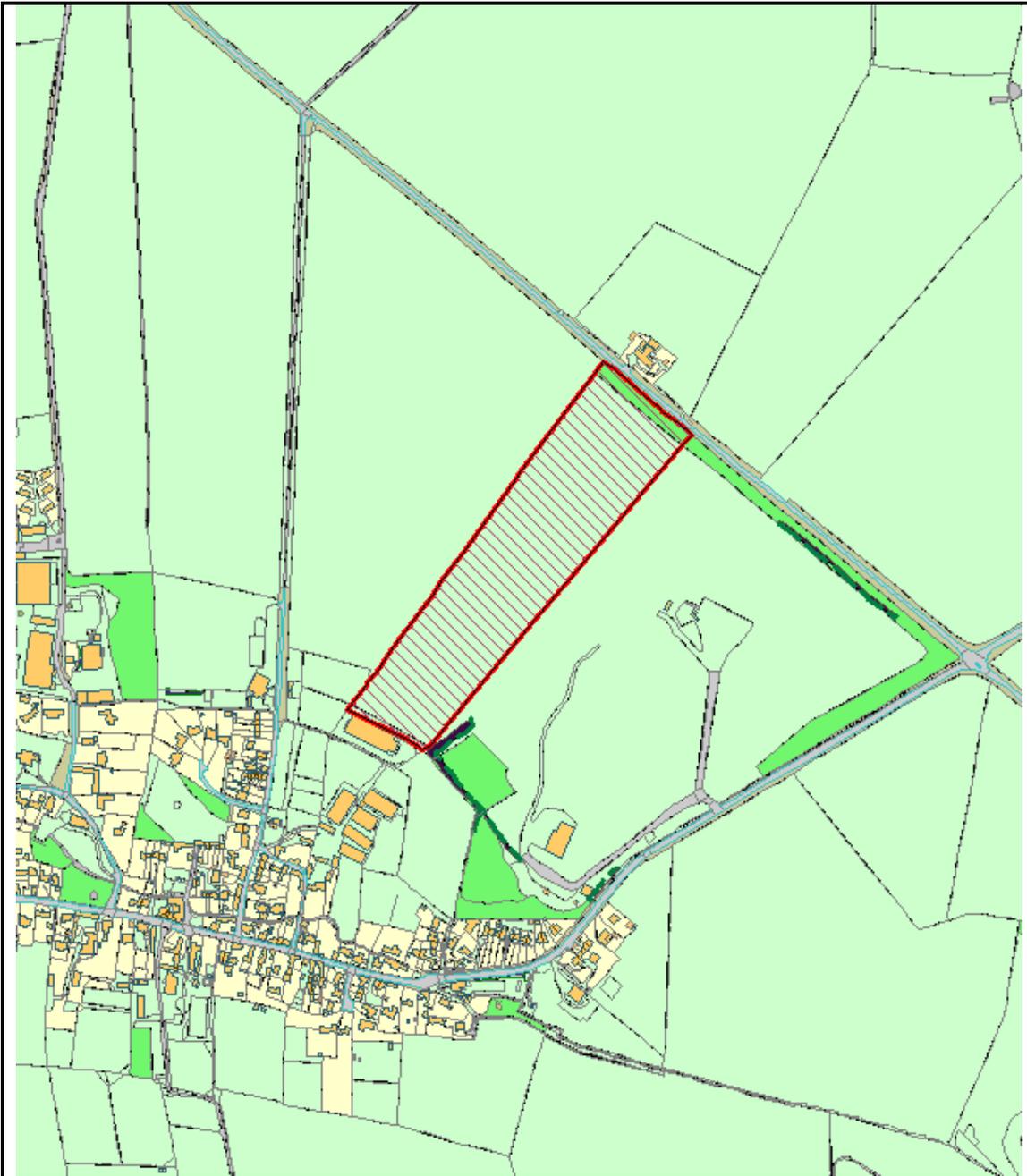


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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2020/0971/MIN 2020/0972/MIN	ITEM 1	
Proposal:	<p>2020/0971/MIN - S73 application for Variation of Condition 2 in relation to Application Reference Number: M/1999/0326/09/CC. Amendment of Condition 2 to - "Unless otherwise agreed in writing with the Mineral Planning Authority this permission shall expire on 31 March 2022, by which time the site shall be fully restored in accordance with a scheme approved under Condition 26."</p> <p>2020/0972/MIN - S73 application for Variation of Condition 3 in relation to Application Reference Number: MIN/2004/1051/CC. Amendment of Condition 3 to "Unless otherwise agreed in writing with the County Planning Authority mineral extraction shall cease and the site fully restored in accordance with a scheme approved under Condition 43 below and Condition 26 of planning permission 1999/0326/09 by the 31 March 2022."</p>		
Address:	Greetham Quarry, Stretton Road, Greetham, Oakham, Rutland LE15 7NP		
Applicant:	Mr John Gough Mick George Limited Ltd	Parish	Greetham
Agent:	Mr John Gough Mick George Limited Ltd	Ward	Greetham
Reason for presenting to Committee:	Major Application – Local Interest		
Date of Committee:	2 March 2021		

EXECUTIVE SUMMARY

The applications have been made under section 73 of the Town and Country Planning Act 1990 for the amendment of planning Condition 2 of M/1999/0326/09/CC and Condition 3 of MIN/2004/1051/CC to vary the date of the final restoration of Greetham Quarry.

An application (2020/0297/MIN) for the north-western extension to Greetham Quarry awaits determination. The proposal for the north-western extension requires use of the existing access road (Stretton Road) through the existing quarry along with the associated infrastructure for up to 12 months; thereby limiting the ability to complete the restoration of the existing quarry. There are no proposals to continue mineral extraction beyond 30th September 2020.

The application does not require an Environmental Impact Assessment.

Following consultation on the application no objections were received from statutory consultees (one holding objection was submitted, however subject to the relevant matters being addressed by suitably worded conditions imposed on any grant of planning permission the development can be safely managed). Objections were received from Greetham Parish Council and individuals from the local community (2020/0971/MIN - 39, and 2020/0972/MIN - 27). Key issues raised include: amenity (dust and noise), transport movements, and restoration.

All of the information submitted by the Applicant, consultees and in representations has been taken into account in the assessment of this application. The impacts of the proposal have been carefully considered. The proposal is in accordance with national planning guidance and adopted (and emerging) local development plan policies and therefore conditional planning permission is recommended.

RECOMMENDATION

APPROVAL

1. It is recommended that planning permission be granted for planning applications 2020/0971/MIN and 2020/0972/MIN, (**subject to the conditions set out in Appendix 2**)

Site & Surroundings

1. Greetham Quarry is an established quarry (limestone) situated within the north-east part of Rutland, to the west of the A1 and within 3 kilometre (km) of the County Boundary with Lincolnshire. Access to the existing site is gained via the B668 Stretton Road. Mick George Limited is the current operator of Greetham Quarry; having taken over operations from Stamford Stone in 2019. The extant permissions, MIN/2004/1051/CC, and M/1999/0326/09/CC, both permissions are time limited with an expiry date of 30 September 2020.
2. An application (2020/0297/MIN) for the north-western extension to Greetham Quarry awaits determination. The proposed north-western extension area is located on land to the north-east of Greetham village. The scope of the proposed north-western extension includes a new access onto Thistleton Lane; however the operator would require use of the existing access road (Stretton Road) through the existing quarry along with the associated infrastructure for up to 12 months; thereby limiting the ability to complete the restoration of the existing quarry. There are no proposals to continue mineral extraction within the existing quarry beyond 30 September 2020.
3. The proposal to vary the conditions does not include continuation of mineral extraction beyond 30 September 2020. Operational impacts relating to the continued use of the access onto Stretton Road would be addressed through planning conditions applied to application 2020/0297/MIN. The proposal to vary the conditions would not involve extractive operations, move operations closer to sensitive receptors, increase the permitted hours of operation, or increase vehicle movements.
4. The existing quarry is located to the north-west of Greetham village; the site boundary at the south-east corner is adjacent to the village boundary and the south-west corner is approximately 170 metres (m) to the village boundary (planned limits of development – Greetham Neighbourhood Plan 2016-2036, refer Appendix 1). Greetham Meadows, a Site of Special Scientific Interest (SSSI), is located approximately 500m to the north-east. Stretton Road and Thistleton Lane form the south-eastern and north-eastern boundaries of the site (respectively). Land use in the wider area is mainly arable with occasional blocks of woodland. No Public Rights of Way (PRoW) traverse the site, however the Viking Way long distance route (a PRoW) runs along Great Lane, located approximately 100m west of the site. Kendrew Barracks and the villages of Stretton and Cottesmore are approximately 1.5km east, 1.6km north-east and over 2km south-west respectively.
5. Restoration of the site to a mosaic of habitats to meet Leicestershire and Rutland Local Biodiversity Action Plan (BAP) targets (including calcareous grassland, herb rich grassland, dry and wet woodlands, scrubland, reed marsh, and exposed rock faces) was agreed under approval 2013/1061/DIS.
6. The existing quarry (red line area) is shown on the site plan, refer Appendix 1. The approved restoration plan is show in Plan/Drawing ref. no. Greetham, Drawing G4/LAN/001 Revision C (Revised Restoration Proposals Plan) dated March 2009, refer Appendix 1.

Proposal

7. The applications have been made under section 73 of the Town and Country Planning Act 1990 for the amendment of planning Condition 2 of M/1999/0326/09/CC and Condition 3 of MIN/2004/1051/CC to vary the date of the final restoration of Greetham Quarry to 31 March 2022.
8. S73 states:

This section applies, ... to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

This report relates equally to both applications.
9. The section is often referred to as an amendment to a planning condition, but it results in a completely new fresh permission, which can have varied condition(s), which the developer can choose to implement or stay with the original.
10. An application (2020/0297/MIN) for the north-western extension to Greetham Quarry awaits determination. The proposal for the north-western extension requires use of the existing access road (Stretton Road) through the existing quarry along with the associated infrastructure for up to 12 months; thereby limiting the ability to complete the restoration of the existing quarry. There are no proposals to continue mineral extraction beyond 30th September 2020 from within the existing quarry. There would be no increase in heavy goods vehicle (HGV) or passenger vehicle movements associated with the variation of conditions. The majority of restoration materials are already on site in stockpiles from previous mineral working, however some additional material may be required. The tonnage of which is to be determined through an updated detailed topographic survey to identify the quantity of restoration materials on site and that to be imported to achieve the final contour levels as per the agreed restoration scheme.
11. The Council proposes to amend the existing operating hours to align with the hours proposed under application 2020/0297/MIN, being: 0700 to 1900 hours Monday to Friday; 0700 to 1300 hours Saturday; and no operations on Sundays or Public/Bank Holidays. This would see a reduction in permitted hours of operation on Saturdays by one hour (from 0700 to 1400).
12. Application 2020/0297/MIN proposes a new access onto Thistleton Lane. Until the new access is constructed it would be necessary to use the existing access onto Stretton Road for a period up to 12 months, if approved. Thereafter, the existing access onto Stretton Road would be closed off to quarry traffic in line with the approved restoration plan.
13. An Environmental Impact Assessment (EIA) was not required as proposal does not involve any further mineral extraction and is not considered to result in significant adverse effects on the environment. The potential impacts have been previously assessed through M/1999/0326/09/CC and MIN/2004/1051/CC. Restoration of the site provides for benefits such as landscape, green infrastructure, and environmental

enhancements.

Planning reference	Description	Decision
16/51	Ironstone serial (withdrawn)	
1982/0295	Proposed extraction of limestone	Permitted 26/04/1983
1984/0380/HIST	Erection of concrete batching plant	Refused 03/01/1985
F/1998/0815	Renewal of a time limited planning consent to allow the extraction of limestone	Permitted 12/09/2000
M/1999/0326	Application for determination of updated conditions: Environment Act 1995 - Review of Old Mineral Planning Permissions	Permitted 12/09/2000
FUL/2001/0433	Use of land for the recycling of imported inert materials	Permitted 21/12/2001
MIN/2004/1051/CC	Extension (6.4ha) to existing Greetham quarry for extraction and processing of limestone	Permitted 06/04/2006
Section 106 Agreement	Agreement under Section 106 Town and Country Planning Act 1990 relating to Greetham quarry	Agreed 24/03/2006
2013/0619/FUL	Variation of Condition 26 (M/1999/0326/09) to retrospectively permit the deposit of unsorted inert waste as part of the permitted restoration scheme	Permitted 01/10/2013
2013/1061/DIS	Discharge of Condition 26 of M/1999/0326/09 and Condition 43 of MIN/2004/1051	Permitted 04/12/2013
2017/0351/SCO	Scoping Opinion in relation for the proposed north-western extension to Greetham quarry and construction of new site access	EIA determined to be required 25/05/2017
2020/0297/MIN	North-western extension to Greetham Quarry	Awaiting determination

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Rutland Core Strategy Development Plan Document (DPD) July 2011

Rutland Site Allocations and Policies DPD October 2014

Rutland Minerals Core Strategy and Development Control Policies DPD October 2010

MCS Policy 7 – Residential and Sensitive Land Uses

MCS Policy 9 – Transportation

MCS Policy 12 – Restoration

MDC Policy 1 – Impacts of Minerals Development

MDC Policy 2 – Pollution, Health, Quality of Life and Amenity

MDC Policy 11 – Transportation

MDC Policy 12 – Restoration and Aftercare

Greetham Neighbourhood Plan – 2017

There are no specific policies in the NP that relate to the quarry. Mineral sites are outside the scope of Neighbourhood Plans.

The Plan does contain a policy relating to Green Infrastructure:

Policy CH2 – Green Infrastructure

Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Planting of indigenous trees and shrubs to enhance biodiversity, soften the impact of development and/or enhance local character, will be supported.

Rutland Local Plan Review (2016 – 2036) Consultation Draft Plan July 2017

Consultations

14. Government Agencies

- Environment Agency (EA) – No objection.
- Natural England (NE) – No objection.
- Highways England – No response received.
- Historic England – No response received.
- CLH Pipeline Systems (CLGH PS) Ltd / Fisher German – No objection. Response received stating that CLH PS apparatus is considered to be affected (map provided indicating pipeline located along north-eastern boundary – Thistleton Lane) and that a Works Consent may be required.

15. Rutland County Council

- LCC Ecology, on behalf of RCC Ecology – No objection.
- RCC Environmental Health (EH), on behalf of Public Protection – Submitted a holding objection (email dated 06 October 2020) in relation to potential for adverse noise, dust, and light impacts on sensitive receptors. Subject to suitable planning conditions addressing these matters RCC EH agreed to remove the holding objection (email dated 27 October 2020).
- Leicestershire County Council (LCC) Archaeology, on behalf of Rutland County Council (RCC) Archaeology – No comments to make.
- Public Rights of Way (PRoW) – No response received.
- RCC Highways and Transport – No response received.
- RCC Lead Local Flood Authority (LLFA) – No response received.

16. Greetham Parish Council

Object to the proposed development based on concerns regarding: failure to complete restoration work by the date set out in extant permissions, and subsequent failure to deliver environmental enhancements; the ability of the operator to complete restoration of the site; enforcement of planning conditions; prematurity of the application given that the application for the proposed north-western extension (2020/0297/MIN) is awaiting decision; and the need for continued use of the access onto Stretton Road and for delay of the restoration works. The Parish Council recommends: that a survey be undertaken of restoration works to date and estimation of costs for completion; that a phased restoration programme setting out timescales for each phase be prepared; implementation of new planning applications regarding restoration; that access for the proposed north-western extension (2020/0297/MIN) be built so that access through the existing site is not required; and that a bond or escrow arrangement be implemented.

17. Neighbour Representations

The application was publicised by press notices and site notices around the perimeter of the application sites. Neighbour notifications were distributed to 41 neighbours.

18. In total 39 and 27 neighbour/representations were received for 2020/0971/MIN and 2020/0972/MIN respectively, all of which raised objections to the proposed development (many of which responded to both applications). The reasons for

objection are summarised as follows:

- Need. Consider that the application, as it relates to provision of access for the north-western extension (2020/0297/MIN – application awaiting decision), is premature as the application for the north-western extension has not yet been determined.
 - Dust impacts. Concerns regarding: potential dust impacts associated with restoration works and HGV movements; perceived health and wellbeing implications for people; effectiveness of dust management measures; and potential cumulative dust impacts from restoration works and proposed north-western extension.
 - Noise impacts. Concerns regarding: potential noise impacts associated with restoration works and HGV movements; effectiveness of noise management measures; and potential cumulative noise impacts from restoration works and proposed north-western extension.
 - Nature conservation. Concerns regarding: potentially dust and noise impacts on wildlife.
 - Transport impacts. Concerns regarding: capacity of transport infrastructure to accommodate transport associated with the restoration works and proposed north-western extension; adequacy of current measures to prevent deposit of mud and aggregate onto highway; potential cumulative impacts from restoration works and proposed north-western extension.
 - Monitoring. Concerns regarding: development control and monitoring measures.
 - Greetham Quarry Liason Group – Object to the proposed development based on concerns regarding: proximity to Greetham village and impact on sensitive receptors; potential noise and dust impacts; deposit of mud and aggregate on highway; adequacy of mitigation measures and monitoring; the ability of the operator to complete restoration of the site (request that a financial guaranteed be secured).
19. This report assesses the acceptability of the development having regard to the submitted planning applications and the environmental information that has been submitted through the consultation process. The main issues to consider and assess in the determination of this application are outlined below (all bearing in mind that the restoration scheme has been approved and needs to be carried out in any event):
- Whether the principle of the development including the need and benefits, accords with the development plan and other material planning policy considerations such as the National Planning Policy Framework (NPPF);
 - Whether the potential impacts such as air quality (dust), noise, transport, restoration, cumulative impacts, and other matters can be adequately and appropriately mitigated and controlled;
 - The scope and adequacy of the environmental information having regard to the proposed development; and
 - Where necessary, whether any conditions require updating in light of changes to planning policies, site development progress since the extant permissions were issued, and as a result of the amended development proposals (reflected in the conditions in the Appendix).

Baseline

20. The Applicant has existing planning permissions for the quarrying of land under MIN/2004/1051/CC and M/1999/0326/09/CC. The extant permissions (and Section 106 agreement) allow for extraction and processing of limestone and established operational working, hours of operation, environmental controls (e.g. noise, dust, and blasting), access, restoration and aftercare, and highway contributions. Limestone as aggregate and building stone was previously extracted and processed at the existing quarry and transported off site to market. Limestone resources within the existing

quarry have been exhausted; no further mineral extraction within the site (extant permissions MIN/2004/1051/CC and M/1999/0326/09/CC) is proposed. Inert restoration materials are imported to facilitate restoration.

Need and Benefits of the Development

21. The amendment of planning Condition 2 of M/1999/0326/09/CC and Condition 3 of MIN/2004/1051/CC to vary the date of the final restoration of Greetham Quarry to 31 March 2022 is needed to allow for use of the existing access onto Stretton Road for the proposed north-western extension (2020/0297/MIN). The scope of the proposed north-western extension includes a new access onto Thistleton Lane, however it would require use of the existing access road (Stretton Road) through the existing quarry along with the associated infrastructure for up to 12 months; thereby limiting the ability to complete the restoration of the existing quarry. This is because the mineral at the new access point has to be extracted to achieve the correct gradient of the new haul road down to the quarry floor.
22. Restoration of the site to a mosaic of habitats to meet Leicestershire and Rutland Local Biodiversity Action Plan (BAP) targets (including calcareous grassland, herb rich grassland, dry and wet woodlands, scrubland, reed marsh, and exposed rock faces) was agreed under permission 2013/1061/DIS.
23. The existing quarry (red line area) is shown on the site plan, refer to Appendix 1. The approved restoration plan is shown in Plan/Drawing ref. no. Greetham, Drawing G4/LAN/001 Revision C (Revised Restoration Proposals Plan) dated March 2009, refer to Appendix 1.
24. The NPPF and Development Plan

National Policy and Guidance

25. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is also supported by the National Planning Practice Guidance (NPPG) which contains more detailed practice guidance on various land use planning matters, including the impacts of mineral extraction (e.g. dust, noise, landscape impact, etc.). The NPPF establishes a presumption in favour of sustainable development. For decision-making, proposals for development that accord with the development plan shall be approved without delay. With regard to facilitating the sustainable use of minerals the NPPF recognises that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs. It also recognises that minerals are a finite resource, can only be worked where they are found and that best use needs to be made of them to secure their long-term conservation. The NPPF states that worked land should be restored at the earliest opportunity, the current proposal would result in a short delay of 18 months.
26. When determining planning applications, the NPPF requires Mineral Planning Authorities (MPAs) to give great weight to the benefits of mineral extraction, including to the economy. This proposal would contribute towards these objectives by supporting restoration of the site; it is acknowledged that there would be a short delay (18 months) to the final restoration of the site. Overall, the NPPF supports the principle of the variation to conditions in this planning application, subject to the mitigation of any potentially adverse impacts.
27. It is important to note that the NPPG states that a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases; such circumstances do not exist in relation to this application. They are considered to be when there is a new long term large scheme proposed, an innovative scheme or where there is evidence of financial or technical failure.

Rutland Core Strategy DPD (2011)

28. The proposal is in general compliance with the Rutland Core Strategy as it supports the restoration of an existing quarry which will contribute towards landscape, green

infrastructure, and environmental enhancements.

Rutland Site Allocations and Policies DPD (2014)

29. The proposal is in general compliance with the Rutland Site Allocations and Policies DPD. Regarding Policy SP17 – Outdoor Lighting, the Council proposes that artificial lighting can be addressed through a suitably worded planning condition. Such a condition would specify that artificial lighting would be downward facing, limiting potential for light intrusion affecting residential receptors and wildlife, and that any floodlighting (e.g. required in the winter months around plant) would only be permitted for short periods (of not more than 30 minutes) outside of the hours of operation.

Rutland Minerals Core Strategy and Development Control Policies DPD (2010)

30. MCS Policy 2 – The Supply of Minerals in Rutland: No further mineral extraction within the existing quarry is proposed. This can be controlled by a planning condition.
31. MCS Policy 7 – Residential and Sensitive Land Uses, MDC Policy 2 – Pollution, Health, Quality of Life and Amenity, and MDC Policy 1 – Impacts of Minerals Development: The principle of the permission has been established under the extant permissions, however, given the proximity to sensitive receptors restoration works may present unacceptable adverse impacts on residential and sensitive land-uses specifically pertaining to noise and dust impact. Implementation of a more comprehensive control and monitoring strategy (than that of the extant permission), including procedures to be followed in the event of any complaints, will ensure that residual impacts are not unacceptable. Such measures can be secured through a suitably worded planning condition.
32. MCS Policy 9 and MDC Policy 11 – Transportation: The application does not seek to alter existing transport movements and will see a continuation of movements to undertake restoration works. Matters addressing sheeting of vehicles and preventing deposition onto the highway can be secured through a suitably worded planning condition. The application will facilitate use of the existing access onto Stretton Road for the proposed north-western extension (2020/0297/MIN). The scope of the proposed north-western extension includes a new access onto Thistleton Lane, however would require use of the existing access road (Stretton Road) through the existing quarry for up to 12 months; thereby limiting the ability to complete the restoration of the existing quarry. Potentially adverse impacts associated with the proposed north-western extension are to be addressed through the relevant application process (2020/0297/MIN). It is important that these 2 issues are considered separately.
33. MCS Policy 12 – Restoration and MDC Policy 12 – Restoration and Aftercare: The principle of the permission, including the restoration plan, has been established and approved under the extant permissions. Details of the approved restoration plan are set out under permission 2013/1061/DIS as shown on Plan/Drawing ref. no. Greetham, Drawing G4/LAN/001 Revision C (Revised Restoration Proposals Plan) dated March 2009, refer Appendix 1. Restoration of the existing quarry area offers opportunities for creating new habitats that may provide longer-term benefits for nature conservation and wildlife; it would not attract significant number of migrating birds or cause an aviation safety hazard. The application would see a short delay (18 months) in restoration; however, this is in connection with the proposed north-western extension to the existing quarry and not as a result of a technical failure.
34. Note that Development Plan policies addressing potentially adverse impacts are addressed under the Potential Adverse Impacts section to avoid repetition.
35. The proposal is in general compliance with the Rutland Minerals Core Strategy and Development Control Policies DPD.

Local Plan Review Consultation Draft 2017

36. The proposal is in general compliance with the emerging Local Plan; however, it should be noted that the document is not an adopted plan and so carries a reduced weight.

Conclusion

37. Overall the principle of the proposed development complies with and supports the sustainable development and mineral working policies in the NPPF and the Rutland Core Strategy, Site Allocations and Policies, and Minerals Core Strategy and Development Control Policies DPDs.

Consideration of Reasonable Alternatives

38. No alternatives were studied as part of the proposal. If this revised scheme is not approved, the only option for restoration would be enforcement action, but that would be limited to requiring the restoration to be completed in a reasonable timeframe, which is what this application proposes in any event.

Potential Adverse Impacts

39. An EIA was not required as the proposal does not involve any further mineral extraction and is not considered to result in significant adverse effects on the environment. Furthermore, the potential impacts have been previously assessed through M/1999/0326/09/CC and MIN/2004/1051/CC. All of the information submitted by the Applicant, consultees, and in representations has been taken into account in the assessment of this application.
40. National planning policies and guidance, and the Rutland Minerals Core Strategy and Development Control Policies DPD (2010) require that the environmental impacts of mineral extraction are adequately addressed and mitigated. In particular MDC Policy 1 – Impacts of Mineral Development of the Minerals Core Strategy requires proposals for minerals development to demonstrate that the impact on communities and the environment can be controlled within acceptable levels.
41. The principle of the permission has been established under the extant permissions, as such many of the above matters are not relevant as they are adequately addressed under the extant permissions. Given the proximity to sensitive receptors the following matters identified under MDC Policy 1 – Impacts of Mineral Development are considered further below: impacts on adjoining land uses and users, and those in close proximity to the minerals development from noise, dust, fumes, vibration, illumination, and from traffic generated by the development.
42. The proposal would not bring operations closer to sensitive receptors, does not involve mineral extraction within the existing quarry, does not increase HGV movements, and does not increase the permitted hours of operation. In addition, there would be no processing within the existing quarry. The restoration works themselves will not result in the levels of operational activity and consequential potential amenity impacts associated with the previous mineral extraction operations. Therefore, whilst objections have been received from the Parish Council and neighbors regarding amenity impacts, these will be significantly more limited than previously. The potential for impacts on residential and sensitive land-uses specifically pertaining to noise and dust impact will be significantly reduced as there are only restoration works to be completed. Nevertheless, implementation of a more comprehensive control and monitoring strategy (than that of the extant permission), including procedures to be followed in the event of any complaints, will ensure that residual impacts are mitigated to an acceptable level. The extant permission does not address lighting. The current conditions for sheeting of vehicles and preventing deposition onto the highway can also be improved. Such measures can be secured through new, suitably worded planning conditions, see Appendix 2.
43. The matter of the use of the access associated with the proposed north-western extension (2020/0297/MIN) for a temporary 12-month period is to be considered and determined separately, and would only be needed if permission is granted for the extension.
44. RCC EH submitted a holding objection (email dated 06 October 2020) in relation to

- potential for adverse noise, dust, and light impacts on sensitive receptors. In view of the inclusion of suitably worded planning conditions to address such matters RCC EH agreed to remove their holding objection (27 October 2020).
45. The approved restoration plan is set out under permission 2013/1061/DIS as shown on Plan/Drawing ref. no. Greetham, Drawing G4/LAN/001 Revision C (Revised Restoration Proposals Plan) dated March 2009, refer Appendix 1. An updated phasing plan for restoration (including timetable for implementation and a detailed topographic survey) and requirement for monitoring of progress throughout the restoration and aftercare periods can be secured through new, suitably worded planning conditions.
 46. Objections were received from Greetham Parish Council and individuals from the local community regarding the need to retain the access (viewed as premature as the application for the north-western extension has yet to be determined), potential adverse impacts associated with noise and dust arising from quarry operations and vehicle movements (including debris and mud deposition on roads), inadequate monitoring and control measures, and concerns regarding ability of the operator to complete the restoration works (it was requested that a financial guarantee be secured).
 47. As noted above, such matters are able to be addressed through suitably worded planning conditions, and have already been approved in principle. However, the requirement of a financial guarantee would not be in line with the NPPG as exceptional circumstances have not been found to apply to this application.

Summary and Conclusions

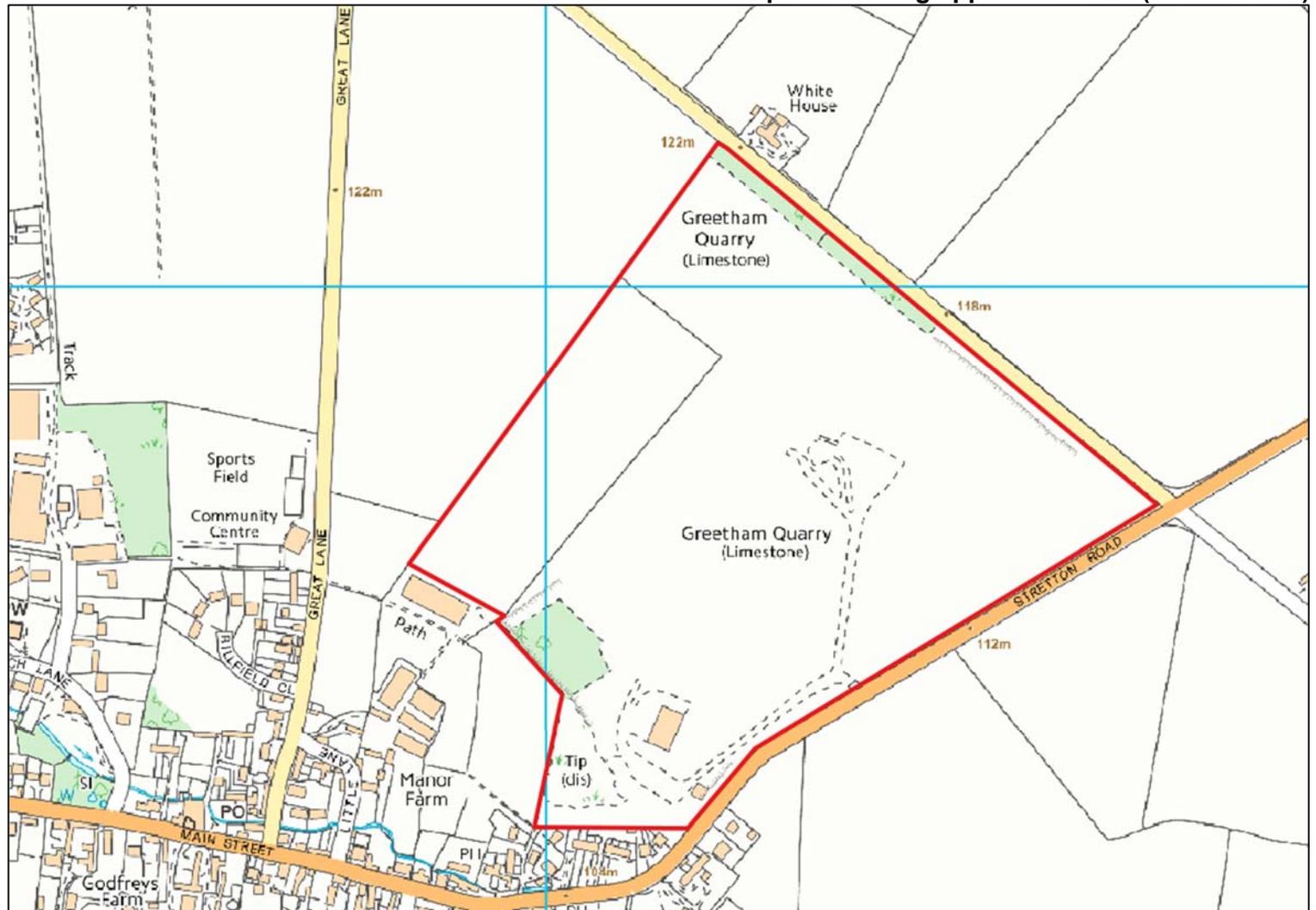
48. The planning application is for the amendment of planning Condition 2 of M/1999/0326/09/CC and Condition 3 of MIN/2004/1051/CC to vary the date of the final restoration of Greetham Quarry to 31 March 2022. The Applicant outlines the need for the development. The principle of the development is supported by the NPPF and Rutland Minerals Core Strategy and Development Control Policies DPD (2010).
49. The proposal does not seek to intensify the nature or scale of the proposed development and would not bring operations closer to sensitive receptors. Current arrangements for site management, monitoring, and enforcement of planning conditions have shown to be inadequate. Implementation of more stringent and accountable arrangements is needed to ensure that there would be no unacceptable adverse impact in respect of noise or dust. Objections were made in relation to potential adverse impacts from noise and dust arising from operations and transport movements on the local community and receiving environment. The extant permission does not address lighting. Subject to suitable planning conditions, including the requirement for detailed noise and dust management schemes (detailing site management, mitigation, and monitoring measures as well as complaints procedures), an updated phasing plan for restoration (including timetable for implementation and a detailed topographic survey) to be approved by the Mineral Planning Authority, and requirement for monitoring throughout the restoration and aftercare periods, the development can be safely managed and complies with the requirements of the NPPF, Minerals Planning Guidance, and Rutland Minerals Core Strategy MCS Policy 7, MDC Policy 1, and MDC Policy 2.
50. The proposal would not result in an increase in transport movements and there are no unacceptable adverse highway impacts as a result of the development. A reduction in the permitted operational hours is sought for Saturdays; from 0700 to 1400, reduced by one hour to 0700 to 1300. The current conditions for sheeting of vehicles and preventing deposition onto the highway are considered inadequate. No objection was received from Highways England or RCC Highways and Transport. Subject to suitable planning conditions regarding permitted hours of operation, transport movements, prevention of material being deposited on the road network (including requirement for sheeting of vehicles, adequate wheel cleansing facilities, and maintenance of the existing bound road surface between the wheel cleansing facilities and road network), and a complaints investigation and documentation process the development can be

safely managed and complies with the policies in the NPPF and Rutland Minerals Core Strategy MCS Policy 9 and MDC Policy 11.

51. There are no cumulative impacts that would be unacceptable.
52. An EIA was not required as the potential impacts have been previously assessed through M/1999/0326/09/CC and MIN/2004/1051/CC. All of the information submitted by the Applicant, consultees, and in representations has been taken into account in the assessment of this application.
53. The proposed operations, subject to the recommended conditions in this report, would not create an adverse impact sufficient to justify refusal of this application, which is acceptable having regard to the Development Plan and other material considerations, including the extant restoration scheme. The recommended conditions have been consolidated with the relevant conditions in permissions MIN/2004/1051CC, M/1999/0326/09CC, and 2013/0619/FUL including conditions relating to restoration and aftercare, as set out in Appendix 2. There are no other material considerations that indicate a determination should be made otherwise. For these reasons it is recommended that the application be determined in accordance with the recommendations.

APPENDIX 1 – PLAN/DRAWINGS

Site plan showing application area (red line area)



Greatham Quarry approved restoration plan (2013/1061/DIS), Greatham Drawing G4/LAN/001 (Revised restoration proposals plan) dated March 2009



APPENDIX 2 - DRAFT CONDITIONS FOR PERMISSION REF. NO. 2020/0971/MIN AND 2020/0972/MIN

Note: This consent supersedes, consolidates, and updates the previously granted planning permissions for the site: reference MIN/2004/1051CC, M/1999/0326/09CC, and 2013/0619/FUL.

Commencement

1. The development hereby permitted has been commenced.

Reason: To comply with Section 91 of the Town and Country Planning Act as amended by the Planning and Compulsory Purchase Act 2004.

Scope of the Permission

2. This permission relates to the phased restoration and aftercare at the existing Greetham Quarry within the area consented under planning permissions reference M/1999/0326/09/CC and MIN/2004/1051/CC.

3. Unless otherwise agreed in writing by the Mineral Planning Authority and except as otherwise required by conditions attached to this planning permission the development hereby permitted shall be carried out in accordance with the following approved documents:

Application Forms dated 25 August 2020;

Submission of a restoration scheme pursuant to Condition 26 of LPA ref:

M/1999/0326/09 and Condition 43 of LPA ref: MIN/2004 at Greetham Quarry, Stretton Road Greetham dated June 2013; and

Plan/Drawing Number: Greetham Drawing G4/LAN/001 (Revised restoration proposals plan) dated March 2009

4. Unless otherwise agreed in writing with the Mineral Planning Authority this permission shall expire on 31 March 2022, by which time the site shall be fully restored in accordance with a scheme approved under Condition 36.

Reason for conditions 2 to 4: To specify the approved documents and secure the mitigation measures set out in the application in the interests of amenity and the environment having regard to MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.

5. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be available at the site for inspection during normal working hours (when the site is operational) for the lifetime of the development hereby permitted.

Reason: To ensure this planning permission and associated documents are available on site for reference and inspection by all operatives working on site.

Method of Working and Operation Limits

6. No further mineral extraction (including blasting) or processing is to take place within the area consented under planning permissions reference M/1999/0326/09/CC and MIN/2004/1051/CC.

Reason: To specify working methods to protect amenity, natural assets, landscape character, prevent the loss of soil, and aid the final restoration of the site having regard to MDC Policy 1 - Impacts of Mineral Development and MCS Policy 12 - Restoration of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.

Working Hours

7. Unless otherwise agreed in writing with the Mineral Planning Authority no operations shall be carried out at the site except between the following times –
0700 hours and 1900 hours Monday to Friday, and
0700 hours and 1300 hours on Saturdays.
There shall be no operations carried out on Sundays, or Public or Bank Holidays.
8. Any emergency operations which need to be carried out outside the specified hours shall be agreed with the Mineral Planning Authority within 48 hours.

Reason for conditions 7 to 8: To ensure that operations are carried out within reasonable hours so as to minimise amenity disturbance in accordance with MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010 and Policy SP15 - Design and Amenity of the Rutland Site Allocations and Policies DPD October 2014.

Removal of Permitted Development Rights

9. Notwithstanding the provisions of Parts 7 and 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, replacing or re-enacting that Order), except for those detailed in the application, no fixed plant or machinery, buildings, structures and erections, lights, fences or private ways shall be erected, extended, installed, rearranged, replaced or altered at the site without prior planning permission from the Mineral Planning Authority.

Reason: In the interests of amenity protection and landscape character having regard to MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010 and Policy SP15 - Design and Amenity of the Rutland Site Allocations and Policies DPD October 2014.

Landscaping

10. For the duration of restoration and the aftercare period the operator shall retain and maintain all perimeter hedgerows and fences and protect the same from damage.

Reason: In the interests of landscape having regard to MDC Policy 1 - Impacts of Mineral Development, MDC Policy 4 - Impact Upon Landscape and Townscape and MDC Policy 6 - Biodiversity and Geological Conservation Interests of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.

Soil handling

11. Unless otherwise agreed in writing with the Mineral Planning Authority all soil handling shall be undertaken in accordance with the Department for Environment

Food and Rural Affairs, Good Practice Guide Soil Handling dated 2000 (or subsequent edition thereof).

12. All storage mounds intended to remain in situ for over 6 months or over the winter months shall be seeded and kept weed free to the satisfaction of the Mineral Planning Authority.
13. All soil movement operations shall only be carried out when the full volume of soil involved is in a dry and friable condition, i.e., the soil is in a non-plastic state such that damage to its structure shall be avoided.
14. Plant or vehicle movement shall be confined to clearly defined haul routes and shall not cross areas of topsoil except for the express purpose of soil replacement operations.
15. All topsoil, subsoil, and soil forming material shall be retained on site.
16. All stones and other material in excess of 200mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.
17. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each restored area to allow a site inspection to take place.

Reason for conditions 11 to 17: To protect mounds from soil erosion, prevent build-up of weed seeds in the soil and remove vegetation prior to soil replacement, and prevent damage to soils having regard to MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.

Noise

18. Within 3 months of the date of permission being granted, and prior to commencement of development within any individual phase of the restoration plan (consented under 2013/1061/DIS) as set out in Chapter 4 of the Submission of a restoration scheme pursuant to Condition 26 of LPA ref: M/1999/0326/09 and Condition 43 of LPA ref: MIN/2004 at Greetham Quarry, Stretton Road Greetham dated June 2013 as referred to in Condition 3, shall take place until an updated scheme of measures to minimise and monitor noise generation associated with the development is submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented in full as approved for the lifetime of the development, including restoration, hereby permitted.
19. Except for temporary operations, the free field Equivalent Continuous Noise Level, LAeq,T at the noise predication locations detailed below:
Community Centre
White House
Bullfield Close
Little Lane
Bridge Lane
As identified on plan No Figure 2 of Appendix E, Noise and Vibration Assessment of the Environmental Statement attached to planning application 2004/1051/09, shall not exceed 55 dB LAeq, 1 Hour, Freefield.

20. For temporary operations such as bund removal and final restoration, for up to 8 weeks in a year the freefield noise level due to these works shall not exceed 70 dB LAeq, T expressed in the same manner as for Condition 19. Temporary operations shall not exceed the relevant day to day criterion at each noise sensitive property. Advanced notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority.
21. All vehicles, plant, and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers.
22. All audible warning devices fitted to vehicles, plant and machinery operating within the site whilst affording suitable safety should be of a design that does not cause unreasonable noise intrusion to residential properties.
23. Measures shall be taken within the site to ensure that the best practicable means are used to control the emissions of noise from the site and to ensure so far as is reasonably practicable that the operations carried out do not give rise to nuisance at nearby residential properties.
24. In the event that complaints regarding noise are received by the operator and thereafter notified, within 2 days of receipt of the complaint, to the Mineral Planning Authority (or vice versa), an assessment of the complaint shall be undertaken by the operator. A report on the findings, with proposals for removing, reducing, or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures (if necessary) to be undertaken shall be submitted to the Mineral Planning Authority no later than 5 working days from notification of the complaint to the operator, unless a later date is otherwise agreed in writing by the Mineral Planning Authority. If substantiated complaints relating to noise continue after remedial measures have been implemented in full, noise monitoring shall be undertaken at the request of the Mineral Planning Authority to verify whether the requirements of Conditions 19 and 20 are being met and the monitoring information shall be submitted to the Mineral Planning Authority within 5 working days. If monitoring shows the restrictions in Conditions 19 and 20 are not being met operations shall cease until such time as remedial measures are agreed in writing by the Mineral Planning Authority and thereafter implemented to bring the operations into compliance with the noise limits established in Conditions 19 and 20. These measures shall thereafter be maintained.

Reason for conditions 18 to 24: In the interests of residential and rural amenity of the area having regard to MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010

Dust

25. Within 3 months of the date of permission being granted, and prior to commencement of development within any individual phase of the restoration plan (consented under 2013/1061/DIS) as set out in Chapter 4 of the Submission of a restoration scheme pursuant to Condition 26 of LPA ref: M/1999/0326/09 and Condition 43 of LPA ref: MIN/2004 at Greetham Quarry, Stretton Road Greetham dated June 2013 as referred to in Condition 3, shall take place until an updated scheme of measures to minimise and monitor dust generation associated with the development is submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented in full as approved for the lifetime of the

development, including restoration, hereby permitted and shall include dust monitoring and the use of water-spray facilities for dampening operational areas and haul roads.

26. All Heavy Goods Vehicles importing waste materials into the site, shall be securely sheeted in such a way as to minimise dust and to ensure that no material is deposited on the public highway.
27. All operations shall be carried out in a manner to minimise the emission of dust from the site. All haul roads shall be kept moist in dry and windy conditions, as necessary and any dry and exposed area/material shall be watered as necessary in windy conditions to prevent dust becoming airborne. Dust filters shall be fitted where appropriate on all plant and machinery.
28. At such times as operations on site give rise to unacceptable levels of dust leaving the site such as during adverse weather conditions, operations shall be temporarily suspended until such time as they can be resumed without causing nuisance either by a change in conditions or by taking additional measures.
29. In the event that complaints regarding dust are received by the operator and thereafter notified, within 2 days of receipt of the complaint, to the Mineral Planning Authority (or vice versa), an assessment of the complaint shall be undertaken by the operator. A report on the findings, with proposals for removing, reducing, or mitigating identified adverse effects resulting from the operation, and a programme for the implementation of remedial measures (if necessary) to be undertaken shall be submitted to the Mineral Planning Authority no later than 5 working days from notification of the complaint to the operator, unless a later date is otherwise agreed in writing by the Mineral Planning Authority.

Reason for conditions 25 to 29: In the interests of residential and rural amenity of the area having regard to MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.

Lighting

30. All lighting to be installed on site shall be downward facing, positioned below the working rim of the quarry and designed and installed so as to avoid impacting on residential receptors and wildlife. Floodlighting required during the months of December, January, and February around infill areas may be operated up to thirty minutes before and/or after permitted hours of operation. Prior to erection or installation, the details of the proposed locations and design of any lighting shall be submitted to and approved in writing by the Mineral Planning Authority. Any approved lighting shall be implemented and maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of residential and rural amenity and biodiversity of the area having regard to MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010 and Policy SP17 - Outdoor Lighting of the Rutland Site Allocations and Policies DPD October 2014

Ground water protection

31. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded

compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above the ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be details to discharge downwards into the bund. There must be no drain through the bund floor or walls.

32. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Reason for conditions 31 to 32: To minimise risk of watercourse and aquifer pollution and to prevent pollution of the water environment having regard to MDC Policy 1 – Impacts of Mineral Development and MDC Policy 7 - Water Resources of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.

Highways and access

33. There shall be no access to or exit from the site to the public highway other than via the existing roadway serving the site from B668 Stretton Road as shown on Plan/Drawing Number: Greetham Drawing G4/LAN/001 (Revised restoration proposals plan) dated March 2009 as referred to in Condition 3.
34. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent mud being deposited on highway. Wheel cleansing facilities shall be provided on site and maintained to a full working standard in accordance with siting and technical details that shall have been submitted to and approved in writing by the Mineral Planning Authority. In the event that the existing wheel cleansing facilities fail to prevent the deposit of mud, then additional wheel cleaning facilities shall be installed within a location and timetable to be agreed in writing with the Mineral Planning Authority.
35. The internal haul road(s) to the development hereby permitted from the wheel cleansing facilities required in Condition 34 to the access with the public highway shall be maintained in a clean and good state of repair and free from potholes for the lifetime of the development hereby permitted.

Reason for conditions 33 to 35: In the interests of highway safety and amenity in accordance with MCS Policy 9 - Transportation, MDC Policy 11 - Transportation and MDC Policy 1 - Impacts of Mineral Development of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.

Restoration and aftercare

36. Unless otherwise agreed in writing with the Mineral Planning Authority, restoration of the site shall be in accordance with the restoration scheme (Submission of a restoration scheme pursuant to Condition 26 of LPA ref: M/1999/0326/09 and Condition 43 of LPA ref: MIN/2004 at Greetham Quarry, Stretton Road Greetham dated June 2013, and Plan/Drawing Number: Greetham Drawing G4/LAN/001 (Revised restoration proposals plan) dated March 2009) as referred to in Condition 3. Any revised restoration scheme shall include provision for:
- i) Final contour levels shown by a contour plan and accompanying cross section
 - ii) Calcareous and herb rich grassland
 - iii) Habitat biodiversity

- iv) Agricultural land
 - v) Topsoil, subsoil replacement including the depths of soils and the method of soil handling and re-spreading
 - vi) Provision of surface water drainage
 - vii) The planting and maintenance of indigenous species of tree, shrubs and hedgerows, including locations, species size, number and spacing
 - viii) The location and type of fencing and gates
 - ix) The seeding, fertilising, water, drainage or other treatment of the land
 - x) Detail of quarry faces to be retained
 - xi) The timing and phasing of the restoration works.
37. The restored landform shall be created using limestone dust and debris generated by the quarrying activity, indigenous topsoil and subsoil, approximately 40,000 tonnes of previously tipped unsorted inert waste materials, and imported inert waste material in accordance with Condition 38.
38. Within 3 months of the date of permission being granted, and prior to commencement of development within any individual phase of the restoration plan (consented under 2013/1061/DIS) as set out in Chapter 4 of the Submission of a restoration scheme pursuant to Condition 26 of LPA ref: M/1999/0326/09 and Condition 43 of LPA ref: MIN/2004 at Greetham Quarry, Stretton Road Greetham dated June 2013 as referred to in Condition 3, shall take place until an updated phasing plan for restoration works is submitted to and approved in writing by the Mineral Planning Authority. The updated phasing plan is to include:
- i) a timetable for implementation of individual phases, and
 - ii. a detailed topographic survey, this should identify the quantity of restoration materials available on site, and the quantity of inert restoration materials to be imported to achieve the final contour levels as per the agreed restoration scheme in accordance with Condition 36.
39. Before 31st January, 30 April, 31 July, and 31 October of every year up until the site is fully restored, a monitoring report shall be submitted to the Mineral Planning Authority recording the restoration operations carried out on the land during the previous 3 months with reference to the agreed restoration scheme (including updated phasing plan and timetable) as referred to in Conditions 36 and 38, and setting out the intended operations for the next 3 months. At request of the Mineral Planning Authority a site meeting may be arranged to discuss the report.
40. Following the final restoration of any part of the site in accordance with Condition 36, the land shall be treated and managed for a 5-year period in accordance with an approved aftercare scheme. The submitted scheme shall:
- i) Be submitted for the written approval of the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement topsoil or final restoration shall take place unless otherwise agreed in writing with the Mineral Planning Authority.
 - ii) provide an outline strategy in accordance with Annexes A and B of Minerals Planning Guidance 7 for the 5-year aftercare period, specifying the steps to be taken and the period during which they are to be taken.
 - iii) Provide for a detailed annual programme of works in accordance with Annex A of Minerals Planning Guidance. The programme for the first year shall be submitted for the written approval of the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that final restoration of the appropriate phase or area of the site shall be completed. In respect of subsequent years, not later than 2 months prior to the annual aftercare meeting.

Unless otherwise agreed in writing with the Mineral Planning Authority the aftercare of the site shall only be carried out in accordance with the approved scheme.

41. Before 31st January of every year during the aftercare period, an Aftercare Management Report shall be submitted to the Mineral Planning Authority recording the operations carried out on the land during the previous 12 months, and results of tests undertaken to ensure satisfactory soil structures. At request of the Mineral Planning Authority a site meeting may be arranged to discuss the report.

Reason for conditions 36 to 41: To ensure proper restoration and aftercare of the site and in the interests of the general amenity of the area, and to ensure that habitat creation maximises biodiversity in line with Biodiversity Action Plan regional species having regard to MDC Policy 12 - Restoration and MCS Policy 12 - Restoration and Aftercare of the Rutland Minerals Core Strategy and Development Control Policies DPD, October 2010.