



**WASTE RECOVERY PLAN FOR THE DEPOSITION OF
WASTE ON LAND AS A RECOVERY ACTIVITY FOR
THE RESTORATION OF THE SOUTHERN EXTENSION
TO SWARKESTONE QUARRY, BARROW-ON-TRENT,
DERBYSHIRE**

Report reference: TAR/SW/AW/5655/01
October 2021



Technical advisers on environmental issues

Baddesley Colliery Offices, Main Road, Baxterley, Atherstone, Warwickshire, CV9 2LE
Tel. (01827) 717891 Fax. (01827) 718507

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This report has been prepared by MJCA with all reasonable skill, care and diligence, and taking account of the Services and the Terms agreed between MJCA and the Client. This report is confidential to the client and MJCA accepts no responsibility whatsoever to third parties to whom this report, or any part thereof, is made known, unless formally agreed by MJCA beforehand. Any such party relies upon the report at their own risk.

1. Introduction

1.1 MJCA is commissioned by Tarmac Trading Limited (Tarmac) to prepare a Waste Recovery Plan (WRP) for the deposition of waste on land as a recovery activity in order to restore Phases 1 and 2 and parts of Phases 3 and 4 (the area the subject of the WRP) of the southern extension to Swarkestone Quarry, Twyford Road, Barrow-on-Trent, Derbyshire.

1.2 The southern extension to Swarkestone Quarry forms part of the wider Swarkestone Quarry complex of mineral workings which includes an area the subject of Environmental Permit number EPR/FP3193SY for restoration to agriculture. The southern extension to Swarkestone Quarry is located in the south west of the Swarkestone Quarry complex to the south and west of the River Trent. The southern mineral extraction boundary of the southern extension to Swarkestone Quarry which comprises also the southern boundary of the area the subject of the WRP is located approximately 550m north of Foremark in Derbyshire. The area the subject of the WRP is centred on National Grid Reference SK 335 275 (Figure 1). The southern extension to Swarkestone Quarry including the area the subject of the WRP is accessed from the existing entrance to the Swarkestone Quarry complex off the A5132, Swarkestone Road and via a new haul road and temporary Bailey bridge over the River Trent.

1.3 Planning permission reference CM9/1215/122 (the planning permission) was granted on 29 March 2019 by Derbyshire County Council (DCC) for:

“...a 61 hectares extension to existing sand and gravel quarry including use of existing processing plant with restoration to a mixture of agriculture and nature conservation at Swarkestone Quarry, Twyford Road, Barrow-on Trent”

1.4 A copy of the planning permission is presented at Appendix A. The boundary of the planning permission and the layout of the southern extension to Swarkestone Quarry including the phase boundaries and the area the subject of the WRP is shown on Figure 2. The remaining parts of Phases 3 and 4 together with Phase 5 of the southern extension to Swarkestone Quarry will be restored with site-derived materials. The area the subject of the WRP is approximately 19 hectares.

- 1.5** As explained above and shown on Figure 2 there are 5 phases of mineral extraction in the southern extension to Swarkestone Quarry which will be worked over a period of approximately 8 years. Approximately 2.5 million tonnes of sand and gravel will be extracted from the southern extension to Swarkestone Quarry. Restoration to agriculture and nature conservation habitats will be undertaken in a phased manner and it is anticipated that it will take an additional 2 years to complete the restoration works following the completion of mineral extraction operations. To provide for the restoration of the southern extension to Swarkestone Quarry it will be necessary to import approximately 808,000m³ of inert restoration materials which will be deposited in Phases 1 and 2, the south western part of Phase 3 and the south eastern part of Phase 4 (Figure 2). The approved phasing drawings are presented at Appendix B and the approved restoration drawings are presented in Appendix C.
- 1.6** A WRP presenting justification that the activity comprises recovery is presented in Section 2 of this report. Further to the agreement of the WRP by the Environment Agency an application will be submitted for a bespoke Environmental Permit.

2. Waste Recovery Plan

2.1 The WRP has been prepared with reference to Article 3(15) of the Waste Framework Directive (2008/98/EC)¹ and the latest guidance on the deposition of waste on land as a recovery activity entitled 'Waste recovery plans and deposit for recovery permits' published by the EA on GOV.UK on 21 April 2021² (the recovery guidance). Article 3(15) of the Waste Framework Directive states that:-

'recovery' means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function...'

2.2 The recovery guidance states that:-

'Waste recovery on land, or deposit for recovery, is when you use waste material instead of non-waste material to perform a function.'

2.3 The recovery guidance specifies that there are three main ways that can be used to demonstrate waste recovery. One of the three ways identified in the recovery guidance is to *'... provide evidence that you're obliged to carry out the scheme.'* In respect of an obligation the EA states in the recovery guidance:-

'This could be because a regulator has imposed a requirement on you so you would have to do the work whether you use waste or non-waste. For example, if you operate a quarry and are required by planning conditions of an already implemented planning permission to restore it according to an approved plan.'

2.4 The recovery guidance is clear that where there is a specific obligation to undertake the work it is unnecessary to present in a WRP the information referred to under the headings 'Purpose of the work', 'Quantity of waste used' and 'Meeting quality standards' in the recovery guidance.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0098&from=EN>

² <https://www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-recovery-plans-and-deposit-for-recovery-permits>

The obligation

- 2.5** As described in Section 1 the restoration of the southern extension to Swarkestone Quarry is the subject of planning permission reference CM9/1215/122 granted by DCC on 29 March 2019 (Appendix A). Condition 3 of the planning permission states that:

“For the avoidance of doubt, the approved development shall be carried out in accordance with the provisions of and shall relate to the areas specified in the following drawings and documents:”

Condition 3 lists amongst others the phasing plans for extraction and restoration of the southern extension and the approved restoration scheme for the southern extension. These drawings are discussed in further detail below under the *“Evidence of the obligation”*.

- 2.6** It is clear that in granting planning permission reference CM9/1215/122, DCC has imposed specific obligations in respect of restoring the site according to approved plans. In respect of specific obligations the EA states in the recovery guidance:-

‘Obligations may specify the scheme you have to carry out. If you have specific obligations to complete the scheme you propose, the Environment Agency will normally accept recovery where your waste recovery plan includes:

- evidence of the obligation*
- plans and cross sections that show your proposal matches the obligation on you*
- evidence that the waste is suitable for the intended purpose”*

Taking each of these in turn.

Evidence of the obligation

- 2.7** As explained earlier, planning permission reference CM9/1215/122 was granted by DCC on 29 March 2020 and confirmed the specific obligations in respect of restoring the site according to the approved plans. Conditions 3, 28, 40, 50 and 51 of the

planning permission refer to the restoration of the site. The conditions clearly demonstrate the obligation.

2.8 Condition 3 of the planning permission states that:-

'For the avoidance of doubt, the approved development shall be carried out in accordance with the provisions of and shall relate to the areas specified in the following drawings and documents:

[Inter alia]

Drawing No. S346.00053a - Southern Extension Soil Proposed Revised Phasing. (Appendix B)

Drawing No. S346.00054a - Southern Extension Soil Handling Scheme Phase 1a. (Appendix B)

Drawing No. S346.00055a - Southern Extension Soil Handling Scheme Phase 1b. (Appendix B)

Drawing No. S346.00068 - Southern Extension Soil Handling Scheme Phase 1, Imported Fill. (Appendix B)

Drawing No. S346.00069 - Southern Extension Soil Handling Scheme Phase 1, Access and Bridge Restoration (Appendix B)

Drawing No. S346.00056a - Southern Extension Soil Handling Scheme Phase 2 (Appendix B)

Drawing No. S346.00059a - Southern Extension Soil Handling Scheme Phase 2 Restoration (Appendix B)

Drawing No. S346.00057a - Southern Extension Soil Handling Scheme Phase 3a (Appendix B)

Drawing No. S346.00058a - Southern Extension Soil Handling Scheme Phase 3b (Appendix B)

Drawing No. S346.00063 - Southern Extension Soil Handling Scheme Phase 4a (Appendix B)

Drawing No. S346.00064 - Southern Extension Soil Handling Scheme Phase 4b (Appendix B)

Drawing No. S346.00065 - Southern Extension Soil Handling Scheme Phase 5a (Appendix B)

Drawing No. S346.00066 - Southern Extension Soil Handling Scheme Phase 5b (Appendix B)

Drawing No. S346.00067 - Southern Extension Soil Handling Scheme Phase 5b, Restoration (Appendix B)

Drawing No. S346.00070 - Southern Extension Soil Handling Scheme Completed Restoration (Appendix B)

Drawing No. L10888-LD-01 Rev C Swarkestone Quarry Restoration Scheme Concept Plan - Landscape Strategy (Appendix C)

Drawing No. L10888-LD-02 Rev C Swarkestone Quarry Restoration Scheme - Concept Plan - Typical Sections (Appendix C)

For the avoidance of doubt, the programme for the phasing of extraction and restoration shall be carried out in accordance with that indicated on the relevant drawings listed above...'

Appendix references in brackets refer to the Appendix in the WRP at which each of the drawings are provided.

2.9 The reason stated in the planning permission for imposing Condition 3 is:-

"For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details in the interests of the amenity of the area and the integrity of the environment"

2.10 Condition 28 of the planning permission states:-

“The final levels of the restored land shall not exceed existing ground levels as shown on drawing no. S346/000004, Site Plan dated 14 December 2014.”

2.11 The reason stated in the planning permission for imposing Condition 28 is:-

“To ensure that levels are not restored to the detriment of the flood plain in terms of both storage and flood flow.”

2.12 Condition 40 of the planning permission states:-

“Infilling material and soils shall be levelled and graded in accordance with the approved restoration contour plan(s) required by other conditions to this permission.”

2.13 The reason stated in the planning permission for imposing Condition 40 is:-

“To ensure adequate surface drainage and to enable an effective under-drainage system to be installed. Excessive slopes increase risk of soil erosion and hinder use of agricultural machinery.”

2.14 Condition 50 of the planning permission states:-

“Within six months of the date of this decision notice the applicant shall submit a scheme for the restoration of the site for the approval in writing of the mineral planning authority. The form of restoration shall be based on the landform indicated on drawing no. L10888-LD-01 Rev C dated January 2018 and LD10888-LD-02 Rev C dated January 2018. The scheme shall provide details of the post-restoration land levels across the whole of the restored site. The site shall be restored in accordance with the approved scheme within the time frame set out in Condition 2 above.”

2.15 The reason stated in the planning permission for imposing Condition 50 is:-

“To ensure that the restored land and the features on it assimilates into the surrounding landscape and that the land levels do not give

rise to any adverse impacts on flood storage capacity or flow water flow.”

- 2.16** Notwithstanding that there are no restrictions within the planning permission in respect of whether the site is restored using non-waste or waste materials, a letter from the DCC confirming that the restoration of the site can be completed with suitable imported waste or non-waste inert restoration materials is presented at Appendix D.
- 2.17** Consistent with the requirements set out in the recovery guidance in respect of an obligation, it is clear that the DCC require Tarmac to assume the specific obligation of the approved working plans, schemes of working and restoration schemes as a condition of obtaining planning permission. Tarmac are required to comply with the planning conditions and there is no evidence to suggest otherwise.

Plans and cross sections that show your proposal matches the obligation on you

- 2.18** As described earlier in Paragraph 2.7 of this WRP, Condition 3 of the planning permission specifies the relevant drawings and plans which comprise the approved scheme. The final restored landform is shown on drawings L10888-LD-01 Rev C and L10888-LD-02 Rev C (Appendix C). Cross-sections through the application area are shown on Figure 3.
- 2.19** The total quantity of waste that will need to be deposited to complete the approved restoration scheme is limited by the final levels shown on the restoration scheme. It is proposed that drawing numbers L10888-LD-01 Rev C and L10888-LD-02 Rev C and Drawing Reference TAR/SW/01-21/22221 (Figure 3) will comprise the relevant contour plans for the site to be specified in the Environmental Permit.

Evidence that the waste is suitable for the intended purpose

- 2.20** The waste types that it is proposed may be accepted at the site the subject of a bespoke Environmental Permit are presented in Table 1. The waste types listed in Table 1 are specified in the guidance³ as waste types that may not need to be tested,

³ www.gov.uk/government/publications/deposit-for-recovery-operators-environmental-permits/waste-acceptance-procedures-for-deposit-for-recovery

apart from testing for classification purposes with the exception of Waste Code 01 04 12 (tailings and other wastes from washing and cleaning of minerals other than those mentioned in 01 04 07 and 01 04 11).

- 2.21** Detailed waste acceptance procedures will be in place so that unacceptable waste materials are not accepted at the site and procedures will be in place for the rejection of nonconforming loads. The waste acceptance procedures will include robust waste characterisation and testing procedures. No wastes will be accepted from contaminated sites. Only waste that is suitable for the intended purpose will be imported as to do otherwise would undermine the potential to achieve the approved restoration scheme.
- 2.22** It is clear that Tarmac has specific obligations in respect of the approved scheme. The deposit of waste as a recovery activity will enable Tarmac to satisfy the specific obligations in respect of the restoration of the site.

TABLES

Table 1

Waste types that may be accepted at the southern extension to Swarkestone Quarry for deposition as a recovery activity

Waste Code	Description (consistent with SR2015_No39)	Restrictions (consistent with SR2015_No39)
01 01	wastes from mineral excavation	-
01 01 02	Wastes from mineral non-metalliferous excavation	Restricted to waste overburden and interburden only
01 04	wastes from physical and chemical processing of non-metalliferous minerals	-
01 04 08	Waste gravel and crushed rocks other than those mentioned in 01 04 06	-
01 04 09	Waste sand and clays	-
01 04 12	Tailings and other wastes from washing and cleaning of minerals other than those mentioned in 01 04 07 and 01 04 11	
10 12	wastes from manufacture of ceramic goods, bricks, tiles and construction products	-
10 12 08	Waste ceramics, bricks, tiles and construction products (after thermal processing)	-
17 01	concrete, bricks, tiles and ceramics	-
17 01 01	Concrete	-
17 01 02	Bricks	-
17 01 03	Tiles and ceramics	-
17 01 07	Mixtures of concrete, bricks, tiles and ceramics other than those mentioned in 17 01 06	Metal from reinforced concrete must have been removed.
17 05	soil stones and dredging spoil	-
17 05 04	Soil and stones other than those mentioned in 17 05 03	Restricted to topsoil, peat, subsoil and stones only.
19 12	wastes from the mechanical treatment of waste (for example sorting, crushing, compacting, pelletising) not otherwise specified	-
19 12 09	Minerals (for example sand, stones) only	Restricted to wastes from treatment of waste aggregates that are otherwise naturally occurring minerals. Does not include fines from treatment of any non-hazardous waste or gypsum from recovered plasterboard.
20 02	garden and park wastes	-
20 02 02	Soil and stones	Restricted to topsoil, peat, subsoil and stones only.

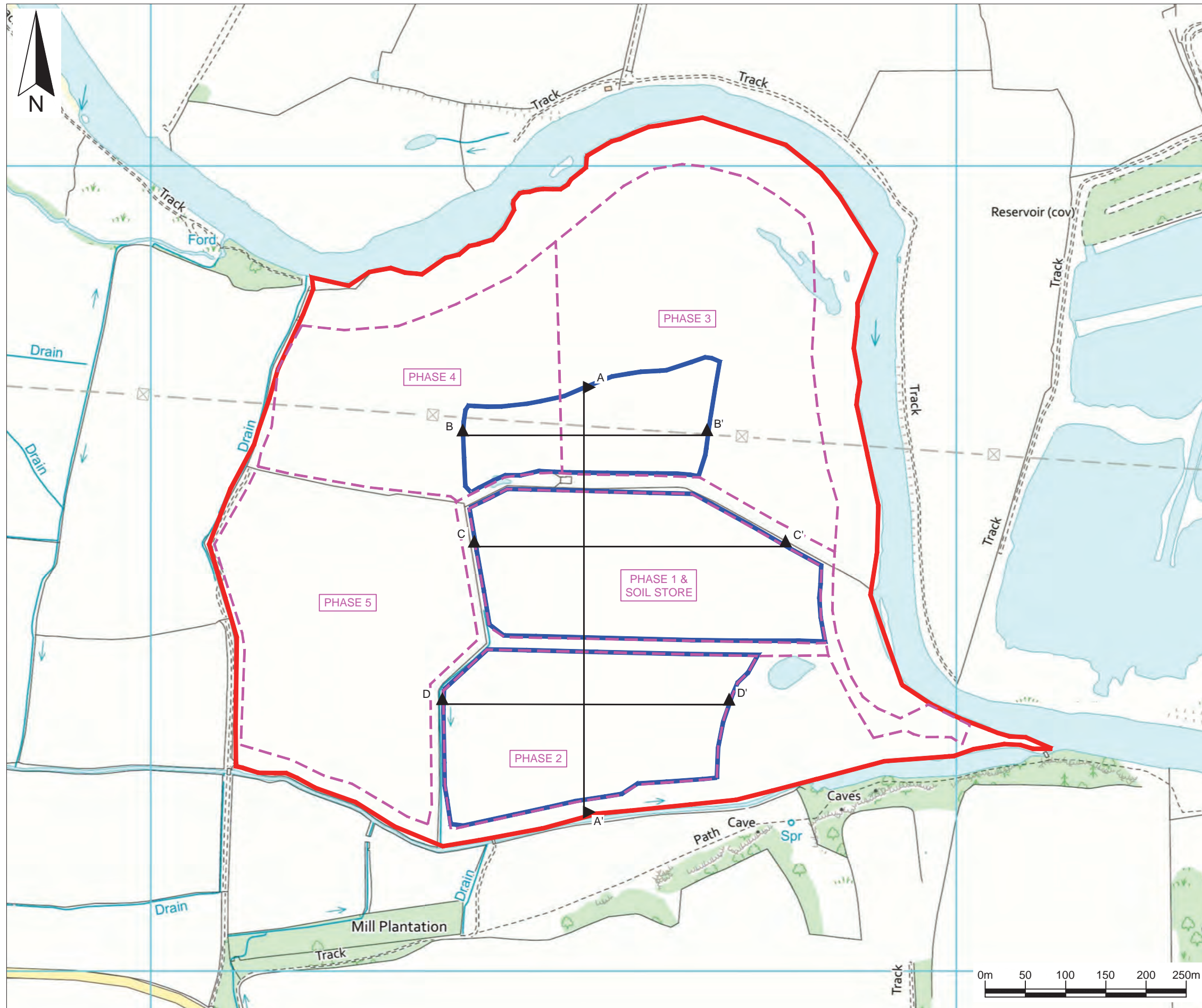
FIGURES



Key / Notes

- Boundary of Environmental Permit number EPR/FP3193SY
- Boundary of planning permission reference CM9/1215/122
- Area the subject of the Waste Recovery Plan and the boundary of the anticipated Environmental Permit application

Rev	Final	Drn	App	Chk	GT	19/10/21	
Site SWARKESTONE QUARRY							
Client TARMAC A CRH COMPANY							
Title The site location							
Figure 1						Scale 1:50,000@A4	
Drawing Ref TAR/SW/02-21/22219							



Key / Notes

- Boundary of planning permission reference CM9/1215/122

- Area the subject of the Waste Recovery Plan and the boundary of the anticipated Environmental Permit application

- Phase boundaries

- Location of cross sections shown on drawing reference TAR/SW/01-21/22221

Final	KR	AKM	GT	19/10/21			
Rev	Status	Drn	App	Chk	Date		

Site
SWARKESTONE QUARRY

Client
 TARMAC
A GRH COMPANY

Title
The area the subject of the Waste Recovery Plan and the boundary of the anticipated Environmental Permit application

Figure 2 Scale
1:5,000@A3

Drawing Ref
TAR/SW/01-21/22220

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MJCA
Baddesley Colliery Offices,
Main Road, Baxterley, Atherstone,
Warwickshire, CV9 2LE.
Telephone : 01827 717891
Technical advisers on environmental issues Fax : 01827 718507

APPENDIX A
PLANNING PERMISSION REFERENCE CM9/1215/122

LET7251

PUBLIC
Form TCP 3

DERBYSHIRE COUNTY COUNCIL

TO: Mrs L Pickford
c/o David L Walker Chartered Surveyors
Albion House
89 Station Road
Eckington
S21 4FW

County Hall
Matlock
Derbyshire
DE4 3AG

9.1589.5

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Council under the above Act and all related Acts, Orders and Regulations, and with reference to your application Code No CM9/1215/122 received on the 17 December 2015 for permission **for a 61 hectares extension to existing sand and gravel quarry including use of existing processing plant with restoration to a mixture of agriculture and nature conservation at Swarkestone Quarry, Twyford Road, Barrow-on-Trent** in the manner described in the application and shown on the accompanying plan(s) and drawing(s), NOTICE IS HEREBY GIVEN that permission for the proposed development is **GRANTED subject to:**

Commencement and Duration

- 1) The development hereby approved shall be begun within three years of the date of this permission. The Mineral Planning Authority shall be notified, in writing, of the date of commencement of the development within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990. The Mineral Planning Authority requires prior notification of the date of commencement of the development so that it has sufficient time to ensure that all the requirements of the planning permission are in place and to make arrangements for monitoring the development.

- 2) All mineral extraction operations, uses and other development as approved by this permission, except for such restoration and landscaping and aftercare of the site as is to be completed later in accordance with other conditions to which this permission is subject, shall be completed within eight years of the date of commencement.

Date 29 March 2019

Signed



Authorised Officer of the Council

Reason: To ensure the timely completion of stages of the development in the interests of the amenity of the area.

Approved Plans and Form of Development

- 3) Except as may be modified or required by the terms of the other conditions of this permission, the development hereby approved shall be carried out in accordance with the details, including all mitigation measures, set out in the planning application documents, including the Environmental Statement dated December 2015 and the Planning Statement dated December 2015 submitted by David L Walker Limited and received by the Mineral Planning Authority on 17 December 2015, as amended by the supplementary submissions by David L Walker Limited under cover of letters dated May 2017, 20 April 2018 and 13 September 2018.

For the avoidance of doubt the approved development shall be carried out in accordance with the provisions of and shall relate to the area specified in the following drawings and documents:

Drawing No. S346/00003 - Location Plan.

Drawing No. S346/00004 - Site Plan.

Drawing No. S346NC115.PDF - Inert fill areas.

Drawing No. S346STP15.PDF - Plant Site Development.

Drawing No. S346.00053a - Southern Extension Soil Proposed Revised Phasing.

Drawing No. S346.00054a - Southern Extension Soil Handling Scheme Phase 1a.

Drawing No. S346.00055a - Southern Extension Soil Handling Scheme Phase 1b.

Drawing No. S346.00068 - Southern Extension Soil Handling Scheme Phase 1, Imported Fill.

Drawing No. S346.00069 - Southern Extension Soil Handling Scheme Phase 1, Access and Bridge Restoration

Drawing No. S346.00056a - Southern Extension Soil Handling Scheme Phase 2

Drawing No. S346.00059a - Southern Extension Soil Handling Scheme Phase 2 Restoration

Drawing No. S346.00057a - Southern Extension Soil Handling Scheme Phase 3a

Drawing No. S346.00058a - Southern Extension Soil Handling Scheme Phase 3b

Drawing No. S346.00063 - Southern Extension Soil Handling Scheme Phase 4a

Date 29 March 2019

Signed



Authorised Officer of the Council

Drawing No. S346.00064 - Southern Extension Soil Handling Scheme Phase 4b

Drawing No. S346.00065 - Southern Extension Soil Handling Scheme Phase 5a

Drawing No. S346.00066 - Southern Extension Soil Handling Scheme Phase 5b

Drawing No. S346.00067 - Southern Extension Soil Handling Scheme Phase 5b Restoration

Drawing No. S346.00070 - Southern Extension Soil Handling Scheme Completed Restoration

Drawing No. 17547-19389-P-100 Rev A

Swarkestone Quarry Western Extension North Flood Risk Assessment (2D Flood Modelling Update) by Golder Associates (UK) Ltd dated 21 December 2016 as amended by:

Hydrogeological Impact Assessment and Flood Risk Assessment for the Proposed extraction of Sand and Gravel by Golder Associates (UK) Ltd dated September 2018.

Swarkestone Quarry Southern Extension – BS5837 (2012) Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement by Ecus Ltd dated January 2018.

Landscape and Visual Impact Assessment (LVIA) Addendum by ECUS September 2018.

Drawing No. L10888-LD-01 Rev C Swarkestone Quarry Restoration Scheme Concept Plan – Landscape Strategy

Drawing No. L10888-LD-02 Rev C Swarkestone Quarry Restoration Scheme – Concept Plan – Typical Sections

For the avoidance of doubt, the programme for the phasing of extraction and restoration shall be carried out in accordance with that indicated on the relevant drawings listed above and on the commencement of each phase, no trees, hedgerows or shrubs shall be removed during the bird nesting season (1 March to 31 August in any year). In addition, there shall be no importation of aggregates for processing at the quarry.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details in the interests of the amenity of the area and the integrity of the environment.

- 4) In the event that the proposed Bailey Bridge does not comply with the details on Drawing No. 17547-19389-P-100 Rev A no construction works other than the creation of the internal access road shall be commenced until revised details have been submitted to and approved in writing by

Date 29 March 2019

Signed


Authorised Officer of the Council

the Mineral Planning Authority and thereafter shall be constructed as so approved.

Reason: To enable the Mineral Planning Authority to retain control over the form and appearance of the bridge in the interests of the visual appearance and character of the area.

Availability of Plans

- 5) From the date any operations under this permission are commenced, a copy of the permission, including all the documents referred to in it, and any further submissions to, and approved by the Mineral Planning Authority under the approved conditions, shall be displayed at the site office during working hours, and the terms and conditions of the permission shall be known to any person(s) given the responsibility for the management and control of operations on site.

Reason: To ensure that the site operators are fully aware of the scope of the planning permission and the requirements of these conditions throughout the period of the development in order to ensure that it is carried out as approved in the interests of the amenity of the area.

- 6) No development shall be carried out within 10m of the River Trent embankment until the applicant/operator has commissioned a further survey to determine the presence of otter activity. The report of the survey shall be submitted for the approval in writing of the Mineral Planning Authority. The report shall, where necessary, make provision for measures to protect otters from the development and shall be implemented as approved.

Reason: In order to provide appropriate protection of an important wildlife species to ensure their continued presence along this part of the River Trent.

Notifications

- 7) The applicant/operator shall notify the Mineral Planning Authority within seven days of the commencement and completion of each phase of the development and give at least seven days' notice of the intention to undertake soil stripping in each phase. The applicant/operator shall also maintain production and output records which shall be made available to the Mineral Planning Authority on an annual basis.

Reason: The Mineral Planning Authority requires appropriate notification of these dates to establish the base dates for the duration of

Date 29 March 2019

Signed


Authorised Officer of the Council

the operations and to ensure that it has sufficient time to make arrangements for monitoring of the development in the interests of maintaining the amenity of the area. The maintenance and provision of the annual production figures are required to ensure that the quarry operates within the approved limits.

Site Access Location and Form

8) The sole means of passage access for all vehicles entering and exiting the site shall be via the existing entrance to Swarkestone Quarry onto the A5132 road. All existing visibility splays and road markings at the entrance shall be retained and maintained to the approved standard and form for the duration of the approved development. The entrance, including screen bunds, landscaping and vegetation, shall be maintained throughout the development in accordance with the following drawings and associated details:

- Drawing no: S6/P3/7a(R) which accompanied the applicant's letter dated 3 December 1991.
- Drawing no's: 246B/1/A and accompanying letter from TPA dated 16 March 1992 and 246B/2 and S46/B/4A.

Reason: To control access to the site in the interests of maintaining local amenity, highway safety and the existing environment.

Highway Safety

9) No loaded lorries shall leave the site unsheeted.

Reason: In the interests of highway safety and local amenity.

10) No mud or other dirt shall be carried from the site on to the public highway.

Reason: In the interests of highway safety and local amenity.

Removal of Plant and Equipment

11) Within one year of the completion of mineral extraction, all plant, buildings, structures, foundations associated with the mineral extraction and processing plant and operations shall be removed from the site. The site access and road through the site including the Bailey bridge, gates and all signage shall be removed on completion of the 15 year management programme set out in condition 58.

Date 29 March 2019

Signed


Authorised Officer of the Council

Reason: Required in conjunction with site restoration and landscaping in order to ensure comprehensive assimilation of the site into the surrounding landscape.

Protection of Existing Vegetation

- 12) No operations required or authorised by this permission, including the stripping and storage of soils, shall take place within 6m of the centre line of any hedgerow and not within 10m of the trunk of any tree which is to be retained on the site.

Reason: To ensure the protection and retention of existing vegetation that is to be retained in the interests of the visual appearance and amenity of the site in the context of the surrounding landscape.

- 13) The screen mounds between the A5132 and the processing plant site, as shown on drawing no. S6/EXT/02, and all tree planting including existing copses, soil mounds and riverside planting, including provisions for protection and maintenance of the trees, shall be maintained for the duration of the approved development.

Reason: In the interests of visual amenity and to provide protection to existing planting.

Processing Plant/Silt Lagoons

- 14) The processing plant, silt lagoons, heights and extent of mineral stocks, artificial lighting and security arrangements shall, for the duration of the approved development, be maintained in accordance with the schemes set out in:

- drawing nos. QS002921A, 2939, 2940 and S46B/6D, C/SWAR1/;
- letter to Derbyshire County Council dated 25 September 1995; and
- letter and accompanying plan dated 7 April 2005 to vary the height and extent of stockpile grounds.

For the avoidance of doubt, the height of the material stockpiles shall not exceed 7m in height (as measured from adjacent ground levels), with the exception of the surge stock piles which, between 1 October and 31 March, shall not exceed 10m in height (as measured from adjacent ground level).

Reason: For the avoidance of doubt and in the interests of visual amenity.

Date 29 March 2019

Signed

(MA) David Arnold
Authorised Officer of the Council

Hours of Operation

- 15) No operations authorised or required by the terms of this planning permission, other than pumping operations to remove water from excavations and the servicing, maintenance and testing of plant and other similar work of an essential nature, shall be carried out on the site except between the following times:

0700 hours - 1900 hours Mondays to Fridays; and
0700 hours - 1300 hours Saturdays.

Within these times, the stripping of topsoils, subsoils and overburden, the formation of storage mounds and their subsequent re-use for restoration, shall only be carried out between the following times:

0800 hours - 1800 hours Monday to Friday;
0800 hours - 1300 hours Saturday.

Servicing, maintenance and testing of plant and other similar work of an essential nature shall not be carried out except between the normal working hours specified above and the following extended times, unless alternative hours are approved in writing by the Mineral Planning Authority:

1300 hours – 1600 hours Saturday;
0900 hours – 1600 hours Sunday.

No operations shall be carried out on Saturday afternoons, Sundays, Bank Holidays, or other Public Holidays, without the prior written approval of the Mineral Planning Authority.

Reason: To control the hours of operation in the interests of local amenity.

Noise

- 16) Except as provided at Condition 17 below, the free field noise generation from the site, expressed as a 1 hour LAeq as measured at all the noise sensitive locations identified in Chapter 5.7 of the Environmental Statement dated December 2015, shall not exceed the 'preferred' daytime operational limit (expressed as dB for any one-hour) between the operational hours set out in Condition 15 above.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

Date 29 March 2019

Signed



Authorised Officer of the Council

- 17) The noise limits referred to in Condition 16 above may be exceeded for noise emitted from temporary operations related to the stripping of soils and overburden, formation of soil storage and flood protection bunds and their subsequent re-use for restoration, and received at any of the noise sensitive properties for a total period not exceeding eight weeks in any calendar year, provided that at no time shall noise exceed 70 dBLAeq, 1 hour, free field.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

Noise Monitoring Scheme

- 18) With the exception of the installation of the Bailey bridge over the River Trent, no operations shall be commenced within the approved extension area until a scheme for monitoring noise levels arising from those operations, including noise levels generated from within the overall quarry complex, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall make provision for noise monitoring to be undertaken on a three month basis for the first year of operations and, thereafter, the frequency of further monitoring may be reduced by the written authorisation of the Mineral Planning Authority, based on an assessment of the level of compliance with the limits set out in conditions 14 and 15 above. In the event that any operation gives rise to noise levels exceeding those limits, the operation shall be suspended temporarily until such remedial measures have been introduced that will reduce noise levels to within the permitted maximum levels.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

- 19) Prior to the commencement of the stripping of topsoil, subsoil and overburden, the formation of storage mounds and their subsequent reuse for restoration in the phases near to the identified noise sensitive properties the operator shall notify the respective occupants at least seven days in advance about the date of commencement, the duration of these operations and the proposed hours of daily working and inform the Mineral Planning Authority, in writing, about the details of the notification within seven days of the date of the notification.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

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- 20) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions, on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open and removed.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

- 21) The reversing warning system on all vehicles on the site and those using the site shall not emit a noise that would have an adverse impact on local or residential amenity. Reversing warning devices shall be non-audible, ambient-related or low tone devices.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of the impact in the interests of protecting local amenity.

Dust

- 22) At all times during the carrying out of operations authorised or required by this permission, water bowsters, sprayers, whether mobile or fixed, or similar equipment and measures shall be used to minimise the emission of dust from the site. No vehicles used for the movement of materials on site shall be equipped with downward pointing exhaust pipes. At such times as the prevention of dust nuisance by these means is not possible, the movements of soils and overburden, infilling materials and any other dust generating activity shall temporarily cease until such time as weather conditions improve and the emission of dust from the site has been abated.

Reason: To control dust resulting from site operations and to provide for the monitoring of the impact of dust emissions in the interests of protecting the local amenity and the environment.

Dust Monitoring Scheme

- 23) With the exception of the installation of the Bailey bridge over the River Trent, no operations shall be commenced within the approved extension area until a scheme for monitoring dust levels arising from those operations, including dust emitted from within the overall quarry complex, has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall specify the method of dust monitoring to be adopted, the location points and frequency of monitoring, and the reports on such monitoring shall be submitted to the Mineral Planning Authority within 14 days of the monitoring dates.

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Reason: To control dust resulting from site operations and to provide for the monitoring of the impact of dust emissions in the interests of protecting the local amenity and the environment.

Lighting

- 24) No additional outdoor lighting shall be installed at the processing plant site without the prior written approval of the Mineral Planning Authority.

Reason: To ensure that lighting is appropriate in the interests of protecting local amenity and the environment.

Permitted Development Rights

- 25) Notwithstanding the provisions of Article 3 and Part 17A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended, no fixed plant or machinery, buildings, structures or erections, or private ways shall be erected, installed, replaced, repaired or altered, except within the area identified on drawing number S6/EXT/02 dated October 2009 or as authorised or required by this permission, or as otherwise authorised by the prior written approval of the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to consider any proposed further development in those parts of the site, other than the area on the drawing referred to, where any such development might have an unacceptable impact upon amenity and the environment.

Water Protection, Drainage and Pollution Prevention

- 26) The development shall only be carried out in accordance with the provisions and requirements of the Flood Risk Assessment in chapter 5.6 of the Environmental Statement dated December 2015, as amended by the report Swarkestone Quarry Western Extension (north) Flood Risk Assessment (2D flood modelling update) dated 21 December 2015, as further amended by the report Swarkestone Southern Quarry Extension, Hydrogeological Impact Assessment and Flood Risk Assessment for proposed extraction of sand and gravel by Golder Associates (UK) Ltd dated September 2018.

Reason: To ensure that the approved development does not give rise to an increased risk of flooding on and off-site, to maintain or improve the flood storage capacity of the site and to avoid interference with the direction and quantity of flood water flows.

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- 27) There shall be no interruption of the surface water drainage system of surrounding land as a result of operations on this site. Provision shall be made to ensure that all drainage systems continue to operate effectively.

Reason: To ensure the site and surrounding land continue to drain efficiently in the interests of protecting the water environment and maintaining the quality and use of the land.

- 28) The final levels of the restored land shall not exceed existing ground levels as shown on drawing no. S346/000004, Site Plan dated 14 December 2015.

Reason: To ensure that levels are not restored to the detriment of the flood plain in terms of both storage and flood flow.

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

Reason: To prevent pollution of the water environment.

- 30) No foul or contaminated drainage from the site shall be discharged into groundwater or any surface water either directly or via soakaways.

Reason: To prevent pollution of the water environment.

- 31) Only inert materials shall be used to infill the site.

Reason: To prevent pollution of the water environment.

Water Pumping Scheme

- 32) With the exception of the installation of the Bailey bridge over the River Trent, no other operations shall be commenced until a scheme providing details of the water pumping regime has been submitted to and approved

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in writing by the Mineral Planning Authority. Thereafter, the pumping of water from the site shall be carried out in accordance with the approved scheme.

Reason: To ensure that before any pumping operations are undertaken on the site, the nature of the operations and their potential impact have been fully considered in the interests of local amenity and the environment.

Ground and Surface Water Monitoring

- 33) With exception of the installation of the Bailey bridge, no other operations shall be commenced until a scheme setting out the programme and methods to be employed to monitor ground and surface waters during the approved development has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the monitoring programme shall be undertaken in accordance with approved details.

Reason: To ensure that changes in ground and surface water levels arising from the development are monitored and remedial measures are identified to prevent any adverse impact on the water environment of the area and any consequential adverse impacts arising from such changes.

Soil Stripping, Handling and Storage

- 34) The Mineral Planning Authority shall be given at least seven days' notice in writing of the commencement of soil stripping operations.

Reason: To ensure these operations are carried out in the specified appropriate physical conditions and that monitoring arrangements are in place.

- 35) No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for undertaking permitted operations. Essential trafficking routes shall be clearly marked on the ground by stakes or other means. No part of the site shall be excavated, traversed, used for a road, for the stationing of plant or buildings, storage of subsoil or overburden, waste or mineral deposit, until all available topsoil and subsoil have been stripped from that part.

Reason: To prevent unnecessary trafficking of soil by heavy equipment and vehicles that could damage the soil.

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- 36) No topsoil and subsoil shall be stripped unless they are in a dry and friable condition. No soils shall be moved:
- i. during the months of November to March inclusive, except when approved in advance in writing by the Mineral Planning Authority following soil assessment carried out by an appropriately qualified person;
 - ii. when the soil to be moved or trafficked upon has a moisture content that is equal to, or greater than that at which the soils become plastic. (Tested in accordance with the 'worm test' as set out in BS 1377:1975 "British Standards Methods Test for Soils for Civil Engineering Purposes"); or
 - iii. when there are pools of water on the soil surface.

Reason: To prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and which, therefore, do not meet the defined criteria.

- 37) All topsoil and subsoil shall be stored in separate mounds. Topsoil storage mounds shall not exceed 3m in height and subsoil mounds 5m in height. The mounds shall be constructed with the minimum amount of compaction. They shall not be traversed by heavy plant or machinery except where essential for purposes of mound construction or maintenance. They shall not subsequently be moved until required for restoration. If continuous mounds are used, dissimilar soils shall be separated by a third material previously approved in writing by the Mineral Planning Authority.

Reason: To prevent the loss of soil and minimise damage to soil structure during storage.

- 38) All storage mounds to remain in situ for more than three months shall be grass seeded and managed in accordance with a scheme which has been submitted to and approved in writing prior to the commencement of soil stripping operations.

Reason: To prevent the loss of soil and minimise damage to soil structure during storage.

- 39) All topsoil and subsoil shall be retained on site. No later than three months from the stripping and formation of storage mounds in each calendar year, the quantities shall be measured and recorded on a plan showing the area of stripped topsoil and subsoil; the location of each storage mound and the quantity and nature of the stored materials.

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(MA) David Arnold
Authorised Officer of the Council

Reason: To facilitate soil stock-tacking and monitoring of resources.

Soil Replacement

- 40) Infilling material and soils shall be levelled and graded in accordance with the approved restoration contour plan(s) required by other conditions to this permission.

Reason: To ensure adequate surface drainage and to enable an effective under-drainage system to be installed. Excessive slopes increase the risk of soil erosion and hinder use of agricultural machinery.

- 41) No large areas of subsoil shall be left without topsoil and crop cover over the winter. Subsoil shall only be replaced when it and the ground are in a dry and friable condition. No movement, respreading, levelling, ripping or loosening of topsoil or subsoil shall occur:
- i. during the months November to March inclusive, unless otherwise approved in writing by the Mineral Planning Authority;
 - ii. when rain affects soil conditions;
 - iii. when there are pools of water on the surface of the storage mound or receiving area.

Reason: To avoid land being without a vegetation/crop cover and becoming waterlogged over winter, and to control soil erosion. Also, to prevent trafficking of the soils during wet periods and to ensure that restoration is completed sufficiently early in the year as to enable vegetation to be established to protect soil over winter.

- 42) During replacement of the subsoil, it shall be subsoiled (rooted) with a heavy subsoiler to ensure that within a total depth of 1m below the surface of the subsoil there is:
- i. no fill material or other sterile material injurious to plant life;
 - ii. no rock, stone, boulder or other materials capable of preventing or impeding normal agricultural or land drainage operations, including mole ploughing or subsoiling;
 - iii. no wore rope, cable or other foreign objects;
 - iv. a reasonable level surface suitable to receive subsoil; and
 - v. stone or other unwanted material at the surface of the subsoiled material, which will not pass through a 230mm diameter ring in any dimension, shall be removed from the site or buried not less than 2m below the final surface contours.

Reason: To ensure the site is restored successfully.

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- 43) All available subsoil shall be re-spread evenly over the worked area. The subsoil shall be so treated to comply the requirements of condition 40. No layer of replaced soil shall exceed 450mm thickness before it is subsoiled. The subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the surface.

Reason: To ensure the site is restored successfully.

- 44) Subsoil upon which other soils have been stored shall be subsoiled (rooted), as set out in Condition 43. Stones or other unwanted material at the surface of subsoiled (rooted) subsoil, which will not pass through a 150mm diameter ring in any dimension, shall be removed from the site or buried on site not less than 2m below final ground surface contours.

Reason: To ensure the site is restored successfully.

- 45) After satisfactory replacement and treatment of the subsoil, all available topsoil shall be re-spread evenly over the site. The topsoil shall be cultivated and so left as to comply with the requirements of Condition 44 above. Stones greater than 100mm in any one direction shall be removed. Topsoil upon which other topsoil has been stored shall be subsoiled (rooted) and cultivated as above.

Reason: To ensure the site is restored successfully.

- 46) No plant or vehicles shall cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for the purposes of carrying out ripping and stone-picking or otherwise treating such areas. Only low ground pressure machines shall work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil.

Reason: To avoid soil smearing and compaction.

Archaeology

- 47) No soil stripping shall be undertaken in the approved extension area until the applicant/operator has submitted a Written Scheme of Investigation (WSI) for archaeological investigation work has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the scheme, including any requirements to be carried out prior to the commencement of soil stripping, shall be implemented as approved. The scheme shall include an assessment of significance and research questions; and

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1. The programme and methodology of site investigation and recording.
2. The programme for post investigation assessment.
3. Provision to be made for analysis of the site investigation and recording.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the work set out within the WSI.

For the avoidance of doubt, the archaeological recording condition will normally only be discharged when all elements of the WSI, including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: To ensure that procedures are in place for identifying, excavating and recording any archaeological features that may be uncovered during the development.

Bird Hazard Management Plan

- 48) With the exception of the installation of the Bailey bridge over the River Trent, no other operations shall be commenced until the applicant/operator has submitted to, and obtained the approval in writing of the Mineral Planning Authority, of a Bird Hazard Management for the approved extension area. Thereafter, all operations shall be undertaken in accordance with the provisions of the approved scheme.

Reason: To ensure appropriate steps are taken to control the creation of any water bodies on the site in order to discourage birds that may be a hazard to aircraft operating in the area.

Management of Land Prior To Extraction and In Those Areas Where No Extraction Will Take Place

- 49) All land in the extraction areas within the approved extension area, shall be managed in accordance with good agricultural practise (including weed control) until such time as they are required for mineral extraction. The land comprising the stand-off to the River Trent and other areas of the site that will not be disturbed by mineral extraction, shall be managed in accordance with good agricultural practise (including weed control) throughout the period of development, restoration and aftercare.

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Reason: To ensure that all land to remain undisturbed throughout the development and land that will not be worked until later in the extraction programme is properly maintained for the current usage and in the interests of local amenity and the environment.

Restoration

50) Within six months of the date of this decision notice, the applicant shall submit a scheme for the restoration of the site for the approval in writing of the Mineral Planning Authority. The form of restoration shall be based on the landform indicated on drawing no. L10888-LD-01 Rev C dated January 2018 and LD10888-LD-02 Rev C dated January 2018. The scheme shall provide details of the post-restoration land levels across the whole of the restored site. The site be restored in accordance with the approved scheme within the time frame set out in Condition 2 above.

Reason: To ensure that the restored land and the features on it assimilates into the surrounding landscape and that the land levels do not give rise to any adverse impacts on flood storage capacity or flow water flows.

Landscaping

51) Within six months of the date of this permission the applicant/operator shall submit a scheme for the landscaping of the site, including all advanced planting, for the approval in writing of the Mineral Planning Authority. Thereafter, the scheme shall be based on the indicative scheme on drawing no. L10888-LD-01 Rev C and shall be implemented on a progressive basis (as approved) and shall be completed within two years of the date of the completion of mineral extraction activities, unless otherwise approved in writing by the Mineral Planning Authority.

The scheme shall also make provision for the following elements:

- a) details of the location, species, size and spacing of trees, shrubs and hedgerow plants;
- b) measures to protect newly planted stock and provision for the removal of tree guards;
- c) fencing and gates when no longer required;
- d) replacement planting for any trees, shrubs and plants which die, become diseased or otherwise removed;
- e) seed mixture, fertilisers and weedkillers to be used and their rates of application;
- f) management and maintenance; and
- g) a programme of implementation.

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Reason: To ensure that the overall quarry complex site is landscaped after being restored in the interests of assimilating it into the surrounding landscape.

- 52) For the first five years following new planting of any trees, shrubs and hedgerows, the planting shall be maintained in accordance with the principles of good forestry and land husbandry, and any stock which die or become seriously damaged, diseased or are missing, shall be replaced with new plants of the same species or such alternative species as have been approved in writing by the Mineral Planning Authority. For the avoidance of doubt, the replacement level shall be %100 throughout this period.

Reason: To ensure the successful establishment of landscaping at the site in the interests of assimilating it into the surrounding landscape and the visual amenity of the area.

Aftercare of Agricultural Land and Woodland

- 53) The land to be restored to agricultural use and woodland shall be subject to a programme of aftercare in accordance with a scheme that has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be submitted within 12 months of the date of this permission and thereafter the scheme shall be implemented as approved. The submitted scheme shall provide for such steps as may be necessary to bring the land to the standard required for agricultural use and woodland during a five year aftercare period, and shall include details of:

In the case of land restored for agriculture:

- i. the removal of any stone exceeding 100mm in any dimension, any wire or other object which would impede the cultivation of the land;
- ii. fertiliser applications based on soil analysis;
- iii. cultivations, seeding and crop management;
- iv. pruning regimes of hedgerows;
- v. weed control;
- vi. field drainage;
- vii. field water supplies;
- viii. grazing management;
- ix. protection from poaching by grazing animals; and
- x. maintenance of fencing.

In the case of land restored for use for woodland, tree and shrub planting:

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- i. fertiliser applications based on soil analysis;
- ii. drainage;
- iii. weed control;
- iv. removal of tree guards; and
- v. maintenance of fencing.

The scheme shall be implemented as approved by the Mineral Planning Authority.

Reason: To ensure a suitable regime of agricultural husbandry is pursued to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 in order to bring each phase of restored land to the required standard for agriculture.

- 54) The five year aftercare period shall commence on the date of the written notification by the Mineral Planning Authority that the land concerned has been satisfactorily restored. For each year that the site remains in aftercare, a detailed annual aftercare programme shall be submitted to the Mineral Planning Authority for approval setting out (a) proposals for managing the land in accordance with the rules of good husbandry, including planting, cultivating, seeding, fertilising, weed control, draining, watering or otherwise treating the land for the forthcoming 12 months; and (b) a record of aftercare operations carried out on the land during the previous 12 months. The annual programme, which shall be implemented as approved by the Mineral Planning Authority, shall be submitted in writing three months prior to any part of the site being restored, and every subsequent year during the aftercare period.

Reason: To ensure a suitable regime of agricultural husbandry is pursued to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 in order to bring each phase of restored land to the required standard for agriculture.

- 55) The mineral operator shall arrange an aftercare meeting on site before March of every year during the aftercare period unless otherwise approved in writing by the Mineral Planning Authority. The Meeting shall include representatives from the operators and Mineral Planning Authority.

Reason: To ensure a suitable regime of agricultural husbandry is pursued to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 in order to bring each phase of restored land to the required standard for agriculture.

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- 56) For the first five years following the implementation of each phase or phases, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any hedgerow plant and trees which die or become seriously diseased or are missing shall be replaced with plants of the same species or such alternative species as may be approved in writing by the Mineral Planning Authority.

Reason: To ensure a suitable regime of agricultural husbandry is pursued to comply with the requirements of Schedule 5 of the Town and Country Planning Act 1990 in order to bring each phase of restored land to the required standard for agriculture.

Nature Conservation Aftercare and Long-Term Management

- 57) The land and water areas to be restored to nature conservation shall be subject to a programme of aftercare in accordance with a scheme that has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be submitted within 12 months of the date of this permission and thereafter the scheme shall be implemented as approved. The submitted scheme shall provide for such steps as may be necessary to bring the land and water areas to the standard required for nature conservation during a five year aftercare period, and shall make provision for the following:

- i. monitoring and maintaining water quality, plant establishment and vegetation composition;
- ii. removal of undesirable invasive species (reeds/weeds etc);
- iii. maintenance of newly planted trees and shrubs;
- iv. establishment of planting in reed beds;
- v. mowing/grazing or other appropriate treatments of bankside vegetation; and
- vi. a programme of implementation.

The scheme shall be implemented as approved by the Mineral Planning Authority.

Reason: To ensure that the restored land and new water features develop to deliver the nature conservation benefits set out in the application documents.

- 58) In addition to the aftercare requirements set out in Condition 57 above, the applicant shall submit a scheme for the approval in writing by the Mineral Planning Authority setting out details of a 15 year programme for the long-term management of the nature conservation interests of the restored site. The scheme shall be submitted at the same time as the

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aftercare scheme required by condition 55 and shall be implemented as approved, subject to any variation as may be agreed in writing by the Mineral Planning Authority.

Reason: To ensure that the nature conservation benefits are fully established in the long-term interests of the ecological value of the site.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

The Mineral Planning Authority engaged with the applicant in a positive and pro-active manner based on seeking solutions to problems and issues arising in the processing of this planning application in full compliance with this Article. The applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required. The Authority also responded to a formal Scoping Opinion request concerning the issues addressed in the Environment Statement that accompanied the application.

The Environmental Statement, as submitted, covered all the necessary topics but did not fully address all the relevant aspects and issues of each topic and contained some assessments where the presentation was not satisfactory. In accordance with the EIA regulations, the applicant was given clear advice as to the form and content of the supplementary survey work required to enable an appropriate assessment of the proposed development to be made.

The requested information related to the need to complete the range of survey work submitted with the application and the need for further assessment of the impacts on heritage and archaeological interests, flood risk management and landscape and visual amenity issues. These issues arose from the comments from the respective consultees to the original planning application documentation. The applicant also agreed to extend the timescale for the determination of the application.

Due to the information provided by the applicant and the phasing of the proposed development, it was not necessary to include any pre-commencement conditions and, therefore, the provisions of Section 100ZA of the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 do not apply.

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Footnote

1. Attention is drawn to the advice to the applicant/operator in the letters dated 23 May 2016 and 26 October 2018 from the Environment Agency and letter from Severn Trent Water Ltd dated 4 February 2016.

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NOTES

The following notes are included as a requirement of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision, then you must do so within six months of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the County Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

The following notes are the further advice of the County Council.

- This permission relates to planning control only. Any other statutory consent necessary to enable the proposed development to commence must be obtained from the appropriate authority or regulator.

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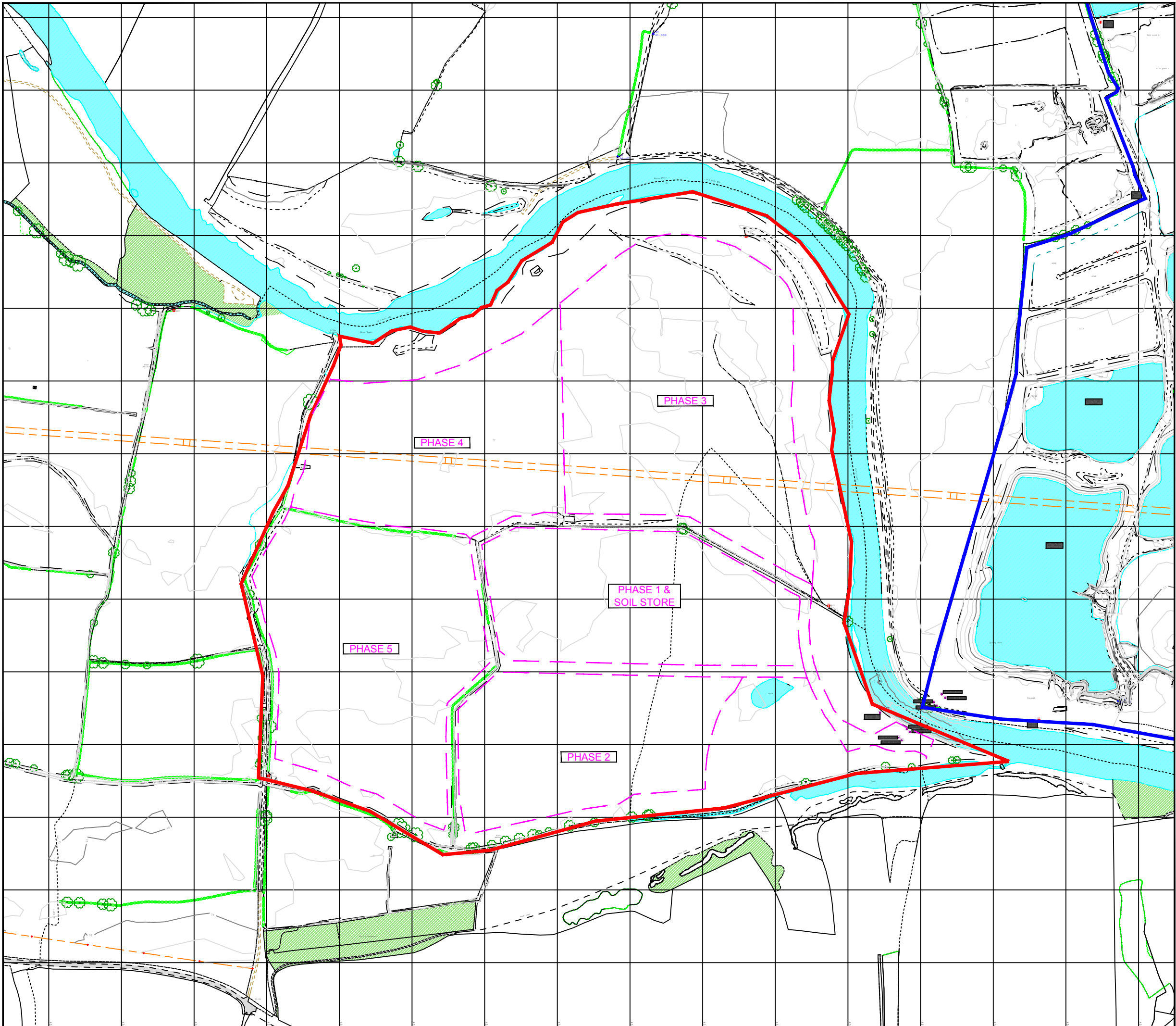
Date 29 March 2019

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APPENDIX B

COPIES OF DRAWING NUMBERS S346.00053A, 54A, 55A, 56A, 57A, 58A, 59A, 63, 64, 65, 66, 67, 68, 69 AND 70 IN RESPECT OF THE PHASING OF THE OPERATIONS AT THE SOUTHERN EXTENSION TO SWARKESTONE QUARRY



Legend

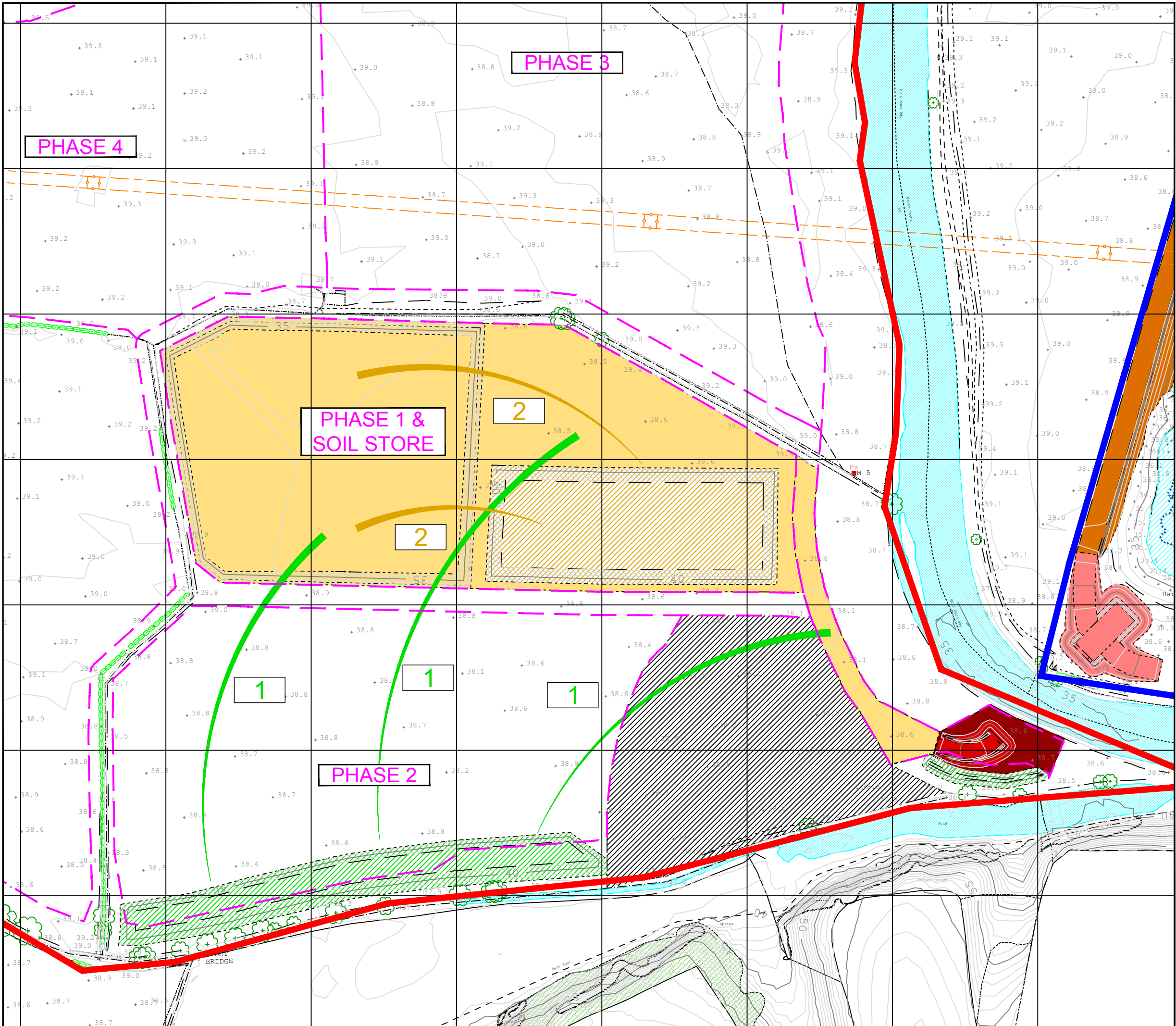
- Other Land Under Applicants Control
- Application Area
- Proposed Revised Phasing













Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Proposed Revised Phasing and Soil Storage

Drawn By: G.Burdell	Scale @ A3: 1:5,000	
Date: 13/07/2018	Drawing Number: S346.00053a	



Legend

-  Other Land under Applicants Control
-  Planning Application Boundary
-  Proposed Revised Phasing
-  Topsoil Store / Placement
-  Topsoil Movement
-  Overburden Store / Placement
-  Overburden Movement
-  Mineral Excavation
-  Imported Fill
-  Anchor Church archaeological stand off area

Schedule of Soil Movements

1. 22,500m³ topsoil @ 300mm from Phase 1 footprint to southern screening mound.
2. 65,000m³ overburden from Phase 1a to temporary store on Phase 1b.

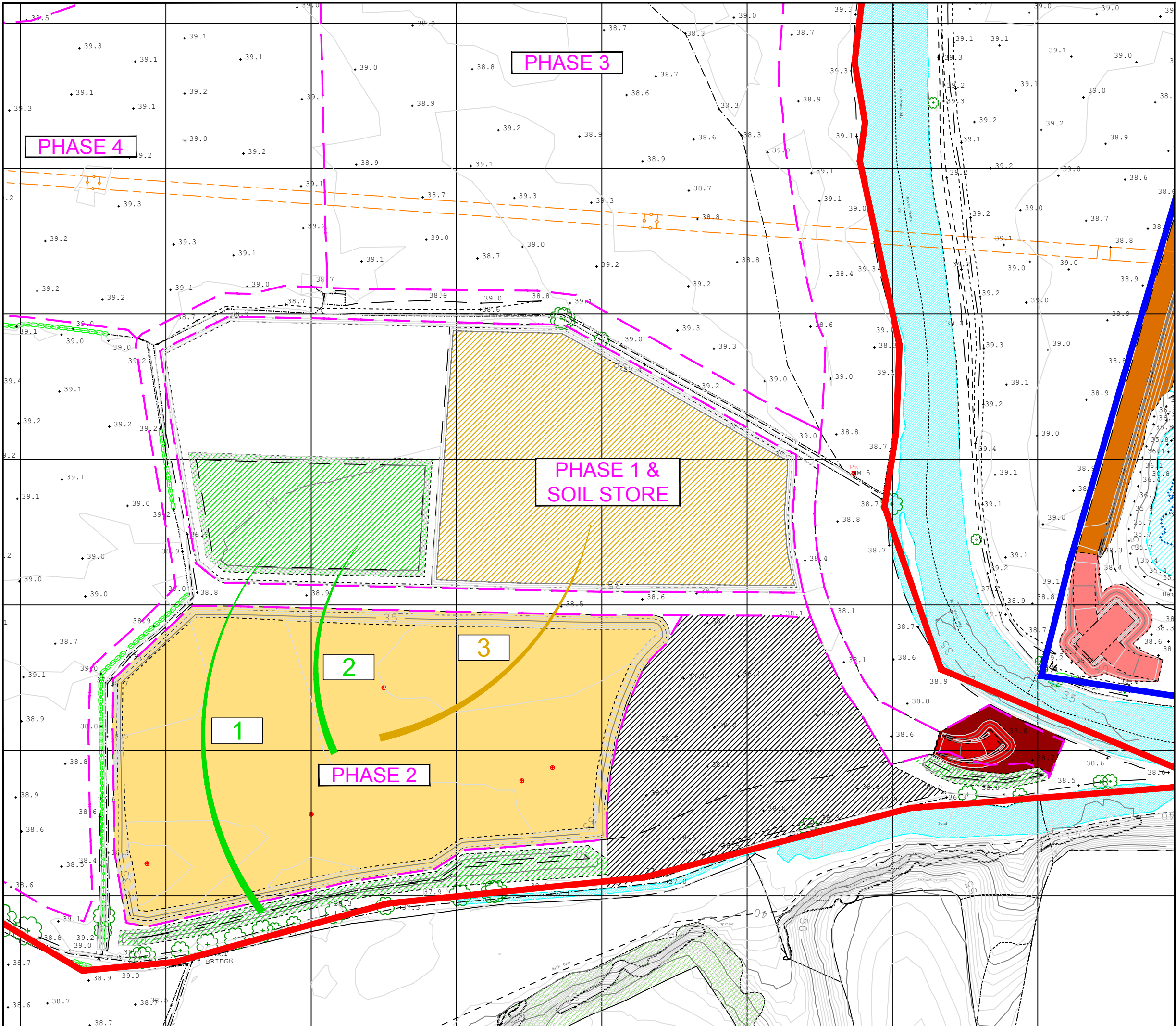


Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 1a

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00054a





Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Store / Placement
- 1 Topsoil Movement
- Overburden Store / Placement
- 2 Overburden Movement
- Mineral Excavation
- Imported Fill
- Anchor Church archaeological stand off area

- #### Schedule of Soil Movements
1. 16,000m³ topsoil excavated from store south of Phase 2, within extraction footprint and placed into store below ground level on overburden pad in Phase 1a.
 2. 19,000m³ topsoil stripped from Phase 2 footprint and placed into store below ground level on overburden pad in Phase 1a.
 3. 86,500m³ overburden stripped from footprint of Phase 2 and placed into Phase 1b to create material storage pad below ground level.

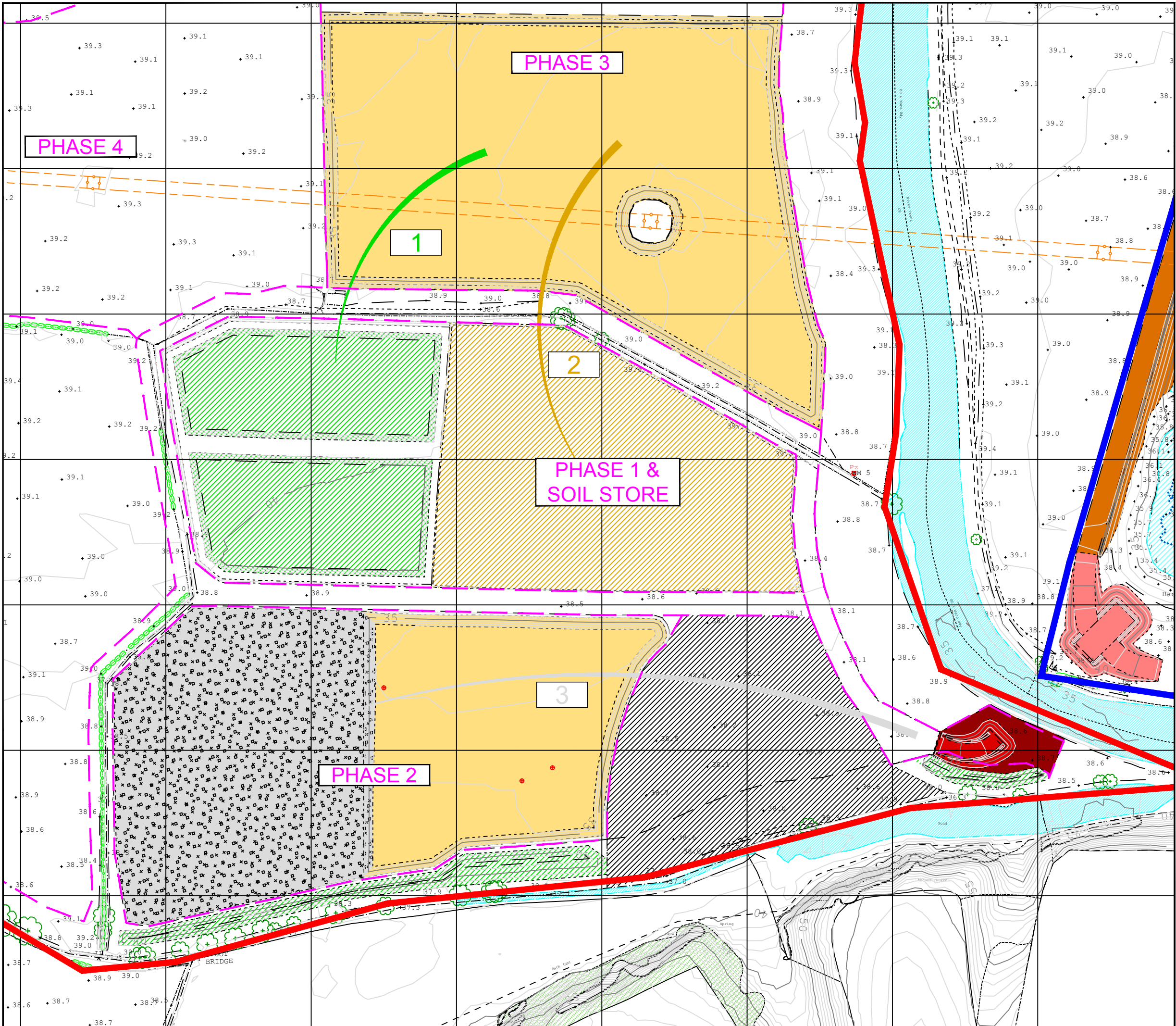


Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 2

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00056a





Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Store / Placement
- 1 Topsoil Movement
- Overburden Store / Placement
- 2 Overburden Movement
- Mineral Excavation
- Imported Fill
- Anchor Church archaeological stand off area

Schedule of Soil Movements

1. 35,000m³ topsoil stripped from footprint of Phase 3 and placed into storage below ground level on overburden pad in Phase 1a.
2. 98,000m³ overburden stripped from footprint of Phase 3a and placed into storage below ground level on overburden pad in Phase 1b.
3. 133,000m³ imported fill placed into Phase 2 excavation to pre-soil formation profile.

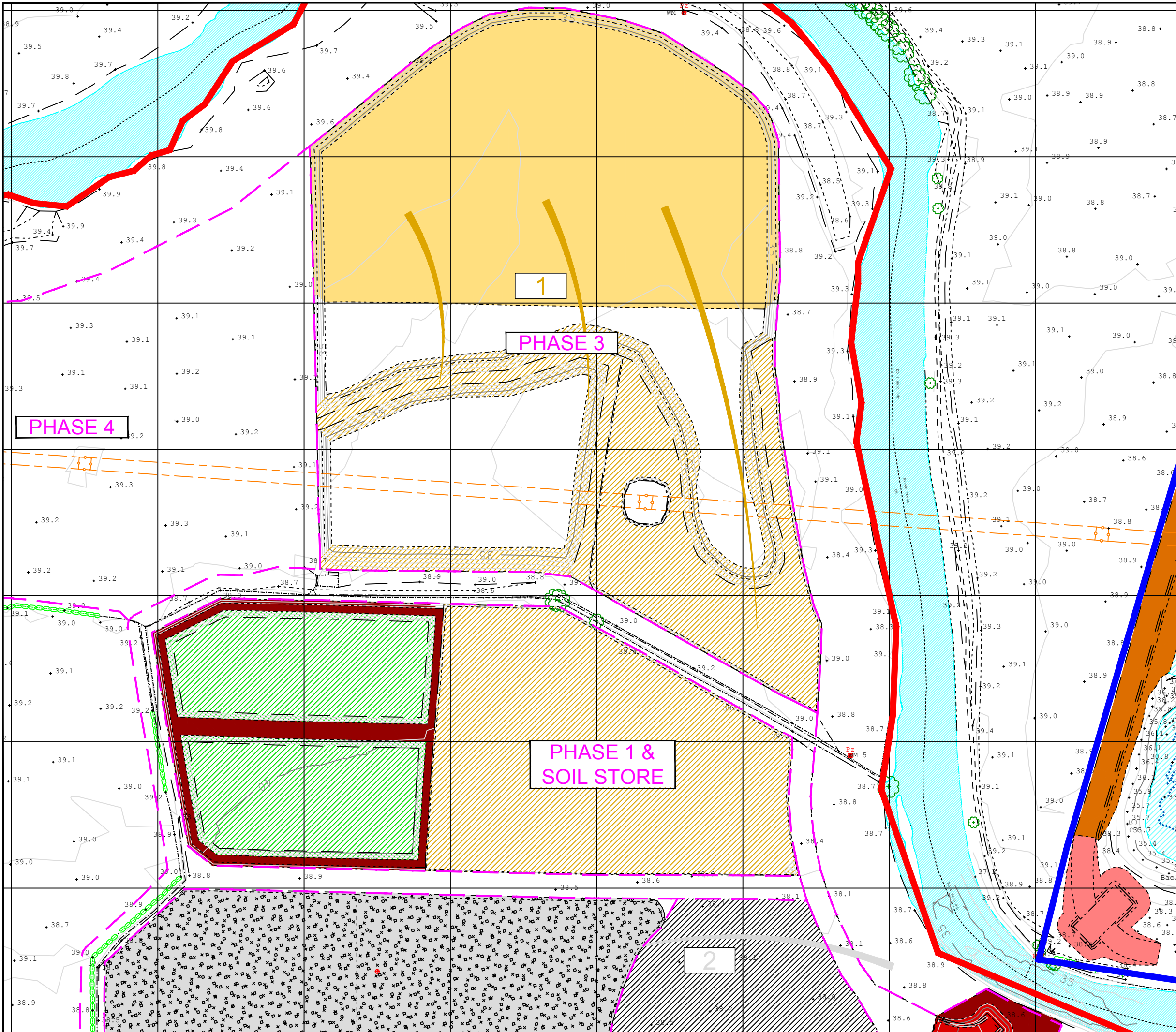


Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 3a

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00057a





Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Store / Placement
- 1 Topsoil Movement
- Overburden Store / Placement
- 2 Overburden Movement
- Mineral Excavation
- Imported Fill
- Anchor Church archaeological stand off area

- #### Schedule of Soil Movements
1. 107,000m³ overburden stripped from footprint of Phase 3b and direct placed into restoration landform in Phase 3a
 2. 133,000m³ imported fill placed into Phase 2 excavation to complete pre-soil formation profile

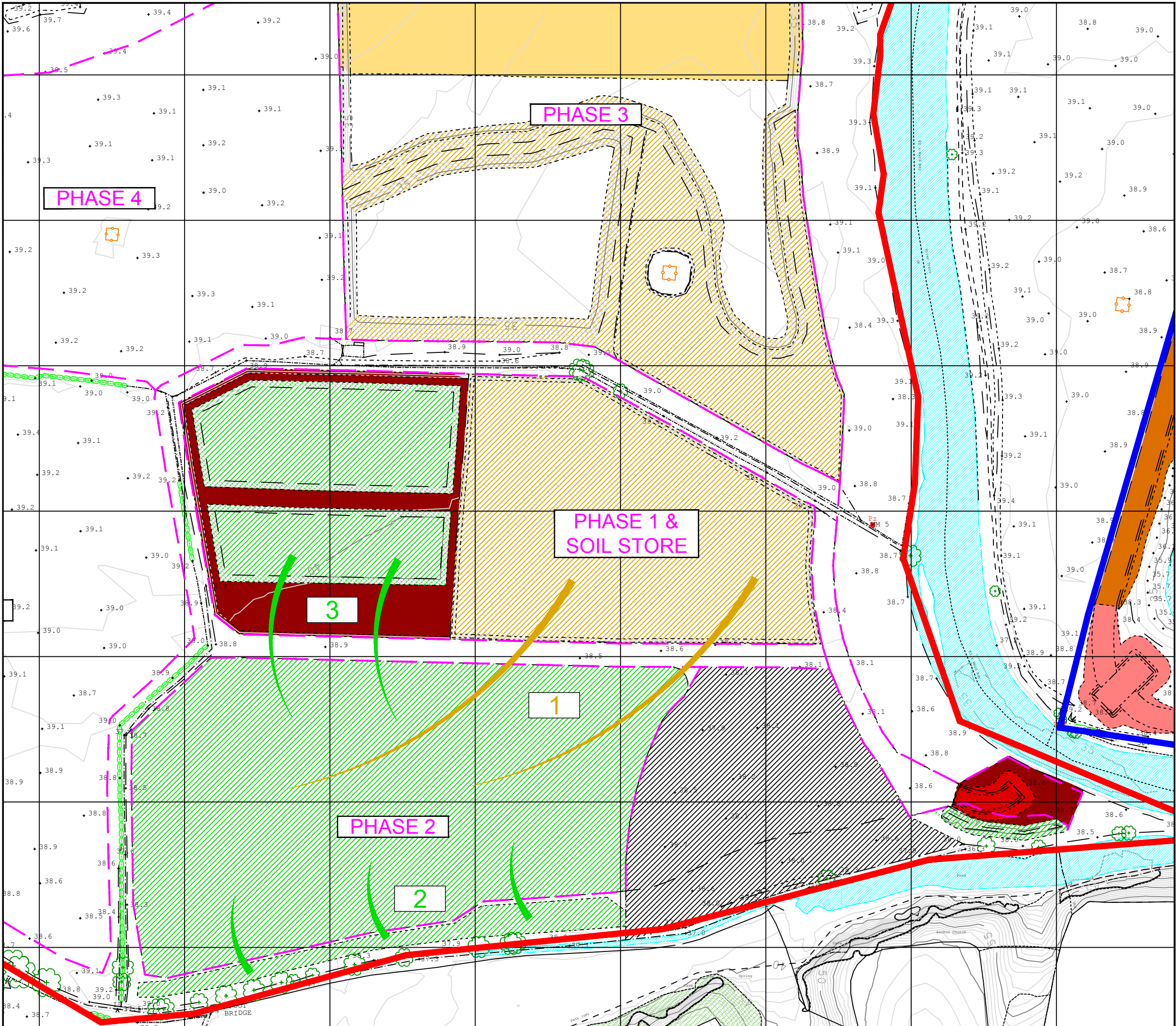


Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 3b

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00058a





Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Store / Placement
- 1 Topsoil Movement
- Overburden Store / Placement
- 2 Overburden Movement
- Mineral Excavation
- Imported Fill
- Anchor Church archaeological stand off area

- #### Schedule of Soil Movements
1. 57,000m³ overburden stripped from store in Phase 1 and placed as subsoil to cap infill cell in Phase 2
 2. 7,000m³ excavated from soil store south of Phase 2 and placed into restoration of Phase 2 to final level
 3. 12,000m³ excavated from Phase 1 store and placed into restoration of Phase 2 to final level

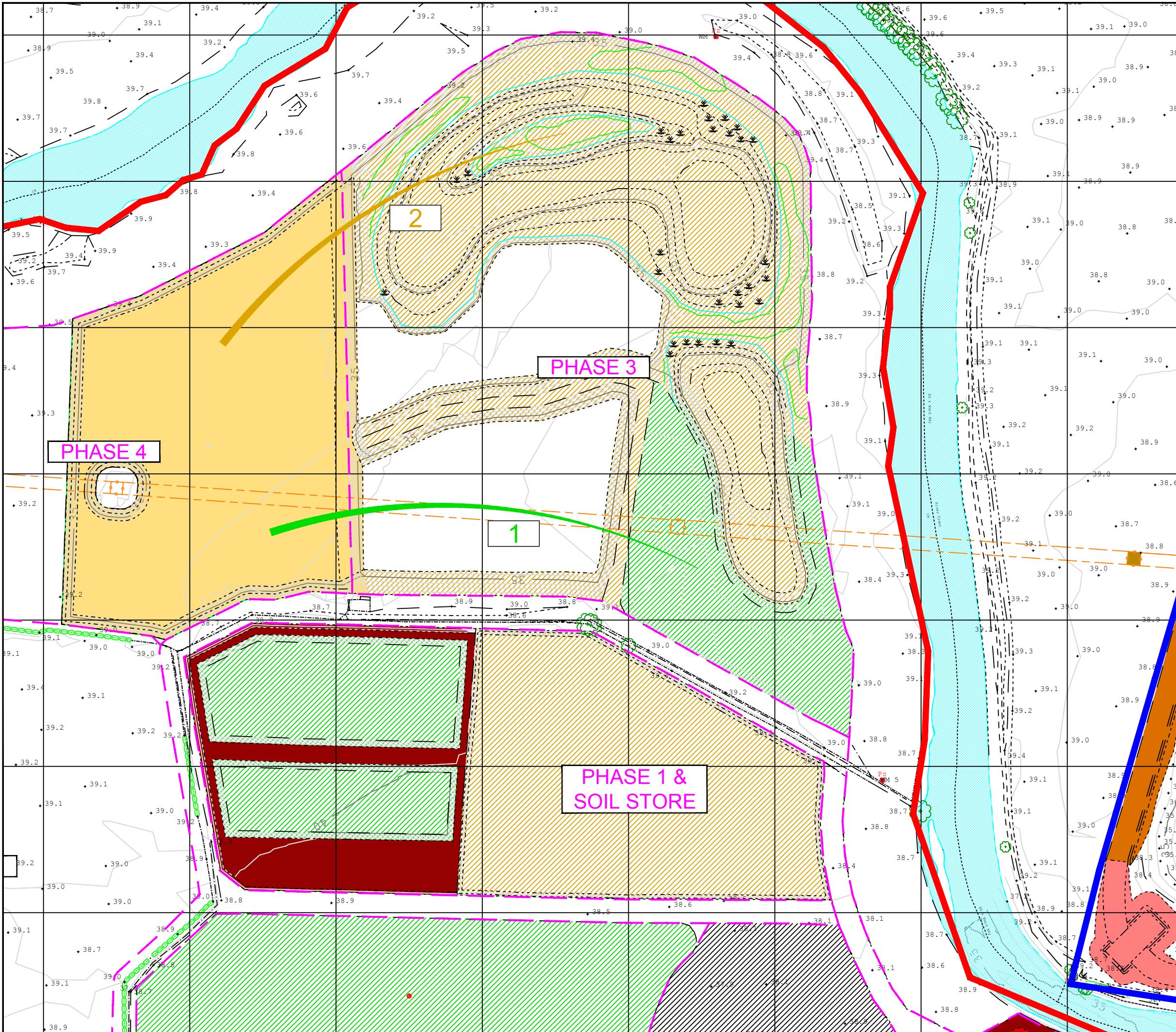


Site Name:
S346 - Swarkestone









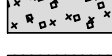

Drawing Name:
Southern Extension
Soil Handling Scheme
Completed Restoration of Phase 2

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00059a





Legend

-  Other Land under Applicants Control
-  Planning Application Boundary
-  Proposed Revised Phasing
-  Topsoil Store / Placement
-  Topsoil Movement
-  Overburden Store / Placement
-  Overburden Movement
-  Mineral Excavation
-  Imported Fill
-  Anchor Church archaeological stand off area

- ### Schedule of Soil Movements
1. 14,000m³ topsoil stripped from Phase 4a and direct placed into restoration of Phase 3a
 2. 119,000m³ overburden excavated from Phase 4a and direct placed into restoration of Phase 3b to restoration profile

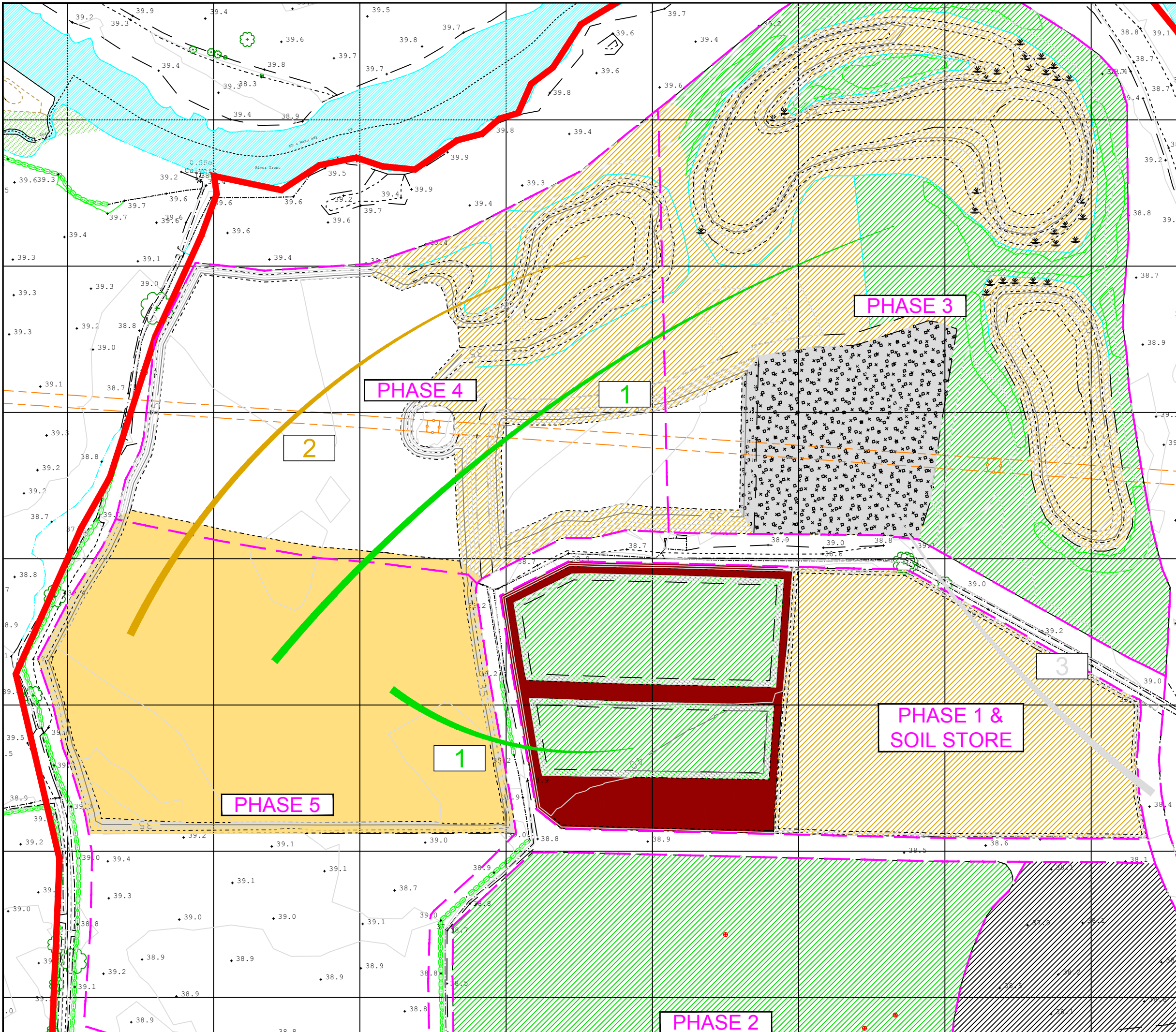


Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 4a

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00063






Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Store / Placement
- 1 Topsoil Movement
- Overburden Store / Placement
- 2 Overburden Movement
- Mineral Excavation
- Imported Fill
- Anchor Church archaeological stand off area

- #### Schedule of Soil Movements
1. 16,000m³ topsoil stripped from Phase 5a and direct placed into restoration of Phase 3b with remainder into store in Phase 1
 2. 91,000m³ overburden excavated from Phase 5a and direct placed into restoration of Phase 4a to restoration profile
 3. 78,000m³ imported fill to restore part of Phase 3 cell to formation level




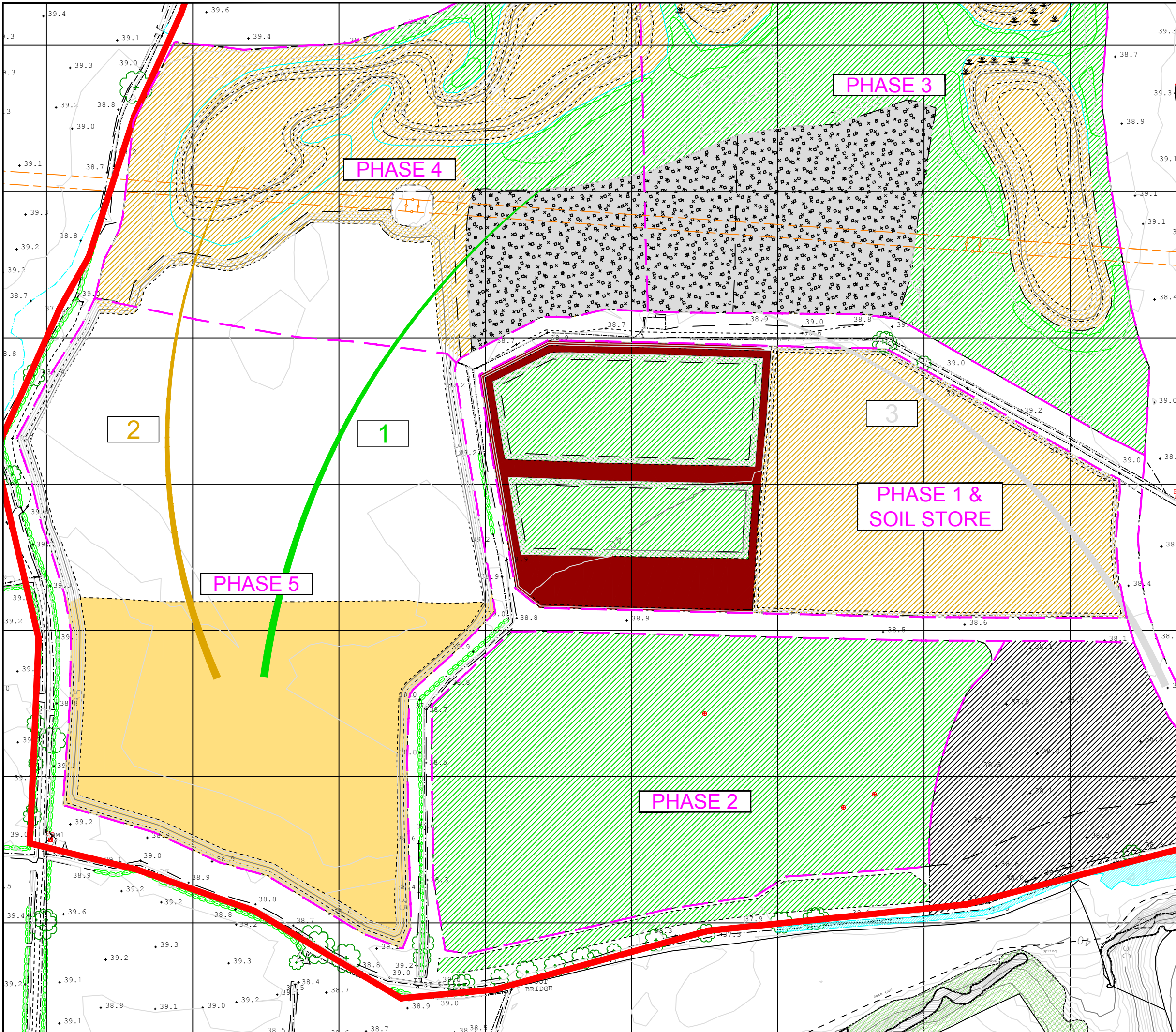
TARMAC
A CRH COMPANY

Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 5a

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00065





Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Store / Placement
- Topsoil Movement
- Overburden Store / Placement
- Overburden Movement
- Mineral Excavation
- Imported Fill
- Anchor Church archaeological stand off area

- #### Schedule of Soil Movements
1. 13,000m³ topsoil stripped from Phase 5b and direct placed into restoration of Phase 4a
 2. 67,000m³ overburden excavated from Phase 5b and direct placed into restoration of Phase 4b to restoration profile
 3. 76,000m³ imported fill to restore Phase 3 cell to formation level

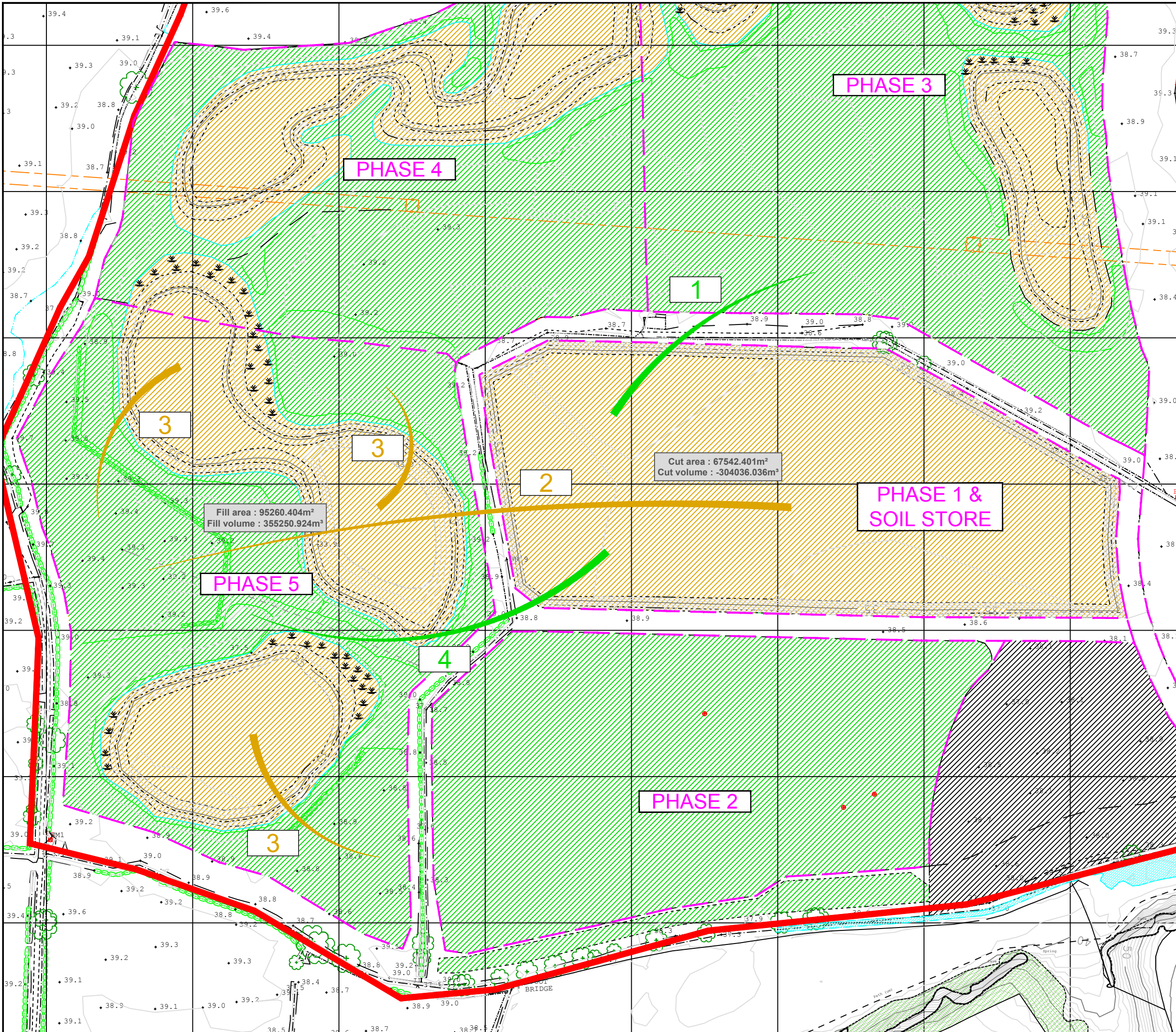


Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 5b

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00066





Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Store / Placement
- Topsoil Movement
- Overburden Store / Placement
- Overburden Movement
- Mineral Excavation
- Imported Fill
- Anchor Church archaeological stand off area

- #### Schedule of Soil Movements
1. 29,000m³ stored topsoil excavated from Phase 1 and placed into temporary store in Phase 3
 2. 250,000m³ of stored overburden excavated from Phase 1 and placed into restoration of Phase 5b to formation level
 3. 50,000m³ of basal material to be excavated from base of lakes to complete restoration of Phase 5b to formation level
 4. 28,000m³ stored topsoil excavated from Phase 1 and placed into restoration of Phase 5b

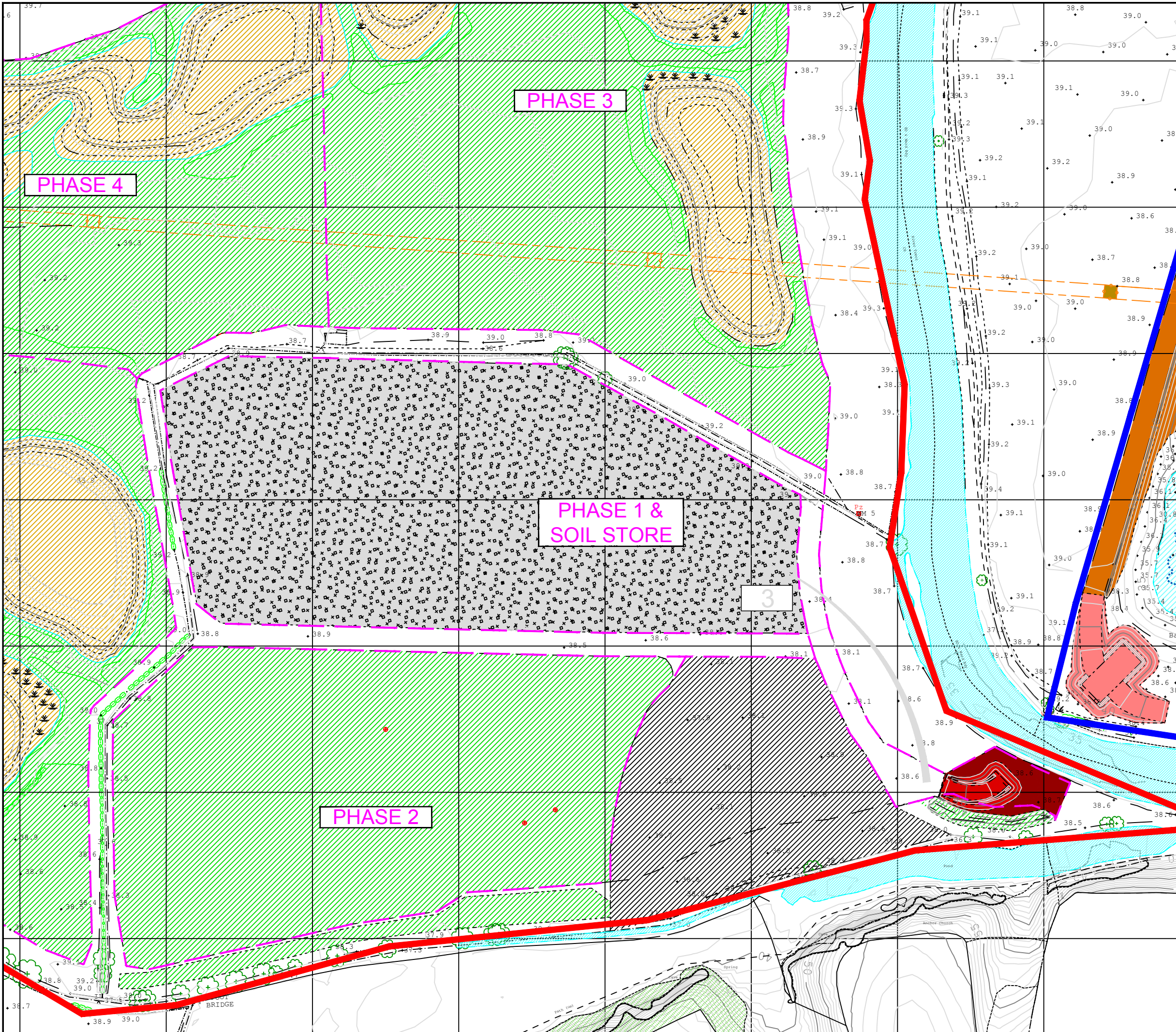


Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 5b Restoration

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00067





Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Store / Placement
- 1 Topsoil Movement
- Overburden Store / Placement
- 2 Overburden Movement
- Mineral Excavation
- Imported Fill
- Anchor Church archaeological stand off area

Schedule of Soil Movements

1. 388,000m³ imported fill to restore Phase 1 to formation level

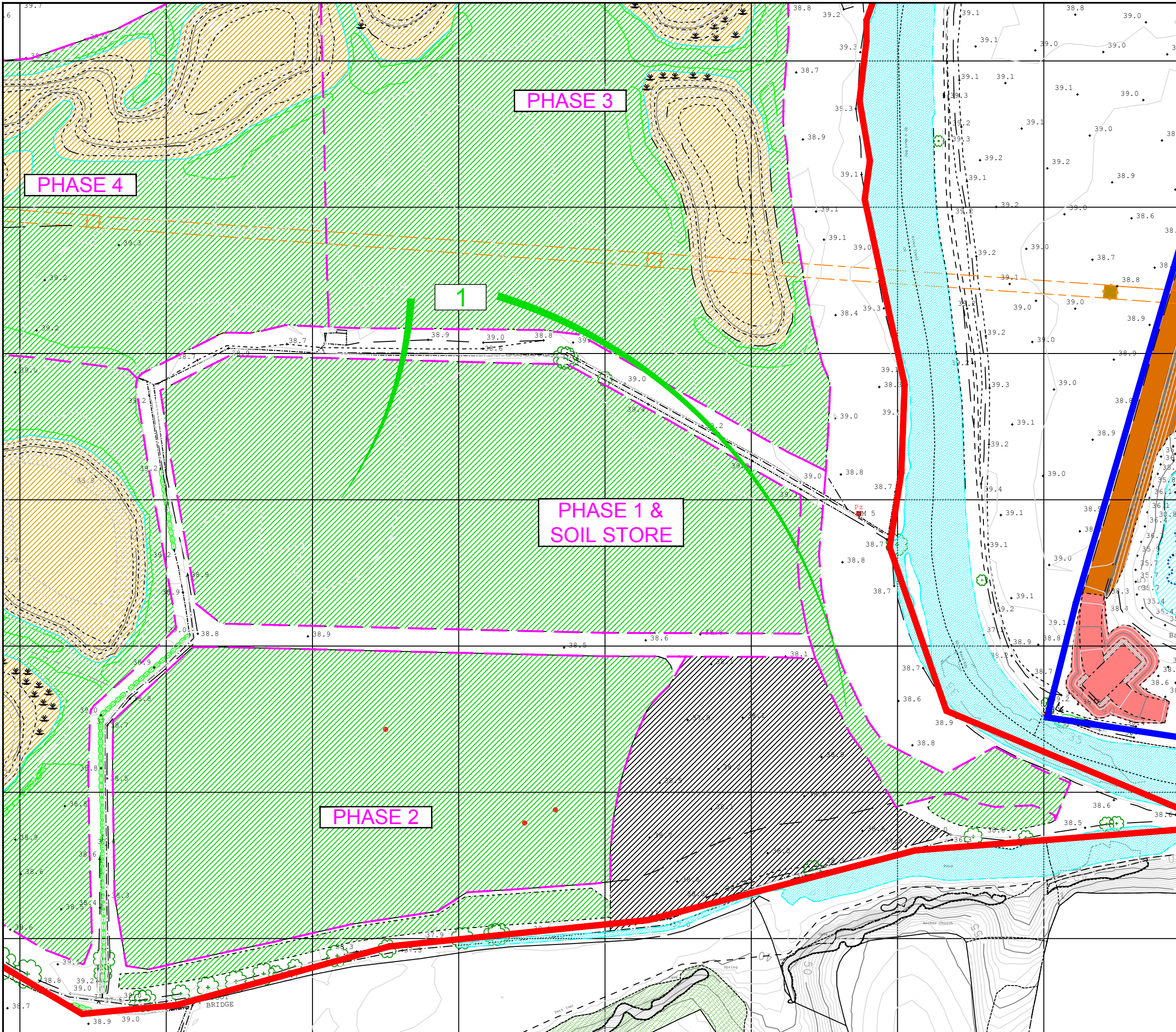


Site Name:
S346 - Swarkestone









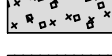

Drawing Name:
Southern Extension
Soil Handling Scheme
Phase 1 Imported fill

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00068





Legend

-  Other Land under Applicants Control
-  Planning Application Boundary
-  Proposed Revised Phasing
-  Topsoil Store / Placement
-  Topsoil Movement
-  Overburden Store / Placement
-  Overburden Movement
-  Mineral Excavation
-  Imported Fill
-  Anchor Church archaeological stand off area

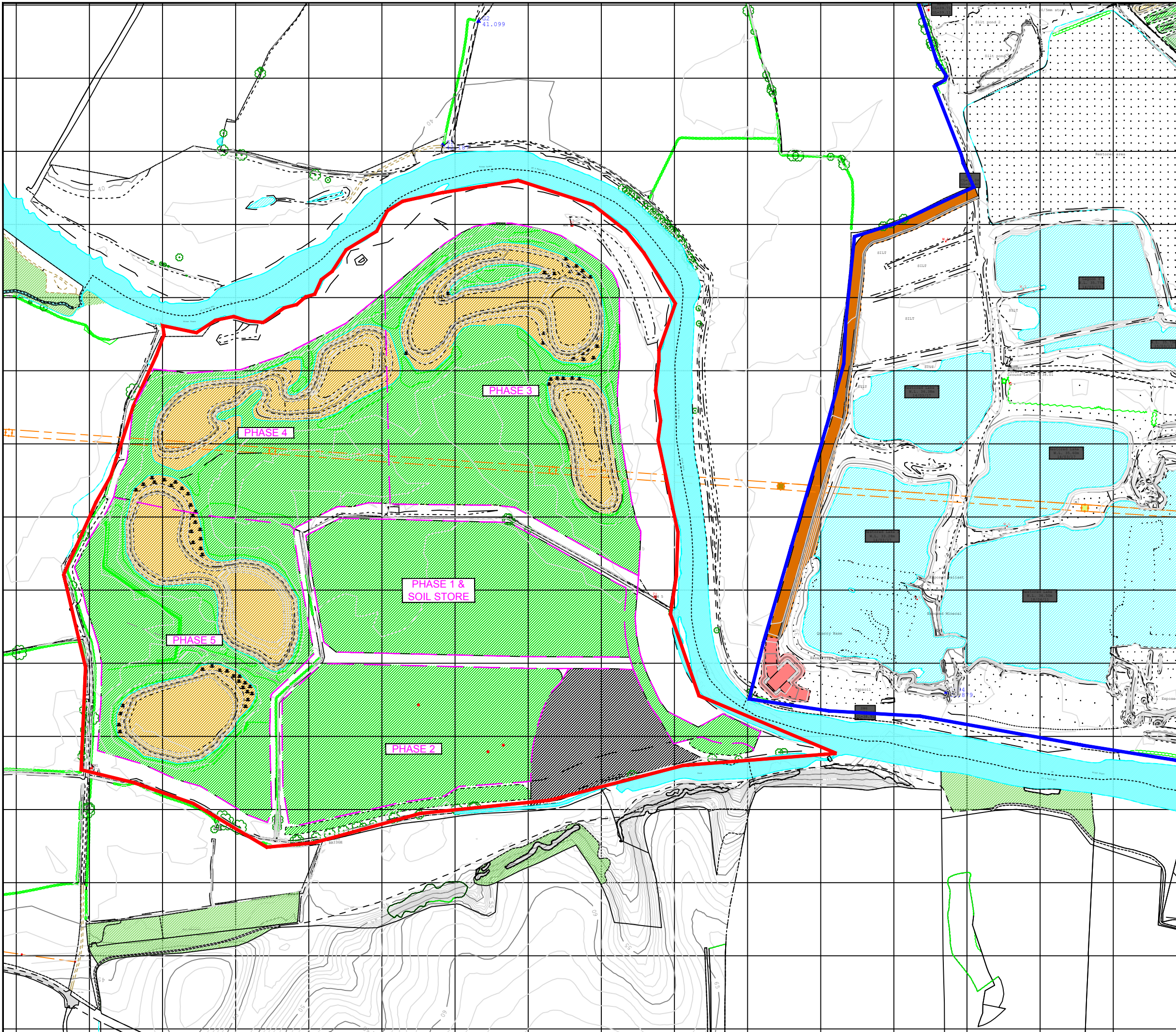
Schedule of Soil Movements

1. 29,000m³ topsoil excavated from store to restore Phase 1, Haul Road and Bridge Abutment to final restoration profile



Site Name: S346 - Swarkestone	
Drawing Name: Southern Extension Soil Handling Scheme Phase 1 <input type="checkbox"/> Access <input type="checkbox"/> Bridge Restoration	
Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00069





Legend

- Other Land under Applicants Control
- Planning Application Boundary
- Proposed Revised Phasing
- Topsoil Placement



Site Name:
S346 - Swarkestone

Drawing Name:
Southern Extension
Soil Handling Scheme
Completed Restoration

Drawn By: G.Burdell	Scale @ A3: 1:2,500
Date: 13/07/18	Drawing Number: S346.00070



APPENDIX C

**COPIES OF DRAWING NUMBERS L10888-LD-01 REV C AND L10888-LD-02 REV C IN
RESPECT OF THE RESTORATION OF THE SOUTHERN EXTENSION TO
SWARKESTONE QUARRY**

LANDSCAPE STRATEGY

The site lies within the Trent Valley Washlands Landscape Character Area (LCA) and the Riverside Meadows Landscape Character Type (LCT).

The landscape restoration scheme will part restore the landscape to agriculture and flood meadow characteristic of this LCT. Where the quarry voids of the final working phases are restored to lakes, where feasible blocks of new woodland planting are proposed to visually integrate and "ground" these lakes in the landscape setting and positively contribute to the objectives of the wider Trent Valley Strategy.

The south part of the site is to be restored to agriculture with ground levels to match existing to restore the landscape setting and vistas to Anchor Church listed heritage asset.

A large proportion of existing trees and field boundary hedgerows are retained and will be protected in accordance with an Arboricultural Method Statement. A new hedgerow with hedgerow trees is proposed through the arable area where a previous hedgerow was located.

This concept has been designed in line with the following principles to avoid attracting particular bird species or high numbers of that would pose a birdstrike risk. This is important due to the site proximity to East Midlands Airport.

- Create a series of smaller waterbodies of varied shape and margins to present a constraint for large flocking birds to land and take off.
- Allow an increase in vegetation height around the water bodies through design and management.
- Limit the extent of reedbeds to deter large and flocking waterfowl and waders.

Public footpaths will be retained to their original alignment or replaced where temporary diversion may be required.

Long-term management regime to include pollarding of riverside willow standards to maintain the traditional riparian character of the landscape.

The following restoration scheme is proposed for each character area:

Area A
Area A is to be restored to arable or pastoral agriculture. Field enclosures are defined by hedgerows which will be retained as part of the development with new planting to reinstate gaps within the hedge lines. New hedgerow with scattered hedgerow trees within the centre of Area A will restore a previous hedge. This will link to the established character of the surrounding landscape and allow for long vistas towards the river. The public footpath to the west of Area A will be restored.

Area B
Robust woodland planting to visually contain the water bodies and mitigate their adverse visual impacts from local roads and footpaths since the open water habitats in this area are visually and functionally detached from the river. This will tie in with the Trent Valley Vision to improve the environmental capacity to absorb these new landscape features. New woodland creation in this area will also develop new and contrasting habitats as well as reducing the opportunities for large flocking birds to access these water bodies.

Area C
The restoration of Area C will be ecologically led as part of an agricultural management system. The wetland margins will extend into this area with the development of restoration levels at or just above the water level which could provide for a range of wetland habitats including reedbeds, marsh, shingle beds, wet grassland and rush pasture. This will allow for periods of seasonal grazing. Small areas of wet woodland will further enhance this habitat matrix and provide pockets of visual relief to the extensive water body.



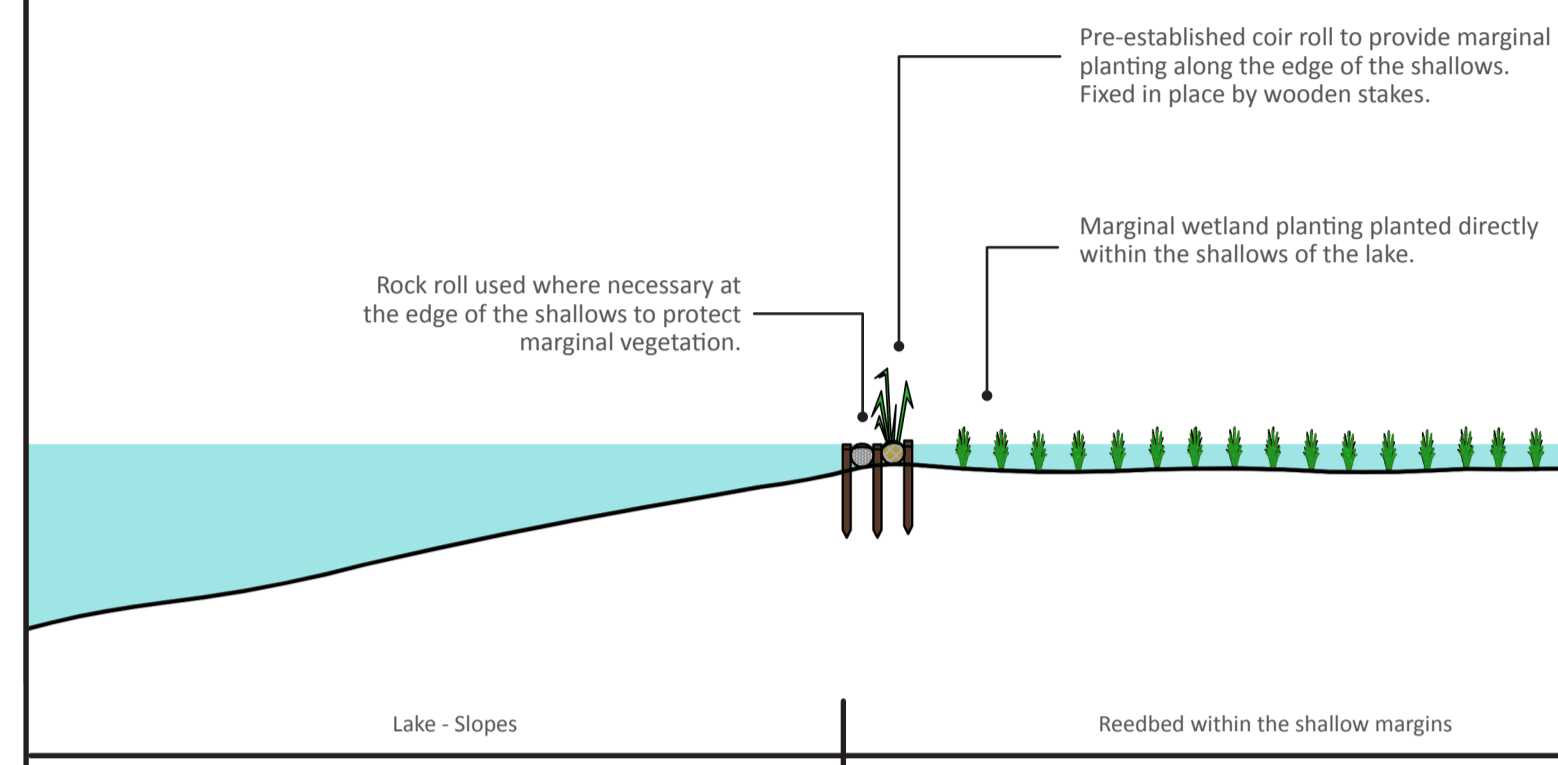
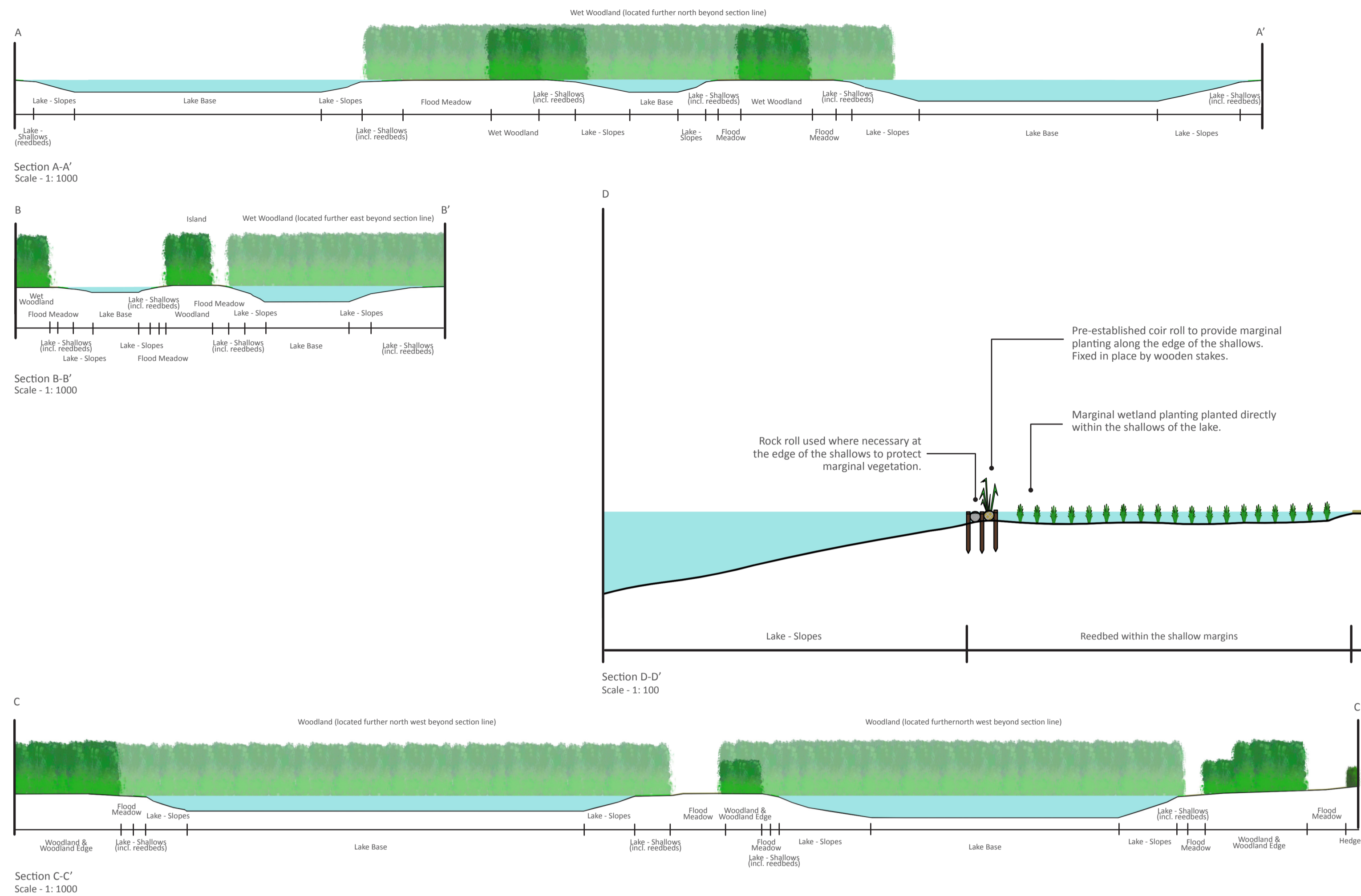
AREA D
Waterbodies forming a series of interconnected pools with shallow margins between them to enhance the overall ecological potential of the water body and minimise the attraction to large flocking birds as constraints to landing and taking off. There will be variation to the shape of the water bodies and the pools will have fluctuating marginal wide shallow edges, that slope very gradually to around 300mm depth and will allow tall marginal plants to colonise. The central island will create greater diversity and provides an opportunity for additional tree planting to help break up the water body.

AREA E
Managed as traditional meadow grassland between the river and restored lake providing an appropriate context and to further enhance the ecological value of the restoration. Small tree groups to be planted along the banks to the river to help reinforce the line of the River Trent and mitigate views towards the large new lake from the north. Additional woodland planting adjacent to the lake will again reduce the scale of the water body.

KEY

- Soft Works**
- Tree-To be Retained
Refer to Ecus Ltd Tree Survey ref. 10888 BS5837 (2012) Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement.
 - Proposed Tree-Feathered
 - Existing Hedgerow to be Retained
 - Proposed Native Hedgerow
 - Existing Hedgerow Removed
 - Proposed Native Woodland
 - Proposed Native Wet Woodland
 - Proposed Native Woodland Edge
 - Proposed Native Woodland Wet Edge
 - Flood Meadow
 - Arable and Pastoral Agriculture
 - Reedbed margins - located within the shallows (up to 300mm depth)
 - Shallow Margins
 - Main waterbody with sloping lake sides
 - Deepest pools within the waterbody. 33m AOD and below.
 - River Trent
 - Gated Access
 - Public Footpath
 - Landscape Management Areas
 - Overhead Powerlines
 - Key View

TYPICAL SECTIONS



Section D-D' Scale - 1:100

OUTLINE MANAGEMENT AND MAINTENANCE PRESCRIPTIONS

Flood meadow:
Managed to promote species diversity and prevent scrub encroachment.
Autumn sown 1st year: 3 cuts to 70mm remove clippings.
Spring sown 1st year: 3 cuts - 6 weeks after sowing then late Spring and Autumn, to 70mm, remove clippings.
Maintenance Year 2+: 2 cuts per annum, March/April to remove excess grass, September/October after flowering, cut to 70mm, remove clippings.
Or manage by sheep grazing.

Vegetation clearance and trimming/ pruning: undertaken outside of the bird nesting season (March-August inclusive).

New woodland/ woodland edge planting:
Establishment maintenance (Year 1-5): watering to ensure continued thriving, re-firming, maintaining weed-free planting stations, replacement planting of dead/dying/damaged plants.
Year 5+: Annual inspection of condition, annual formative prune in winter if necessary, thinning as necessary every 10 years to remove poorer specimens / allow space for plants to thrive, control of invasive species. Periodic pollarding of standard willows to riverbank.

Hedgerows:
New: Formative hard prune Year 1&2 twice a year to form shape, Year 3-5 trim twice a year.
Year 5+: trim once every 3 years to encourage nectar/berrying.

Existing: trim once every 3 years to encourage nectar/berrying.

Reeds:
Encourage tall marginal vegetation.

Typical Plant Mixes

The following plant species are locally appropriate to the Riverside Meadows LCT:

- * Primary/ dominant species in mixes
- ** Minor secondary species in mixes
- *** Occasional species

Feathered trees (watercourse)
Crack willow (*Salix fragilis*), alder (*Alnus glutinosa*).

Feathered trees (field boundaries)
Oak* (*Quercus robur*), crack willow* (*Salix fragilis*), field maple** (*Acer campestre*), small-leaved lime** (*Tilia cordata*).

Native Hedgerow (transplants)
Hawthorn* (*Crataegus monogyna*), field maple** (*Acer campestre*), hazel** (*Corylus avellana*), blackthorn** (*Prunus spinosa*), purging buckthorn*** (*Rhamnus cathartica*).

Native Woodland (transplants, whips and feathers)
Trees: oak*, alder*, crack willow**, downy birch** (*Betula pubescens*), goat willow** (*Salix caprea*).

Shrubs: elder* (*Sambucus nigra*), hawthorn*, alder buckthorn** (*Frangula cathartica*), purging buckthorn**.

Native Wet Woodland (transplants, whips and feathers)
Trees: alder*, crack willow*, downy birch**, goat willow**.

Shrubs: grey willow* (*Salix cinerea*), elder* (*Sambucus nigra*), hawthorn**, alder buckthorn**, purging buckthorn**, osier** (*Salix viminalis*), purple willow (*Salix purpurea*), almond leaved willow (*Salix triandra*).

Native woodland edge mixes: to consist of the shrubs above for native woodland or wet woodland mixes in the same proportion.

Riverside flood meadow: species typical of MG8 River floodplain/meadow grassland.

Grasses*: slender creeping red fescue, crested dogstail, meadow fescue, rough-stalked meadow grass, creeping bent, sweet vernal.

Wildflowers**: small-leaved Timothy, Ribwort plantain, meadow buttercup, common knapweed, ox-eye daisy, creeping buttercup, white clover, meadow sweet, marsh marigold, greater burnet.



APPENDIX D

**A COPY OF LETTER REF CM9/1215/122 DATED 12 JULY 2021 FROM DERBYSHIRE
COUNTY COUNCIL**

Place
Planning Services
County Hall
Matlock
Derbyshire
DE4 3AG

L Sumner
Permitting and Compliance Manager
Tarmac Trading Limited
Meeting Street
Quorn
Loughborough
LE12 8EX

Telephone 01629 539804
Ask for Vicky Webb
Email Vicky.webb@derbyshire.gov.uk
Our ref CM9/1215/122
Your ref
Date 12 July 2021

Dear Lisa,

Swarkestone Quarry Southern Extension

I write with regard to planning permission reference CM9/1215/122 (the planning permission) which was granted on 29 March 2019 for “a 61 hectares extension to existing sand and gravel quarry including use of existing processing plant with restoration to a mixture of agriculture and nature conservation at Swarkestone Quarry, Twyford Road, Barrow-on-Trent”. I confirm that the restoration can be completed with suitable imported waste or non-waste inert restoration materials consistent with the planning application.

Whilst the planning conditions refer to imported fill, imported inert waste is specified in the ‘*Statement about a decision on a planning application with an Environmental Statement*’ made by DCC in respect of Regulation 24(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The intention of the reference to inert waste is in respect of the types of materials which may be used to restore the site and that materials are suitable for use in the restoration of the site. The reference to inert waste is not intended to limit the imported restoration materials only to waste. Comparable non-waste inert restoration materials can be used to complete the approved restoration scheme. The primary concern of Derbyshire County Council is compliance with the conditions set out in the planning permission that the site is restored in accordance with the approved details to deliver the associated benefits without having an unacceptable environmental impact.

I trust that this provides the necessary clarification in respect of the use of non-waste materials in the restoration of the site. Please do not hesitate to contact me if you have any queries.

A handwritten signature in black ink that reads "Vicky Webb". The signature is written in a cursive, slightly slanted style.

Yours sincerely

Vicky Webb
Senior Planner