel should maintain at least seven years supply. Figures published in the Minerals Development Framework record a shortfall of sand and gravel reserves of 6 million tonnes over the period to 2021, which equates to 4.8 years supply. More recently, however, additional planning permissions for sand and gravel reserves have been granted in Leicestershire (including approx. 3.8 million tonnes at Lockington Quarry), so that the landbank currently stands at about 10 years supply.

55. The proposed development would release an additional 600,000 tonnes of sand and gravel. As the existing permitted reserves at Cadeby Quarry are nearing exhaustion, these additional reserves would be likely to be worked almost immediately, whereas the release of the additional reserves at Lockington mentioned above would be phased over many years. The fact that the currently available landbank exceeds the recommendation in MPS1 is not considered to be a ground for refusal of planning permission.

56. Minerals Development Framework Policy MCS1 gives priority to the extension of existing sites. Policy MCS2 states that proposals for aggregate extraction will only be allowed where they will not cause unacceptable harm to the environment or communities. The land south of Bosworth Road would be worked as an extension to an existing minerals site and contribute to meeting the shortfall in sand and gravel supply identified in the Minerals Development Framework.

Potential Issues

57. It is considered that the proposal’s main environmental impacts on the surrounding area are likely to be noise, dust and lights from working plant and machinery during the hours of darkness, and the visual impact of the development. These issues were also raised as the main concerns in
representations received from local residents. In addition, the closure of Bosworth Road during the construction of the conveyor tunnel would have a temporary impact on road users for the duration of the closure, which is expected to last for up to 4 weeks.

**Noise**

58. The applicant has undertaken noise monitoring at the four properties which are at the closest proximity to the extraction area. These are:

- Kirkby Lodge, 160m north of the outer edge of the screening bunds and 200m north west of the extraction area,
- Mallory House, 40m north of the outer edge of the screening bunds and 60m north of the extraction area,
- The Oaks, 225m south of the southern edge of the proposed screening bunds and 260m south of the extraction area, and
- The Cottage, 230m south of the southern edge of the proposed screening bunds and 260m south of the extraction area.

59. A noise survey was carried out in March 2010, during which the background noise levels \( L_{A90} \) at these properties were recorded as follows:

   a) Kirby Lodge: 42 dB(A)
   b) Mallory House: 40 dB(A)
   c) The Oaks: 39 dB(A)
   d) The Cottage: 35 dB(A)

60. Minerals Policy Statement 2 (MPS2) *Controlling and Mitigating the Environmental Effects of Mineral Extraction in England* states the principles to be followed in considering the environmental effects of mineral working. Annex 2 to MPS2 applies to the control of noise from surface mineral extraction in England. With regard to noise levels, MPS 2 recommends that planning conditions should be used to apply absolute controls on noise emissions, with limits normally being set at particular noise-sensitive properties. MPS2 states that subject to a maximum of 55 dB(A) \( L_{Aeq (1 hour)} \) (free field), mineral planning authorities should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10 dB(A).

61. Certain site operations, such as soil stripping or replacement or the construction of screening mounds around the perimeter of the extraction area, have the potential to be particularly noisy. For such operations, MPS2 allows for increased temporary daytime noise limits of up to 70dB(A) \( L_{Aeq (1 hour)} \) (free field) for periods of up to 8 weeks in a year.
62. The applicant has calculated the likely noise levels arising from operations at the site using the following worst case scenarios:

a) during temporary earth moving operations:
   - Hydraulic excavator, articulated dump truck and dozer operating at closest proximity to each receptor
   - No soil screening bunds in place.

b) during mineral extraction operations:
   - Hydraulic excavator loading directly into feed hopper on a spur conveyor working at the closest approach to each receptor
   - Main conveyor transporting mineral to the processing plant is operational
   - Soil screening bunds in place

63. The likely worst case scenarios have been calculated as follows:

a) Kirby Lodge

It has been predicted that the calculated worst case noise level for temporary operations would occur during operations in Phase 2 of the works and that the maximum noise levels for these operations would be 63dB(A) $L_{A_{eq}}$ (1 hour) (free field), which is below the limit for such operations specified in MPS2. For sand and gravel extraction works, occurring with soil bunds in place, it is anticipated that the noisiest operations would also occur in Phase 2 and give rise to noise levels of 42dB(A) $L_{A_{eq}}$ (1 hour) (free field). The predicted noise levels would be below the relevant criteria listed in MPS2.

b) Mallory House

The calculated worst case noise level for temporary operations would occur during operations in Phase 2 of the works and the maximum noise levels for these operations would be 70dB(A) $L_{A_{eq}}$ (1 hour) (free field), which is at the limit for such operations specified in MPS2. For sand and gravel extraction works, occurring with soil bunds in place, it is anticipated that the noisiest operations would also occur in Phase 2 and give rise to noise levels of 50dB(A) $L_{A_{eq}}$ (1 hour) (free field). The predicted noise levels would meet the relevant level for temporary operations and mineral extraction.

c) The Oaks

It has been predicted that the calculated worst case noise level for temporary operations would occur during operations in Phases 1a and 1b of the works and that the maximum noise levels for these operations would be 59dB(A) $L_{A_{eq}}$ (1 hour) (free field), which is below the limit for such operations specified in MPS2. For sand and gravel extraction works, occurring with soil bunds in place, it is anticipated that the noisiest operations would occur in Phases 1a, 1b and 2 and give rise to noise levels of 43dB(A) $L_{A_{eq}}$ (1 hour) (free field). The predicted noise levels would be below the relevant criteria listed in MPS2.
d) The Cottage

The calculated worst case noise level for temporary operations would occur during operations Phases 1a and 1b of the works and the maximum noise levels for these operations would be 59dB(A) $L_{Aeq}$ (1 hour) (free field), which is below the limit for such operations specified in MPS2. For sand and gravel extraction works, occurring with soil bunds in place, it is anticipated that the noisiest operations would also occur in Phases 1a, 1b and 2 and give rise to noise levels of 43dB(A) $L_{Aeq}$ (1 hour) (free field). The predicted noise levels would be below the relevant criteria listed in MPS2.

64. Based on these calculations, the proposed development would not exceed the noise thresholds set out in MPS2, although noise levels at Mallory House are predicted to reach the maximum recommended levels.

65. The Hinckley and Bosworth Borough Council Environmental Health Officer has examined the noise assessment and does not raise an objection. Taking into account the fact that the extraction operations are likely to be limited to three years, it is considered that the noise impact of the proposed development would be acceptable, subject to the imposition of planning conditions specifying the relevant maximum noise levels at the nearest sensitive receptors and limiting noisy activities to no more than 8 weeks in any 12 month period.

66. It is therefore considered that noise levels at the above four properties should be monitored in accordance with a noise monitoring scheme, to ensure that the relevant limits in MPS2 are adhered to. Subject to noise levels not exceeding the limits set in MPS2, it is considered that the proposal would not give rise to unacceptable adverse noise impacts.

Dust and lights from working plant

67. Residents raised concerns about potential adverse impacts caused by dust from plant and machinery working on the site, and on the visual impacts of any lights on the site. Following the construction of soil bunds around the extraction area, which would be undertaken in the initial phases of the development, these bunds would act as a visual barrier to prevent adverse visual impact by screening views into the extraction area.

68. When the quarry is operational, the operations in the proposed southern extension would be restricted to the excavation of mineral. The excavated material tends to be moist and would therefore under normal weather conditions not cause wind-blown dust to leave the site. There would be no dump trucks operational in the extraction area; instead, the mineral would be extracted by means of a tracked excavator, fed into a hopper and transported by means of a conveyor to the existing processing plant. This plant has operated for many years without giving rise to dust nuisances to nearby residents.
69. The applicant advised that industry best practice would be employed to ensure that operations on the site would not cause an adverse impact on nearby receptors in terms of dust. Such measures include (amongst other things) the construction of screen mounds and ensuring that any haul roads are kept damp to avoid a dust nuisance being created by moving machinery. In addition, should permission be granted, it would be subject to conditions requiring that such measures be employed, and that in adverse weather conditions, such as dry weather combined with high winds, operations on the site are suspended temporarily.

70. Before the commencement of mineral extractions, soil screening mounds would be constructed along the site perimeter. These would act as dust barriers and visual screens. There would be no fixed lighting in the extraction area. The impact of any lights which may be attached to mobile plant is considered to be acceptable, as the number of twilight hours which still fall into the permitted hours of operation would be limited.

Visual impact

71. As part of the initial operations, soils would be stripped and placed in soil bunds around the site perimeter. These mounds would be between 2m and 5m high, would be grass seeded and remain in place for the development. A landscape and visual assessment submitted with the application confirms that the immediate impact of the operation on viewpoints near the site would be high, but that such impacts could be mitigated by the retention of existing vegetation near the site and the construction of screen bunds.

72. Furthermore, the operations would be temporary for a period of approximately 3 years (extraction works) followed by a period of site reclamation to a mix of agriculture, woodland and a small pond. The applicant has given assurances that the hedgerow which crosses the proposed extraction area would be reinstated following the reclamation of the extraction area. The County Landscape Architect confirms that she has no landscape objections to this proposal. Consequently it is considered that the proposal would be acceptable, provided that suitable screening and mitigation measures are implemented and that the site is restored following mineral extraction in accordance with a set timetable.

Traffic

73. Representations received from residents of Kirkby Mallory voice concern about an increase in HGV traffic through the village as a result of the development. In terms of the number of heavy goods vehicle movements, the proposed development would not result in any net change from existing traffic levels. HGVs collecting sand and gravel currently enter and leave the quarry by turning off the A447 at Cadeby and travelling along Brascote Lane to the existing site entrance. This arrangement would continue under the proposed development. With the exception of a low loader delivering or collecting plant or equipment on an occasional basis, no HGVs would access the southern extraction area.
directly. Bosworth Road is restricted to vehicles with a maximum gross weight of 7.5 tonnes, which means that quarry-related HGVs would not be permitted to travel along Bosworth Road and through Kirkby Mallory, except for the purposes of local collections and deliveries of material.

74. The quarry is a long established operation which has in the past not given rise to unacceptable adverse traffic impacts. The Highway Authority did not comment about the level of HGV traffic associated with the export of mineral. Furthermore, no traffic-related complaints have been received from local residents via the established quarry liaison committee.

75. The main highway related impacts of this proposal would be arising from the temporary closure of Bosworth Road for the duration of construction of the road tunnel to carry the field conveyor. This matter was the subject of discussions between the planning officer, the Highway Authority officer and the applicant and is addressed in detail below. The Highway Authority’s view is that a temporary closure of Bosworth Road for the duration of the construction of the site accesses and field conveyor tunnel should be implemented, as the creation of a temporary diversion of the road around the conveyor tunnel construction site would not be acceptable.

76. Should planning permission be granted for the development, the applicant would have to apply to the Highway Authority for a temporary traffic regulation order to close Bosworth Road to traffic for the duration of the construction of the conveyor tunnel. The applicant is in discussion with the Highway Authority about this matter.

Closure of Bosworth Road during construction of the conveyor tunnel

77. The applicant initially proposed a temporary diversion of Bosworth Road to allow the construction of the conveyor tunnel to take place. This would have involved the construction of a temporary, single lane bypass for a short distance on the south side of the Bosworth Road, utilising some of the land of the proposed extension area.

78. The applicant has stated that the temporary bypass option would be preferable in terms of the relationship with the local community. A representative of Peckleton Parish Council also confirmed during a recent quarry liaison meeting that from the Parish Council’s point of view a temporary diversion of Bosworth Road would be preferable to a total road closure lasting several weeks, especially when the available diversion routes between Kirkby Mallory and the A447 are much longer than the direct route via Bosworth Road. In addition, it should be taken into consideration that a road closure would not only affect the residents of Kirkby Mallory but also traffic accessing the Mallory Park race track and any traffic passing through Kirkby Mallory.
79. The closure of Bosworth Road would mean that traffic between Kirkby Mallory and the A447 would likely be diverted via Newbold Verdon or Barwell respectively, which would result in increases in travel distance, as shown in Table 2 below.

Table 2: Length of diversion routes

<table>
<thead>
<tr>
<th>Destination</th>
<th>Via Bosworth Road</th>
<th>Via Newbold Verdon and the B585</th>
<th>Diversion route difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the junction of Newbold Road/Bosworth Road, Kirkby Mallory to the Bull in the Oak crossroads on the A447</td>
<td>approx. 5km (3.1 miles)</td>
<td>approx. 7.2km (4.5 miles)</td>
<td>2.2km (1.4 miles) longer</td>
</tr>
<tr>
<td>From the junction of Newbold Road/Bosworth Road, Kirkby Mallory to Stapleton (junction of Main Street and Dadlington Lane)</td>
<td>approx. 4.7km (2.9 miles)</td>
<td>approx. 6.6km (4.1 miles)</td>
<td>1.9km (1.2 miles) longer</td>
</tr>
<tr>
<td>From the junction of Newbold Road/Bosworth Road, Kirkby Mallory to Woodlands Nurseries on the A447 Ashby Road</td>
<td>approx. 2.8km (1.7 miles)</td>
<td>approx. 8.5km (5.3 miles)</td>
<td>5.7km (3.5 miles) longer</td>
</tr>
</tbody>
</table>

80. It has to be taken into consideration that the construction of a temporary bypass would also result in traffic disruption during the connection of the temporary bypass to the existing carriageway and again during the reinstatement of the carriageway following completion of the conveyor tunnel construction works.

81. The Highway Authority confirms that the provision of a temporary bypass to enable the construction of the conveyor tunnel would not be favourable. Advice from the County Solicitor states that the proposed temporary road would be a permissive road which the public would use with permission of the landowner, i.e. it would not be public highway. Notwithstanding this, even if the applicant indemnifies the County Council against any personal injury claims, the Highway Authority could be liable for 50% of those claims because the temporary road has in effect been approved as part of the planning process.

82. Furthermore, the Highway Authority were not satisfied that a safe design for the temporary bypass had been provided, and expressed concern that following the determination of the planning application the Highway Authority would have no control over what is constructed on site (apart from the minor works within the public highway). Consequently, the Highway Authority advised that it would object to proposals involving the construction of a temporary bypass road.
and would be recommending refusal on highway safety grounds, but that a more favourable consideration would be given to a proposal which did not include the temporary bypass, included accesses designed to LCC standards, and adequate parking/turning provision.

83. The applicant advises that the use of pre-cast tunnel elements would shorten the construction time of the conveyor tunnel from six to approximately three weeks. The Leicestershire Highways Southern Area Office advises that a full road closure would be acceptable, provided it is scheduled around any events at Mallory Park. The applicant agrees with this approach and intends to schedule the road closure during the summer school holidays.

**Water table impacts**

84. Peckleton Parish Council has raised concerns that the mineral extraction operations would severely affect the water table in the area, resulting in a lowering of groundwater levels. In addition, a representation has been received from the Hinckley District Scout Council, voicing similar concerns about the perceived impacts of past quarrying activities on groundwater levels at a site occupied by the Scout Council which is located adjacent to the former Becks Farm extraction area.

85. The applicant has addressed the issue of hydrology and hydrogeology in the Environmental Statement submitted with the planning application. A comparison of the contours of the proposed base of mineral workings with the groundwater level contours at the site shows that the majority of the mineral deposit would not be likely to require dewatering as the mineral tends to be located above the groundwater table. Only in the northwest, northeast and southeast corners of the extraction area, it is likely that dewatering of the works would be required. The applicant advises that this would be achieved by means of a localised sump pumping system.

86. Any groundwater drawdown effect expected to occur as a result of dewatering would be localised, and its intensity would decrease with increasing distance from the location of the pump. The Hydrogeological and Hydrological Assessment submitted with the application includes an assessment of the likely impacts of the dewatering of the sand and gravel extraction area. It is estimated that during periods of peak groundwater levels, the radius of influence within which the dewatering of the extraction area would result in a drawdown effect would extend to 80 metres. There are no sensitive receptors within this radius.

87. The Environment Agency has no objection to the proposal subject to a surface water monitoring scheme being implemented. It is therefore considered that the proposal would not give rise to adverse material impacts on the water table which cannot be mitigated.
88. A desk-based assessment and a walkover survey of the application site were carried out by archaeological consultants on behalf of the applicant. There are no known sites recorded on the Historic Environment Record (HER) within the application area, although there are some in the vicinity, including a number of Iron Age enclosures and small Roman settlements adjacent to a Roman road, as well as some medieval and post-medieval earthworks. There are no scheduled monuments, world heritage sites, historic battlefields, historic parks or gardens or national or ancient woodlands present within the application area.

89. The desk-based assessment concluded that the application site contains areas which have remained undisturbed by development since at least the post-medieval period. A fieldwalking exercise carried out in February 2010 resulted in sparse finds from the pre-historic to the early post-medieval periods. No Roman material was found, but finds from the later post-medieval period were more widespread. A magnetic survey of the site has identified a number of magnetic anomalies which are believed to represent former enclosure ditches.

90. On the basis of available evidence, the archaeological assessment considers that there is moderate potential for prehistoric and Roman archaeological remains to exist within the development area. The County Archaeologist advises that the extraction of mineral from the site and associated ancillary works would either destroy, significantly truncate or expose the archaeological resource, and consequently recommends that provision is made for a staged programme of investigation comprising exploratory trial trenching followed by targeted excavation of significant remains and archaeological monitoring of topsoil and subsoil stripping and overburden removal. Where significant archaeological remains are identified during the monitoring of soil/overburden movements, the County Archaeologist advises that provision within the programme should be made to ensure adequate archaeological investigation in advance of their truncation or loss, and recommends that a scheme of archaeological investigation be submitted to the County Solicitor for approval and subsequently implemented.

91. On the basis of the above assessment it is considered that the potential adverse effects of the proposal could be mitigated by means of suitably worded planning conditions. As such the proposal is in accordance with the relevant Development Plan policies.

Conclusion

92. The proposal would constitute an extension to the existing permitted operation at Cadeby Quarry. It is considered that the extraction of minerals from the application area would not give rise to any unacceptable harm on the environment or the nearby community of Kirkby Mallory. It is considered that the mitigation measures proposed in the application, together with relevant planning conditions, would allow the anticipated impacts in terms of noise and dust to be controlled so that there would be no unacceptable harm to the amenities of local
residents. Transportation of sand and gravel would be via the existing quarry access onto Brascote Lane and the A447 and would not involve any change to existing traffic levels.

93. The proposed development would involve a temporary closure of Bosworth Road to all traffic during a period of approximately 4-5 weeks, while a tunnel for the minerals conveyor is being constructed. The only alternative to the transportation of mineral via a conveyor would be to export the material using dump trucks. This would necessitate the creation of a dedicated crossing point and result in additional vehicle traffic crossing Bosworth Road. The applicant has therefore decided (prior to submission of the application) that the construction of a tunnel under Bosworth Road would be preferable. The applicant aims to schedule the road closure during the summer of 2011 at a time when it would have the least possible impact on local traffic, i.e. during school holidays. The exact dates of the road closure are subject to approval from the Highway Authority. The continuation of sand and gravel extraction at Cadeby Quarry would safeguard the employment of the existing 10 staff for the duration of the development.

94. It is considered that the proposal is in accordance with the Development Plan and it is therefore recommended that permission be granted, subject to the conditions set out in the appendix to this report.

**Recommendation**

I. That permission be granted, subject to the conditions set out in the attached Appendix.

II. To endorse, as required by the Town and Country Planning (Development Management Procedure) Order 2010, a summary of the:

   a. Policies and proposals in the development plan which are relevant to the decision, as follows:

   This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government’s current planning policy guidance and the relevant Circulars, together with the relevant development plan policies, including the following, and those referred to under the specific reasons as set out in the appendix:-

   Leicestershire Minerals Development Framework
   Policies MCS1, MCS2, MCS11, MCS12, MDC7, MDC10, MDC11, MDC12, MDC18 and MDC20

   Hinckley & Bosworth Local Plan
   Policies BE14 and NE14
Conditions

General Provisions

1. The development to which this permission relates shall commence no later than 3 years from the date of this permission. Written notification shall be provided to the County Solicitor within seven days of:

   a) commencement of construction works of the conveyor tunnel under Bosworth Road, Kirkby Mallory;
   b) commencement of construction works of the temporary loading area on land south of Bosworth Road, Kirkby Mallory;
   c) commencement of soil stripping operations on land south of Bosworth Road, Kirkby Mallory;
   d) commencement of mineral extraction on land south of Bosworth Road, Kirkby Mallory.

Duration

2. This permission shall be limited to a period of seven years from the date of this permission, by which time the mineral working operations hereby permitted shall have ceased, all plant, machinery, buildings and conveyors removed, and the whole of the site which is under the control of the applicant (or his successor in title) restored to a condition suitable for an afteruse in accordance with a scheme of reclamation and aftercare, as required by condition 59 below.

Scope of the Planning Permission

3. Unless otherwise required by planning conditions, this permission shall only relate to the following development:

   a) retention of existing quarry processing plant and associated settlement lagoons for the duration of operation of the site, and the creation of a new silt lagoon as approved under planning permission 2005/0893/04;
   b) construction of a conveyor tunnel under Bosworth Road;
   c) installation of a field conveyor from the existing quarry processing plant to land south of Bosworth Road, Kirkby Mallory;
   d) construction of a temporary loading area to the south of Bosworth Road, Kirkby Mallory;
   e) extraction of sand and gravel from an area to the south of Bosworth Road, Kirkby Mallory;
   f) restoration of the land south of Bosworth Road, Kirkby Mallory to high quality agricultural land, tree planting and field margins and a field pond;
   g) restoration of other parts of the application site in accordance with a scheme of reclamation and aftercare.
Adherence to Approved Details

4. Unless otherwise required by conditions attached to this planning permission, or approved by the County Solicitor, the development hereby permitted shall not be carried out except in accordance with the details contained in planning application reference 2010/0554/04 dated 28th June 2010 and the accompanying Supporting Statement and Environmental Statement with Technical Appendices, as amplified and amended by the following details:

- Drawing no. C180/31 – Site Location Plan, dated May 2010 and submitted on 28.06.2010 with the planning application;
- Drawing no. C180/32 – Geology Plan, dated May 2010 and submitted on 28.06.2010 with the planning application;
- Drawing no. C180/33b – Phase 1 Working Plan, dated February 2011 and submitted on 09.02.2011;
- Drawing no. C180/34b – Phase 2 Working Plan, dated February 2011 and submitted on 09.02.2011;
- Drawing no. C180/37 – Location Plan, dated May 2010 and submitted on 28.06.2010 with the planning application;
- Drawing no. 12942-01 Rev. D – Site Location Plan, dated May 2010 and submitted on 09.02.2011;
- Drawing no. 12942-02 Rev. H – General Arrangement, Precast Concrete Underpass, dated May 2010 and submitted on 09.02.2011;
- Drawing no. 12942-05 Rev. F – General Arrangement Road Reinstate Plan, dated May 2010 and submitted on 09.02.2011;
- Drawing no. 12942-06 Rev. C – General Arrangement Plan showing Temporary Road Retained for Maintenance Access, dated December 2010 and submitted on 09.02.2011;
- Extended Phase 1 Habitat Survey Report, dated December 2009, prepared by Baker Shepherd Gillespie and submitted with the planning application;
- Phase 1 Habitat and Protected Fauna Survey, Ref. no. 101261/Rev1, dated 01.01.2011 and submitted on 11.01.2011;

Display of Conditions

5. A copy of the planning application and this planning permission together with all documents referred to in Condition 4 above, and any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept available for inspection on site during the prescribed working hours for the duration of the development.
Phasing of Operations

6. The extraction of sand and gravel from land south of Bosworth Road, Kirkby Mallory hereby permitted shall only be carried out as an extension to the existing mineral working operations at Cadeby Quarry such that it follows on after the completion of sand and gravel extraction at that site as previously permitted under planning permission references 2005/0893/04 and 2009/0890/04.

7. The phasing of soil stripping, overburden stripping, mineral extraction and progressive restoration on the land south of Bosworth Road, Kirkby Mallory shall be carried out progressively in accordance with the details submitted in the planning application and shown on drawings no. C180/33b (Phases 1a and 1b), C180/34b (Phase 2) and C180/35b (site restoration).

8. No mineral extraction shall take place in Phase 1b of the extraction area south of Bosworth Road, Kirkby Mallory until the reclamation of the Western Working Area previously permitted under planning permission references 2005/0893/04 and 2009/0890/04 has been completed.

Restriction of Permitted Development Rights

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking and re-enacting that Order, with or without modification:

   a) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing of the County Solicitor following the submission of relevant details and plans; and
   b) no lights shall be installed or erected at the site unless details of them have been submitted to and agreed in writing by the County Solicitor.

10. No extraction of minerals shall be carried out below the base of the sand and gravel deposit contained within the site, as identified on drawing no. C180-32 dated May 2010 and submitted on 28.06.2010 with the planning application, and no mineral except sand and gravel shall be removed from the site. No mineral extraction shall be carried out outside the limit of extraction as identified on drawing no. C180-32 dated May 2010 and submitted on 28.06.2010 with the planning application.

11. No mineral, soil, overburden or waste material shall be brought onto the site and no soil or overburden shall be exported from the site.
Hours of Operation

12. Except in the case of emergencies to maintain site safety, and for essential dewatering, and for the essential maintenance and repair of plant and machinery, and subject to the restrictions specified in condition 14 below, no operations shall be carried out on the site outside the following hours:

0700 to 1800 hours Monday to Friday
0700 to 1400 hours on Saturdays.

No operations shall be carried out at any time on Sundays, Bank Holidays and Public Holidays.

13. Any emergency operations which need to be carried out outside the specified hours shall be notified to the County Solicitor within 72 hours of their occurrence, together with details of the reasons why operations were necessary.

14. Notwithstanding the requirements of condition 12 above, no operations in connection with the following activities:

a) soil stripping;
b) construction or removal of soil bunds;
c) construction or removal of site accesses and the temporary loading area;
d) construction or decommissioning of conveyor tunnel under Bosworth Road;
e) construction, relocation or dismantling of field conveyors;
f) deliveries or collection of plant or machinery to and from the site;
g) soil replacement operations in connection with the reclamation of any part of the site;
h) any operations relating to the decommissioning, dismantling and removal of the site office and processing plant and associated buildings and structures from the site

shall take place outside the following hours:

0730 to 1800 hours Monday to Friday
0800 to 1400hrs on Saturdays.

No such activities shall be carried out at any time on Sundays, Bank Holidays and Public Holidays.
Access and Highways

15. Subject to the provisions of condition 20 below, the existing site access on Brascote Lane (Cadeby) (marked A on plan 2010/0554/04/M1 attached to and forming part of this permission) shall be the only access point to and from the public highway. No vehicles accessing or leaving the site in connection with the export of minerals shall do so by any other access other than the existing access onto Brascote Lane (Cadeby).

16. No vehicles exporting mineral from the site shall leave the site unsheeted.

17. Any vehicles exiting the site shall have their wheels cleaned as may be necessary so that no mud and other debris is deposited on the public highway.

18. The surfacing of the site accesses shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times and until such time as it is no longer required for these operations.

19. The temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall be constructed, and maintained throughout the period of development, as shown on drawing nos 12942-01 Rev. D, 12942-02 Rev. H, 12942-05 Rev. F and 12942-06 Rev. C and referred to under Condition 3d above and described in the e-mail dated 09.02.2011, 16:49 from Tarmac Ltd., subject to the specific requirements contained in conditions 15 to 27 of this permission. The temporary loading area so provided shall not be obstructed and shall be available for use at all times. No mineral extraction operations shall take place until the temporary loading area has been constructed and is available for use.

20. The temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall not be used other than in connection with the delivery and collection of plant and machinery and for day-to-day access by quarry personnel as may be necessary. No vehicles involved in the export of mineral from the quarry shall enter or leave the quarry via the access to the temporary loading area.

21. Any vehicular access gates, barriers, bollards, chains or other such obstructions to be erected shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.

22. The construction of the temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall not commence until details of the routeing of construction traffic have been submitted to and approved by the County Solicitor in consultation with the Highway Authority. During the period of construction of the temporary loading area, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the County Solicitor.
23. The construction of the temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall not commence until details of the gates and fences have been submitted to and approved by the County Solicitor.

24. The access drive to the temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary. The access drive and turning space shall be so maintained at all times for the duration of the development.

25. Any top soils and subsoils stripped in connection with the construction of the temporary loading area on the south side of Bosworth Road shall be retained on site and shall be used in the restoration of the area.

26. No mineral extraction operations shall take place until visibility splays of 2.4 metres by 90 metres have been provided at the junction of the access to the temporary loading area and Bosworth Road, Kirkby Mallory. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained for the duration of the development. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

27. The gradient of the access to the temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall not exceed 1:12 for the first 15 metres behind the highway boundary.

28. All vehicles entering the temporary loading area on the south side of Bosworth Road, Kirkby Mallory shall do so by turning right from Bosworth Road. Any vehicles exiting the temporary loading area shall do so by turning left onto Bosworth Road.

**Construction of field conveyor and conveyor tunnel**

29. The conveyor tunnel under Bosworth Road, Kirkby Mallory shall be constructed, and maintained throughout the period of development, as shown on drawing nos 12942-01 Rev. D, 12942-02 Rev. H, 12942-05 Rev. F and 12942-06 Rev. C and referred to under Condition 3b above and described in the e-mail dated 09.02.2011, 16:49 from Tarmac Ltd..

30. No mineral shall be extracted from the area south of Bosworth Road, Kirkby Mallory until a field conveyor has been installed between the extraction area and the existing processing plant and is available for use.

**Transportation of Mineral**

31. Sand and gravel extracted from any part of the site shall only be transported from the extraction area to the existing processing plant by means of an overland conveyor.
Soil Stripping, Handling and Storage

32. No part of the site shall be excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or used for the storage of subsoil or overburden or for the construction of a road, until all available topsoil has first been stripped from that part.

33. All available subsoil shall be stripped from all areas to be excavated, all areas used for roadways, all areas to be used for the storage of overburden and all areas to be traversed by heavy vehicles and machinery not otherwise specified.

34. All topsoil and subsoil shall be permanently retained on site and stored in mounds and used in the restoration of the site. All soil mounds shall be constructed in accordance with the details submitted with the planning application, seeded at the first available opportunity and thereafter maintained in weed-free condition.

35. All reasonable precautions shall be taken to avoid the mixing of topsoil, subsoil and overburden and no topsoil, subsoil or other soil-making material or overburden shall be removed from the site.

36. No movement of topsoil shall take place except when the full depth of topsoil to be stripped or otherwise transported is in a suitably dry soil moisture condition, i.e. the soil is in a non-plastic state such that damage to its structure shall be avoided. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty.

37. No topsoil, subsoil or overburden shall be transferred from the Extraction Area to other parts of the site.

Ecology/Protected Species

38. All trees, shrubs and hedges planted or retained within or along the boundary of the site shall be protected and maintained throughout the duration of the mineral working and restoration operations hereby permitted. Such maintenance shall include the replacement of any plant that may die or be seriously damaged or become seriously diseased, to the satisfaction of the County Solicitor.

39. No hedgerows affected by the development shall be removed during the bird nesting season (March to August inclusive) unless they have first been checked for the presence of nesting birds and other protected species. No works shall be carried out to hedges or trees in which nesting birds or other protected species are present.
Environmental Protection

40. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.

41. The development hereby permitted shall be carried out in such a manner as to ensure that dewatering operations on the site do not give rise to drawdown effects in surface water bodies surrounding the site or cause interruptions to the drinking water supplies of any properties in the vicinity.

42. The development hereby permitted shall be carried out in such a manner as to ensure that operations do not give rise to environmental disturbance by reason of noise, dust, illumination, vibration or any other cause, all to the satisfaction of the County Solicitor.

Surface Water Drainage Scheme

43. Development shall not begin until a surface water drainage scheme for the site, for each phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the works, has been submitted to and approved in writing by the County Solicitor. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include for each phase of working:

a) Landscaping details;
b) Attenuation details and run-off rates;
c) Dewatering and pumping details; and;
d) Details of how the scheme shall be maintained and managed after completion.

44. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the County Solicitor. The scheme shall be implemented as approved.
Groundwater Monitoring Scheme

45. The development hereby permitted shall not be commenced until such time as a groundwater monitoring scheme has been submitted to, and approved in writing by, the County Solicitor. This scheme shall involve monitoring the quality and levels of groundwater levels to the East, South, and Southwest of the quarry, to ensure that dewatering activities do not adversely impact sensitive receptors as noted in the Hydrogeological Risk Assessment, namely the ones below:

a) To the east, Mallory Stream and The Bungalow at Bosworth Road;
b) To the south, the pond at The Oaks property
c) To the southwest, the woodland area with perimeter ditch.

Such a scheme shall include details of the number, location, depth and construction of the groundwater monitoring piezometers to be used in the scheme, together with the proposed frequency of monitoring and trigger levels at which mitigation measures are to be taken. The scheme shall be implemented in accordance with the approved details. In the event that groundwater levels reach the trigger levels specified in the groundwater monitoring scheme, details of appropriate remedial measures shall be agreed in writing with the County Solicitor and implemented as soon as reasonably practicable.

Site Maintenance

46. All undisturbed areas of the site and all soil and overburden mounds shall be kept free from excessive plant growth and a regime of cutting, grazing and weed pulling or spraying shall be adopted as necessary.

Dust

47. All operations shall be carried out in a manner which minimises the emission of dust from the site. All haul roads and vehicle movement areas shall be compacted. All haul roads, vehicle movement areas and dry exposed material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne.

48. At such times as operations on site give rise, in the opinion of the County Solicitor, 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 such time as the operations can be resumed without causing such nuisance, either by a change in working, weather conditions or by taking other additional measures.
Noise

49. Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance/disturbance in the locality. Such measures shall include:

a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;
c) the minimisation, so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles; and
d) no use of pure tone audible reversing bleepers.

50. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment shall be treated as an emergency and shall be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected shall be taken out of service and replaced with equipment which functions to an equivalent standard.

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

52. Except for operations defined in condition 53 below, noise levels from operations within the site and the associated field conveyors shall not exceed the following levels, when measured freefield at the most exposed façade, at the properties listed below:

a) Kirkby Lodge, Bosworth Road, Kirkby Mallory: 42 dB $L_{Aeq}$ (1 hour)
b) Mallory House, Bosworth Road, Kirkby Mallory: 50 dB $L_{Aeq}$ (1 hour)
c) The Oaks, Stapleton Lane, Kirkby Mallory: 43 dB $L_{Aeq}$ (1 hour)
d) The Cottage, Stapleton Lane, Kirkby Mallory: 43 dB $L_{Aeq}$ (1 hour)

53. Noise levels arising from soil stripping, overburden removal, construction of soil mounds, construction of the conveyor tunnel under Bosworth Road, construction of the temporary loading area and its access and site restoration activities shall be minimised as far as is reasonably practicable, shall be limited to a maximum of 8 weeks in any 12 month period and in any case shall not exceed the following levels, when measured freefield at the most exposed façade, at the properties listed below:
54. No development shall commence unless and until a scheme of noise monitoring has been agreed in writing with the County Solicitor. The scheme shall include details of:
   a) noise monitoring at agreed locations to assess whether the limits at the following locations:
      i) Kirkby Lodge, Bosworth Road, Kirkby Mallory
      ii) Mallory House, Bosworth Road, Kirkby Mallory
      iii) The Oaks, Stapleton Lane, Kirkby Mallory
      iv) The Cottage, Stapleton Lane, Kirkby Mallory
      have been complied with;
   b) frequency and duration of monitoring;
   c) monitoring equipment to be used;
   d) presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant noise sources and details of any ambient noise sources paused out of the measurements;
   e) maintenance and availability of monitoring results.

Noise monitoring shall be carried out in accordance with the approved scheme and shall be kept under regular review and may be varied or amended by written agreement with the County Solicitor.

55. In the event that noise levels exceed the levels set in condition nos. 52 and 53 above, appropriate remedial measures shall be agreed in writing with the County Solicitor and undertaken as soon as reasonably practicable.

Archaeology

56. No preparatory works or extraction shall take place until the applicant, or their agents or successors in title, has submitted a programme of archaeological work including a Written Scheme of Investigation for written approval by the County Solicitor. The scheme shall include an assessment of significance and research questions; and:
   a) the programme and methodology of the exploratory trial trenching of the extraction area;
   b) a programme and methodology for the necessary mitigation including excavation and recording of significant archaeological remains;
   c) the programme for post-investigation assessment;
   d) provision to be made for analysis of the site investigation and recording;
   e) provision to be made for full publication and dissemination of the analysis and records of the site investigation;
f) provision to be made for archive deposition of the analysis and records of the site investigation;
g) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

57. No preparatory works or extraction shall take place other than in accordance with the Written Scheme of Investigation approved under condition 56 above.

58. Access shall be afforded at all reasonable times, subject to prior notice having been given, to any persons nominated by the County Solicitor for the purpose of observing soil stripping operations and recording any features of remains of archaeological interest that may be revealed.

Site Restoration, Planting and Aftercare

59. Notwithstanding the details shown on drawing C180/35b dated February 2011, within six months of these conditions coming into effect, a detailed scheme of reclamation and aftercare of the entire site shall be submitted to the Mineral Planning Authority for approval. The scheme shall be based on the restoration concept shown on drawing C180/35b dated February 2011 and shall include details of:

a) cultivation of soils following their placement;
b) the methods of soil handling and spreading;
c) the cultivation, fertilising, watering, draining or other treatment of the restored land;
d) the seeding, planting of trees, shrubs, hedgerows or other vegetation;
e) grass seed mixtures;
f) hedgerows,
g) tree and scrub species;
h) the protection and maintenance of planted stock;
i) weed control;
j) drainage provision,
k) fencing or ditching;
l) pond creation;
m) soil analysis;
n) fertiliser and management control of the land;
o) provisions for a 5 year aftercare period.

The scheme shall set a timescale for the completion of restoration and landscaping in a phased programme including provision for any necessary review. Only native plants of local provenance shall be used. The reclamation of the site and any landscaping and planting works shall be carried out in accordance with the approved scheme as agreed in writing with the County Solicitor.
The hedgerow crossing the extraction area on the south side of Bosworth Road, Kirkby Mallory shall be reinstated in its original location during the reclamation of the area in accordance with the details specified on drawing no. C180/35b dated February 2011.

Plant or vehicle movements associated with soil replacement operations shall be kept to the minimum necessary to achieve the final restored landform and shall avoid unnecessary crossing or travelling over restored areas.

When restoring the land in any part of the site to be restored to agriculture, measures shall be taken to ensure that the uppermost 0.9m shall comprise only of soil and shall be free from large stones or other materials likely to interfere with agricultural cultivation.

No layer of replaced subsoil shall exceed 450mm before it is subsoiled (rooted).

Prior to the spreading of topsoil, any subsoil shall be ripped with a heavy wing-tined implement and all stones and other deleterious material shall be removed.

Following the placing and treating of subsoil in a part of the application site which is undergoing restoration, all available topsoil shall be respread evenly across the site. The topsoil shall then be subsoiled (rooted) and cultivated so that there is no sterile material injurious to plant life, rocks and stones greater than 150mm in diameter to give an even gradient over the surface free from ponding.

All available topsoil shall be re-spread evenly over the agreed areas ready to accept it. The topsoil shall be ripped and cultivated and stones greater than 100mm in any dimension shall be removed from site or buried on site not less than 2 metres below final surface contours. Compaction in areas underlying topsoil storage areas shall be similarly ameliorated.

Following the completion of restoration, each part of the site shall be maintained for a period of 5 years in accordance with the approved aftercare programme as required by condition 59 above.

In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing.
for approval to the Mineral Planning Authority, within 3 months of the cessation of winning and working. The approved revised scheme shall be fully implemented within 1 year of the written approval.

**Reasons**

1. In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended), and to enable the development to be monitored to ensure compliance with this permission. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18)

2&8. For the avoidance of doubt, to ensure the development is carried out in a satisfactory manner, and to provide for the restoration of the site within an agreed timescale in the interests of the amenities of the area. (Leicestershire Minerals Development Framework Policies MCS11, MCS12 and MDC18)

3,4. For the avoidance of doubt, and to ensure that the development is carried out in a satisfactory manner in the interests of amenities in the area. (Leicestershire Minerals Development Framework Policies MCS11, MCS12 and MDC18)

5. For the avoidance of doubt and to ensure that the development is carried out in accordance with the permission and in a satisfactory manner in the interests of amenities in the area. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18)

6. To ensure development is carried out in accordance with the approved scheme and in a satisfactory manner in the interests of the amenities of the area, and to enable the mineral planning authority to monitor the development. (Leicestershire Minerals Development Framework Policies MCS12 and MDC18)

9. To retain control of these matters which may have an effect on the amenities of the area. (Leicestershire Minerals Development Framework Policy MDC18)

11. To prevent loss or damage of soil, or mixing of topsoil with subsoil, or subsoil with overburden, or mixing dissimilar soil types. (Leicestershire Minerals Development Framework Policy MDC18)

12,13. To protect the amenities of local residents. (Leicestershire Minerals Development Framework Policies MCS12 and MDC18)


17,18. In the interests of highway safety and safeguarding the local environment. (Leicestershire Minerals Development Framework Policy MDC18b)
19. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users. (Leicestershire Minerals Development Framework Policy MDC18b)

21. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway. (Leicestershire Minerals Development Framework Policy MDC18b)

22. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site. (Leicestershire Minerals Development Framework Policy MDC18b)

23. As no such details have been submitted. (Leicestershire Minerals Development Framework Policy MDC18o)

24. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) (Leicestershire Minerals Development Framework Policy MDC18b)

25. To monitor soil resources and to aid the final restoration of the site. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18e)

26. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety. (Leicestershire Minerals Development Framework Policy MDC18b)

27. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety. (Leicestershire Minerals Development Framework Policy MDC18b)

28. In the interests of highway safety and the amenities of local residents. (Leicestershire Minerals Development Framework Policy MDC18b)

31. To protect the amenities of the area. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18e)

32&33. To minimise structural damage and compaction to the soil and to aid the final restoration of the site. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18e)

34&37. To monitor soil resources and to aid the final restoration of the site. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18e)
35. To ensure that any damage to soil resources is minimised, to ensure the site is reclaimed to a condition capable of beneficial after-use, and to protect the amenities of the area. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18e)

36. To avoid damage to the soils caused by their movement when wet. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18e)

38. In the interests of the visual amenity of the area. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18)

39. In the interests of local amenity and to prevent any harm or disturbance being caused to protected species as a result of the development. (Leicestershire Minerals Development Framework Policies MCS11 and MDC18)

40. To prevent pollution of the water environment. (Leicestershire Minerals Development Framework Policy MDC11)

41. To maintain water levels in such water bodies and to safeguard the drinking water supply of such properties which are not connected to a mains water supply. (Leicestershire Minerals Development Framework Policy MDC11)

42&46. In the interests of local amenity. (Leicestershire Minerals Development Framework Policies MCS11, MDC12 and MDC18)

43. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these. (Leicestershire Minerals Development Framework Policy MDC11)

44. To protect the quality of the water environment. (Leicestershire Minerals Development Framework Policy MDC11)

45. To protect water quality and other groundwater uses within the area. (Leicestershire Minerals Development Framework Policy MDC11)

47&48. To protect the amenities of the locality from the effects of dust arising from the development. (Leicestershire Minerals Development Framework Policies MCS11, MDC12 and MDC18)

49,51. To minimise the adverse impact of noise generated by the operations on the local community and environment.

52,53. &55. (Leicestershire Minerals Development Framework Policies MCS11, MDC12 and MDC18)
49. To ensure minimum disturbance from operations and avoidance of nuisance to the local community. (Leicestershire Minerals Development Framework Policies MCS11, MDC12 and MDC18)

54. To enable the noise-related effects of the development to be adequately monitored during the course of operations. (Leicestershire Minerals Development Framework Policies MCS11, MDC12 and MDC18)

56&57. To ensure satisfactory management of any significant archaeological remains. (Leicestershire Minerals Development Framework Policies MDC7)

58. In the interests of the archaeology of the site. (Leicestershire Minerals Development Framework Policies MDC7)

57.62, 63.64, &65. To ensure satisfactory restoration of the site to a condition suitable for a continuation of agricultural, woodland and grassland uses. (Leicestershire Minerals Development Framework Policies MCS17, MDC10, MDC18e, MDC18z and MDC20)

60. To ensure satisfactory restoration of the site. (Leicestershire Minerals Development Framework Policies MCS17, MDC10, MDC18z and MDC20)

61. To ensure that any damage to soil resources is minimised and that the site is reclaimed to a condition capable of beneficial after-use. (Leicestershire Minerals Development Framework Policies MCS17, MDC10, MDC18z and MDC20)

66. To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial after-use. (Leicestershire Minerals Development Framework Policies MCS17, MDC18e, MDC18z and MDC20)

67. To ensure that the reclaimed land is correctly husbanded and to bring the land to the standard required for the intended afteruse. (Leicestershire Minerals Development Framework Policies MCS17, MDC18 and MDC20)

68. To enable the Mineral Planning Authority to control the development and to ensure that the land is restored to a condition capable of beneficial after-use. (Leicestershire Minerals Development Framework Policies MCS17, MDC18 and MDC20)
The considerations set out below apply to all the following 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 and Young People's Service and the Director of Corporate 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 and the Design Note 18 “Access for the Disabled People to Educational Buildings” 1984 and to the Equality Act 2010. You are advised to contact the County Council’s Human Resources Department 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. 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.