

Item No.

SCHEDULE X

APPLICATION NUMBERS	CB/09/06556/MW & CB/09/06566/MW
LOCATION	Reach Lane Quarry, Heath & Reach
PROPOSALS	<ul style="list-style-type: none">(i) Revisions to phasing of extraction and restoration proposals (variation of conditions 1, 13, 14 and 22 of planning permission no. 9/2003 (application no. CB/09/06556/MW)(ii) Importation of inert waste for the purpose of restoration of Reach Lane Quarry (application no. CB/09/06566/MW)
PARISH	Heath & Reach
WARD & COUNCILLORS	Plantation – Cllr. Alan Shadbolt & Cllr. Peter Rawcliffe
CASE OFFICER	David Peachey
DATE REGISTERED	11 November 2009
EXPIRY DATE	10 February 2010
APPLICANT	L.B Silica Sand Ltd
AGENT	Atkins Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	SIGNIFICANT OBJECTIONS & DEVELOPMENT IN THE GREEN BELT Approval of both applications subject to a Section 106 Agreement and planning conditions

Site Location:

Reach Lane Quarry comprises an operational sand working dating back to the 1940s which occupies some 26 hectares of land immediately to the east of Heath & Reach village and approximately 3km to the north of Leighton Buzzard. Overend Green Lane delineates the eastern boundary and Gig Lane and Eastern Way jointly form the southern boundary of the quarry. The site is bound by Reach Lane to the west. There are a number of residential properties in close proximity to the pit on Gig Lane, Thomas Street, The Dell and Reach Lane, with the closest being only 60 metres from the boundary of the curtilage of the quarry. The site location is shown on plan no. CB/09/06556/MW-1.

Whilst both quarries are governed by separate mineral permissions as a consequence of divided ownership historically, they are contiguous and the reality on the ground is that they were amalgamated in 2002 when the current operator secured control of both sites with the purchase of Reach Lane Quarry. Sand is transported from Bryants Lane Quarry into Reach Lane for washing and drying plant in order to produce a variety of sand products. Shared facilities also include a site office, weighbridge, parking and plant maintenance yard. The closure of the substandard Reach Lane Quarry access and consequent upgrading of the Bryants Lane Quarry entrance was secured in 2003 so as to better manage quarry traffic via a single entrance point.

All parts of the Reach Lane extraction site have been worked at one time or another. Substantial volumes of clay overburden and till which originally lay over the sand have been utilised as backfill material to form terraced batters within a deep basin landform. Only limited permitted reserves now remain. The highest point in the quarry lies at 140m AOD on the boundaries with Eastern Way and Overend Green Lane. In comparison, the western boundary adjoining the edge of the village is considerably lower at 112m AOD. The floor of the pit along the boundary with Bryants Lane Quarry ranges from 87m AOD¹ to 105m AOD.

Background:

An Interim Development Order (I.D.O) consent to extract sand at Reach Lane was granted in June 1948.

An updated scheme of conditions for working and restoration was submitted to Bedfordshire County Council in 1996 under the provisions of the 1991 Planning & Compensation Act. A fresh I.D.O approval comprising a new set of schemes and conditions for working and restoration was determined on 13th February 1997, which required the cessation of mineral extraction on 31st March 2003 and the completion of restoration within a further 12 months.

On 30th April 2003, Bedfordshire County Council approved an application for variation of conditions attached to the 1997 I.D.O approval, which remains the sole extant consent for the quarry. There were two main elements to the development permitted in 2003. First, there was the phased extraction of an additional 380,000 tonnes of *in situ* sand from previously disturbed areas to the west of the processing plant, which fell outside those parts of the site allowed to be subject to further working under the terms of the 1997 I.D.O approval. Second, in order to address concerns about long term slope stability, it was agreed that the existing 1 in 3 terraced sides should be re-graded to leave shallower final quarry slopes of 1 in 5 to 1 in 7. This modified landform was agreed in conjunction with a revised final restoration and afteruse plan.

The 2003 permission is accompanied by a Section 106 Legal Agreement signed by the applicant, which imposes cessation dates for extraction and restoration taking into account the additional mineral permitted to be worked and the additional handling and movement of restoration materials needed to be undertaken. Cessation of sand extraction is required to finish and the processing plant, machinery and foundations removed on or before 6 years and 9 months from the date of permission (i.e. by 29th January 2010). A further period of 15 months is allowed until 29th April 2011 for final landscaping and restoration of the site to be completed. The permanent closure of the substandard Reach Lane Quarry entrance was secured by condition attached to permission no. 9/2003. A further condition was imposed to ensure that the combined level of HGV movements in connection with mineral operations at Bryants Lane and Reach Lane quarries did not exceed 160 per full working day, in order to be consistent with the restriction on vehicle movements already imposed in the 1997 Bryants Lane review consent.

The current approved afteruse of the quarry is a combination of open grassland and grazing pasture with a wetland area at the base and pockets of woodland and hedgerows on the reinstated slopes.

¹ AOD – Above Ordnance Datum

A north eastern extension to the quarry comprising 3.85 hectares of land bordering Overend Green Lane was granted in May 1984. This consent expired in May 1999. Whilst the mineral in this area has been exhausted, the land has not been finally restored. As this extension area falls within the overall curtilage of the sand working, it was incorporated into the restoration proposals for the site as a whole as part of the proposals permitted in 2003.

In July 2008, L.B. Silica Sands (LBSS) applied for planning consent (ref. nos. BC/CM/2008/19 & BC/CM/2009/20) to implement a revised phasing plan for sand extraction, including the working of additional identified sand reserves, the importation of waste to restore the western section of the quarry, together with amended final contours and changes to other elements of the restoration for the site as a whole. The Council sought to clarify several aspects of the applications and as a consequence of that process a number of amendments were put forward by the applicant, which called for two further rounds of consultation in March and July this year. The applications were put on the agenda for the Development Management Committee meeting of 9th September 2009 with a recommendation of refusal of both submissions. However, the applications were withdrawn by the applicant in advance of the meeting and thus were not debated by members of the Committee. LBSS confirmed their intention to prepare fresh applications with a view to addressing some of the deficiencies identified by the Council, the principal issues being restoration of the quarry in a satisfactory timescale and the question of quality and quantity of the remaining mineral.

The Applications:

This report covers two separate but inter-related applications, as described below:

CB/0906556/MW (Revisions to phasing of extraction and restoration proposals (variation of conditions 1, 13, 14 and 22 of planning permission no. 9/2003) –

This applicant company, LBSS, is seeking to vary four conditions of planning permission no. 9/2003 in order to implement changes to sand extraction phases combined with a revised sequence of progressive restoration, and accordingly extend the life of the quarry. It is also proposed to modify the final landform and develop the detailed restoration proposals.

Mineral Extraction:

The current approved phasing plan for mineral working and progressive backfilling and restoration, which was devised by the applicant, has turned out to be unworkable. Officers are informed that the reasons for this are twofold. First and foremost, the phases were too prescriptive to allow realistic working and movement of sand and overburden. Second, the Gig Lane slope suffered a significant landslip in June 2007, which resulted in sterilisation of an area of sand owing to the need for emergency stabilisation works to be carried out in accordance with Health and Safety Executive requirements. As a result of these issues, the approved sequence of extraction and restoration has not been adhered to. In order to regularise the situation and find a practicable way forward, the applicant has prepared revised phasing plans showing a much-changed sequence of extraction and progressive restoration within defined timescales. Having re-surveyed remaining workable reserves within the existing permitted extraction area, it is proposed to remove

133,600m³ of mineral confined to areas lying immediately to the north and east of the processing plant. This volume assumes that the base of the excavation would be 1 metre above the water table, the level of which has been established by recent monitoring of groundwater levels, and confirms the operator's intention to continue the practice of working the material dry. However, very limited excavations are proposed in the final phase D. Sand would only be excavated to the depth of the final restoration profile in this area. The intention is that the area of exposed sand left *in situ*, which would be left to naturally regenerate, would provide natural support to the 199 landslip area and facilitate the earlier restoration of this slippage area. This is therefore an important element of the restoration plans. As phase D lies beneath the plant site, it would need to be dismantled and removed in order to allow working of the mineral to take place. The plant would need to be relocated to Bryants Lane or replaced by a new facility.

Approval is also sought to work a narrow wedge of mineral (c. 80,700m³) which sits outside the current approved extraction area along the boundary with Bryants Lane. This area, identified as phase B, has been worked historically but the base sits some 3 – 10 metres above the desired restoration contours.

In addition to the remaining permitted reserves and the additional sand sitting on the site boundary, it is calculated that stockpiles of unprocessed sand in Reach Lane Quarry total 121,040m³. Taking this figure together with *in situ* sand, the overall volume of sand proposed to be worked is 335,540m³ (c536,000 tonnes).

In order to reduce the amount of time needed to complete the proposed mineral working, including processing of the substantial raw stockpiles, the applicant has indicated that extraction operations would be concentrated within Reach Lane Quarry. Whilst sands would continue to be sourced from Bryants Lane Quarry for blending with material dug from Reach Lane in order to meet specific customer product demands, it is suggested that an output ratio of at least 75 per cent Reach Lane sands / 25 per cent Bryants Lane sands could be achieved. Assuming the targeted split in sand output is achieved, and taking into account a predicted staged increase in output for the quarry complex in line with a slow economic recovery, the extension of time sought for mineral extraction is 5 years and 3 months (until April 2015).

The applicant company advances several factors for reasons for not being able to complete extraction by the current expiry date of the end of January 2010. Firstly, it is claimed that the 2007 landslip resulted in temporary disruption to mineral extraction, as resources were deployed on emergency engineering works. Secondly, the operator has recovered additional quantities of sand from the site, which were previously thought to contain only overburden. Thirdly, the mineral volume calculations accompanying the 2002 application were based on extraction down to the water table which was believed to be level whereas in fact subsequent groundwater monitoring has demonstrated that the water table falls slightly to the south east. As a consequence, the quantity of mineral reserve was under-estimated in 2002, by as much as 50,000 tonnes.

Phasing of Restoration, Landscape Proposals and Afteruse

As the approved plan for phased backfilling and restoration is unfeasible, the applicant has devised a new plan for finishing the site in a progressive manner within a specified timescale. Seven areas have been identified for reinstatement. It is

proposed to reinstate 55 per cent of the site (phases 1 to 4) by summer 2010. The area in question comprises the whole of the upper eastern batter and much of the upper southern slope from the site boundary to a datum level of between 115 – 110 m AOD. Landscaping would follow in the next available planting season (late 2010). Where possible, in order to expedite restoration of these parts of the site, the applicant proposes to leave slope sections largely intact except for minor re-grading and placement of topsoils. Surplus overburden would need to be moved from the extreme south east corner of the site to create the desired gradient on the adjoining phase abutting the water tower.

Phase 5 contains the 2007 slippage and constitutes a further 21 per cent of the Reach Lane site area. This area would be reinstated with 133,000m³ of engineering clays / overburden originating from Bryants Lane Quarry plus 290,000m³ of fill from external sources, which is the subject of a parallel waste disposal application (see application ref. CB/09/06566/MW). Condition 18 of planning permission 9/2003 presently allows the import of overburden across the boundary from Bryants Lane.

Reinstatement of phases 6 and 7 is dependant upon completion of extraction operations at the interface with Bryants Lane Quarry, and as such would be the final phases to be reinstated in spring 2015, with landscaping works to follow by the end of that year. The final landform in phase 6 would be created using stockpiled overburden transferred to this area at an earlier stage to enable the early restoration of earlier phases. Restoration phase 7 encompasses the last proposed extraction area beneath and abutting the plant site. It would be restored utilising 42,000m³ of overburden from Bryants Lane Quarry.

The applicant proposes to retain the site manager's office / accommodation building beyond the operational life of the Reach Lane Quarry site; it is therefore shown on the restoration plans accompanying the application. Officers are told that the intention, in the longer term, is to utilise this building as an administrative base for LBSS.

Landscape Proposals and Public Access

The proposed landscape restoration design is broadly similar to details approved in 2003 in that it shows a significant proportion of the restored pit as open grassland interspersed with wooded areas and copses to break up the extensive slopes. Also, following the existing scheme, grazing pasture would be provided on a plateau at the south eastern corner of the site and bounded by hedgerow.

There are however several differences with the latest restoration proposal; these include an additional area for grazing along the top of the eastern slope enclosed by additional hedgerow, a new area of exposed *in situ* sand covering 0.3ha at the foot of the southern slope and a larger re-positioned water body (2.89 ha) at the base. Since the proposed lake would straddle the permission boundary, its configuration is dependant upon completion of extraction and backfilling of the floor of the quarry within Bryants Lane, which would not necessarily take place until a later date. The reason for this is that mineral working in Bryants Lane will continue beyond the life of Reach Lane Quarry. The lake area would consist of marginal wetland habitat, an island and soakaway and would be suitable for fishing subject to finding appropriate users. There is a commitment in the application to carry out five-years of landscape maintenance and aftercare measures post restoration.

The applicant has also sought to develop other aspects of the restoration proposals from the current approved scheme. There would be a 50 per cent increase in length

of new hedgerow to 1413 metres and slightly more tree planting (2.07ha as opposed to 1.88ha). The applicant has also offered to provide a 5 metre-wide Public Bridleway within the curtilage of the Reach Lane site. The route would run between Heath and Reach village (Reach Lane) and Overend Green Farm following the western, southern and eastern perimeter of the quarry, with entry/exit points along the way (see plan 400/157/RLQ). The gradient of the route would not exceed 1 in 12 and a fair proportion of it would be level. This represents an enhancement of the existing public access requirements in the 2003 consent for a much shorter length of 'public right of way' linking Reach Lane and Eastern Way'. The applicant proposes to install the bridleway in two sections to take account of the ongoing restoration works. The first part from the water tower to Overend Green Farm would be installed in the first available season (summer) following any grant of permission. For operational reasons, the second section linking the water tower with Reach Lane could not be implemented until infilling and reinstatement of the slip area (i.e. Phase 5) has been achieved in mid 2015. Importantly, the applicant has indicated that the bridleway would only be provided as a permissive route whilst the quarry is still operational, but he is agreeable to it being made available for formal adoption once restoration has finished. A requirement of this nature would need to be tied into a fresh Section 106 Agreement accompanying any grant of planning permission.

Finished Levels

The operator states that the proposed final restoration profile has been designed within the geotechnical constraints for the site, as detailed in a 2002 report prepared by the applicant's agent. The levels do not differ significantly from the existing approved levels drawn up in 2003. It is also the case that the latest contour drawing is very similar to the one that accompanied the recent withdrawn submission. The site would be restored to a bowl feature with localised re-grading to create a more variable and interesting landform. The backfilled quarry slopes would marry with proposed tipping levels for the inert waste landfill cell (see application ref. CB/09/06566/MW).

The proposed southern batter, which incorporates the waste importation area, would have a gradient of between 1 in 4 and 1 in 7 down to the 98m AOD contour. A transitional gradient of 1 in 10 to 1 in 13 has been introduced at the foot of the slope down to the enlarged lake feature at the base of the site, which would lie at 92m AOD. The applicant states that the reduced angle of slope on the lower part of the restored site surrounding the water body would have two benefits. First, it would create a safer and more user-friendly profile for after-use of the lake for fishing. Second, it would help to reduce the velocity of surface water run-off and encourage suspended solids to fall out of suspension before water reaches the lake.

The overall slope profile for the eastern batter from Overend Green Lane would correspond with the southern slope. In order to minimise the amount of overburden that would need to be removed from the upper section of the eastern batter, the final contours have been raised by about 2.5 metres to more closely reflect the existing ground level, thereby allowing final reinstatement to be expedited during the summer 2010.

The restoration levels have been developed having regard to the adjoining Bryants Lane site, where most of the water feature would be positioned. A wider restoration *Masterplan* has been put forward to illustrate how the two restored sites could

integrate at the boundary.

CB/09/06566/MW (Importation of inert waste for the purposes of restoration of Reach Lane Quarry) –

The July 2008 application for the import and disposal of inert waste, subsequently withdrawn, originally proposed the disposal of 523,000m³ of material over a period in 6 to 7 years. This importation figure was reduced to 355,000m³ when the application was amended to provide for lower restoration levels in relation to the quarry void as a whole.

Planning permission is now sought to import 290,000m³ of inert fill from external sources over a lesser period of 3 years and 8 months for the dual purpose of overcoming a shortfall of restoration material and achieving long term stabilisation of the June 2007 landslip close to the Gig Lane boundary. In addition, a period of 4 months would be needed for associated engineering works such as the formation of a clay liner and capping. Tipping would take place over the same extent of the quarry void (5.28 hectares) as previously applied for. The applicant has carried out a further materials balance review and it is calculated there is a total deficit of 423,000m³ based on the submitted restoration contour drawing. This is proposed to be made up through a combination of 290,000m³ of imported material and, as specified in the parallel application, 133,00m³ of engineering clay / overburden from Bryants Lane Quarry.

The requested hours of operation (including lorry movements to and from the site) are 0700 to 1700 weekdays and 0700 to 1300 hours on Saturdays, with no working on Sundays or Public Holidays.

The restored batter profile across the inert fill area would assimilate into the wider proposed site profile. The steeper part of the landfilled slope would be approximately 1 in 6 from the site boundary down to the 98m AOD¹ contour, merging into a shallower transitional slope of 1 in 12 on the lower section to the water body at 92 metres AOD. On average, the gradient across the fill area would be in the region of 1 in 7.4, which is essentially the same as the existing approved plan. An indicative drainage plan accompanies the application to illustrate how the direction and descent of surface water run-off to the pond would be controlled.

Waste would be brought to the operational landfill area where it would be spread, levelled, and compacted by a dozer. Based on a predicted annual tipping rate of 80,000m³, the proposed duration of the waste importation exercise is 3.8 years. Final reinstatement of the infilled area is programmed for winter 2013 with landscaping to follow in winter 2014.

Incoming HGVs would utilise the existing Bryants Lane Quarry entrance (where a weighbridge and hut are already situated for the mineral operation) and would follow, in part, the existing internal haul road connecting Reach Lane Quarry. The information provided with the application suggests that the daily HGV movements associated with waste importation exercise could be accommodated within the current combined limit for Reach and Bryants Lane Quarries (i.e. 160 movements per day). The applicant has indicated that a wheel wash would be installed at the site entrance to prevent the deposit of mud and debris on the public highway.

¹ AOD – Above Ordnance Datum

The second section of the proposed permissive bridleway route which crosses the top of the infilled slope would be installed during 2014 upon the completion of tipping operations and then put forward for formal adoption (together with the rest of the route around the site), once all quarry operations have ceased at the end of 2015.

RELEVANT DEVELOPMENT PLAN POLICIES & PLANNING GUIDANCE:

National Policies (PPG & PPS)

Waste Strategy for England 2007

East of England Plan (May 2008) – Revision to the Regional Spatial Strategy

Planning Policy Statement 10 '*Planning for Sustainable Waste Management*' (PPS10)

Planning Policy Statement 7 '*Development in Rural Areas*'

Planning Policy Statement 9 '*Biodiversity and Geological Conservation*'

Planning Policy Statement 25 '*Development and Flood Risk*' (PPS25)

Planning Policy Guidance Note 2 '*Green Belts*' (PPG2)

Planning Policy Guidance Note 14 '*Development on Unstable Land*' (PPG14)

Planning Policy Guidance Note 24: '*Planning & Noise*' (PPG24)

Minerals Planning Guidance 5 '*Stability in Surface Mineral Workings and Tips*' (MPG5)

Minerals Planning Guidance 7 '*The Reclamation of Mineral Workings*' (MPG7)

Minerals Planning Guidance 15 '*Provision of Silica Sand in England*' (MPG15)

Minerals Policy Statement 1 '*Planning and Minerals*' (MPS1)

Minerals Policy Statement 2 '*Controlling and Mitigating the Environmental Effects of Mineral Extraction*' (MPS2)

Bedfordshire & Luton Minerals & Waste Local Plan Adopted 2005 (MWLP)

M3	Silica Sands Landbank
M6	Requirements for determination of minerals applications
W1	Key Principles
W21	Inert waste landfill
GE1	Matters to be addressed in planning applications
GE3	Environmental Improvement of the Greensand Trust area
GE5	Protection of Green Belt land
GE9	Landscape Protection and Landscaping
GE13	Species and habitat protection and enhancement
GE14	Archaeology
GE18	Disturbance
GE19	Flooding
GE20	Water resources
GE21	Public rights of way
GE23	Transport: suitability of local road network
GE26	Restoration
GE27	Aftercare

South Bedfordshire Local Plan Review Adopted 2004 (SBLPFR)

Policy BE8 Design Considerations

Planning History

Interim Development Order no. 1479 SB/83/1060	The winning of sand (dated 28th June 1948) Extraction of sand from 3.85 hectares of agricultural land adjoining existing sand working (north east extension). (Planning Permission no. 5/1984 dated 1 st May 1984)
Interim Development Order no. 1479 BC/CM/97/00031	Determination of schemes and conditions (dated 13 th February 1997) Variation of condition 17 of I.D.O no. 1479 to permit the importation of soil/peat for blending with sand (Planning Refusal no. 7/1997 dated 11 th December 1997)
BC/CM/2002/19	Revised scheme of oration, landscaping and aftercare to comply with conditions no. 21 and variation of conditions 2, 3, 6 and 23 of I.D.O. no. 1479 (Planning Permission no. 9/2003 dated 30 th April 2003)
BC/CM/2008/20	Revised scheme for phasing of extraction and backfilling (following a landslip in 2007) to comply with conditions 1, 13, 14 and 22 of planning permission no. 9/2003. (Application withdrawn September 2009)
BC/CM/2008/19	Importation and disposal of inert waste to enable restoration of Reach Lane Quarry (Application withdrawn September 2009)

Representations: (Parish & Neighbours)

Heath & Reach
Parish Council

CB/09/06556/MW (Minerals application)

Opposes the application because the applicant company signed a Section 106 Agreement in 2003 that committed it to completing extraction by January 2010 and restoration by April 2011. It should be adhered to. If granted, the extension of the period of extraction would be the third in 12 years. There is nothing in the application that provides any assurances that that work will be completed on time, or indeed that any penalties would be incurred if it is not. The benefit to the village from further extraction would be disproportionately small when compared to the prolonged disruption from traffic, noise and dust generated by the site. The Parish Council estimates that the value of the sand yet to be extracted is £4 million.

The applicant maintains that all traffic would enter and leave the site via the A5 but this is not happening at present as evidenced by sand left on the road outside the Cock Hotel and the sighting of sand vehicles coming in and going out of the village, despite a HGV ban from Shenley Hill Road towards Leighton Buzzard. The Parish Council requires that the applicant company is in some way made liable for the traffic using the company's site and that it is required to

police this traffic.

The hours of operation are not a major issue, but the hours allowed for plant maintenance are a problem for residents who live nearby and above the quarry. Plant maintenance is permitted to start at 6am Monday to Friday and 8am at weekends. The noise generated by this activity causes a nuisance at times, particularly in the summer months when residents are more likely to have windows open. The Parish Council therefore requires that the permitted hours for plant maintenance be limited to 0700 to 1800 hours Monday to Friday and 0900 to 1500 hours at weekends.

Issues have been raised with the MPA regarding un-sheeted lorries, traffic accessing the village, poor road cleaning, plant noise and boundary maintenance. To the Parish Council's knowledge, these matters have been communicated to the applicant and its representatives.

Sand lies on roads and pavements in the part of the village nearest the site entrance. The applicant does not ensure that all vehicles use the wheel cleaning facility or that vehicles are sheeted before leaving the site. HGVs depart the site with a considerable residue of sand on their bodies a result of loading. The Parish Council request that the applicant must be made responsible for ensuring that such problems do not occur. Given the past record of the applicant in managing vehicles, frequent checks and ad hoc monitoring is required to minimise their impact on the village. The Parish Council requires the installation of CCTV systems at the site to enable remote monitoring by the Council, as is intended at Stone Lane Quarry.

The company's consistent failure to meet its deadlines calls for closer monitoring of its activities in both quarries. The Parish Council request that the Council conducts formal operational reviews with the company every 6 months, that the Parish Council is advised beforehand of the dates, to enable it to draw attention to any concerns; and that the Parish Council is provided with written minutes of the reviews and any actions required of the company.

CB/09/06566/MW (Waste application)

The dates in the existing Section 106 Agreement should be adhered to. The importation of 290,000m³ of waste is unnecessary and the 2003 Agreement recognised that by excluding importation except from Bryants Lane Quarry. Using some of this overburden may cause a shortfall in what is needed to restore Bryants Lane but a detailed review of quantities required in that quarry has not been carried out. There is uncertainty of supply if material is sourced from outside the two quarries.

Importation of waste would lead to far more lorry movements along Woburn Road, which will be subject to increased numbers of HGVs due to the infilling at Stone Lane which is soon to start. There would be a maximum of 60 extra lorry movements per day if the application is allowed.

The community benefit arising from the proposed new Public Bridleway is welcomed. However, the all-important section from Reach Lane to the water tower is needed as soon as operationally feasible. It is noted that the application includes a plan which shows the western boundary of the quarry near Gig Lane on the wrong side of the tree line; that must be corrected.

There is much local feeling that the company has not followed the conditions it accepted in 2003. Too much sand has been removed without regard to conditions in the quarry, possibly leading to the 2007 slip, and the company has put all its resources into extracting sand without any evidence of its intention of restoring the quarry. Reach Lane Quarry and Bryants Lane Quarry are the only active sand workings located near the heart of the village. There are over 220 residences within 200 metres and a large part of the village is within 500 metres. The application proposes that areas furthest away from the village would be restored in the summer of 2010 whereas areas closest to it would not be restored until winter 2014 at the earliest.

It is noted that once the aftercare / maintenance programme expires after 5 years, there is no provision for continued management of the grassland. The Parish Council requires clear statements of intent beyond the end of the restoration programme.

Leighton Linlade
Town Council
Neighbours

No comments received.

Both planning applications were publicised in accordance with Article 8 of the Town and Country Planning (General Development Procedure) Order 1995, comprising advertisement in the local newspaper, the display of two site notices and notification of neighbours within 200 metres of the curtilage of the Reach Lane quarry site. The waste importation application has been advertised as a departure from the Development Plan in accordance with regulations.

With respect to both applications, a total of 14 letters of objection were received from 13 households. In addition, Andrew Selous MP has written to the Council to request that a constituent's objections be taken into account and placed before the Committee when the applications are determined.

The Council has also received a letter from a neighbouring

landowner who has drawn attention to an error on the restoration drawings regarding the positioning and alignment of the western boundary of the quarry where it abuts a paddock on Gig Lane. Accordingly, the applicant has submitted amended restoration plans showing an amended boundary which does not encroach upon land outside of the curtilage of the quarry permission site.

An amalgamation of neighbour objections and concerns in connection with both applications is set out below:

- (a) The current applications are very similar 'in principle' to those applications previously submitted;
- (b) The applicant should honour the timescales for cessation of extraction and completion of restoration, as contained within the current Section 106 Agreement.
- (c) Residential property was purchased on the understanding that the quarry would not be active beyond January 2010;
- (d) A precedent would be set if the period of permission for mineral extraction is extended making it difficult to resist similar applications elsewhere or in relation to this site;
- (e) Failure to demonstrate that sand is unique or that there are special commercial or strategic reasons for working the additional sand;
- (f) It has not been demonstrated that the option of sourcing all restoration material from Bryants Lane Quarry would prejudice the future reinstatement of that site;
- (g) Risk of recurrence of landslips and implications for safety of homes nearby;
- (h) Why is there so much sand left? If the mineral is left *in situ* then the import of waste would not be necessary;
- (i) Proposals are more for the profitable import of waste than repair of the June 2007 slippage;
- (j) Impracticalities of checking every incoming load of waste to see whether or not it is acceptable;
- (k) Concerns about rodents and disease associated with landfill;
- (l) Adverse impact of increased noise, dust and general disruption to the village if permission is granted, particularly as residential properties are in close proximity;
- (m) Adverse impact on, or disturbance to, local wildlife and presence of badger sett(s) within the quarry.
- (n) Highways Issues:
 - (i) speeding HGV vehicles through the village and consequent danger to pedestrians;

- (ii) Increase in volume of HGV traffic;
 - (iii) inadequate access arrangements and road layout at junction with Woburn Road;
 - (iv) vehicles turning left out of the site onto Woburn Road; and
 - (v) trafficking of mud and sand onto the highway and pavement.
- (o) Restoration proposals:
- (i) should not involve any further extraction or importation of inert waste;
 - (ii) could be strengthened through provision of open access to large areas of the quarry; allocation of spaces for recreational activities and planting of more trees and hedgerow rather than grassland to contribute to the community becoming carbon neutral; and
 - (iii) a permissive bridleway route can be revoked at short notice.

Consultations / Publicity responses:

Environment Agency **CB/09/06556/MW (Minerals application)**
 No comments having reviewed the application detail.

CB/09/06566/MW (Waste application) – A Permit will be required from the Agency for the import of inert waste, which will be subject to a groundwater risk assessment. The previous comments made in respect of the withdrawn applications (see letters dated 22nd August 2008 and 13th August 2009) are still pertinent, as summarised below:

- It will be necessary to engineer a liner to contain the wastes and protect the underlying major aquifer. The Flood Risk Assessment (FRA) submitted with the application is acceptable and the surface water drainage strategy should be implemented in accordance with this document. The soakaway at the base of the site should be constructed at a suitable distance from the edge of the sidewall liner to prevent undermining of the engineered waste containment.

Central Beds
 Environmental Health
 Officer (EHO) **CB/09/06556/MW and CB/09/06566/MW (both applications)**
 Does not object to the revised proposals provided there are no changes to details approved pursuant to conditions 16 and 17 of existing 2003 minerals consent, which deal with noise and dust respectively (with the exception that condition 16 be corrected to correctly reflect what is stated in MPG11 and MPS 2).

Heath & Safety Executive	CB/09/06556/MW and CB/09/06566/MW (both applications) Confirm that they do not have any comments to make on the proposals.
Anglian Water	No comments received.
Central Beds Highway Development Control Manager	CB/09/06556/MW and CB/09/06566/MW (both applications) No objection on highway grounds. The information provided with both applications suggests that there is no intention to increase the number of permitted HGV movements at the site.
Natural England	CB/09/06556/MW and CB/09/06566/MW (both applications) Based on the information provided Natural England has no comments, as it is unlikely that the proposals will have any significant detrimental effect on the restoration of the quarry.
Greensand Trust	No comments received.
Countryside Access Service (Rights of Way Officer)	CB/09/06556/MW and CB/09/06566/MW (both applications) Support the proposal as the applicant is committed to providing a perimeter bridleway. However, it is questioned whether the first section of bridleway could be dedicated earlier if this part of the site would no longer form part of the operational area after 2010. It is recommended that the Public Bridleway be realigned further into the site at the south east corner and that a secondary access be provided onto Gig Lane utilizing an existing gate. This would allow an additional 315 metres of bridleway to be provided as part of the first section and provide a safe route for enable walkers / riders by removing the need to use Eastern Way.
CBC Archaeologist	CB/09/06556/MW and CB/09/06566/MW (both applications) No objection to the proposed variation of conditions, as quarrying has removed any archaeological remains which the land once contained. However, the quarry itself represents the physical remains of sand extraction, which is an important industry historically in this part of Bedfordshire. Given the significance of the sand pits to the local community and its formative role in the local area's character, it is important that an adequate record is made of the sand pits before their industrial character is lost to restoration. This can be achieved through making a detailed photographic record of the site before restoration following the advice in PPG16 'Archaeology and Planning'. Such a requirement could be secured through an appropriate planning condition.
Parish Paths Partnership (P3 Group)	CB/09/06556/MW and CB/09/06566/MW (both applications) Oppose both applications on the basis that they will delay completion of restoration until 2015. The Group would favour a restoration that starts immediately using overburden from Bryants Lane where required and sand

extraction should stop early in 2010 to enable restoration to be completed by 2011.

The Group are however pleased to see a dedicated Right of Way (ROW) offered as part of the proposed restoration. Since the submission of the 2008 applications, subsequently withdrawn, a bridleway has been offered around the southern boundary of the site, although it would only be permissive until 2015. Together with the ROW, previously agreed as a footpath but now proposed as a bridleway, from the centre of the village in Reach Lane to the water tower and onto the planned Webb's Way, a greatly improved network will become available.

There are some issues which the Planning Authority should take into consideration. The applications state that the section from Reach Lane to the water tower not be completed until near the end of the restoration period in 2014. This is the most important section since it would provide a link from the centre of the village. An earlier restoration date would enable these routes to be provided sooner rather than later.

The Group would like to see the first section of permissive bridleway from Overend Green Lane to the water tower extended to the top of Gig Lane, with an additional access point there so that walkers and riders would not need to use Eastern Way at all. Eastern Way is an ongoing concern and is unsuitable for pedestrians and riders as heavy lorries use this route from Chamberlains Barn Quarry to Double Arches Quarry. There would be an increase in traffic if the application for a haul road from Chamberlain's Barn is approved.

Part of the bridleway's route within Reach Lane is unclear because it is understood that the boundary of the quarry is wrongly marked. Both sections of the proposed bridleway should be offered as a dedicated public ROW without any delay because permissive routes can be revoked at short notice.

Ramblers Association
(Leighton Buzzard
Group)

CB/09/06556/MW and CB/09/06566/MW (both applications)

The Ramblers Association do not wish lodge any objection in respect of either application.

Leighton Buzzard
Society

CB/09/06556/MW and CB/09/06566/MW (both applications)

The Society objects to this application. It is unreasonable to expect the residents to endure continuing disturbance to the village for a further 5 years, with the additional lorry movements from tipping of waste. It is not understood why there is an alleged need to import inert waste into Reach Lane when there is a large amount of stored overburden in the adjoining Bryants Lane Quarry.

There is no good reason why the proposed bridle path from Gig Lane to Overend Green should not be dedicated as a public right of way at the outset. If permission is granted, a condition should be included to that effect. There should also be a condition requiring dedication of the route from Reach Lane to Gig Lane as soon as practicable.

County Mammal
Recorder

Strongly recommends that a survey is arranged to assess the use of the site by badgers prior to any work being undertaken. It seems likely that badgers are present, or at least using the site for foraging given the proximity of other setts (there is one less than 400 metres away) and the likely suitability of the quarry for sett building.

Determining Issues

The main considerations relating to these applications are:

1. **Policy Approach and Information Requirements**
2. **Green Belt**
2. **Disturbance**
4. **Water Quality, Flood Risk and Surface Water**
5. **Transportation**
6. **Landscape**
7. **Restoration, Aftercare, Biodiversity and Rights of Way**
8. **Assessment of Justification and Need for Development**
9. **Conclusions**

Considerations

1. Policy Approach & Information Requirements

In deciding these applications, the Council must have regard to section 38(6) of the Planning and Compulsory Purchase Act 2004. Proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan consists of The East of England Plan (May 2008), which effectively supersedes the Bedfordshire Structure Plan. Until the emerging policies of the Minerals & Waste Local Development Framework are adopted, the policies of the Bedfordshire & Luton Minerals & Waste Local Plan, Adopted January 2005 (MWLP) and the South Bedfordshire Local Plan First Review, Adopted January 2004 (SBLPFR), are formally saved and form the policy framework against which applications should be determined.

Policies M6 (*Requirements for determination of minerals applications*) and GE1 (*Matters to be addressed in planning applications*) of the MWLP set out the criteria for assessing minerals and waste applications. The applicant has sought to demonstrate the existence of valuable remaining sand deposits and has put forward a revised programme of working and progressive restoration accompanied by a timetable. These are standard information requirements

for the type of applications under consideration, as set out in policy M6 of the MWLP.

The applicant has submitted further drawings showing a completely revised sequence of extraction, backfilling / infilling and restoration material movements together with a timescale for progressive working and restoration. This has been devised to tie in with the proposed programme of further sand extraction and landfilling. This phasing information is a standard requirement for determination of applications of this nature, as prescribed by policy M6 b) & d) of the MWLP, particularly as in this case the operator has not adhered to current approved phasing plans and seeks to regularise the situation on the ground by demonstrating a clear and progressive way forward.

Policy GE1 of MWLP advises that minerals and waste planning applications must provide sufficient information to enable a full and proper assessment of all the issues arising, including need in the national, local and regional context, traffic implications and all relevant environmental impacts, as addressed below. A judgement needs to be made as to whether or not adequate information has been provided on each relevant issue.

2. Green Belt

PPG2 sets out national planning guidance in respect of sites within designated Green Belts. Reach Lane Quarry lies wholly within the South Bedfordshire Green Belt. The two-part test to be applied is whether development represents inappropriate development in the Green Belt and, if so, whether there are very special circumstances present which clearly outweigh both the harm caused by virtue of the inappropriateness and any other harm.

PPG2 lists the five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large-built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

At the local level, guidance on Green Belts is contained in Policy GE5 (Protection of Green Belt Land) of the MWLP. Policy GE5 states that planning permission for waste development will only be granted where very special circumstances can be demonstrated to justify the proposal. It adds that all minerals and waste development proposals should preserve the openness of the Green Belt.

CB/09/06556/MW – (Minerals application)

Whilst there is not a general presumption against mineral working in the Green Belt, as there is with waste disposal operations, it is still necessary to consider whether proposed mineral extraction would compromise openness and conflict with the purposes of including land within the Green Belt. The advice in PPG2 at paragraph 3.11 is that minerals are exceptional in that they

can be worked only where they are found and their extraction is only a temporary activity. Further guidance is provided in MPS1. In recognising that minerals are “*essential for development and through that for our quality of life and creation of sustainable communities*”, MPS 1 goes on to state that “*.....mineral extraction need not be inappropriate development in the Green Belt, nor conflict with the purposes of designating Green Belts*” but “*.....in permitting minerals development in the Green Belt, authorities should ensure that the high environmental standards are maintained during operation... and that sites are well restored to afteruses consistent with Green Belt objectives.*”

The greater time frame over which both extraction and restoration is intended to take place would undoubtedly have a degree of impact upon the scene, character and setting of the South Bedfordshire Green Belt in the Heath & Reach area. Although there would be no lateral extension of the quarry void, a sizable area of land is affected by the proposals. The applicant proposes to expedite restoration over more than half of the site, incorporating the highest points in the quarry on the eastern / south eastern slopes, which are most apparent in the landscape from Heath & Reach village. It is considered that the programme put forward maximises the opportunity for early restoration of a considerable portion of the site (14.8 hectares) that would no longer be operational. Furthermore, the programme provides for subsequent phases to be restored and landscaped in a timely fashion. I am of the opinion that, notwithstanding the proposed extension of the life of the site until winter 2015, provided that the phasing programme is delivered on time, the development would achieve the ‘high environmental standard’ and ‘well restored’ criteria set out in PPG2 (para. 3.11). On this basis, it is concluded that the sand extraction and restoration proposals set out in this application do not constitute inappropriate development in the Green Belt.

The proposed final landform and proposed afteruse of the site for agriculture, amenity and areas of woodland is deemed to be consistent with Green Belt objectives, in particular that of safeguarding the countryside from encroachment.

CB/09/06566/MW – (Waste application)

Landfilling is not the currently approved method for restoring the quarry; the current consent stipulates that only on-site materials are permitted to be used (with an allowance for movement of restoration material across the boundary from Bryants Lane). It is necessary therefore to consider the effect of the landfill element, on its own account, on the openness of the Green Belt and whether this operation would conflict with the purpose of including land in it.

Paragraph 3.12 of PPG2 states that the carrying out of engineering operations and other operations and the making of material changes of use of land will be inappropriate development “*unless they maintain openness and do not conflict with the purposes of including land within the Green Belt*”. For the purposes of PPG2, the disposal of waste can be classed as a change of use and therefore covered by the provisions of paragraph 3.12.

The Guidance states (PPG2 para. 3.13) that when large-scale development (including the tipping of waste) occurs, it should, as far as possible, contribute

to the achievement of the objectives for the use of land in Green Belt.

As there is a general presumption against landfilling in the Green Belt, since it is, by definition, considered to be inappropriate development, approval should not be forthcoming except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. PPG2 advises that it is incumbent on the applicant to demonstrate very special circumstances to justify the grant of permission.

Operations and associated activities to dispose of waste would be likely to detract from the rural character of the area. The activity would be likely to have a more industrial appearance and result in some temporary loss of openness, which is the most important attribute of Green Belts. Whilst it is arguable that views of the landfill operation would be somewhat limited given the local topography and boundary vegetation, lack of visibility does not mean that openness would be preserved.

The applicant contends that very special circumstances exist to justify landfilling because imported fill is an essential requirement for satisfactory restoration of the site. In other words, the location of the development is integral to the application.

There is recognition in Policy W21 of the MWLP (*Inert waste landfill*) that disposal of waste to contribute to the restoration of old mineral workings can be acceptable where proposals contribute to the restoration of old mineral workings or demonstrate a net environmental benefit. This mirrors the advice in MPG 7 (para. 21), which promotes the development of high standard restoration proposals and advises that landfilling of some sites can "...provide opportunities to re-create pre-working or acceptable, new landscapes". The proposal to import 290,000m³ of inert material to make up a deficit of restoration material and achieve a stable final landform capable of sustaining a suitable afteruse accords, in principle, with policy W21 and MPG7.

The proposed final restored landform for the landfill area would be consistent with the intended afteruse of the site for agriculture, amenity and areas of woodland and it would not appear incongruous in the landscape or visually intrusive. As such, the final landform would accord with the purpose of safeguarding the countryside from encroachment, set out in PPG2.

A judgement as to whether there are special circumstances present in this case to justify waste development in Green Belt is considered in the conclusion to this report. Firstly, however, it is necessary to consider whether the development proposals would cause any other harm in terms of environmental disturbance or pollution and this question is addressed in the subsequent sections.

3. Disturbance

CB/09/06556/MW and CB/09/06566/MW – (both applications)

Policy GE18 of the MWLP (Disturbance) states that planning permission will only be granted for minerals and waste development proposals which are

likely to generate disturbance from noise, dust, mud on the highway, fumes, gases, odour, illumination, litter, birds or pests, where the anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposals. Furthermore, policy BE8 of the SBLPFR advises that proposals likely to generate disturbance and other pollution emissions must ensure that they do not unacceptably disturb or otherwise affect adjoining properties and uses.

The closest sensitive receptors are 60 metres from the boundary of the curtilage of the quarry. The remaining mineral phases identified by the operator are situated between 90 and 220 metres from the nearest dwelling. The inert waste tipping operation would be a minimum of 90 metres from the nearest property.

Local residents have cited noise emissions as a reason for objection to the proposals. File records indicate that there have been occasional complaints to the Minerals and Waste Team about noise emanating from Reach Lane Quarry, most recently in August 2008. There was a subsequent noise complaint in September 2009, but it was established that this was specifically in relation to maintenance and movement of plant and equipment in and around the workshop shed within Bryants Lane Quarry. As such, the approach has been to address the matter under the appropriate conditions for the Bryants Lane permission site.

The applicant is not proposing to alter the current set of quarry working hours imposed by permission 9/2003. Mineral *extraction* is permitted to take place between 0700 to 1800 hours on Mondays to Fridays and 0700 to 1300 hours on Saturdays. Mineral *processing* is allowed to take place for an additional hour early in the morning, between 0600 hours and 0700 hours Mondays to Saturdays. The times allowed for plant maintenance are more relaxed covering weekday evenings until 2100 hours, and during the daytime on Sundays and Bank Holidays. With regard to the waste importation proposal, the applicant has requested slightly more limited hours than presently allowed for mineral extraction. The same weekday start time of 0700 hours is proposed but with an earlier finish time of 1700 hours. It is proposed that waste operations would take place between 0700 and 1300 hours on Saturday mornings, which corresponds with permitted Saturday working times for mineral extraction. The above working times are standard operating hours for mineral extraction and waste disposal operations and I do not see any overriding case for further restricting them on any grant of permission.

There are no technical objections from the Environmental Health Officer on grounds of noise in respect of either application. Whilst I consider that there is a risk of noise nuisance at the nearest dwellings if proper controls are not in place, especially when backfilling and waste tipping operations approach surrounding ground levels near the site boundary, I am satisfied that noise emissions could be the subject of appropriate planning conditions in order to minimise any impact. Having regard to MPS2 and PPG24, I consider that a requirement for submission of a similar but updated scheme for monitoring and control of noise should be attached to any new mineral extraction and restoration permission. I also consider that noise emissions from the proposed waste tipping operation could be effectively controlled provided that

specific safeguards are in place, including imposition of the same noise limit as currently applies to mineral-related operations. This would ensure conformity with Policy GE18 of the MWLP.

In relation to dust, the deposit of sand on the road and pavements outside the site has given rise to complaints over recent years. It continues to be a matter of concern for residents and the Parish Council as borne out by publicity of the applications. A wheel shaker grid is located next to the weighbridge and the operator also possesses a road sweeper machine which is regularly deployed to remove sand and debris transferred onto the highway. Whilst the applicants have emphasised the point that there is no intention to increase the number of permitted HGV movements at the site, there would nevertheless be an intensification of movements over recent levels and there is also the likelihood that waste HGVs would encounter muddy areas when depositing waste at the tipping cell. I therefore consider that a wheel wash facility would be a necessary preventative measure if the importation of waste is allowed to proceed. The Environmental Health Officer is otherwise satisfied with existing dust mitigation measures for quarrying operations and a similar set of controls could apply to the waste importation activity to ensure conformity with Policy GE18 of the MWLP.

4. Water Quality, Flood Risk and Surface Water

CB/09/06556/MW and CB/09/06566/MW – (both applications)

Policy GE20 of the MWLP (*Water resources*) states that permission will not be granted for minerals and waste development proposals where the proposal would have an unacceptable impact on the quality of quantity of groundwater and/or surface water drainage, and the flow of groundwater on or in the vicinity of the site.

The applicant considers that both applications do not pose any risk to the water environment. The Environment Agency has no adverse comments to make in respect of either application. A PPC Permit application for landfilling, which includes a groundwater risk assessment, has been lodged with Environment Agency for some time. The regulations dictate that a Permit cannot be issued unless a relevant planning permission is in place.

The deposit of clean and validated inert waste material should not give rise to contamination of land or groundwater. By definition, inert material is that which does not undergo any physical, chemical or biological transformations, and would include uncontaminated earth and excavation waste such as brick, concrete, stone, etc. As such, the tipping operations would not present problems with rodents or a risk to health, as suggested by concerned local residents. An engineered clay liner would be required to contain the wastes and safeguard against the possibility, however insignificant, of pollution of the underlying major aquifer. A neighbour has questioned whether the processing of checking every incoming load would be impracticable. There is a legal requirement for hauliers and developers to produce Waste Transfer Notes (WTNs), which must contain enough information about a consignment / load of waste to enable anyone coming into contact with it to handle it safely and either dispose of it or allow it to be recovered within the law. Subject to a

condition requiring that only inert material is deposited on site, it is considered that the importation proposal would not conflict with Policy GE20 of the MWLP.

In accordance with the requirements of PPS25 and Policy GE19 of the MWLP, a Flood Risk Assessment (FRA) accompanies the inert landfill application. The site is located within Flood Zone 1, defined as an area which has less than 0.1% annual probability of river flooding in any year. The FRA needs to demonstrate that sufficient attenuation for a flood event with such degree of probability is catered for in the landfill design. An indicative surface water management strategy has been submitted for the landfill area and the wider quarry site. Control of run off is paramount in maintaining the quality of the restored surface in the long term. French drains and swales (ditches) would direct surface run off to the water body and a soakaway would need to be constructed. The Environment Agency has confirmed that the drainage strategy for the site as a whole as described in the application is acceptable. As such I find that both applications conform to Policies GE20 and GE26 of the MWLP.

5. Transportation

CB/09/06556/MW – (Minerals application)

Policy GE23 of the MWLP (Transport: Suitability of Local Road Network) states that planning permission will only be granted where the material is capable of being transported to and from sites via the strategic highway network. The suitability and capacity of access routes must also be taken into account.

No additional HGV movements are proposed in connection with the proposed revisions to the mineral operation. On this basis, there is no objection from a highways perspective.

CB/09/06566/MW – (Waste application)

Reach Lane and Bryants Lane Quarries are currently permitted a combined maximum of 160 movements per day, utilising the recently improved shared entrance off Woburn Road. The applicant has calculated that over representative three-month periods during 2006, 2007 and 2008, the combined mineral operation for both quarries generated a daily average of 69 movements. Based on the assumption that all loads delivered to the site would involve fully-laden 20 tonne gross weight tipper lorries with a maximum body volume of 15m³, there would need to be an average of 19 loads delivered per full working day (equating to 38 vehicle movements) in order to achieve the desired importation figure of 290,000m³ over the 3 year and 8 months tipping period requested. There is no question, therefore, that waste importation traffic could be accommodated within the existing lorry movement allowance in the 2003 mineral permission. In reality, however, there are fluctuations in available waste volumes as and when large contracts became available, so at certain times the applicant would want to operate at or close to the maximum level of 160 movements.

Neighbours have raised the concern that there would a significant increase on recent actual traffic levels. However, my Highways Development Control

Officer is of the opinion that there are no sound highway reasons for imposing a reduced limit on traffic movements in and out of the shared access. The access itself and the approach roads are deemed to be adequate to cater for the peak level of traffic currently permitted to use the site.

The site entrance lies on the edge of Heath & Reach village, approximately 1.7 km to the south of the A5 roundabout at Sheep Lane, which forms the nearest point on the strategic highway network. The recent implementation of lorry ban zones covering the north and east of Leighton Buzzard means that *through* traffic must not use Woburn Road, Heath and Reach. Unless mineral deliveries or waste collections are being made locally, in which case vehicles must exit the ban area by the shortest possible route, HGV movements must not take place through the village beyond the Shenley Hill Road junction. It would not be a logical route for HGVs drivers wanting to get to Leighton Buzzard and beyond to cut through Heath and Reach village and then turn off at Shenley Hill Road because the weight limit applies south of the Mile Tree Road junction. The appropriate route for HGV drivers is to turn right out of the quarry and head northwards towards the A5. The Parish Council suspects that some drivers are flouting the lorry ban and have suggested that the applicant be held to account for any breaches and be made responsible for policing the traffic. However, enforcement of the lorry ban is the responsibility of Bedfordshire Police.

The imposition of a condition to prohibit traffic turning left out of the site would not be an effective remedy in this case. The reason for this is that Woburn Road is not the section of road junction immediately outside the site; vehicles first have to cross the highways of Reach Lane and Bryants Lane. Whilst it is possible to restrict the initial turning movement out of a site by imposition of a planning condition, once a vehicle is on the public highway and fully outside the permission site, the direction of the vehicle cannot be controlled by planning condition. A lorry routeing Agreement is a possible option in some circumstances, but in this case it would only serve to duplicate the legal force of the lorry ban.

With regard to the installation of a CCTV system at the site entrance, with remote access for viewing by the Planning Authority, this is seen as a more effective means of monitoring and controlling inward and outward traffic movements as well as operating times. Such a requirement has been imposed on other minerals and waste sites in the Leighton Buzzard area and it would not be unreasonable to do so in this case if permission is forthcoming.

Subject to suitable conditions being imposed, I conclude that the landfilling application accords with Policy GE23 of the MWLP.

6. Landscape

CB/09/06556/MW and CB/09/06566/MW (both applications)

Policy GE9 (Landscape Protection and Landscaping) of the MWLP requires that development proposals must be sympathetic to local landscape

character and any adverse impacts should be reduced as far as practicable and outweighed by other planning benefits.

The landscape character of the area is set out in the County Council's Landscape Character Assessment (LCA). The landscape character of the Heath & Reach area is classified as 'Woburn Greensand Ridge' (type 6A). It is characterised by a large scale, rolling elevated landscape with variable field and roadside boundaries and numerous wooded areas. Active and restored mineral workings also have an influence on the landscape character - sand pits interspersing areas of woodland are often visible along the roadsides.

The extension to the operational life of the mineral site and the subsequent postponement of the restoration end date, together with the introduction of landfill operations, would cause a degree of harm to the visual amenity of the Green Belt and detract from the rural character of the area, albeit temporarily. Weighing against these adverse effects are the environmental and planning benefits arising from the improved scheme of restoration devised by the applicant, including a perimeter bridleway.

The Central Bedfordshire Landscape Enhancement Officer supports the proposals subject to amplification on several aspects of the restoration plan, such as management of existing trees and hedgerows and selective use of a limited topsoil resource. It is considered that localised re-profiling throughout the site, within the parameters of the submitted contour plan, would be an important additional requirement to break up uniformity. These points of detail could be agreed by way of appropriately worded condition(s). The dedication of an area south and south east of the plant site to natural colonisation (a process which is also underway there) plus the swift reinstatement of the upper eastern slopes with additional hedgerow features convey important landscape benefits. The high ground on the eastern side of the site near Overend Green Lane and Eastern Way is open to distant views from Heath and Reach village and beyond and therefore the restoration of this area at the earliest opportunity is also seen as important in landscape terms. It is considered that the range and extent of tree, shrub and hedgerow planting and inclusion of linear grazing meadows would be sympathetic to the local landscape character and appropriate in scale to the landform and surrounding area. As is normal practice, a 5-year period of maintenance of the planting would be imposed to ensure establishment.

In view of the above, and notwithstanding the short term harm to the landscape brought about by delaying the restoration end date to 2015, the application is seen to be in accordance with PPS7, PPS10, and Policies GE9 and GE10 and GE26 of the MWLP.

7. Restoration, Aftercare, Biodiversity and Rights of Way

CB/09/06556/MW and **CB/09/06566/MW** (both applications)

Policy GE26 (*Restoration*) of the MWLP requires that all proposals for all non-permanent minerals development include high quality restoration of the site within a reasonable timescale. Opportunities for habitat creation should also be considered and, where practical and desirable, incorporated into

restoration proposals.

MPG7 (Annex A, para. A9) states that the final landform should be the best available compromise between the intended afteruse, compatibility with the natural landscape and slope stability. The contours proposed do not differ significantly from those currently approved and the applicant continues to rely upon the '*Geotechnical Slope Stability Report*' produced by Atkins in 2002. This report concludes that an overall 1 in 5 angle of slope provides an adequate factor of safety for restored batters.

However, slopes shallower than 1 in 5 have been introduced towards the base of the quarry to ensure safe and convenient use of the water body for fishing / other amenity use and to facilitate silt fall out. The proposed southern and eastern batter slopes of around contain subtle changes to the existing approved gradients, but are seen as appropriate for long term quarry slope conditions at the site. The proposed overall landform would be capable of sustaining the intended afteruses of the site for agriculture (i.e. grassland / grazing) and amenity.

The latest submitted restoration drawing is broadly similar to the currently approved one. It contains the same component parts of open grassland, grazing fields, a central water body feature and blocks of tree planting but the applicant has sought to include some additional biodiversity enhancement compared to the approved plan with over 0.5km of additional hedgerow and an area of bare sand. Further habitat improvement could be secured if a condition is attached to the grant of permission for local variation of the final contours in order to promote a more varied flora and fauna.

The applicant proposes to retain the site manager's office / accommodation, beyond the life of the quarry, although it is proposed to demolish all other structures and buildings. Whereas the current Section 106 Agreement appears to allow the site manager's office / accommodation to be retained after the quarry is finished, this building was excluded from the currently approved restoration drawing. Irrespective of this, the current application affords the Council the opportunity to re-consider the matter. There appears to be no special case for permanent retention of the building in order that it may serve as the company headquarters. The building would lose its ancillary status as a facility to serve the operational Reach Lane Quarry site once the area has been fully restored. The applicant therefore needs to demonstrate an exception to Green Belt policy. No case has been put forward. I am inclined to the view that this building should be removed upon final restoration of the quarry at the end of 2015; this would need to be included as an obligation in a Section 106 Agreement should permission for further mineral extraction be forthcoming.

Schedule 5 of the Planning Act provides powers to Minerals Planning Authorities to impose 'aftercare conditions' on the grant of planning permission in relation to land which is to be used for such purposes following mineral working. The need for aftercare stems from the recognition that land needs to be given treatment for a number of years after the initial restoration has been carried out. The ultimate aim behind the concept of aftercare is that, over time, the land will be brought to a standard whereby it does not have to be treated differently from undisturbed land. The maximum aftercare

period of five years can on occasion be extended by mutual consent, but in this case the standard maximum period is considered to be adequate.

Policy GE13 (*Species and habitat protection and enhancement*) of the MWLP states that planning permission will be refused for proposals that would actively affect rare or threatened species or their habitats, except where any adverse effect would be overcome by appropriate on or off site mitigation measures, or, the adverse effects are reduced as far as practicable and are clearly outweighed by other planning benefits of the proposal and appropriate mitigation and/or compensation measures are taken. One resident has raised the prospect that badger sett(s) exist within the quarry working, although no details have been provided. The County Mammal Recorder has confirmed that there are no records of badger activity within the confines of the quarry, but that does not rule out the possibility that this species has been attracted to the site given the presence of a sett fairly close by. The relevant primary legislation is the Protection of Badgers Act 1992, which is mainly based on the need to protect badgers from baiting and deliberate harm. Planning Policy Statement 9 '*Biodiversity and Geological Conservation*', emphasises the importance of establishing the presence or otherwise of protected species, and the extent to which they may be affected by the proposed development, before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. Generally, therefore, it is not appropriate to leave such matters to the post-determination stage. However, in this instance the development site comprises an operational quarry working that has undergone extensive earthworks with recent disturbance such that it is likely to be of limited biodiversity value. Ultimately, even if this species is present, there will now sufficient areas subject to no further activity for any population to be protected. Taking the above into account, it is considered that a requirement for surveys and mitigation measures can be addressed by a planning condition.

Policy GE21 of the MWLP requires minerals proposals, that would lead to disruption of the public right of way network, to provide suitable alternative arrangements to maintain or enhance public access opportunities and restoration proposals to enhance and/or extend opportunities for public access.

The proposed deferral of final restoration at Reach Lane Quarry to 2015 would not disrupt the existing rights of way network. The temporary diversion of Footpath 1 is connected to the Bryants Lane site which has consent for mineral extraction until 2042; it must be reinstated to its original route but this cannot happen in the short term.

The applicant's offer of a permissive perimeter bridleway, to be delivered in two stages, followed by dedication of the whole route as a ROW upon permanent cessation of operations, should be attached great importance. It is considered to be an important concession on the part of the applicant company, which would significantly enhance the existing approved restoration plans by providing, in time, a direct link from the village of Heath and Reach to the wider path network. The provision of a bridleway would help to mitigate the extended period of disruption to the community brought

about by extending the operational life of the site. The proposal is supported by the Council's Rights of Way Officer and is welcomed by the P3 Group and the applicant has agreed to their request for the first section of bridleway to be extended from the water tower to an existing gated access on Gig Lane in order that it can be reached without the need for walkers / riders to use Eastern Way. Some objectors, including the P3 Group, have suggested that the first section of bridleway should be dedicated immediately as a path with permissive status can be closed at short notice. I can understand the misgivings in this regard. However, it is conceivable that an adopted route could impede essential works affecting the upper slopes. A Section 106 Agreement could be framed to ensure that closure of the permissive route is only on grounds of essential quarry works and not at the whim of the landowner.

In addition to meeting the broad aims of Policy GE21 of the MWLP, the bridleway proposal is also supported by Policy GE3 (*Environmental Improvement of the Greensand Trust area*). Schemes for restoration and afteruse within the Greensand Trust project area should support the aims and objectives of that organisation. The most relevant objective in terms of the proposals for Reach Lane is to develop, improve and promote public rights of way networks. The Greensand Trust also promotes public open access It should be noted that the applicant has rejected the suggestion that open public access should be provided on the restored site, so the restoration proposals would not fulfil this wider objective of the Greensand Trust.

8. Assessment of Justification and Need for Development

CB/09/06556/MW (Minerals application) –

Mineral Extraction and Importance of Mineral Deposits:

The applicant seeks to extend the period of extraction at the site beyond the current expiry date of 30th January 2010 (which itself was a 6-year extension of time) to April 2015. This will allow 133,600m³ (213,760 tonnes) of *in situ* remaining sand to be won from existing permitted phases plus a further 80,700m³ (129,120 tonnes) of additional *in situ* mineral outside those permitted areas, which appears to have been sterilised historically due to the incompatibility of the two quarries when ownership was divided. Given that the two sites are now in single ownership, it is now possible to extract mineral up to the boundary.

There were estimated to be approximately 500,000 tonnes of available mineral reserves when permission for further mineral working was granted in 2003 (i.e. now the presently approved working area). The applicant blames a combination of factors for the failure to work out these permitted reserves. Firstly, it was envisaged that extraction operations would be concentrated in Reach Lane but this has not turned out to be the case due to customer requirements for blended products. Secondly, mineral volume calculations in 2003 were based on the assumption that the water table was level but groundwater monitoring has demonstrated that the water table dips to the south east, accounting for an extra 50,000 tonnes. Thirdly, the operator has recovered additional quantities of sand from the site which were previously

thought to contain only overburden. Fourthly, it is also claimed that the landslide of June 2007 interrupted extraction operations as all resources were put into emergency engineering works.

One of the main deficiencies of the withdrawn application, and one of the grounds for the tabling a recommendation of refusal, was the applicant's failure to demonstrate that the proposed extraction would yield specialist industrial / silica sands, which are recognised as a scarce resource limited to a few areas of the country. The 'need' for the proposed extraction remains a critical issue in determination of the latest application. This is because continued extraction would have implications for the environment, landscape and local community in that not only would it lead to delay to final restoration and thus bring a degree of prolonged disturbance to the area, but also exacerbate a shortage of on-site material. These negative impacts must be balanced against the need for extraction of the mineral.

Sand or sandstone resources are classed as silica sand when the physical, chemical and mineralogical properties are such that it is marketed for uses other than as a construction aggregate. Unlike building and concreting sand, which have a relative local market, specialist sand products may be transported considerable distances. The raw materials range from high grade white sand used for glass manufacture, chemical industry and ceramic applications through to more impure sands (coloured yellow, orange or brown) which, when processed fill a market need for a particular grading of sand

MPG15 '*Provision of Silica Sand in England*' advocates the importance of safeguarding nationally important silica sand resources, stating in paragraph 2 that there is a "...need to protect unworked silica sand deposits against sterilisation by other forms of development except where there are overriding planning reasons for releasing this land for other purposes". Further, in paragraph 65, MPG15 goes on to state that regard should be given to ".....whether the particular nature and qualities of the silica sand, such as suitability for particular end-use not met by other available sources in the area or region, in itself justifies granting permission".

The applicant has engaged specialist consultants (GWP), as part of the preparation of this re-submitted application, to undertake an assessment of the quality and quantity of the mineral contained within the proposed areas remaining to be extracted. The report of GWP's findings accompanies the application for revisions to phasing of extraction and restoration proposals.

In order to assist the Council as Minerals Planning Authority in reaching a decision on the revised application, Cuesta Consulting Ltd have been appointed to provide specialist advice on the 'need' argument and the findings of the GWP report on mineral characterisation. As author of the 'Bedfordshire Silica Sand Study 2006/07', Cuesta Consulting has experience and knowledge from previous research in this field. It has not been possible for officers to rely solely upon the Bedfordshire Silica Sand Study as a point of reference because the report only considered Reach / Bryants Lane Quarries in very broad terms due to a lack of information provided by the operator.

The main findings of the GWP report are summarised below:

The remaining sand at Reach Lane comes from the lower Brown Sand, a division of Woburn Sands lying below the white Silver Sand, which only has remaining reserves in Bryants Lane. The quality and variability of sand was assessed through examination of exposed faces, and sampling and grading analysis of a total of 32 samples of sand. From examination of the current exposures, it is estimated that 60 per cent of the remaining un-dug sand may be of coarse-to-medium grading and suitable feed for specialist sand production. It is expected that the top c2 – 3 metres and the basal will have a higher proportion of medium to coarse sand than the intermediate part of the excavation. It is estimated (with the aid of 3D modelling computer software), that the proposed excavation would release c296,000 tonnes of *marketable* sand, of which some c177,000 tonnes (60 per cent) is medium to coarse sand suitable for specialist sand production. The remainder (119,000 tonnes) would comprise high quality 'soft' building sand. The Brown Sand is highly variable and recognition of the different qualities of sand and careful, selective excavation is necessary to optimise the production of specialist sand and building sand to ensure consistency of the products. The sands exploited at Reach Lane are, when washed, slightly iron-stained golden-coloured sands that are not a substitute for the high purity white sands found in the upper bench of Bryants Lane. These sands are used in applications where colour and slight-staining is not an important consideration. The washed products have a high silica content of 98 – 99 per cent, which together with the grading characteristics make it suitable for a range of specialist uses. Certain coarse sand products are supplied to a distributor outside the region to fill a recognised market need. The report contains a breakdown of estimated sand volumes by type in respect of each proposed working phase.

Having considered the GWP report, the Council's advisor is of the opinion that, in most respects, it is a very thorough assessment of the geology of the deposits exposed within Reach Lane Quarry, and the sand products capable of being produced from these. For the first time, the applicant has provided a clear indication of the relationship between the geology, the methods of extraction and processing, and the final product types, together with a reasonable assessment of the proportions of each product likely to be capable of being produced. There are some limitations in the assessment however. It does not appear to include any new sub-surface borehole investigations. Instead it is based primarily on existing exposures and the testimony of people at the site for a number of years. For these reasons, the estimated volumes of each type of sand within the remaining reserves must be treated with a degree of caution. Moreover, the GWP report includes caveats regarding the proportions of each type of sand capable of being produced, noting the need for 'careful extraction' in order to separate the relatively coarse feedstock for specialist sand production from the finer-grained ('soft') building sand. Whilst it has been the normal custom of L.B Silica Sands to carry out selective extraction in order to maximise the production of specialist sands, and whilst there remains a commercial imperative for them to continue doing so, the final proportions of different sand products may be quite different to those indicated in the report. Notwithstanding these

limitations, Cuesta Consulting conclude that the GWP report presents a credible justification for the existence of specialist sand reserves which ought not to be sterilised. The report provides a sensible comparison with the materials produced at the other silica sand quarries in the Leighton Buzzard area and notes that there are existing specific markets for the Reach Lane products, alongside those served by the larger producers. Although the quantities involved are relatively small, and probably uncertain, the Council's advisor is inclined to the view that the need for extraction has been demonstrated. It is suggested that if the extraction goes ahead, then in the interests of improved understanding of the Leighton Buzzard silica sands in general, and the accuracy (or otherwise) of site-specific assessments such as that prepared by GWP, the operator ought to monitor and record the actual proportions of the four main specialist sand gradings obtained as the deposit is worked and (or at least) the overall ratio of specialist sands to inferior grade building sands and 'reject' material.

Whilst it is considered that the existence of quality silica sand reserves, as demonstrated by the GWP report, is sufficient to justify the need for extraction, it is still appropriate to have regard to the question of silica sand landbank². Policy M3 of the MWLP, which reflects the advice in MPG15 (para. 47), requires the Council as Minerals Planning Authority to maintain a landbank of at least 10 years for 'individual production sites'. As Reach Lane and Bryants Lane Quarries use a single processing plant, they are deemed to constitute a single production unit for the purposes of this policy. The applicant estimates that the total combined reserve figure for the Reach and Bryants Lane quarry complex is 1,968,300m³ (3,149,280 tonnes). Therefore, if the annual output is taken to be 140,000 tonnes and if it is assumed that 60 per cent of the reserves comprise specialist sand, then the approximate silica sand landbank is calculated to be 13.5 years. The landbank figure would drop to about 12.02 years if the mineral identified to be worked at Reach Lane is taken out of the equation. The current proposal for continued extraction at Reach Lane therefore finds support in Policy M3 in that it would help to maintain the landbank at this particular quarry complex above the 10-year threshold.

Backfilling and Restoration

It has been necessary for the applicant to conduct a further modelling exercise to support the revised applications. This has involved a comparison of the base of sand extraction with the proposed restoration contours in order to calculate the total volume of material needed to achieve the desired landform and the availability of on-site overburden material for this purpose. The restoration material deficit has been re-assessed, taking into account the reduced volume of sand now proposed to be worked and the intention to source less overburden from Bryants Lane. It is calculated that the deficit is now 424,100m³, a marked reduction from the figure of 739,500m³ noted in the previous application. It is not in question that the proposal to continue

² A landbank is a stock of planning permissions for the winning and working of minerals to enable the minerals supply industries to respond speedily to fluctuations in demand and to take account of the lead times that may be involved in obtaining planning permission and bringing the site into full production.

sand extraction at the site in order to exhaust the existing permitted area and exploit a wedge of mineral on the site boundary is driving this stated shortage of restoration material. This is because the material deficit is calculated on the assumption that the proposed extraction of 214,300m³ of *in situ* sand would take place.

The applicant contends that a number of logistical difficulties would arise should the Council decide that no further extraction of material should be allowed beyond the expiry date of 30 January 2010 and that restoration of the site should be completed within 15 months of that expiry date. According to the applicant's calculations, 177,000m³ of un-dug sand deposits would need to be removed in order to allow formation of the proposed final contours. A slightly greater volume of mineral would need to be shifted in order to create the approved restoration landform, as it is steeper-sided and lower at the base. The current floor of the pit where further working is intended lies up to 10 metres higher than approved restoration levels. If this mineral is left *in situ*, the applicant is concerned that it would be necessary to look at alternative restoration landforms, which in turn might mean that the drainage system has to be redesigned, all of which could contribute to delays. The applicant points out that the sand which sits above the proposed or existing approved restoration levels would not be competent material for permanently stabilising the 2007 slip and forming the correct slope conditions.

CB/09/06566/MW (Waste application) –

The applicant asserts that there is a fundamental need for the import of waste to the quarry. First, inert material would be placed at the base of the June 2007 slip failure to provide an overall buttress and address the issue of long term stability. Second, an overall deficit of restoration material exists such that the proposed final contours cannot be achieved without fill from external sources.

An application of this nature must be accompanied by a slope stability report prepared by a "competent person", in accordance with advice in PPG14 and MPG5. The report included with this application explains the emergency interim works that have already been undertaken and approved by the Health and Safety Executive. Essentially these interim works have involved reducing the steepness of the temporary clay overburden slope to a batter of between 1 in 3 and 1 in 4. The slope stability report recommends that further earthworks are now put in place to address the long term risk of further slippage by creating a safe permanent batter in the region of 1 in 5. The final slope across the proposed infill area has been designed accordingly. The Health and Safety Executive has not lodged any concern or objection regarding the proposed final slope.

As there is inadequate suitable restoration material within Reach Lane Quarry, the question arises as to the whether it is acceptable on planning grounds for a proportion of that deficit to be made up of imported material, as currently proposed, or whether the applicant should be relying wholly or more mainly upon Bryants Lane for the source of restoration clays. The applicant's chosen approach is to source a limited quantity of overburden (133,000m³) from across the boundary in Bryants Lane, thus leaving the greater part of

the deficit (290,000m³ or 68 per cent) to be made up with imported material. The application contains a 'materials balance' assessment for Bryants Lane Quarry. An important caveat of this exercise is that it is only based on indicative restoration levels that show how the two sites could integrate at the boundary; these levels have not been formally submitted for determination and cannot be considered in the scope of this report. As such, it merely provides an indication of *potential* deficit. The materials balance exercise shows that a substantial quantity of overburden material exists within Bryants Lane (c2.4M³), this being vastly in excess of what is stated to be required to finish Reach Lane Quarry. However, even if all available overburden material is retained within Bryants Lane, there could still be a sizeable deficit. Although there is some doubt about the accuracy of these volumes, I am of the opinion that there is a reasonable likelihood of some restoration material deficit in Bryants Lane. If it did transpire that there was little or no deficit of restoration material, there would then be scope to achieve a better restoration profile in a shorter time period.

I consider that the latest proposal strikes an acceptable balance between limiting the amount of fill that is brought in from elsewhere and seeking to avoid a scenario where the ability to restore Bryants Lane Quarry is prejudiced by significantly increasing a probable materials deficit.

The period requested for waste importation, from April 2010 until December 2013, means that restoration would not take significantly longer than would be the case if the operator relied solely upon overburden from Bryants Lane Quarry for restoration of the south western part of the Reach Lane site. More importantly, the waste importation proposal would not itself extend the operational life of Reach Lane Quarry if the application for an extended period of mineral working is approved.

Policy W1 of the MWLP (*Key Principles*) states that planning permission for waste management proposals will only be granted where it:

- contributes to meeting the strategic aim of the Plan to reduce the amount of waste which goes to landfill;
- takes account of the waste hierarchy;
- does not significantly increase development options further up the hierarchy; and
- conforms with the proximity principle.

The applicant expects that the majority of the inert material would be sourced from the Bedfordshire and Milton Keynes area. Bedfordshire does not presently have sufficient capacity to recycle all construction and demolition waste arisings in the county and although landfill is considered the last resort within the waste hierarchy, inert waste landfills offer a solution to manage this waste. In this case, the applicant argues that the landfilling with imported waste is necessary to achieve the satisfactory restoration of a quarry void. It is not considered that the granting of permission for inert landfill at Reach Lane would impede development options further up the waste hierarchy (i.e. recycling and re-use). In this context, the proposal is deemed to accord with Policy W1 of the MWLP.

On the question of need for the import of waste as a waste management

option for Bedfordshire, PPS10 advises that when proposals are consistent with an up-to-date development plan and there are no other material considerations that warrant refusal of the application, Waste Planning Authorities should not require applicants for new waste facilities to demonstrate a quantitative or market need for the proposal.

Conclusions

Due to the nature of these application proposals within the South Bedfordshire Green Belt, planning policy has required that a balancing exercise be undertaken, and, in particular, weighing up whether special circumstances exist to justify the tipping of waste.

I have formed the view, taking into account the advice of Cuesta Consulting Ltd, that the need for the proposed sand extraction has been demonstrated. The applicant has provided a credible justification for the existence of specialist high grade sand reserves, which ought not to be sterilised, even though this comes at a cost in terms of the deficit of restoration material.

I consider there is merit in the applicant's submission that a sizable proportion of the mineral would have to be removed in any case because undug sand lies above the proposed (and currently approved) restoration profile. Leaving the mineral in situ would therefore complicate the restoration process leading to possible delays in finding a satisfactory restoration solution. This point appears to me to reinforce the case for continued extraction. A further related point is that the sand which sits above the final levels is not suitable for use elsewhere in the void in order to make up some of the calculated deficit in backfill material. Clay material has to be used instead.

If one adopts the position that the need for mineral extraction has been demonstrated on grounds of its importance as a silica sand reserve, then it follows that the waste importation proposal to make up a deficit of restoration material proposal would not, on its own account, extend the operational life of Reach Lane Quarry.

A relevant and important factor in support of the waste importation element is that it would reduce the need to source clay overburden from across the boundary in Bryants Lane Quarry, thereby helping to avoid the prospect of prejudicing the future restoration of that site.

A disadvantage of any extension to the operational life of the mineral site and postponement of the restoration end-date, together with the introduction of landfill operations, is that there would be a temporary impact on the visual amenity of the Green Belt and would also detract from the rural character and appearance of the area. This negative impact would clearly be reduced however through very nearly immediate restoration of nearly 15 hectares of the quarry which are unaffected by future intended operations.

It is recognised that there are a number of important benefits associated with, and policy support for, both application proposals. There is an improved restoration scheme on the table. In particular, I afford considerable weight to the additional community benefit which would accrue from the offer of a perimeter bridleway, to be dedicated as a right of way in 2015, since it would

provide a crucial link from Heath and Reach to the wider parish path network.

Whilst both application proposals have the potential to cause adverse impacts by reason of noise and dust, I am of the opinion that such impacts can be reduced as far practicable and controlled by the use of conditions. In addition to planning controls, the landfill operations would be licensed and monitored by the Environment Agency.

My overall conclusion is that planning benefits and other factors amount to very special circumstances, which outweigh the harm to the Green Belt and the other harm identified.

In the event that this Committee is minded to refuse both applications, the applicant will be obliged to cease extraction straight away and produce an alternative plan for restoring the site within the currently prescribed timescale (i.e. by 30th April 2011).

RECOMMENDATION

CB/0906556/MW (Revisions to phasing of extraction and restoration proposals (variation of conditions 1, 13, 14 and 22 of planning permission no. 9/2003) –

It is recommended that planning permission be granted subject to the conditions set out below and subject to the applicant / landowner entering into a Section 106 Agreement in respect of:

- the creation of a dedicated right of way (bridleway) upon restoration of the site as a whole and, as an interim arrangement, provision of that route as a permissive bridleway in two stages upon restoration of the appropriate phases in accordance with the submitted application details;
- provision of traffic sign(s) on Woburn Road to direct drivers to Reach Lane / Bryants Lane Quarry;
- dismantling and removal of processing plant site and foundations to be completed on or before 31st October 2014 (to enable sand extraction to take place within phase D);
- sand extraction to terminate on or before 30th April 2015;
- export of raw and processed sand stockpiles from the site to be completed on or before 30th June 2015;
- dismantling / demolition and removal of all other plant, buildings (including the site manager's accommodation / office building), foundations, machinery, equipment and hard surfaces on or before 30th September 2015; and
- approved landscaping and restoration works (excluding aftercare and maintenance requirements) to be fully completed on or before 31st December 2015.

Draft Conditions

1. The determination of this scheme of conditions hereby approved shall extend to the area edged with a bold black line on the attached plan ref. no. CB/0906556/MW-1 and the development shall be carried out in accordance with the planning application dated 10th November 2009 as supported and amended by Atkins' letters dated 23rd December 2009 and 5th January 2010 and enclosures referred to therein, except where modified by other conditions of this permission, and except for any minor amendments which may be approved in writing by the Local Planning Authority.

(Reason: To define the permission and allow for minor amendments)

Time Limits

2. The determination of this scheme of conditions hereby approved shall be begun not later than the expiration of 1 year from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

(Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004)

Mineral Extraction and Phasing

3. No mineral extraction shall take place on site except within the phases A to D identified on Drawing no. 4092431/405 Rev. A and, unless otherwise approved by the Local Planning Authority, extraction within each such phase shall be completed on or before the completion dates specified on that drawing.

(Reason: To restrict development not authorised by this permission and to ensure a timely completion of mineral extraction in each phase so as not to impede progressive restoration – Policy GE26 of the MWLP)

4. No extraction of sand shall take place to a depth greater than 1 metre above the groundwater surface contours shown on Drawing ref. no. REACH0901B-4 of the GWP report, unless evidence is submitted to the Local Planning Authority and agreed in writing which demonstrates that a lower water table level currently exists, in which event extraction shall be permitted to take place to a specified increased depth not closer than 1 metre above the water table.

(Reason: To restrict the depth of working and to protect the groundwater – Policy GE20 of the MWLP)

Hours of operation

5. Unless otherwise approved in writing by the Local Planning Authority, no mineral extraction or earth moving operations authorised or required under this determination shall take place except between the following hours:

0700 hours to 1800 hours Mondays to Fridays

0700 hours to 1300 hours Saturdays

and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP).

6. Unless otherwise approved in writing by the Local Planning Authority, no mineral processing operations authorised or required under this determination shall take place except between the following hours:

0600 hours to 1800 hours Mondays to Fridays

0600 hours to 1300 hours Saturdays

and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP).

7. Unless otherwise approved in writing by the Local Planning Authority, no HGVs¹ or other commercial vehicle movements into and out of the site shall take place except between the following hours:

0600 hours to 1800 hours Mondays to Fridays

0600 hours to 1300 hours Saturdays

and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP).

8. Unless otherwise approved in writing by the Local Planning Authority, no plant maintenance authorised or required by this under this determination shall take place except between the following hours:

0600 hours to 2100 hours Mondays to Fridays

0600 hours to 1700 hours Saturdays

0800 hours to 1700 hours Sundays and Public /Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP).

Vehicular Access

¹ All vehicles over 7.5 tonnes gross vehicle weight.

9. There shall be no vehicular access to the site other than via the existing entrance to Bryants Lane Quarry, as shown on plan ref. no. CB/0906556/MW-1, except as permitted by condition 10 of this determination of scheme of conditions.

(Reason: In the interests of highway safety – Policy GE23 of the MWLP)

10. The former Reach Lane Quarry entrance shall only be used for purposes of aftercare and maintenance of the restored areas of the quarry site.

(Reason: To safeguard the amenities of the surrounding area and in the interests of highway safety – Policies GE18 and GE23 of the MWLP)

11. The existing sign at the Bryants Lane Quarry weighbridge requesting HGV drivers to turn right out of the quarry premises onto Woburn Road (except for local deliveries or collections) shall be retained throughout the life of this determination of scheme of conditions and the practice of putting written instructions on all weighbridge tickets instructing drivers departing Bryants Lane Quarry to enter and leave the quarry premises via Woburn Road and the A5 to the north shall continue throughout the life of this determination of scheme of conditions.

(Reason: In the interests of highway safety, to safeguard the amenities of the surrounding area and to ensure consistency with condition 10 of ROMP approval no. 10/1997 – Policies GE18 and GE23 of the MWLP)

12. In addition to the existing requirements set out in condition 7 under ROMP approval no. 10/1997 for the cleaning of the wheels and bodies of vehicles leaving Bryants Lane Quarry, HGVs associated with mineral operations at both Bryants Lane and Reach Lane Quarries shall only exit the quarry premises having first passed through the wheel wash installation (as soon as it becomes available), which is to be provided pursuant to the permission for importation of inert waste (application ref. CB/09/06566/MW).

(Reason: To prevent the carriage of mud and debris onto the highway and in the interests of highway safety – Policy GE1e) of the MWLP)

13. No load of sand shall leave the Bryants Lane Quarry entrance unless sheeted down, otherwise contained, or damped down with clean water to prevent the emission of sand and dust.

(Reason: To prevent the carriage of mud and debris onto the highway and in the interests of highway safety – Policies GE1e) and GE18 of the MWLP)

Vehicle Movements

14. Unless otherwise approved in writing by the Local Planning Authority, there shall not be more than a combined total of 160 HGV movements³ on Mondays to Fridays and a combined total of 80 HGV movements on Saturdays using the approved Bryants Lane Quarry access in connection with mineral operations and the import of materials for blending operations at Bryants Lane Quarry and mineral operations and the disposal of inert waste at Reach Lane Quarry.

(Reason: To ensure that the combined total number of HGVs permitted to use the Bryants Lane entrance does not exceed the existing limit as imposed by condition 4 of ROMP approval no. 10/1997 and condition 8 of appeal decision no. T/APP/X0225/A/97/289193/P2 in the interests of highway safety – Policy GE23 of the MWLP)

15. A record of all daily mineral HGV movements using the Bryants Lane Quarry access shall be maintained at all times and shall be submitted to the Local Planning Authority at the end of every 6 month period from the beginning to the conclusion of mineral operations.

(Reason: To allow monitoring of other relevant planning conditions)

16. There shall be no importation of waste shall unless and until a CCTV camera has been installed which monitors the entrance to the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) the columns and cameras to be used;
- (b) the area covered; and
- (c) the capability for remote access viewing by officers of the Local Planning Authority

The CCTV system as may be approved in writing shall thereafter be implemented only in accordance with the approved scheme.

((Reason: To allow monitoring of traffic movements, operating times and the condition of the site entrance and public highway – Policies GE18 and GE23 of the MWLP)

Environmental Protection

17. The suppression and monitoring of dust shall take place in accordance with the submitted scheme, referenced BC/CS/2003/17, as approved by letter dated 29th May 2003, except where modified by other conditions of this determination of scheme of conditions.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

³ A vehicle entering the site and then exiting the site is classed as 2 movements for the purposes of this determination of conditions.

18. No vehicle shall move around the site or along internal haul roads at a speed greater than 10 mph and speed limit signs shall be erected and maintained in prominent positions on the site throughout the period of sand extraction and restoration.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

19. No development shall take place unless and until a scheme for the monitoring and control of noise has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in accordance with the approved scheme. The scheme shall include:

- (a) Noise monitoring locations;
- (b) Except for temporary operations, the free-field Equivalent Continuous Noise Level LAeq (1 hour), attributable to the operations subject to this determination of scheme of conditions, shall not exceed 55dB LAeq, 1 hour free-field for a total of eight weeks or 10dB(A) above the existing background noise level L90 whichever is the lower;
- (c) For temporary operations including site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free-field noise level at the points in (a) shall not exceed 70dB LAeq, 1 hour for a total of eight weeks in any calendar year, except as may be agreed in writing by the Local Planning Authority;
- (d) Noise monitoring and recording procedures;
- (e) Presentation of results;
- (f) Noise suppression measures; and
- (g) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded

(Reason: To minimise disturbance to nearby sensitive receptors by reason of noise – Policy GE18 of the MWLP)

20. No floodlighting shall be installed and used on site except in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, no floodlighting shall be installed and used unless in accordance with the approved scheme.

(Reason: To minimise disturbance to the local environment – Policy GE18 of the MWLP)

21. 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: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

22. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bunded walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sightglasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage and all filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund

(Reason: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

Wildlife Protection

23. No development shall take place unless and until a detailed mitigation plan for the surveying and protection of badgers on those parts of the site not currently used for mineral extraction has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme as may be approved shall be carried out in full.

(Reason: To safeguard protected species – Policy GE13 of the MWLP)

24. No restoration works, including clearance of vegetation, shall take place on site except between August and March, being outside the bird nesting season, unless a prior survey has been undertaken by a competent ornithologist to ensure that no nesting birds will be disturbed, and only then with the prior written notification of the Local Planning Authority.

(Reason: To ensure the protection of nesting birds – Policy GE13 of the MWLP)

Phased backfilling and Restoration

25. Except for such modifications as may be agreed in writing by the Local Planning Authority, and except where modified by condition 30 of this determination, the movement and spreading of overburden materials, formation of the final restoration profile and landscaping shall take place progressively in accordance with the Planning Supporting Statement entitled '*Application for the Alterations to the Phasing of Extraction of Material at Reach Lane Quarry, Heath and Reach*' dated November 2009, the Planning Supporting Statement entitled '*Application for the Importation of Inert Waste for the Purposes of Restoration at Reach Quarry, Heath and Reach*' dated November 2009 and more particularly in accordance with restoration phasing Drawing

no. 4092431/406 Rev. B and the sequence of landscape phasing Drawings numbered 4092431/414 Rev. B, 4092431/415 Rev. B, 4092431/416 Rev. B and 4092431/417 Rev. B. Each phase shall be reinstated and landscaped in accordance with the schedule of completion dates set out in Tables 3.2 and 4.4 of the aforementioned Planning Supporting Statements.

(Reason: To secure a satisfactory programme of progressive reinstatement and landscaping of the site – Policy GE26 of the MWLP)

26. No materials other than engineering clays and overburden from Bryants Lane Quarry shall be imported to the site for the purposes of the reinstatement and restoration allowed by this determination of scheme of conditions.

(Reason: To restrict development not authorised by this permission)

27. The final landform and surface restoration levels of the site shall accord with the finished pre-settlement contours shown on Drawing No. 4092431/407 Rev. A, except for such modifications as may be approved in writing by the Local Planning Authority.

(Reason: To restrict development not authorised by this permission and to ensure a satisfactory standard of restoration – Policy GE26 of the MWLP)

28. Prior to commencing landscaping of each phase, a topographical survey shall be carried out and submitted to the Local Planning Authority. The survey shall demonstrate that each phase has been reinstated in accordance with the pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A.

(Reason: To ensure compliance with approved restoration contours – Policy GE26 of the MWLP)

29. No development shall take place unless and until a detailed scheme for the surface water drainage of the restored site, accompanied by a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall develop the outline proposals shown on Drawing no. 4092431/410 Rev. A and shall include details of the location and design of a soakaway. Thereafter, the scheme shall be implemented in full in accordance with the details as may be approved.

(Reason: To provide for the satisfactory drainage of the restored site – Policies GE17 and GE19 of the MWLP)

30. The final site landscape restoration, including provision of a Public Right of Way (bridleway) shall be in accordance with the indicative details shown on Drawing no. 4092431/412 Rev. B, as clarified and

amended by Atkins' letter dated 23 December 2009, and except where modified by other conditions of this determination of scheme of conditions. No development shall take place unless and until a detailed restoration scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for:

- (a) localised re-grading to achieve more undulating finished slopes, within the parameters set by Drawing no. 4092431/407 Rev. A, and variation in the width and profile of the swales;
- (b) identification of areas for placement of indigenous topsoils and specification of soil depths to ensure optimal use of the limited soil resource;
- (c) retention of the existing screen bund at the south west corner of the site, approved pursuant to scheme no. BC/CS/2003/15, until at least the conclusion of landfilling operations and restoration in phase 5;
- (d) treatment of the restored surfaces prior to seeding and planting;
- (e) within that part of restoration phase 7 adjoining Reach Lane, removal of all scrap items stored on the land, identification of banks, mounds, trees and hard surface areas to be retained or removed, where re-contouring of the land is to be carried out and where the topography of the land is to be left as it is;
- (f) a survey of, and management / conservation plan for, the existing boundary hedgerows on Gig Lane and Overend Green Lane, accompanied by a timetable;
- (g) a programme for management of the conifer screen alongside Reach Lane during the operational life of the Reach Lane Quarry site;
- (h) extent, alignment and specification of fencing, gates, paths and tracks;
- (i) removal of plant and all buildings (including the site manager's accommodation / office building), foundations, machinery, equipment and hard surfaces and satisfactory restoration of those areas where such demolition has taken place;
- (j) open grassland, grazing and wildflower seeding mixes;
- (k) species, sizes and spacing of tree, shrub and hedgerow planting;
- (l) infilling of gaps on the Gig Lane boundary hedgerow;
- (m) measures for protection and maintenance of planting and replacement of failed, missing or dying trees, shrubs and hedgerow plants over a 5-year period from date of planting;
- (n) creation of a permissive bridleway route followed by a dedicated public right of way (bridleway), to include

- details of precise alignment, width, surfacing, fencing and maintenance; and
- (n) monitoring regime to assess developing ecological interest, including those areas to be left to natural regeneration.

The scheme as may be approved shall be implemented in full.

(Reason: To provide for the satisfactory restoration of the site – Policies GE21 and GE26 of the MWLP)

Aftercare

31. No development shall take place unless and until a scheme for the aftercare and management of the restored site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (a) Provide an outline strategy, in accordance with Annex 5 of MPG 7, for the 5-year aftercare period, specifying the steps to be taken and the period during which they are to be taken, and including provision for chemical analysis and treatment of the surface, any remedial drainage / underdrainage, filling of any depressions and an annual progress meeting.
- (b) Provide for a detailed annual programme, in accordance with Annex 5 of MPG7, to be submitted to the Local Planning Authority not later than 1 month prior to the annual aftercare meeting.

The implementation of the aftercare and management scheme shall be carried out progressively upon final restoration of each phase in accordance with the approved details and completed within 5 years, unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure that over time the land is brought to a good standard – Policy GE27 of the MWLP)

Production

32. Details shall be submitted to the Local Planning Authority as follows:

- (a) annual sales and remaining sand reserves for the site in tonnes;
- (b) a record of the actual proportions of the four main specialist sand gradings (P17, P205, P16/30 and 8/25) obtained from the site as the deposits are worked;
- (c) the overall ratio of specialist sands to building sands to 'reject' material obtained from the site as the deposits are worked and the quantity of each category in tonnes; and

- (d) the overall ratio of sands obtained from Reach Lane Quarry to Bryants Lane Quarry in tonnes.

The period provided for shall be from 1 January to 31 December each year (or part thereof in the initial year) and information shall be provided by 31 March for the preceding period.

(Reason: In the interests of improved understanding of Leighton Buzzard silica sands in general, and of the accuracy of the site-specific assessment of the mineral, and to assist forward planning of mineral resources)

Miscellaneous

33. Throughout the period of mineral extraction and restoration operations, a copy of this planning permission, including relevant documents and plans and schemes subsequently approved pursuant to it, shall be displayed on site during working hours in a location which is readily accessible to any person undertaking the development.

(Reason: For the avoidance of doubt)

N.B. Where conditions include the phrase "Except for such modifications as may be agreed in writing / unless otherwise agreed in writing by the Local Planning Authority.....", this is to allow for exemptions to be approved for temporary periods for special circumstances or minor amendments to be made.

CB/09/06566/MW (Importation of inert waste for the purposes of restoration of Reach Lane Quarry) –

It is recommended that planning permission be granted subject to the conditions set out below and subject to the applicant / landowner entering into a Section 106 Agreement in respect of:

- the creation of a dedicated right of way (bridleway) upon restoration of the site as a whole and, as an interim arrangement, provision of that route as a permissive bridleway in two stages upon restoration of the appropriate phases in accordance with the submitted application details.

Draft Conditions

1. Planning permission shall extend to the area edged with a bold black line on the attached plan ref. no. CB/0906566/MW-2 and the development shall be carried out in accordance with the planning application dated 10th November 2009 as supported and amended by Atkins' letters dated 23rd December 2009 and 5th January 2010 and enclosures referred to therein, except where modified by other conditions of this permission, and except for any minor amendments which may be approved in writing by the Local Planning Authority.

(Reason: To define the permission and allow for minor amendments)

Time Limits

2. The development hereby permitted shall be begun not later than the expiration of 1 year from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within 7 days of such commencement.

(Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004)

3. The waste importation and tipping operations hereby permitted shall cease on or before 4 years of the date of commencement of the development. The reinstatement, restoration and landscaping of the site (excluding the aftercare requirements) as required by this permission shall be completed within a further 12 months of this cessation date.

(Reason: To ensure that the development hereby permitted is completed within an acceptable timescale – Policy GE26 of the MWLP)

Levels and Phasing

4. The final landform and surface restoration levels shall accord with the finished pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A, except for such modifications as may be approved in writing by the Local Planning Authority.

(Reason: To restrict development not authorised by this permission – Policy GE26 of the MWLP)

5. Upon completion of reinstatement of the site by importation of inert waste, but prior to commencement of landscaping, a topographical survey shall be carried out and submitted to the Local Planning Authority. The survey shall demonstrate that the site has been reinstated in accordance with the pre-settlement restoration contours shown on Drawing No. 4092431/407.

(Reason: To provide for a satisfactory restoration of the site – Policy GE26 of the MWLP)

Hours of operation

6. Unless otherwise approved in writing by the Local Planning Authority, no operations or activities authorised or required by this permission, including HGV movements into and out of the site, but excluding essential plant maintenance, shall take place except between the following hours:

0700 hours to 1700 hours Mondays to Fridays
0700 hours to 1300 hours Saturdays
and at no time on Sundays and Public / Bank Holidays

(Reason: To protect the amenities of neighbouring properties – Policy GE18 of the MWLP)

Access

7. Except as permitted by condition 8 of this permission, there shall be no vehicular access to the waste importation site other than via the existing entrance to Bryants Lane Quarry and unless otherwise approved in writing by the Local Planning Authority all vehicles shall use the internal haul road, as shown on plan ref. no. CB/09/06566/MW-2, in order to access the landfilling area.

(Reason: In the interests of highway safety and to restrict development to that applied for – Policy GE23 of the MWLP)

8. The former Reach Lane Quarry entrance shall only be used for purposes of aftercare and maintenance of the site.

(Reason: To safeguard the amenities of the surrounding area and in the interests of highway safety – Policies GE18 and GE23 of the MWLP)

9. No development shall take place unless and until a scheme for the installation and use of a fixed wheel wash facility at the Bryants Lane Quarry entrance has been submitted to and approved by the Local Planning Authority. The scheme as may be approved shall be implemented prior to the importation of waste to the site and thereafter complied with at all times.

(Reason: To prevent the transport of mud and debris onto the highway and in the interests of highway safety – Policies GE18 and GE23 of the MWLP)

Vehicle Movements

10. Unless otherwise approved in writing by the Local Planning Authority, there shall not be more than a combined total of 160 HGV movements³ on Mondays to Fridays and a combined total of 80 HGV movements on Saturdays using the approved Bryants Lane Quarry access in connection with mineral operations and the import of materials for blending operations at Bryants Lane Quarry and mineral operations and the disposal of inert waste at Reach Lane Quarry.

(Reason: To ensure that the combined total number of HGVs permitted to use the Bryants Lane entrance does not exceed the existing limit as

³ A vehicle entering the site and then exiting the site is classed as 2 movements for the purposes of this permission.

imposed by condition 4 of ROMP approval no. 10/1997 and condition 8 of appeal decision no. T/APP/X0225/A/97/289193/P2 in the interests of highway safety – Policy GE23 of the MWLP)

11. A record of all daily waste HGV movements using the Bryants Lane Quarry access shall be maintained at all times and shall be submitted to the Local Planning Authority at the end of every 6 month period from the beginning to the conclusion of waste importation operations.

(Reason: To allow monitoring of other relevant planning conditions)

12. There shall be no importation of waste shall unless and until a CCTV camera has been installed which monitors the entrance to the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) the columns and cameras to be used;
- (b) the area covered; and
- (c) the capability for remote access viewing by officers of the Local Planning Authority.

The CCTV system as may be approved in writing shall thereafter be implemented only in accordance with the approved scheme.

(Reason: To allow monitoring of traffic movements, operating times and the condition of the site entrance and public highway – Policies GE18 and GE23 of the MWLP)

Environmental Protection

13. No waste other than dry solid inert waste material shall be deposited on the site.

(Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties – Policy GE17 of the MWLP)

14. The suppression and monitoring of dust shall take place in accordance with the submitted scheme, referenced BC/CS/2003/17, as approved by letter dated 29th May 2003, except where modified by other conditions of this permission.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

15. No vehicle shall move around the site or along internal haul roads at a speed greater than 10 mph and speed limit signs shall be erected and maintained in prominent positions on site internal routes throughout the period of sand extraction and restoration.

(Reason: To minimise any nuisance to nearby properties by reason of dust – Policy GE18 of the MWLP)

16. No development shall take place unless and until a scheme for the monitoring and control of noise has been submitted to and approved in writing by the Local Planning Authority and thereafter no development shall take place except in accordance with the approved scheme. The scheme shall include:
- (a) Noise monitoring locations;
 - (b) Except for temporary operations, the free-field Equivalent Continuous Noise Level L_{Aeq} (1 hour), attributable to the operations subject to this determination of scheme of conditions, shall not exceed 55dB $L_{Aeq, 1 \text{ hour free-field}}$ for a total of eight weeks or 10dB(A) above the existing background noise level L_{90} whichever is the lower;
 - (c) For temporary operations including site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free-field noise level at the points in (a) shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$ for a total of eight weeks in any calendar year, except as may be agreed in writing by the Local Planning Authority;
 - (d) Noise monitoring and recording procedures;
 - (e) Presentation of results;
 - (f) Noise suppression measures; and
 - (g) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded

(Reason: To minimise disturbance to nearby sensitive receptors by reason of noise – Policy GE18 of the MWLP)

17. No floodlighting shall be used on site except in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, no floodlighting shall be used on site unless in accordance with the approved scheme.

(Reason: To minimise disturbance to the local environment – Policy GE18 of the MWLP)

18. 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: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bunded walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and

sightglasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage and all filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund

(Reason: To prevent the possible contamination of groundwater – Policy GE17 of the MWLP)

Restoration

20. Except for such modifications as may be agreed in writing by the Local Planning Authority, and except where modified by condition 25 of this determination, formation of the final restoration profile and landscaping of the landfill site shall take place in accordance with the Planning Supporting Statement entitled '*Application for the Importation of Inert Waste for the Purposes of Restoration at Reach Quarry, Heath and Reach*' dated November 2009, the Planning Supporting Statement entitled '*Application for the Alterations to the Phasing of Extraction of Material at Reach Lane Quarry, Heath and Reach*' dated November 2009 and more particularly in accordance with restoration phasing Drawing no. 4092431/415 Rev B. The site, which comprises phase 5 of the restoration plan for the wider quarry, shall be reinstated and landscaped in accordance with the relevant completion dates set out in Tables 3.2 and 4.4 of the aforementioned Planning Supporting Statements.

(Reason: To secure a satisfactory programme of progressive reinstatement and landscaping of the site – Policy GE26 of the MWLP)

21. Engineering clays and overburden shall be sourced from Bryants Lane Quarry to supplement the imported inert waste material so as to make up the shortfall of on-site restoration materials, in accordance with details contained in paragraph 4.12 and Table 4.3 of the Planning Supporting Statement entitled '*Application for the Importation of Inert Waste for the Purposes of Restoration at Reach Quarry, Heath and Reach*' dated November 2009.

(Reason: To restrict development not authorised by this permission)

22. The final landform and surface restoration levels of the site shall accord with the finished pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A, except for such modifications as may be approved in writing by the Local Planning Authority.

(Reason: To ensure compliance with approved restoration contours – Policy GE26 of the MWLP)

23. Prior to commencing landscaping of the site, a topographical survey shall be carried out and submitted to the Local Planning Authority. The

survey shall demonstrate that the site has been reinstated in accordance with the pre-settlement restoration contours shown on Drawing No. 4092431/407 Rev. A.

(Reason: To provide for a satisfactory restoration of the site – Policy GE26 of the MWLP)

24. No development shall take place unless and until a detailed scheme for the surface water drainage of the restored site, accompanied by a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall develop the outline proposals shown on Drawing no. 4092431/410 and shall include details of the location and design of a soakaway. Thereafter, the scheme shall be implemented in full in accordance with the details as may be approved.

(Reason: To provide for the satisfactory drainage of the restored site – Policies GE17 and GE19 of the MWLP)

25. The final site landscape restoration, including provision of a Public Right of Way (bridleway), shall be in accordance with the indicative details shown on Drawing no. 4092431/412 Rev. B, as clarified and amended by Atkins' letters dated 23rd December 2009 and 5th January 2010, and except where modified by other conditions of this permission. No development shall take place unless and until a detailed restoration scheme has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for:

- (a) localised re-grading to achieve more undulating finished slopes, within the parameters set by Drawing no. 4092431/407 Rev. A, and variation in the width and profile of the swales;
- (b) identification of areas for placement of indigenous topsoils and specification of soil depths to ensure optimal use of limited soil resource;
- (c) retention of the existing screen bund at the south west corner of the site, approved pursuant to scheme no. BC/CS/2003/15, until at least the conclusion of landfilling operations and restoration in phase 5;
- (d) treatment of the restored surfaces prior to seeding and planting;
- (e) a survey of, and management / conservation plan for, the existing boundary hedgerows on Gig Lane and Overend Green Lane, accompanied by a timetable;
- (f) a programme for management of the conifer screen alongside Reach Lane during the operational life of the Reach Lane Quarry site;
- (g) extent, alignment and specification of fencing, gates, paths and tracks;

- (h) removal of plant and all buildings (including the site manager's accommodation / office building), foundations, machinery, equipment and hard surfaces and satisfactory restoration of those areas where such demolition has taken place;
- (i) open grassland, grazing and wildflower seeding mixes;
- (j) species, sizes and spacing of tree, shrub and hedgerow planting;
- (k) infilling of gaps on the Gig Lane boundary hedgerow;
- (l) measures for protection and maintenance of planting and replacement of failed, missing or dying trees, shrubs and hedgerow plants over a 5-year period from date of planting; and
- (m) creation of a permissive bridleway route followed by a dedicated public right of way (bridleway), to include details of precise alignment, width, surfacing, fencing and maintenance; and
- (n) monitoring regime to assess developing ecological interest.

The scheme as may be approved shall be implemented in full.

(Reason: To provide for the satisfactory restoration of the site – Policies GE21 and GE26 of the MWLP)

Aftercare

26. No development shall take place unless and until a scheme for the aftercare and management of the restored site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- (a) Provide an outline strategy, in accordance with Annex 5 of MPG 7, for the 5-year aftercare period, specifying the steps to be taken and the period during which they are to be taken, and including provision for chemical analysis and treatment of the surface, any remedial drainage / underdrainage, filling of any depressions and an annual progress meeting.
- (b) Provide for a detailed annual programme, in accordance with Annex 5 of MPG7, to be submitted to the Local Planning Authority not later than 1 month prior to the annual aftercare meeting.

The implementation of the aftercare and management scheme shall be carried out progressively upon final restoration of each phase in accordance with the approved details and completed within 5 years, unless otherwise agreed in writing by the Local Planning Authority.

(Reason: To ensure that over time the land is brought to a good standard – Policy GE27 of the MWLP)

Miscellaneous

27. Throughout the period of inert landfilling and restoration operations, a copy of this planning permission, including relevant documents and plans and schemes subsequently approved pursuant to it, shall be displayed on site during working hours in a location which is readily accessible to any person undertaking the development.

(Reason: For the avoidance of doubt)

N.B. Where conditions include the phrase "Except for such modifications as may be agreed in writing / unless otherwise agreed in writing by the Local Planning Authority.....", this is to allow for exemptions to be approved for temporary periods for special circumstances or minor amendments to be made.

DECISION

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