Ref: AB/HA LE5235/2
Date: 12th April 2024

Mr A Waskett-Burt
Rutland County Council
Catmose House
Catmose Street
Oakham
Rutland
LE15 6HP

By email only to: ABurt@rutland.gov.uk

Dear Mr Waskett-Burt,

Re: Further Letter of Objection to Proposed Extensions to Grange Top Quarry (planning application reference: 2024/0066/MIN)

We write on behalf of our client, Mr Eatough, and to provide a further objection to planning application 2024/0066/MIN.

Our client is the owner of the Grade II* listed property and associated 50 acres of land known as 'Prebendal House', Crocket Lane, Empingham, Rutland, LE15 8PW which is located approximately 0.7km to the northwest of the boundary of the proposed quarry extension identified as the 'Northwest Land'. The higher rating at Grade II* puts the building, in terms of significance, into the top 10% of all listed buildings in England. It also sits in a designated Conservation Area.

Our client originally submitted an objection on 22nd February 2024 **(Appendix 1)**. This objection letter is supplementary to this and should be read in conjunction.

Following a review of the neighbour comments received on the application to date, our client would like to clarify their concerns in relation to the perceived traffic impacts and provide additional comments on the Preliminary Ecological Appraisal and Biodiversity Net Gain (BNG) Report and Metric.

Traffic Impacts

In their previous objection letter, our client made clear that the public consultation was wholly insufficient. The communication notifying residents of the public exhibition event was limited to a leaflet through the letterbox and there was only one public exhibition event held.

The insufficient public consultation has led to a large misunderstanding amongst local residents in relation to the traffic impacts of the proposals. As such, our client would like to re-affirm their concerns following a review of the transport related documents submitted with the application. Our client has noted that there have been representations made by neighbours in favour of the application due to a reduction in traffic movements particularly in Tinwell and Ketton as a result of the proposed haul road that forms part of the NW Land.

However, as noted within the previous objection letter, the submitted Planning Statement outlines that the haul road forms part of phase 1 of the NW Land and it is anticipated this will commence in 2030 but will not be available until the limestone in this phase has been excavated. The application submission does not provide clarification on what the implications on traffic movements will be until such time the haul road becomes available, or how long it will take for the limestone to be excavated.

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As such our client raises concerns over the traffic implications. **At the very minimum**, the traffic reductions will not be provided until 2030, however, this is dependent on the limestone in this phase being excavated which may delay this further. Further, there is no firm commitment that the haul road will be delivered which raises further concerns as to what the traffic implications will be should this element of the application not come forward.

Our client therefore seeks clarification on the following:

- Where will vehicles be routed until the haul road becomes available, will it be via the existing access?
- What will be the implications on traffic in neighbouring villages until the haul road comes forward?
- How will traffic movements be managed should the haul road not come forward?

The proposed haul road can therefore not be considered an immediate benefit of the proposals. The benefits of the haul road, and the timescales for these to be delivered, have been grossly misunderstood by members of the public and it can only be assumed that this has arisen from the insufficient public consultation by the Applicant. Our client therefore requests that representations made by neighbours in favour of the application on the basis of traffic reductions associated with the new haul road are afforded minimal weight as they have not been rightfully informed.

Ecology and Biodiversity Net Gain (BNG)

Following a review of the submitted Preliminary Ecological Appraisal (Heatons, August 2023); the Metric Calculator (Heatons, August 2023), the DEFRA Biodiversity Net Gain Assessment and the Ecology section of the Environmental Statement, we would like to raise the following concerns with the information submitted.

Preliminary Ecological Appraisal (PEA)

The report has not detailed the experience of the surveyors, however, this is expected for a report at this level. It would be expected that surveyors baselining habitats for the purpose of BNG to have level 4 Field Identification Skills Certificate (FISC) or be able to demonstrate equivalent competence/experience surveying the relevant habitats (grassland and woodland).

Woodland

Table 4 of the PEA states that priority habitat (Deciduous Woodland) is mapped as being present on site within Field 14. The woodland descriptions lack detail, and no species lists, or quadrat data has been provided. Without detailed survey data it is not possible to verify the accuracy of the baseline habitat or condition assessment.

Grassland

The descriptions of the Grassland are insufficient to determine the distinctiveness classifications or condition assessments, and no species lists, or quadrat data has been provided. The description of the improved grassland is also lacking and full species lists, species abundances or quadrat data have not been provided within either the PEA or the BNG report. Without this data it is not possible to determine whether the distinctiveness of the grasslands has been correctly assessed.

BNG Report and Metric

A fundamental issue identified with the BNG assessment is that the baseline assessment does not take into account all habitat within the red line boundary. From a BNG methodology perspective, this is incorrect and is likely to have resulted in a significantly more favourable assessment for the Applicant. The ‘on-site’ assessment should apply to all habitat within the red line boundary.

Paragraph 4.4 states that *'tab G9 'Translation Phase 1' of the Metric was used to translate Phase 1 Habitats into UKHAB codes provided within the Metric.'* It is queried whether the translation from Phase 1 to UKHab was carried out appropriately in the case of the woodlands on Site, as Priority Habitats should be classified as 'high distinctiveness' woodland (Lowland Mixed Deciduous Woodland). In the absence of robust and detailed habitat data, further justification is required as to why none of the semi-natural woodland is classified as Lowland Mixed Deciduous Woodland (LMDW).

Appendix A of the BNG report provides the condition assessment criteria, however this is not supported with an explanation as to how each criterion was scored for each woodland. Further, the report nor the metric provides an explanation as to the methodology for determining the scoring on each of the criteria provided. No separate habitat descriptions, species lists, or condition assessments are provided for individual woodland parcels. The habitat data is generally insufficient to determine if the assessments of the conditions made are accurate.

Paragraph 5.19 of the BNG report states that the net gain in habitat units for the application site will be 16.74%, the hedgerow units will be 10.23% and watercourse units will be 84.24%. However, the BNG metric states that the habitat units will be 13.80%, the hedgerow units will be 14.91% and watercourse units will be 84.24%. This therefore demonstrates a discrepancy between the scores shown in the report and the Metric excel spreadsheet. Further clarification is required on which score is correct and why a difference has been shown.

The baseline and post development assessments assign 'medium' strategic significance to all the woodland and arable field margins. The justification for this is that these habitats are included in the Leicester, Leicestershire and Rutland Biodiversity Action Plan (LLRBAP). However, we would like to raise that it is only 'Lowland Mixed Deciduous Woodland' and 'wet woodland' UKHab types that are included in the LLRBAP. As such, the strategic significance multipliers have been incorrectly applied and should be amended.

The habitat creation tab of the BNG Metric assessed large areas of the proposed habitats as 'Inland Rock and Scree Habitats'. This is not considered an appropriate habitat target. The UKHab guidelines specifically lists 'disused quarries' in the exclusions to this habitat classification. As such, the Applicant should provide justification as to why this habitat classification is appropriate given it is a priority habitat of 'high distinctiveness'.

The Metric does not provide any post development UKHab Mapping, therefore it is not possible to determine if the areas included within the 'On-site Habitat Creation Tab' align with what is proposed in the restoration plans. It is also not possible to cross reference the rows in the Metric with specific locations on the site. The Application should provide UKHab mapping for post development habitats to allow the suitability of the habitat classifications to be reviewed.

The application provides insufficient survey data in relation to the ditches on site. Further, no photos or habitat descriptions have been provided and no condition assessment has been presented. It is therefore not possible to determine the accuracy of the BNG assessment for watercourses without this detailed data.

The significant delays in creation of habitats have not been properly taken into account when valuing the post development proposed habitats. A 'non-standard agreement' would be required to ensure the habitat types and conditions are achieved during the lifetime of the development. A major concern is that given the timescales to reach some of the habitat targets, in the conditions proposed, there is no mechanism which can ensure the predicted BNG score is realistically achievable. For example, if 'Inland Rock and Scree' in 'good condition' (as stated in the Metric) was to be accepted as an appropriate habitat target, the time to target condition would be 60+ years. With no statutory

mechanism for enforcement, it is reasonable to assume this is not realistically going to be achieved, and there is no mechanism available to guarantee this with an acceptable level of certainty.

Conclusion

This letter has set out our client's additional concerns particularly in relation to traffic impacts and following further review of the PEA and BNG Report and Metric. This letter should therefore be read in conjunction with the previous objection letter submitted on 22nd February 2024 We wish to re-affirm that the position of our client remains that they strongly oppose to the proposals and urge the LPA to refuse the application for the reasons identified.

In addition to the further clarifications sought within this letter, we note that several consultee comments have been received on the application which request further information from the Applicant. It is therefore understood that the Applicant will be required to submit additional information for which we would expect further consultation to be undertaken with an opportunity for representations to be made by the public.

Yours sincerely,

Hannah Albans MRTPI
Director

Encl. - Appendix 1 – Objection Letter (DLP, dated 22nd February 2024)

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Appendix 1

Objection Letter (DLP, dated 22nd February 2024)

Ref: AB/HA LE5235/2
Date: 22nd February 2024

Mr A Waskett-Burt
Rutland County Council
Catmose House
Catmos Street
Oakham
Rutland
LE15 6HP

Dear Mr Waskett-Burt,

Re: Letter of Objection to Proposed Extensions to Grange Top Quarry (planning application reference: 2024/0066/MIN)

We write on behalf of our client, Mr Eatough, and to object to the following planning application submission made by Heidelberg Materials UK ('the Applicant') at Castle Cement Ltd Ketton Works Ketco Avenue Ketton Rutland PE9 3SX ('the Site'):

> *'Proposed extensions to Grange Top Quarry, for construction and use of a new access and site access road from the A606, a security gatehouse, bridleway bridge and associated works to facilitate the continued supply of minerals to Ketton Cement Works, the consolidation of existing mineral extraction permissions and a restoration scheme to recreate agricultural land and biodiversity enhancement works.'*

Our client is the owner of the Grade II* listed property and associated 50 acres of land known as 'Prebendal House', Crocket Lane, Empingham, Rutland, LE15 8PW which is located approximately 0.7km to the northwest of the boundary of the proposed quarry extension identified as the 'Northwest Land'. The higher rating at Grade II* puts the building, in terms of significance, into the top 10% of all listed buildings in England. It also sits in a designated Conservation Area.

Our client has concerns in relation to the extent of harm that would be caused by the proposal on the village of Empingham and other surrounding villages. The proposals seek to extend the existing extraction area to the northwest, known as 'Northwest Land', as well as to the southwest, known as 'Field 14'. The extension to the northwest encroaches on land towards the village of Empingham and will have knock on effects for villages further beyond such as Whitwell. The village of Empingham is rural in character and contained by open countryside with large fields on all sides. In contrast, the character of the village of Ketton has been altered by the presence of the quarry works to the northwest of the village.

As part of the public consultation undertaken by Heidelberg Materials UK, we submitted a letter dated 10th August 2023 **(Appendix 1)**, on behalf of our client, which outlined our client's concerns in relation to the impacts on the surrounding villages and on the scope and adequacy of the technical reports accompanying the quarry extension proposals (we note that despite requests no response, beyond an automated receipt, was received and a request for a meeting went unanswered).

Following the submission of the application, we have undertaken a review of the submitted documents, and this letter raises a number of concerns on a range of topics that are considered material to the planning application and where further clarification and supporting information is

required.

Quarry Reserves

The application is not currently clear on the reserves and the submitted Planning Statement contains inconsistencies.

Paragraph 17 of the Executive Summary within the Planning Statement sets out that existing reserves are expected to be exhausted in c.2032. Further, the paragraph sets out that the proposed two extensions will add approximately 25 years to the existing reserves. When this is added to the permitted reserves, the total extraction period is anticipated to be circa 34 years. However, Paragraph 8.99 of the Planning Statement sets out *'The proposed extensions will extend the life of the Works by a further 25-30 years, there currently being approximately 9 years reserves available at the Site as of January 2023.'* The Applicant has indicated that the variable figures are given due to uncertainties in market conditions over the next 30-40 years.

As such, the Applicant is applying for a maximum of 30 years of additional reserves (beyond 2032) which takes us to 2062, the minimum of 25 additional years taking us to 2057.

The Applicant's justification for the additional reserves, as outlined within Paragraph 9.12 of the Planning Statement, is that major investment in a new access road (circa £10 million) and the likely investment in carbon capture technology in coming years, means a sizeable mineral reserve is necessary to accommodate that scale of investment.

Paragraph 9.6 makes reference to Paragraph 220 of the National Planning Policy Framework (NPPF) stating that *'Paragraph 220 of the NPPF therefore, requires mineral planning authorities to maintain a steady and adequate supply of cement-making materials to maintain a landbank of at least 15 years for cement-making materials and 25 years where major investment is required.'*

However, this is not what is stated within Paragraph 220 of the NPPF which in fact sets out the following:

> *'Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:*
>
> *a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;*
> *b) encouraging safeguarding or stockpiling so that important minerals remain available for use;*
> ***c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment (footnote 78); [our emphasis]** and*
> *d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.'*

Part c) is of most relevance and requires maintaining a stock of permitted reserves to support the level of actual and proposed investment required for **new or existing plant**, and **the maintenance and improvement of existing plant and equipment.** Footnote 78 states that these reserves should be **at least 15 years** for cement primary (chalk and limestone) and secondary (clay and shale) materials **to maintain an existing plant** and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

This application is not for a new kiln, nor does the application propose any new buildings save for a new gatehouse/security building.

The Applicant's justification for a longer period is based on major investment in the new access road and 'likely' carbon capture technology in coming years. None of these matters relate to new/existing plant or the maintenance and improvement of existing plant and equipment.

Furthermore, on review of what the Government classify as new plant and machinery (in relation to claim capital allowances), structures for example bridges, roads and docks do not count. Whilst it is recognised that there is a current shortfall of the minimum 15-year requirement, we do not believe that the justification put forward by the Applicant is sufficient to warrant an additional 25-30 years of reserves being required.

Highways and Traffic

We have undertaken a review of the Transport Assessment (TA) and there are several inconsistencies in the numbering/lettering of Appendices. In particular, Appendix E is listed as showing four different sets of data throughout the TA namely, Para 4.3.2, site access proposals, Para 4.3.8, vehicle swept path analysis, Para 5.1.4, traffic flow diagrams and Para 6.2.1, details of current HGV/staff travel movements. Appendix E actually shows the site access proposals not the other information referred to.

Notwithstanding Paragraph 4.3.8 of the submitted TA, which states that vehicle swept path analysis is provided at Appendix E, this is incorrect and there is no swept path of the proposed junction included within any of the Appendices to the TA. As such, it is not possible to confirm that the proposed roundabout on the A606 is appropriate to accommodate large vehicle movements.

The Applicant has provided details of the 'current' HGV distribution within Paragraph 6.5.1 of the submitted TA, however, it is considered that this could change given the proposals for the new main access is to be provided on the A606 and not utilising the existing access. Paragraph 4.3.9 states that the existing retained accesses to the south will likely be only used for staff and visitor movements when the new A606 access is operational. As such, it is reasonable to consider that the HGV distribution set out at Paragraph 6.5.1 will be significantly different following the construction of the new access.

Paragraph 6.8.1 sets out that the impact on the village of Empingham has been assessed using the 'current' HGV distribution. However, there are no restrictions proposed to limit the amount of traffic through the village and given that the new main access is to be proposed onto the A606 directly to the east of the village, it is reasonable to consider that without any restrictions in place, the number of vehicles travelling through the village of Empingham could be considerably higher than that proposed.

Paragraph 6.7.1 states that, due to the provision of the new access, an additional 77 HGVs and 145 cars and 77 HGVs will travel east on the A606 from the site access to the A1 in the AM and PM peak hours respectively. Based on the data provided, this could equate to an increase of 177 Passenger Car Units (PCUs) (1 HGV = 2.3 PCU) in the AM Peak and 322 PCUs in the PM Peak. The ATC data provided in Paragraph 3.8.1 and 3.8.2, identify that this could lead to a 38% and 70% increase in eastbound PCU movements in the AM and PM peak hours respectively. This is very significant and could have a material impact on the operation of the A606/A1 junction. Changes in operation or delays at the A1 junction could lead the re-routing of traffic west on the A606 to avoid the A1 junction.

This would increase traffic through Empingham. In addition, the TA does not include capacity testing at the A1 junction therefore it is not possible to establish if the significant increase in traffic will impact on its operation.

Within Page 79 of the ES Scoping Response (Appendix B of TA), Rutland Local Highways Authority state that *'The LHA require further assessments to be carried out to identify the impact on the A1 and A606 junctions and the villages of Empingham and Whitwell. Depending on what the figures are and traffic generation, the assessment may need to go further afield. Once a trip distribution pattern has been agreed, the applicant will need to assess any junctions or link roads which have an impact of 30 two-way trips'.* This has not been completed.

The Planning Statement outlines that the haul road forms part of phase 1 of the NW Land and it is anticipated this will commence in 2030 but will not be available until the limestone in this phase has been excavated. It is unclear on the implications on traffic movements until the haul road is available and how long it will take for the limestone to be excavated. We seek clarification on whether the routing of vehicles, until such time the haul road is available, will be via the existing access.

Heritage/Landscape Impacts

Whilst our concerns previously submitted to the Applicant (DLP letter dated 10th August 2023) have been acknowledged and identified in the LVIA report, Planning Statement and Environmental Statement, our concerns have not been referenced in the Heritage Report and this report remains unchanged since the consultation draft. We pointed out at that time the assessment should be extended to consider the potential impact on other heritage assets. Given the conflict in evidence between the heritage report and landscape report and the absence of any assessment of impact the proposed development would have on Prebendal House or the Empingham Conservation Area the report should be afforded little weight in the decision-making process.

Background Evidence

Relevant to the heritage matters associated with this application is the more recent planning history to the site. In 2002 a planning appeal (ref. APP/A2470/A/02/1081518) (**Appendix 2**) against the refusal of planning permission for the extension of the quarry working was allowed. The main issues the inspector raised included:

- Landscape
- Setting of a listed building (Wytchley Warren Farmhouse)
- Alternatives
- Cumulative Impact

Landscape

The Inspector identifies the quarry as part of the gently undulating Cottesmore Plateau, situated between the River Gwash to the north and River Chater to the south and east (Paragraph 38), describing the general landscape as consisting of mainly of arable fields, hedgerows and woodland blocks (Paragraph 39).

The 2002 proposals involved restoring a mix of arable, pasture, grassland and woodland, but at 20 metres below pre-existing levels.

The Inspector comments at Paragraph 40:

> *'I am not aware of any naturally occurring steep banks or limestone cliffs in the area..[…].. To my mind long lengths of cliffs would be quite out of keeping with the natural appearance of this plateau landscape.'*

And concludes in Paragraph 45 *'Despite the beneficial effects on the restoration of the existing quarry, it seems to me that the overall effect of the proposals would be harmful to the natural landscape of the area.'*

In Paragraph 53 the Inspector discusses the nature and impact of bunding commenting *'It seems to me that such a screen (bund) should be very effective in preventing views into the quarry but, unless carefully designed,* ***could cut off the desirable long distance views of the countryside****.'* (emphasis added).

Setting

Historic England (then English Heritage) commented that the proposed quarry extension would harm the setting of the listed farmhouse and the Inspector in paragraph 65 concluded that:

> *'the proposed changes to the setting of the listed building must be considered contrary to Environment Policy 2 of the Structure Plan, Policy 2 of the Minerals Local Plan and Policy EN12 of the Rutland Local Plan all of which aim to protect the settings of historic or listed buildings…'*

Alternatives

As a form of sequential testing the Inspector considered a range of alternative site for quarrying, put forward by the appellant to allow continued cement product. In Paragraph 165 he comments:

> *'The appellants have mineral rights to some* ***land to the north-west****,(i.e., the site the subject of this application) in which there is limestone, but a lack of clay..[…].. **I would be most concerned about the landscape impact** as such an extension in this north-westerly direction because it would break through the gentle ridgeline giving extensive views of the workings from the busy A606 Oakham to Stamford Road.' (**emphasis added**)*

Cumulative Impact:

The Mineral Planning Authority's reasons for refusal referred to cumulative impact of the appeal proposals (the cumulative impacts on the landscape, ecological habitats, visual amenity and noise. Although the Inspector did not accept the Authority's interpretation of the relevant policy, they did agree that proposed extensions to the quarry would result in an increased cumulative impact (Paragraph 180).

Comment

The proposed quarry extensions and other land owned by the quarry formed part of the agricultural landscape that was intrinsically linked, historically, functionally, visually and by ownership with the rural communities within it. The evidence in the heritage report (WA, August 2023) identifies that the agricultural landscape around Normanton Park, Ketton and Empingham was a resource for rural pursuits, not simply an 'agricultural landscape'. The incidence of 'warrens', 'copses', closes' and 'lodges' is evidence of the recreational use of the countryside around these historic settlements. The quarrying activity has already erased some of the evidence of this and the proposed extension will add to the cumulative impact, to the point where the last link between the history of the historic places and their rural setting and context will be lost.

The significance of the memories embodied in the physical fabric of Empingham, as a farming community, with its social, religious and administrative heart focussed on the church and Prebendal House, relies on an understanding and experience of this agricultural setting. There is the potential for the contribution the setting of Prebendal House makes to its significance to be diminished by the quarry extension as currently proposed.

The NPPF (December 2023) makes clear in paragraphs 200 – 201 and 205 - 208, that any harm to designated heritage assets should be avoided and great weight given to their conservation. The more important the asset the greater the weight. Any harm must be justified and deliver counterbalancing public benefits. To be able to identify the nature and extent of impacts requires applicants and the local planning authority to understand an assets significance and the contribution

its setting makes to significance. It is clear from the technical information provided that this understanding is missing and, therefore, that the analysis of impacts is flawed. Potential impacts include:

- Erosion of the historical links between places and our understanding and appreciation of those interrelationships;
- The proposed quarrying will change the character of this agricultural setting;
- The rural route serving the historic towns and villages (Empingham and Stamford) will lose those 'rural' qualities;
- The quality of the views out from the village, as one moves through it will be diminished;
- The designed views out from Prebendal House over the wider landscape will be interrupted by the proposed works (quarrying and screening);
- The long views across the plateau will be foreshortened and uncharacteristic features introduced; and
- The continued extension of the quarry will have a cumulative impact on the setting of nearby heritage assets, potentially severing a last link with the agricultural setting to the south.

Historic England guidance explains (Setting of Heritage Assets, GPA3, 2017), the contribution setting makes to the significance of a heritage asset is not defined just by the degree of intervisibility but by other environmental effects and by our understanding of the historic relationship between places. As identified in our preliminary research there is a clear historic and functional relationship between the Normanton Estate, Empingham, Prebendal House and the surrounding landscape. This is an important in considering the assessment and conclusions in the LVIA. It is also relevant to consider the views of the 2002 Appeal Inspector.

Table APP3-2 of the LVIA identifies the factors influencing landscape value. Under 'Cultural Heritage' it suggests that there is limited interest in the site or its setting, though it identifies a range of heritage assets in the vicinity. Importantly, the analysis fails to place any value on the contribution the setting makes to the significance of these assets or the surviving evidence of the historic use of the wider agricultural landscape of rural pursuits. Similarly, under 'Associative' value in the same table there is no recognition of the links to the Normanton Estate and the associated activities of the principal house Normanton Park.

The LVIA identifies a number of negative or adverse impacts, during the 'construction' phases and after restoration. It suggests that these impacts can be mitigated by allowing hedgerows to grow, reinforced with additional tree planting alongside and on earth screening bunds.

A characteristic of the agricultural landscape in the area and as illustrated in the LVIA viewpoints (VP 6 and 11a, for example) are managed stock proof hedgerows alongside the public highways. In some cases, they are shaped with battered tops. It is a characteristic that is familiar, designed and has a purpose that people understand, connecting with the historic use of the land. They are lines in the landscape also marking boundaries and ownership adding further to our understanding of rural life. Allowing them to grow unchecked in order to provide a visual barrier 'a screen' in a thin mask that is unconvincing and uncharacteristic.

As the 2002 Appeal Inspector has pointed out supplementing such hedgerow management with earth 'bunding' that, by physically restricting views, would be in conflict with the existing landscape characteristics of open views over a gently rolling landscape – the prevailing rural characteristic context for the variety and range of heritage assets in the area.

As a part of the restoration works, it is proposed to reinstate the agricultural landscape, with hedgerows and reversion back to agricultural use, but at a new level 20 metres below the existing

surroundings. The change to the current historic context would be irreversible. Remediation by re-invention has the risk of being completely unauthentic and unconvincing. Furthermore, the Appeal Inspector noted that the cliff edges and steep slopes (resulting from quarrying) are not characteristic of the landscape. The extent of quarrying proposed is such that the operator is having to rely on bunds and reinforced planting belts to hide the scars and resultant profiles, rather than increasing the depth of standoffs and grading the edges more convincingly, to better integrate the new landscape with the old.

In discussing the landscape strategy under section 3.3.7 the LVIA report advises that by working the land from the south northwards 'would retain the central ridge line and helps to conceal views **as long as possible'** (emphasis added). This is worrying as it contemplates a very noticeable change to the character and appearance of the ridge line. The report also identifies a vulnerability to view of the exposed faces on the western boundary (that are clearly visible from the house and grounds of Prebendal House). The report continues stating that 'the land along and to the north of the west-east orientated ridge is more visually exposed towards visual receptors to the north' and confirms our concerns about the adverse impact on the setting of Empingham and Prebendal House. This is all the more so as the 2002 Appeal Inspector makes clear his concerns about extending the quarrying activities into this area, precisely because of the vulnerability of the ridge line to views. This suggests further good reason to reduce the extent of quarrying works currently proposed.

The Heritage Assessment accompanying the application and the non-technical summary chapter on Cultural Heritage in the Environmental Statement does not address the potential of 'offsite works' on the historic and rural context and setting of the heritage assets in the area. The A606 Stamford Road will be redesigned to accommodate a new roundabout with street lighting. That this new junction is to be lit (in contrast to the remainder of the rural route and its dark skies) will change the sense of travelling through a rural landscape and diminish the contribution the setting makes to the significance of the heritage assets identified, including Prebendal House.

The extent to which the setting of the affected designated heritage assets in the area will be affected has been underplayed. It is necessary to explore ways in which the harm that will result can be eliminated or minimised. These steps are clearly set out in Historic England's 'Setting of Heritage Assets' (GPA3), 2017. Once these options have been explored then it is necessary to consider the justification for any residual harm and identify the public benefits that it is claimed would be delivered to counterbalance that harm.

As presently proposed it would be reasonable to conclude that the quarry seeks to maximise the extent of the quarry workings, without consideration of how to effectively minimise or eliminate the heritage impacts. The introduction of planting belts and bunding may provide a visual barrier but of themselves will present as alien features within this agricultural landscape where hedgerows and long views over a network of fields defines the character of the area. The proposed screening will do nothing to mitigate the visual and heritage impacts of the highway works. The location of the screening and planting has omitted to address the flank views of the quarry working when viewed from Empingham, Prebendal House and the views from the network of routes around.

The perception and understanding of the huge extent of the quarry workings will be very real and a narrow bund/tree planting belt will be completely inadequate at mitigating that impact. The objective must be to preserve or enhance the contribution the setting makes to the significance of the affected heritage assets. This requires a more meaningful demonstration of how the existing character and appearance can be retained in views where it matters to the setting of heritage assets.

Existing permissions for quarrying were made, presumably, in accordance with relevant policy and advice at that time. It is clear from the 2002 Appeal that the way in which we manage the historic environment, and in particular identifying and sustaining the contribution that the setting of heritage

assets makes to their settings has advanced.

Current policy and advice have extended our understanding of the historic environment and our competency to successfully manage it; to sustain significance for the benefit of present and future generations. Whether or not earlier decisions took account of the potential impact on settings of designated heritage assets what matters now is the extent to which the opportunity to understand and enjoy the historic environment and the contribution it makes to the setting of designated heritage assets will be compromised irrevocably by the present proposals. Assessed against the current policy framework for the management of the historic environment we are concerned that it will not achieve the objectives of preservation or enhancement.

It is also of note that a cross section has been prepared which identifies our client's property and the proposed excavation of the north-west land in years 10, 15 and 25. However, we do not believe this thoroughly reflects what the LVIA outlines in respect of the landscaping along the western edge of the quarry with no change identified in terms of landscaping over the 25 year period. This would suggest that the landscaping proposed is minimal or non-existent and this raises significant concerns, particularly as the LVIA states that along the western boundary there will be additional tree and shrub planting within the 10m standoff along the western boundary which would provide further screening as it matures.

Ecology/ Biodiversity Net Gain (BNG)

The Applicant's DEFRA Biodiversity Net Gain Assessment is proposing a net gain in biodiversity of 13.8% in habitat units, 14.91% in hedgerow units and 84.24% in water units. However, this is disappointing for a site of this scale where it is expected that much healthier scores would be achieved particularly given that the extensive timescales for BNG to be achieved.

The excel version of the biodiversity metric assessment has not been provided on the public access for the application therefore we have been unable to properly scrutinise the baseline data and the subsequent impacts. This should be made available to the public to thoroughly understand the baseline situation.

Page 68 of the Environmental Statement (Ecology) sets out that a wintering bird survey was completed in 2021/2022, however, this was some time in advance of the application being submitted. As such these raises concerns over the validity of the findings and more up-to-date surveys would be beneficial to understand whether the same conclusions apply today.

The lighting impacts on Rutland Water do not appear to have been assessed therefore it is not possible to consider the impacts of this on the any wildlife habitats or migratory patterns.

Landscaping

Details are required on the mix of planting and the maturity of planting stock and this information has not been provided with the application.

We would expect to see a gradation of planting stock maturity incorporated within the proposals and would strongly oppose the sole reliance of immature whips. It is expected that from day one of planting there should be a mix of whips and 2m saplings. Failure to provide this will mean that the proposals are not in keeping with the surrounding landscape, creating an unnatural monospecies plantation and uniform level of maturity that is not characteristic of the rural landscape.

A 10-year landscape management scheme should be provided with the application.

Noise

Page 12 of the Noise Assessment sets out an extract of the Scoping Response as follows: '*RCC*

recommends that the methodology and choice of noise receptors should be discussed and agreed with the relevant Environmental Health Department of RCC.' However, there is no evidence within the submitted Noise Assessment that the methodology and choice of noise receptors were discussed and agreed with the relevant Environmental Health Department of RCC. Further, there has been no acknowledgement of our letter submitted during the pre-application public consultation notably as there have been no noise receptors identified within the village of Empingham.

Table 13 of the Noise Assessment sets out the significance of the noise impacts generated from Temporary Operations (i.e., activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance), demonstrating that 4 out of the 14 assessment locations would suffer adverse noise impacts. Mitigation measures have not been identified within the report to offset these impacts, which is of concern.

The Noise Assessment (Page 44) concludes that there will be reduced noise impacts on Pit Lane and Ketco Avenue, however, it does not include an assessment of the potential noise impacts on the receptors from the new access road therefore it is unclear what these impacts would be.

Page 69 of the Environment Statement (Ecology) sets out that *'the impact on noise towards Rutland Waters (RAMSAR and SPA) during the proposed extraction is considered to be negligible.'* However, there is not a detailed methodology on how this evidence has been obtained.

The Noise Assessment confirms that a detailed assessment for vibration has not been undertaken yet the Environmental Statement includes a Vibration Assessment. Again, a clear disparity between the reports/submission and it is not clear whether the Noise Assessment has taken into consideration the findings of the Vibration Assessment.

Page 42 of the Noise Assessment sets out that there will be some out of hours deliveries to the cement works site at night using the new access road. It further sets out *'these will be comprised of occasional HGV movements from the access on the A606 with the movements off the public highway at the nearest point to any dwellings being in the cutting within the quarry and therefore less significant in terms of noise at those locations than the normal traffic movements on the A606'.*

However, the noise impacts of the new access have not been assessed therefore it is unknown what impacts the HGVs will have on nearby residential properties, particularly when occurring out of hours. Again, this raises concerns.

The Non-Technical Summary of the Environmental Statement includes a Vibration Assessment. We would like to request that should the application be approved, the limits on blasting outlined in the assessment are be conditioned.

Lighting

The application is not supported by a Lighting Assessment and therefore the full impacts cannot be understood.

Paragraph 8.181 of the Planning Statement states that the new access road will be unlit *for "most of its length"* and that lighting will be provided on the A606 *"consistent with highway design guidelines"*. However, none of the submitted plans identify the proposed location of lighting columns and therefore the full extent of impact cannot be considered. Clarification is therefore required on what sections of the haul road will be lit.

At present, the A606 has no lighting between Empingham and Stamford, and it is considered that

new lighting columns would introduce a permanent light source into what can be characterised as a relatively rural landscape with no urbanising features.

Furthermore, without an assessment of lighting, no consideration has been given to impacts of lighting on the rural landscape and potential ecology features. It is expected that for a development of this scale, given the rural location, there would be an assessment of the lighting impacts on the night sky views and we would request the Applicant provides such assessment.

Public Consultation and Community Statement

Our client would like to raise concerns over the lack of communication from Heidelberg Materials UK (formerly Hanson UK) prior to the submission of the application.

Public Consultation

Public consultation has been referred to as 'informal consultation' within Paragraph 13.5 of the Planning Statement. We would like to iterate that consultation with the public is in fact a formal part of the pre-application consultation process. During the COVID-19 pandemic, the Council adopted a revised approach to Statements of Community Involvement which encouraged all means of communication to be used when consulting with the public on planning related issues and the principles remain the same now. As such, any form of consultation with the public should be considered a formal part of the process.

Our client notes that the only correspondence received in advance of the application submission was a leaflet through the letterbox notifying neighbours on a single public exhibition event that was held on Thursday 13th July from 12pm - 9pm, referenced in Paragraph 13.18 of the submitted Planning Statement. Our client was unfortunately unable to attend on this date and no other dates or times were available. Further, no details have been provided within Section 13 (Community Consultation Statement) of the Planning Statement in relation to exactly which addresses the leaflets were distributed to and how many were delivered.

Paragraph 13.18 of the Planning Statement also states that the exhibition was advertised in the local press. We would like to request confirmation on how long the exhibition was advertised. We are aware that industry best practice for local media marketing is 2 consecutive weeks, including online and in print, as well as use of public notice boards and community social media forums where possible.

Given the strategic nature of the proposals, it was expected that there would have been more frequent communication between the Applicant and neighbours of the Site. Further it is expected that the Applicant would have several public exhibitions on various dates to allow for all neighbours and Interested Parties to attend. Our client would have benefitted from attending an in-person consultation event such as a public exhibition.

Following the public exhibition, options to provide feedback on the proposals were limited to 4 weeks for online and hard copy comments which was not a sufficient amount of time for all members of the public to prepare and submit their responses. The public consultation website was not considered to provide clarity over the proposals and required further research into the Scoping application to fully understand the extent of the proposals.

Further, Paragraph 13.22 of the Planning Statement comments that *'A small number of people expressed the view that insufficient notice had been given of the exhibition or that a single day exhibition conflicted with their availability to attend and that further consultation should be undertaken.'* Despite the Applicant receiving this feedback, they did not undertake further consultation.

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Ketton Liaison Committee

Confirmation should be provided on whether the Applicant provided the Ketton Liaison Committee any feedback from the public exhibition.

It would be useful for the public to have sight of minutes of meetings with the Ketton Liaison Committee.

Sustainability

Approval of this development will only hinder Rutland County Council's (RCC) progress in achieving carbon reduction targets.

As previously stated in our consultation response to the Applicant (dated 10th August 2023), cement is not a sustainable building material, and the cement production industry is widely known to contribute very heavily to global carbon dioxide emissions (approx. 7-8%). The proposed extension will only allow for the continued use of the material, thus directly conflicting with national and local targets to achieve Net Zero by 2050.

We are aware that RCC have declared a climate emergency in addition to several LPAs bordering the boundary of RCC, including Peterborough City Council (2019), South Kesteven District Council (2019), North Northamptonshire Council (2021), Melton Borough Council (2019) and Harborough District Council (2019).

In this context and given that cement production contributes very heavily to carbon emissions in the UK, it is clear that approval of the proposed extension would work against RCC's objectives to reduce impacts of climate change and achieve Net Zero 2050 targets.

The application has not considered the proposal in terms of its Scope 1, 2 and 3 emissions, despite our request for this within our consultation response to the Applicant. As previously set out in our response:

'The proposals to extend this quarry will directly facilitate the increase in carbon dioxide emissions (Scope 1), in addition to the indirect emissions from the traffic movements to the Site, and operation of the quarry works, including machinery and lighting (Scope 2). Further, in light of the Finch v Surrey County Council (Finch On Behalf of the Weald Action Group, R (On the Application Of) v Surrey County Council & Ors [2022] EWCA Civ 187 (17 February 2022)) Supreme Court case, we would also expect the Applicant to consider their downstream emissions (Scope 3) following the extraction of cement from the quarry and its eventual use within the EIA.

The market is shifting to less carbon intensive cement production; however, the Applicant has not indicated that the proposal seeks to produce a less carbon intensive product and there is no mention of a lower quantum of gypsum. We therefore consider that the Applicant is missing an opportunity for this and require clarification on gypsum quantities and carbon emissions associated with the development.

Further, several developers are now shifting use towards more sustainable building materials and construction methods, such as timber and prefabricated homes, therefore we question the demand for cement in the context of local climate emergencies and the Government's commitment to achieve Net Zero by 2050.'

The Applicant has failed to support the proposals with an assessment of the impact of the carbon dioxide emissions over the lifetime of the extension of the quarry, and against national and local carbon reduction targets and the context of the total volumes of Rutland's output of carbon emissions.

We request confirmation on whether the Applicant has considered sustainable means of extraction and mitigation measures to overcome the carbon emissions associated with the proposed development.

Furthermore, part of the Applicant's justification for additional reserves is *'the likely investment in carbon capture technology in coming years'.* There is nothing within the submission which indicates what this carbon capture technology is nor is there a full commitment to delivering such technology with the word 'likely' used.

Restoration

Our client has concerns over the restoration commitments for the proposals. Paragraph 16 of the Executive Summary in the Planning Statement confirms that *'by 2060, most of the site will already be well restored with only the final phases remaining.'*

This completion of the restoration works is therefore anticipated to be completed very far into the future. Whilst Heidelberg Materials UK is a very profitable company, we note that it operates in a highly challenging market and a time of economic fluctuation where it is vulnerable to regulatory change and rising costs associated with the extraction of the materials at the quarry and restoration works. Other risks in the market include carbon capture financial requirements and significant dislocation as new technologies emerge to replace current cement manufacturing techniques. Given this information, and the nature and history of the site, there is a strong precedent over the last 100 years which suggests that the quarry will change hands in ownership multiple times (ownership history since 1928 has been Heidelberg, Hanson, Scancem, Castle Cement, Rio Tinto Zinc, Thomas Ward, Walkers Ketton Stone Co.). Our client therefore has concerns that the LPA will not have certainty over who will be responsible for future obligations such as the restoration of the quarry site.

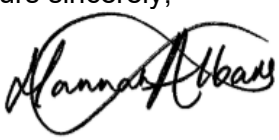
We would therefore request that any restoration works are incorporated within the section 106 agreement for the site to ensure these works are secured for the long term. We also would like to confirm whether the LPA has considered any financial obligations/ penalties should this work not be completed.

Conclusion

We have significant concerns on some of the discrepancies that have been identified in this letter and that a number of key technical studies have not been prepared in support of this application.

It is clear that the proposed extension works would bring significant degradation to the local environment on multiple levels and we have significant concerns on the reserves that this application is seeking permission for. Our client would expect these impacts to be addressed by the application to ensure that the harms identified are sufficiently mitigated against, however, our client strongly objects to the proposals and should suitable mitigation measures not be identified, would urge the Council to refuse the application for the reasons identified.

Yours sincerely,



Hannah Albans MRTPI
Director

Encl - Appendix 1 – Public Consultation Letter (DLP, dated 10th August 2023)
Appendix 2 – 2002 Appeal Decision (ref. APP/A2470/A/02/1081518)

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Appendix 1

Public Consultation Letter
(DLP, dated 10th August 2023)

Ref: AB/HA – LE5235
Date: 10th August 2023

Hanson UK - HeidelbergCement Group
Grange Top Quarry
Ketton Works
Ketco Avenue
Ketton

By e-mail only to: kettoncement@hanson.com

Dear Sir/Madam,

Re: Feedback to public consultation on the proposed extension to Grange Top Quarry, Ketton Works, Ketco Avenue, Ketton, Stamford, Rutland.

We write on behalf of our client, Mr Eatough, in response to the current public consultation on the proposed northwest and southern extensions to Grange Top Quarry, Ketton Works, Ketco Avenue, Ketton, Stamford, Rutland ('the Site').

Our client is the owner of the Grade II* listed property and associated 50 acres of land known as 'Prebendal House', Crocket Lane, Empingham, Rutland, LE15 8PW which is located approximately 0.7km to the northwest of the boundary of the proposed quarry extension identified as the 'Northwest Land'. The higher rating at Grade II* puts the building, in terms of significance into the top 10% of all listed buildings in England. It also sits in a designated conservation area.

We have some significant concerns regarding both the transparency of the public consultation and the potential proximity of the quarry extension to our client's property and potential impacts from future quarrying operations.

Our client would like to raise concerns over the lack of communication from Hanson UK to date, particularly given their close proximity to the Site. The only correspondence to date has been a leaflet through the letterbox notifying neighbours on a single public exhibition event that was held on Thursday 13th July which our client was unable to attend. Given the strategic nature of the proposals, it is expected that there would be more frequent communication between the Applicant and neighbours of the Site, in addition to several public exhibitions to allow for all neighbours and Interested Parties to attend.

The proposals seek to extend the existing extraction area to the northwest, known as 'Northwest Land', as well as to the southwest, known as 'Field 14'. The extension to the northwest encroaches on land towards the village of Empingham and will have knock on effects for villages further beyond such as Whitwell. The village of Empingham is rural in character and contained by open countryside with large fields on all sides. In contrast, the character of the village of Ketton has been altered by the presence of the quarry works to the northwest of the village.

We note that Hanson UK have submitted both an Environmental Impact Assessment Screening request (ref. 2023/0132/SCR) and Environmental Impact Assessment Scoping request (ref. 2023/0133/SCO) to Rutland County Council (RCC) and it has subsequently been determined that an Environmental Impact Assessment (EIA) is required. It is noted that the submissions contain additional information that does not appear to have been made publicly available as part of the current public consultation exercise which is concerning.

Thus, to help inform our response, we have undertaken independent historic research and analysis about the history and heritage significance of Prebendal House and its setting, (individually and as part of a designated conservation area). This material is summarised below with full details enclosed at Appendix 1.

We have also undertaken a preliminary and inexhaustive review of the technical information that is available as part of the EIA Screening and Scoping exercise and the limited information available on the consultation website. We have outlined our concerns on each respective element below.

Highways and Access

We have significant concerns in relation to increased traffic levels on the surrounding highways network, particularly on the A606 (Stamford Road) and through the village of Empingham on Main Street and Church Street.

The A606 is presently a single carriageway road subject to the national speed limit near the site. It is presently not lit and provides a key link between Stamford to the east and Empingham to the west. It also provides access to the A1.

The proposal has the potential to significantly increase the number of HGV's using the A606 which at peak times, already has existing, significant two-way traffic movements (754 and 821 during 8.00 – 9.00am and 16.00 – 17.00pm respectively).

The submitted assessment does not identify any potential impacts on the A1 and A606 junctions nor does it assess any impacts on Empingham and Whitwell. Whilst the proposal reduces the impact of the quarry on Ketton, it will increase traffic through Whitwell and Empingham which are more constrained villages with no formal pedestrian crossing points.

The consultation website states that, once the new access is constructed, all HGV's will use this new route, with 95% of traffic travelling east along the A606 to the A1, however, there is no clear evidence supporting this statement and within the submitted Access Feasibility Study, trip generation and distribution flows have been based on 80% of HGV movements to/from the east (i.e. the A1) and 20% to/from the west, therefore there is a clear discrepancy between these figures.

At paragraph 4.4.1 of the feasibility study, it is stated that Hanson UK have suggested adding a 10% uplift for future growth over the next 10 years, but it is unclear how this figure has been arrived at, nor whether the trip generation figures are correct. Further clarity and evidence are required to justify this assumption. We note that the Local Highway Authority (LHA) has requested for Automated Traffic Counts (ATCs) to be conducted over a full week (24 hours a day) to inform the trip generation figures and we would like to express our agreement with this request to ensure the figures are clearly evidenced and representative.

National Highways have also raised interest on the impacts of the proposals and anticipated traffic levels on the A1 trunk road (Strategic Road Network).

We note that there has been no justification provided for the proposed junctions or roundabout and would expect this to be provided as part of the Transport Assessment.

Further, Section 2.8 of the Access Feasibility Study discusses Accident History. This sets out that the information provided by RCC is limited and does not identify if any collisions involved HGVs or slow moving/ turning vehicles. It is concluded that there are no existing road safety issues. However, we raise concerns over this conclusion due to the lack of data available. We would expect a future Transport Assessment to include more detailed information, particularly in relation to HGVs or slow moving/ turning vehicles, to ensure the safety impact can be appropriately assessed and mitigated

against.

Furthermore, it is not clear what measures/controls will be put in place to enforce HGVs to head eastwards from the site. We would expect confirmation to be provided on how the movement of HGVs and other traffic movements associated with the Site will be controlled to ensure that they do not travel through the neighbouring village of Empingham. There is, however, a wider question on whether this is enforceable by the Local Highways/Planning Authority.

Our client is also aware of frequent speed monitoring along the stretch of the A606 between the village of Empingham and the A1 junction to the east, which would suggest there are underlying speeding issues that need to be fully considered.

Paragraph 2.6.2 of the Access Feasibility Study sets out that there are 3 Public Rights of Way (PRoW) through the northern part of the landholding close to, or where future mineral extraction may take place (E226, E227 and E223). We would expect any future application to consider all potentially affected PRoW and the impacts on these and the wider area. We would also expect for any mitigation measures to be included.

Paragraph 3.2.7 of the Scoping Opinion sets out residential receptors and non- residential receptors. We would like to request that the existing PRoWs are included as non-residential receptors.

We would also like to request that further details are provided on the proposed equestrian bridge as this looks to be close to the rock face and the bottom of the rock face. In addition, the proposed bridge looks to be going either over, or very close to the quarry road. Clarification is required on how this will operate in practice alongside the HGVs associated with the development, and the working quarry. Confirmation should also be provided on whether the bridleway will remain open whilst the bridge is being constructed.

We also note that the current Access Feasibility Study does not identify any committed development which could have a significant impact on transport conditions or the layout of the local highway network. We note however that in the Council's Scoping Opinion that the Council state there are several planning applications which have been approved in Ketton which should be included and additionally, no consideration has been given to Stamford North, a development of 2,000 new homes for which a planning application is under consideration.

The inclusion of such committed developments could have the potential to fundamentally impact on any capacity assessment and highways designs.

It is also likely that following a Road Safety Audit of the proposed new roundabout that lighting to the new access will be required. There are significant concerns on the impact of any proposed lighting on what is presently a rural landscape. Consideration will need to be given to any impacts arising from any lighting scheme on the surrounding landscape, ecology, and amenity.

We also have significant concerns regarding potential increase in traffic movements traversing the northern edge of Rutland Water and potential impacts on this significant environmental feature.

The LHA have also expressed the need for signage details, highways paraphernalia, other associated equipment and location to be provided. We would expect the impacts on the surrounding heritage assets to also be considered within the signage scheme, particularly our client's property.

Details should also be provided on proposed mitigation to reduce dust deposition from the movement of vehicles from the Site along the access routes, e.g., wheel washing facilities.

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Landscape

The village of Empingham is located within the Cottesmore Plateau, as stated in the Landscape Character Assessment of Rutland (2003). This sets out the recommended landscape objectives for this area, including *'restoring and reinstating distinctive features such as hedgerows, hedgerow trees, copses, spinneys, dry stone walls and woodlands'.*

Our client raises concerns over the landscaping proposals shown on the *Indicative Masterplan – Site Preparation (Ref. KE-MASTERPLAN-SITEPREP)* particularly in relation to the northwest land where new landscaping buffers are limited to the northern and eastern boundary and along the Site's western boundary appears to be reliant on existing trees and hedgerows which are sparse, already degraded and sporadic in nature. We would like to request the rationale behind the landscaping proposals and whether there is an opportunity for full screening to be extended to the western boundary to limit the impact on visual amenity from our client's property.

Further, it is our understanding that the amount of proposed excavation of the site covers an area of some 109 hectares. New landscape buffers equate to only 30 hectares around the perimeter and this is somewhat disproportionately small and inadequate to the amount of proposed excavation. As such, we request further rationale behind the landscaping proposals. It is also understood that restoration works are to be undertaken following extraction of the relevant phase, however upon reading the material it appears that parcels surrounding areas of restoration will still be live. We have significant concerns on potential impacts that this may have on those areas restored and request further information on how this will work in practice.

From the information provided, there does not appear to be any map identifying the viewpoints that have been considered and there only appears to be one particular viewpoint which considers views from Empingham (viewpoint 14 -Loves Lane north of Empingham at junction with PrOW E218) which is a long-distance view.

This particular view looks southwest across the landscape towards the Northwest Land and the modelling information that supports the viewpoints identifies that in year 10, views of phase 4 of the quarrying will be 'mostly' obscured by intervening landform and vegetation and that tree and shrub planting within 'landscape buffers' around the boundaries will be at 6 metres high. It is evident from the existing viewpoint that existing quarry faces are visible, and these are a few 100 metres west to where the northwest extension is proposed. We are concerned that as the quarrying progresses outwards to the west that this will become more evident in the landscape particularly from Empingham and my client's land which extends just south of the River Gwash.

We would therefore request that any forthcoming application is supported with a map identifying the viewpoints considered. We also request that further views are considered, including but not limited to views from the following:

- Exton Road;
- Crocket Lane;
- Grantham Lane;
- Sykes Lane;
- Normanton Park Road;
- Empingham Road;
- Mill Lane;
- Rutland Water Dam;
- Rutland Water Beach;
- St Peter's Church, Empingham (from the bell tower);
- Barnsdale Hill (assessing the impact on views from across and adjacent to Rutland Water);
- Hambleton Peninsula (assessing the impact on views from across and adjacent to Rutland

Water); and

- Southwest of Empingham, looking south of the River Gwash to the western edge of the northwest land extension so that impacts can be fully understood.

We would also expect to see modelled viewpoints from areas within the Site for whilst the work is occurring, including the fully modelled bunds.

We anticipate that any Zones of Theoretical Visibility (ZTV) and Zones of Impact (ZVI) will be agreed in advance with the Local Planning Authority (LPA).

It is also expected that any landscape assessment would include any impacts as a result of any potential new lighting to the new access onto the A606 and lighting associated with the operations of the Site.

Ecology

Rutland Water is located approximately 2km to the west of the Site and is designated as a RAMSAR site and a Site of Species Scientific Interest (SSSI) under biological interest, a Local Wildlife Site (LWS), Nature Conservation Review (NCR) and Special Protection Area (SPA) and Water Framework Directive (WFD).

We would expect any ecological appraisal to fully consider impacts on Rutland Water and associated wildlife habitats and migratory patterns. We would also expect any ecological report to consider impacts of any potential lighting associated with the proposal.

We would expect for any future application to be accompanied by up-to-date survey plans, ecological assessment and details of restoration plans to determine the potential impacts and any proposed mitigation to be conditioned and further biodiversity enhancements to be provided by the proposals.

It is expected that more than a 10% net gain in biodiversity would be achieved in accordance with the legislation that will become mandatory in November 2023.

Heritage

The Heritage Impact Assessment fails to identify appropriate parameters within which to consider heritage assets against the potential impacts of the proposals. We would therefore expect any future assessment to consider all heritage assets within close proximity of the site, including our client's property at Prebendal House. Any future heritage assessment should consider the significance of the identified heritage assets and the impact on the setting of these assets.

The proposed quarry extensions and other land owned by the quarry formed part of the agricultural landscape that was intrinsically linked, historically, functionally, visually and by ownership with the rural communities within it. The significance of the memories embodied in the physical fabric of Empingham, as a farming community, with its social, religious and administrative heart focussed around the church and Prebendal House, relies on an understanding and experience of this agricultural setting. There is the potential for the contribution the setting of Prebendal House makes to its significance to be diminished by the quarry extension as currently proposed. The NPPF makes clear in paragraphs 194 - 202, that any harm to designated heritage assets should be avoided and great weight given to their conservation. The more important the asset the greater the weight. Any harm must be justified and deliver counterbalancing public benefits. To be able to identify the nature and extent of impacts requires applicants and the local planning authority to understand an assets significance and the contribution its setting makes to significance. It is clear from the technical information provided that this understanding is missing and, therefore, that the analysis of impacts is flawed. Potential impacts include:

- Erosion of the historical links between places and our understanding and appreciation of those interrelationships;
- The proposed quarrying will change the character of this agricultural setting;
- The rural route serving the historic towns and villages (Empingham and Stamford) will lose those 'rural' qualities;
- The quality of the views out from the village, as one moves through it will be diminished;
- The designed views out from Prebendal House over the wider landscape will be interrupted by the proposed works (quarrying and screening);
- The long views across the plateau will be foreshortened and uncharacteristic features introduced; and
- The continued extension of the quarry will have a cumulative impact on the setting of nearby heritage assets, potentially severing a last link with the agricultural setting to the south.

The Draft Heritage Impact Assessment (HCUK Group, 2022), at paragraph 3.3 lists a wealth of heritage assets that potentially would be affected by these proposals. Of key concern is the premise to its findings; at paragraph 3.4 the report states that there is no visual or historical connection between these designated heritage assets and the application sites, (which includes Empingham and Grade II* Prebendal House). As a result, these designated heritage assets are discussed no further, and the report author has not investigated the potential harm to significance. This is despite the inclusion of a topgraphical map at Figure 8 of the report that appears to show exactly the contrary and that at least Empingham and Prebendal House would be in view.

In any event, as explained in Historic England guidance, the contribution setting makes to the significance of a heritage asset is not defined just by the degree of intervisibility but by other environmental effects and by our understanding of the historic relationship between places. As identified in our preliminary research there is a clear historic and functional relationship between the Normanton Estate, Empingham, Predendal House and the surrounding landscape.

The submitted LVIA (Heatons Planning and Environment Design, 2022), unlike the Heritage Report, acknowledges there will be views from within and around Empingham and identifies potential aesthetic and perceptual (landscape) effects.

At paragraph 3.3.6 the report acknowledges the potential long-distance views for residents from 'within and around Empingham' and for recreational users the 'more distant views from footpaths in the wider surroundings including around Empingham'.

In discussing the landscape strategy under section 3.3.7 the report advises that by working the land from the south northwards 'would retain the central ridge line and helps to conceal views as long as possible'. This is worrying as it contemplates a very noticeable change to the character and appearance of the ridge line. The report also identifies a vulnerability to view of the exposed faces on the western boundary (that are clearly visible from the house and grounds of Prebendal House). The report continues stating that 'the land along and to the north of the west-east orientated ridge is more visually exposed towards visual receptors to the north' and confirms our concerns about the adverse impact on the setting of Empingham and Prebendal House.

In assessing the impact of the proposed development (paragraph 3.4) 'Potential Sources of Landscape and Visual Effect' it lists the key components (paragraph 3.4.2) as

- Site preparation: clearance (trees, woodlands, hedgerows, cessation of agricultural use), highway works and internal routes;
- Operational phases: overburden stripping, voids, ramps, faces, heaps, mounds, plant; and
- Restoration: final landform, after use landcover, retention of Stamford Road access.

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And concludes these changes would have a direct impact on 'the site's appearance, aesthetic and perceptual aspects and therefore may also have potential effects on landscape character and the visual amenity of offsite receptors in the immediately surrounding area' (paragraph 3.4.3) and indirect impact from associated traffic 'on the scenic quality of local views' (paragraph 3.5.1). That this new junction is to be lit (in contrast to the remainder of the rural route and its dark skies) will change the sense of travelling through a rural landscape and diminish the contribution the setting makes to the significance of the heritage assets identified, including Prebendal House.

A more thorough analysis and investigation of the nature and extent of heritage impacts will be required. Once this is established then it is necessary to explore ways in which that harm can be eliminated or minimised. These steps are clearly set out in Historic England's 'Setting of Heritage Assets' (GPA3), 2017. Once these options have been explored then it is necessary to consider the justification for any residual harm and identify the public benefits that it is claimed would be delivered to counterbalance that harm.

As presently proposed it would be reasonable to conclude that the quarry seeks to maximise the extent of the quarry workings, without consideration of how to effectively minimise or eliminate the heritage impacts. The introduction of planting belts and bunding may provide a visual barrier but of themselves will present as alien features within this agricultural landscape where hedgerows and long views over a network of fields defines the character of the area. The proposed screening will do nothing to mitigate the visual and heritage impacts of the highway works. The location of the screening and planting has omitted to address the flank views of the quarry working when viewed from Empingham, Prebendal House and the views from the network of routes around.

The perception and understanding of the huge extent of the quarry workings will be very real and a narrow bund/tree planting belt will be completely inadequate at mitigating that impact. The objective must be to preserve or enhance the contribution the setting makes to the significance of the affected heritage assets. This requires a more meaningful demonstration of how the existing character and appearance can be retained in views where it matters to the setting of heritage assets.

Existing permissions for quarrying were made, presumably, in accordance with relevant policy and advice at that time. Current policy and advice have extended our understanding of the historic environment and our competency to successfully manage it; to sustain significance for the benefit of present and future generations. Whether or not earlier decisions took account of the potential impact on settings of designated heritage assets what matters now is the extent to which the opportunity to understand and enjoy the historic environment and the contribution it makes to the setting of designated heritage assets will be compromised irrevocably by the present proposals. Assessed against the current policy framework for the management of the historic environment we are concerned that it will not achieve the objectives of preservation or enhancement.

Further supporting information is included at Appendix 1 of this letter.

Noise

We expect the full application on the site to be accompanied by a Noise Impact Assessment that will provide details on noise and vibration during the construction and operation phases. Details should be provided on the proposed noise and vibration impacts on the types of vehicles and plant to be used during the construction phase, and the HGV movements along the access routes.

Due to the close proximity to the Site, our client's property is considered a sensitive receptor and should be acknowledged as such in any future planning application. As such, we would expect any noise assessment to provide details on the noise impacts from the proposed quarry operations, including the effects of blasting and ground vibration, on our client's property. Details are also requested on the frequency of the blasting operations.

It is also expected that any noise assessment will detail noise monitoring measures and monitoring locations, in addition to hours of operation and other appropriate mitigation measures to secure appropriate noise standards and limits. The measures should be secured by way of condition.

We would also expect the cumulative impacts of noise to be considered in any forthcoming noise assessment.

Air Quality and Dust Impacts

The construction and operation activity associated with the proposed quarry works, in addition to the increase in HGV movements, will present air quality impacts and lead to increased dust deposition. It is anticipated that the increased dust deposition would cause visual impacts regarding visibility for passing traffic along the A606.

Given the site's close proximity to sensitive receptors such as the property at Prebendal House and Rutland Water, it is expected that any future application for extension works would be accompanied by a Dust Assessment, Dust Management Plan and an Air Quality Impact Assessment. It is anticipated that this would seek to control any potential impacts with air quality and dust monitoring which we would expect to be conditioned.

We would also expect the cumulative impacts of air quality and dust to be considered in any supporting assessments for a future application.

Lighting

It is expected that a future application at the site would be accompanied by a Lighting Assessment.

It is expected that any proposed lighting would be downward facing and below the working rim of the quarry, so as to minimise any adverse impacts to surrounding sensitive receptors and wildlife. In addition, peripheral soil screening mounds may be potential mitigation measures adopted to limit light intrusion.

We would expect that any use of floodlighting would be limited due to the potential adverse impacts on the surrounding residential properties, highways and wildlife. Should floodlighting be proposed, we would expect the Lighting Assessment to include full details of the hours of operation, frequency of use and the extent of the light spill area.

We would also anticipate a thorough review of any lighting required to light the proposed new access.

Sustainability

The consultation website published by Hanson UK states that at current extraction rates, existing mineral reserves at Grange Top quarry will run out by the early 2030s. As such, the extension is required to extend the lifespan of Ketton cement works and secure its viability.

Cement is not a sustainable building material, and the cement production industry is widely known to contribute very heavily to global carbon dioxide emissions (approx. 7-8%). The proposed extension will only allow for the continued use of the material, thus directly conflicting with national and local targets to achieve Net Zero by 2050.

In addition to Rutland County Council (RCC), we note that the following LPAs bordering RCC have declared a climate emergency:

- Peterborough City Council (2019)

- South Kesteven District Council (2019)
- North Northamptonshire Council (2021)
- Melton Borough Council (2019)
- Harborough District Council (2019)

Given that cement production contributes very heavily to carbon emissions in the UK, we question how permission can be granted for proposals for cement production when RCC are actively working to reduce impacts of climate change and achieve Net Zero 2050 targets.

In the context of Greenhouse Gas reporting, we request that the EIA submitted in support of the future application considers the proposal in terms of its Scope 1, 2 and 3 emissions.

The proposals to extend this quarry will directly facilitate the increase in carbon dioxide emissions (Scope 1), in addition to the indirect emissions from the traffic movements to the Site, and operation of the quarry works, including machinery and lighting (Scope 2). Further, in light of the Finch v Surrey County Council *(Finch On Behalf of the Weald Action Group, R (On the Application Of) v Surrey County Council & Ors [2022] EWCA Civ 187 (17 February 2022))* Supreme Court case, we would also expect the Applicant to consider their downstream emissions (Scope 3) following the extraction of cement from the quarry and its eventual use within the EIA.

The market is shifting to less carbon intensive cement production; however, the Applicant has not indicated that the proposal seeks to produce a less carbon intensive product and there is no mention of a lower quantum of gypsum. We therefore consider that the Applicant is missing an opportunity for this and require clarification on gypsum quantities and carbon emissions associated with the development.

Further, several developers are now shifting use towards more sustainable building materials and construction methods, such as timber and prefabricated homes, therefore we question the demand for cement in the context of local climate emergencies and the Government's commitment to achieve Net Zero by 2050.

We therefore request an assessment of the impact of the carbon dioxide emissions over the lifetime of the extension of the quarry, and for the proposals to be considered against national and local carbon reduction targets and the context of the total volumes of Rutland's output of carbon emissions. Our client would also like to request that the Applicant considers sustainable means of extraction and mitigation measures to overcome the carbon emissions associated with the proposed development. It is expected that the future application at the Site would address this concern. Proposals should also consider the health impacts of long-standing carbon emissions on local residents over the lifetime of the quarry works.

Land Bank

We have not seen sufficient evidence for the need of this type of development and would expect for this information to be provided in a future application at the Site.

Application Boundary

Figure 3 of the Council's Minerals Core Strategy and Development Control Policies (September 2010) document identifies that the area for the extraction of cement goes further west than the *Indicative Masterplan – Site Preparation (Ref. KE-MASTERPLAN-SITEPREP)* is currently proposing.

We therefore request confirmation on whether it is the intention for the Applicant to further extend the quarry in the future, the impacts of which would be more severe as it encroaches further towards

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our client's property and the village of Empingham. As previously noted, the landscaping proposals do not extend along the western boundary, suggesting the potential for a further extension of the quarry works to the west which will inevitably worsen the impacts on our client's property, Rutland Water and Normanton Park, in addition to the villages of Empingham and Whitwell. Further clarification for the rationale is sought from the Applicant and we would like to emphasise further the request for full screening along the western boundary.

Conclusion

It is clear that the proposed extension works would bring significant degradation to the local environment on multiple levels, some of which are of national importance, and bring the quarry operations closer to sensitive receptors, including our client's property and Rutland Water whilst having the potential to have significant impacts more generally on the villages of Empingham, Whitwell and Barnsdale Hill.

We have significant concerns on the technical studies prepared to date and reserve our position to comment on these further once a formal planning application is made. We do however believe that both our client's site and the village of Empingham have not been thoroughly considered or assessed within submissions and as such any mitigation is limited.

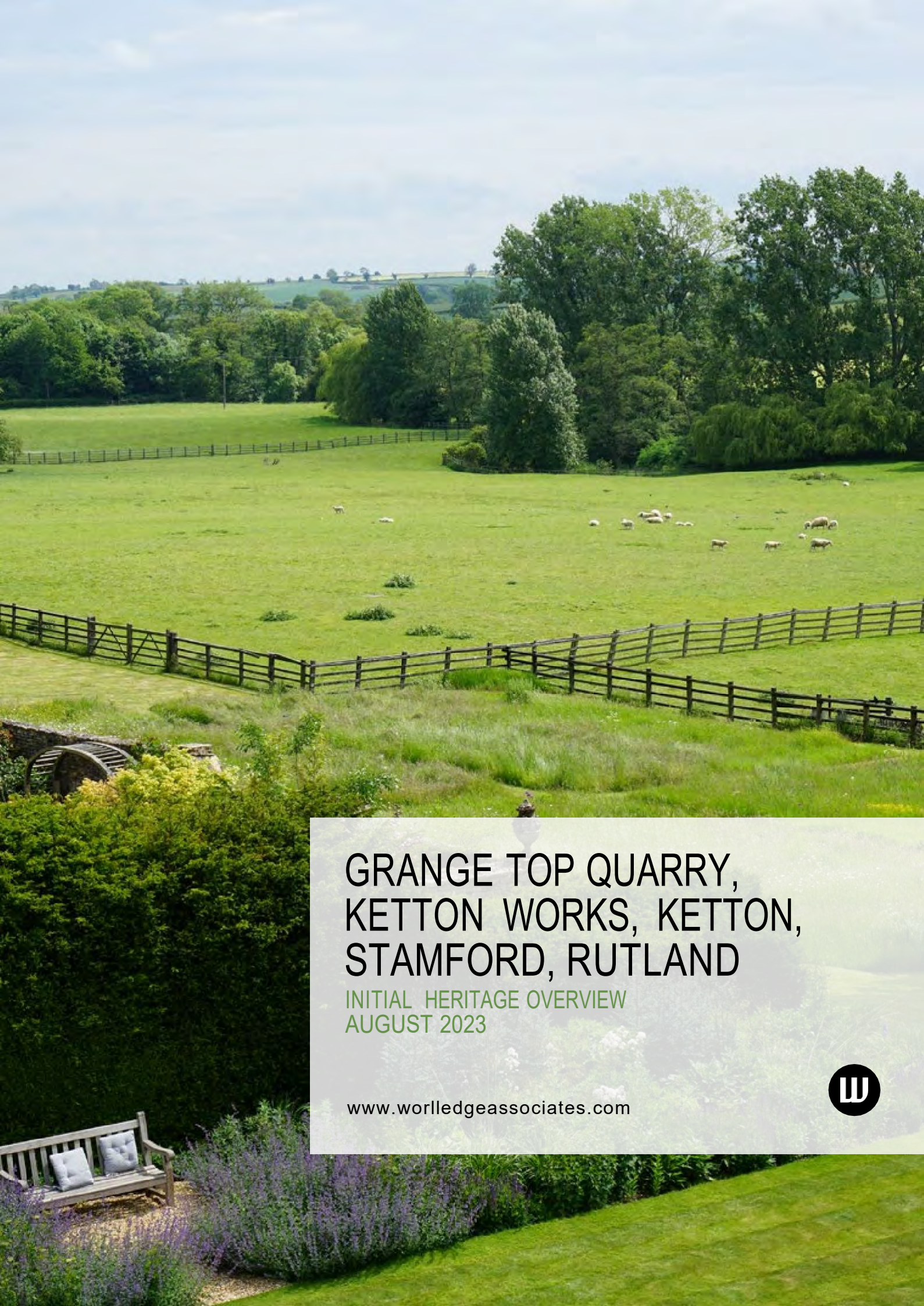
The consultation website published by Hanson UK provides limited information to the public and we are concerned on the transparency of the consultation. The website does not provide a link or documents associated with the Screening or Scoping applications submitted to Rutland County Council. As this is a strategic site of significant importance, we would expect for this information to be made publicly available as part of the consultation.

Our client would welcome a discussion with the applicant to discuss their concerns and we look forward to hearing from you in due course.

Yours faithfully

Hannah Albans
Director

Encl. Appendix 1 – Initial Heritage Overview



GRANGE TOP QUARRY, KETTON WORKS, KETTON, STAMFORD, RUTLAND

INITIAL HERITAGE OVERVIEW
AUGUST 2023

www.worlledgeassociates.com

CONTENTS

Raymond Osborne
ray@worlledgeassociates.com

Elizabeth Pickup
elizabeth@worlledgeassociates.com

Patrick Horrocks
patrick@worlledgeassociates.com

Nicholas Worlledge
nicholas@worlledgeassociates.com

EMPINGHAM AND ITS SURROUNDINGS

This illustration of 1818 gives some sese of the scale of the park and the nature of its rural surroundings

The History of the County of Rutland, Volume 2, Victoria Country History, London, 1935 (VCH) and the Empingham Conservation Area Character Appraisal, June 2014 (CAA) provides a detailed history on the development of the village.

Both comment that Empingham is a large and compact rural village, set in attractive and unspoilt countryside.

The history of the village is intrinsically linked with the Normanton Estate located to the south of the Stamford Road and the farming of the land around the village.

The Heathcote family acquired the Normanton Hall estate in 1729. The house was rebuilt between 1730 and 1740, and it is known that some re-modelling was carried out between 1763 and 1767. 1764 is often quoted as being the date when Sir Gilbert Heathcote, 3rd Baronet, removed the villagers of Normanton to his model village of Empingham to create a park.

In 1794 4,000 acres of Empingham (the largest village in Rutland outside Oakham and Uppingham) were enclosed by Sir Gilbert Heathcote. In 1795 there were 18 tenant farmers, each cultivating between 100 and 500 acres. Also, land was let in smaller lots to 23 cottagers in Empingham

Extract from one-inch Ordnance Survey map, with topographical shading, showing relationship of Empingham and Normanton Park to Ketton

Historic maps show that there was a tree lined avenue from the Stamford Road leading up the house. This must have been the primary approach. Evidence of this avenue survives today. Beyond the park boundaries the landscape is predominantly farmed, interspersed with a. series of warrens and copses, suggesting that this wider agricultural landscape was a source for rural pursuits – hunting. The number of lodges also add evidence of such rural activities and suggest that the wider estate landscape was managed to control access.

From this it can be concluded that not only was the village of Empingham linked by employment to the wider agricultural landscape (managed by farmers in the village and worked by agricultural labourers in the village) but also linked by ownership and management to the Normanton Estate.

Empingham is largely the result of the building work undertaken by the 6th Baronet, Gilbert Henry Heathcote – the “Building Earl”. The village was noted as being in a dilapidated state at the time he inherited the Normanton estate in 1867. Over the next 30 years, properties were modernised, and new houses built to a distinctive pattern that characterise Ancaster estate properties throughout Rutland.

The Heathcote family also provided social facilities within the village, including the Free School in 1838 and donated land for the Methodist Chapel on Main Street. Empingham was sold off in 1924, the village being divided into some 90 lots. It gradually changed from being a self-sufficient village mainly occupied by tenant farmers, farm labourers and others employed by the Ancaster Estate to mainly privately owned residencies.

OLD PREBENDAL HOUSE

Formal arrangement of the walled garden contrasts with the informal landscape beyond with the hillside as the backdrop

The Old Prebendal House is included in the National Heritage List for England ('NHLE') grade ii*. Within the curtilage is a cottage, dovecote, and Tithe Barn, all separately included in the NHLE. The whole site, including a walled garden is included in the Empingham Conservation Area.

Evidence suggests the site with a house and service ranges adjacent to the church was established in the 13th century. The site was leased from 1522, demonstrating buildings on the site, with the 1552 lease requiring that houseroom be provided for the prebend whenever he came to visit.

In January 1650 a survey was made of the "manor and prebend" of Empingham Prebendal House is described as consisting of 12 bays. There was a granary with a wash house, containing six bays, a dove house 'well stored with pigeons' a barn and other buildings of 12 bays. A stone stable of two bays was partly thatched and partly slated. The site covered was one acre and one rood.

Robert Mackworth, related to the owner of Normanton Hall, seems to have leased the house from 1665. On 24th February 1696/7 consent of the Prebendary to Robert Mackworth's taking down a "uselesse and chargeable High Building", part of the premises of Empingham rectory, and using the materials for repairs to the rectory.

The historic and physical evidence shows that the current house dates from the late 17th century with 15th and 16th century fabric in the cellars.

In 1723 the Heathcote family of Normanton House, acquired the site, and in 1794 as part of the enclosure of the parish swoped the Prebend house, for a house west of St Peter's church, with the site being called the Old Prebend House. It was a house of considerable status standing in large grounds.

From 1794 it was leased at various dates to land agents of Normanton House.

In 1835 the Bishop of Lincoln placed at the disposal of the Church Commissioners the Empingham Prebend. In June 1845 it was awarded to Sir Gilbert Heathcote. It comprised 113 acres 3 roods of land in the parish.

A local Surgeon and family occupied the house and grounds between 1835 and 1871, and two spinster sisters, relatives of the Victorian author Anthony Trollope between1897 and1917.

It was sold in 1924, with the breakup of the Normanton House estate.

In 1955, 'The small period residence Prebendal House, Empingham' the whole standing in 24¾ acres' was sold. The land included the meadows, laid out in the 18th century as informal parkland, to the south and south-east.

A circa 1790 print of a view taken from Bunker Hill to the south shows the house with an adjoining cottage standing in grounds running down to the river

A circa 1790 print of a view taken from Bunker Hill to the south shows the house with an adjoining cottage standing in grounds running down to the river

The way the village is experienced, in views from the south, and recorded in history give those viewing places and their contexts significance in their own right. It is clear from these images that travellers and other visitors through history have been able to experience and enjoy this view of Empingham and Prebendal House when approaching from the Stamford (one of the first conservation areas designated in England) direction. People would be moving through an essentially agricultural landscape that provides the sensory backdrop and sense of place, the views of the church and the village's principal buildings presenting that iconic composition of the English village.

The house and this land is shown on maps dating from the early 19th century.

The house and grounds and relationship to the site is shown on a series of six-inch maps dating from 1884, 1902 and 1949.

Circa 1811-15 map showing the location of the Old Prebendal House and parkland to the south down to the river Gwash and relationship to the proposed Grange Top Quarry site.

Six-inch OS map 1884 showing the Old Prebendal House and grounds in relation to the river valley and the agricultural fields to the south and south-west and proposed quarry extension

Six-inch OS map 1902 showing the Old Prebendal House and grounds in relation to the river valley and the agricultural fields to the south and south-west and proposed quarry extension

Six-inch OS map 1949 showing the Old Prebendal House and grounds in relation to the river valley and the agricultural fields to the south and south-west and proposed quarry extension

Several 1946 aerial photographs show Empingham village in its broader landscape setting and the Old Prebendal House, its garden and its grounds, still in arable use at this date.

During WWII the parkland was given over to agriculture to help the 'war effort' but re-established soon after as part of the setting to the house and formal grounds, including two walled gardens.

While the 1650 survey of the house and grounds gives a measurement of 1 acre 1 rood, it is clear that the land to the south has always formed part of the Prebendal House holding, which in 1845 comprised 113 acres 3 roods of land in the parish, and in 1955 had been reduced to 24¾ acres. It is historically and aesthetically significant setting to Old Prebendal House.

EAW002770 ENGLAND (1946). The village, Empingham, 1946. Looking east with St Peters church and Old Prebendal House on the southern side of the village overlooking the river Gwash

EAW002773 ENGLAND (1946). The village, Empingham, from the east, 1946 showing St Peter's church, the Old Prebendal House and grounds and the parkland to the south, partly ploughed up and sown with crops.

View of the meadows to the south and south-west with the land rising to the south on the other side of the river Gwash. The treed skyline in the distance and the sense of the rural, unbuilt landscape is part of the 'borrowed' view that contributes to the setting of Prebendal House and the conservation area.

UNDERSTANDING SETTING

In relation to the setting of a heritage asset the National Planning Policy Framework (NPPF) Glossary: Setting of a heritage asset, defines setting as:

> The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Historic England's advice in Historic England's Good Practice Advice Note 3 – The Setting of Heritage Assets, December 2017 (GPA3) para 9) is similar stating:

> Setting is not a heritage asset, nor a heritage designation, though land within a setting may itself be designated... Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate the significance.

It explains (GPA3 para 10) that the contribution of setting to the significance of a heritage asset is often expressed by reference to views – a visual impression of an asset.

It comments (page 6) that:

> Some views may contribute more to understanding the heritage significance than others. This may be because the relationships between the asset and other historic assets or places or natural features are particularly relevant;

And furthermore, (GPA 3 para 9) that the setting of heritage assets will change over time and that this can be a positive element in our understanding of places and how we experience the historic environment and heritage assets. It cautions that where unsympathetic change has affected the setting of a heritage asset further cumulative negative changes could sever the last link between an asset and its original setting but pointing out that sympathetic new development has the potential to enhance setting, successfully illustrating the cycle of change that shape our towns and countryside.

Historic England's Good Practice Advice Note 3, Part 1- Settings and Views, discusses the issue of setting stating:

> Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. (emphasis added)

Amongst the Government's planning objectives for the historic environment is that conservation decisions are properly informed. GPA3 Part 2: Setting and Views – A Staged Approach to Proportionate Decision Taking, explains the broad approach to be followed:

> Step 1: identify which heritage assets and their settings are affected;
>
> Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
>
> Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;
>
> Step 4: explore the way to maximise enhancement and avoid or minimise harm;
>
> Step 5: make and document the decision and monitor outcomes.

Historic England explains in 'The Setting of Heritage Assets' (GPA3) that matters such as the asset's physical surroundings, the history and degree of change and how the asset is experienced will define its setting'.

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Appendix 2

2002 Appeal Decision
(ref. APP/A2470/A/02/1081518)

Appeal Decision

Inquiry held between 16 July and 12 August 2002
Site visits made on 15 July, 1 & 13 August 2002

by J I McPherson **BSc CEng MICE MCIWEM MIMgt**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 3/10/02

Appeal Ref: APP/A2470/A/02/1081518
Grange Top Quarry, Ketton, Near Stamford, Lincs, PE9 3SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Castle Cement Limited against the decision of Rutland County Council.
- The application (Ref.FUL/2000/0192/9/CC), dated 29 February 2000, was refused by notice dated 23/07/2001.
- The development proposed is an 85.5ha extension to Grange Top Quarry to secure additional mineral reserves, and the relocation of Empingham Road.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

Environmental Impact Assessment

1. The application was accompanied by a two volume Environmental Statement prepared in accordance with the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. In addition, a further volume of Supplementary Information was submitted prior to the decision by the Mineral Planning Authority (MPA). In determining the appeal, I have taken into account all this environmental information, together with the consultation replies and the further environmental evidence that I heard at the Inquiry.

Amendments to the Proposals

2. Certain changes to the scheme were made after submission of the application, and some of these are reflected in the Supplementary Information referred to above. Other changes were made prior to, and during the course of, the Inquiry, such as the treatment of the proposed slopes around Wytchley House and Wytchley Warren Farmhouse. The MPA raised no objection to the Appellant's proposed changes and, in my view they do not substantially alter or increase the scope of the proposals, or prejudice the position of any existing or prospective third parties. I will therefore take them into account in deciding the appeal.

Appellant's Ability to Implement the Proposals

3. The proposed extension to the quarry would include land farmed by the tenant of Wytchley Warren Farm. This land is owned by Castle Cement but leased to the current family of the original farm owner. It was argued on behalf of the tenant that under the terms of the lease, which runs until April 2061, Castle Cement do not have the right to quarry the minerals, or to realign Empingham Road. In addition, that the proposed restoration scheme would alter

the use of some of the land, contrary to the requirements of the lease. Furthermore, that the Appellants are not empowered to provide the long periods of aftercare they propose for the new woodlands and grasslands. Accordingly, it was argued that the proposed development could not legally be carried out.

4. In contrast, the gist of the Appellants' case was that the purpose behind Castle Cement's purchase of the farm was clear at the time that the sale took place, and that these are all matters that would be covered by compensation payments to the tenant. Whilst compensation would be required, there is no specific obligation in the lease for the landlord to restore the surface of the land, though that would in any case be covered by planning conditions.

5. Whether the Appellants have the right to carry out their proposals is a legal matter, which may eventually have to be resolved in the courts. However, as far as the planning application is concerned, the tenant farmer was served with the requisite notice on 28 February 2000, and he is clearly fully aware of the proposals. Accordingly, I will proceed to determine the appeal on the basis that both the application, and the subsequent appeal, have been properly made.

Existing Quarry and Cement Works

6. Small scale limestone quarrying has been carried out in the area for centuries, but extraction of clay and limestone for cement manufacture started at the Grange Top Quarry site, a little way to the north of the village of Ketton, in 1928. In 1944 there were four wet process cement kilns in operation, and a further two in the 1960s, but there are now just two dry kilns (Nos 7 & 8) with a combined dry clinker capacity of some 1.3 million tonnes per annum (mtpa).

7. The first planning permission for 'quarrying operations' was an Interim Development Order (IDO) permission granted in 1947. The quarry was registered with Leicestershire County Council, the then MPA, under the IDO requirements of the Planning and Compensation Act 1991, and a scheme of conditions was finally agreed with Rutland County Council, the new MPA, in May 1999.

8. The Appellant's IDO permission covers an area of some 380 ha, of which about 84.8 ha remained to be worked at the time of the November 2001 survey. The existing quarry varies from about 10m to 15m deep with floor levels of some 67mAOD in the west and 57mAOD in the east. The Lincolnshire Limestone extends to a lowest level of 39mAOD, but extraction is limited to a minimum level of 55mAOD by the IDO conditions.

9. Quarrying operations are currently being carried out on faces working outwards from the 'centre' of the site. After topsoil, subsoil, and in some places corn brash, stripping, where present the Blisworth Clay and Blisworth Limestone is removed, but not used in the cement manufacturing process. Thereafter, the underlying Rutland Clay is excavated and mixed by a back-actor, which loads it into 60t or 100t dump trucks for transport to the clay feed hopper at the main crushing point in the 'middle' of the quarry. The removal of the clay exposes the top of the Lincolnshire Limestone, which is drilled and blasted and then further broken down and mixed before being placed by a loading shovel into 100t dumpers for transport to the limestone crusher feed hopper. The lower limestone strata, which has a higher silica content, is separately extracted and taken to a stockpile beside the crusher, where pulverised fuel ash (PFA) from an outside source is also stockpiled. The appropriate

mixture of clay, limestone, high silica limestone and PFA is fed into the crusher and then transported by conveyor to the cement manufacturing plant.

10. Essentially, cement manufacture involves the mixing together of clay and limestone with the mixture being heated to a high temperature in a kiln, and the resulting clinker being ground together with a small proportion of gypsum to form cement. PFA, obtained from coal fired power stations, is used as a replacement for some of the basic raw materials, and a new 'recipe' has recently been developed which allows the use of more high silica limestone without exceeding the alkali levels required by the concrete industry. The finished cement is transported from the site by bulk road tanker, or in bags, and it is also taken by rail to a depot in London.

11. The traditional fuel for the kilns is coal and petroleum coke, much of which is received by rail, but that is supplemented by Chemfuel, derived from solvent wastes, Profuel, from granulated plastic waste and discarded vehicle tyres.

12. In addition to the raw materials for cement manufacture, the quarry produces building stone known as Ketton Freestone, which is extensively used for high quality public buildings such as Churches and the Oxford and Cambridge Colleges. This stone is extracted, as and when found in the upper strata of the limestone, at a rate of between 500t and 3,000t per annum.

13. Apart from some small areas of land used for screening, the rest of the reinstatement that has so far been carried out has taken place since 1973. Because the method of working is to work out from the 'centre', none of the working face has yet been permanently reinstated, indeed the restoration scheme required by the IDO conditions has yet to be agreed.

14. On the quarry floor, some 45ha has been restored to agricultural land and these fields are farmed by a local farmer, as are some areas of long-term stored topsoil. Other areas of surplus clays have been spread and allowed to regenerate naturally.

15. An area of very old quarry workings adjoining the south-eastern side of the existing workings has regenerated naturally over the years and and is now recognised as the Ketton SSSI. It includes a geological trail that is open to the public. The Shackwell Hollow SSSI adjoins the north-west side of the existing quarry, and the former Edithweston Quarry workings are located to the south-west. In this latter quarry, some stone was extracted by underground mining and the resulting tunnel is now a bat hibernaculum. An artificial bat cave has also been formed on land close to the Ketton SSSI.

Proposed Development

16. The proposal is to extend the quarry to the south and to the west. The Appeal Scheme would leave un-worked that part of Ketton SSSI, and the nearest part of Field 11 to Ketton Village, that already have planning consent. There would be standoffs of 80m for clay and 110m for limestone around Wytcheley Warren Farm, and at Wytchley House. After working the land to the north of the Ketton to Empingham Road, this road would be re-aligned from the bend close to Wytchley House to a new junction on the existing road to the north of Wytchley Warren Farm, a distance of some 1km. This new road would be carried on an embankment formed within and along the northern edge of the quarry extension, allowing the haul road to pass underneath.

17. The Appeal Site extends to a total area of some 264ha, including about 96ha that already has planning consent, but which would be affected by the proposed extension. Of the 168ha of new land, it is proposed to quarry some 85.5ha which, when worked to a minimum level of 55mAOD, as in the existing quarry, is anticipated to yield approximately 16.6mt of limestone, 10.5mt of high silica limestone, 3.5mt of mixed clays and 2.7mt of silica clays. Based on the use of the new recipe, and 1.3mtpa cement output, this would equate to some 12.96 years of additional reserves.

18. In addition to the re-alignment of Empingham Road, the Appeal Proposals would affect a number of bridleways and public footpaths, in particular the long distance Hereward (Macmillan) Way would be diverted around the site.

19. The proposed method of working is to extract the minerals up to the final boundary on the north-western side of the existing quarry and then to excavate the already consented Fields 7, 8, 9 and part of 10 to the south-west. Thereafter, the extension would be worked in a series of discrete areas with surplus material being used firstly to restore parts of the existing quarry, and thereafter the previously worked areas in the extension. The final stage would be the working of Area 6 and Field 10 in strips.

20. In addition to the removal of the southern 'half' of Ketton Gorse, the re-aligned Empinhgam Road would cut through the northern part. The two northerly and one westerly extensions of Wytchley Warren Spinney, namely Long Covert, Thorn Covert and Football Piece would all be quarried, but Wytchley Warren Spinney itself would be retained.

21. Early bund construction and screen planting would be carried out at various locations such as to the east of Area 6, around Wytchley House and in the vicinity of Wytchley Warren Farm.

22. Final low-level restoration would be to a mixture of agriculture, pasture, calcareous grasslands and woodlands with surrounding banks and limestone cliffs.

Main Issues

23. The cement manufacturing process is currently the subject of regulation under the Integrated Pollution Control (IPC) regime operated by the Environment Agency, and all processes after the blasting operation are currently included within that system at Ketton. The Appellants have applied for a permit under the terms of the more recent Pollution Prevention and Control Regulations 2000, which implement the EU Integrated Pollution Prevention and Control Directive (96/61/EU). Both the EA and the Appellants anticipate that all operations on the site, after blasting, will be included within the IPPC permit, when issued. Both the present and the prospective systems can include controls over such matters as **noise and dust**, but I consider they are both also significant planning issues in determining this appeal.

24. In my view the other main issues in determining this appeal are the **visual impact** of the proposals and their effects on both the **landscape** and the **ecology** of the area, together with the effect the scheme would have on the **setting of the Grade II Listed Wytchley Warren Farmhouse.**

25. The Appeal Proposals would have no effect on the manufacturing capacity of the cement works and, as such, would not change the current level of traffic generation from the works. The proposed temporary diversion of the Hereward (Macmillan) Way and the permanent diversion of Empingham Road would be the subject of procedures under other legislation, though I will consider the future **highway safety implications for Empingham Road**.

26. In addition to the preceding issues, there is also the **need** for raw material for cement manufacture.

Planning Policy

27. The Development Plan for the area includes the Leicestershire Structure Plan 1991-2006 (LSP), the Leicestershire Minerals Local Plan Review 1995 (LMLP) and the Rutland Local Plan (RLP). In addition, the Draft Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (LLRSP) has reached the Modifications Stage and its policies carry significant weight in the light of its advanced stage towards adoption.

Leicestershire Structure Plan (LSP)

28. Of specific relevance in the adopted Structure Plan (LSP), Strategy Policy 1 sets the overall strategy for the Plan and includes the development of the National Forest. Strategy Policy 4 indicates that development will not normally be appropriate in the countryside, especially in Areas of Particularly Attractive Countryside. Environment Policy 2 seeks to preserve and enhance areas, sites and buildings of historic, architectural or archaeological importance. Environment Policy 7 seeks to protect and conserve sites of ecological significance and Environment Policy 10, says that development causing loss or damage to ancient woodland will not normally be permitted. Minerals and Waste Disposal Policy 1 aims to release land to maintain an adequate supply of minerals to contribute to local, regional and national needs. Minerals and Waste Disposal Policy 2 says that planning permission will only be granted where the need for the development is sufficient to justify the environmental impact that would arise.

29. Also of relevance in the LSP, Environment Policy 6 seeks to protect the best and most versatile agricultural land, and Environment Policy 8 states that measures will be taken to protect and conserve sites of geological significance. Transport Policy 4 seeks to avoid development that would cause the highway capacity to be exceeded, impair highway safety, or have unacceptable environmental effects. Leisure Policy 6 calls for adequate arrangements to safeguard or provide acceptable alternative public rights of way. Minerals and Waste Disposal Policy 3 requires restoration of mineral workings to an acceptable use at the earliest opportunity and thereafter a programme of aftercare for an appropriate period.

Leicestershire Minerals Local Plan (LMLP)

30. Of specific relevance in the adopted Minerals Local Plan, Policy 2 sets out the criteria for the assessment of mineral extraction proposals. The detailed criteria cover the operational and economic need for the mineral, and the likely environmental impacts on such things as nearby land uses, agriculture and woodlands, visual and landscape impacts, the effect on sites of nature conservation or scientific interest, and those of archaeological, historic or architectural interest and their settings. Also included are the effects on water resources, highway impacts and those on public rights of way. Policy 3 states that unless there is an overriding need, or the impact can be alleviated by appropriate measures, mineral proposals

will not be permitted if they would result in any of the following effects:- loss of best and most versatile agricultural land, adverse effect on the character of an Area of Particularly Attractive Countryside, loss or damage to ancient woodlands, harm to the water environment, adverse effect on designated sites such as SSSIs or sites of county or district level ecological interest. The schedule also includes harm to geological and archaeological sites, highway capacity, safety and amenity considerations and public rights of way. In addition (j) refers to the cumulative effect of the proposed development being environmentally unacceptable.

31. Furthermore, Policy 11 notes the kind of conditions likely to be attached to any permission in order to achieve high quality restoration and aftercare. Policy 12 sets out the County's policy for after uses. In particular, it seeks the restoration of the best and most versatile agricultural land to an agricultural use, an increase in woodland cover, the creation of new wildlife habitats and a revised network of rights of way. Policy 20 is specific to limestone. It says that permission will normally only be granted for extensions to quarries to ensure continuity of supply, and that is if the environmental impact and other effects of the development can reasonably be kept to an acceptable level. Policy 26 says that proposals to work minerals other than those specifically noted in the Plan will be treated on their merits in the light of the general principles set out in Policies 2 and 3.

32. Also of relevance in the Minerals Local Plan, Policy 5 sets out the circumstances where planning conditions will be attached to a permission, and Policy 6 outlines the basis on which planning obligations will be sought. Policy 14 indicates that restoration of mineral workings should generally be at a lower ground level without the importation of fill. That is where the excavation is above water table level, and an acceptable landform can be created for the agreed afteruse. Policy 33 encourages the use of substitutes for naturally occurring minerals, providing the proposals are environmentally acceptable.

Rutland Local Plan (RLP)

33. The MPA's notice of refusal quotes the policy numbers in the draft Local Plan, which was adopted shortly thereafter. I will use the numbering of the adopted Plan.

34. Of particular relevance in the Local Plan, Policy EN12 (formerly EN13) says that permission will not be granted for development that would detract from the character, appearance and setting of a listed building. Policy EN18 (formerly EN22) seeks the retention of trees and hedgerows, unless the practicalities of the development are accepted as overriding. Policy EN19 aims to protect sites of ecological importance with the greatest level of protection afforded to those of international or national importance, and Policy EN20 takes a similar approach for geological sites. Policy EN21 encourages the safeguarding of important habitats and the creation of new ones. Policy EN22 says that permission will not be granted for development that could adversely affect wildlife species that are protected by statute, though if, in exceptional circumstances, permission is granted, conditions or agreements will be required in order to safeguard their survival at least at current levels. Policy EN23 requires the retention, replacement, reinstatement and future management of among other things hedgerows, tree belts, woodlands and semi-natural limestone grasslands through the use of planning conditions or agreements. Policy EN28 says that permission will only be granted for development within, or adjoining, Areas of Particularly Attractive Countryside if it does not adversely affect the special character and appearance of the landscape. Policy EN29 seeks to prevent harm to local amenity, in

particular though noise and dust. Policy AG3 requires details for prior approval of permitted agricultural, horticultural and forestry developments in certain locations, which include those within or adjacent to Areas of Particularly Attractive Countryside and Areas of Local Landscape Value, listed buildings, Sites of Special Scientific Interest and other ecological sites.

35. Also of relevance in the Local Plan, Policy EN14 seeks to protect archaeological remains, and Policy EN17 calls for adequate landscaping to preserve visual amenity. Policy EN24 aims to prevent unacceptable pollution of water, air or soil, sites of ecological interest and the environment generally, and Policy EN25 limits the use of outdoor lighting. Policy EN26 seeks to restrict development in the countryside to that which has to be there. Policy EN33 limits development in the vicinity of landfill sites. Policy HT3 indicates that permission will be granted for development that would not in particular be detrimental to environmental, amenity and highway considerations generally, and has good access to the specified road network. Policy LE9 aims to prevent detrimental impacts on the rights of way network. Policy AG1 protects the best and most versatile agricultural land, unless there is an overriding need for the development.

Draft Replacement Structure Plan (LLRSP)

36. Of particular relevance in the draft Replacement Structure Plan, Strategy Policy 9 aims to protect the countryside from development but does acknowledge that minerals extraction may well have to be located in the countryside. Environment Policy 1 seeks to protect, preserve and enhance areas, sites, buildings and settings of historic or architectural interest. Environment Policies 3, 3A and 5 call for measures to protect, maintain and enhance natural biodiversity, protected species, their habitats and woodlands. Where development is allowed, mitigation and compensation measures will be required. Resource Management Policy 1 aims to avoid air, noise, water, land and light pollution. Resource Management Policies 7 and 9 cover the release of land for minerals and the environmental effects of extraction.

37. Also of relevance in the Draft Replacement Structure Plan is Strategy Policy 11 on good design, Environment Policy 4 on the protection of geological sites, Resource Management Policies 4, 5 and 13 on the water environment, the most versatile agricultural land and restoration, aftercare and afteruse respectively. Leisure Policy 4 deals with public rights of way and access to the countryside.

Reasons

Landscape and Visual Impact

38. The gently undulating Cottesmore Plateau is an area of relatively high land situated between the valleys of the River Gwash to the north, and the River Chater to the south and east. Without definition of the exact boundaries of the plateau, I consider it includes most of the Appeal Site, though Fields 11 and 12 extend a little way down the sloping valley side towards the River Chater; in the direction of the residential areas in the southern part of Ketton Village. From the remaining landform, it would appear that the original ground of the existing Grange Top Quarry was also mostly contained within the plateau.

39. The general landscape of the plateau consists mainly of arable fields, with a considerable number of hedgerows and woodland blocks. It is crossed by Empingham Road, from which another minor road branches off to the village of Edith Weston with its former airfield; now known as St George's Barracks. There are also a number of scattered dwellings within the landscape.

40. The proposal is to restore the floor and edges of the Appeal Site, and also the existing quarry, in phases over a period of some 25 years to a mixture of arable land, pasture, calcareous grassland and woodland. Such a mixed land use would in my view be quite in keeping with the area, but the main difference is that it would be at a low level, up to 20m or more lower, and surrounded by banks and cliffs.

41. I am not aware of any naturally occurring steep banks or limestone cliffs in the area, and 'raw' limestone and clay faces would occur for quite long periods during the working of various phases in the extension. As part of the restoration scheme some of these would be reworked to form rock tumbles or graded slopes, but significant lengths of cliffs would remain, especially at the western end of the workings. To my mind, long lengths of cliffs would be quite out of keeping with the natural appearance of this plateau landscape, as indeed would the low and relatively 'smooth' quarry floor.

42. The Appellants accepted however that much more could be done to grade down the quarry faces, to give more like the effect of the restored faces in the Exton Quarries. Whilst this would result in the loss of up to about one year's mineral reserve, I consider it would provide major benefits to the final landscape. The low level valley would of course still remain as a new feature in the landscape.

43. Furthermore, although replaced in the long term by new woodland, part of the mature Ketton Gorse would be lost, together with Long Covert, Thorn Covert and Football Piece. Ketton Gorse forms quite a prominent feature in the landscape, though I acknowledge that other woodlands are probably more prominent. Of course the new woodland would take perhaps 15 or 20 years to appear as woodland in the landsacpe.

44. The proposal is to complete extraction on the west side of the existing quarry, as far as it is currently permitted, and then to carry out restoration using some of the surplus material from the proposed extension. The detail of this restoration has yet to be agreed, but I accept that a more sympathetic restoration of these faces is likely with the material from the extension than without it. At least in this way the proposed extension would help to reduce the harmful landscape impact of the existing quarry workings, but even so, large areas of disturbed land would still occur throughout the development.

45. Despite the beneficial effects on restoration in the existing quarry, it seems to me that the overall effect of the proposals would be harmful to the natural landscape of the area; though the extent to which this would be apparent should also be considered.

46. The workings of the present quarry, and the tall cement kilns with their associated structures, are already very prominent in the open views from Steadfold Lane to the east, and from the rear aspect of the houses on the edge of Stamford rather further away. But, the proposed extension is on the other side of the present quarry; itself about 1km across, and would therefore have relatively little effect on these views.

47. The views from the A43 Trunk Road along Collyweston Ridge is one of the most significant views of the present quarry, together with the view from the long distance footpath, Hereward (Macmillan) Way, which descends from that ridge towards Ketton. From these viewpoints there would be visibility of the ground surface within the proposed Area 6, which includes Field 12. These views are however at a distance of about 3km and it is proposed to plant a tree screen on a gentle bund just to the east of the workings. This would be the last working area of the proposed extension and it would not be worked for some 15 or 20 years, by which time the trees should have become quite well established and would, to my mind, largely screen the working area behind, even in the wintertime. Following presentations on behalf of the Appellants, there are no objections to the scheme from the Parish Councils of Collyweston or the adjoining Easton on the Hill, or indeed from East Northamptonshire District Council whose area it is. I conclude that the proposal would not materially change the present views.

48. The proposed screening would prevent views of the workings from the footpath at Aldgate and there would be no views of the working area from any property in Ketton itself. Furthermore, I do not consider the views from the east over the village would in any way detract from the conservation area status of the village.

49. Very limited views are also available from Barrowden Road running south from Geeston and from the adjoining golf course, but again these views would be at a considerable distance and would disappear with the planned tree screen. Indeed, under the current IDO permission, the permitted extraction closer to Ketton Village would be much more visually apparent from Collyweston or Barrowden Road, but that would not take place if the Appeal Scheme were permitted.

50. There are open views across the former airfield from some dwellings that form part of the St George's Barracks complex at Edith Weston. But, I do not consider the land surface of the Appeal Site would be visible from this location because of the gentle slope down beyond the edge of the airfield. However, machines working on this edge of the site would be visible for some distance into the site, until the surface on which they were working had been lowered perhaps by 3m or more. Any piles of topsoil or other materials along this edge of the site could also be visible. Nevertheless, what views there were would be at a distance of well over 1km and would come and go. I do not therefore consider them to be too detrimental.

51. Longer distance views from the west would also be available from some windows and parts of the gardens of Normanton Lodge and Whare Koa, but to my mind the visual impact would be relatively limited. There are already closer views of the present site from the vicinity of New Wood Lodge, from which parts of the extension area would also be visible, but the extension not be as close as the next phase of the already permitted quarry.

52. The individual properties closest to the extension would be Wytchley Cottages, Wytchley House, Bluebottle Cottage and Wytchley Warren Farmhouse. Permission already exists for quarrying on the opposite side of Empinhgam Road from the Cottages, but visibility of the workings would be very limited because of the substantial roadside hedge that would more or less obscure the site, even in the winter months. I do not therefore consider the Appeal Proposal would materially change the visual impact for the occupiers of these cottages.

53. The same substantial roadside hedge continues past Wytchley House, and would similarly screen views to the north. But, the proposed extension would wrap round to the west and south-west of this property, which is bordered by a garden hedge on the west side. This is a sizeable hedge, which obscures views from the garden or the ground floor windows, but there are clear views over it from the first floor bedroom windows towards Wytchley Warren Farm and the old airfield. Mineral extraction operations in areas 2, 3, 4 and 5, over many years, would therefore be clearly visible from these first floor windows, if it were not for the proposal to form a screen bund between the garden and the quarry. It seems to me that such a screen should be very effective in preventing views into the quarry but, unless carefully designed, could cut off the desirable long distance views of the countryside beyond. But it should be possible to achieve such a balance, and at least the views are not from the main living rooms of the house.

54. Bluebottle Cottage is sited a little way to the west of Wytchley Warren Farmhouse between the proposed working Area 3 and the southern side of Edith Weston Road. The mineral extraction operations would come very close to the cottage but the Appellants are confident that under the terms of the lease they can ensure the property would be unoccupied at all relevant times. Future occupants would of course occupy the dwelling in the knowledge of the changed landscape around them.

55. Wytchley Warren Farmhouse would be encircled on three sides by the proposed quarry but the main views from the house itself are to the south, across an arable field towards Wytchley Warren Spinney, and Football Piece. In this case, it is proposed to provide a temporary grassed bund to obscure visibility into the quarry workings to the south and a permanent tree planted bund to the west. Visibility to the east is already obscured by some of the farm buildings. I consider these arrangements should largely preclude direct views of the workings from the farmhouse and its garden.

56. In addition to these fixed locations, the extension would be visible to people travelling along Empingham Road, both before and after its realignment. Clearly the extent of these views will depend on which part of the site is being worked at the time and the degree of maturity of the various bands of screen planting. I accept that the permanent bridge carrying the diverted Empingham Road over the haul road would be a particularly noticeable feature, and would to some extent draw the traveller's attention to the quarrying activities. A traffic survey was carried out by the Ketton Conservation Trust on 29 May 2002. Over the 06.00 to 19.00 survey period there were 516 car movements, but also 92 vans passed along the road, together with a few lorries, motorcycles, farm vehicles and walkers. The total of 659 movements over a 13 hour period is not a high flow of traffic. This it hardly a busy road, but clearly there would be quite a number of people passing along it who would see whatever there was to be seen at the time.

57. The Hereward (Macmillan) Way currently crosses the site and would be diverted for most of the working period. I have no data on the use of this long distance footpath, but I anticipate a fair number of walkers would use it, and also the Rutland Round and the other footpaths that pass the site. These pedestrians would also have views of the quarry workings at various points.

58. In accordance with national guidance, the Structure Plan, Minerals Local Plan and District Local Plan Policies 4, 3 and EN28 respectively seek to protect the countryside from adverse development, and especially those areas designated as Areas of Particularly Attractive

Countryside (APAC). Whilst the Appeal Site is undoubtedly within a pleasant area of countryside, none of it is specially designated. There are however, designated Areas of Particularly Attractive Countryside on all sides, with the nearest such designation on the opposite side of Edith Weston Road, opposite Bluebottle Cottage. Of course the intention is also to avoid harm to the appearance of these areas not only from development within them but also by development that can be seen from them. In this case, there is surprisingly little view from these areas into the site, and what there is would be largely obscured by the proposed bunds and tree planting that in my view are called for in Policy EN17 of the Rutland Local Plan. The low level restoration would also be in accordance with Policy 14 of the Minerals Local Plan. Furthermore, Strategy Policy 9 of the emerging Structure Plan acknowledges that mineral extraction is likely to have to be located in the countryside.

59. Overall, therefore it seems to me that there would be considerable harm to the landscape during the years of the quarrying operations with some residual effect after restoration. Bearing in mind the scale of the development, the detrimental effect would be visible from only quite limited public viewpoints but, to that extent, the scheme would be contrary to the policy aim of protecting the countryside from visual harm.

Setting of the Listed Wytchley Warren Farmhouse

60. The eighteenth century Wytchley Warren Farmhouse is a Grade II Listed building. It, and its associated garden, are located on the southern side of a farmyard which itself is separated from Empingham Road by a sizeable tree screen which stands close to the junction with Edith Weston Road. Whilst there is vehicular access to the farmyard directly from Empingham Road, access to the house is from a driveway to the west which also gives access to the fields to the south. Other than these particular features, the farm complex is surrounded on all sides by agricultural land and various blocks of woodland.

61. There is no serious suggestion that the proposed scheme would harm the structure of the farmhouse itself. It is the setting of this listed building which English Heritage say would be harmed.

62. The proposed scheme would first involve the extraction of minerals on the opposite side of Empingham Road, beyond the tree belt from the farmhouse, and therefore sufficiently distant to have no material effect on the setting of the building.

63. Thereafter the road would be realigned and excavation would take place to the east, the south and the west of the farmhouse. Excavation would approach to within about 80m, but would still be some distance beyond the immediate curtilage of the complex, as defined by the general extent of the garden and farmyard. Nevertheless, during these operations I consider the removal of the surrounding fields and their replacement with a working quarry would most definitely harm the wider setting of the building. This level of harm could last for up to about 10 years before all the nearby restoration work was completed.

64. After restoration, the farmhouse would look out on a different landscape. Looking south, beyond the garden, would be a pasture grading down to the restored quarry floor some 15m or so below, where the haul road would be converted to a farm access road. Beyond the road would be agricultural land and newly planted woodland that would grade up again to meet Wytchley Warren Spinney. To the west of the access drive, there would be a 3m high planted bund and the farm access road ramping down to the quarry floor along the side of the sloping bank. At the western end of the extension, it is proposed to leave mostly

exposed cliffs which at their closest would come to within about 400m of the farmhouse. I consider this too would have an effect on the wider setting of the farmhouse, though as referred to above (paragraph 42) some further grading of these faces could be achieved and their harmful effects would be correspondingly reduced.

65. These proposed changes to the setting of this listed building must be considered contrary to Environment Policy 2 of the Structure Plan, Policy 2 of the Minerals Local Plan and Policy EN12 of the Rutland Local Plan all of which aim to protect the settings of historic or listed buildings. There is also a similar intention behind Environment Policy 1 of the emerging Structure Plan.

66. Of course the appearance of the countryside does not remain constant for all time. As the Appellants pointed out, this land was probably first heathland enclosed between about 1760 and 1800. Certainly the road alignment and many of the field boundaries were established by the time of the 1847 Ordnance Survey Map. Thereafter certain features have come and gone, but it seems to me that relatively little has changed in the wider setting of the farmhouse, unless that setting is extended to include the old airfield. Instead, it is the more confined setting of the farmyard that has changed in recent times with the erection of a number of modern agricultural buildings and the stationing of various pieces of large agricultural machinery.

67. Whilst planning policy seeks to resist change to the setting of a listed building, the nature of any proposed change should also be taken into account. In this case, the proposed restoration would leave the farmhouse on a 'headland' with slopes to the east, south and west running down to the lower land, and the farmhouse would also have additional tree planting close-by. Restoration schemes of a similar nature have been carried out elsewhere in the country and, it seems to me, could produce quite an interesting setting for this listed farmhouse.

68. The whole purpose of listing buildings is to ensure their long term future but, as usual, there is no reference to the setting in this listing document. As indicated above, the proposals would not affect the immediate setting; the anticipated effects being on the wider setting. Although it would be most desirable to preserve the original setting, after a period of years, the restored quarry could well provide an interesting new setting for this Grade II building. Therefore whilst remaining contrary to policy, I do not consider that, in the long term, the harm would be all that great.

Ecology

Agricultural Land

69. Some 104ha of the site is currently in agricultural use, of which 42.5 hafall within the category of best and most versatile land, and the proposed restoration scheme would result in 54.8ha of agricultural land in the future. Policy AG1 of the Rutland Local Plan seeks to retain the best and most versatile agricultural land but there was no objection from MAFF on the subject at the consultation stage. I consider this loss to be acceptable, providing the restoration does result in new good quality agricultural land.

70. As noted before (paragraph 14) some areas of the existing quarry have been returned to agriculture. There has been quite a long process of development in refining the method to be used in order to achieve satisfactory restoration, and the tenant farmer is still rather

dissatisfied with the results. From my site inspection however, it seemed to me that the restored areas were cropping reasonably well; probably been quite comparable to some of the other undisturbed fields in the neighbourhood. One area of stored topsoil was being cropped and had both a high concentration of stones and a considerable growth of unwanted oats. This working of the stored topsoil is intended to keep it in good heart for future re-use, and is not therefore the final restoration scheme. However, there is always a need for stone picking and in any case it seemed to me that the proportion of stones was not too dissimilar from that found in some of the unworked fields in the vicinity of Newwood Lodge. I have no explanation for the presence of the oats other than that they remained in the soil from a previous use. I do not consider they are particularly material to the future quality of the planned restoration scheme. Nor do I consider the provision, or lack of, rabbit fencing to be a major concern. These are simply matters that should be attended to in accordance with good farming practice. It seems to me that restoration to good quality agricultural land should be perfectly feasible as part of the overall restoration scheme.

71. I note that the Wytchley Warren Farm site provides all the facilities in the form of the stock yard, and grain drying and storage for the whole agricultural holding of some 267ha that includes two remote parcels of land. However, the tenant farmer confirmed at the Inquiry that the temporary and eventually permanent loss of the proposed agricultural land would not prevent him from continuing to farm the holding, though it would necessitate a change in the way it was done. He was more concerned about the noise, dust and general disturbance.

Woodland

72. As described previously (paragraph 43) there are quite a few substantial blocks of woodland in the area, such as New Wood, a little to the west of the site, the woodland of the Ketton SSSI immediately to the east, and Wytchley Warren Spinney to the south. All these would remain untouched except for a strip for the re-aligned road through Ketton Gorse and the removal of its southern 'half'. The three peripheral compartments of Wytchley Warren Spinney, Long Covert, Thorn Covert and Football Piece would also be removed.

73. Ketton Gorse, Long Covert and Thorn Covert are parish level ecological sites. Ketton Gorse and Wytchley Warren Spinney and its three peripheral compartments have been surveyed for their woodland interest. The mean ages of the trees in Ketton Gorse (South), Thorn Covert and Long Covert and Football Piece were assessed at 162, 159, 96 and 69 years respectively. Nevertheless, the survey showed that they each had younger average age of trees than the 178 and 268 years in the northern section of Ketton Gorse, and the main core area of Wytchley Warren Spinney. The southern part of the latter area shows the characteristics of ancient woodland, defined as more than 400 years old, and it includes a 500 year old oak tree and some rare small-leaved lime trees.

74. The survey recorded 25 ancient woodland vascular plant species in the core of Wytchley Warren Spinney, one of which, the small-leaved lime, is considered to be strongly associated with ancient woodland. Much lower numbers were recorded in the other compartments. I therefore accept that this aspect of the survey confirms that the best woodland would be retained.

75. Woodland currently covers some 18.73ha of the site, of which it is proposed to remove about 3.63ha over a period of approximately 25 years, and a total of 33.64ha of new woodland would be planted. The species mix of the new trees would simulate that of the

existing woodland using tree stock of a regional provenance and probably cuttings from the ancient small-leaved limes in Wytchely Warren Spinney. With the nearby retained woodland, natural colonisation would be encouraged and, were practical, it is proposed to take soils from the felled woodland directly to the new planting areas.

76. The newly planted woodland would start to make an effect on the appearance of the landscape in a few years time, but it would still take many years to achieve anything like the ecological interest of the present woodland. But, at least there would be no loss of truly ancient woodland, in accordance with Structure Plan Environment Policy 10 and Minerals Local Plan Policy 3. In time, there would also be a considerable proportional increase in the area of woodland on the site, as sought by Policy 12 of the Minerals Local Plan and Policy EN23 of the Rutland Local Plan.

Hedgerows

77. There are a total of 105 identified hedgerows on the site amounting to an overall length of some 17.37km of which 31, approximately 4.98km, would be removed or adversely affected. A total of 50 hedgerows qualify as 'important' hedges under the Hedgerow Regulations 1997 which take into account not only ecological, but also archaeological, historic and landscape considerations. In ecological terms, the Hedgerow Evaluation and Grading System (HEGS) developed by Clements and Toft shows 76 to be of 'conservation priority' status with 53 in Grade 2, and 23 in the (highest) Grade 1. Of the Grade 1 hedges, 8 would be lost, amounting to some 1.61km out a total of about 5.03km. About 1.25km of hedges would be removed that are both Grade 1 conservation priority and important hedgerows. The proposed restoration scheme includes a total of about 7.6km of new hedgerow giving a net increase in the order of 2.6km. This assessment includes those hedgerows which form the boundaries to woodland blocks which, if excluded, would leave 26 free-standing hedgerows with a total length of some 4.32km to be removed.

78. Ancient and/or species rich hedgrows are a UK Biodiversity Priority Habitat, and are considered to be a 'key habitat' in Leicestershire and Rutland and many of the hedges on the site may qualify for Site of Importance of Nature Conservation (SINC) designation.

79. The loss of these various high quality hedgerows would be regrettable, and would be contrary to the aims of Policy 7 of the Structure Plan, Policy 3 of the Minerals Local Plan and Policies EN17 and EN23 and of the Rutland Local Plan. However, I acknowledge that the various revisions to the current proposals have significantly reduced the length of hedges to be lost and probably represent more or less the minimum for the size of extension proposed.

Calcareous Grassland

80. Just to the north of the old Edith Weston Quarry site there is a strip of species-poor grassland dominated by perennial rye grass that would be lost.

81. Additionally, an area of perhaps less than 0.05ha of unimproved grassland has been identified on the verge of Empingham Road, between Ketton Gorse and Wytchley Warren Farm, where it is vulnerable to nutrient enrichment from the adjoining field. It is proposed to translocate this area of grassland to the new verge that would be formed alongside the re-aligned section of road. Such translocation operations require meticulous preparation of the recipient site, careful handling of the turves at an appropriate time of year, together with

skilled supervision, and there is only a limited track record of such operations. It seems to me however, that this would be a very valuable exercise in at least attempting to retain this relatively small area of quite rare grassland. At the same time, it would add to the extent of knowledge on such operations.

82. The proposed restoration scheme includes the formation of some 32.2ha of new calcareous grassland on the Appeal Site, and further areas are planned within the existing quarry. Calcareous grassland develops naturally in old limestone workings such as the adjoining Edith Weston Quarry and the Ketton Quarries SSSI. But, in this case, it is proposed to seed a mixture of waste clay and limestone material with a low productivity grassland mix, in which, over time, a diverse species-rich mosaic should develop from incoming seed derived from the surrounding areas. No fertiliser would be applied and, at an appropriate stage of development, a low intensity grazing regime would be introduced, similar to that currently applied to parts of the Ketton Quarries SSSI.

83. The development of calcareous grassland with a good species mix is a slow process, as can be seen from the areas within the existing quarry that have been left un-restored for many years. The proposed 'light seeding' method of initiating the process has been carried out as a trial on land adjoining the quarry and seems to be beneficial in providing and initial start to the process. It also gives an element of 'greening' to the land which in visual terms can look very unkempt during the initial years.

84. Lowland calcareous grassland is a priority habitat in the UK Biodiversity Action Plan and is also a priority habitat in Rutland, where one of the targets is to create much more lowland calcareous grassland of wildlife value. Its preservation and replacement is specifically encouraged by Policy EN23 of the Rutland Local Plan, and future management would be covered for a period of 10 years under the terms of the Section 106 agreement. As such the minimal loss, but considerable gain in such land use in due course must be considered beneficial.

Lichens

85. Modest species lists were recorded during the survey, but no lichens of conservation interest were located and only one genuine woodland lichen was observed.

Bats

86. In order to survive, a bat colony requires suitable summer roost sites, winter hibernation sites, and of course feeding areas, all within a reasonable distance. For most species these should be linked by a more or less continuous network of linear features such as rivers, woodland edges, or hedgerows, along which the bats commute from place to place.

87. There are numerous records of bats in the area. Bat counts carried out over the last 10 years or so by the Leicestershire Bat Group at the old Edithweston Quarry site, just to the west of the proposed extension, recorded varying numbers of four different bat species. Two of them, Whiskered/Brandt's and Natterer's bats, are of conservation concern and are classified as vulnerable. There are also records of bats in Ketton Village and the neighbouring area.

88. The Edithweston Quarry is believed to have been worked some 100 years ago. It included underground mine workings to extract a thin bed of high quality oolitic limestone used for building and decorative purposes. Whilst there may have been others, there are currently

two open chambers, to which there is rather limited access. Once inside, the larger chamber is some 2-2.5m high, about 70-80m long, and up to 10m wide; the second one is no more than 10m long. Despite advanced signs of collapse at both entrances, and recent roof falls, a recent internal examination of the larger chamber showed considerable quantities of bat droppings, consistent with the previous conclusion that this mine is used as a bat hibernaculum. The small wooded area around the mine could provide good feeding conditions, and there is an inter-linked network of hedgerows that would provide access to Ketton Village and Rutland Water. The site may therefore also be used for roosting.

89. The highest number of bats recorded at the mine was 22, in January 1993, when all four species were present, but 11 of them were whiskered/brandt's bats. However, comparisons with other British and European sites suggest that the mine could support between 275 and 730 bats. There are fewer than 20 known hibernaculum sites in Britain with more than 100 bats, therefore making this an important site. If breeding were confirmed at the site, it would become one of the top grade of sites, of which there are less than 10 in the country.

90. Surveys have also shown bats to use the roof space of Wytchley House and the interlinked roof spaces of Wytchley Cottages. In addition, approximately 45 individual hedgerow and large woodland trees have been identified with crevices and/or holes that may be suitable for bat roosts. Detailed surveys of the trees that would be affected would be carried out shortly before working started in their area and the necessary DEFRA licence applied for as necessary.

91. All British bats are protected under the Wildlife and Countryside Act 1981 at all times of the year, as are their roosts, irrespective of whether the bats are present. The EU Habitats Directive places an obligation on the UK to protect bats and their habitats, and the previous conservation measures have been further strengthened by the recent Countryside and Rights of Way Act, particularly with regard to the new offence of 'reckless' disturbance. A licence is required from DEFRA before any works that would affect bat roosting or hibernation sites is carried out.

92. In order to avoid disturbance of bats using the hibernaculum, the Appellants propose a buffer zone of 100m around the underground workings. Although there may be additional chambers leading off the main chamber, the internal survey showed the external face of the chamber closest to the proposed quarry to be undisturbed. I therefore see no reason to suppose that there are other undiscovered mine workings that extend further out towards the proposed quarry face.

93. The MPA also raised concerns that the vibration from blasting the limestone could disturb the bats, unless limited to very low levels. They proposed a limit of 12.7mm/s peak particle velocity (ppv), but the Appellants considered this to be extremely conservative. Although they were unable to point to any research of blast induced ground vibration upon bats, they are known to roost in belltowers with recorded vibration levels of up to 100mm/s ppv without any noticeable disturbance. A value of 14mm/s ppv was considered safe in relation to some bat caves near a proposed extension at Whitwell Quarry in Derbyshire. This criterion was based upon no damage being observed at such a figure in an ironstone mine tunnel when small rock falls and fine cracks had been noted at 18mm/s. However, the advisors at Whitwell considered these latter effects were probably due to the redistribution of stress around these new and deep tunnels. As I see it the Whitwell considerations were

directed towards the stability of the rock structure, which I will consider below, but it seems that the vibration itself need not disturb bats even up to 100mm/s ppv.

94. Research studies suggested that rock falls may occur above 305, 457 and 440 mm/s peak particle velocities and that much higher ppv values are required to cause rock to fracture. On this basis, a value of 12.7mm/s would seem to be very conservative in good rock. However, in this case the internal survey records that rock falls have already occurred in the cave, particularly by the access. It is for this reason that the cave is now considered too dangerous to enter and is likely to be grilled-off. Even if the instability close to the access is mainly due to water solubility, the rock structure is clearly in a fragile state and therefore is would seem more prone to collapse than in the case of good rock.

95. As pointed out by the Appellants, BS7385: Part 2: 1993 gives the limit of 50mm/s at 4Hz and above as the transient vibration guide value to safeguard against cosmetic damage in reinforced or framed structures and industrial and heavy commercial buildings. That may be so, but the BS also recommends a figure of 15 mm/s ppv at 4Hz for unreinforced or light framed buildings, which seem to me more akin to a fragile rock formation. However, the characteristic blasting frequency is likely to be in the range of 20 to 30Hz and, using the line on the chart, at 20Hz the recommended value is about 25mm/s rising to almost 40mm/s at 30Hz. Even in its fragile state, it seems to me that a limit of 25mm/s ppv would provide the necessary safeguards and this could be applied through a planning condition. The Appellants confirmed that their normal blasting pattern would accommodate a limit of 50mm/s at 100m but they could achieve 15mm/s with reduced efficiency. In any case, they have now accepted a 150m stand-off after discussions with English Nature and I consider that 25mm/s should be entirely feasible.

96. I consider this limit to be appropriate for blasting, even though I accept that earthquake induced vibration is probably more likely to cause damage because of its lower frequency and longer duration, but that is not a matter over which there is any planning control.

97. The Appellants constructed a large new artificial bat cave close to the Ketton Quarries SSSI in 2000, and it now shows signs of adoption by four different species of bats. This is not intended as a replacement for the existing bat cave because it should not be affected. However, being constructed from the much harder high silica limestone and with its stainless steel grills at the entrance, it should provide a long term safe haven for bats, and is expected to become a regionally important site in its own right within the next few decades.

98. Bats are only likely to use the roosting and hibernation sites if they can get there, and they mostly travel along linear features from place to place. The Appellant's and the Ketton Tree Group's surveys have identified linear flight paths from the Edithweston Quarry site to Rutland Water to the west, to the Chater Valley and Luffenham area to the south and to Ketton Village to the southeast. The proposal would not affect the route to Rutland Water, but would intercept the other two routes.

99. In order to maintain these flight paths, the proposal is to create a new link from the orchard adjoining Edithweston Quarry though to the Ketton Quarries SSSI before the hedgerow leading towards Wytchley House is removed. Similarly, a new link would be formed slightly to the east of this existing hedge before the southern part of Ketton Gorse and Long Covert were removed. These new links would be created by newly planted hedgerows incorporating a substantial timber rail along the top to form an immediate linear feature for the bats to follow. They would also have planted 'bat islands' in the middle of the haul road

that would more or less halve the gap the bats would cross in the open. In order to avoid an abrupt vertical shift in the flypath, these hedges would run down a graded slope to the quarry floor. In addition, once re-aligned, the new section of Empingham Road would have roadside hedgerows and woodland planting that would in due course form further flypaths, that would be continued across the haul road bridge by the linear feature of the handrails.

100. It seems to me that the proposed scheme must have some effect on the flypaths of the bats in the area, during the quarrying operations. However, the proposed mitigation measures appear to do about all that could be done to minimise the disturbance and, once restoration was complete in something like 25 to 30 years time conditions for bats should be at least as good as they are now. I therefore consider the harmful effect on bats to be quite limited.

101. Given the likely effect on bats, a licence would be required from DEFRA, but they would seek advice from English Nature (who were the licensing organisation until quite recently). English Nature have indicated that their advise to DEFRA would be that the proposed actions would not be detrimental to the maintenance of the population of the species of bats recorded at the site at a favourable conservation status in their natural range. They conclude that there is therefore a reasonable prospect of a licence being granted and I see no reason to disagree with the national organisation charged with such considerations.

Badgers

102. There are badgers in the area of the proposed extension and they are a protected species. But, the MPA accept that the proposals would be unlikely to result in significant adverse impact in terms of badger conservation, though there would be some territorial disputes as the historic territorial areas and boundaries are lost, and new ones become established. In order to retain a connection between the north and south of the area, the Appellants propose to construct a badger tunnel under the re-aligned Empingham Road, and this seems an eminently sensible proposal. In the long term, the MPA accept that the more extensive areas of uncropped land would probably be of benefit to badgers.

Birds

103. Breeding bird surveys have been carried out, and they recorded a cumulative total of 60 bird species in the area. Of those considered likely to be breeding, a number are listed in the Leicestershire and Rutland Red Data Book and the skylark, song thrush, tree sparrow, linnet and bullfinch are on the national 'red list' of bird species of conservation concern drawn up by the conservation agencies.

104. The loss of part of Ketton Gorse and the extremities of Wytchley Warren Spinney would result in an overall reduction in the numbers of woodland breeding birds in the short term, though suitably located and designed nesting boxes may increase the natural capacity of the remaining woodland. In any case, the replacement planting would very soon provide new habitats for such birds as the willow warbler, blackbirds, robin, wren and blue tit, with other species benefiting as the woodland matured. In accordance with the requirements of the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act, woodland clearance would be carried out during the autumn months to avoid the breeding season. Furthermore, rides would be cut at an early stage where the existing woodlands are to be removed in order to allow replacement woodland edges to form before the main woodland is removed. This would help to ensure the retention of the woodland edge habitats.

105. With the partial removal of their habitats there would be short term losses in the number of hedgerow and farmland species, such as yellowhammer, whitethroat and skylark, but the creation of new hedgerows, grassland and farmland would in due course be of benefit to these species.

106. Bearing in mind that no Schedule 1 species, that are afforded special protection under the Countryside and Rights of Way Act, have been recorded and the longer term benefits, together with the planned mitigation measures, I consider the effect on the bird population in the area to be minimal.

Brown Hare and Other Mammals

107. Brown hares are present in the area and some of their farmland habitat would be lost as the mineral workings progressed. However, they already frequent the restored parts of the existing quarry and could be expected to colonise the restored extension in the future. Taking into account the phased nature of the workings, I do not see that there should be any major impact on the brown hare population. The same goes for the populations of fox, muntjac, roe deer, rabbit, mole, hedgehog, grey squirrel, brown rat, stoat, weasel, short-tailed field vole, wood mouse and bank vole that have been observed in the area.

Amphibians and Reptiles

108. Surveys have been carried out of all four ponds within the proposed site and the four more nearby. Frog/tadpoles were recorded in two of the eight ponds and smooth newts in six. Despite the MPA's concerns that some great crested newts, which have special protection under the Wildlife and Countryside Act, might be present, I think that very unlikely because of the considerable distance from any recently recorded sightings.

109. Two of the ponds that would be lost support relatively small populations of smooth newts. However, the highest populations are in ponds B and D which are close to the edge of the western end of the site by Wytchley Warren Spinney, where they may be at risk of drying out. Nevertheless, the proposed restoration scheme includes the formation of a number of new dew ponds in locations that shading, poaching and agricultural runnoff would not be of concern. They would have a range of edge profiles, water depths and degrees of permanency, and would be left to colonise naturally. Piles of limestone blocks and logs would also be placed at suitable locations to provide hibernation opportunities for amphibians. I therefore consider the proposed long term measures would outweigh the short term harm to amphibian habitats.

110. Although adders have been reported in the nearby Ketton Quarries SSSI, no reptiles have been reported, or were recorded during the surveys within the study area itself.

Invertebrates

111. Detailed invertebrate surveys of the area have been carried out, and 631 invertebrate species were recorded, of which 33 are nationally scarce, one being a National Red Book species, three beetles are listed in the Leicestershire Red Book and 20 (mostly beetles) are locally rare. Of the 78 key species identified, the best represented ecological group were saproxylics species of which there were 35. These are associated with dead wood, and such habitats. They are of significance at county level and the most important areas were the orchard next to Edithweston Quarry and Wytchley Warren Spinney, but still with significant interest present in Ketton Gorse, the mosaic of grassland and woodland near

Wytchley Cottages and in the hedgerows. The most important areas for this ecological group would therefore be retained, and it is proposed to transfer dead wood from the areas to be cleared to new locations in order to enhance the available habitat.

112. The UK Red Data Book cranefly *Limonia masoni* was found along the western boundary of Long Covert. This is a Category 3 species considered to have a small population that is not at present endangered or vulnerable, but is at risk. I accept that the formation of a ride cutting off Long Covert some years before it is felled may provide a replacement woodland edge habitat for this species, though that is far from certain.

113. There is only one area of roadside verge, between Ketton Gorse and Wytchley Warren Farm, where any key species occur and that can be explained by the presence of suitable host plants, most notably meadow cane's-bill which supports the leaf beetle *Aphthona nigriceps*, the rarest recorded species. It is proposed to translocate this section of verge, and that may preserve the majority of the invertebrate population.

114. Taking into account not only the preservation of the best sites, but also that the newly worked land can also provide a habitat for certain invertebrates, I do not consider there would be any great harm to the invertebrate population of the area.

Overall Ecological Assessment

115. Taking into account the overall proposals, the Ecology Group of Leicestershire County Council particularly supports the creation of a very substantial area of calcareous grassland. The Woodland Trust also supported the proposals for similar reasons, and the Forestry Commission did not object to the proposals. Neither did the Leicestershire and Rutland Bat Group, though the Ketton Tree Group were particularly concerned about bats.

116. National policy, set out in PPG9, and the local policies of the Structure and Local Plans seek to conserve wildlife interests. Most of the particularly important areas for wildlife are excluded from the proposed working area, and it seems to me that significant mitigation measures are proposed. I therefore conclude that only quite limited harm to ecological interests would remain and that should be balanced against other material planning considerations. This view is supported by the position of English Nature, the government body responsible for overseeing the conservation of wildlife and natural features throughout England.

Noise

117. PPG24 deals with noise as a planning issue, but MPG11 is specific to 'the control of noise at surface mineral workings' and is agreed by the main parties as the primary advice on the subject for this appeal. In MPG11, paragraph 25 explains that MPAs are expected to set noise limits for mineral working permissions and that the guidance gives a recommended procedure for determining their value. Paragraph 31 confirms that absolute limits should be set, but indicates that the figure of 55 $dBL_{Aeq,1h}$, stated in paragraph 34, for the normal daytime limit at noise-sensitive properties should not become the norm. Paragraph 31 goes on to say that operators should take any reasonable steps they can to achieve quieter working, where this is desirable and technically feasible, and having regard to the principle of BATNEEC. This paragraph also concludes by saying that account should be taken of the particular circumstances.

118. Paragraph 37 of MPG11 specifically says that a lower daytime limit might be appropriate in quieter rural areas if 55 $dBL_{Aeq,1h}$ would exceed the existing background noise level by more than 10dB(A). The following paragraph goes further and says that in exceptionally quiet rural areas where the daytime background noise level is below 35dB(A), the minimum noise limit on a mineral operator should be 45 $dBL_{Aeq,1h}$. The significance of the 10dB(A) figure is that BS4142 explains that complaints are likely if new development would lead to noise levels 10dB(A) above the background level ($L_{A90,T}$), but that 5 dB is of marginal significance. These considerations relate to normal mineral working operations and paragraphs 42 and 61 indicate that for such temporary processes as the construction of baffle mounds, noise limits up to 70 $dBL_{Aeq,1h}$(free field) for periods of up to about eight weeks may be appropriate.

119. The consultation draft of a revised MPG11 seeks comments on the use of the background noise level, plus some set or variable figure. This is only a draft, but it seems to follow much the same approach as the present MPG; that operators should seek to achieve quieter working wherever that is desirable and technically feasible.

120. I note the considerable number of sites referred to by the Appellants that have noise limits of 55$dBL_{Aeq,1h}$ or above, and which are higher than the background noise plus 10 dB(A), without apparently generating undue levels of complaint. I also note the Council's list of the noise limits applicable at a number of sites in Leicestershire and Rutland. Although many have daytime noise limits of 55dBL_{Aeq} some, such as Breedon and Shawell, have fixed limits based on the background plus 10 dB(A), and others have a condition of 55$dBL_{Aeq,1h}$, or the background plus 10dB(A), whichever is the lower.

121. In establishing the noise limits that should apply in this case, I have taken into account national policy, local practice and the very quiet rural nature of the area, together with the considerable number of years over which the noise limit would apply. I consider 55$dBL_{Aeq,1h}$ to be the maximum noise limit that should realistically be considered, but that the 10dB(A) over background noise levels, with a minimum of 45$dBL_{Aeq,1h}$, should be sought wherever that is both desirable and technically feasible. In practice, noise limits are likely to be set only at noise sensitive properties. Therefore the primary aim should be to achieve the background plus 10dB(A) condition; only going on to consider a higher figure if there are substantial difficulties in achieving the lower one.

122. The appropriate noise sensitive properties have been agreed between the main parties as Woodside Farm, New Wood Lodge, Wytchley Warren Farmhouse, Wytchley House, Ketton Village (close to the cemetry), Bluebottle Cottage, 23 Park Road, 34 Wytchley Road and 15 Wheatlands Road. In all cases, except Bluebottle Cottage, Wytchley Warren Farmhouse and Wytchley House, the Appellants propose to operate within the background plus 10dB(A) value.

123. The Appellants say that Bluebottle Cottage would be unoccupied at the time that working was taking place in the area and, on that basis, I am content to disregard that property from any further noise considerations.

124. At Wytchley Warren Farm, the monitoring associated with the noise conditions for the IDO permission gave a long term background noise level of 37.8dB(L_{A90}), though this reduced to 36.9dB with the addition of subsequent data. Whilst this is a working farm, where significant noise and activity may well occur, it is set in a quiet rural location where the background, plus 10dB value would be in the order of 47 or 48dB. That would therefore be

the kind of noise level that should be ideally be applied. The current IDO condition is 47.8 dB(A).

125. At 48dB(A) a sizeable additional area of land would be sterilised around the farm, extending to the corner of Wytchley Warren Spinney, therefore completely cutting off access to Areas 3 and 4 to the west. This would result in a major loss of mineral. However, the Appellants are confident that a limit of 50dBA at Wytchley Warren Farm could be achieved during daytime extractive operations at all normal times, except when working in the close vicinity to the farm. Bearing in mind the comment in paragraph 30 of MPG11 that a difference of 5dB is of marginal significance, I accept 50dBA as the general noise limit.

126. As proposed, limestone extraction would approach to within 110m of the farm, and 80m for clay. But, at these distances, the noise level would rise to 55 $dBL_{Aeq,1h}$, even with the proposed noise bunds, special screening for the new quieter drill rig and the use of a smaller excavator and smaller dump trucks. Furthermore, limestone working would also have to be at least 300m away during clay working, with clay working the same distance away during limestone working. Even with these measures, the noise would be above 50dB(A) for a total of some 1,400 to 1,600 hours during the life of the project.

127. If the noise limit were simply set at 50dB(A), with no short-term relaxation, that would increase the stand-off distance to about 200m, more or less reaching the corner of the present Thorn Covert. When that woodland was removed, it would leave only a very narrow space through which the workings would have to pass to reach Areas 3 and 4 at the western end of the site. It seems to me that such a narrow gap, excavated down to the quarry floor would completely change the visual impact of the proposals in this area; and not for the better. As with the 48dB(A) limit, Areas 3 and 4 could remain unworked, or the noise limit could be relaxed up to 55dB(A) for up to a total of 1,600 hours. Bearing in mind that 55dB(A) is acknowledged as a generally tolerable noise level in paragraph 34 of MPG11, it is possible that other planning considerations, such as the need for the mineral, could outweigh the adverse effect of these noise limits at this property.

128. At Wytchley House similar considerations apply. The IDO monitoring gives a background noise level of 40.8dB(L_{A90}), but the addition of further data is said to reduce that to 36.7dB(A). The IDO Condition has a noise limit of 50.8dB(A), but with the proposed extension, noise would also occur from the haul road for perhaps some 15 years. Clay and limestone extraction would come up to 80m and 110m from the property respectively, and similar sound reducing measures would be employed to those outlined for Wytchley Warren Farm. This would again limit the maximum noise level to 50$dBL_{Aeq,1h}$, except, in this case, for a period of between 900 and 1,200 hours. If one fixed value of 50dB(A) were set that would involve a stand-off of some 200m and the loss of much of the gap to the edge of the retained portion of Ketton Gorse. I will consider whether the balance lies in favour of the Appellant's proposed two-value condition when I come to balance the conflicting considerations later on (paragraph 152).

129. All the above assessment is related to the normal extractive operations, and not to the short-term noise levels associated with the formation of noise bunds and the like. I see no reason why the 70$dBAL_{Aeq\ 1h}$ recommended in paragraph 61 for a maximum of 8 weeks a year should not apply for that kind of work.

Dust

130. Topsoil and overburden removal would occur throughout the year and, in dry periods, and these operations have the potential for significant dust emissions. Clay extraction would produce only limited quantities, but limestone extraction may produce more, particularly during blasting and loading into vehicles. As observed by a number of local residents, the predominant source of dust is however seen to be from the haulage of materials over unpaved roads in dry conditions, and this is usual controlled by watering the surface. The Appellants aim to dampen the haul road between once and twice an hour during dry conditions using $1l/m^2$ of water to do so. They consider this would achieve about 95% dust control efficiency.

131. But, only 80% efficiency was assumed in the application of the US EPA Industrial Source Complex Short Term (ISC3) dust dispersion model, which considered three typical working scenarios. The model took into account such matters as soil, overburden, clay and limestone handling, haulage within the working area and on the haul road, together with wind erosion. It also considered the prevailing wind conditions.

132. Dust is primarily of interest at occupied properties; the most sensitive being those closest to the haul road. The most critical is Wytchley Warren Farm where in Scenario 2, with quarrying in Area 2, soil stripping in Area 3 and unloading soil and clay in Area 1, it is predicted that $122mg/m^2/day$ would be deposited. With the addition of the average background deposition rate of $37mg/m^2/day$ for the area, this would give a total deposition of $159mg/m^2/day$, which is still less than the $200mg/m^2/day$ that is commonly taken as an acceptable deposition rate in the UK. However, as noted above, this figure is based on only 80% efficiency from the haul road watering process, not the 95% claimed by the Appellants. Because most of the emissions are from the haul road, with the higher control efficiency, they estimate that the $122mg/m^2/day$ could be reduced to only about $31mg/m^2/day$ (with a 50m stand-off), thereby drastically reducing the total.

133. In order to achieve the lower dust levels, it is essential to effectively dampen the haul road, which would be up to 2.7km long. The Appellants propose to continue with their present practice of using an Aveling Barford 150 water bowser carrying 50 tonnes of water. This 50,000l of water would almost equate to the planned $1l/m^2$ of water to the whole effective haul road surface, which could therefore be treated in one pass taking about 30 minutes for a round trip, including refilling. I am therefore satisfied that effective mobile watering could be achieved, although I note that fixed spays may be provided in certain more sensitive locations, such as close to Wytchley House. Accordingly, I do not consider that hard surfacing of the haul road would be required in order to achieve adequate dust control, though no doubt the Appellants would assess the benefits in terms of reduced day to day operations in the future. These assessments have also been carried out assuming normal operating speeds for the vehicles and therefore there is no justification for any further speed restrictions.

134. Apart from the individual properties close to the site, various local residents considered that dust was already a problem in Ketton Village, and could be made worse. The present quarrying activities must produce some dust in the village. But, it seems that the cement plant is much more prone to the occasional fault that causes dust emissions and, in my view, that is probably the main cause of such complaints from the central area of the village. In this connection, I note that the Appellants operate a car cleaning service on such occasions.

The proposed extension would mostly be further away from the village than the present quarry and would therefore be less likely to be troublesome in terms of dust. The nearest dwellings would be those just south of the cemetery, more or less in line with the prevailing wind, but even so at 380m minimum, they would be considerably further away than Wytchley Warren Farm or Wytchley House, where I consider dust deposition rates could be adequately controlled.

135. All the above relates to dust in general, defined as solid particles up to 30μg, but the smaller PM_{10} particles, of less than 10μg, are considered most potentially harmful to human health. These particles have also been estimated as part of the dispersion modelling exercise. Again Wytchley Warren Farm would have the highest concentration at 11.9μg/m^3 though that would be reduced to about 3μg/m^3 if the dust suppression process achieved the claimed 95% rate. This is really quite a low value in comparison to the background concentration of 22μg/m^3 and the National Air Quality Strategy target of 40μg/m^3 for the annual mean, or 50μg/m^3 for the 90th percentile to be achieved by the end of 2004. Like the MPA, I do not therefore consider there need be any unacceptable PM_{10} or other dust emissions from the proposed scheme, providing good dust suppression practice is employed.

Highway Safety

136. All material extracted from the proposed extension would be conveyed to the cement works via an internal haul road, and this proposal would have no effect on the output from the cement works. There would therefore be no effect on highway safety from the amount of traffic coming to and leaving the site.

137. The Ketton Conservation Trust survey confirmed that Empingham Road is relatively lightly trafficked. Some local residents were however concerned about the safety of the proposed re-alignment of Empingham Road, especially at the western end, where it would join the existing road at a 'T' Junction. Large agricultural vehicles travelling from Ketton in the direction of Edith Weston would have to turn left, executing more than a right angle, and then right at the next junction with a particularly acute angle. Although the Highway Authority has raised concerns about the possibility of overrunning these corners, the Appellants demonstrated through modelling that agricultural vehicles would be able to negotiate them. In any case, the Highway Authority has recommended approval of the scheme subject to the Section 106 Agreement, which has been completed, and to certain other conditions which mention possible improvements to these corners. Bearing in mind that agricultural vehicles could negotiate these junctions, it seems to me that the proposals are acceptable in highway terms, even though some further junction improvements might be desirable.

138. Despite the suggestion in the Environmental Statement that there might have to be some temporary closure of Empingham Road during the re-alignment works, I see no reason why that should be necessary. I also see no reason why the necessary safe blasting distances could not be achieved.

139. The Appellants envisaged that once Empingham Road was diverted over the new haul road, there was the prospect that people might stop and look over the bridge parapet at the quarry workings and the site traffic passing below on the haul road. I am sure that drivers and their passengers would be curious about what was going on, but with open views for a considerable period from the length of road on the new embankment, I do not envisage

many would wish to stop at the bridge. The proposed lay-by is more likely to be used if anyone does wish to stop. Accordingly, I see no reason to consider the scheme would adversely affect highway safety in the area, or in any other way be contrary to Transport Policy 4, Policy 3 or Policy HT3 of the Structure, Minerals and District Local Plans respectively.

140. As noted before, the closure of the old road and the diversion of the footpaths would be the subject of other procedures, but it seems to me that the current proposals would at least maintain the public rights of way in the area. That would accord with the general aims of Leisure Policy 6 and Policy 3 of the Structure and Minerals Local Plans respectively.

Need

141. MPG10 was published in 1991 and it gives national guidance on the provision of raw materials for the cement industry. In Annex B, it shows a forecast of rising demand for cement in Great Britain, but in practice the market demand has been reasonably constant at about 12 million tonnes per annum (mtpa) for the last 20 years or so. Additional peaks in demand tend to be met from imports. The demand for cement is largely related to the level of activity in the construction industry, which for the next few years is forecast to have a low growth level. If anything, this limited growth is likely to be taken up by an increase in cement replacements such as Ground Granulated Blast Furnace Slag (GGBFS) from steel making and Pulverised Fuel Ash (PFA) from coal fired power stations. This leaves a demand of about 12mtpa for grey cement.

142. Castle Cement's works at Ketton has a maximum output of some 1.3mt pa, and currently supplies about 10.6% of the UK demand. A considerable proportion of that demand is in the South East of the country, to which Ketton supplies considerable quantities, including about five 1,000 tonne train loads a week through its purpose built rail terminal at Kings Cross. Three manufacturers currently supply the South East market, and Lafarge have planning permission for a new plant at Medway, though they have yet to commit themselves to construction.

143. Although published over 10 years ago, MPG10 remains stated Government guidance. At paragraph 2 it states that the cement industry is of major importance to the national economy and that it is necessary to have an adequate supply of raw material in order to maintain production. The next paragraphs therefore exhort MPAs to make adequate provision for the supply of raw materials subject to the interests of conservation and the environment. Paragraphs 57 to 59 then advise that landbanks of at least 15 years permitted reserves should be maintained for each plant, and that sufficient land should be allocated in the development plan for this, and for future needs.

144. In this case, there is no allocation in the Minerals Local Plan, though that may not be too surprising in that the Ketton Works was shown to have 29.5 years limestone reserves at the time that MPG10 was published (based on January 1990 data). That situation has of course changed with the ongoing quarrying, and for other reasons.

145. Based on the 'old recipe' the Appellants claim those losses were as follows (to January 1999):-

Surrender of part of the Ketton Gorse SSSI	6.0 years
Discovery of a geological fault in the quarry	2.8 years
Creation of a bridleway to Shacklewell Hollow	0.7 years
Difference production v MPG assumption of 1.2mtpa	0.8 years
Nine years production to 1.1.99	9.0 years

Reserves remaining at 1. 1. 99 were therefore 29.5 – 19.3 = 10.2 years (NB this is based on the 'old recipe')

146. Recalculated on the basis of the new recipe, which utilises some PFA and some high silica limestone won from the bottom of the quarry, and also updated to 1 January 2002, the current limestone reserves amount to some 10.8 years. Even this figure relates to the beginning of the year, which is now part way through, so I will round the figure off to about 10 years of limestone reserves. The limestone reserves are the determining parameter because there is a surplus of clay on the site.

147. 10 years supply of the mineral is well short of the recommended minimum of 15 years and the MPA accept that this in itself is a strong argument in favour of granting some further permission. They do not however consider it justifies the full extension that would increase the permitted reserves by about 12.9 years to approximately 22.9 years. Both the MPA and a number of the third parties, would prefer to see a smaller extension with a further application in due course, once the Appellants had demonstrated their commitment to such matters as noise and dust control, and the satisfactory achievement of the proposed restoration scheme.

148. In contrast, the Appellants argued that it is likely to take about 2.5 years for consultation and the preparation of an application, a year before approval, and up to four further years to satisfy the planning conditions, stripping topsoil, subsoil and clay, before beginning the extraction of limestone. They therefore considered that a new application would therefore be required when the reserves fell to 21.5 years, if a minimum of 15 years supply is to be maintained at all times.

149. Whilst every case will be different, I am inclined to accept the Appellants' time scale for prior consultation and the preparation of an application for such a major scheme, which would inevitably require Environmental Impact Assessment. If anything, their additional one year for approval seems rather short. It took more than that to get the refusal on the appeal application, and it will have taken more like 2.7 years since submission before receipt of the appeal decision. I would not therefore be surprised to see mineral operators allowing up to say four years from the start of preparation to the anticipated date of approval. That however is the stage at which the reserve is permitted and counts towards the minimum of 15 years permitted reserves. There is therefore no justification in my mind for any further time allowance for development of the site prior to the winning of the mineral. I therefore conclude that, on this theoretical basis, a new application could reasonably be commenced when the permitted reserves fell to about 19 years supply (15

plus 4). In practice this would mean that there would always be a new application in preparation or being considered by the MPA and, in my view, that is unrealistic. A few years gap would seem much more desirable, and should help to satisfy the need for a long-term future for a plant when assessing any proposed capital investments. In this connection, I note also the much greater reserves currently available to the other UK plants and to the foreign cement plants referred to.

150. In this case, I have already established that there is currently about 10 years supply of permitted limestone reserves. So, to meet the minimum 15 years reserve with an adequate buffer before the need to prepare another application, it seems to me that additional reserves of say about 10 years would be very desirable.

151. As noted above, the application proposal would provide an additional approximately 12.9 years supply of limestone, but that would involve some periods with noise above the level that I would choose at both Wytchley Warren Farm and Wytchley House. If however a 50db(A) limit were applied at both properties, some 2mt of limestone would be lost, which amounts to about one year's supply. That is a considerable loss to set against somewhat higher noise values for between 1,400 and 1,600 hours at the Farm, and 900 to 1,200 hours at Wytchley House. It was also clear at the time that the farm was sold to the Appellants that the land was wanted for quarrying, and therefore the expectation at the time must have been there would be considerable noise and disturbance at some time in the future.

152. In the case of Wytchley House, I note that no agreement has been reached over the Appellants offer to purchase the property. The current owners are quite prepared for the noise and disturbance from the already permitted quarry that would come to within about 100m diagonally across the road from them. It seems to me that to allow noise levels of up to 55dB(A), a figure that current Government guidance considers tolerable, for this limited number of hours during the life of the quarry would not be unduly onerous in comparison to the quantity of mineral that would otherwise be lost.

153. Furthermore a 50dB(A) limit at these two properties would greatly harm the appearance of the proposed restoration scheme; a matter of long term significance to the landscape in the area.

154. On a similar topic, the western end of the quarry in particular would be restored with long lengths of cliffs which I consider to be out of character in this area where there are no naturally occurring limestone cliffs. In order to grade down these cliff faces, something approaching one year's supply of limestone would be lost, but I consider that to be an acceptable loss in order to achieve a much more suitable landscape for the long-term future. Such a reduction would leave some 11.9 years supply from the proposals, which equates quite well with the 10 years or more that I have indicated above to be desirable.

155. Whilst limestone is one of the fundamental minerals necessary for the production of cement, and without it the works would have to close, the Appellants made it clear that if this appeal were dismissed, they would expect to return with some alternative proposals. I will consider such matters in the next section below.

156. On the subject of need, I conclude that there is only about a 10 year supply of limestone in the currently permitted reserves, and that at least another 10 years supply is required. This seems to me to represent a considerable need for a scheme of the general magnitude that is

proposed; providing, as it would, about 11.9 years reserves if the western cliffs are appropriately graded.

Alternatives

157. The Appellants considered a range of possible alternatives to the planned extension. I agree with them that the importation of large quantities of either limestone or cement clinker to the site and then to send it out again in the form of cement is hardly likely to be a sustainable option, or indeed financially or environmentally viable.

158. The new recipe now allows them to use more of the high silica limestone from the lower strata in the quarry than they used to do. But, I accept that there would be no sense in going back to the previously worked areas to extract any more of this material because it is the supply of the other limestone that is critical. Even if there were an advantage to such an action, I would be reluctant to see areas that have been restored re-worked, and then have to be restored all over again.

159. Some third parties envisaged that more high silica material could be used in the recipe, thereby reducing the scale of the quarry required for any particular tonnage extracted. Like the Appellants, bearing in mind the quality requirements of the finished product, I can see little prospect of any major change in the recipe, even though minor amendments may be made, for instance due to the variations in the raw materials coming from a particular strata.

160. There has also been a progressive increase in the amount of PFA used in the recipe to replace some of the limestone, but this has nearly reached the optimal 25% or so. I agree with the Appellants, that there is no realistic chance of producing the required quality of Portland cement at much higher percentages. It therefore seems that the reports of about double that percentage being used elsewhere in Europe probably relate to the use of PFA as a replacement for the cement itself. I understand that in the rest of Europe the 'dilution' of cement in this way is carried out at the cement works to meet the customers requirements, rather than, as in the UK, by the contractor on site. This would explain the apparent anomaly in the percentages.

161. In the past, the working face has progressed outwards from the centre of the quarry towards the perimeter of the permitted reserves. With a continuation of that approach, the face will soon reach the realistic limit of working, if adequate support is to be maintained for the adjoining land. I do not therefore consider there to be any significant additional quantities of clay or limestone over and above those already allowed for within the permitted site.

162. Both the MPA, and several third parties, suggested that mineral working that was restricted only to the north of the existing Empingham Road might be appropriate. The Appellants prepared a sketch scheme on that basis and I see no reason why this limited scheme should cause any more environmental impact than the equivalent operations of the full scheme. It would however produce only about 3.7 years supply of limestone, which is clearly not in the same order as the 10 years or more that I have already concluded should be sought to provide a desirable volume of permitted reserves. If the extension were limited to just this area, a new application on some additional land would already be overdue to met the 15 year supply requirement.

163. In addition to owning the land for the proposed extension, the Appellants also own, or have the mineral rights to, other land surrounding the existing quarry. They point out that there is available mineral in the adjoining Ketton Quarries SSSI, but for environmental reasons would not expect permission to extract it. There is suitable mineral in the land to the east, beyond the Appellants' ownership, but only about one year's supply could be extracted because of the presence of a strategic fuel pipeline.

164. The land to the north-east is not controlled by the Appellants but, even if it were, it is heavily faulted and impracticable to work commercially, particularly with the presence of an important water main associated with Rutland Water.

165. The Appellants have the mineral rights to some land to the north-west, in which there is limestone, but a lack of clay. They suggest that clay would therefore have to be extracted from the fields close to the village for which there is already planning permission, but which under the present proposals would not be worked. That is of course one solution, but the proposed extension is expected to generate a surplus of clay and it could be that a combination of part of the current proposals and working in this north-west area would produce the necessary quantities of both minerals. Regardless of this, I would be most concerned about the landscape impact of such an extension in this north-westerly direction because it would break through the gentle ridgeline giving extensive views of the workings from the busy A606 Oakham to Stamford road. I would also be concerned about the possible effects on the Shacklewell Hollow SSSI.

166. Similarly, an extension to the south-east, beyond Empingham Road would be much more visible on the sloping hillside from the valley below.

167. The Appellants made no secret of the fact that, even if this Appeal is allowed, they would aim to seek further reserves in due course, with a view to continued cement production at Ketton. They envisaged that the proposed extension could provide access through to the former airfield to the west, under which they anticipated suitable mineral reserves. No such proposal is before me and it depends on appropriate access between the site and the cement works, which the Appellants say could be by haul road or conveyor. With that in mind, I think it very unlikely that this could be developed as a stand-alone quarry supplying the cement works from a remote site. Furthermore, it would bring development much closer to the village of Edith Weston, where the MPA is already concerned about the visual impact.

168. I conclude that none of the alternatives put before me would both meet the need for the minerals and at the same time be likely to have less environmental impact.

Sustainability

169. Although only a draft document, the Consultation Draft of a revised MPG6 states at paragraph 2.2 that achieving a balance between the legitimate need for development and environmental protection is at the hart of sustainable planning for the supply of aggregates. I see no reason why there should be any difference for cement-making minerals.

170. Paragraph 3 of MPG10 explains that Government policy is to meet the national demand for Portland cement (grey cement) from domestic production, without imports. As already established, the current demand is in the order of 12mtpa, with a forecast of a similar demand for some years to come. Some of the calcium carbonate traditionally obtained from chalk or limestone can be replaced by pulverised fuel ash (PFA), a waste derived from coal

fired power stations. But, as explained above, there is a limit to the extent of that substitution, and the rest of the raw materials still have to be obtained from quarrying.

171. Demand for cement largely reflects the level of construction activity, and much of the UK demand is in the South East where that activity is highest. The cement for the South East market generally comes from Ketton, or RMC's two works at Rugby and Barrington, together with some imports. Lafarge have planning permission for a new cement works at Medway, that would be well placed to meet the demand in the South East, but they have yet to decide whether to implement that permission. In any case, Ketton is the only one of these plants using limestone as its calcium carbonate source. The others use chalk, which has a higher water content and therefore requires a greater energy input to raise the temperature in the kiln. Ketton is also the only one with an established rail depot in London, to which it sends about five 1,000 tonne train loads a week.

172. At Ketton the PFA is delivered by road vehicles but more or less the maximum proportion is added to the mix of raw materials fed into the kilns. The kilns are fired by coal and coke that are partly delivered to the site by rail, but this energy source is supplemented by waste solvents, waste plastic and old vehicle tyres.

173. Apart from the bulk rail deliveries to the London area, the remainder of the plant's output is delivered by road to the customers' sites. Clearly the greater the proportion that can be transferred to the more sustainable rail form of transport the better, but I accept that it is unlikely to be practicable to supply many small sites directly in any other way than by road.

174. The Ketton Works uses the modern dry process for cement manufacture, and it appears to operate according the current best practice required by the pollution control regime overseen by the Environment Agency. Taking this and the foregoing into account, I see no reason to criticise the Appeal Proposals on the basis of sustainability.

Other Material Considerations

175. The Environmental Statement reports on a desk study into the archaeology of the area and a field walking exercise. Some inconclusive crop marks occur within the study area, but there is no further evidence of the former hamlet of Newbottle, which is thought to be somewhere in the vicinity. The Leicestershire County Council Museums, Arts and Records Department are satisfied that any prospective archaeological interest on the site can be adequately safeguarded by the attachment of a condition requiring a written scheme of investigation before work is carried out on the site.

176. The Environmental Statement gives a full assessment of the likely hydrological and hydrogeological implications of the proposed scheme and concludes that it would cause no material harm, to the surface water or groundwater regimes in the area; a conclusion supported by the Environment Agency. This conclusion assumes careful control of any dewatering operations and that some water from the extension area would be transferred to the Shacklewell Hollow SSSI wetland. Furthermore, an alternative water supply would be required to Wytchley Warren Farm and the properties it supplies.

177. Although criticised by some people for its actual membership, Castle Cement runs a liaison committee with the local residents and publishes its Open Door publication from time to time. It hosts visits from many organisations and it also has a policy of supporting local charities and organisations through cash donations or practical assistance; one example of

the latter being the provision of plant for work on the geological trail in the Ketton Quarries SSSI.

178. Castle Cement has some 373 permanent full time employees based at Ketton Works and many more jobs are indirectly dependent upon the contribution the works makes to the local economy. There is a total expenditure on production and distribution at the works in excess of £40m pa, though not all that money finds its way directly into the local economy. With a 2.5 multiplier, as used in a Scottish Tourist study, the Appellants envisage their presence contributes some £48m to the local economy. Whatever the actual figure, the Company must be considered a large employer for this generally rural area. Of course the works is dependent upon an adequate supply of raw materials for cement production, but the Appellants envisaged that with the stated support of the MPA some further mineral resources would be forthcoming even if this Appeal Proposal was considered unacceptable. On that basis, they did not anticipate the loss of these jobs or the financial contribution to the local economy.

179. Some local residents expressed concerns that the proposed extension would harm the tourist industry in the area. Rutland Water is the main tourist attraction in the immediate vicinity and I am satisfied that the proposed extension would not be visible from this reservoir or its immediately surrounding land. Furthermore, bearing in mind the distance to the sturucture, I am satisfied that the proposed extension would have no effect upon the Rutland Water dam. As already discussed, there would be very limited direct views of the extension itself and certainly none from a main road such as the A606 to the north. If anything it is the tall cement kilns that can be seen from quite some distance, but there is no evidence to show that they have put off tourists and I conclude that the proposed extension should have no material effect on tourism.

Cumulative Impact

180. The MPA's reasons for refusal referred to the cumulative adverse environmental impact of the proposal by virtue of its effects on the landscape, visual impact, noise and ecological habitats, and it was said at the Inquiry that this was contrary to the Minerals Local Plan Policy 3(j). Paragraph 2.14 of the explanatory text in this policy refers back to the advice in MPG3 on opencast coal mining. In the current version of MPG3, that is to be found at paragraph 18, and it alludes to areas that have been subjected to successive opencast developments over a number of years. Although this advice is related to coal working, I see no reason why it should not also apply to other mineral extraction schemes. Certainly the Grange Top Quarry has been in operation for a long time and the proposed extension would extend the life of quarry as a whole, even though some areas would be restored during the longer period. To that extent, there would be an increased cumulative impact on the surrounding area.

181. However, my understanding of the MPA's position was not so much related to the continued existence of the quarry, which they did not oppose, but more that the summation of the individual environmental impacts was unacceptable, even if individually they might be considered acceptable. Reading Policy 3(j) and its supporting text, I am not convinced that this is the way in which it should be interpreted. I consider it is intended to cover the cumulative impact of adding another site in a particular area.

182. Be that as it may, in determining any planning application, all proposals should be assessed against the policies of the Development Plan and any further material considerations should then be taken into account in reaching the final decision. I will proceed to do that in the next section and, in so doing, will encompass the MPA's cumulative impact approach.

Overall Assessment of the Scheme

183. There would undoubtedly be considerable harm to the landscape of the Cottesmore Plateau during the progress of the scheme and some residual harm even after restoration, however the magnitude of that harm could be significantly reduced by appropriately grading down the proposed cliffs at the western end of the development. This could be achieved through the use of a planning condition requiring the approval of an appropriate scheme.

184. In the main, the above effects on the landscape would not be very visible because of the limited public views into the site. Exceptions to this general rule are of course the travellers along Empingham Road and the occupiers of Wythcley Warren Farm and Wythcley House in particular, and some more distant properties to a lesser extent. Even so, screening bunds and planting are proposed and, to my mind, they would greatly mitigate the visual impact.

185. The proposals would not affect the curtilage of Wytchley Warren Farmhouse, though they would affect the wider agricultural setting of this Grade II Listed building. However, after restoration to a new and interesting agricultural landscape, I consider the effect would be quite limited.

186. There is no objection from DEFRA to the loss of some best and most versatile agricultural land and I see no reason why those areas designated should not be satisfactorily restored to agriculture. There would be a loss of mature woodland, but in years to come there would be more woodland cover on the site, as sought by the Development Plan policies. The same goes for hedgerows. There would also be a considerable increase in calcareous grassland, a particularly scarce and valuable resource in the area.

187. The rare bat hibernaculum should be adequately preserved and the bats should still be able to access it and their feeding and roosting areas. Badgers, brown hare and other mammals would not be unduly affected and nor would any birds. The future measures would outweigh the short-term harm to the existing habitats for amphibians, and adequate measures can be conditioned to protect the habitat for invertebrates. On ecology as a whole, like English Nature, I therefore conclude that the proposed measures outweigh the harm that would arise.

188. Even though the advice in MPG11 is that 55dB$L_{Aeq,1h}$ is generally considered to be a tolerable noise level for mineral extraction operations, in this quiet rural area, I consider the aim should be to achieve about 50dB$L_{Aeq,1h}$. That can be met at all occupied residential properties except Wytchley Warren Farm and Wytchley House where values of up to 55dB$L_{Aeq,1h}$ could be limited to between 1,400 and 1,600 hours and 900 to 1,200 hours respectively. Bearing in mind the length of time involved, and that this would fall within the stated normally tolerable level, together with the effect the lower noise limit would have on the quantity of mineral extracted and the resultant land form, I consider this to be acceptable.

189. I am satisfied that with proper dampening of the haul road during dry weather conditions, the extent of dust deposition should remain within acceptable limits; a conclusion not challenged by the MPA. Nor did they argue that there would be any material effect on highway safety, with which I agree.

190. The Government is committed to supplying the domestic demand for cement from UK sources and considers that 15 years is the minimum of permitted mineral reserves necessary for a cement plant. The current permitted reserves at Ketton amount to about 10 years supply and at least the same again would be desirable in order to provide some breathing space before the next application must be prepared. I therefore conclude that there is a considerable need for a scheme of that magnitude, and the Appeal Proposals, as I envisage varying them, would produce some 11.9 years reserves; about the right size.

191. On the basis of the information available to me, I do not consider that any of the alternatives put before me would meet the requirement for the quantity of minerals and have any less environmental impact.

192. I see no reason to criticise the scheme on the grounds of sustainability, and I find no other material planning considerations of great weight.

193. In summary therefore, there would be some harmful visual effects on the landscape and the setting of a listed building together with short-term harm to ecological interests all of which would be contrary to the Development Plan policies. But, in the longer term, there would be offsetting benefits that would significantly reduce the harm. The noise level at two occupied properties would be higher than might be desirable and, to that extent, would conflict with the relevant policies, but dust deposition should not. On the other hand there is a strong need for the minerals which can of course only be obtained where they exist. I find these to clearly outweigh the quite limited harmful environmental effects, especially when the terms of the Section 106 Agreement and the appropriate planning conditions are taken into account.

Conditions

194. In addition to the normal commencement condition, I consider planning conditions are required in order to properly define the scope of the permission and its completion date. My consideration of the appeal has been based on the proposed working and phasing of the scheme, which should therefore be conditioned, as should the depth of working to avoid any undue interference with the water table. No allowance has been made for increased traffic generation and therefore no material should be taken off site, other than in the form of cement and freestone, and the stockpiling of materials should also be covered to avoid undue visual impact. The working scheme should tie working in new areas to the restoration of others as proposed at the Inquiry, and similarly, the advance bund construction must be carried out at the right times. Bearing in mind the sensitivity of the site, the permitted development rights for fixed plant and machinery should be withdrawn, and the hours of working controlled. Highway access to the site should be via the present access and not by any other public roads. Adequate facilities to prevent mud being carried onto the highway are also required for road safety purposes.

195. In addition, conditions are required to control dust emissions and the prevention of undue disturbance form illumination during hours of darkness. Blasting must also be covered and I have set out above in my main reasons the blasting considerations associated with the Edithweston bat cave. The water resources of the area should be protected in terms of preventing flooding and pollution. Although the Appellants sought to deal with the necessary archaeological investigations on a piecemeal basis, I consider the Leicestershire Archaeologist is correct and that the standard archaeological condition is required.

196. In my consideration of noise at Wytchley Warren Farm and Wytchley House, I have concluded that for so many hours it would be acceptable to go up to 55dB(A). In practice a condition drafted on that basis could require almost continuous monitoring. A more practical approach would be to permit the higher level within a 200m radius, above which the general 50 dB(A) could not be achieved. I will therefore adopt this approach in the conditions.

197. Furthermore, an important element of the scheme relates to the retention and, in future, the enhancement of woodlands, trees and hedges and provisions to sustain the ecology of the area, all of which require planning conditions. The detailed restoration of the site must be covered, including provision for restoration in the event of cessation of working. Having restored the site, it must be the subject of an aftercare scheme for 5 years with annual monitoring. The Section 106 agreement will further extend the aftercare beyond the duration that can be the subject of planning conditions

Conclusions

198. For the reasons given above, and having regard to all other matters raised, including the representations from a number of Parish Councils, Trusts, interest groups and individuals, I conclude that the appeal should be allowed.

Formal Decision

199. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for an 85.5 ha extension to Grange Top Quarry to secure additional mineral reserves, and the relocation of Empingham Road in accordance with the terms of the application Ref.FUL/2000/0192/9/CC dated 29 February 2000, and the plans submitted therewith, subject certain revisions and to the following conditions:

Commencement

1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision, and written notification of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

General

2) The permission relates to the extension of extractive and associated quarrying operations at Grange Top Quarry, Ketton within the land shown edged red on Drawing No. 832.43 submitted with the planning application.

Duration

3) The permission hereby granted shall expire on 31st December 2026 by which date all quarrying operations shall have ceased, unless otherwise approved in writing by the Mineral Planning Authority.

Display of Conditions

4) A copy of the planning application and this permission with relevant plans shall be lodged with the quarry manager and shall be available at all times for reference by appropriate staff.

Working and Phasing Details

5) Unless otherwise agreed in writing by the Mineral Planning Authority or required by the conditions attached to this permission, the working, restoration and aftercare of the site shall be carried out in accordance with the Application No. 2000/0192/9 dated 29th February 2000 and the approved plans set out in Schedule 1.

6) The extraction of limestone and clay shall be limited to the areas shown on Drawings 832.61A (HM1) and 832.69 (HM3), unless otherwise agreed in writing by the Mineral Planning Authority.

7) No extraction shall take place below a depth of 55 metres above Ordnance datum.

8) No excavated mineral shall be exported from the site for use other than in the production of cement at the adjacent works, with the exception of limestone building stone ('freestone'), incidental quantities of 'hardstone', and overburden and clay for use in the restoration of previously worked out parts of Grange Top Quarry.

9) No stockpiling of minerals, mineral products, mineral waste or other materials shall take place within the site without the prior approval of the Mineral Planning Authority, other than in fields 7 and 9 and in Area C2 shown on drawing 832.61A (HM1).

10) Unless otherwise agreed by the Mineral Planning Authority working and restoration shall be carried out sequentially as indicated on Drawing 832.61A (HM1) and the Bar Chart of Working Order 832.62A (HM2).

11) Unless otherwise agreed by the Mineral Planning Authority, no subsoil removal (other than as may be necessary for the construction of screening bunds) shall commence in:-

i. Area 1 until all Phase 1 planting, preliminary landscaping and screening works shown on Drawing no 832.68 have been carried out.

ii. Area C6 (field 11) of the consented quarry until Area C2 within the existing quarry has been restored in accordance with the restoration scheme, and all Phase 2 planting, preliminary landscaping, and screening works shown on drawing 832.68 have been carried out.

iii. Area 2 until half of Area C3 within the existing quarry has been restored in accordance with the restoration scheme.

iv. Area 3 until Area 1 and the remainder of Area C3 have been restored in accordance with the restoration scheme.

v. Area 4 until land north of the haul road within Areas 1 and 2 have been restored in accordance with the restoration scheme.

vi. Area 5 until the wooded slopes in the centre of Area 2, as shown on 832.69 (HM3), have been restored in accordance with the restoration scheme.

vii. Area 6 until Area 4 has been reinstated (excluding planting) in accordance with the restoration scheme.

12) Unless otherwise agreed by the Mineral Planning Authority, limestone extraction shall not commence in:-

i. Area 1 until 75% of Area C2 within the existing quarry has been restored in accordance with the restoration scheme.

ii. Area C6 (Field 11) until 50% of Area C3 within the existing quarry has been reinstated (excluding planting) in accordance with the restoration scheme and all Phase 3 planting, preliminary landscaping, and screening works shown on drawing 832.68 have been carried out.

iii. Area 2 until the diversion of Empingham Road has been completed and the new road bank has been reinstated (excluded planting) in accordance with the restoration scheme.

iv. Area 3 until Area 1 and Area C6 have been restored in accordance with the restoration scheme.

v. Area 4 until the surroundings of Wytchley Warren Farm have been restored in accordance with the restoration scheme.

vi. Area 5 until Area 3 has been restored in accordance with the restoration scheme.

vii. Area 6 until Area 4 has been restored in accordance with the restoration scheme.

13) No clay extraction shall commence until a detailed scheme for the storage of mixed and silica clay within the existing quarry has been submitted to and approved in writing by the Mineral Planning Authority.

14) Prior to the commencement of clay extraction (i) in Area 1 (other than as may be necessary to provide material for the construction of the bund itself), a bund shall be constructed to screen dwellings in Ketton from site operations in the location shown on drawing 832.35A (5.21A); (ii) in Area 2, a bund shall be constructed to the west of Wytchley House in the location shown on Drawing 832.35A (5.21A); (iii) in Area 2, a bund shall be constructed to the south and east of Wytchley Warren Farm; (iv) in Area 3, a bund shall be constructed to the west of Wytchley Warren Farm. The bunds shall be constructed in accordance with details which have previously been agreed in writing with the Mineral Planning Authority. Unless otherwise agreed in writing with the Mineral Planning Authority, the bunds shall be maintained and managed for the duration of the operations hereby permitted.

Restriction of Permitted Development Rights

15) Notwithstanding the provisions of parts 19 and 21 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced at the site without the prior agreement in writing of the Mineral Planning Authority.

Hours of Operation

16) Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless the Mineral Planning Authority has agreed otherwise in writing, no operations shall take place within the quarry extension hereby permitted except within the hours specified below:-

a) No operations involving or connected with the extraction and internal movement of limestone and clay, 'hardstone' and 'freestone' and receipt of delivered ancillary raw materials, or the operation of primary crushing and secondary crushing plant and storage/stocking areas shall be carried out except between the hours of 0700-1900 Monday to Friday.

b) None of the operations listed in a) above may be carried out except between the hours of 0700-1300 on Saturdays, or with prior notification between the hours of 0700-1300 on a total of 3 Public Holidays or Bank Holidays or Sundays in any calendar year. No blasting shall take place on Saturdays, Sundays or Bank Holidays (see Condition 28).

c) Essential maintenance and repair work may be carried out at any time provided such work is carried out in such manner as to ensure that it does not give rise to nuisance at nearby residential property by reason of noise or lighting.

d) No soil stripping, overburden removal and their storage or replacement or emplacement shall be undertaken within 200 metres of the nearest point of any occupied residential building except between 0900 and 1700 hours Monday to Friday and none of these operations shall be carried out during the hours of darkness.

Access

17) Unless otherwise agreed in writing by the Mineral Planning Authority, the sole means of access to the quarry from the public highway for the purposes of carrying out the extractive and associated quarrying operations hereby permitted shall be at the point marked 'C' on Plan No. 92/0139/9/M1.A accompanying Planning Permission No. 97/0826/9 dated 7th May 1998.

18) Adequate wheel cleansing facilities shall be provided and maintained and used as necessary by all vehicles leaving the access at point 'C' referred to in condition 17 above to ensure that no mud or detritus is carried from the site onto the public highway.

19) No public roads shall be used for the transportation of mineral, overburden or soils between any areas within the application site without the prior approval of the Mineral Planning Authority.

Dust

20) Prior to soil stripping in Area 1, a scheme of dust monitoring based on the approach set out in Schedule 2 of these conditions shall be submitted to and approved in writing by the Mineral Planning Authority. Dust monitoring shall be carried out in accordance with the approved scheme.

The scheme shall include:-

a) details of the specification and type of equipment to be used
b) measures to be taken to monitor weather conditions

c) number and location of monitoring points
d) the frequency of monitoring
e) reporting of results
f) provision for periodic review of the scheme

21) If, in the opinion of the Mineral Planning Authority, any operations on site give rise to nuisance by way of dust leaving the site, such as during adverse weather conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as they can be resumed without causing nuisance, either by a change in working, weather conditions, or by taking other additional measures.

Noise

22) Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of noise from the site and to ensure so far as is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties. Such measures shall include the control of all audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery.

23) The noise levels arising from the development (with the exception of temporary operations identified below) shall not exceed the following $L_{Aeq,1\ hour}$ freefield noise levels when measured at any of the following noise sensitive properties, when occupied, at a point closest to the noise source:

Woodside Farm	49dB $L_{Aeq,1\ hour}$ freefield
New Wood Lodge	47dB $L_{Aeq,1\ hour}$ freefield
Wytchley Warren Farm (when occupied)	50dB $L_{Aeq,1\ hour}$ freefield
Wytchley House & Cottages	50dB $L_{Aeq,1\ hour}$ freefield
Ketton Village	
(dwellings adj playing fields & cemetery)	52dB $L_{Aeq,1\ hour}$ freefield
Bluebottle Cottage (when occupied)	51dB $L_{Aeq,1\ hour}$ freefield
23 Park Road	45dB $L_{Aeq,1\ hour}$ freefield
34 Wytchley Road	45dB $L_{Aeq,1\ hour}$ freefield
15 Wheatlands Close	48dB $L_{Aeq,1\ hour}$ freefield

except that in relation to Wytchley Warren Farm and Wytchley House & Cottages noise levels shall not exceed 55dBA when mineral extraction is being carried out at a distance of less than 200m from the property.
Noise levels outside normal working hours as specified in Condition 16 shall not exceed 42dB $L_{Aeq,1\ hour}$ freefield at any of the above locations.

24) Noise levels arising from temporary operations, such as soil stripping, and the construction and removal of soil mounds, shall be minimised as far as is reasonably practicable and shall not exceed 70dB $L_{Aeq,1\ hour}$ freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in Condition 23 above shall be limited to a total of 8 weeks in any 12 month period for any individual noise sensitive property. Advance written notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available on request.

25) All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment shall be treated as an emergency and shall be dealt with immediately. Where a repair can not be effected within a reasonable period, the equipment affected shall be taken out of service and replaced with equipment which functions to an equivalent standard.

26) Throughout the period of the development noise monitoring shall take place in accordance with the details set out in Schedule 3 of these conditions.

Blasting

27) No blasting shall take place other than in accordance with the details set out in Schedule 4 of these conditions.

28) Except in an emergency, no quarry blasting shall be carried out within the site other than between the hours of 1000-1600 Monday to Friday and no blasting shall take place during the hours of darkness.

29) Any emergency quarry blasting needed to be carried out outside the specified hours shall be notified to the Mineral Planning Authority within 72 hours of its occurrence together with details of the reasons as to why it was necessary.

30) Ground vibration from blasting shall not exceed a peak particle velocity of:
   a. 6.0 mm per second with an upper 95% confidence level, at any inhabited building, measured over any period of 6 months. Notwithstanding this, the vibrations from blasting shall not exceed 12mm/sec. peak particle velocity in any plane at any inhabited building.
   b. 50mm per second at Wytchley Warren Farm (when this property is unoccupied)
   c. 15mm per second at the windmill situated to the north west of Ketton village
   d. 50mm per second along any stretch of the public highway
   e. 25mm per second at Edithweston Quarry (Ketton Gorse Mine) site.

31) Every blast shall be designed to minimise noise or air overpressure by use of the latest available techniques with the aim that air overpressure should not exceed 120dB peak linear as measured externally at any residential property under normal atmospheric conditions.

32) No secondary blasting shall be carried out on the site except with the written agreement of the Mineral Planning Authority.

33) Monitoring of all blasts shall be undertaken in accordance with the details set out in Schedule 5 of these conditions.

Lighting

34) Measures shall be taken and the development carried out in such a manner as to ensure that, so far as is reasonably practicable, the operations carried out within the site do not give rise to nuisance at nearby residential properties by reason of illumination. So far as is reasonably practicable lights shall not be directed beyond the boundaries of the site particularly during the hours of darkness.

Water Protection and Pollution

35) Throughout the period of working, restoration and aftercare, all reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the operations hereby permitted. All reasonable steps, including the provision of any necessary works, shall be taken to prevent damage by erosion or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

36) Any oil, fuel, lubricant, paint or solvent within the site shall be handled and stored so as to prevent such material from contaminating topsoil, subsoil, soil making material, or reaching any watercourse. Any facilities, above ground, for the storage of oils, fuel 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%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer, or soakaway.

37) All cleaning and washing operations shall be carried out in designated areas, which are clearly marked, isolated from the surface water system with waste disposed of in a manner that will not pollute local surface or groundwater.

38) Groundwater monitoring shall be carried out in accordance with the details set out in Schedule 6 of these Conditions. No dewatering operations shall be undertaken in order to excavate the limestone until prior notification has been given to the Environment Agency and the Mineral Planning Authority.

Archaeology

39) No development shall take place within the application area until the Appellant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Mineral Planning Authority. The investigations shall be carried out in accordance with the approved scheme.

Retention of the Existing Woodlands, Trees and Hedges

40) All existing woodland, trees, shrubs or hedges within the Applicant's control shall be retained unless it is necessary for them to be removed for efficient operational purposes in order to carry out the proposed development. In particular, no felling of trees which are located within both the areas edged red and blue on drawing on 832.43 and are shown as woodland to be retained on figure 832.70 (5.12A) shall be carried out unless in accordance with the Woodland Management Plan referred to in condition 41 below.

Maintenance of existing Woodland, Hedges and Trees to be retained

41) All existing woodland, trees, shrubs and hedges that are to be retained shall be maintained and managed throughout the duration of the operations hereby permitted in accordance with the Woodland Management Plan which shall be submitted to the Mineral Planning Authority within 6 months of the date of this permission and shall be based on the proposals contained in Schedule 7 of these Conditions.

Scheme of preliminary planting and screening

42) Details of the scheme of preliminary landscaping and screening shall be submitted to the Mineral Planning Authority for approval within 6 months of the date of this permission and shall be carried out in accordance with the approved scheme.

Landscaping Implementation

43) Woodland, trees, shrubs and hedges planted in accordance with schemes required by the conditions of this permission shall be retained, protected and maintained throughout the duration of the operations hereby permitted

Ecology

44) No mineral extraction shall be commenced within any part of the site until a Habitat Management Scheme has been submitted to and approved by the Mineral Planning Authority. Habitat management shall be carried out in accordance with the approved scheme for the duration of the operations hereby permitted, and the scheme shall include:-

a) measures to be taken to ensure that birds are not disturbed by site preparation works during the breeding season;
b) provision for the translocation of saproxylic species to locations in retained areas of woodland prior to the removal of any trees in Ketton Gorse;
c) maintenance of the main drainage channel shown on Drawing No. 832.36D (5.24D) so as to maximise wildlife benefit;
d) details of removal of soils forming the floor of any woodland which is to be felled;
e) provision for creation of a new compensatory dew pond as near as possible to the site of each existing pond before any existing pond is removed;
f) measures to be taken to ensure no loss or damage to existing populations of statutorily protected species;
g) measures for the translocation of areas of roadside verge grassland along the existing Empingham Road as turves to a new receptor site along the realigned stretch of the Empingham Road, in accordance with a method statement to be agreed with the Mineral Planning Authority;
h) provisions for the maintenance of the newly created bat cave throughout the development and the monitoring of bat activity at the cave;
i) details of monitoring bat activity at the existing bat cave, in Ketton Gorse Mine site.

Spread of Weeds

45) The site shall be kept free from weeds which are classified as noxious by DEFRA or its successors.

Retention of Soils for use in Restoration

46) Unless otherwise agreed in writing by the Mineral Planning Authority, all topsoil, subsoil and soil making material shall be retained on site.

Soil Handling

47) Soil handling shall be carried out in accordance with the details set out in Schedule 8 of these conditions.

48) Plant or vehicle movement shall be confined to clearly defined haul routes or to the overburden or limestone surfaces and shall not cross areas of topsoil or subsoil except where such trafficking is unavoidable in undertaking soil handling operations hereby permitted.

Restoration

49) Prior to the completion of limestone extraction from any working area, a detailed scheme for the restoration and aftercare of that part of the site shall be submitted to the Mineral Planning Authority. The scheme shall include details of:-

a) final contours;
b) soil profiles;
c) landscaping;
d) planting (including species, provenance, spacings, sizes and planting specification);
e) maintenance;
f) proposals to enhance geological interest;
g) proposals to provide 'invertebrate banks'
h) An Agricultural Management Plan for areas restored to agriculture (the cultivation, seeding, fertilizing, watering, draining or other treatment of the restored land)

The submitted scheme shall be based on the Indicative Final Restoration Plan (Drawing No. 832.36D/5.24D), but with grading down of the 'western cliffs', on and the details contained in Schedule 8 of these conditions.

50) Restoration work shall be carried out, as far as is reasonably practicable, in the first suitable season following the completion of working in any particular area.

Alternative Restoration

51) In the event of a cessation of the winning and working of minerals prior to the achievement of the approved restoration scheme, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act 1990, a revised scheme and programme for the restoration of the site shall be submitted in writing for approval to the Mineral Planning Authority within 6 months of such cessation. The approved scheme shall be fully implemented within 12 months of the written approval unless otherwise agreed in writing by the Mineral Planning Authority.

Aftercare

52) Following the restoration of any part of site in accordance with Condition No. 49 above, the restored land shall be treated and managed over a period of 5 years in accordance with an aftercare scheme which has previously been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be based on the general specification for aftercare set out in Schedule 7 of these conditions.

The submitted scheme shall specify the steps that will be taken to bring the newly restored land to a condition capable of long term beneficial use.

Annual Monitoring Report

53) Within one month of each anniversary of the date of this permission until the end of the aftercare period, a report shall be submitted to the Mineral Planning Authority including:

a. operations carried out on the land during the previous 12 months in respect of mineral extraction, including the volume/tonnage of mineral extracted;
b. a topographical survey carried out within the two months preceding the date of each anniversary of this permission consisting of a plan drawn to a scale of not less than 1:5000, which identifies all surface features within the site and levels relating to ordnance datum over all the land where mining operations have taken place;
c. a plan showing the location, contours and volumes of soil storage mounds, and identifying the soil types and units contained therein;
d. Measures taken to implement the landscaping, progressive restoration and habitat creation;
e. results of the monitoring of habitat creation and establishment;
f. measures taken to implement the aftercare provisions;
g. intended operations for the next 12 months, including the anticipated programme of soil stripping;
h. measures taken to minimise any disturbance to protected species.

Not later than two months after the submission of the annual monitoring report, a meeting or meetings shall be held between the applicants, the Mineral Planning Authority and other relevant interested parties to discuss its contents.

SCHEDULE 1
APPLICATION DOCUMENTS AND AMENDMENTS

1. Application No 2000/0192/9 dated 29 February 2000 and the accompanying Environmental Statement.
2. Letters from Castle Cement Limited dated 9 October, 16 November and 21 November 2002, and 16 January, 30 January, 24 April and 27 April 2001.
3. Submitted plans 832.42, 832.43, 832.44, 832.34, 832.39A, 832.35A, 832.36D, 2G/48819/004, 832.61A, HM2, HM3, Phasing Drawings and 5.21A.

SCHEDULE 2
DUST MINIMISATION SCHEME

1. The principle activities which may give rise to dust are:-
   a. soil stripping
   b. traffic on internal haul roads
   c. blasting
   d. loading of limestone onto quarry vehicles
   e. extraction of clay

2. In order to minimise any dust created by these activities, some or all of the following steps will be taken as appropriate:-
   a. tarmac surfaced roads to be regularly swept.
   b. all spillages to be removed without delay.
   c. all haul roads within the site to be watered as necessary to control dust from internal traffic movements (1-2 each hour during dry conditions), either by water bowser or fixed spray system.
   d. water bowser to be available for use on site at all times.
   e. prevailing meteorological conditions to be monitored.
   f. volume of water applied to road surface to be monitored and adjusted according to weather conditions.
   g. Any dry, exposed material to be watered as necessary in dry and windy conditions.
   h. Drilling rig to be fitted with efficient dust control measures.
   i. Haul roads to be compacted, graded and maintained.

3. At twelve monthly intervals from the date of the consent at the request of the Mineral Planning Authority or Castle Cement Limited this scheme will be reviewed.

SCHEDULE 3
NOISE MONITORING SCHEME

1.0 Introduction

This noise monitoring scheme has been prepared to ensure compliance with Appeal Decision reference number APP/A2470/A/02/1081518 and in particular noise constraints on the quarry as detailed in the conditions below:-

23) The noise levels arising from the development (with the exception of temporary operations identified below) shall not exceed the following $L_{Aeq,1\ hour}$ freefield noise levels when measured at any of the following noise sensitive properties, when occupied, at a point closest to the noise source:

Woodside Farm	49dB $L_{Aeq,1\ hour}$ freefield
New Wood Lodge	47dB $L_{Aeq,1\ hour}$ freefield
Wytchley Warren Farm (when occupied)	50dB $L_{Aeq,1\ hour}$ freefield
Wytchley House & Cottages	50dB $L_{Aeq,1\ hour}$ freefield
Ketton Village (dwellings adj playing fields & cemetery)	52dB $L_{Aeq,1\ hour}$ freefield
Bluebottle Cottage (when occupied)	51dB $L_{Aeq,1\ hour}$ freefield
23 Park Road	45dB $L_{Aeq,1\ hour}$ freefield
34 Wytchley Road	45dB $L_{Aeq,1\ hour}$ freefield
15 Wheatlands Close	48dB $L_{Aeq,1\ hour}$ freefield

except that in relation to Wytchley Warren Farm and Wytchley House & Cottages noise levels shall not exceed 55dBA when mineral extraction is being carried out at a distance of less than 200m from the property.

Noise levels outside normal working hours as specified in Condition 16 shall not exceed 42dB $L_{Aeq,1\ hour}$ freefield at any of the above locations.

24) Noise levels arising from temporary operations, such as soil stripping, and the construction and removal of soil mounds, shall be minimised as far as is reasonably practicable and shall not exceed 70dB $L_{Aeq,1\ hour}$ freefield at any noise sensitive property. Temporary operations which exceed the normal day to day criterion set out in Condition 23 above shall be limited to a total of 8 weeks in any 12 month period for any individual noise sensitive property. Advance written notice of the commencement of such temporary operations shall be given to the Mineral Planning Authority. A written record shall be kept of the dates that these activities are taking place and made available on request.

2.0 Methodology to be Adopted

2.1 In order to demonstrate compliance with the noise criteria monitoring shall be undertaken at noise sensitive locations as follows:

1. Woodside Farm
2. New Wood Lodge
3. Wytchley Warren Farm, Empingham Road
4. Wytchley Warren, Empingham Road
5. Wytchley Cottages
6. Dwellings in Ketton adjoining the Cemetery
7. Dwellings in Ketton adjoining playing fields
8. Bluebottle Cottage
9. 23 Park Road
10. 34 Wytchley Road
11. 15 Wheatlands Close

2.2 Noise monitoring shall be undertaken in a free-field location, with the microphone placed at a height of between 1.2 - 1.5 metres above the ground.

2.3 At the agreed locations, noise shall be monitored over a fifteen minute period. The following parameters shall be recorded: -

L_{Aeq} in dB
L_{A10} in dB
L_{A90} in dB
L_{Amax} in dB

2.4 Monitoring shall only be undertaken during times that the quarry is operating normally during the authorised operational hours.

2.5 Calibration shall be undertaken before and after each period and the instrumentation shall be supervised during monitoring.

2.6 Monitoring shall be undertaken in accordance with the procedures outlined in BS 4142, 1997 and MPG 11. Monitoring will, whenever possible, be avoided when wind speeds are greater than an average 5 ms^{-1} and during heavy precipitation. Meteorological conditions prevailing during the monitoring shall be recorded.

3.0 Instrumentation

3.1 Noise monitoring instrumentation shall correspond to Type 1 of BS 6698 "Specification for Integrating Averaging Sound Level Meters", 1986.

3.2 The instrument shall have a valid certificate of calibration

4.0 Frequency of Monitoring

4.1 To accord with the planning conditions it is proposed that monitoring adopting the procedures outlined above, is undertaken prior to the commencement of soil stripping and during the first period of soil stripping operations. Subsequent monitoring shall be

undertaken every three months during normal extraction operating.

4.2 At twelve monthly periods from the date of consent, at the request of the Mineral Planning Authority or Castle Cement Limited monitoring procedures will be reviewed.

5.0 Complaints and Reporting Procedures

5.1 In the event of an exceedance of the noise criteria the Mineral Planning Authority will be informed within 24 hours and an investigation will be carried out in order to identify the cause of the exceedance.

5.2 Any complaint concerning noise shall be investigated. The results of the investigations shall be sent to the Mineral Planning Authority within 10 days of their completion.

5.3 All such complaints, and any action undertaken as a result of the investigation, shall be recorded in a log held at the quarry office which will be available for inspection by the Mineral Planning Authority.

5.4 Details of noise recordings shall be retained on site and made available to the Mineral Planning Authority upon request. A report detailing noise recordings shall be provided to the Mineral Planning Authority at three monthly intervals. This will be submitted to the Mineral Planning Authority within 4 weeks of the end of each period.

SCHEDULE 4
BLASTING SCHEME

1.0 Introduction

1.1 This blasting scheme has been drawn up to ensure compliance with Appeal Decision reference number APP/A2470/A/02/1081518.

1.2 Castle Cement Limited will profile the free face, and assess the profiles and make out the drilling log before drilling the holes.

1.3 Prior to the commencement of drilling operations the drillers log will show the following information:-

a) Depth of hole
b) Angle
c) Spacing and Burden

1.4 During drilling the log will be completed by the drill operator, highlighting any geological anomalies, clay voids etc.

2.0 Drilling

a) The drill will be tracked to where the hole position has been marked.
b) The drill mast will be set to the required angle as per drillers log
c) Drilling will commence. The operator will monitor progress of the drill at all times noting any geological anomalies on the drillers log.
d) The operator will set the drill tube to the required depth and then drill down to this depth.

3.0 Blasting

3.1 The explosive charge in any hole will comprise of a column charge of pre-mixed ANFO.

3.2 Initiation will be by Nonel detonator in each of the explosive primer. Delays will be used between each hole to minimise vibration levels.

3.3 The blasting specification will include a cross-section of each profile generated by laser surveying.

Each section will contain the following information:

a) The length and angle of each hole
b) Burdens
c) The extent of any subgrade drilling
d) Any pertinent information gained from the drillers log or from a visual inspection of the face
e) The proposed location of the hole, i.e. the hole number
f) The location of the base charge, the column charge, the location of the primer and detonators, the stemming depth and the weights of each explosive and its type and delay interval of each detonator.

3.4.1 A scale plan of the quarry will be included, indicating the surface position of each hole and the location of the blast in the quarry. The plan will also show the location of sentries to deny access to the public at the time of firing.

3.5 The blast specification will also include:

a) The date of the blast
b) The time of firing, between the hours of 1000 to 1600, Monday to Friday
c) The prevailing weather conditions
d) The Danger Zone to be created by the blast
e) The results of blast vibration monitoring

3.6 The Danger Zone will be identified and will consider blast design, orientation of face and proximity of highways and footpaths.

3.7 The information referred to in paragraphs 3.3 to 3.6 above will be retained on site for a period of 5 years and will be available upon request to the Mineral Planning Authority.

3.8 The Shotfirer shall be in a position such that the blast and Danger Zone are visible.

3.9 A continuous siren shall commence and if appropriate the blast will be initiated after approximately five minutes.

3.10 The Shotfirer will inspect the blast and if appropriate give the all clear and the all clear siren will be sounded.

3.11 Blasting will usually take place on a daily basis, Monday to Friday, at a regular time approximately 1100/1200 hours. No blasting shall normally be carried out on any Saturday, Sunday, Public or Bank Holiday.

3.12 Unless otherwise agreed with the Mineral Planning Authority no blasting shall take place within

a. 50 metres of the kerb of any existing public highway or of any unoccupied stone buildings
b. 165 metres when blasting towards the newly constructed Empingham Road.
c. 50 metres when blasting away from the newly constructed Empingham Road.
d. 150 metres of Ketton Gorse Mine Site.

3.13 The equipment to be used for the measurement of vibration from blasting shall be maintained in good condition in accordance with the manufacturer's specification at all times throughout the development.

3.14 At twelve monthly periods from the date of the consent at the request of the Mineral Planning Authority or Castle Cement Limited this scheme shall be reviewed.

SCHEDULE 5
BLAST MONITORING SCHEME

1.0 Introduction

1.1 This blast monitoring scheme has been drawn up to ensure compliance with Appeal Decision reference number APP/A2470/A/02/1081518 and specifically the following Condition which places vibration constraints on the quarry as detailed below:-

> Ground vibration from blasting shall not exceed a peak particle velocity (measured as the maximum of three mutually perpendicular directions taken at the ground surface) of:
> a. 6.0 mm per second with an upper 95 % confidence level, at any inhabited building, measured over any period of 6 months. Notwithstanding this, the vibrations from blasting shall not exceed 12 mm/sec peak particle velocity in any place at any inhabited building.
> b. 50 mm per second at Wytchley Warren Farm (when this property is unoccupied).
> c. 15 mm per second at the windmill situated to the north west of Ketton village.
> d. 50 mm per second along any stretch of public highway.
> e. 25mm per second at Ketton Gorse Mine site.

2.0 Methodology to be Adopted

2.1 The following locations have been identified as vibration sensitive properties:

1. Woodside Farm
2. New Wood Lodge
3. Wytchley Warren Farm, Empingham Road
4. Wytchley House, Empingham Road
5. Wytchley Cottages
6. The dwellings in Ketton adjoining the Cemetery
7. The dwellings in Ketton adjacent to the playing fields

2.2 In order to demonstrate compliance with the blast vibration criterion, monitoring of every blast shall be undertaken at the quarry boundary directly in line with the closest vibration sensitive premises to a particular blast.

2.3 In order to undertake regression analysis of each blast, monitoring of every blast shall also be carried out at two other locations. These locations will be directly in a line between the blast and the quarry boundary monitoring point.

2.4 Blast vibration monitoring shall be undertaken externally in accordance with BS 7385: Part 1: 1990 'Evaluation and measurement for vibration in buildings' Part 1: Guide for measurement of vibrations and evaluation of their effects on buildings.

2.5 The prevailing weather conditions shall be noted during the monitoring period.

3.0 Instrumentation

3.1 Blast vibration monitoring instrumentation shall consist of V401 Digital Seismographs and will record ground vibration in terms of peak particle velocity in three planes of measurement and air overpressure in terms of decibels. The instruments will be calibrated every twelve months and a calibration certificate will be retained by Castle Cement. The equipment shall be maintained in good condition in accordance with the manufacturer's specification at all times throughout the development.

4.0 Frequency of Monitoring

4.1 Every blast at the quarry shall be monitored.

4.2 At twelve monthly periods from the date of the consent at the request of the Mineral Planning Authority or Castle Cement Limited the monitoring procedures will be reviewed.

5.0 Complaints and Reporting Procedures

5.1 In the event of an exceedance of the blast vibration criteria, then the Mineral Planning Authority will be informed within 24 hours and an investigation will be carried out in order to identify the cause of the exceedance.

5.2 Any complaint concerning blast vibration shall be investigated. The results of the investigations shall be sent to the Mineral Planning Authority within 10 days of their completion.

5.3 All such complaints, and any action undertaken as a result of the investigation, shall be recorded in a log held at the quarry office which will be available for inspection by the Mineral Planning Authority.

5.4 Details of blast vibration recordings shall be retained on site and made available to the Mineral Planning Authority upon request. A report detailing blast vibration recordings shall be provided to the Mineral Planning Authority at three monthly intervals. This will be submitted to the Mineral Planning Authority within 4 weeks of the end of each period.

5.5 The report will include the following information:

Date and time of blast
MIC of blast
Results of monitoring (ppv mm/s)
Air overpressure
Location of blast and monitoring points

SCHEDULE 6
GROUND AND SURFACE WATER MONITORING SCHEME

Pre-development

- Quarterly groundwater level measurements in boreholes 1-99 – 15-99 (excluding 3-99), 1W-98, 2W-98, 8W-98 and 2W-97 - 8W-97 (excluding 4W-97);
- Surface water level monitoring in Shacklewell Hollow;
- Discharge records for the R. Gwash and R. Chater and for the northern end of Shacklewell Hollow, to be obtained from the Environment Agency on an annual basis;
- Volumes of water pumped from Grange Top Quarry, either to soakaway in the east of the quarry, or to the cement works, to be measured.

During Development

- Monitoring will be as above, if no dewatering is carried out from the proposed development. If dewatering is required, the monitoring frequency for groundwater level measurements will be increased to monthly, and records will be maintained of volumes of water pumped.

Post-Development

- Subsequent to quarrying and the associated restoration works, monitoring will revert to a quarterly frequency, for a period of 5 years, or a shorter period to be agreed with the Environment Agency, so that any overall long-term impact from the quarry development can be identified.

- All data collected pre-development and thereafter will be stored on a database and a monitoring report submitted to the Mineral Planning Authority and the Environment Agency on an annual basis.

Variation of Scheme

- At twelve monthly periods from the date of consent at the request of the Mineral Planning Authority or Castle Cement Limited, this scheme will be reviewed.

SCHEDULE 7
AFTERCARE AND WOODLAND MANAGEMENT

1. AFTERUSES OF LAND RESTORED FOLLOWING QUARRYING OF THE ADDITIONAL RESERVES: REVISED FOLLOWING DISCUSSION WITH ENGLISH NATURE

1.1 It is proposed to restore the approximately 124ha of land modified during quarrying to the following afteruses:

a)	agriculture	approx.54.8ha
b)	woodland including native shrubs:	
	• screen woodland	6.8ha
	• detached woodland (less than 100m thick, not adjoining established woodland block)	3.8ha
	• conservation woodland (greater than 100m thick in all directions, or smaller block adjoining established woodland block)	23.0ha
c)	calcareous grassland	32.2ha
d)	roads and farm tracks	3.2ha
e)	hedgerows	7.6km

A balance between agriculture and the re-creation of the types of native habitat largely lost to farming and 'improvement' during the 20th Century has been sought.

1.2 Agriculture

It will be noted that the area restored to agriculture will be less than the area currently being farmed. This is partly to enable restoration to higher grade arable fields (Grade 3a or above if possible) by concentrating soil resources on their restoration, and partly to give the balance between cultivated and uncultivated land mentioned above.

Nevertheless, at least an equivalent area of Grade 3a land to that lost to quarrying (42.25ha) will be sought by restoration.

The restored land will be managed by the Company's tenant farmers under tenancy obligations enhanced to encourage wildlife protection.

1.3 Woodland

Woodland, native shrubs and hedgerows will generally be of locally-appropriate native deciduous species, except for the woodland screen west of Ketton where evergreens in keeping with the Northwick estate plantings of the 19th Century around Ketton will be included at the request of Ketton inhabitants. In addition, it is proposed to investigate the feasibility of cultivating local provenance small-leaved lime from stock remaining within Wytchley Warren Spinney.
Woodland of whichever type will be managed to be self-regenerating, to provide a variety of wildlife habitats, and may also provide fine timber. Sycamore will be

controlled. The long-term aim of conservation woodland will be to produce 25% coppice and 75% high forest.

Native shrub scrub (mainly self-sown) will be managed in a number of ways, for instance to encourage succession to tall woodland by thinning, or to provide a mosaic of habitats by rotational coppicing of irregular patches of scrubland. Unwanted scrub encroachment will be controlled, usually by grazing within fenced enclosures.

1.4 Hedgerows will be managed as visual screens, as boundaries to agricultural land and to encourage wildlife diversity.

1.5 NATIVE GRASSLAND

Native grasslands on limestone and on calcareous/neutral soils have been proposed as an afteruse as they give an opportunity to augment a valued land use type now scarce in Rutlandshire. They will provide educational and scientific resources and opportunities for studying management techniques. A detailed scheme of management will be prepared and carried out in consultation with Rutland County Council and their advisers, English Nature.

1.6 LIMESTONE GRASSLAND

The major areas of limestone grassland within the additional reserve lands are proposed on the quarry floor southwest of Wytchley House and on the sloping pasture south and west of Wytchley Warren Farm. (It will be noted that 13.64ha of IDO consented Field 11 will also be given over to the regeneration of limestone grassland, adding to the Ketton Quarries biological SSSI and linking through to the limestone grassland strip proposed under the IDO in the existing quarry.) Further areas of limestone habitat with varying aspects will be provided by lengths of limestone face of varying heights, slopes and restoration treatments, left visible once quarrying has been completed, based on the sectional options indicated overleaf.

1.7 CALCAREOUS/NEUTRAL GRASSLAND

Within the additional reserves area new Empingham Road verges and slopes together with the gentler quarried clay slopes above the limestone face will be restored to calcareous/neutral grassland, often combined with judicious placing of surplus Blisworth stone.

1.8 Aftercare

A general specification for restoration works and five-year aftercare follows. Before the aftercare period has been completed, the Company, in consultation with Rutland County Council, will seek to establish the optimum method for ensuring beneficial long-term management of the natural areas and to reach a decision on access. A balance will be sought between private ownership, access by prior agreement and public access, particularly to Ketton residents.

2. BRIEF SPECIFICATION OF LANDSCAPE RESTORATION AND AFTERCARE REVISED AFTER DISCUSSION WITH ENGLISH NATURE

2.1 Storage, handling and use of overburden and soils

- Reading Agricultural Consultants' survey dated October 1999: "Agricultural Land Classification & Soil Resources" will be used to identify specific grades of topsoil, subsoil and overburden so that these can be stacked separately for restoration. The best quality soils will be allocated to agricultural restoration.
- Proposed topsoil and subsoil storage areas will be located within the consented quarry on Fields 7 and 9 respectively, as shown on 832-61A (HM1).
- In advance of quarrying, DEFRA guidance will be sought and followed on the optimum method for soils stripping, handling, storing and restoring.
- Clay not required for restoration within the application area will be placed within the consented quarry.
- Where all the limestone is quarried out, so that the quarry floor is on Northamptonshire Sands, tests will be commissioned to establish whether additional subsoil will be required or whether the sands will perform adequately as a subsoil material for agriculture.

2.2 Special treatment of soils

- Topsoils forming the floor of old woodland, which has been felled to permit quarrying, will be stripped and used directly in proposed woodland planting areas as a seedbank for woodland flora and to help establish woodland invertebrates.

- Topsoils from the lengths of verge outwith the turf-translocation area along the existing Empingham Road will be stripped and used directly as the top layer/seedbank for an equivalent length of verge for the new Empingham Road. (See 5.2 below for Translocation of Turves)

2.3 Drainage

- The main west-east drainage channel will be retained and maintained encouraging wildlife where practicable.
- A land drainage system for the agricultural fields will be installed as necessary, avoiding any water flow across areas restored as limestone or calcareous grassland.

2.4 Restoration of quarry faces

See drawing 832.39A (5.25A) for indicative cross-sections, together with those on the preceding page.

Faces will be restored within safe stability limits.

A variety of methods of restoration will be employed including blasting, trimming of clay and limestone slopes and placing of spoil to form banks.

A flexible approach to the final design of the restoration landform is proposed both to take account of the actual physical conditions of each face to be restored, imprecise as yet, and so that opportunities for habitat creation and retention of geological interest are not missed through a commitment to a particular restoration.

It is proposed that the exact design should be confirmed in consultation with Rutland County Council and their advisers once a face becomes available for restoration.

2.5 Placing of soils

Soils will be placed to profiles agreed with Rutland County Council based on drawing 832.35A. Finished surfaces will be sufficiently even to be maintained by cutting by mechanical means.

2.6 Management of quarry faces retained as part of restoration

- Restored faces will be monitored and stabilised where necessary.
- Any head ditches will be maintained in good order.

2.7 Former haul roads

- The main quarry haul road will either be broken out and soiled, or reduced in width to form a farm track to serve restored fields. Because haul roads will be on a limestone base, lime-rich verges will be left alongside the farm track, permitting limestone grassland corridors to develop.

2.8 Public footpaths and bridleways (existing, diverted and created)

- Diverted or created paths will be designed to the approval of Rutland County Council's footpaths adviser.
- Paths will be maintained to ensure that they are passable in all weathers.
- Vegetation will be cut back as necessary to retain a minimum 2m clearance (footpaths) and 3m (bridleways).
- Any stiles, steps, handrails, signage or other structures assisting walkers will be maintained in good order.

2.9 Fencing, gates

- Fencing throughout the site will be maintained stockproof and in good order.
- A continuous fenceline (gated where necessary) will be maintained above the final rock edge of the quarry and where any steep faces are retained as part of the restoration.
- Gates will be maintained in good order.

3. RESTORATION TO AGRICULTURE

- The land will be let on a tenancy and managed for agriculture. The tenant is obligated to farm the holding according to the rules of good husbandry as defined in the Agriculture Act 1947, Section 11. In addition, any new tenancy agreement will include the management of field hedges for conservation interest and strict conditions relating to spray drift and measures to avoid enrichment of semi-natural grassland.
- Agricultural soils will be restored following DEFRA guidelines and using Reading Agricultural Consultants' Soil Resources information to identify the best soil resource (see 2.1 above).
- Additionally, a detailed Aftercare Scheme, similar to that agreed for the IDO consented land, will be followed.

4. ADVANCE PLANTING/SCREENING AND RESTORATION PLANTING

4.1 Planting design

Detailed planting plans showing species, numbers, spacing and locations of plants will be submitted for the approval of Rutland County Council.

4.2 Planting types

Woodland:

screen woodland	
detached woodland:	less than 100m wide, not adjoining existing woodland
conservation woodland:	blocks at least 100m wide in all directions, or smaller blocks adjoining existing conservation woodland

Hedge trees planted into existing hedges
Hedgerows with hedge trees
Native shrubs

4.3 Planting

- Planting to take place in the first planting season (November-March inclusive) after the land becomes available, and stabilised.
- Establishment of hedgerows to act as bat 'highways' will be a priority, where shown on drawing 832-68.
- Soil for woodland planting is to be free of compaction, free draining and ameliorated as required.
- Climatic conditions: carry out the work while soil and weather conditions are suitable for the relevant operations. Planting operations shall be suspended in periods of drought, when the soil is frost bound or waterlogged, and in periods of persistent drying winds.
- All new planting to be protected from the works.

4.4 Species list

- With the exceptions noted below, all tree and shrub planting, including hedgerows, to be confined to locally-appropriate deciduous native species from the NVC Woodland W8 list as follows:

Common name	Botanical name	Abbr
Trees		
Alder	Alnus glutinosa	Ag
Ash	Fraxinus excelsior	Fe
Aspen	Populus tremula	Pt
Lime	Tilia cordata	Tc (from local stock)
Oak	Quercus robur	Qr
Wild Cherry	Prunus avium	Pa
Shrubs		
Alder Buckthorn	Frangula alnus	Fa
Blackthorn	Prunus spinosa	Ps
Crab Apple	Malus sylvestris	Ms
Field Maple	Acer campestre	Ac
Guelder Rose	Viburnum opulus	Vo
Hawthorn	Crataegus monogyna	Cm
Hazel	Corylus avellana	Ca
Wild Privet	Lugustrum vulgare	Lv

- Exceptions: the following evergreens will be included in the woodland mix of the planting screening the quarry from Wytchley House and Ketton (see Drawings 832.24D and 68).

Pine sp	Pinus sp.	Psp. (to be agreed)
Holm Oak	Quercus ilex	Qi

- **Screen woodland and detached woodland:** As the plantations mature, the best and most characterful trees and shrubs will be retained at final natural, irregular spacings and the intervening less successful trees and shrubs will be thinned out. Some deadwood will be left in situ for wildlife.
- **Conservation woodland:** To include same-species irregular groups and blocks of native trees and shrubs to give varying canopy density with intervening rides, glades and open areas.

4.5 Plant handling and specification

- Plants will be obtained from approved sources with soil and climatic conditions similar to those prevailing on site. The Plant Handling Code produced by the Horticultural Trades Association for lifting, bundling, packing, storage in the necessary loading and transportation to the site, will be observed.
- All trees and shrubs to be to BS 3936: Part 1 and transplants to be root-dipped as soon after lifting as possible with Broadleaf Root Dip.

4.6 Storage

- Plants which are not to be planted on day of delivery to site to be stored as follows: heel-in prepared trenches, cover with soil and water thoroughly.

4.7 Ground preparation: herbicide

- Apply Glyphosate or equivalent approved systemic herbicide in advance of planting, allowing a period of time to elapse as recommended by manufacturer before cultivation. Spray a 1 metre diameter treatment at each planting location for trees and shrubs; a 1 metre wide strip along line of hedges.
- In areas where woodland soils have been translocated, a specification will be agreed with English Nature to minimise use of fertilisers and herbicide.

4.8 Fencing and gates

- Stockproof fencing and field gates will be erected as necessary.

Tree planting

4.9 Standard trees

- Trees to be planted in planting pits 750mm x 750mm x 600mm deep. Where necessary pit size to be increased to ensure that pits are at least 100mm deeper than the root system.
- The backfill material to be soil from the pit mixed with 50g of slow release fertiliser and an approved peat-free planting compost at 40L per pit.
- Trees to be watered in to field capacity.
- Staking and tying of standard tree: stakes to be preservative treated softwood with a minimum diameter of 75mm, 2000mm long and pointed one end, with no splits. Unless otherwise specified stakes are to be driven vertically not less than 450mm into ground, below bottom of pit and made firm, before planting, on the prevailing wind side of the tree. The tree is to be secured to the stake with approved ties in accordance with manufacturer's instructions.

4.10 Tree transplants including hedge trees: 1+1 60-80BR

- **Screen woodland and detached woodland:** All tree transplants to be planted at 2m centres.
- **Conservation woodland:** tree transplants to be planted at varying spacing to be specified, arranged in curvaceous lines to allow grass cutting during establishment.
- Planting pit to be 300mm x 300mm and 100mm deeper than the roots. The backfill material to be soil from the pit with 50g of slow release fertiliser and Broadleaf soil conditioner to be applied at an incorporation rate of 1g/litre (1kg/m^3). Plants to be watered in to field capacity.

4.11 Tree guards

- The bases of all standard trees and trees in fenced plantations to be guarded with spiral rabbit guards.
- Unfenced tree transplants and all hedge tree transplants to be protected by tree shelters, 80mm-120mm diameter, 1.2m high, supported by a bamboo cane driven into the ground. (Hedge trees to be identified during hedge trimming by the tree shelter compared with hedge shrubs in shrub shelters.)

Shrub planting

4.12 Shrub transplants: 1+1 60-80BR

- **Screen woodland and detached woodland:** all shrubs to be planted at 2m centres.
- **Conservation woodland:** shrub transplants to be planted at varying spacing to be specified.
- Planting pits to be 300mm x 300mm and 100mm deeper than the roots. The backfill material to be soil from the pit with 50g of slow release fertiliser and Broadleaf soil conditioner to be applied at an incorporation rate of 1g/litre (1kg/m^3). Plants to be watered in to field capacity.

4.13 Shrub shelters

- Bushy shrubs to be guarded by shrub shelters 600mm high, supported by a bamboo cane driven into the ground.

Hedgerow planting

4.14 Ground preparation

- A few days before planting cultivate to 300mm depth a 1000mm wide strip along the centre of the hedge line.

4.15 Hedgerow planting: shrub transplants: 1+1 60-80BR

- Hedges to be planted as 2 staggered rows 250mm apart, 4 plants/metre in planting pits. The backfill material is topsoil from the pit with 50g of slow release fertiliser and Broadleaf soil conditioner to be applied at an incorporation rate of 1g/litre (1kg/m^3). Hedge plants to be watered in to field capacity.

4.16 Shrub shelters

- Hedge plants not within rabbit fencing to be guarded with spiral rabbit guards or shrub shelters as above.

4.17 Pruning at planting

- Prune over-extended lateral shoots and top shoots to approved form.

4.18 Special hedgerow planting to provide continuous bat routes (see Drawing 832.68)

- As a general principle, as far in advance as possible of the removal of any hedge used as a flight route by the local bat population, a replacement link hedge will be planted to provide an alternative route and to maintain continuity.
- The earliest of these hedges will be in the consented area of the quarry in Fields 9 and 10 respectively.
- Where the new link hedge will not reach a height of 2-3m before the existing hedge has to be removed, the following procedure will be followed; unless otherwise agreed with the County Council.
- A bund 10m wide and 1-1.5m in height will be constructed and prepared for planting, including an irrigation pipe.
- An existing hedgerow scheduled for removal but grown on to 2-3m in height will be transplanted between October and March, the individual hedgeplants being reduced in height by one third to encourage establishment. This hedge will be planted along the crest of the bund. The transplantation may not be entirely successful, but any failures will be retained in situ to give the optimum continuous 3m high link.
- 2 no. staggered rows of native shrub and tree transplants will be planted on a 2m grid on either side of the transplanted hedge, planting, protection and establishment to be as for general shrub planting above.

5. RESTORATION TO LIMESTONE AND CALCAREOUS/NEUTRAL GRASSLAND

5.1 Seeding

- Where specified in the restoration of limestone grassland, a nurse crop of mainly Festuca species to be shown thinly to give a low density sward allowing other species to colonise.

Species mix:	Festuca ovina	40%
	Festuca rubra	40%
	Agrostis capillaris	10%
	Cynosurus cristatus	5%
	Briza media	5%

All seed to be of English provenance

5.2 Translocation of turves

- An attempt will be made under ecological supervision to translocate the 0.2ha MG1e-CG3 herb-rich turves from the 700m length of Protected Verge along the Empingham Road to a similar site along the New Empingham Road.
- Turves will be mechanically lifted in strips 150mm deep to cater for tap-rooted forbs and to perpetuate the substrate to which the plants are accustomed.
- Turves will be lifted on the day they will be transplanted and placed on previously prepared damp areas subsoiled with as near a match to their existing substrate as possible.

- Turves will be watered in and thereafter watered as necessary to prevent drying out until establishment using water from the quarry sump or other low-NPK source.

5.3 Limestone grassland

- Through quarrying, limestone grassland habitats will be created as follows:
  - perimeter limestone faces and benches as left after quarrying (cf. 1.6 above)
  - limestone screes
  - the placing of Blisworth limestone not suitable for the cement making process
  - by leaving unquarried a layer of the silica limestone at the base of the quarry

- The first three will include natural regeneration.

- Limestone at the base of the quarry will form the basis for a designed restoration offering a large variety of micro-habitats to encourage the establishment of a wide variety of limestone grassland species of flora and fauna, with exposed or sheltered areas of all aspects, giving a variety of root runs and moisture retention.

5.4 Various surface finishes are proposed, either singly or mixed

1. Bare rock: as left after quarrying
2. Bare rock: with surface pecked or shattered to give foothold to plants
3. Limestone blocks
4. Crushed limestone chippings: coarse and fine aggregates
5. Calcareous subsoils

Limestone grassland to be designed to incorporate an attractive mosaic of each of the above surface finishes. Where practicable, the grassland is to be in fenced enclosures large enough for maintenance by grazing. Proportions to be agreed with Rutland County Council and their advisers. These surfaces to be laid sufficiently evenly to allow maintenance by mechanical cutting.

5.5 Various initial planting strategies proposed for fines situations

- No initial seeding or planting
- Seeding with appropriate mainly Festuca sp. at 5g/m² (see Seeding above): at least 80% of fines area to receive this treatment
- Seeding with site-collected seed from limestone grassland species
- Planting site-collected turves of representative limestone grassland species as source from which vegetation will spread.

Treatments to be plotted on a mosaic record plan for record purposes.

5.6 Agreement on establishment

As part of the approval of the above design, an agreement to be reached on what will constitute "restoration to limestone grassland" for each of the above surface finishes, from which point, for planning purposes, the maintenance condition will take effect.

5.7 Review following initial planting

A late summer (August/September) review of establishment of that year's seeding or turf planting to be undertaken and agreement reached on which areas should enter the maintenance period. This information to be plotted on the mosaic plan and notified to the MPA.

5.8 Remedial action for failed areas following initial planting

The review will also identify areas where the first year's seeding or turf planting has failed. These will be plotted on the mosaic plan. Decision will be made at that point on whether the original planting will be repeated or whether a revised method will be tried.

5.9 Limitation to re-plantings of failed areas

Upon the second review, should the remedial planting following initial planting still not have achieved the required cover, but a situation exists with at least a few limestone plants per m^2, then the area may be accepted as 'restored' and enter the maintenance period.

5.10 Calcareous/Neutral grassland

Through quarrying, calcareous/neutral grassland habitats will be created as follows:

- perimeter clay faces down to the limestone edge of the quarry at a maximum gradient of 1:2.5.
- areas of lime-rich subsoil and overburden surplus to restoration requirements, placed in consented Fields 7, 8, 9, 10, and on the gentle embankments of the road diversion.

5.11 Regeneration

- Natural regeneration of native limestone grassland species will be encouraged, within an open matrix of grasses as 5.1 above.
- The Company's ecologist will advise on treatments, seeding from site sources if necessary, and aftercare to optimise the success of creating target vegetation communities. Specifications will be agreed with the County and their advisers at appropriate stages.

6. MANAGEMENT OF EXISTING WOODLAND AND HEDGEROWS TO BE RETAINED (where in Castle Cement's control)

6.1 Woodland in the Company's Control

- Woodland to be protected from the works
- Woodland areas to be monitored regularly for damage or disease.
- Individual trees to be treated as necessary to prolong their life or to protect the public.
- Where there will be no danger to the public, and where no disease is present which would affect neighbouring vegetation, dead timber will either be left standing or will be stacked aside to encourage invertebrates.
- Dangerous or diseased trees will otherwise be felled and removed from the site.
- A stable balance of tall trees and understorey shrubs will be maintained.
- A replacement tree (whip or transplant) will be planted for any retained mature tree or significant aesthetic or practical screening value which dies within the woodland.
- Mature sycamores will be retained but a programme of eradication of sycamore saplings will be implemented in an attempt to limit spread.

6.2 Woodland within Ketton Quarries SSSI

- In consultation with English Nature and the Leicestershire Wildlife Trust, an action plan for the future management of the SSSI has been prepared.
- Once agreed, the plan will be implemented.
- In the meantime, an agreed programme of scrub control has been carried out in two areas in winters 1999-2001.
- The Company will seek to include in the SSSI management plan a commitment from English Nature that all key edge and skyline screen woodland, a prominent feature in the landscape, as shown on drawing 832.70. (Figure 5.12A) may be retained for the life of the quarry.

6.3 Management of Existing Individual Trees to be retained

- Trees will be protected as necessary during quarrying.
- Trees will be monitored regularly for damage or disease.
- Trees will be treated as necessary to prolong their life or to protect users of the site.
- Where there will be no danger to users of the site, and where no disease is present which would affect neighbouring vegetation, dead timber will either be left standing or will be stacked aside to encourage invertebrates.
- Dangerous or diseased trees will otherwise be felled and removed from the site.
- A replacement tree (whip or transplant) will be planted for any retained mature tree of significant aesthetic or practical screening value which dies within the application area.

6.4 Management of Existing Hedges to be retained

General

- Hedges to be retained will be protected as necessary during quarrying.

Perimeter hedges in others' ownership

- The Company has no control over hedges in others' ownership but would seek to co-operate with neighbouring landowners in retaining hedges in good condition.

Hedges under existing tenancy agreement

- Existing management arrangements will continue.
- Under tenancy agreement obligations, the Company's tenant farmers are obligated to keep all fences, hedges and gates in a proper stockproof condition and not to remove or alter any fence, hedge or other boundary on the holding.

Hedges entirely in the Company's control

- Gapping up will be undertaken as necessary.
- Except for overgrown hedges of significant ecological value, hedges will be trimmed annually, outside the nesting season, to a design height of 2m to 2.5m and minimum 2m width giving maximum screening advantage to any particular length.
- Depending on phasing and on the efficacy of other screen planting alongside, there may be the option of laying hedges on a ten year rotation.
- A suitable buffer zone will be allowed to develop between hedgerows and arable land. There will be no underspraying of hedgerows with herbicides or pesticides.

7. **MAINTENANCE, MANAGEMENT AND AFTERCARE OF PROPOSED ADVANCE PLANTING/SCREENING AND RESTORATION PLANTING**
See Plan 832.36D (5.24D)

7.1 Maintenance of Proposed Woodland Trees and Shrubs including bat link hedges (Years 1-5)

- Apply slow release tree fertiliser in year 2 (except where English Nature requests otherwise).
- Cut all herbaceous vegetation within plantations twice per year to 70mm where terrain permits. In areas unsuitable for close mowing, height of cut will be varied as appropriate.
- On land where native grassland is establishing or has established dates and heights of cut to be decided ad hoc to encourage spread of native flora.
- Weedkill with Glyphosate to 1 metre diameter around each tree.
- Secure/replace damaged or windblown tree guards and adjust trees ties.
- Support trees and shrubs as necessary.
- Firm in windblown trees.

- Screen woodland: prune plants at appropriate time to remove straggly, damaged, dead or dying and diseased wood and suckers, to promote healthy growth and natural shape.
- Beating up of plants to be carried out on a one-for-one basis between November and March, and to follow established planting specification.
- Infestations of noxious weeds beyond planting circles to be controlled by spraying with approved selective herbicide.
- Remove tree guards/shrub shelters in year 5.

7.2 Management and Aftercare of Proposed Woodland Trees and Shrubs including bat link hedges

- Monitor planted areas regularly.
- Remedial pruning or removal of dead plants to be undertaken, unless retained for ecological reasons.
- Rabbit protection to be checked and replaced where necessary.
- Control by mechanical or chemical means invasive undergrowth (unless to be retained for ecological reasons) and noxious weeds.
- Where nurse species are smothering climax species they will be cut, coppiced or pruned back.
- Trees and shrubs will be thinned periodically in line with accepted forest practice and to favour the best specimens (thinning to be done outside of the March-July bird breeding season). The objective will be to produce a natural-looking woodland of irregularly-spaced trees and shrubs giving a variety of woodland densities, incorporating rides and glades, and allowing natural regeneration within the mature woodland. Screen and detached woodland will offer conservation benefits, as well as mass for screening purposes. Conservation woodland will be managed for 25% coppice and 75% high forest with glades; English Nature will be consulted as to the appropriate climax intention in each conservation woodland area.
- Thereafter established woodland to be managed as for existing woodland.

7.3 Maintenance of Hedgerows and Hedge Trees (Years 1-5)

- Apply slow release tree fertiliser in year 2.
- Weedkill with Glyphosate 1m strip centred on centre line of hedge.
- Secure/replace damaged or windblown shrub guards, hedge tree tubes and markers.
- Firm in windblown shrubs and hedge trees.
- Beating up of plants to be carried out on a one-for-one basis between November and March, and to follow established planting specification.
- Infestation of noxious weeds beyond weed-free strip to be controlled by spraying with approved selective herbicide.
- Trim over-extended side shoots of hedge shrubs and tip leaders to be trimmed to encourage bushiness and shape hedge to final form. Avoid damage to hedge trees. Work to be carried out in autumn out of bird nesting season.
- Remove tree guards/shrub shelters in year 5.

7.4 Management and Aftercare of Hedgerows and Hedge Trees

- Gap up or replant areas of hedge where they have become too thin or the hedge line broken or where hedge trees have failed. Use plants of the same species and plant in accordance with specification.
- Except for hedges to be left untouched for ecological reasons, trim the sides of the hedges every second year, tops of the hedges every three years, avoiding hedge trees. Replace hedge tree markers as necessary until trees are sufficiently developed to be easily seen above the hedge.
- Where practicable cut in late winter rather than autumn to improve wildlife habitat through winter-feeding. No trimming to be undertaken during bird nesting season.
- Established hedges to be managed as existing hedges.

7.5 Management of Self-sown Trees and Native Shrubs

- Self-set trees and scrub shrubs will be retained, particularly on the perimeter clay slopes to the quarry and also in the wider restored landscape, where they contribute to the landscape and/or provide valuable ecological habitats.
- Otherwise, throughout the restored site, a rolling programme will be undertaken to eradicate unwanted self-seeded tree and shrub saplings, particularly sycamore and particularly within the restoration limestone grassland.
- There may, however, be pockets of land rendered inaccessible by face treatments where no maintenance or management will be possible.
- Selected scrub areas will be thinned periodically to encourage succession to full woodland.
- Selected scrub areas will be coppiced on a rotational basis to give a mosaic of habitats.

8. MANAGEMENT AND AFTERCARE OF LIMESTONE/GRASSLAND

8.1 Management of verges of New Empingham Road

- The existing management regime prescribed by the Highways Section of Rutland County Council has allowed the remnant existing floriferous verges along the existing Empingham Road to survive.
- It is hoped that this regime will also be followed for the New Empingham Road verges once the sward is stable.

8.2 General Management of Limestone Grassland

- Once the aftercare period has commenced (see 5.6 - 5.10 above), management is to be carried out in consultation with Rutland County Council and its advisers and will depend on feedback from regular monitoring of the grassland areas.
- Shrubs to be controlled to a maximum 5% cover by coppicing or removal, unless of landscape or ecological significance.
- Coarse agricultural weeds to be controlled by topping (in which case the cutter to be a minimum of 150mm above ground level) or by selective herbicide

approved by English Nature from the current list of the Agricultural Chemical approval Scheme and within recommendations for use as prescribed by the manufacturer.

- Drainage pockets of permanent or seasonal water to be considered an ecological bonus unless adversely affecting surrounding land when ditches or land drains will be introduced and maintained.
- Grassland areas to be monitored regularly and management prescriptions adjusted to optimise diversity.
- Rabbit control and/or rabbit fencing to be implemented as necessary.

8.3 Management and Aftercare of Limestone Grassland following Establishment

- During the first summer of the aftercare period, monitoring to be carried out monthly.
- Rabbit control and/or rabbit fencing to be implemented as necessary.
- Once the sward has been adjudged ready for grazing, to be fenced and managed by light grazing by sheep with the stocking rate to be based upon DEFRA's 'Livestock Units', but adjusted to avoid under- and over-grazing. The grassland should be grazed around 10 weeks per year with the aim of removing the grass growth to achieve an average sward height of 25-50mm by the end of summer. No fertiliser to be applied.
- Some small areas of taller, coarser vegetation to be retained for wildlife, especially additional insect diversity.
- Vegetation species composition monitoring to be carried out in Years 2 and 5 of the aftercare period at 5no. 1m square quadrats per stand of vegetation, divided into 10cm sub squares. Results to be circulated to Rutland County Council and their advisers.

8.4 Management and Aftercare of Calcareous/Neutral Grassland following Establishment

- Where terrain permits, grassland to be topped once every 2 years out of bird nesting season and after July 1st to allow for dispersal of seed. Arisings to be removed.
- Grassland to be managed by grazing as above.

9. MANAGEMENT AND AFTERCARE OF NEWLY RESTORED AGRICULTURAL LAND

- Newly restored land will be let on a farm tenancy and managed for agriculture. The tenant will be obligated to farm the holding according to the rules of good husbandry and for the enchancement and protection of wildlife interest.
- Management and aftercare of agricultural land will be according to DEFRA guidelines and similar to the management prescription agreed for the Phase 1 restoration of the IDO consented area of the quarry.
- Any field drainage system will be maintained in good order by the tenant, and will avoid deposition on limestone grassland areas.
- Agricultural fencing and gates will be maintained in good order by the tenant.
- Hedges will be managed for conservation.

SCHEDULE 8

SCHEME FOR THE HANDLING OF SOILS

1.0 **Introduction**

This scheme has been drawn up to ensure compliance with Appeal Decision reference number APP/A2470/A/02/1081518.

2.0 **Soil Stripping and Storage**

Unless otherwise agreed in writing by the Mineral Planning Authority, soil movements shall be carried out in accordance with 832.62A (HM2) and 832.69 (HM3) and the table set out in section 6 of this scheme.

The stripping, movement and respreading of top and subsoil shall be restricted to occasions when the soil is in a dry and friable condition.

Soils shall only be moved when in a dry and friable condition, based on a field assessment of the soils' wetness in relation to its lower plastic limit. An assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If a long thread of less than 3mm diameter can be formed, the soil is wetter than the lower plastic limit and soil moving should not take place until the soils have dried out. If the soil crumbles before a long thread of 3mm diameter can be formed, then the soil is dry enough to move. This assessment shall be carried out on representative samples of each major soil type.

All topsoils and subsoils will be stripped using a tracked 360^0 bucket excavator without teeth in order to minimise mixing between soil horizons.

Topsoil and subsoils, including if necessary lower horizons selected as suitable for soil making, shall be separately stripped to their full depth and, wherever possible, be immediately respread in their correct sequence. If immediate respreading is not practicable, the topsoil and subsoils shall be stored separately for subsequent replacement. Where there are continuous mounds, dissimilar soils shall be separated by a third material as agreed with the Mineral Planning Authority.

Unless otherwise agreed in writing by the Mineral Planning Authority, soil storage shall be located in fields 7 and 9 as shown on Drawing No. 832.61A (HM1).

Unless otherwise agreed in writing by the Mineral Planning Authority, topsoil mounds shall not exceed 3 metres in height, and subsoil (or subsoil substitute) mounds shall not exceed 5 metres in height.

Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil mounds and subsoil from beneath any mounds of overburden.

All soil storage mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability, and shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or removal for restoration purposes.

All storage mounds that will remain in situ for more than 6 months or over the winter period shall be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority. The seed mixture and application rates shall be agreed with the Mineral Planning Authority in writing no later than one month before it is expected to complete the formation of the storage mounds.

3.0 Soil Replacement

Each subsoil horizon shall be tipped in winnows and spread to the required level, in 6m wide strips, in such a manner as to avoid compacting placed soils. Topsoil shall then be tipped, lifted and evenly spread onto the levelled subsoil, also in such a manner as to avoid compacting the placed soils.

The minimum combined settled depth of subsoil substitute, subsoil and topsoil for land to be restored for agricultural use shall be 1.2m. For tree planting areas, soil and soil-forming materials shall be loose tipped to create a soil profile of no less than 1 metre.

All stones and other materials which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

Castle Cement shall notify the Mineral Planning Authority at least 3 working days but no more than 7 days in advance of the final subsoil placement on each phase or part phase to allow a site inspection to take place.

Prior to final surface treatment within any phase of the site, the Mineral Planning Authority shall be notified in writing and their approval obtained for final restoration operations.

4.0 Differential Settlement

Unless otherwise agreed with the Mineral Planning Authority, in any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall fill the depression to the final settlement contour specified with suitable material to a specification to be agreed with the Mineral Planning Authority.

5.0 Variation of Scheme

At twelve monthly periods from the date of the consent at the request of the Mineral Planning Authority or Castle Cement Limited this scheme will be reviewed.

6.0 Table of Soil Movements

SOIL RESOURCE SAVED			RESTORATION SOIL REQUIREMENT		
Working Area, in order of working (Fig 5.13)	Topsoil (some topsoil may also be stored temporarily beside restoration area (m^3)	Selected Subsoil (m^3)	New Field (or wood) in order of restoration (m^3)	Topsoil used (m^3)	Selected Subsoil used (m^3)
1	65,900 -	53,360 -	-		
to store 2	31,720	16,200	1E 1W (woods 1E and 1W)	20,000 18,400 16,000	27,500 25,300
left in store 3E	43,310 - 32,300	16,760 - 26,230	2E 2W (wood 1E extension)	1,600 12,800 2,400	2,200 17,600
left in store 3W	58,810 - 30,450	23,190 18,310	3E	26,800	36,800
left in store 4	62,460 32,550	4,700 79,400	3W	32,000	44,000
left in store 5	63,010 38,890	40,100 63,370	4 (wood 4E)	34,000 16,000	46,700
left in store 6	51,900 42,550	56,770 55,960	5 (wood 5W)	16,800 13,200	23,100
left in store	64,450	89,630	6	64,400	88,500
left over	50	1,130			

Information

200. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

201. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

202. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

INSPECTOR

APPEARANCES

FOR THE MINERALS PLANNING AUTHORITY:

Mr R Giles	of Counsel Instructed by The Solicitor to Rutland County Counsel
He called	
Mrs S Lammin MChIEH Minst Acoustics	Head of Environmental Protection for Rutland CC
Mr J Etchells MA(Hons) BPhil MLI	Principal of Jon Etchells Consulting
Mrs S E Deakin BSc(Hons) MSc MLI	Independent Consultant
Mr N Hunt BSc(Hons) DipTP MRTPI	Principal Planning Officer in the Environmental Control Group at Leicestershire County Council

FOR THE APPELLANT:

Mr V Pugh	Queen's Counsel Instructed by Norton Rose Solicitors of Kempson House, Camomile Street, London, EC3A 7AN
He called	
Mr P Weller BSc CEng MIEE	Deputy Manageing Director and Production Director for Castle Cement
Mr D Bagshaw BSc Eng Tech FMES, FIQ	General Manager (Production) for Castle Cement's Ketton Works
Mr H Moggridge OBE VHM PPLI IFIHort AADipl	Consultant to Colvin and Moggridge
Mr M Ratcliff BSc MRICS MRTPI	Independent Consultant to Voaden Sandbrook Ltd Mineral Surveying and Planning Consultants
Mr T J Wilton BA MSc MIExplosivesEngineers MSoc Expl Engineers(USA) AMInst Quarrying	Technical Director of Vibrock Ltd
Mr P Bradley BSc(Hons) MIEEM	Principal Ecologist of Paul Bradley Associates
Mr P J Drury FSA MRICS IHBC	Principal of Historic Environment Policy and Practice Consultancy

FOR E L MAKEY & SONS, MR & MRS HANDLEY AND THE TRUSTEES OF THE R E L MAKEY SETTLEMENT:

Mr J P Pridmore	Chartered Surveyor of Berrys Surveyors, 42 Headlands, Kettering, Northants, NN15 7HR
He called	
Mr A D Makey	Trustee of the R E L Makey Settlement
Mr S R Makey	Tenant of Wytchley Warren Farm
Mr R Handley	Occupier of Wytchley House, Empingham Road, Ketton

FOR THE KETTON CONSERVATION TRUST

Mr T Spencer	Queen's Counsel instructed by Mr Blackburn of the Ketton Conservation Trust
He called	
Mr L E Blackburn MBE	Chairman of the Ketton Conservation Trust 15 Kelthorpe Close, Ketton, Stamford, Lincs, PE9 3RS
Mr J Collier	C/o 15 Kelthorpe Close, Ketton, Stamford, Lincs, PE9 3RS

FOR ENGLISH NATURE

Mr D Tyldesley DipTP(Dist) DipLD MIEEM FRTPI FRSA	Principal of David Tyldesley and Associates Sherwood House, 144 Annesley Road, Hucknall, Nottinghamshire, NG15 7DD

FOR EMPINGHAM PARISH COUNCIL

Cllr E Ray	County Councillor for Empingham Ward and Member of the Empingham Parish Council 29 Willoughby Drive, Empingham, Oakham, Rutland, LE15 8PY

FOR EDITH WESTON PARISH COUNCIL

Mr J J M Burton	Vice-Chairman of the Edith Weston Parish Council 5 Church Lane, Edith Weston, Rutland, LE15 8EY

FOR NORMANTON PARISH MEETING, NATIONAL FARMERS UNION (MIDLANDS REGION) AND THE TENANT FRAMERS' ASSOCIATION

Ms M Renner BSc(Hons) MSc	Normanton Lodge, Normanton, Oakham, Rutland, LE15 8RW

RUTLAND BRANCH OF THE COUNCIL FOR THE PROTECTION OF RURAL ENGLAND

Mr R Chandler	Chairman of the Planning Sub-committee C/o Mr B Montgomery, 19 Hall Close, Whissendine, Oakham, LE15 7HL

FOR THE PARK VIEW ESTATE RESIDENTS

Mr R Turner	Spokesman for the Residents 2, Burnhams Road, Ketton, Stamford, Lincs, PE9 3SJ

FOR THE MEN OF THE STONES

Mr A Curtis	Committee Member of Men of the Stones The Close, Back Lane, Belton-in-Rutland, Oakham, LE15 9JS

FOR THE KETTON TREE GROUP

Mr A Cade	Secretary of the Group, Brewery House, Ketton, Stamford, Lincs, PE9 3TA

FOR THE SOCIETY FOR THE PROTECTION OF RUTLAND

Mr T King	Chairman of the Society, c/o 3 Debdale, Cottesmore, Rutland

FOR THE STAMFORD & DISTRICT GEOLOGICAL SOCIETY

Mr A Dawn	President of the Society, 26 Sutherland Way, Stamford, Lincs, PE9 2TB

INTERESTED PERSONS:

Mr A Stirling MA FICE	14 Redmile's Lane, Ketton, Stamford, Lincs, PE9 3RG
Mr P M Davies	Bracknell House, Normanton, Oakham, Rutland, LE15 8PR
Mrs C R Duffy	17 Pinfold Close, South Luffenham, Oakham, Rutland, LE15 8NE
Mr D Grogan	Branch Manager, Dowding & Mills, Bridge Street, Weedon, Northants, NN7 4PS
Ms M Kelham	17 Bartles Hollow, Ketton, Rutland, PE9 3SF
Mr J S Nolan	Senior Regional Industrial Organiser for the Transport and General Workers Union, Transport House, 15 Church Walk, Peterborough, PE1 2TP
Mr E Bolster	15 Lindsey Road, Stamford, Lincs PE9 1SF
Mr C Daly	Tobago Lodge, Station Road Ketton, Stamford, Lincs, PE9 3IQ
Mr C Coyne	16 Northwick Road, Ketton, Stamford, Lincs, PE9 3SB
Mr M Desforges BSc(Hons)	Former Chairman of US based Group, and MD of UKPlc Currently a Business Angel 8 High Street Ketton, Stamford, Lincs, PE9 3TA
Mr M Duggan	New Wood Lodge, Ketton Road, Empingham, Rutland, LE15 8QD
Mr T Fox	15 Ervine Way, Stamford, Lincs, PE9 1LG
Cllr B Roper	County Councillor for Ketton Ward, Corner House, Tixover, Stamford, Lincs, PE9 3QL
Mr D Carroll	The Mill, Mill Lane, Ketton, Stamford, Lincs, PE9 3RE
Mr F E Gilman	Manor Barn, Luffenham Road, Pilton, Oakham, Rutland, LE15 9PA
Mr A Vrona	Owner of Ketton Architectural Stone and Masonary , Glebe House, West Street, Easton on the Hill, Stamford, Lincs
Mr C G Renner	Whare Koa, Normanton, Oakham, Rutland, LE15 8RW

GENERAL DOCUMENTS

Document 1 Lists of persons present at the inquiry
- 1/1 - 16 July 2002
- 1/2 - 17 July 2002
- 1/3 - 18 July 2002
- 1/4 - 19 July 2002
- 1/5 - 23 July 2002
- 1/6 - 24 July 2002
- 1/7 - 25 July 2002
- 1/8 - 26 July 2002
- 1/9 - 20 July 2002
- 1/10 - 31 July 2002
- 1/11 - 02 August 2002
- 1/12 - 12 August 2002

Document 2 Letters of Notification

Document 3 Application Plans
- 3/1 - 832.42 Location Plan
- 3/2 - 832.43 Land Ownership & Application Boundary
- 3/3 - 832.44 Application to Divert Public Footpath
- 3/4 - 832.34(1.1) Existing Landscape
- 3/5 - 832.39A (5.25A) Indicative Cross Sections
- 3/6 - 832.35A (5.21A) Final Restoration Landform
- 3/7 - 832.36D (5.24D) Indicative Final Restoration Plan
- 3/8 - 3T58819/B/1 Empingham Low Road Diversion – Proposed Alignment
- 3/9 - 832.61A (HM1) Working Areas
- 3/10 - 832.62A (HM2) Bar Chart of Working Order
- 3/11 - 832.69 (HM3) Movement of Surplus Materials
- 3/12 - Preparatory Work Phases 1,2 & 3
- 3/13 - 832.70 (5.12A) Woodland Retained and Removed

Document 4 Section 106 Agreement
- 4/1 - Draft Agreement
- 4/2 - Completed Agreement

Document 5 Suggested Conditions
- 5/1 - Council's Initial Suggested Conditions
- 5/2 - Castle Cement Initial Proposed Revisions
- 5/3 - Castle Cement Revised Proposals (30 July 2002)
- 5/4 - Castle Cement Updated Final Suggested Conditions with Schedules
- 5/5 - Comments on Archaeological Conditions from Leicestershire Archaeologist

Document 6 Letters received during the Inquiry
- L1- George Renner: 18 May 2002
- L2- Mrs J Mills
- L3- FPDSavills: 18 July 2002
- L4- Barry Penman: 18 July 2002
- L5- Elizabeth Gregory: 18 July 2002
- L6- Paul Tame (NFU): 22 July 2002
- L7- Paul Tame (NFU): 19 July 2002

L8- John F Downes:23 July 2002
L9- Elaine M Handley: 25 July 2002
L10- J P Pridmore Faxes:17 & 30 July 2002
L11- V R Henry: 26 July 2002
L12- Chris Cramp: 29 July 2002
L13- Gillian C Curtis: 30 July 2002
L14- J K Peat: 30 July 2002
L15- Marion Kelham: 30 July 2002
L16- Tenant Farmers Association: 30 July 2002
L17- P W Crowson: 31 July 2002
L18- Stamford & District Geological Society: 30 July 2002
L19- Dowding & Mills: 1 August 2002
L20- J S Nolan (T&G): 1 August 2002
L21- Mr & Mrs R Handley:1 August 2002
L22- N Sharpe: 1 August 2002
L23- F E Gilman
L24- Merriman Ltd: 31 July 2002
L25- Mark A Duggan
L26- Barrie Roper
L27- Philip M Davies: 1 August 2002
L28- Gloria Harrington
L29- Malcolm Desforges
L30- Grahame Peckett:26 July 2002
L31- English Heritage:19 July 2002
L32- Normanton Parish Meeting
L33- Mr & Mrs R Handley:11 August 2002

Document 7 Letters inviting Consultation Responses to the Application and the ES

CORE DOCUMENTS

CD1	1/1	Environmental Statement – Volume 1
	1/2	Environmental Statement – Volume 2
	1/3	Environmental Statement – Supplementary Information
CD2		Rutland Local Plan
CD3		Leicestershire Structure Plan (1991-2006)
CD4		Leicestershire, Leicester and Rutland Structure Plan – with Proposed Modifications – June 2002
CD5		Leicestershire Minerals Local Plan (and 1995 Review)
CD6		Central Government Guidance
	(a)	PPG1 – General Policy and Principles
	(b)	PPG7 – The Countryside, Environmental Quality and Economic and Social Development
	(c)	PPG9 – Nature Conservation
	(d)	PPG15 – Planning and the Historic Environment
	(e)	PPG24 – Planning and Noise
	(f)	MPG1 – General Considerations and the Development Plan System
	(g)	MPG2 – Applications, Permissions and Conditions
	(h)	MPG3 – Coal Mining and Colliery Spoil Disposal
	(i)	MPG7 – The Reclamation of Mineral Workings
	(j)	MPG10 – Provision of Raw Material for the Cement Industry

	(k)	MPG11 – The Control of Noise at Surface Mineral Workings
	(l)	Draft Revised MPG11
	(m)	RPG8 – Regional Planning Guidance for the East Midlands
CD7		See Statements of Common Ground
CD8		See Statements of Common Ground
CD9		See Statements of Common Ground
CD10		Hedgerow Regulations (1997) and Review of the Hedgerow Regulations (1998)
CD11		The Historic Environment: A Force for Our Future (Department for Culture, Media and Sport 2001)
CD12		Countryside Commission: Landscape Character Assessment for England and Scotland
CD13		Report to the Planning and Licensing Sub-Committee, 27 March 2001 (Report No 97/2001), Supplementary Report and Minutes.
CD14		Report to the Full Council, 8 May 2001 (Report No 174/2001) and Minutes
CD15		Report to the Full Council, 16 July 2001 (Report No 226/2001)
CD16		Notice of Refusal issued on 23 July 2001
CD17		Planning Permission No M/97/0826/CC dated May 1998 (IDO Conditions)
CD18		Department of the Environment, List of Buildings of Special Architectural or Historic Interest, District of Rutland, Parish of Edith Weston: entry for Wytchley Warren Farmhouse.
CD19		Countryside Character Industrial – East Midlands
CD20		The UK Forest Strategy
CD21		New Focus for England's Woodlands
CD22		Leicester, Leicestershire and Rutland Landscape and Woodland Strategy

STATEMENTS OF COMMON GROUND

SCG1	Landscape
SCG2	Ecological Issues
SCG3	Planning Policy
SCG4	Noise

DOCUMENTS ATTACHED TO THE MPA'S PROOFS OF EVIDENCE

RCC/SL		APPENDICES TO MRS LAMMIN'S PROOF
	(i)	Site Plan
	(ii)	Planning Decision Notice (23/7/2001)
	(iii)	Castle Cement Ltd – Grounds of Appeal
	(iv)	Noise Monitoring Results
	(v)	Comparison of Maximum Desirable Noise Levels with Proposed Levels
RCC/JE		APPENDICES TO MR ETCHELLS' PROOF
	A	Photographs
	B	Fig 1- Photograph Viewpoints and Visual Envelope
		Fig 2- Landscape Context
		Fig 3a- Progression of Works and Restoration Over Time (Revised)
		Fig 4- Proposed Bridge on diverted Empingham Road
		Fig 5- Principal Viewpoints
		Fig 6- Plateau Land – Slopes Less than 1 in 50.
	C	Table 1, Summary of Visual Impacts
	D	Correspondence on Listed Buildings
RCC/SED	1	Annex 1: Bat Issues
	2	Annex 2: Badger Issues
	3	Annex 3: Extract from Quarry Management on Limestone Landform Simulation in Quarry Restoration
RCC/NH/1		MPS's Original suggested Conditions

DOCUMENTS SUBMITTED BY THE MPA DURING THE INQUIRY

RCC1	Background Noise Levels at Leicestershire Quarries (see also RCC7)
RCC2	Mrs Lammin's Calculations of Noise Levels at Wytchley Warren Farm and Wytchley House
RCC3	Extract from WHO Document on Guidelines for Community Noise
RCC4	Note on the Effects of Blasting
RCC5	Letter of 1 May 2001 from Castle Cement to RCC
RCC6	Highway Authority Observations on the Application
RCC7	Further Note : Background Noise Levels at Leicestershire Quarries-see RCC1
RCC8	Closing Submissions by Mr Giles .

DOCUMENTS ATTACHED TO THE CASTLE CEMENT PROOFS OF EVIDENCE

CC/PW		APPENDICES TO MR WELLER'S PROOF
	A	Data and Information Tables
	B	Various Timing Information
	C	Figures
		1 - Total GB Cement Deliveries
		2 - Construction Output
		3 - GB Demand
CC/DB	1	Ketton Works – Personnel Numbers 2002
	2	Local Charities and Organisations supported by Castle Cement in 2001
	3	Visits hosted by Castle Cement Ketton Works in 2001
	4	Quarry Plant
	5	Comparison of the New Raw Material Recipe with the Historical Recipe
	6	Breakdown of concerns by Local Residents prior to the submission of the

Application
7 Summary of Changes made between September 1998 and February 2000
8 Summary of Changes made between March 2000 and March 2001
9 Effects of various Noise Limits in Association with Wytchley House and Wytchley Warren Farm – Plans
10 Effects of various Noise Limits in Association with Wytchley House and Wytchley Warren Farm – Tables
11 Dust Emissions
12 Response to Mr Pridmore's Questions
13 Analysis of Complaints during 2002 (Year to Date)
14 Geological Section through the Quarry
15 Reserves if Staying North of Empingham Road
16 Response on Dust Issues
17 Response on Alkalis, Section Line for Doc DB/14, Maximum Depths for Working, Distances to nearest Houses from Present Workings, Acoustic Panels to Drilling Rig, Losses of Reserves, Trees Planted, Production Output
18 Plan showing 50dB area if Haul Route at the Existing Surface Level

CC/HM APPENDICES TO MR MOGGRIDGE'S PROOF
(NB – Mr Moggridge's Appendices marked I-V are the Landscape Statement of Common Ground)
Tables
A - Criteria for Working Restoration
B - Sequence of Working and Restoration related to the Proposed Quarry Extension
C - Sequence of changing Habitat Effects in the Extension Area
1 Working Areas
2 Bar Chart of Working Order
3 Movement of Surplus Materials during Restoration
4 Ketton Gorse Field Note of Quarry Edge
5 Plan of 1962 from Rutland CC Planning Officer
6 Land Ownership Map
7 Consultation Plan
8 Illustrative Sketches for Collyweston PC
9 Number Not uses
10 Wytchley Warren Farm – Study of Softened Slopes: Plan
11 Wytchley Warren Farm – Study of Softened Slopes: Sections
12 Stone Farms above Huntsman's Quarry Costswolds AONB
13 Changes to the Setting of Wychley Warren Farm 1847-1980
14 Pre-1840 Maps of SE Rutland
15 Extent of Ketton Quarries in 1905
16 SE Rutland – Areas of Particularly Attractive Countryside or Local Landscape Value (1996 Local Plan)
17 Pland Indicating the extent of the Grange Top Quarry at 5 year intervals, 2001-2031
18 Five Aerial Views
18.1 - Consented Quarry nearing Completion
18.2 - c.2010:Area 1 Half Extracted
18.3- c.2016:Area 2 Three Quarters Extracted

		18.4- c.2022:Area 5 in Progress 18.5- c.2028:West End of the Quarry Restored
	19	All Views in 18 on One Document
	20	Existing and Proposed Views from Aldgate (E Ketton)
	21	Photographs approximating to a normal Human Field of View for comparison with Jon Etchell's Viewpoints
	22	Sections through Proposed Landform
	23	Visual Envelope showing places from which the Ground Surface of the Proposed Extension would be visible
	24	Visual Envelopes (a) Existing Quarry excluding Fields 10 and 11 (still to be worked) (b) Comparison of Visual Envelopes for the Existing Quarry and the Proposed Extension
	25	(a) Plateau Land: Slopes gentler than 4% (b) Plateau Land: Slopes gentler than 4% with added crest lines
	26	Mr Etchell's Area 3 Reassessed by HTM
	27	Sketch of Proposed Bridge on the diverted Empingham Road
	28	Photos of Woodland Establishment
	29	Notes on RCC Proposal tp confine working to the North of Empingham Road
	30	Some Options for the Restoration of Limestone Faces
	31	Restoration of Exton Park Quarry
	32	Ketton Works and Quarry Land Ownership
	33	Tentative Study of Bridge carrying the Diverted Empingham Road
	34	Bundle of Plans, Tables etc: copies of other documents or in the ES
CC/MR		APPENDICES TO MR RATCLIFF'S PROOF
	1	Table of Impacts (Revised)
	2	Edinburgh v S O S for Scotland and Revival Properties
	3	'Other Relevant Policies'
CC/TJW		APPENDICES TO MR WILTON'S PROOF
	1	1/1 - 1/9 Environmental Noise Levels
	2	List of Plant and Sound Power Levels
	3	3/1 - 3/9 Worst Case Predicted Noise Levels
	4	Note Concerning MPG11 Consultation Paper: May 2000
	5	Note Concerning the Common and Successful use of the 55 dB(A) Criterion
	6	Note Concerning Blasting adjacent to Wytchley Warren Farm
	7	Note concerning L_{Aeq} Values at Wytchley House
	8	Effects on Blasting on Bat Cave
	9	Response to Document RCC1
CC/PB		APPENDICES TO MR BRADLEY'S PROOF
	1	Planning Policies
	2	Quadrat Survey of naturally evolving calcareous Grassland 8 July 2002
	3	Bat Flight Routes
	4	Ketton Gorse Mine Survey
	5	Where have all the Flowers gone? - by Peter Marren

DOCUMENTS SUBMITTED BY CASTLE CEMENT DURING THE INQUIRY

CC	1	Opening Statement
	2	Quarries with noise limit of 55dB$L_{Aeq.1h}$ or above
	3	Noise Statement of Common Ground (SCG4)
	4	Bundle of Documents re-numbered as CC/HM/34
	5	Letter of 25 July 2002 from the Environment Agency
	6	Summary of Mitigation Measures
	7	Response to Mr Downes' Letter on reinstatement of the Quarry Floor
	8	Involvement of the IPC and IPPC Regimes
	9	Report on the Quality of the Restored Land in the Existing Quarry
	10	Response to Section 3.8 of Miriam Renner's Proof
	11	Plan showing Charted and Uncharted Faults around the Quarry
	12	Response to Mr Renner's comments on the restoration of Field R4
	13	Statement by Symonds on Highway Matters
	14	Summary of Discussions with Mr & Mrs Handley of Wytchley House
	15	Response to Mr Cade's evidence on Bats
	16	Legal Opinion in Answer to the submissions made on behalf of Messrs E L Makey & Sons
	17	Closing Submissions by Mr Pugh QC

DOCUMENTS SUBMITTED BY MAKEY/HANDLEY GROUP DURING THE INQUIRY

MMH	1	Questions on Dust
	2	Lease for Wytchley Warren Farm and Legal Submissions
	3	Legal Opinion about the Lease for Wytchley Warren Farm
	4	Legal Note about the Lease for Wytchley Warren Farm
	5	Closing Submissions by Mr Pridmore

DOCUMENTS ATTACHED TO THE KETTON CONSERVATION TRUST'S PROOF

KCT	A	Fig 1 - Aerial Photo showing the Quarry and Proposed Extension in relation to various Named Locations Fig 2- Existing Quarry and Works from Collyweston Fig 3- Field 12 (highlighted) from Collyweston
	B	Traffic Survey on Empingham Road: 29 May 2002

DOCUMENTS SUBMITTED BY ENGLISH NATURE DURING THE INQUIRY

EN	1	Statement on the application of Regulation 44 of the Habitats Regulations 1994
	2	Record of Statement to the Inquiry withdrawing EN's Objections

DOCUMENTS SUBMITTED BY NORMANTON PARISH MEETING BEFORE AND DURING THE INQUIRY

NPM	1	Letter by Ms Renner to RCC dated 31 May 2000
	2	Presentation to RCC Planning and Licensing Committee
	3	Letter dated 16 May 2000 to the Local Media, MP and MEP
	4	19th Century Map showing small-scale Quarries
	5	Photos showing Dust behind a Lorry in the Existing Quarry and Poor Arable Crop in the Quarry
	6	Letter to Mr Peckett from the Environment Agency dated 16 August 2001
	7	BBC News Web Site on Climate Change
	8	Extracts from Castle Cement Web Site on Ribblesdale and Padeswood Works

9 'Open Door' – October 1998
10 'Open Door' – March 2001
11 Extract from Just Rutland: 1969
12 Extract from The Book of Rutland
13 Research Notes by the Countryside Commission on Public Attitudes to the Countryside
14 Extracts from the Rutland Mercury: 25 May 2001
15 Extract from the Rutland and Stamford Mercury of 23 September 1983
16 Extract from the Stamford Mercury of 18 May 2001
17 Extract from the Inspector's Report on a Planning Application for a New Kiln etc at Padeswood Works
18 Advert in the Rutland and Stamford Mercury 5/7/02 for Production Trainees at Ketton Works
19 Unemployment Statistics for Leicestershire

DOCUMENT SUBMITTED BY THE KETTON TREE GROUP DURING THE INQUIRY

KTG 1 Table and aerial Photo giving Bat sighting Records

DOCUMENTS SUBMITTED BY THE SOCIETY FOR THE PROTECTION OF RUTLAND BEFORE AND DURING THE INQUIRY

SPR 1 ATSE Utilisation of Waste from Coal Fired Power Plants
2 European Usage of CCP's
3 Examples of use of CCP's
4 BCA Production Figures 1999-2001
5 BCA Production Figures 1996-1997
6 Cementitious Slag Makers Association Information
7 Effects of Cement Production on CO_2 Emissions
8 Extract from Open Door
9 Extract from Castle Cement Accounts
10 Specification of CCP's (Coal Combustion Plants)
11 Australian Cement Industry Environmental Report
12 WBC Cement Sustainability Initiative July 2002
13 Heidleberg Cement Group Environmental Report: 2002, Page 4
14 Heidleberg Cement Group Environmental Report: 2002, Page 16
15 Heidleberg Cement Group Environmental Report: 2002, Page 17
16 Heidleberg Cement Group Environmental Report: 2002, Page 42
17 Lafarge information on the Northfleet and Medway Works
18 Closing Submissions by Mr King

DOCUMENTS SUBMITTED BY THE INTERESTED PERSONS BEFORE AND DURING THE INQUIRY

IP 1 From Mr Stirling
A - Presentation to the RCC meetings by A Stirling on behalf of a Group of Concerned Residents
E - Letters submitted to RCC by A Stirling on 4 & 31 May 2001 setting out his comments and objections to the Proposed Quarry Extension and a letter to the Rutland County Councillors dated 7 July 2001
F - List of Relevant Policies
G- Diagrammatic representation of Common Sound Levels

IP 2 From Ms Kelham
Extracts from Published Footpaths Book