

Extension to the existing Minorca Surface mine (At Measham fields farm) for the extraction of coal and fire clay by surface means with restoration to agricultural dwellings, agricultural and nature conservation (Leicestershire County Council Consultation ref 2013/CM/0353/LCC)

**Report Item No
A6**

Minorca Colliery Swebstone Road Measham Swadlincote

**Application Reference
13/00983/COM**

**Applicant:
Mr Peter Bond**

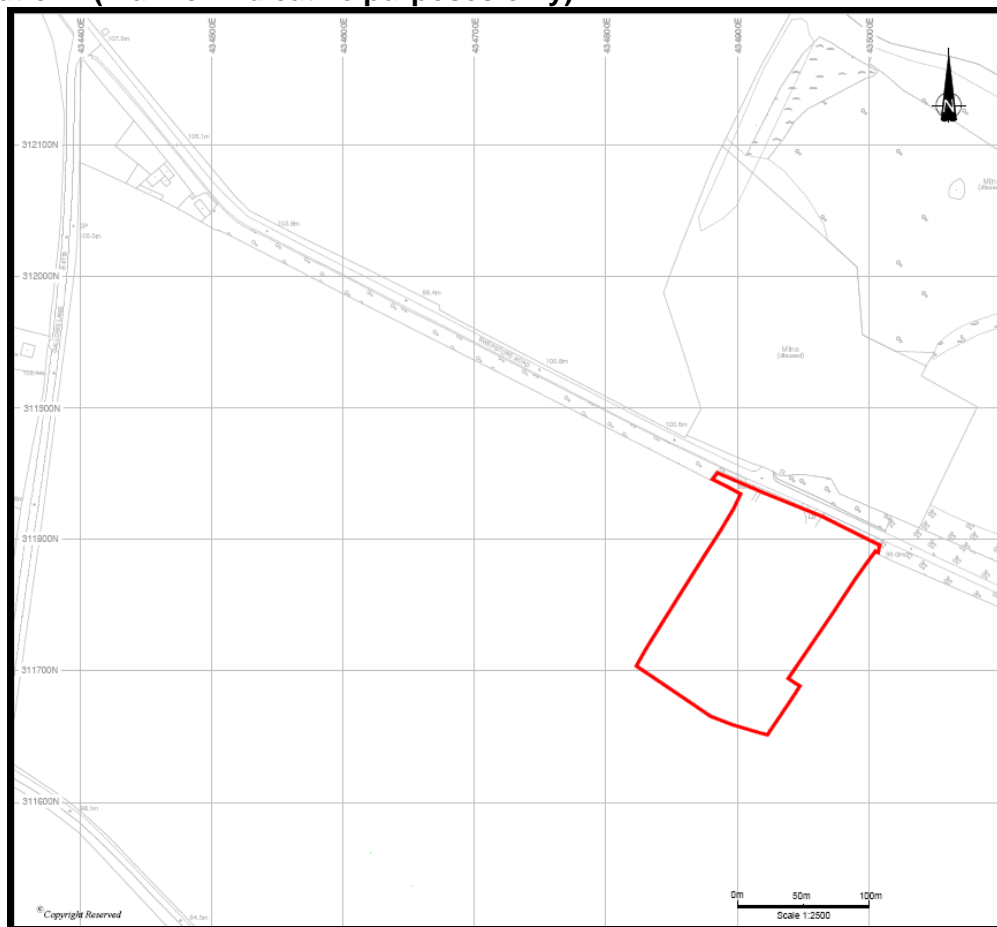
**Date Registered
4 December 2013**

**Case Officer:
Hannah Exley**

**Target Decision Date
25 December 2013**

**Recommendation:
NO OBJECTION**

Site Location - (Plan for indicative purposes only)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application is reported to Members of the Planning Committee at the request of Councillor Sheahan given the level of public interest in the original application for the surface mine.

Proposal

The application is for the working of coal and fireclay by surface means and the reinstatement to agriculture, farm house and nature conservation, of an area of land amounting to 1.86 hectares, which is currently occupied by Measham Fields Farm. The area of land in question off Swepestone Road being bordered by the existing Minorca site on three sides, and will be worked as an extension to the existing Minorca Surface mine site. On restoration, the farmhouse will be replaced and the land returned to agricultural use with additional areas of hedgerow included as part of the development.

Consultations

As the application is a County Matter, the formal consultation process is being carried out by Leicestershire County Council.

Planning Policy

The site lies within the countryside wherein Policy S3 presumes against non-essential development. However, this must be balanced against the general advice in the NPPF that minerals can only be worked where they are found.

Conclusions

Overall, therefore, it is accepted that the principle of the proposals would be acceptable, having regard to the likely implications on the environment, and the need to work minerals where they are found. It is therefore recommended that no objections be raised, subject to the County Council being satisfied that:

1. The proposed working methodology can be achieved and being the most effective in terms of balancing the extraction with minimising the environmental impacts following consultation with their professional advisors and subject to the mitigation measures and restoration plans being considered satisfactory and the most effective that could reasonably be achieved on the site.
2. Any issues in relation to the impact of the scheme on the River Mease Special Area of Conservation (SAC) having been fully addressed and satisfactorily resolved.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background:

This application is a County Matter with Leicestershire County Council as the determining authority,

The application is for the working of coal and fireclay by surface means and the reinstatement to agriculture, farm house and nature conservation, of an area of land amounting to 1.86 hectares, which is currently occupied by Measham Fields Farm. On restoration, the farmhouse will be replaced and the land returned to agricultural use with additional areas of hedgerow included as part of the development.

The area of land in question will be worked as an extension to the existing Minorca Surface mine site permitted under application reference 2009/0720/07 and a separate application is before the County Council to vary the working scheme approved as part of that permission to take into account the additional working area.

As the extraction of Coal is a Schedule 1 project, an Environmental Statement addendum has been prepared to address the changing impacts as a result of the additional area of extraction and consequent changes to the working scheme. The starting point for consideration has been the presence and continued operation of the existing surface mine site and the addendum has considered any change in impact resulting from the working of the additional area of land.

Planning permission was granted for the Minorca site on 7 July 2011 under reference 2009/0720/07, referred to as the Former Minorca Colliery Coal and Fireclay Surface Mining Scheme. The current application is for the extraction of an estimated 250,000 tonnes of coal and 7,000 tonnes of fireclay. Planning permission already exists for the working of 1,250,000 tonnes of coal with 250,000 tonnes of fireclay at the Minorca site. The amount of mineral arising from the Minorca site has been below that originally expected i.e. approximately 1,201,300 tonnes of coal are now estimated and 25,000 tonnes of fireclay. It is proposed to work the Measham Fields Farm site as an integral part of the existing operational development and working the application area and the Minorca site together, will yield approximately 1,451,300 tonnes of coal and 32,000 tonnes of fireclay in total.

Coal will be removed from the site via the existing Minorca site access. It is proposed that the haulage route from the site will continue to be to the A42 via Bosworth Road and Gallows Lane which will continue to experience an average of six loads (12 movements) an hour.

Top and sub-soil from the paddock areas adjacent to the farm building will be separately stripped and stored in mounds. The subsoil mounds currently forming a bund adjacent to the farm buildings will be removed and placed onto the restored areas of the existing site as part of the restoration proposals. Overburden from the Measham Fields Farm extension area will be back filled into previously extracted areas as part of the restoration process. The restoration of the Minorca development site will remain as approved. The restoration of the Measham Fields Farm area will include the replacement of the existing farmhouse.

The scheme of working for both the Minorca site and the Measham Fields Farm area will continue as at present. There will continue to be environmental controls over noise, air quality, drainage and a range of other factors. As is indicated within the Environmental Statement Addendum, all of these matters can be adequately controlled by the implementation of good working practices. The proposed operational hours of the site will continue to be as follows:

General Operations - Monday to Friday 0700-1900, Saturday 0700-1200;
Temporary Operations (formation of screen bunds) - Monday to Friday 0800-1800, Saturday 0800-1200 (No Sunday or Bank Holiday working);
Export of Coal - Monday to Friday 0715-1700.

Planning History:

09/00720/COM - Extraction of coal and fireclay by surface mine methods and restoration to agriculture, woodland and nature conservation - land to the East of Gallows Lane Measham and Swepstone and known as Minorca Site. (LCC 2009/C088/07). (The views of the Planning Committee in response to this consultation from Leicestershire County Council were as follows:

1. No objections in principle provided the County Council are satisfied that the proposed working methodology can be achieved and being the most effective in terms of balancing the extraction with minimising the environmental impacts following consultation with their professional advisors and subject to the mitigation measures and restoration plans being considered satisfactory and the most effective that could reasonably be achieved on the site.
2. Notwithstanding the above North West Leicestershire District Council consider that the application should not be approved until such time as any issues in relation to the impact of the scheme on the River Mease Special Area of Conservation (SAC) have been fully addressed and satisfactorily resolved with the completion of the necessary appropriate assessment.)

13/00484/COM - Application for approval of details reserved by condition 77 of planning permission 2009/0720/07 (Restoration Scheme) (Leicestershire County Council Consultation 2013/csub/0150/LCC) (No objections, subject to the County Council, as the determining authority, being satisfied that the proposed works would not have a detrimental impact on the integrity of the River Mease Special Area of Conservation/ SSSI; either alone or in combination.)

12/00793/COM - UK Coal mining Limited - Removal of condition 38 of Planning Permission ref 2009/0720/07 to permit soil handling throughout the year - Minorca Colliery, Swepstone Road, Measham (Leicestershire County Council Consultation 2012/VOC/0311/LCC) (No objections subject to Leicestershire County Council being satisfied that, following consultation with its professional advisors, the conclusions of the supporting information that the integrity of the soils can be safeguarded by virtue of other conditions attached to planning permission 2009/0720/07 are technically sound.)

2. Publicity

No neighbours have been notified.

3. Consultations

LCC carry out all consultations

4. Summary of Representations Received

As the application is a County Matter, the formal consultation process is being carried out by Leicestershire County Council. The County Council has advised that, at the time of writing this report, seven letters of support had been received, of which three are from local companies, three are from UK Coal employees and one is from an unknown source. Two letters of objection have also been received from local residents, along with one letter which passes comment but does not express a view on the application.

The District Council has been copied in on a response provided by Snarestone Parish Council which provides the following comments:

- A full environmental report is to be made available to the Minorca Liaison Committee on a regular basis. We have been advised that the Committee is aware that serious misgivings have been raised by Swepstone Parish Council on both environmental reporting and the waste management plan.
- the current restoration bond is to be increased to incorporate the proposed extension, within the existing timeframe.
- no additional overburden is to be added to the existing mounds above ground.
- no additional vehicle movements or Coal tonnage above the existing conditions is required.

On the basis of the above, Snarestone Parish council is supportive of the application, but would seek the following additional points to be added into the 106 agreement:

- 1) UK Coal to make an additional contribution to the Minorca Community Fund of £100,000.
- 2) No further extensions to this site are to be considered.

Snarestone Parish Council is very much aware that this application is being submitted within the context of UK Coal exploring for coal reserves to the north of the Swepstone Road (Minorca North). Regardless of the outcome of this new exploration, UK Coal must honour its commitment to fully restore the existing Minorca site by the distinct 60 month finish date on 6th June 2017, as per Condition No.9 of the extant Minorca planning permission by entering into a section 106 agreement with Leicestershire County Council to expressly prohibit further extensions.

Snarestone Parish Council insist that Leicestershire County Council grant this extension with the express condition that this is the final extension for the existing site. No further extensions will be considered using the current infrastructure, effectively meaning that Minorca North must be applied for on a standalone basis.

We thank you in advance for consulting with the local Parish councils, and trust that these views, which represent the views of those living alongside the mine are taken into consideration.'

5. Relevant Planning Policy

National Planning Policy Framework:

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;

- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The sections of the NPPF that are relevant to this application are:

- 3 - Supporting a Prosperous Rural Economy;
- 4 - Promoting Sustainable Transport;
- 11 - Conserving and Enhancing the Natural Environment;
- 13 - Facilitating the Sustainable Use of Minerals

Technical Guidance to the National Planning Policy Framework (March 2012) includes a section on Minerals Policy.

Leicestershire Minerals Local Plan:

The Leicestershire Minerals Local Plan review was adopted in May 1995. A saving decision was issued by the Secretary of State in September 2007, the effect of which is that identified plan policies remain extant until superseded. Whilst the subsequent adoption of the Mineral Core Strategy and Development Control Policies DPD by Leicestershire County Council (see below) has resulted in a number of policies now being superseded, a 'saved' policy still relevant to this proposal is Policy 2A which sets out the matters that will be taken into account in determining planning applications; these include operational and economic needs and the likely impact on the overall environment.

Mineral Core Strategy and Development Control Policies DPD:

The Mineral Core Strategy and Development Control Policies DPD were adopted by the County Council in October 2009 and the following are considered salient to the proposals :-

Policy MCS7 indicates that the working of coal will only be permitted where the proposal is environmentally acceptable or can be made so by planning conditions or obligations, or if not can provide local or community benefits which clearly outweigh the likely environmental impacts.

Policy MCS4 deals with the extraction of fireclay associated with coal resources and regards fireclay as an important resource which should be worked where environmentally acceptable and should not be unnecessarily sterilized.

Policy MCS1 seeks to prevent sterilization of a range of minerals including shallow coal deposits.

North West Leicestershire Local Plan:

The following policies of the Local Plan are considered relevant to this application :-

Policy S1 sets out overall goals including the overall enhancement of the environment and delivery of the aims of the National Forest.

Policy S3 relates to development outside existing developed areas.

Policy F1 states that, amongst other things, development within the National Forest should reflect the importance of its context by making appropriate provision for landscaping and tree planting.

Policy F2 states that in assessing the appropriateness of the landscaping and planting schemes for individual development proposals within the Forest regard will be given to the existing character of the site and appropriate level of planting, environment constraints affecting the site and the type of development.

Policy F3 indicates that the Council will seek to secure planting proposals by use of conditions.

Policy E3 seeks to prevent development, which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of nearby uses.

Submission Core Strategy (April 2012):

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance:

The Habitat Regulations:

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System):

Circular 06/05 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

River Mease Water Quality Management Plan - August 2011:

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme - November 2012:

The Developer Contribution Scheme (DCS) is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional

wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy Regulations 2010:

The 2010 Regulations provide a legislative requirement that an obligation must meet the following tests:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development.

6. Assessment

Principle of Development:

In principle, it is noted that the site lies within the countryside wherein Policy S3 presumes against non-essential development. However, this must be balanced against the general advice in the NPPF that minerals can only be worked where they are found. On this basis, it is considered that the proposed extension proposals would be acceptable in principle.

Environmental Issues:

The application is supported by an Environmental Statement (ES), and throughout the document reference is made to the original ES, which for clarification, is that which accompanying the original application for the surface mine (reference 2009/0720/07). The ES accompanying the current application reaches the following conclusions:

Landscape Character and Visual Assessment:

The original Landscape and Visual Impact Assessment of the ES concluded that the overall development would have the following impacts from visual receptors during extraction:

- Public Highways - Negligible
- Public Rights of Way - Negligible to Substantial Adverse
- Residential Properties - Negligible to Substantial Adverse

It also concluded that impacts on landscape character would range from Negligible to Substantial Adverse during extraction. These impacts were inclusive of mitigation measures to screen views into the site, which included bunding to the perimeters of the site. Controls were applied by the planning permission and consequently there are no unacceptable impacts.

The ES considers the visual impact of the proposed extension from five viewpoints and considers that the impact on the landscape character of the site and the surrounding area would be Negligible during operation and following restoration. Furthermore, it concludes that the visual impact of the working of the site would not be experienced beyond the five viewpoints assessed and their immediate surroundings, which would have Negligible to Moderate Adverse impacts during operation. The greatest impact bring from a viewpoint adjacent to the site boundary on Swepstone Road but this view would be localised, transient and visible only from a fast road and the view would be seen within the context of the existing bunding of the site. The ES concludes that the impact upon restoration would reduce to Negligible, and with additional hedge and tree planting along the Swepstone Road frontage there will be a long term positive effect for landscape character and visual impact, though it is acknowledged that this would take many years to become a significant benefit. Officers concur with the conclusions of the ES and it is therefore, considered that the proposed development of the site would not result in a significant additional landscape and visual impact.

Ecology:

The ES provides that extensive survey and consultation of ecology and nature conservation has

been undertaken from the early stages of the proposed development. The scoping study identified a number of issues, which were investigated in detail through additional survey and data collection. This work has allowed the compilation of a baseline that comprehensively characterises the ecological conditions within the development site and adjacent areas. This ecological assessment has identified and evaluated the elements that make up the local ecosystems and has considered how the impacts of the development may affect each of these. Where impacts have been identified mitigation measures have been proposed to reduce impacts to a level which is considered to be not significant with regards to nature conservation. These will need to be assessed by the County Council's Ecologist before a decision is reached.

In terms of Appropriate Assessment, when the previous application was considered, because of the proximity to the Gilwiskaw Brook a tributary of the River Mease, a Special Area of Conservation (SAC), a report was prepared to assist the County Council in undertaking an Appropriate Assessment under the terms of the Habitat Regulations. The County Council then undertook an Appropriate Assessment, concluding in agreement with Natural England that there would be no overall adverse impacts on the SAC as a result of the proposed development. In preparing this ES addendum consideration has been given to all ecological effects, but in particular the potential for development to have an adverse impact on the Gilwiskaw Brook. The main potential for impact on the Gilwiskaw Brook arose from the potential for draw down to have an adverse impact upon water flows within the brook, particularly during periods of low flow, or for chemical contaminants to be released into the brook. An assessment of the hydrogeological conditions, considers both the accuracy of the original modelling of the impact of the works on the brook and the actual impact based on monitoring data during the operational phase. The monitoring data demonstrates that the modelling work undertaken was accurate and that there has been no significant change in the quantity or quality of water flow in the brook resulting from site operations.

The assessment work undertaken for this application concludes, taking into account the additional knowledge gained during the operation of the Minorca site, that there will be no impact on water quality or quantity as a result of the current application. Based upon this assessment it is considered that it is highly unlikely that the current application will have any ecological impact upon the Gilwiskaw Brook. Taking into account the clear evidence provided from previous operations and monitoring on the site, the greater separation from the brook of the proposed works than the original application and the comparatively small scale of operations proposed, the ES concludes that Appropriate Assessment will not be required in this instance. As the determining Authority, the County Council will need to be satisfied that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Traffic:

The ES provides that there will be no significant change to the results of the previous traffic assessment as a result of the proposed extension. Therefore, it is concluded in the ES that the extended site, therefore, is considered suitable for the type of development proposed and there are no highway reasons why the application to develop the site should be refused. Whilst there are not expected to be any highway safety concern, this would need to be assessed by the County Highways Authority.

Geology, Hydrology and Hydrogeology:

The baseline conditions of the Minorca site were established in the original ES and the sources used are considered to be applicable to this addendum. Additional data regarding groundwater level and quality as well as surface water flow and quality have been collected since the

submission of the original ES. Where applicable, this data has been incorporated into the addendum ES.

Floodrisk and Drainage:

The original Environmental Statement concluded that the overall development would have no significant impact on flood risk and drainage to both the development site and to those areas downstream from the development (offsite). Flood risk to areas, both on and offsite, would be mitigated by implementation of flood risk management measures which were applied by the planning permission. Consequently, the ES concludes that there were no unacceptable impacts.

The new proposal is to work an additional area of land at Measham Fields Farm. The calculated storage attenuation volumes for the existing situation already took into account any surface water runoff from this additional area of land, as site topography naturally falls towards the original site boundary and, therefore, surface water currently sheds to within the original development area. The ES concludes that when taken into the context of the existing situation the increase in impact from flood risk and drainage, therefore, would be negligible and no further mitigation is likely to be required to comply with the conditions on the original permission. The County Council will need to be satisfied that the Environment Agency has no objections.

Noise:

Previously noise monitoring has been carried out to assess the existing baseline noise conditions. A total of 5 background noise surveys were undertaken on separate occasions to inform the original application submission. In each case the surveys were carried out within the period of normal operations proposed for the site.

The Technical Guidance to the NPPF requires that at sensitive receptors, in this case residential properties, the maximum acceptable operational noise level is 10dB(A) above the background level, or a noise level from site activities of 55dB(A) LAeq, whichever is the lower. Calculations have been carried out to determine the operational noise levels at each sensitive receptor during the amended scheme. The results show that the proposed extension would not exceed noise criteria.

The Environmental Protection team at the District Council has been consulted on the application by the County Council and provide the following comments:

'Further to the above planning applications for the extension of the existing Minorca site I can confirm that the Environmental Protection section at North West Leicestershire District Council acknowledge the background readings taken as part of the initial planning application are not representative of the current background. However, due to the small variation of this application it would not be expedient to require the applicant to undertake a full noise assessment and, therefore, the Environmental Protection section has no environmental observations with regard to the granting of this planning permission, based upon the details contained within the application.'

Air Quality and Dust:

As part of the preparation of the original ES, an assessment of dust generation was prepared. This concluded that taking into account the control measures that were proposed as part of the working scheme, the site could be operated without having an unacceptable adverse impact on sensitive receptors. Subsequently a Dust Management Plan was prepared and the generation of dust is required to be controlled by the conditions attached to the Minorca planning permission.

The proposals for the working of the site are the same as for the Minorca site, and indeed the

current application makes it clear that the working of the site will be integral to the existing works at Minorca. The conditions within the Measham Fields Farm area are comparable with those on the Minorca site as a whole. The ES concludes that the same dust management regime can be implemented and emissions controlled by simple and well understood dust management techniques, and this could be secured by conditions. The County Council will need to be satisfied with the conclusions reached.

Vibration:

The original vibration assessment was prepared on the basis that blasting would not be necessary, although a requirement for blasting could not be ruled out. Operation of the existing site has so far demonstrated that blasting is not necessary at the site, and this has not therefore been considered further. When the vibration assessment was undertaken previously, the only property identified as being potentially susceptible was Measham Fields Farm itself. The assessment concluded that there was unlikely to be an unacceptable adverse effect as a result of vibration. The pig breeding unit is no longer operational and Measham Fields Farm is now proposed to be removed. The working of the Measham Fields Farm site will not bring operations closer to any other sensitive properties at the existing Minorca site.

The ES concludes that the original assessment remains valid and that there will be no unacceptable adverse impact on any sensitive properties as a result of vibration. Conditions were imposed on the original permission for the Minorca surface site to ensure this remains the case and therefore, conditions could be imposed on the extended site should permission be granted. The County Council will need to be satisfied with the conclusions reached.

Land Use and Soil:

Within the application area at Measham Fields Farm there are two small paddocks which are in agricultural use. The ES details that these areas are not actively cropped but have in the past been cut for silage and grazed, and therefore, the statement considers whether the agricultural quality of this land can be protected in the long term following mineral extraction and restoration.

As was concluded within the original ES, subject to the application of good practice, the conservation and reinstatement of the soil to their original quality could be achieved. Based on the available information it is considered that the findings of the original ES remain valid, and it is concluded that the short term loss of agricultural land inevitable as a result of mineral extraction need not restrict the proposed development of the site. Officers concur with the conclusions of the ES and it is therefore, considered that the agricultural land can be protected in the long term.

Archaeology and Heritage Assets:

The original ES remains valid. Cropmarks associated with prehistoric features and Roman artefacts have been located nearby. Fieldwalking undertaken on the fields associated with the Minorca site prior to their excavation has yielded prehistoric artefacts from the Mesolithic through to the Neolithic period. The early 19th century maps of the site also show buildings on the northern part of the site, the remains of which may be located by trial trenching. Trial trenching has been undertaken but no archaeological features were discovered.

Evidence obtained during the building survey suggests that the surviving buildings may be somewhat earlier in date than initially thought. As a feature of the post-enclosure parish landscape, the historic buildings of Measham Fields Farm are of moderate significance, representing an episode in the agricultural history of Measham which is not well understood. However, as the farmstead is not complete, with other early farm buildings having been demolished in the late 20th century, the view taken in the ES is that the historic significance of

the site is compromised. It is commented that the likely use of jumb bricks in the construction of the farmhouse and in the loose-boxes, affords them some moderate architectural merit, but this is limited by the extensive alterations that have taken place since their construction. The ES concludes that there is no archaeological reason why the development of the site may not proceed. These conclusions will need to be assessed by the County Council's Archaeologist before a decision is reached.

Conclusions:

Overall, therefore, it is accepted that the principle of the proposals would be acceptable, having regard to the likely implications on the environment, and the need to work minerals where they are found. It is therefore recommended that no objections be raised, subject to the County Council being satisfied that:

1. The proposed working methodology can be achieved and being the most effective in terms of balancing the extraction with minimising the environmental impacts following consultation with their professional advisors and subject to the mitigation measures and restoration plans being considered satisfactory and the most effective that could reasonably be achieved on the site.
2. Any issues in relation to the impact of the scheme on the River Mease Special Area of Conservation (SAC) having been fully addressed and satisfactorily resolved.

RECOMMENDATION - NO OBJECTIONS, subject to the following comments:

- 1 No objections in principle provided the County Council are satisfied that the proposed working methodology can be achieved and being the most effective in terms of balancing the extraction with minimising the environmental impacts following consultation with their professional advisors and subject to the mitigation measures and restoration plans being considered satisfactory and the most effective that could reasonably be achieved on the site.
- 2 Notwithstanding the above North West Leicestershire District Council consider that the application should not be approved until such time as any issues in relation to the impact of the scheme on the River Mease Special Area of Conservation (SAC) have been fully addressed and satisfactorily resolved.