

Mr. Chris Lowden,  
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Nottingham  
NG6 8WR

Date: 20th November 2019  
My Ref: 2019/EIASco/0243/LCC  
Your Ref: 403.00027.00477  
Contact: Amelia Mistry  
Phone: 0116 305 7326  
Email: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

**By email only**

Dear Mr Lowden,

**EIA SCOPING OPINION**

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2017.

**PROPOSAL: Proposed eastern extension to Old Cliffe Hill Quarry.**

**LOCATION: CLIFFE HILL QUARRY**

**REF: 2019/EIASco/0243/LCC**

I refer to your letter dated 11<sup>th</sup> October 2019 requesting a scoping opinion in respect of the above proposal. I set out below the Council's formal scoping opinion, in accordance with Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – hereafter referred to as the EIA Regulations 2017.

As you are aware, an Environmental Statement (ES) for the above proposal is required to contain documentation which provides information for the purpose of assessing the likely significant impacts upon the environment arising from the development and its operation. The ES must contain the information specified in Part 5 Regulation 18(3) of the EIA Regulations 2017. It must also include any additional information specified in Schedule 4 to the EIA Regulations 2017 which is relevant to the specific characteristics of the particular development or type of development under consideration and to the environmental features likely to be significantly affected.

In accordance with Regulation 15(6) of the EIA Regulations 2017 the County Council is required to take the following into account prior to adopting a scoping opinion:

- (a) Any information provided by the applicant about the proposed development;
- (b) The specific characteristic of the particular development;
- (c) The specific characteristics of the development of the type concerned; and
- (d) The environmental features likely to be significantly affected by the development.

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

For the purposes of this scoping request the County Council has assessed the development which is detailed in the 'Regulation 15 Request for a Scoping Opinion' document prepared by SLR for Midlands Quarry Products Limited dated October 2019. This identifies that the proposed development includes an eastern extension to Old Cliffe Hill Quarry which would provide for an additional 8 years of production (which ranges between 2 and 4 million tonnes per year) to extend operations until 31<sup>st</sup> December 2040, with a further 2 years to complete restoration work. The proposed development also includes the continued operation of the Quarry Complex; landscaping works; the stopping up of the existing Cliffe Lane and its realignment; the diversion of a public right of way; and the amendment of existing quarry working schemes.

The County Council confirms that is considered SLR to be a 'competent expert' in the context of the preparing an ES, in accordance with Regulation 18(5) of the EIA Regulations 2017.

In general the Scoping Report you have provided is comprehensive in identifying the significant environmental impacts which the Council considers need to be addressed by the Environmental Impact Assessment. The prescribed consultation bodies have been consulted and a summary of information identified by these bodies to be provided is given under the appropriate heading used in the Scoping Report below.

### **Archaeology**

The proposed extension area has been assessed as having a low archaeological potential based on a desk-based assessment, but further consideration, including site investigation, is required to determine the accuracy of this assessment. With respect to this, the Environmental Statement should include a detailed archaeological investigation of the site, comprising geophysical survey of all areas likely to be impacted by the proposals (extraction, spoil storage, landscaping, realignment of Cliffe Lane, and road works to Stoney Lane), followed by trial trenching to clarify and determine the character, significance and implication of any detected anomalies. In combination both techniques will provide a sound basis around which to determine the application and inform the scope and character of any necessary mitigation requirements.

### **Landscape and Visual Impact**

The following information should be submitted as part of the Environmental Statement;

- A Landscape and Visual Impact Assessment should be prepared in accordance with the Landscape Institute's "Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3) 2013";
- A landscape character appraisal, taking into consideration the assessments produced by the 'Leicester, Leicestershire and Rutland Landscape and Woodland Strategy' updated 2006. The Statement should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies. The assessment should refer to the relevant National Character Areas. As the development site is within/adjacent to Charnwood Forest, consideration should be given to the direct and indirect effects upon this landscape within the environmental impact assessment, as well as the content of the relevant management plan for Charnwood Forest. The assessment should also refer to the Charnwood Forest Landscape Character Assessment and Charnwood Forest Biodiversity Audit. Details of local landscape character areas should be included and mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the Charnwood Forest, Cliffe Hill area.

- The Statement should demonstrate that all visual receptors as well as other potentially significant locations have been considered (including Public Rights of Ways, roads and farms). A plan should be included showing the Zone of Theoretical Visibility (ZTV) and all individual residential properties, PROWs and roads within the ZTV identified, named and recorded with the level of visual impact attributed. Seasonal variations should be considered.
- The Statement should include an outline of the methods used to predict impacts and the significance criteria framework used. Details of the proposed mitigation and predicted residual impacts, particularly details of proposed screen planting and additional planting, bunding, including slope profiles/sections and screening should be included.
- Although the proposed site appears to be a natural extension to the quarry, an assessment of alternative sites should be included.
- The Statement must demonstrate that cumulative development has been considered and suitably assessed. This must include the cumulative effect of the development with other relevant existing or proposed developments in the area. The cumulative impact assessment should include other proposals currently at Scoping stage.

### **Noise and vibration**

The proposed scope of the assessment of noise and vibration upon human receptors is acceptable. The noise and vibration assessments should also assess the level of noise and vibration arising from the development upon designated ecological sites and any identified protected species. The Environmental Statement should also address the matter of land stability and the likely impact and effect that any movement may have on neighbouring uses should be given due consideration.

### **Lighting**

The Environmental Statement should include the impact and effect of any additional external lighting to be installed. New or additional external lighting should be proposed in the form of a detailed scheme so that any likely impacts on neighbouring uses are given due consideration. In addition, a full assessment of the impact of any lighting provided on the site, its direction and impact into the night sky surrounding the site. Particularly noting the impact on neighbouring properties from both the railway sidings and the various works on site, and any impacts on designated ecological sites and protected species.

### **Ecology, Biodiversity and Geology**

The Statement should include an assessment of:

- The potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement;
- The potential for the proposal to affect designated sites, including the impact of the development upon the nearby Ulverscroft Valley SSSI and Cliffe Hill Quarry SSSI, the likely impacts on the wildlife and geodiversity interests of such sites;
- The direct and indirect effects of the development on the features of special interest within the site and Sites of Special Scientific Interest and the identification of such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects;
- The impact of all phases of the proposal on protected species and the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the

requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006;

- The impact of the proposals on significant habitats, statutory and non-statutory sites, wildlife corridors, habitat connectivity and the wider ecological network, including impacts on habitats off-site. For example, the grassland by the M1 N of Stoney Lane Farm is species-rich and may meet Local Wildlife Site criteria.
- The identification of impacts on significant populations of protected or UK/Local BAP priority species, including impacts on breeding sites, foraging areas, sheltering, refuge and hibernation sites, 'commuting' routes and dispersal habitats.
- The identification of indirect effects, such as through increased road traffic, disturbance or lighting.
- The description of avoidance, mitigation and compensation measures introduced in the site design to reduce ecological impact, bearing in mind the recognised hierarchy of avoidance first, then mitigation, with compensation as a last resort;
- The details of proposed ecological enhancement measures including creation of habitats, restoration or translocation of existing sites and habitats, and provision of linking and stepping stone habitat to enhance habitat and species connectivity within the site and wider landscape;
- Full details of any mitigation or compensation that might be required.
- Full details of what is proposed for the long-term maintenance of the site.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;

The Assessment should also include a range of surveys and an ecological assessment which incorporates, avoidance, mitigation and compensation measures which are highlighted in the Ecology Response attached.

## **Cultural Heritage**

The Environmental Statement should:

- Thoroughly assess the potential for the proposal to impact designated sites and heritage assets, with particular emphasis on the significance that derives from their setting;
- Explain how the design of the proposal has responded to the presence of any heritage impacts, including the likely impacts and mitigation measures;
- Include long views and any specific designed or historically relevant views and vistas within historic landscapes;
- Include surrounding landscape and views from the heritage assets over that landscape make to their significance;
- Consider the impact that the loss of part of that landscape and views across it would have on the assets' significance.

It is noted that two properties, and associated outbuildings, are to be removed. The Heritage Assessment does not describe these in detail and it is difficult, therefore, to be certain whether they are of sufficient significance to meet the NPPF definition of heritage assets. The Scoping Request only includes a single photograph, of Peak

Hayes Farm which is incorrectly described as brick and appears to be mid to late C19. The old mapping included in the Assessment supports this date and also suggests that other structures within the application site may be earlier. Further information should be provided in respect of Peak Hayes Farm and Sunny Cliffe before determination so that the actual level of significance can be established and, if necessary, appropriate measures of mitigation, possibly involving an agreed level of archaeological recording in this case, can be considered.

The desk-based assessment indicates that Park Hayes Farm and Stoney Lane Farm date from at least the mid-19th century. Their absence from the earlier Ordnance Survey drawings c. 1815, and the 1754 Samuel Wylde plan suggests they were constructed during the second quarter of the 19th century. Sunny Cliffe appears to coincide with structures marked on the Tithe mapping and 1st edition Ordnance Survey, suggesting a similar date of construction. The latter however appears to lie within former common land outside enclosures marked on both the Tithe map and the Wylde's map. Park Hayes Cottages appears first on the 1884 Ordnance Survey mapping, indicating a construction by the beginning of the fourth quarter of the 19th century. A historic building assessment of all the affected properties considering the likely future impact of the scheme, is required.

## Highways

The Environmental Statement should include:

- An assessment of transport related impacts of the proposal should be carried out and reported as described in the Department for Transport '*Guidance on Transport Assessment (GTA)*'.
- Environmental impact arising from any disruption during construction, traffic volume, composition or routing change and transport infrastructure modification should be fully assessed and reported.
- Adverse change to noise and air quality should be particularly considered, including in relation to compliance with the European air quality limit values and/or in local authority designated Air Quality Management Areas (AQMAs).
- The Statement should refer to Design Manual for Roads and Bridges (DMRB) and Part 3 of the Leicestershire Highways Design Guide and ensure that the proposals submitted demonstrate that the proposed highway works accord with the relevant design standards and requirements.
- A Transport Assessment, including road geometry, pedestrian provision, proposed highway boundary/ dedication, visibility (forward and junction), gradient, bend widening, highway safety, impact on any existing Traffic Regulation Orders/ utility equipment and capacity requirements.
- Further clarification and consideration as to whether the proposed diverted route of Cliffe Lane would also include new accesses into Stoney Lane Farm or any new dwellings/ agricultural plots, etc. due to the loss of several properties affected by the proposal.
- If new accesses are proposed, the proposals need to accord with the design standards set out in Part 3 of the LHDG. Appropriate vehicle tracking should also be submitted alongside visibility splays in accordance with Table DG4 of Part 3 of the LHDG.
- The LHA would require the number of HGV trips to/from the site per day upon submission of a planning application. Given the date the current permissions for extraction would expire (31st December 2032), it would be advisable to

demonstrate the impact of the proposals would not have an adverse affect on the surrounding highway network from beyond the current expiration date.

- Clarification as to whether there would be any increase in employees as a result of the proposals. If there is a proposed increase in employees, a drawing demonstrating appropriate parking and turning facilities within the site would be required.
- A Transport Statement should be provided, in accordance with Appendix C of Part 7 of the LHDG. This should clearly outline all matters pertinent to the LHA in accordance with the above, specifically including any proposed or alterations to the highway, trip generation, access arrangements, PROW's and an assessment of personal injury collisions within the last five years in the vicinity of the site.

Highways England recommends the following location specific considerations should inform the Environmental Statement;

- The nearest point of impact of development traffic on the Strategic Road Network will be the M1 J22. Based on the information provided at this stage, Highways England do not consider capacity assessments to be required at any SRN junctions.
- The scoping report acknowledges the need for a geotechnical assessment to be undertaken for the quarry development and screening landform to consider the stability of the quarry workings and assess the effects on both on-site and off-site. The report states that the design of the quarry and new landform will be based on sound geotechnical data, proven working and construction methods. Highways England find this approach appropriate.

### **Public Rights of Way**

Consideration should be given to improving access along the new Cliffe Lane corridor to link to footpaths R23 to the south and R100 to the north. This would provide a complete circular route around the quarry, and at the same time provide an improved off-road link between Stanton under Bardon and Markfield.

### **The Water Environment**

The Statement should:

- Establish the hydrogeological baseline conditions at the site, prior to the proposed development;
- Include a qualitative hydrogeological risk assessment that covers the impact on the groundwater resources from the proposed development;
- Consider the cumulative impact of the proposed development;
- Demonstrate that groundwater quality will be protected and that the proposals will not result in the unacceptable discharge of pollutants to groundwater;
- Include a Flood Risk Assessment.

## **Soils and Agricultural Land Quality**

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 170 of the NPPF and include:

- The degree to which soils would be disturbed/harmed;
- An agricultural land classification and soil survey of the land;
- Details of how any adverse impacts on soils can be minimised.

## **Dust and Air Quality**

The Environmental Statement should:

- Take account of the risks of air pollution and how these can be managed or reduced.
- Demonstrate that the proposed development, including any mitigation measures, will be sufficient to overcome any likely impacts.
- Consideration should be given to the placement of existing and additional air quality assessment measures around the site and in surrounding communities, particularly at the nearest sensitive properties.
- Consideration should be given to the existing dust measurement measures and whether these are sufficient or need to be revised in light of the new proposals.

## **Climate Change Adaptation**

It is noted that the proposed development of the extension would not alter current working practices or introduce any significant numbers of new plant and machinery. Nevertheless, the proposed operation of the site would continue for an additional 8 years. An assessment should be undertaken of the contribution that this would have on emissions associated with climate change. It is also recommended that the climate change benefits (if there are any) of the proposed restoration scheme are taken into account.

The statement should reflect the principles set out in The England Biodiversity Strategy and identify how the development's effect on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The statement should also demonstrate how the development would contribute to the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF, Paragraph 170).

## **Cumulative Impacts**

The effects that are likely to result from the proposed development in combination with other projects and activities that are being, have been or will be carried out, including the following types of projects:

- a) Existing completed projects
- b) Approved but uncompleted projects
- c) Ongoing activities
- d) Plans or projects for which an application has been made and which are under consideration by the consenting authorities

Plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

## **Alternatives**

The statement should include a description of the reasonable alternatives which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.

## **Accidents, Natural Disasters and Hazards**

The proposed geotechnical assessment to assess the Easter Extension in proximity to the M1 is supported.

In accordance with Part 8 of Schedule 4 of the EIA Regulation 2017 the ES should include a description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned.

## **Population and Health**

It is noted that potential health effects arising from the proposed development will be assessed in the respective technical chapters of the ES (e.g. noise, dust etc). The County Council is satisfied with this approach. Whilst not necessary for assessment within the ES, the County Council recommends that any planning application supporting statement gives consideration to the socio-economic impacts of the proposed development.

## **Consultation Bodies**

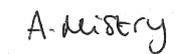
In accordance with Regulation 15(4) a number of organisations have been consulted for their expert advice regarding the likely environment effects of the proposed development. Consultations have also taken place with specialists employed within the County Council. The following were consulted on your scoping request:

- Hinckley & Bosworth Borough Council – Planning\*
- Hinckley & Bosworth Borough Council – Environmental Health\*
- North West Leicestershire District Council - Planning\*
- North-West Leicestershire District Council - Environmental Health
- Stanton under Bardon Parish Council
- Markfield Parish Council\*
- Ibstock Parish Council
- Ellistown & Battleflat Parish Council
- Environment Agency\*
- Natural England\*
- National Forest Company\*
- Network Rail
- Historic England\*
- Highways England\*
- Public Health England\*
- Health and Safety Executive\*
- Leicestershire County Council – Public Rights of Way\*
- Leicestershire County Council – Archaeology\*
- Leicestershire County Council – Heritage\*
- Leicestershire County Council – Ecology\*
- Leicestershire County Council – Landscape\*
- Leicestershire County Council – Highways\*
- Leicestershire County Council – Lead Local Flood Authority\*

I attach for your information copies of the responses I have received from those bodies which have responded (marked with an \* above). These responses explain some of the above issues in greater detail and include information regarding some useful guidelines/best practice to be adopted. In addition, the responses identify certain matters which should be addressed in preparing the development proposals. Any responses received subsequent to issuing this letter will be forwarded and should be read in conjunction with this letter.

I trust that the above information will be helpful to you in the preparation of the Environmental Statement. Please contact me if you require any clarification or would like to discuss any matters further.

Yours sincerely

A handwritten signature in black ink that reads "A. Mistry". The signature is written in a cursive style with a small loop at the end of the last name.

Amelia Mistry

Planning Officer