



**WASTE RECOVERY PLAN FOR THE DEPOSITION OF
WASTE ON LAND AS A RECOVERY ACTIVITY FOR
THE RESTORATION OF PHASES 12, 13A, 13C, 17, 18A,
18B, 19A AND 19B AT BROOKSBY QUARRY, MELTON
ROAD, BROOKSBY, LEICESTERSHIRE**

Report reference: TAR/BRO/AKM/5654/01
August 2021



Technical advisers on environmental issues

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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 12, 13a, 13c, 17, 18a, 18b, 19a and 19b to agriculture at Brooksby Quarry, Melton Road, Brooksby, Leicestershire.
- 1.2** Brooksby Quarry is centred on National Grid Reference (NGR) SK 674 152 approximately 1km north east of Rearsby, 1.6km south east of Thrussington, 1.3km south of Hoby, 2.2km south west of Frisby on the Wreake and 1.8km north west of Gaddesby in Leicestershire. Brooksby Melton College and several residential dwellings are located adjacent to and north and north east of Brooksby Quarry and there are several isolated farms located in the area of the site which is generally in agricultural use. Brooksby Quarry including the area the subject of the WRP is accessed from the existing access to Brooksby Quarry off of the A607, Melton Road. The location of Brooksby Quarry is shown on Figure 1.
- 1.3** Although planning permission for mineral extraction at Brooksby Quarry was first granted in 2003, most recently planning permission reference 2018/0917/06 (2018/CM/0123/LCC) (the planning permission) was granted on 10 October 2019 by Leicestershire County Council (LCC) for the '*Southern Extension of sand and gravel working and restoration using site derived and imported inert material returning the land to a combination of agriculture, open water and nature conservation - Brooksby Quarry, Melton Road, Brooksby, Leicestershire LE14 2LN.*' A copy of the planning permission is presented at Appendix A. The planning permission which was implemented in October 2019 provides for the restoration of Phases 12, 13a, 13c, 17, 18a, 18b, 19a and 19b to agriculture by the importation of approximately 1.5Mm³ of inert materials. The boundary of the planning permission is shown on Figure 2. The area the subject of the planning permission is approximately 93 hectares. The site which is the subject of this WRP is approximately 31.87 hectares of which Phases 12, 13a and 13c comprise 7.75 hectares, Phase 17 comprises 7.99 hectares and Phases 18a, 18b and 19a and 19b comprise 16.13 hectares.
- 1.4** An area in the north of Brooksby Quarry comprising part of Phases 8 and 9 and Phase 10 is the subject of Environmental Permit number EPR/CB3504CQ for the importation of inert waste materials to facilitate restoration to agriculture. All the others phases of the existing Brooksby Quarry together with the phases in the south west of the

southern extension are being restored to agriculture, open water and nature conservation using onsite overburden and quarry reject materials. The location of Phases 12, 13a, 13c, 17, 18a, 18b, 19a and 19b at Brooksby Quarry which are the subject of this WRP and which it is anticipated will be the subject of an application for an Environmental Permit for the deposition of waste on land as a recovery activity are shown on Figure 2. The consented restoration scheme which is to agriculture, open water and nature conservation interest is shown on drawing reference B355 – 00071 - 11 a copy of which is presented at Appendix B.

- 1.5** 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 area of Brooksby Quarry the subject of this WRP is the subject of planning permission reference 2018/0917/06 (2018/CM/0123/LCC) granted by LCC on 10 October 2019 (Appendix A). Condition 2 of the planning permission states that:-

‘Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details...’

Condition 2 lists amongst others the phasing plans for extraction and restoration and the approved restoration scheme for the southern extension together with the planning application, Environmental Statement and working scheme description. The plans referred to in Condition 2 are discussed in further detail below under the *‘Evidence of the obligation’*.

- 2.6** It is clear that in granting planning permission reference 2018/0917/06 (2018/CM/0123/LCC), LCC 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 points in turn.

Evidence of the obligation

- 2.7** As explained earlier, planning permission reference 2018/0917/06 (2018/CM/0123/LCC) confirmed the specific obligations in respect of restoring the

site according to the approved plans. Conditions 2, 6, 37, 42 and 43 of the planning permission refer to the restoration of the site.

- 2.8** Condition 2 of the planning permission (*Adherence to Approved Details*) states that:-

'Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details: [inter alia]

...drawings referenced B355 - 00071 to B355 – 00071 - 11”
(Appendices B and C)

The Appendices referenced in brackets refer to the Appendix in the WRP at which the drawings are provided.

- 2.9** The reason stated in the planning permission for imposing Condition 2 is:-

'For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.'

- 2.10** Condition 6 of the planning permission (*Working and Phasing Details*) states:-

'The development hereby permitted shall be carried out in accordance with drawings referenced B355 - 0071 to B355 – 00071 - 11 and the revised working scheme description. Prior to the stripping of soils in Phase 16B, the landfill voids within Phases 7 to 10 and Phases 12 and 13 shall be restored and have topsoil replaced.'

- 2.11** The reason stated in the planning permission for imposing Condition 6 is:-

'To ensure the working of the site and the follow-on restoration works are undertaken in a phased manner and large areas of the site are not unrestored.'

- 2.12** Condition 37 of the planning permission (*Soil Handling & Ground Preparation Works*) states:-

'Overburden shall be replaced and levelled so that: [inter alia]

- a) *after replacement of topsoil and subsoil the contours conform with those shown on Drawing Reference B355 – 00071 – 11;”*

2.13 The reason stated in the planning permission for imposing Condition 37 is:-

‘To ensure adequate surface drainage, to enable an effective under drainage scheme to be installed, to reduce the risk of soil erosion and to allow the use of agricultural machinery following restoration.’

2.14 Condition 42 of the planning permission (*Reclamation*) states:-

‘Within six months of commencement of development, a detailed scheme of final landscaping and restoration of the site shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on a phased approach and the restoration concept shown on Drawing Reference B355 – 00071 - 11....’

2.15 The reason stated in the planning permission for imposing Condition 42 is:-

‘To ensure the acceptable restoration and landscaping of the site.’

2.16 Condition 43 of the planning permission (*Aftercare*) states:-

‘Within six months of commencement of development, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be in accordance with the reclamation details required by Condition No.42, and shall provide an outline strategy for the 5 year aftercare period specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for use as agriculture and nature conservation, including the subsequent management of the restored land and vegetation.’

2.17 The reason stated in the planning permission for imposing Condition 43 is:-

‘To ensure that the restored agricultural and nature conservation landforms are brought to a condition suitable for long term beneficial use.’

- 2.18** 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 LCC 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.
- 2.19** Consistent with the requirements set out in the recovery guidance in respect of an obligation, it is clear that LCC require Tarmac to assume the specific obligation of the approved working plans, schemes of working and restoration scheme as conditions 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

- 2.20** As described earlier in Paragraph 2.8 of this WRP, Condition 2 of the planning permission specifies the relevant drawings which comprise the approved scheme. The final restored landform is shown on drawing B355 – 00071 - 11 (Appendix B). Cross-sections through Phases 12, 13a, 13c, 17, 18a, 18b, 19a and 19b of the restored site are shown on Figure 3.
- 2.21** 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 schemes. It is proposed that drawing number B355 – 00071 - 11 will comprise the relevant contour plan for the site to be specified in the Environmental Permit.

Evidence that the waste is suitable for the intended purpose

- 2.22** The waste types 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, apart from testing for classification purposes with the exception of Waste Code 01 04 12 (tailings

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

and other wastes from washing and cleaning of minerals other than those mentioned in 01 04 07 and 01 04 11).

2.23 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.

2.24 It is clear that Tarmac Trading Limited has specific obligations in respect of the approved scheme. The deposit of waste as a recovery activity will enable Tarmac Trading Limited to satisfy the specific obligations in respect of the restoration of the site.

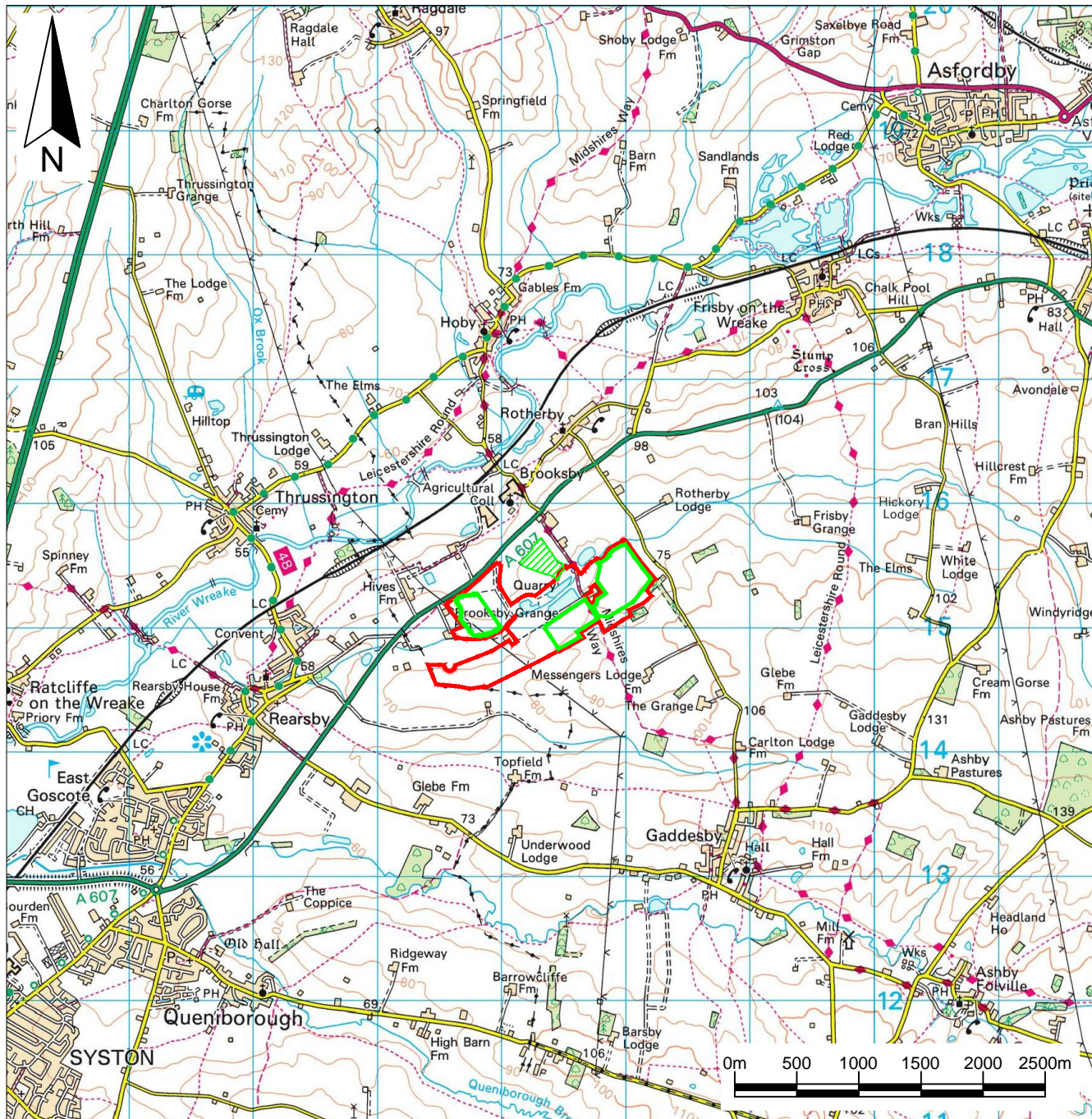
TABLES

Table 1




Waste types that may be accepted at Brooksby 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.

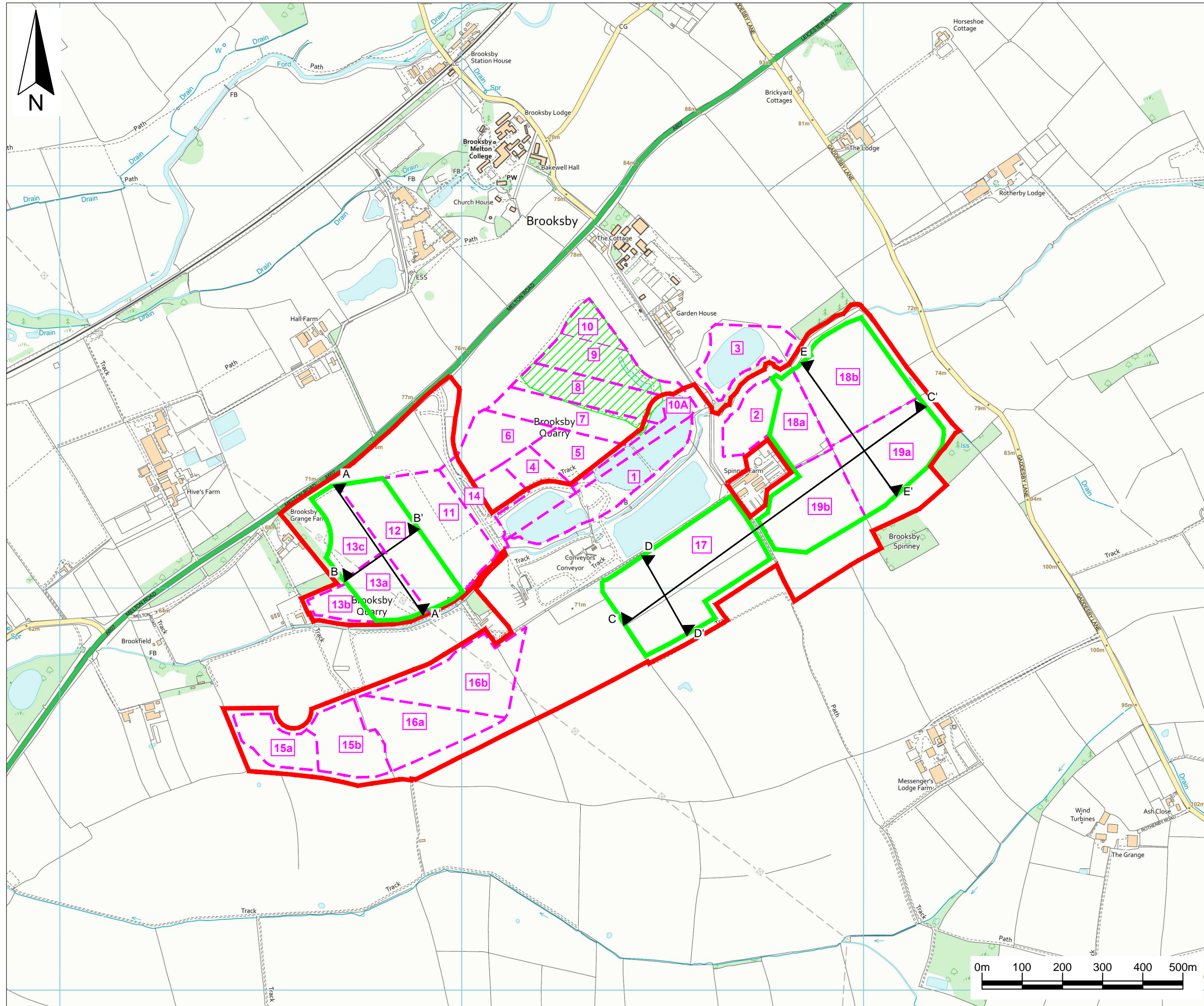
FIGURES



Key / Notes

-  The approximate boundary of Environmental Permit number EPR/CB3504CQ
-  The approximate boundary of planning permission reference 2018/0917/06 (2018/CM/0123/LCC)
-  The area the subject of the Waste Recovery Plan and the boundary of the anticipated Environmental Permit application

Rev	Final	KR	AKM	GT	27/08/21		
	Status	Drn	App	Chk	Date		
Site BROOKSBY QUARRY							
Client 							
Title The site location							
Figure 1						Scale 1:50,000@A4	
Drawing Ref TAR/BRO/05-21/22442							
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Key / Notes

- The approximate boundary of Environmental Permit number EPR/CB3504CQ
- The approximate boundary of planning permission reference 2018/0917/06 (2018/CM/0123/LCC)
- The area the subject of the Waste Recovery Plan and the boundary of the anticipated Environmental Permit application
- Phase boundaries
- Cross section locations (shown on drawing reference TAR/BRO/05-21/22444)

Rev	Status	Drn	App	Chk	Date
	Final	KR	AKM	GT	27/08/21

Site: BROOKSBY QUARRY



Title: The area the subject of the Waste Recovery Plan and the boundary of the Anticipated Environmental Permit Application

Figure 2 | Scale: 1:10,000@A3

Drawing Ref: TAR/BRO/05-21/22443

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APPENDICES

APPENDIX A

A COPY OF PLANNING PERMISSION REFERENCE 2018/0917/06 (2018/CM/0123/LCC)

Planning permission

Name and address of applicant

Ms Tiffany Lloyd
Tarmac Trading Ltd
Quorn House
Meeting Street
Quorn
Loughborough
LE12 8EX

Name and address of agent (if any)

Mr Antony Cook
David Jarvis Associates Ltd
1 Tennyson Street
Swindon
SN1 5DT

Part I - Particulars of application

Date of application

11th July 2018

Application no.

2018/0917/06 (2018/CM/0123/LCC)

Particulars and location of development:

SOUTHERN EXTENSION OF SAND AND GRAVEL WORKING AND RESTORATION USING SITE DERIVED AND IMPORTED INERT MATERIAL RETURNING THE LAND TO A COMBINATION OF AGRICULTURE, OPEN WATER AND NATURE CONSERVATION - BROOKSBY QUARRY, MELTON ROAD, BROOKSBY, LEICESTERSHIRE LE14 2LN

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990 the **Leicestershire County Council** grants planning permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Conditions

Scope of Development

1. This permission shall relate only to the southern extension of sand and gravel working and restoration using site derived and imported inert material returning the land to a combination of agriculture, open water and nature conservation at Brooksby Quarry.

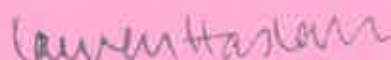
Adherence to Approved Details

2. Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details:
 - a) planning application reference 2018/0917/06 (2018/CM/0123/LCC) and accompanying environmental statement;
 - b) the Regulation 25 Further Information submission including drawings referenced B355 – 00071 to B355 – 00071 – 11;
 - c) the revised working scheme description;
 - d) GCN Report dated 1st May 2019.

Commencement

3. The development hereby permitted shall be commenced within three years from the date of this permission.

Date: 10 OCT 2019



Director of Law &
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CONDITIONS CONTINUED

Notification of Commencement

4. Written notification of the commencement of:
- a) soil stripping from within the extension area;
 - b) mineral extraction from within the extension area;

shall be provided to the Mineral Planning Authority within seven days from the date of such commencement.

Duration

5. This permission shall be for a limited period expiring on 31/03/2031 by which time the development hereby permitted shall have ceased including the removal of all buildings and structures and the land reinstated in accordance with the reclamation details approved under Condition No. 42.

Working and Phasing Details

6. The development hereby permitted shall be carried out in accordance with drawings referenced B355 – 00071 to B355 – 00071 – 11 and the revised working scheme description. Prior to the stripping of soils in Phase 16B, the landfill voids within Phases 7 to 10 and Phases 12 and 13 shall be restored and have topsoil replaced.

Hours of Operation

7. No operations shall be carried out at the site except between the following times: 0700 hours and 1900 hours Monday to Friday; and 0700 hours and 1300 hours Saturday. There shall be no operations (other than water pumping) on Sundays or public or bank holidays.

Access

8. There shall be no vehicular access to or from the site for any purpose in connection with the development hereby permitted except by means of the existing access onto the A607 Melton Road.
9. The existing vehicular access onto the A607 Melton Road shall be retained and maintained to the following standards for the period of the development hereby permitted:
- a) visibility splays of 4.5 metres by 215 metres provided in both directions;
 - b) an area 6 metres wide for 30 metres behind the highway boundary surfaced in a bound material; and,
 - c) any gates provided on the site access road shall be set back 30 metres from the highway boundary and hung to open into the site.

Date: 10 OCT 2019

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CONDITIONS CONTINUED

10. The existing wheel cleaning facilities shall be retained and maintained in accordance with the approved details for the duration of the development hereby permitted to ensure that no mud or other detritus is carried onto the highway. Any accidental deposition of such materials shall be removed immediately. The surfacing of the access road shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare works.
11. No commercial vehicles carrying sand and gravel shall leave the site unsheeted.

Crossings Over Rearsby Brook

12. The crossing points over Rearsby Brook from Phase 1A to the Plant Site and from the access road to the Plant Site shall be retained and maintained in accordance with the approved details for the duration of the development hereby permitted.

Bridleway H58

13. The warning signs erected at the crossing point of Bridleway H58 for the Phase 2 operations shall be retained and maintained in accordance with the approved details for the duration of the working and restoration of Phases 18 and 19. Site haulage vehicles and machinery shall only cross the bridleway at these points and shall not travel along any length of the bridleway.

Protection of Existing Vegetation

14. The existing field boundary hedgerows and trees bounding the perimeter of the site shall be retained and adequately protected during the duration of the development in accordance with BS 5837, 2012: 'Trees in Relation to Design, Demolition and Construction - Recommendations'.

Dust

15. All operations shall be carried out in a manner which minimises the emission of dust from the site. Internal roads and dry exposed areas shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne.

Noise

16. Except for temporary operations, the free-field Equivalent Continuous Noise Level $L_{Aeq, T}$, at the noise sensitive properties listed below shall not exceed the relevant criterion limit due to site operations. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Location	Criterion Limit (dB $L_{Aeq, 1 \text{ hour}}$; free field)
The Lodge	51
Rotherby Lodge	47
Messengers Lodge Farm	45
Top Field Farm	45
Brooksby Grange	55

Date: 10 OCT 2019

*Lawrence Haslam*Director of Law &
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CONDITIONS CONTINUED

Hall Farm Cottages	52
The Old Rectory	51
The Cottage	55
Spinney Farm Cottages	53
Brooksby Grange Barns	50
Brookfield	55

Noise monitoring shall be carried out in accordance with the scheme approved on 29th November 2004 and shall be undertaken at six monthly intervals at the nearest 5 locations to the main site activities being undertaken at the time. All noise monitoring results shall be provided to the Mineral Planning Authority. The approved monitoring scheme shall be kept under regular review and may be varied or amended by agreement with the Mineral Planning Authority.

17. Noise levels arising from temporary operations such as site preparation, soil stripping, overburden removal, construction and removal of soil mounds and restoration activities shall be minimised as far as is reasonably practicable and, in any case, shall not exceed 70dB L_{Aeq} (1 hour), freefield at any noise sensitive property detailed under Condition 16. Such activities should not affect any noise sensitive property for more than 8 weeks in any year.
18. All pumps used in connection with the development hereby permitted shall be powered by electricity or acoustically insulated diesel-powered units. Any pumps shall be operated and sited to minimise impact on residents from noise. Noise levels from any pumping operations carried out outside normal working hours, as detailed under Condition 7 shall not exceed 42dB L_{Aeq} (1 hour) freefield at any noise sensitive property.
19. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification including the use of effective silencers at all times.
20. All audible warning devices fitted to all plant, vehicles and machinery operating within the site shall be of non-tonal design and operated to minimise disturbance to nearby residents.
21. In the event that noise monitoring indicates that the levels set out in Conditions 16, 17 and 18 are being exceeded, the source of the noise shall be identified, and measures undertaken to remedy the breach immediately. Should these measures prove unsuccessful, the operations generating the noise shall cease until additional measures agreed with the Mineral Planning Authority have been undertaken.

Surface Water Drainage

22. Prior to the commencement of mineral extraction or infilling operations hereby permitted a surface water drainage scheme shall be submitted to and approved by the Mineral Planning Authority.
23. Prior to the commencement of mineral extraction or infilling operations hereby permitted details of the management of surface water on site for the duration of the development shall be submitted to and approved by the Mineral Planning Authority.

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CONDITIONS CONTINUED

24. Prior to the commencement of mineral extraction or infilling operations hereby permitted details of the long-term maintenance of the surface water drainage system within the development shall be submitted to and approved by the Mineral Planning Authority.

Flood Risk

25. The development hereby permitted shall be carried out in full accordance with the Flood Risk Assessment titled 'Flood Risk Assessment for an Extension to Brooksby Quarry, Leicestershire' reference 2479/FRA version F1 dated June 2018 by Hafren Water Ltd and the following mitigation measures:
- a) restored ground elevations across the site shall be the same as or lower than pre-development levels; and,
 - b) the temporary storage of excavated materials shall be aligned parallel to flood flows.

Groundwater Resources

26. Prior to the commencement of mineral extraction or infilling operations hereby permitted a scheme to: monitor groundwater levels; provide response trigger levels; and, present mitigation proposals shall be submitted to and approved by the Mineral Planning Authority. The development shall be carried out in full accordance with the approved details.

Silt Control Measures

27. For the duration of the development hereby permitted up to the completion of restoration works all surface water runoff shall be passed through a settlement facility prior to being discharged into any watercourse, soakaway or surface water sewer. The facility shall be retained and maintained until such a time that mineral processing at the site is complete.

Archaeology

28. Prior to the commencement of any soil stripping within the application site a written scheme of investigation (WSI) shall be submitted to and approved by the Mineral Planning Authority. The WSI shall have regard to the archaeological advisor's letter dated 10th March 2019, include the statement of significance and research objectives and address the following:
- a) the near surface buried archaeological resource (including a programme of archaeological fieldwork based on the results of pre-determination investigation work);
 - b) the Bytham River channel deposits (including a programme of monitoring and targeted archaeological investigation and recording during quarrying in Phases 2, 17, 18a, 18b, 19a and 19b);
 - c) the hydrological implications upon the buried archaeological resource within the plant site (including an assessment of the need for future waterlogged ground conditions, associated groundwater level and quality monitoring, future trigger levels and excavation of the buried resource);

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CONDITIONS CONTINUED

- d) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,
- e) the programme for post-investigation assessment and analysis, (including a scheduled programme of interim reporting) publication & dissemination and deposition of resulting material (within an agreed time scale).

The development hereby permitted shall be carried out in full accordance with the approved WSI.

29. The operation of the processing plant, stockpiling and storage of sand and gravel shall not impede the required environmental monitoring of archaeological remains within the plant site as detailed in the Written Scheme of Investigation approved under Condition No. 28.

Ecology

30. The ecological interests of the application site during the working, restoration and aftercare phases of the development hereby permitted shall be managed and safeguarded in full accordance with the Recommendations set out in section 5 of the Ecological Habitat Survey Report Ref. No. 181034/1 dated 10th December 2018, the Mitigation Strategy detailed in section 5 of the GCN Report Ref. No. 190351 dated 1st May 2019, and the following GCN protection measures:

- a) resurveys of pond 11 prior to the any working in Phase 17 and surveys of ponds 14, 17 and 18 prior to any working in Phase 15b;
- b) the submission of specific mitigation plans and habitat creation details for the approval of the Mineral Planning Authority prior to any working in Phase 17 and Phase 15b; and,
- c) the submission of a general operating plan for the approval of the Mineral Planning Authority that covers ongoing precautionary working to minimise risk to GCN's and provides habitat enhancements.

31. No works that involve the removal of trees, shrubs, hedgerows, scrub and other vegetation including grassland habitats used by ground nesting birds shall be undertaken during the bird nesting season (March to August inclusive) unless the area has first been checked by a qualified ecologist and an action plan approved by the Mineral Planning Authority. All mitigation and compensation measures shall be implemented in accordance with the approved action plan.

32. No works affecting existing trees with potential for bat roosts or hedgerows that comprise bat foraging habitat shall be carried out until a detailed bat survey has been undertaken in the appropriate season and a scheme of measures to mitigate and compensate any impact on any bats found has been approved by the Mineral Planning Authority. All mitigation and compensation measures shall be implemented in accordance with the approved scheme.

33. The development hereby permitted shall be subject to an annual ecological re-survey during the appropriate season(s) in respect of water vole and badger presence within the site during the working and restoration phases of the development. The report of the ecological survey shall be submitted to the Mineral Planning Authority by 31st October each year and shall include appropriate mitigation measures. The timing of the badger survey shall where practicable be in advance of the working of any new phase.

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34. The development hereby permitted shall be subject to a five-metre stand-off area measured from the top of the banks of the Rearsby Brook to protect water voles and their habitat. The stand-off area shall be demarked with fencing which shall be retained and maintained for the duration of the working and restoration phases of the site. The stand-off area shall cover the section of the Rearsby Brook extending from the existing site access road eastwards to the point where the Brook meets Bridleway H58. Vegetation within the stand-off area shall remain undisturbed.

Soil Handling & Ground Preparation Works

35. All soil handling operations (including soil stripping, storage and replacement) shall be undertaken in accordance with: Section 4 of the Soil Resources and Agricultural Use & Quality Report No. 369/4 dated 4th May 2018; the details shown on Drawings Referenced B355 – 00071 to B355 – 00071 – 11; and, the revised working scheme description.
36. The Mineral Planning Authority shall be notified in writing at least 5 days before each of the following stages:
- before each phase of soil stripping is due to commence;
 - when overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration is carried out; and,
 - completion of topsoil replacement to allow an opportunity to inspect the completed works and assess its suitability for entry into aftercare before the commencement of any cultivation and seeding operations.
37. Overburden shall be replaced and levelled so that:
- after replacement of topsoil and subsoil the contours conform with those shown on Drawing Reference B355 – 00071 – 11;
 - there is satisfactory site and surface drainage, so that the land is free from ponding and capable of receiving an effective under-drainage system;
 - agricultural machinery is not unduly restricted, erosion is minimised; and
 - gradients do not exceed 7 degrees.
38. No soils shall be respread until the upper layers of the prepared surface have been ripped and stones, materials and objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground have been removed from the site or buried at a depth of not less than two metres below the final contours.
39. The respread topsoil shall be loose tipped to enable a single pass at a tine spacing of 500mm maximum to full depth of the topsoil plus 100mm. Any stones, materials and objects which exceed 100mm in any dimension and occur on the surface of the ripped and loosened soils shall be removed from the site or buried at a depth of not less than two metres below the final contours.
40. All undisturbed areas of the site and all topsoil, subsoil and overburden mounds shall be kept free from agricultural weeds such as thistle, dock and ragwort. Cutting, grazing or spraying shall be undertaken, as appropriate, to control plant growth and prevent the production of seed and the subsequent spread of weeds onto adjoining agricultural land.

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CONDITIONS CONTINUEDRestoration in the event of early cessation of working

41. In the event of a cessation of winning and working of minerals (or landfilling operations) prior to the achievement of the completion of the approved working scheme as defined in this permission, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 to the Town and Country Planning Act 1990, a revised scheme to include details of reclamation and aftercare shall be submitted to the Mineral Planning Authority for approval within six months of the cessation of winning and working. The approved scheme shall be fully implemented within 12 months of approval.

Reclamation

42. Within six months of commencement of development, a detailed scheme of final landscaping and restoration of the site shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on a phased approach and the restoration concept shown on Drawing Reference B355 – 00071 – 11. The scheme shall include details of the following:
- a) plant species, sizes, quantities and locations, of all new tree, shrub and hedgerow planting, grass seed mixes;
 - b) the depths of all waterbodies, bank gradients and their margins;
 - c) the establishment of internal field boundaries with new trees and hedgerows on the restored agricultural land and associated fencing and gates;
 - d) enhancement to the rights of way network linking route(s) to Bridleway H58;
 - e) new woodland planting linking Brooksby Spinney with other existing woodland (as included in Box SA1 of the emerging LMWLP);
 - f) the enhancement of wetland habitat alongside the Rearsby Brook (as included in Box SA1 of the emerging LMWLP);
 - g) the timing of the removal of all plant, structures and buildings from the site; and,
 - h) the creation of GCN habitats.

Planting and seeding in accordance with the approved scheme shall be carried out, as far as is reasonably practicable, within the first available planting season following the restoration of any substantial part of the site, in accordance with working and phasing details required by Condition No. 6. All trees, shrubs and hedgerows planted in accordance with the approved scheme shall be maintained for a period of five years following planting and such maintenance shall include the replacement of any plants that may die or be seriously damaged or become seriously diseased.

Aftercare

43. Within six months of commencement of development, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be in accordance with the reclamation details required by Condition No. 42, and shall provide an outline strategy for the 5 year aftercare period specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for use as agriculture and nature conservation, including the subsequent management of the restored land and vegetation.

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CONDITIONS CONTINUED

The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over a period of 5 years in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the Minerals Planning Authority.

44. Before 1st February of every year during the aftercare period, the Mineral Planning Authority, owners and occupiers shall be provided with:
- a) proposals for managing the land including planting, cultivating, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming twelve months; and,
 - b) a record of aftercare operations carried out on the land during the previous twelve months.
45. Before 31st May of every year during the aftercare period, a site meeting shall be arranged to discuss and agree the proposals and records prepared in accordance with Condition No. 44. This meeting shall be attended by the person(s) responsible for undertaking the aftercare requirements.

Reasons

- 1 & 2. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
3. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To enable the development to be monitored to ensure compliance with this permission.
5. To provide for the completion and restoration of the site within the approved timescale.
6. To ensure the working of the site and the follow-on restoration works are undertaken in a phased manner and large areas of the site are not unrestored.
7. To protect the amenities of local residents.
- 8 & 9. In the interests of highway safety and the amenities of the area.
10. In the interests of highway safety and to prevent mud and dirt getting onto the highway.
11. In the interests of highway safety and safeguarding the local environment.
12. To safeguard the local watercourse and facilitate safe passage of vehicles within the site.
13. In the interests of the safety of bridleway users and the amenities of the area.
14. To ensure that all hedgerows and trees to be retained on site are protected during the development.

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CONDITIONS CONTINUED

15. To minimise the adverse impact of dust generated by the operations on the amenities of the locality.
- 16/17/18. To enable the noise related effects of the development to be adequately monitored during the operations, and to minimise the adverse impact of noise generated by the operations on the amenities of the locality.
- 19/20/21. To minimise the adverse impact of noise generated by the operations on the amenities of the locality.
22. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. There is an exceptional need here to secure control over impacts to the surface water drainage system by ensuring appropriate measures are in place prior to works commencing.
23. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase. There is an exceptional need here to secure control over impacts to the surface water drainage system by ensuring appropriate measures are in place prior to works commencing.
24. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development. There is an exceptional need here to secure control over the maintenance of the surface water drainage system by ensuring appropriate measures are in place prior to works commencing.
25. To prevent flooding elsewhere by ensuring that storage of flood water capacity is maintained or increased; to not inhibit overland flood flow routes.
26. To ensure that the proposed dewatering does not impact on other water users in the area and does not harm groundwater resources. There is an exceptional need here to secure control over impacts to the surface water drainage system by ensuring appropriate measures are in place prior to works commencing.
27. To prevent silty water from entering the water environment and to protect water quality and biodiversity.
- 28 & 29. To ensure satisfactory archaeological investigation and recording, and protection of buried heritage assets.
30. To safeguard the ecological interests of the site, including the local population of GCN's..
31. To protect nesting birds and their habitats.

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CONDITIONS CONTINUED

32. To protect bats and their habitats.
33. To protect water voles and badgers and their respective habitats and monitor their presence within the site.
34. To safeguard and enhance the ecological interests adjacent to the Rearsby Brook.
35. To safeguard the soil resources and prevent loss or damage of soil or mixing of soil types.
36. To allow the MPA sufficient time to inspect the soil handling and restoration works.
37. To ensure adequate surface drainage, to enable an effective under drainage scheme to be installed, to reduce the risk of soil erosion and to allow the use of agricultural machinery following restoration.
- 38 & 39. To ensure the reclaimed land is in an acceptable condition for agricultural after-use, and potential obstacles are removed prior to the replacement of soils.
40. To prevent a build-up of harmful weed seeds in soils that are being, or will be used, for agriculture.
41. To ensure reclamation of the site in the event of cessation of mineral working or infilling operations.
42. To ensure the acceptable restoration and landscaping of the site.
43. To ensure that the restored agricultural and nature conservation landforms are brought to a condition suitable for long term beneficial use.
- 44 & 45. To allow the MPA to monitor the progression of the restored landforms in accordance with the approved aftercare scheme and ensure that the restored agricultural and nature conservation after-uses are achieved.

Informatives

A copy of this permission and the accompanying section 106 agreement, the plans and documents referred to in condition no. 2, including any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept on site and made available for the duration of the development.

An environmental permit, issued by the Environment Agency, will be required for the importing of any waste to restore the site. Similarly, any treatment of waste on site may also require an environmental permit, unless an exemption applies.

An abstraction licence, issued by the Environment Agency, is required for the proposed dewatering activities carried out at the site.

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Pollution prevention measures must be carried out as stated in the *Hydrogeological and Hydrological assessment for a proposed extension to Brooksby Quarry* Report reference: 2479/hia Final (Hafren Water, June 2018).

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water, vehicle wash down, and detergents shall not pass through the interceptor.

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected to the surface water drainage system.

All cleaning and washing operations should be carried out in designated areas isolated from any surface water system and only draining to the foul drainage system or sealed system. The area should be clearly marked, and a kerb surround is recommended.

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

In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework.

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NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. **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 for the Environment under Section 78 of the Town and Country Planning Act 1990.
 - If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of Environment, Transport and Regions, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
 - The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that having regard to sections 70 and 72(i) of the Act, to the provisions of the development order and to any directions given under the order the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed.
 - 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 him.
3. **Purchase Notices**
 - If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he 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 District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation**
 - In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
 - These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.
5. The permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a listed building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority will also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.
6. **SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED: ACCESS AND PROVISION FOR DISABLED PERSONS.** The Local Planning Authority is required to bring to your attention the requirements of the Chronically Sick and Disabled Person's Act 1970 (Sections 4, 7, 8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for Disabled persons with the building. Your attention is also drawn to the Code of Practice, BS 5810 : 1979, "Access to the Disabled to Buildings" available from the BSI, Customer Services, 389 Chiswick High Road, London W4 4AL (Tel. 0208-996-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Education Buildings".

The buildings to which these requirements apply are:-

- (a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 applies.
- (b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within that Act.
- (c) Factories as defined by Section 175 of the Factories Act 1961.
- (d) Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

S.50 LEICESTERSHIRE ACT 1985 – ACCESS FOR FIRE BRIGADE

Where the permission granted is for or includes the erection of extension of a building and plans for the work are deposited with the district council in accordance with Building Regulations the district council will be obliged to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade to the building or, as the case may be, to the building as extended; and
- (b) that the building or, as the case may be, the extension, will not render inadequate any existing means of access for the Fire Brigade to a neighbouring building.

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APPENDIX B

A COPY OF DRAWING NUMBER B355 – 00071 - 11 ENTITLED 'FINAL RESTORATION'

APPENDIX C

COPIES OF DRAWINGS REFERENCES B355 – 00071 - 01 TO B355 – 00071 - 10

APPENDIX D

**A COPY OF A LETTER DATED 27 AUGUST 2021 FROM LEICESTERSHIRE COUNTY
COUNCIL**

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

Date: 27 August 2021
My Ref: 2018/CM/0123/LCC
Contact: Nick Bowden
Phone: 0116 305 4701
Email: nick.bowden@leics.gov.uk

Dear Lisa

RESTORATION AND INFILL OF BROOKSBY QUARRY, MELTON ROAD, BROOKSBY

I write with reference to planning permission reference 2018/0917/06 (2018/CM/0123/LCC) which was granted on 10 October 2019 for *the 'Southern extension of sand and gravel working and restoration using site derived and imported inert material returning the land to a combination of agriculture, open water and nature conservation - Brooksby Quarry, Melton Road, Brooksby, Leicestershire, LE14 2LN.'* I confirm that pursuant to the planning permission the restoration of the southern extension at Brooksby Quarry can be completed with suitable imported waste or non-waste imported inert materials consistent with the planning application. Materials that would be considered acceptable for use in the restoration of the quarry are listed on the attached schedule.

Whilst the description of the development the subject of planning permission reference 2018/0917/06 (2018/CM/0123/LCC) refers to *'imported inert material'* it is acknowledged that there are several references to *'waste'* and *'landfill'* in planning permission reference 2018/0917/06 (2018/CM/0123/LCC) and in the committee report in respect of the application for the planning permission. I confirm that this terminology does not preclude the use of comparable non-waste imported inert materials to complete the approved restoration scheme. The primary concern of Leicestershire 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.

Yours sincerely,



Nick Bowden
Principal Planning Officer

Encs.

Chief Executive's Department
Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA
Telephone: 0116 232 3232 Fax: 0116 305 6260 Minicom: 0116 305 6160

John Sinnott, CBE, MA, Dipl. PA, Chief Executive
Lauren Haslam, LLB (Hons), Dip.L.G. Director of Law & Governance

Schedule

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	-
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.