

Extraction of 132MT of mineral from an area adjacent to Bardon Hill Quarry, use of the overlaying overburden to complete the eastern tip; create perimeter embankments and partially infill the current quarry to link the new operation to the existing operation using conveyors (2010/C185/07)

Report Item No  
B1

Bardon Quarry Bardon Hall Copt Oak Road Markfield

Application Reference  
10/00076/COM

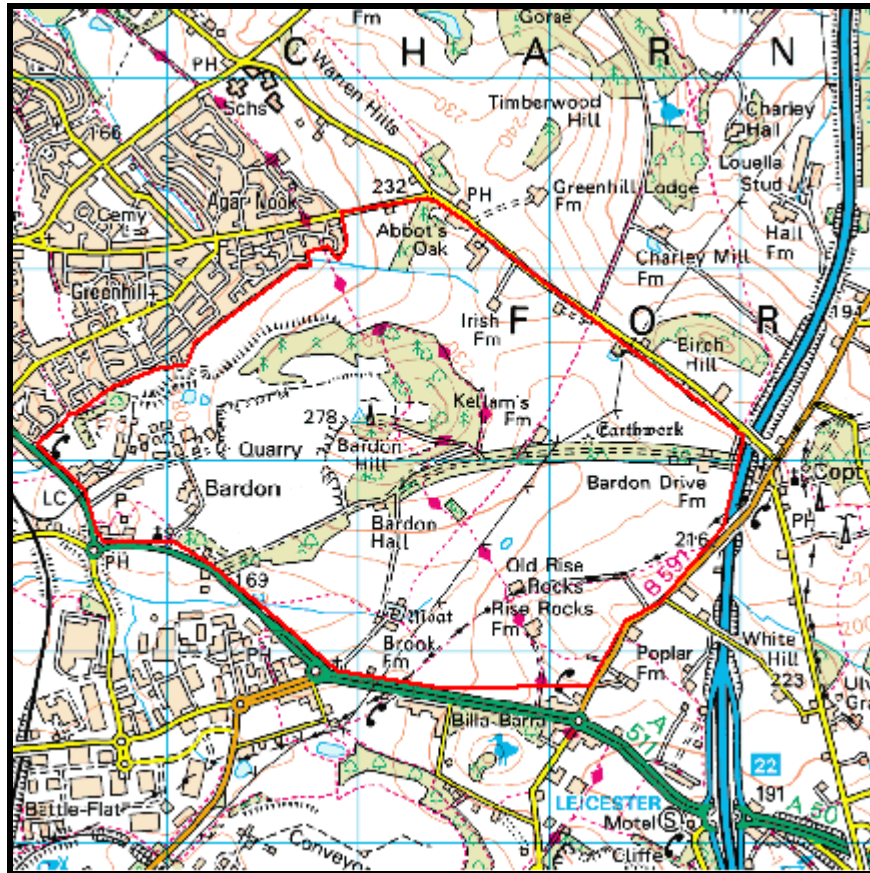
Applicant:  
Steve Marriott

Date Registered  
20 January 2010

Recommendation:  
NO OBJECTION

Target Decision Date  
10 February 2010

Site Location



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## 1. Proposals and Background

This is an application for an extension of the existing quarry facility to open up a new void to the east of the current quarried area so as to enable the recovery of an additional 132 million tonnes of mineral (essentially igneous aggregates, principally granite). This application is a County Matter, i.e. it will be determined by Leicestershire County Council as the Minerals Planning Authority; this Council is a consultee. The application is accompanied by an Environmental Statement.

The site straddles the District boundary; the majority of the application site as a whole falls within North West Leicestershire, although approximately half of the proposed new extraction area falls within the Borough of Hinckley and Bosworth.

The existing quarry's operations are governed by a 2005 Review of Old Minerals Permissions (ROMP), the first periodic review of the site as required under the Environment Act 1995.

The applicants advise that current permitted reserves at the quarry (as of January 2009) are 45 million tonnes. Of this figure 5 million tonnes are located directly beneath the primary crusher with a further 9 million tonnes located beneath the Charcon Products factory and, therefore, the reserves that are accessible without incurring major disruption to operations are 31 million tonnes which, at current and projected demand figures, equates to a remaining life of the quarrying operations in the order of 9 years.

In brief, the proposed scheme would comprise the following operations:

### *Stage 1 (Years 1 to 4)*

- Diversion of existing 132kv overhead cables crossing the western part of the proposed extraction area
- Construction of a conveyor system (designed to minimise noise and exhaust emissions and optimise energy efficiency) to transport crushed stone from the new extraction tunnel to the surge pile of the existing processing plant, including construction of an associated tunnel
- Installation of drainage to existing tip ("Tip 18")
- Removal / storage of top-soils and sub-soils from within Phase I of the extraction footprint
- Formation of perimeter landforms using a progressive sequence of soil stripping and storage, drainage blanket installation, overburden deposition and soils replacement; once perimeter embankments are formed then soils in storage would be recovered and re-spread. The landforms to be placed adjacent to Shaw Lane and Copt Oak Road would be given priority, being formed within the first 12 months of landscaping operations commencing, but with all embankments completed within four years.
- Extraction of overburden used to complete Tip 18

In terms of the quarrying practices employed and, in particular, blasting, in a typical blast some 25,000 tonnes of fragmented rock would be produced, During the first three years or so the blasting would be more frequent, (sometimes twice a day) as the quarry develops within a fairly restricted area. As the working area is expanded, however, faces would reach their optimum working length and height, and the frequency of blasting would hence reduce. All blasts would be managed such that the vibration value as measured at the nearest habited dwelling would not exceed the existing permitted blasting limit of 6 mm per second.

### *Stage 2 (Years 5 to 7)*

- Works to a diverted tributary of the River Sence
- Demolition of four properties at Rise Rocks and relocation of large boulders in their

vicinity

- Establishment of 2,300 metres of hedgerow on top of the perimeter embankments (including 1,000 metres of existing, translocated hedgerow)
- Top soils and sub-soils stripped to their full depth from the footprint of Stage 2 and placed in storage placed in two fields located to the east of Bardon Hall and cultivated (all soils needed for covering Tip 18 and the perimeter landforms would have been applied during Stage 1 and, as there would be no other areas needing landscape restoration treatment, it is proposed that these soil resources be retained for reclamation of the worked out areas)
- Overburden removed (including using a new conveyor system which will run parallel with the stone conveyor installed in Stage 1)
- Excavation of 11 million cubic metres (approx.) of overburden and relocation into what would by then have become the exhausted part of the existing quarry
- Completion of landscaping to Tip 18 and all of the perimeter screening embankments to the north, south and east
- Continuation of rock extraction at more than 3 million tonnes per annum
- Cessation of operations within the existing quarry

#### *Stage 3 (Years 8-10)*

- Top soils and sub-soils stripped to their full depth from the footprint of Stage 3 and stored as per those during Stage 2 above
- Extraction of approximately 2.5 million cubic metres of overburden
- As final overburden face positions are achieved they would be “hydroseeded” with low maintenance grass seed mixture with some ryegrass and local provenance tree seeds such as birch [hydroseeding is intended to provide additional stabilisation as the vegetation roots penetrate through the clay surface and to improve the appearance of the surface itself]
- Continued deposition of overburden within the existing quarry
- Continuation of rock extraction at more than 3 million tonnes per annum

#### *Stage 4 (Year 11 onwards)*

- Top soils and sub-soils stripped to their full depth from the footprint of Stage 4 and stored as per those during Stage 2 above
- Extraction of remaining 1.5 million cubic metres of overburden
- Following completion of the overburden removal, associated equipment would be decommissioned and taken off site
- Continuation of rock extraction at more than 3 million tonnes per annum
- Mineral extraction would continue over the full area of the excavation footprint and gradually descend into the mineral via 15m sinkings to a depth of approximately 32 metres Below Ordnance Datum (BOD) [the current contours in this area are in the order of between 200 and 237 metres Above Ordnance Datum (AOD); Bardon Hill reaches 278 metres AOD]
- At current output the full 132 million tonnes of granite would be extracted over a period of 40 years
- Following the turning off of dewatering pumps, the quarry void would begin to fill (mainly from rainwater), and it is estimated that the new extraction area would take up to 200 years to fill with water.

#### *Restoration*

The application submission sets out a range of post-development restoration measures in respect of, not only the proposed extension area, but also the existing quarry operations, as well as the wider Bardon Estate as a whole. The existing quarry is proposed to be partially filled with clay so as to create a plateau which could then be potentially by used for development.

In respect of the restoration associated with the proposed extension, the scheme indicated includes for formation of a large lake surrounded by woodland with public and permissive pedestrian / cycle routes around it. In particular, the following measures are proposed:

- All quarry plant, buildings and other structures removed from the site
- The top five quarry benches would be progressively landscaped as they reach their final position. Soil bunds would be formed at the foot of the final quarry face and along the front edge, and the bunds planted with trees in blocks. The benches would be covered with soil and seeded with grass
- As set out above, following cessation of pumping, the quarry void would slowly fill with rainwater

The applicants advise that the key restoration themes are of acid heathland and grassland, local provenance woodland and agricultural restoration, which, they consider, would be complimentary to the Bardon Hill SSSI and the Billa Barra Nature Reserve. They also consider that the diverse water based habitats associated with diversion of the tributary to the River Sence would also contribute towards establishing more varied habitats than those that the existing river course supports. They consider that the proposed water body, extending over 33.4 hectares, surrounded by landforms which would by then have become either mature acid heathland or alternatively established woodland, would be a valuable local amenity and one which the local community would be able gain easy access to and enjoy. They also suggest that, when complete, the facility would have the potential to provide an attractive water / leisure related facility.

The application is brought to the Planning Committee for consideration of the response of North West Leicestershire District Council in respect of the application at the request of Councillor Ted Purver; the District Council's final decision on the consultation response to Leicestershire County Council would rest with Cabinet.

## **2. Publicity**

No neighbours notified.

## **3. Consultations**

## **4. Summary of Representations Received**

The application is a County Matter. However, a copy of an objector's representations to Leicestershire County Council has been forwarded to the District Council for information, raising objection on the following grounds:

- Proposal is a new quarry and not an "extension" to the existing quarry, hence is less appropriate under MPS 1
- Contrary to Policy MCS 1
- Impact on Charnwood Forest
- Impact on protected trees / ancient woodland
- Impact on biodiversity, including nearby SSSIs
- Impact on ancient monuments and listed buildings
- Impact on landscape
- Unsustainable form of development
- Insufficient evidence to demonstrate that the scheme is necessary to meet the identified requirements for crushed rock
- Proposals are premature pending assessment of alternative options

One further representation has been submitted to the District Council, supporting the application on the following grounds:

- Proposal would safeguard jobs at one of the area's major employers
- Proposal will continue to serve surrounding communities and will ensure that Bardon Hill is looked after for many years

The District Council's Environmental Health department has been consulted direct by the County Council. In response, the Environmental Health department has advised the County Council that it has no concerns generally, although has requested additional information in respect of a proposed tunnel to be used by a new conveyor between the proposed and existing quarry sites.

## 5. Relevant Planning Policy

### National Policies

The following Planning Policy Statements / Planning Policy Guidance Notes are considered applicable to the proposed development:

- PPS 1 – Delivering Sustainable Development
- PPS 7 – Sustainable Development in Rural Areas
- PPS 9 – Biodiversity and Geological Conservation
- PPG 13 - Transport
- PPS 23 – Planning and Pollution Control
- PPG 24 – Planning and Noise
- PPS 25 – Development and Flood Risk

The following Minerals Policy Statements are considered applicable to the proposed development:

- MPS 1 – Planning and Minerals
- MPS 2 - Controlling and Mitigating the Environmental Effects of Mineral Extraction in England

### RSS 8 - East Midlands Regional Plan

Policy 2 seeks to improve continuously the layout, design and construction of new development.

Policy 3 sets out a sequential approach for the distribution of development and economic activity.

Policy 12 states that, outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints, in particular those of the River Mease Special Area of Conservation and the surrounding countryside, and where there are good public transport linkages.

Policy 26 seeks to ensure that sustainable development should ensure the protection, appropriate management and enhancement of the Region's natural and cultural heritage.

Policy 27 seeks to understand, conserve and enhance the historic environment, in recognition of its own intrinsic value, and its contribution to the Region's quality of life.

Policy 31 seeks to protect and enhance the Region's natural and heritage landscapes.

Policy 36 sets out the regional priorities for air quality.

Policy 37 sets out the regional priorities for minerals.

### **North West Leicestershire Local Plan**

The site is outside Limits to Development as defined in the North West Leicestershire Local Plan. Policy S3 presumes against non-essential development within the countryside.

In addition, part of the site is within an Area of Particularly Attractive Countryside. Policy E22 presumes against development which would adversely affect or diminish the present open character and attractive rural landscape and/or be detrimental to natural habitats and scientific interest of Areas of Particularly Attractive Countryside.

Policy E3 presumes against development which, by reason of its scale, height, mass, design, oppressiveness, proximity, noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or excessive traffic generation, would be significantly detrimental to the amenities enjoyed by the occupiers of existing nearby dwellings.

Part of the site is subject to Policy E26 which states that development will not be permitted which could adversely affect sites of County and District ecological or geological interest, or Local Nature Reserves.

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements.

There are no saved minerals-related policies within the North West Leicestershire Local Plan directly relevant to the proposed development.

### **Leicestershire Minerals Development Framework Core Strategy and Development Control Policies**

The site is located within the Charnwood Forest and an area of igneous rock resources within the Minerals Development Framework. The following Minerals Development Framework policies are considered relevant to the current application:

#### Core Strategy:

Policy MCS 1: The strategy for the supply of minerals

Policy MCS 2: The strategy for aggregate minerals

Policy MCS 11: The strategy for environmental protection

Policy MCS 13: The strategy for minerals development within or adjacent to Charnwood Forest

Policy MCS 16: The strategy for the transportation of minerals

Policy MCS 17: The strategy for the reclamation and future use of mineral sites

#### Development Control Policies:

Policy MDC 3: Sites of National Historic Importance

Policy MDC 4: Sites of Regional and Local Importance

Policy MDC 5: Countryside

Policy MDC 6: Landscaping and Woodland

Policy MDC 7: Archaeology

Policy MDC 10: Agricultural Land  
 Policy MDC 11: The Water Environment  
 Policy MDC 12: Health and Amenity  
 Policy MDC 13: Cumulative Impact  
 Policy MDC 14: Transportation of Minerals  
 Policy MDC 15: Public Rights of Way

The Leicestershire Minerals Development Framework Core Strategy and Development Control Policies have, to a significant extent, replaced the Leicestershire Minerals Local Plan. However, some policies have been saved, including Policy 2 which sets out the operational, economic and environmental criteria to be taken into account when determining minerals applications.

## 6. Assessment

### Principle of Development

As set out above, the site is outside Limits to Development (and, moreover, within an Area of Particularly Attractive Countryside) as defined in the North West Leicestershire Local Plan, and is within the Charnwood Forest as defined in the Leicestershire Minerals Development Framework.

In terms of the principle of the development, the following policy issues are considered of particular relevance:

MPS 1 provides in paragraph 1 that minerals are essential to the nation's prosperity and quality of life, and that it is essential that there is an adequate and steady supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs, but that this provision is made in accordance with the principles of sustainable development. It also provides that minerals development is different from other forms of development because minerals can only be worked where they naturally occur.

Policy 37 of the East Midlands Regional Plan sets out the regional priorities for minerals, and sets out what LDFs should make provision for in respect of mineral supply. The Regional Plan also sets out the regional aggregates apportionment for 2001 to 2016, indicating that 262.5 million tonnes of crushed rock (approximately half of the total regional figure) be sourced in Leicestershire.

Policy MCS 1 of the Leicestershire Minerals Development Framework Core Strategy provides that the strategy for the supply of minerals is to:

- release land for the extraction of minerals where it is necessary to maintain an adequate and steady supply of minerals and it can be shown that demand could not be met from the existing permitted reserves having regard to agreed sub-regional apportionment figures for aggregate minerals or, in other cases, the demonstrated need and nature of the particular industry concerned;
- give priority to the extension of existing sites;
- allocate specific sites and areas to provide sufficient mineral reserves to meet anticipated need over the period of the minerals development framework;
- allow minerals development outside allocated areas where:
  - (i) it can be demonstrated that it is required to meet a proven need that cannot otherwise be met from a more sustainable source or
  - (ii) it consists of a small-scale extension to an existing site or
  - (iii) it involves significant net environmental benefits or
  - (iv) the sterilisation of resources would otherwise occur;

- allow proposals for minerals development only where they will not cause unacceptable harm to the environment or communities.

Policy MCS 2 of the Leicestershire Minerals Development Framework Core Strategy provides that the strategy for aggregate minerals is to:

- make land available to meet the sub-regional apportionment of 26.25 million tonnes of sand and gravel and 337.75 million tonnes of crushed rock over the 21 year period 2001 – 2021;....
- ....- release reserves of crushed rock to be worked as extensions to existing extraction sites where they are required to ensure sustainable supply;
- allow new aggregate extraction sites only where it can be demonstrated that the landbank and production capacity cannot be maintained from existing sites and appropriate extensions to existing sites;
- allow proposals for aggregate extraction only where they will not cause unacceptable harm to the environment or communities.

In terms of the need for additional mineral to be extracted from the site, the Core Strategy provides that there would be more than sufficient crushed rock reserves to meet requirements over the period to 2021 (a surplus of 147 million tonnes), taking into account the level of permitted reserves as at 1 January 2001 (adjusted for subsequent reassessments of reserves at certain quarries) together with reserves subsequently permitted up to 31 December 2007. As of yet, no minerals Site Allocations Document has been produced for the County, although, on the basis of this surplus, the Core Strategy advises that it is not considered necessary to make specific provision in the Minerals Development Framework for future crushed rock extraction.

However, the Core Strategy provides that there are a variety of circumstances under which proposals to extend existing sites may nevertheless come forward during the Minerals Development Framework period. It advises that this “may be for operational reasons in terms of efficient use and recovery of resources; as a means of addressing any unforeseen circumstances affecting the landbank provision or production capacity; to enable the industry to maintain or secure productivity growth and levels of employment or to justify investment in associated infrastructure, and also to reflect the different types of crushed rock aggregates produced / supplied. Such extensions to existing quarries may be appropriate in order to ensure continuity of supply, provided that the effects of the proposed development on the environment and residential amenity can be made acceptable.” It also provides that “Quarries producing rock aggregates generally will require a longer security of reserves to justify capital investment in, for example, crushing equipment. This factor coupled with the geological limitations mean that it is not considered appropriate at the current time to contemplate any new greenfield sites for rock extraction, given the potential impact that such large scale development would involve, particularly within attractive areas of the County where development is being strictly controlled.”

As stated in Policy MCS 2, the strategy for aggregate minerals is to, amongst others, release reserves of crushed rock to be worked as extensions to existing extraction sites where they are required to ensure sustainable supply, and to allow new aggregate extraction sites only where it can be demonstrated that the landbank and production capacity cannot be maintained from existing sites and appropriate extensions to existing sites.

As will be noted from the objections summarised above, the objector is of the view that the scheme represents a new operation rather than an extension to an existing facility. Policy MCS 1 (which broadly compliments the National policy in MPS 1) gives priority to the extension of existing sites; Policy MCS 2 seeks to release reserves of crushed rock to be worked as

extensions to *existing* extraction sites where they are required to ensure sustainable supply, and to allow *new* aggregate extraction sites only where it can be demonstrated that the landbank and production capacity cannot be maintained from existing sites and appropriate extensions to existing sites. As such, it is an important point of differentiation given the difference in policy requirements applicable to extensions to existing (as opposed to “new”) operations. In respect of this point, it is noted that the proposed area of working would not be contiguous with the existing void, and would be approximately 600 metres away at its closest point. However, it is also noted that the proposed operation would be directly linked with the existing quarry (including in terms of access, treatment of extracted mineral and other facilities) such that it could not operate as an independent, standalone facility and, on this basis, it is officers’ view that it is appropriate to view the proposed scheme as an extension rather than a “new” site as of such.

If this position is taken, the more favourable approach to extensions as set out in Policy MCS 1 would apply. Regardless, however, the policy also provides that minerals development outside allocated areas will only be allowed where it can be demonstrated that it is required to meet a proven need that cannot otherwise be met from a more sustainable source; or it consists of a small-scale extension to an existing site, or it involves significant net environmental benefits, or the sterilisation of resources would otherwise occur. In respect of these “exceptions” for minerals development outside allocated areas, it is not accepted that the proposal would constitute a small-scale extension, nor that it would involve significant net environmental benefits, nor that sterilisation of resources would otherwise occur. As such, consideration needs to be given to whether or not it can be demonstrated that it is required to meet a proven need that cannot otherwise be met from a more sustainable source.

As already set out above, there is an over-supply of crushed rock provision identified in the Core Strategy. In response, the applicants draw attention to the advice in the Core Strategy that there are a variety of circumstances under which proposals to extend existing sites may nevertheless come forward during the Minerals Development Framework period. In particular, the applicants advise that each of the four igneous rock quarries in the County will require new reserves within the plan period if continuity of supply is to be maintained throughout the plan period and beyond. As set out in the introduction above, permitted reserves at Bardon Hill are now sufficient for less than 10 years production, and the applicants maintain that there is a need for further reserves at the quarry if production and supply is to be maintained beyond 2019 at the current output. If new reserves are not permitted, the applicants advise that it will be necessary to either close the quarry or reduce production if operations are to be maintained for longer than 10 years. The applicants advise that, whilst permitted reserves within Leicestershire are sufficient to meet the sub-regional apportionment to 2016, by this time most of the reserves at all of its rail linked quarries will be worked out (assuming, they argue, that overall output can be maintained as quarries close). They also draw attention to the findings of the Regional Aggregates Working Party which, they advise, has recognised that new reserves must be identified and safeguarded in the national interest if crushed rock supply from Leicestershire is to be maintained in the medium and longer term. Whilst these comments are noted, the view is nevertheless taken that the appropriate approach to assessing mineral requirements is via the statutory Minerals Development Framework.

Overall, in terms of the principle of the development, therefore, it would appear that, at this stage, the additional mineral is not necessary to meet currently identified supply requirements as set out in the Core Strategy and, on the basis of the current evidence, the scheme does not comply with the relevant policies, and it is therefore considered that additional work to demonstrate how the scheme complies with the Minerals Development Framework would be required. This issue, however, also needs to be considered alongside all other material

considerations.

As set out above, the application is accompanied by an Environmental Statement. This identifies, amongst others, the following issues:

### **Economic and Socio-Economic Issues**

The submitted Environmental Statement advises that, at present, 85 workers are employed at the existing quarry (including direct employees of Aggregate Industries (70), as well as contract workers). Also employed at the site in general are: concrete batching plant – 55 employees; roadstone plant -15 employees; administrative and sales office – 346 employees. Of the 85 quarry employees, 60 are residents of Coalville, Markfield or Ibstock; the applicants advise that a similar proportion of other employees at the site live in the local area.

In terms of the economic effects of the proposed scheme, the applicants accept that the proposed development would have limited impacts in terms of generating new employment, but advise that approval would have the benefit of preserving the existing jobs at the quarry, together with over 700 posts within Leicestershire in interdependent businesses. The applicants estimate that a total of 136 jobs are likely to be directly dependant upon the quarry, including suppliers and service industries. Attention is drawn to the “multiplier” effect in the local economy, should the posts and economic activity associated by the business be lost to the wider economy. On the basis of these submissions, it is accepted that there would be local (and, to a lesser degree), regional employment implications in the event that the application to extend the quarry were refused, once the existing quarry reaches the end of its projected working. This, it is considered, is a material consideration of some significance in this case.

### **Agricultural Land Classification**

Development Control Policy MDC10 of the Minerals Development Framework presumes against minerals development that would result in the significant loss of the best and most versatile (BMV) agricultural land (i.e. Grades 1, 2 and 3a), unless it can be demonstrated that one or more of the following circumstances apply: (i) there is an overriding need for the development; (ii) there is no suitable alternative site of lower agricultural quality that provides the same benefits in terms of sustainability; (iii) the land could be restored to its previous agricultural quality or better; (iv) other beneficial after uses can be secured which outweigh the loss of agricultural land; or (v) the development is consistent with other sustainability considerations.

The Agricultural Land Classification grading for the site is primarily Grade 3b (77%), although of the BMV grades, 8.9% is Grade 3a. This 8.9% equates to a total area of 14.4 hectares. It is considered at this stage that an argument could be made in respect of (ii) or (iv) above. It is also accepted that the amount of BMV land lost would be relatively small, and that the BMV land involved would be of the lowest BMV grade (i.e. 3a). Overall, therefore, the proposal is considered acceptable in this regard.

### **Hydrogeology and Hydrology**

A flood risk assessment has been undertaken as part of the EIA process. It is noted that the proposed development includes the diversion of an existing headwater stream of the River Sence which, it is accepted will cause a significant (if localised) impact. Lagoons are also proposed for the settlement of suspended solids from water pumped out of the quarry, together with catchment ditches and lagoons for water runoff from the new landforms around the quarry. However the flood risk assessment indicates that there is no risk of flooding within the quarry,

nor in respect of flooding downstream. The scheme is therefore considered acceptable in this regard.

### **Landscape and Visual Impact**

The submitted assessment provides that the development would result in the loss of a number of the existing landscape features on site, but would also offer the potential to enhance others and create new ones. In particular, it considers that the loss of surface features and existing landform as a result of the proposed new extraction area and the new overburden mounds would, without mitigation, result in the loss of a large area of moderately sensitive landscape, and a number of landscape features. As such, a range of mitigation measures have been incorporated into the development intended to reduce any adverse landscape impacts associated with it, and to enhance the beneficial impacts.

In terms of the anticipated effects on visual amenity, the Environmental Statement concludes that much of the site is highly visible and without mitigation there is potential for the development to cause substantial visual intrusion. It accepts that there are two aspects of the development with the potential to cause the greatest visual impact: the extensive nature of proposals and the changes to the landform, particularly around the proposed extraction area.

The Environmental Statement provides that the development would result in permanent changes to the landscape of the Bardon Estate and accepts it would not be possible to render those changes invisible, even with the detailed mitigation proposed. However, the Environmental Statement argues that the range of mitigation measures identified would prevent the changes from creating any adverse visual impact. Given opportunities for improving the existing visual amenity of the area, the Environmental Statement also considers that the overall visual impact of the development would be beneficial in the long term and, furthermore, the phasing of the programme of works would ensure that the benefits would occur from an early stage.

In terms of the impacts on individual viewpoints, 26 have been assessed. Of these, the unmitigated impacts are assessed as negligible (4), low (5), medium-low (1), medium (7) or high (9) in terms of their magnitude, or slight beneficial (1), slight (6), moderate (2), substantial (1), moderate adverse (2) or substantial adverse (14) in terms of significance. Following mitigation, the impacts are assessed as negligible (17), low (3), medium (2) or high (4) in terms of their magnitude, or negligible (6), slight-beneficial (12), moderate – mostly beneficial (1), moderate beneficial (1), substantial – mostly beneficial (1) or substantial beneficial (5) in terms of significance.

Insofar as the relevant policy context is concerned, Core Strategy Policy MCS13 requires minerals development within or adjacent to Charnwood Forest to ensure that proposals include measures to protect and enhance the character of the area, including its landscape, ecology, cultural heritage, built heritage and recreational value, and that the siting, scale and design of the development together with the materials to be used reflect and complement the character of the surrounding landscape and minimise any harm. Also relevant is Local Plan Policy E22 in respect of Areas of Particularly Attractive Countryside.

It is considered that the proposed development would represent a significant change to the area immediately adjacent to the proposed void, and would inevitably result in major changes to the landscape of this Area of Particularly Attractive Countryside within the Charnwood Forest; as set out above, the applicants accept that it would not be possible to render such work “invisible”. Furthermore, following completion of works, the site would be restored in a manner considerably

different from the existing character of this part of the Area of Particularly Attractive Countryside / Charnwood Forest. It is also noted that the void will remain as such for many years whilst it slowly fills with water. However, this needs to be balanced against the general landscape improvements (including from more distant viewpoints) as identified in the Environmental Statement. As set out above, the majority of the changes will, the Environmental Statement argues, be limited and, if anything, beneficial. The applicants also maintain that much of the landscape improvements will be delivered at a relatively early stage.

On balance, therefore, it is not considered that the scheme is in itself unacceptable on landscape / visual impact grounds, when having regard to the mitigation measures proposed.

### **Ecology**

The Environmental Statement has identified a number of important ecological receptors, including:

- Bardon Hill SSSI and other designated and non-designated sites
- Semi-natural grassland habitats
- Hedgerows
- Lichens
- Wet woodlands, mature plantation and ancient woodland habitats
- Trees
- Aquatic and riparian habitats of the headwaters of the River Sence
- Ponds
- Terrestrial invertebrates
- Badgers
- Bats
- Birds
- Reptiles
- Amphibians

The applicants' assessment concludes that no statutory designated nature conservation sites would be significantly adversely affected by the proposals, although five non-statutory designated potential local wildlife sites and five parish level designated sites would be lost as a result of the proposals. However, the Environmental Statement provides that compensation measures proposed to offset these impacts would result in a long-term gain for biodiversity.

In terms of the potential impact on protected species (including bats, great crested newts, breeding birds and badgers), it is accepted by the applicants that there is potential for these to be adversely affected by the proposals. However, the Environmental Statement provides that mitigation proposed as part of the development scheme would minimise any effects such that they would not be significant.

The applicants accept that there would be "residual impacts" of habitat loss and fragmentation of semi-natural grassland and hedgerow habitats (of national and county ecological value respectively). Whilst these impacts cannot be fully mitigated, the Environmental Statement considers that they would be offset by other measures. The Environmental Statement also states that the proposed restoration, habitat enhancement and habitat creation plan would bring the whole 513 hectare Bardon Estate into biodiversity-led management under a Biodiversity Action Plan. Overall, therefore, the Environmental Statement predicts that the long-term effects of the proposals would be to provide a net gain to biodiversity.

In terms of ecological issues, therefore, it would appear that the proposals are generally

acceptable, although it is noted that the County Planning Authority has consulted specialists in respect of the ecological issues (including Natural England and its own ecologists), who will therefore advise if this is not considered to be the case.

### **Archaeology and Cultural Heritage**

A cultural heritage assessment has been undertaken as part of the EIA, considering the impact on archaeology and designated sites (scheduled monuments, listed buildings and conservation areas).

In terms of archaeology, a desktop study, fieldwalking survey, geophysical survey and trial trenching have been undertaken. These have not, it seems, provided evidence of significant archaeology in the site.

In terms of scheduled monuments, four are identified within 3km of the site, of which the closest is a moated site east of Kellams Farm, some 175 metres from the development site. The Environmental Statement considers that the predicted impact on this monument would be of negligible significance, although the creation of a landscaped buffer would nevertheless serve to increase its protection.

Insofar as listed buildings are concerned, there are nine within 2km of the site, including Bardon Hall, Kellam's Farmhouse, Bardon Park Chapel and Bardon Hall Lodge. None are found to be significantly adversely affected. The proposed development would however result in the demolition of a small farm complex at Old Rise Rocks which, whilst historic, have no statutory protection.

The only Conservation Area within 3km is Markfield.

It is therefore concluded that no significant adverse affects on archaeology and other cultural heritage issues would arise as a result of the development.

### **Air Quality**

The Environmental Statement provides that, due to the mineral extraction being undertaken at depth, dust emissions from the proposed extension area would be minimal, although mitigation measures would be required during initial development of the proposed quarry extension.

In terms of affected properties, the "nuisance" dust deposition rates at properties to the north of Shaw Lane and (to a lesser extent) along Copt Oak Road are subject to a relatively high baseline due to agricultural activities and re-suspended road-dust. The Environmental Statement accepts that the close proximity of these properties to the construction of the perimeter screening mounds would require careful mitigation but it is anticipated that dust impact should be minimal.

The quarry processing plant and stocking area is acknowledged as having the greatest potential to generate dust. The Environmental Statement states that the assessment has demonstrated that particulate values would be well within the requirements of the National Air Quality Strategy.

As set out above, the District Council's Environmental Services Manager has been consulted direct by the County Council on the application but, it is understood, no overriding concerns are likely to be raised.

On this basis, it is considered that the proposals would comply with the requirements of Policy MDC 12 of the Leicestershire Minerals Development Framework.

### **Noise and Vibration**

The Environmental Statement includes a noise assessment, which predicts likely noise impact, calculated having regard to existing noise levels. The Environmental Statement provides that the calculated noise levels for the above scenarios are at or below the proposed limits for the proposed routine daytime operations. It also considers the impact of temporary works (e.g. overburden removal and landscaping), but assesses the magnitude of impact as low. The Environmental Statement also provides however that the anticipated noise impacts do not take any potential changes to off-site vehicle flows / road traffic noise, so it is not clear whether there would be any impacts in this regard, although it is accepted that the proposed quarrying activities would, to some degree, replace those associated with the existing site. As set out below, the Transport Assessment advises that no increase in road movements is proposed as part of the scheme.

In terms of vibration, it is proposed to use the same means of blasting as at the existing quarry, so as to keep ground vibration to the same magnitude. The vibration would, the Environmental Statement provides, be of a relatively low order of magnitude and, though perceptible on occasions, would be within safe levels. Similarly, accompanying air overpressure would also be of a very low and hence safe level, although, again, perceptible on occasions at the closest properties.

As per air quality above, the District Council's Environmental Services Manager has been consulted direct by the County Council on the application but is unlikely to raise significant objections.

Again, therefore, it is considered that the proposals would comply with the requirements of Policy MDC 12 of the Leicestershire Minerals Development Framework.

### **Transport and Access**

The Environmental Statement includes a Transport Assessment setting out the traffic implications of the proposals. This sets out the existing conditions (including the impact of a proportion of the mineral being exported via rail), and notes that the average number of HGV departures in 2008 was 432 per day, the majority of which were directed towards Junction 22 of the M1 motorway.

The Environmental Statement provides that, although production from the current quarry area would continue up to and beyond the time when production from the proposed quarry area commences, the aggregate tonnage sold from the quarry would remain unchanged, hence there would be no overall increase in road movements. The applicants have also prepared a Travel Plan which they anticipate would be secured by way of condition designed to reduce car-borne trips associated with the quarry.

It is understood that, to date the County Highway Authority has not commented on the application but, on the basis of the information including in the application, it would appear that there is unlikely to be an issue in respect of transportation.

### **Conclusions**

Overall, it is considered that there would be no overriding technical reason why planning permission should be refused. Whilst there would be a significant impact on the immediate surroundings as a result of the formation of a new quarry void, the submitted Environmental Statement indicates that, overall, there would be no unacceptable long-term landscape / visual amenity impacts, although it would clearly take many years for the final restoration scheme to reach a position whereby the area of working would achieve its final restored state. It is also accepted that the site is a significant local employer and that, should planning permission not be granted for the proposed development, the eventual cessation of working at the existing quarry would result in an impact on a number of jobs in the area, either directly or indirectly.

The most significant issue of concern is considered to be that of the principle of the development, particularly when having regard to the requirements of the Minerals Development Framework Core Strategy, and the identified over-provision of crushed rock aggregates. On the basis of the approach as set out in the Core Strategy (and, in particular, the identified supply requirements), it would appear that, at this stage, the additional mineral proposed to be worked would not be necessary to meet currently identified supply requirements. On this basis, it would seem that the scheme does not comply with the relevant Core Strategy policies, and it is therefore considered that additional work to demonstrate how the scheme complies with the Minerals Development Framework would be required. Whilst, at this time, the view is taken that the applicants do not appear to have demonstrated a need for the extension (in terms of the crushed rock surplus as set out in the Minerals Development Framework), this would need to be balanced against the local employment and economic benefits afforded by the scheme. As such, subject to it being demonstrated to the satisfaction of the Minerals Planning Authority that the development would comply with the provisions of the Minerals Development Framework, or that the benefits would outweigh any non-compliance, it is recommended that no objections be raised.

**RECOMMENDATION-**

**A) THAT CABINET BE ADVISED THAT THE VIEWS OF THE PLANNING COMMITTEE IN RESPONSE TO THIS CONSULTATION FROM LEICESTERSHIRE COUNTY COUNCIL ARE AS FOLLOWS:**

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL RAISES NO OBJECTIONS SUBJECT TO LEICESTERSHIRE COUNTY COUNCIL BEING SATISFIED THAT:**

**(i) THE DEVELOPMENT WOULD COMPLY WITH THE PROVISIONS OF THE MINERALS DEVELOPMENT FRAMEWORK IN RESPECT OF MINERAL SUPPLY OR, IF NOT, THAT THE BENEFITS ASSOCIATED WITH THE SCHEME WOULD OUTWEIGH ANY NON-COMPLIANCE WITH THOSE PROVISIONS;**

**(ii) FOLLOWING CONSULTATION WITH ITS PROFESSIONAL ADVISORS, THE CONCLUSIONS OF THE POTENTIAL IMPACTS OF THE DEVELOPMENT OUTLINED IN THE SUBMITTED ENVIRONMENTAL STATEMENT ARE TECHNICALLY SOUND; AND**

**(iii) FOLLOWING CONSULTATION WITH ITS PROFESSIONAL ADVISORS, THE MITIGATION MEASURES AND RESTORATION PLANS OUTLINED IN THE SUBMITTED ENVIRONMENTAL STATEMENT ARE SATISFACTORY AND THE MOST EFFECTIVE THAT COULD REASONABLY BE ACHIEVED ON THE SITE.**

**B) THAT CABINET BE ASKED TO ENDORSE AND FORWARD THE VIEWS OF PLANNING COMMITTEE TO LEICESTERSHIRE COUNTY COUNCIL**

“There shall be no sales of food from the premises between the hours of 0001 and 0900 hours Mondays to Fridays and no sales of food from the premises between the hours of 0100 and 0900 on Saturdays and Sundays.

Reason- In the interests of residential amenity.”

### **Officer Comments**

The applicant wishes to operate until midnight Sundays to Thursdays and it is recommended that the hours be consistent with Environmental Protection Section approach to addressing midnight. This would avoid any confusion over the interpretation of which day either the description of 2400 hours or 0000 hours relates to.

The amended condition would provide for the opening hours requested by the applicant.

Since the current shop front is inappropriate within the Conservation Area and has been implemented unlawfully, and for reasons of expediency, it is recommended that a further condition be attached to a permission, should the application be approved, to ensure that the proposed shop front is implemented.

### **RECOMMENDATION**

**APPROVE, as recommended with the exception of an amendment to Condition 6 and the addition of Condition 7 to read as follows:**

- 6 There shall be no sales of food from the premises between the hours of 0001 and 0900 hours Mondays to Fridays and no sales of food from the premises between the hours of 0100 and 0900 on Saturdays and Sundays.**

**Reason- In the interests of residential amenity.**

- 7 The use hereby permitted shall not commence until the new shop front has been installed subject to the requirements of Condition 4 and 5 above and in accordance with Drawing Number 02.03/10 received on 12 April 2010.**

**Reason- In the interests of visual amenity.”**

**Item B1**

**Site 10/00076/COM Bardon Quarry, Bardon**

Additional supporting information has been submitted to the County Council by the applicants advising that the following measures are proposed as part of the application:

- Provision of a study centre on the Bardon Estate, including a lecture room, meeting room, kitchen and car parking facilities (whether this would be a new building or conversion of an existing is yet to be determined)
- Provision of a low noise road surface immediately in front of the housing along Shaw Lane
- Funding of signage and measures to introduce a 50mph speed limit along Shaw Lane
- Funding of a traffic light controlled pedestrian crossing across Shaw Lane
- Provision of additional landscape screening and additional public access adjacent to Greenhill by the existing quarry
- Amendments to the proposed landscape screening proposals to extend the area of screening and to reduce the height of the main screening area

The applicants also advise that they have been asked by the Friends of Charnwood Forest to provide a Charnwood Forest visitor facility, preferably located on the top of Tip 18, and also to accrue the sum of £500,000 over a 10 year period for the purpose of buying land within the Charnwood Forest should it become available. Whilst the applicants advise that they were unable to agree these specific points they advise that they have agreed to the principle of supporting the establishment of a green corridor between their land at Ratchet Hill and the extension area and to consider support for land purchase within the corridor should the opportunity arise.

The applicants advise that they have made the following commitments to the Leicestershire and Rutland Wildlife Trust:

- The proposed Biodiversity Action Plan for the wider Bardon Estate will be completed in consultation with the Trust.
- The Trust will be represented on a management group to oversee the management of the estate, with the emphasis upon management to promote biodiversity
- Aggregate Industries will support the Charnwood Forest Living Landscape initiative by funding a project officer to manage the initiative for three days per week, underwriting project costs of £3,250 per annum and funding small scale conservation work of up to £6,000 per annum.

The applicants advise that they have been asked by the Trust to provide a £400,000 fund for land purchase; the applicants are of the view that, if a fund is to be established, it should be for wider community benefit as well as for land purchase, and they are therefore proposing to establish a community fund of £400,000 built up as a royalty from the rock extracted over the first five years of extraction within the extension area. This fund would be held for ten years (including the initial five year establishment period) at which point the applicants intend to review its continuation, based upon the operation and effectiveness of the fund during the first ten years. They also propose that the fund be administered with local Councillor representation as well as the company.

Further copy comments to the County Planning Authority have been received from the District Council's Environmental Services Manager, as follows:

- It is understood that an expert opinion on blasting will be taken
- The applicant needs to detail how the extension is to be lit and consideration made of the potential impact from light on neighbouring residential premises.
- The applicant should submit a scheme for the monitoring of air quality, noise and blasting limits specified within any permission granted should be submitted and approved. This should include actions to be taken in the event of adverse results.
- The use of the primary crusher and any mobile crushing will be covered by Permits issued under the Environmental Permitting (England and Wales) Regulations 2010.
- A dust action plan should be drawn up and agreed; this could include the use of Frisbee gauges and gravimetric monitoring device may be used.
- Dust limits are regulated by the permits. However as a safeguard a standard for both air quality and nuisance purposes should be established. Unofficial guideline values suggest a mean average rate of 200 milligrams per day per square meter for nuisance. In addition, the National Air Quality Strategy limit could also be used for PM<sub>10</sub>.
- The applicants need to detail why it appears that there is no bunding adjacent to Poplar Farm
- The applicants should confirm that they will apply the recommendations contained within the noise, blasting and air quality assessments.

**Comment:**

It is noted that some of the applicants' proposals include contributions to community-based projects, and would (it is assumed) be secured by way of a Section 106 agreement with Leicestershire County Council; it would be for the County Council to satisfy itself that any obligations entered into complied with the requirements of the Community Infrastructure Levy Regulations 2010. Should Members be minded to give weight to any of these issues when considering the District Council's view on the proposals, it should be borne in mind that the Regulations require that an obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

**NO CHANGE TO RECOMMENDATION**