



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 14 March 2019 at 2.00 pm**

Location: **Sparkenhoe Committee Room - County Hall**

Contact: **Mr E. Walters (Tel: 0116 3052583)**

Email: **euan.walters@leics.gov.uk**

Membership

Mr. J. G. Coxon CC (Chairman)

Mr. I. E. G. Bentley CC	Mr. D. Jennings CC
Mr. G. A. Boulter CC	Mr. W. Liquorish JP CC
Mr. B. Crooks CC	Mr T. Parton CC
Mr. D. A. Gamble CC	Mr. S. D. Sheahan CC
Mr. T. Gillard CC	Mrs. M. Wright CC
Mr. D. Harrison CC	Mr. M. B. Wyatt CC

Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at www.leicestershire.gov.uk
– Notices will be on display at the meeting explaining the arrangements.

AGENDA

Item

1. Minutes of the meeting held on 14 February 2019. (Pages 3 - 6)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 36.



Reports of the Chief Executive on Planning Applications - County Matter Applications.

7. 2018/2039/07 (2018/VOCM/0198/LCC): Midland Quarry Products Ltd (Pages 7 - 32)
- Proposed variation of condition 51 of planning permission ref 2010/1032/07 dated 30th March 2011 to allow removal of vegetation/trees to improve the existing access to the quarry - Whitwick Quarry - Whitwick Quarry, Leicester Road, Whitwick.
8. 2019/0044/07 (2018/CM/0261/LCC): F P McCann Ltd - Extension of (Pages 33 - 48)
the period for the operation of Ellistown Concrete Works beyond 21st February 2042 (Permanent Permission) - Concrete Works, Whitehill Road, Ellistown, Coalville.
9. Any other items which the Chairman has decided to take as urgent.
10. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 14 February 2019.

PRESENT

Mr. J. G. Coxon CC (in the Chair)

Mr. I. E. G. Bentley CC
Mr. G. A. Boulter CC
Mr. B. Crooks CC
Mr. D. A. Gamble CC
Mr. T. Gillard CC
Mr. D. Harrison CC

Mr. D. Jennings CC
Mr. W. Liquorish JP CC
Mr T. Parton CC
Mr. S. D. Sheahan CC
Mrs. M. Wright CC
Mr. M. B. Wyatt CC

76. Minutes of the previous meeting.

The minutes of the meeting held on 13 December 2018 were taken as read, confirmed and signed.

77. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

78. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

79. Urgent items.

There were no urgent items for consideration.

80. Declarations of interest in respect of items on the agenda.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were also members of a Parish, Town or District Council, or Liaison Committee would have personal interests in those applications which relate to areas covered by those authorities/bodies.

Mr. D. Jennings CC declared a personal interest leading to bias in item 7: Hugglescote County Primary School and stated that he would leave the room for that item.

81. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

82. 2018/Reg3Mi/0200/LCC - Leicestershire County Council - Application for new 5 classroom single storey block, to re-configure class sizes internally, create a refuse compound, increase the size of hard play area and provide additional car park spaces at rear.

(Mr Jennings CC, having declared a personal interest which might lead to bias, left the meeting during consideration of the application.)

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

In accordance with the procedures for making representations to the Board Dr. T. Eynon CC (Leicestershire County Council member for Coalville North) spoke regarding the proposals. Dr Eynon raised concerns that although the school was not located within her division, the residents of Coalville North would be affected by increased traffic and car parking congestion as a result of the proposed increase in school capacity. Dr Eynon raised concerns that the school travel plan would be ineffective.

The Local Member Mr. M. B. Wyatt CC questioned whether there was sufficient land at the school site for the replacement trees to be located. Mr Wyatt also raised safety concerns about a large amount of children exiting the school at the same time and asked if additional guard railings could be installed along Ashburton Road. *(After the meeting it was established that while there were already three sections of guard railing along Ashburton Road, opposite each of the pedestrian entrance points, it would be possible to secure a section of additional guard railing along Ashburton Road to ensure that people safely cross the road. This detail will be agreed as part of the School Travel Plan condition (no. 11)).*

In response to Mr Wyatt's concerns relating to trees the Chief Executive confirmed that for every tree removed it was proposed that there would be a replacement tree planted.

Board members asked for the school travel plan to be strengthened and greater emphasis placed on alternate methods of transport such as cycling and walking.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-13 as set out in the appendix to the report, subject to amendment to condition no. 11 so that it states:

"No part of the development hereby permitted shall be first occupied until a School Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the County Planning Authority. The Travel Plan shall address the travel implications of the use of the whole school site as if the development approved were to have been fully completed and occupied. The Travel Plan shall specify facilities and measures with measurable output and outcome targets designed to:

- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the school; and

- Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the school and, in particular, to secure increases in the proportion of travel by car sharing, cycling and walking modes.

The Travel Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator;
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a minimum of 5 years from first occupation of the development hereby permitted;
- The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
- Additional facilities and measures to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

Once approved the School Travel Plan shall be implemented in accordance with the approved details."

- (b) That the Board confirms (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that in dealing with the application the County Council worked in a positive and proactive manner, taking account of paragraphs 186 and 187 of the National Planning Policy Framework.

(Note: Mr Jennings CC then returned to the meeting).

83. Delegated Decisions issued 1 October 2018 to 31 December 2018.

The Board considered a report of the Chief Executive which set out the Delegated Decisions issued in the period 1 October 2018 to 31 December 2018, a copy of which, marked 'Agenda Item 8' is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

84. Delegated decisions for works to trees protected by Leicestershire County Council Tree Preservation Orders - 1 July 2018 to 31 December 2018.

The Board considered a report of the Director of Environment and Transport which set out the Delegated Decisions for works to trees protected by Leicestershire County Council Tree Preservation Orders issued in the period 1 July 2018 to 31 December 2018, a copy of which, marked 'Agenda Item 9' is filed with these minutes.

RESOLVED:

That the contents of the report be noted.

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DEVELOPMENT CONTROL AND REGULATORY BOARD

14th March 2019

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2018/0239/07 (2018/VOCM/0198/LCC) – 11/10/2018
PROPOSAL:	Proposed variation of condition 51 of planning permission reference 2010/1032/07 dated 30 th March 2011 to allow removal of vegetation/trees to improve the existing access to the quarry.
LOCATION:	Land at Whitwick Quarry, Leicester Road, Whitwick (North West Leicestershire District).
APPLICANT:	Midland Quarry Products Ltd.
MAIN ISSUES:	Landscaping, visual impact, ecology, amenity, highway.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix.

Circulation Under Sensitive Issues Procedures

Mr T. Gillard, CC.

Officer to Contact

Katie Ferguson (Tel. 0116 305 7325)
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Location of site

1. Whitwick Quarry is located to the north of Leicester Road and approximately 200 metres to the east of the built up area of Whitwick. The wider quarry site is generally bound by woodland with agricultural land and isolated farmhouses beyond. The nearest residential properties to Whitwick Quarry are those on Leicester Road and are screened from the site by mature vegetation between the properties and the quarry void. Footpath L21 skirts the quarry's north-west boundary, with Footpaths L19 and L9 adjoining the north and eastern boundary. Bridleway O22, which forms part of the Ivanhoe Way, runs north west to south east on the southern section of the site, south of Leicester Road, between the processing plant area and the settlement lagoon further to the south.
2. When Whitwick Quarry was fully operational there were three permitted access points to the main operations off Leicester Road. Access one is located furthest east along Leicester Road and remains as the main access for Midland Quarry Products (MQP) head office; access two is located to the west of access one and was previously closed pursuant to condition 17 of planning permission 2010/1031/07 and access three is located furthest west along Leicester Road, closest to the built up area of Whitwick and is an existing entrance used to access the quarry prior to it being mothballed.

Planning History

3. Whitwick Quarry is a long established hard rock quarry that has operated for well over one hundred years. In 1996 MQP mothballed Whitwick Quarry for stone production and processing but retained the coated road-stone plant, which continued to operate until 2008 using imported stone before the plant was subsequently removed. The main operations and all extraction operations are located to the north of Leicester Road, along with an area used for lorry parking and the applicant's head office. Land to the south of Leicester Road has historically been used for producing coated road-stone and for storing processed stone, but is now vacant. The only operations currently retained at the site relate to the use of the offices on site, which are used as the head office for MQP and an ancillary lorry park. The quarry has been worked in part, and planning permission (reference: 2010/1032/07) allows the winning and working of minerals at the site until 21st February 2042.

Description of proposal

4. Planning permission is sought to vary condition 51 of planning permission reference 2010/1032/07 dated 30th March 2011 to allow removal of vegetation/trees to improve an existing access to the quarry. The proposal



involves widening the access point allowing for two HGVs to pass safely, the relocation of a stone wall and widening the highway verge.

5. The proposal relates solely to access three. Access one will remain the main access for MQP's head office and access two will remain closed.
6. Condition 51 of the original planning permission (reference 2010/1032/07), states 'All trees and hedges along the boundaries of the site shall be retained, protected and maintained throughout the duration of the operations'. The proposed access improvements would result in the removal of boundary trees and vegetation. The applicant therefore seeks to vary the planning condition to be worded as follows - 'All trees and hedges along the boundaries of the site shall be retained, protected and maintained throughout the duration of the operations except for the details shown on plan WQ-001.'

Vegetation – removal and replanting

7. The roadside embankment either side of the entrance to access three is vegetated with young scrub and secondary tree growth interspersed with tall ruderal vegetation adjacent to a grass dominated road verge. Tree species include: oak, silver birch, beech, and willow; bramble and bracken are also present.
8. The proposed alterations to the access will involve the removal of roadside trees and vegetation to allow for the visibility splays to be improved. It is proposed that the vegetation loss will be compensated by replacement tree planting and grassland reinstatement. The area subject to vegetation removal and replanting is 0.33 acres.
9. A landscape scheme was submitted as part of the application and outlines the area affected and provides mitigation in the form of a planting scheme to replace the loss of trees and vegetation. It is proposed that the replacement trees would be individually protected and managed for at least 5 years after the works have been completed, with all planting failures reinstated annually.

Widening of the access point and verge

10. The proposal incorporates the widening of the grass verge and incorporates the process of carrying out earthworks and cutting back existing mounds, this would allow for adequate visibility splays, of 4.5x160 metres, for heavy goods vehicles using the access. The earthworks would allow for the relocation of approximately 75 metres of existing dry-stone wall further to north and establishment of a widened grass verge. The widened grass verge would be seeded and maintained adequately.

11. The topography of the access increases in height gradually from the grass verge towards the quarry void, ranging from 179 to 181 metres. The proposed widening and earthworks would have the same topographical characteristics.

Relocation of the dry-stone wall

12. The widening of the access point and verge would require the relocation of approximately 75 metres of existing dry-stone wall further to the north. It is proposed that the form and style of the existing dry-stone wall will be maintained by an experienced dry-stone waller, ensuring the replication of the style of the existing wall being retained.

Ecology

13. The landscaping scheme includes an ecological appraisal concluding that no protected species were identified in the proposal area. The Council's ecologist agrees with these conclusions.

Planning Policy

National Policy

14. The revised National Planning Policy Framework (NPPF) was published in July 2018 and sets out the Government's planning policies for England. At the heart of the NPPF is a presumption in favour of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment.
15. When determining planning applications, the NPPF states that local planning authorities should give great weight to the benefits of mineral extraction, including to the economy; ensure that there are no unacceptable impacts on the natural environment; ensure that any unavoidable noise and dust emissions are controlled, mitigated or removed at source; establish appropriate noise limits for extraction in proximity to noise sensitive properties; and provide for restoration and aftercare at the earliest opportunity.
16. Paragraph 47 of the NPPF states, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.

Development Plan Policies

17. The relevant parts of the Development Plan for the application site comprises of the Leicestershire Minerals Core Strategy and Development Control Policies

(2009) and the North West Leicestershire Local Plan (2017). The principal policy considerations relevant to the current application are set out below.

Leicestershire Minerals Core Strategy and Development Control Policies (2009).

18. Policy MCS11 is concerned with environmental protection, to protect and enhance the natural and built environment.
19. Policy MCS14 states that minerals development within the National Forest but outside of the Charnwood Forest area is to reflect the National Forest Strategy by making provision for the planting of woodlands, habitat creation, the creation of new leisure and tourism facilities and/or for public access.
20. Policy MCS17 is the strategy for the reclamation and future use of mineral sites is to ensure that:
 - land is reclaimed at the earliest opportunity and that high quality restoration and aftercare takes place to an appropriate after-use that enhances and complements the natural and historic environment and that is in keeping with the local area, including its landscape character and with due regard to the setting of historic assets, adding to local distinctiveness and biodiversity having regard to the County's Biodiversity Action Plan, Landscape and Woodland Strategy, and the National Forest Strategy;
 - industry uses best practice at the time which seeks to minimise future public safety hazards and ground stability problems which can arise from the legacy of mineral workings.
21. Policy MDC1 focuses on Sustainable Mineral Development and states that permission will not be granted for minerals development unless it can be demonstrated that the Government's objectives for sustainable minerals development have been appropriately addressed whilst ensuring that there will be no significant loss in other sustainability objectives.
22. Policy MDC6 focuses on landscaping and woodland, and states in granting planning permission for minerals development, landscaping and new woodland planting will be required, where appropriate.
23. Policy MDC12 focuses on Health and Amenity, where Planning permission will not be granted for minerals development which is likely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the minerals development.
24. Policy MDC18 focuses on Planning Conditions and states that in granting planning permission for minerals development, conditions will be attached to control the effect of the development on the environment and the local community.

North West Leicestershire Local Plan (2017)

25. Policy D2 focuses on Amenity where proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. Where, there is not a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact; and they do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.
26. Policy En1 focuses on Nature Conservation, where proposals for development will be supported which conserve, restore or enhance the biodiversity.
27. Policy En3 focuses on The National Forest, emphasising that new developments within the National Forest should ensure that: the siting and scale of the proposed development is appropriately related to its setting within the Forest; and the proposed development respects and does not adversely affect the character and appearance of the National Forest or the wider countryside; and the character of the National Forest is enhanced through incorporating a National Forest or locally inspired identity.
28. Policy IF4 focuses on Transport Infrastructure and new development, where the development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses and employees.

Leicestershire Minerals and Waste Local Plan (Submission Version 2018).

29. The emerging plan is given moderate weight. Emerging policies do not introduce any additional policies of relevance to this S73 application compared to policies within the adopted Minerals and Waste Local Plan.
30. Policy DM2 focuses on Local Environment and Community Protection, where planning permission will be granted for minerals and waste development where it is demonstrated that the potential effects from birdstrikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses and users and those in close proximity to the proposal would be acceptable.
31. Policy DM3 focuses on Strategic Green Infrastructure and states that planning permission will be granted for minerals and waste development within the National Forest where proposals reflect the National Forest Strategy by making provision for the planting of woodlands, habitat creation, the creation of new leisure and tourism facilities and/or for public access, in accordance with the planting guidelines as set out in the National Forest Company's Guide for

developers and planners, and are designed to reflect the character of the National Forest as set out in the National Forest Company's Design Charter.

32. Policy DM5 focuses on Landscape Impact and states that planning permission will be granted for minerals and waste development where it is demonstrated that the proposal is well designed, contributes positively to the character and quality of the area in which it is to be located, and (where appropriate) contains sufficient provision for new woodland planting.

Consultations

33. **Leicestershire County Council – Highways** - No objection. Visibility splays (4.5m x 160m) at the site access are in accordance with the Leicestershire Highways Design Guide were required which, aside from demonstrating available visibility, identify the impact of the proposal on highway trees. The highway trees that are shown to be proposed to be removed are relatively small and there is limited scope for replacement at the same location. Taking account of the amenity value of those trees, the local highway authority are not seeking mitigation. The local highway authority raises no objection to the variation of condition 51 subject and recommend two conditions: No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on WYG drawing number A108592-35-12-101 have been implemented in full and no part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 4.5 metres by 160 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
34. **North West Leicestershire District Council – Environmental Health** – No comments.
35. **North West Leicestershire District Council – Planning** – No objections; subject to the following: whilst the landscaping scheme has acceptable native species consideration should be given to 10% of the trees to be planted being feathered or standard trees so as to provide a more immediate visual impact given the amount of trees to be removed.
36. **Leicestershire County Council - Ecological Advice** – No objections, the landscape scheme to reinstate the woodland and drystone wall is acceptable, and should be a condition of the works.
37. **Leicestershire County Council - Landscape Advice** - No objections to the scheme. However, considerations should be given to approximately 10% of the proposed trees to be planted being feathered or standard specimens to provide a more immediate visual impact.

38. **Whitwick Parish Council** - No objections.

39. **Charley Parish Council** - No reply received.

Publicity

40. The planning application has been publicised by a press notice in the Coalville Times on the 9th November 2018 and by site notices and neighbour notification letters dated 7th November 2018.

Representations

41. A letter of representation has been received as a result of the publicity, from a resident located on Beaumont Road, to the west of Whitwick Quarry. Concerns were raised about the following: the destruction of natural habitat for wildlife and birds and air, noise and dust pollution, plus the location of the site notice.

Assessment of Proposal

42. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to the landscaping, visual, ecology, amenity impact and highways.

43. The applicant is seeking to vary condition 51 of planning permission reference 2010/1032/07 dated 30th March 2011 to allow the removal of vegetation/trees to improve an existing access to the quarry. If permitted, condition 51 would equate to condition 55 of this planning permission. The proposal would facilitate the re-opening of Whitwick Quarry which has planning permission allowing the winning and working of minerals at the site until 21st February 2042. This is in accordance with policy MCS17 as it allows the mineral to be worked and the site to be restored at the earliest opportunity.

Landscaping

44. The development involves the removal of 0.33 acres of trees and vegetation as part of the proposal. The replacement tree planting would include a species mix and comprise of local species.

45. Recommendations have been made by the Local Planning Authority and County Council Landscape Officer to include at least 10% of the proposed trees to be planted being feathered or standard to provide a more immediate visual impact. A condition incorporating this recommendation would reduce the proposal's impact on amenity and therefore meets the terms of policies MDC12 and D2.

46. The proposal highlights the protection of existing landscape features. With the exception of the planting that would be removed, all other existing boundary trees and vegetation would be retained and protected as far as possible with precautionary measures undertaken to help protect and enhance the natural environment and amenity of the area. The extant planning permissions have a conditions stating that all trees and hedges along the boundaries of the site shall be retained, protected and maintained throughout the duration of the operations; the proposal would vary this to incorporate the proposed changes but subject to the principal of this condition being retained the proposal is acceptable in terms of policy MDC6 which focuses on landscaping and woodland for mineral development.
47. The importance of the replacement planting is significant as the site lies within the National Forest, policy MCS14 aims to make provision for the planting of woodlands and habitat creation and policy En3 emphasises that the proposed development needs to respect and not adversely affect the character and appearance of the National Forest. The proposal includes a species mix that comprises of typical local species such as Pedunculate Oak, Wild Cherry and Silver Birch. Subject to a condition setting out the species for the replacement planting it would be acceptable and meets the terms of policy MCS14 and En3.

Ecology

48. An ecological appraisal has been carried out as part of the application, which identified that there are no protected species located within the application site. Whilst there would not be any unacceptable impacts on any nature conservation sites, habitats or protected species, the report makes a number of recommendations to minimise the potential impact on these habitats - it is recommended that these are conditioned in order to meet the terms of policy En1.
49. The County Council's ecologist has no objections to the proposal and the landscape scheme to reinstate the woodland is acceptable. Policy En1 supports development proposals that conserve, restore or enhance the biodiversity. Any vegetation loss as part of the proposal is proposed to be compensated by replacement tree planting and grassland reinstatement, with the amount subject to be cleared and replanting equating to 0.33 acres. Therefore, subject to the landscape scheme and reinstatement of the woodland being controlled by condition, the proposal is acceptable and meets the terms of policy En1.

Visual Impact

50. The proposal to widen the existing access three entrance includes the relocation of the existing dry-stone wall, felling or trimming of existing trees and vegetation

clearing, all visible from Leicester Road. These works are needed to recommence working at Whitwick Quarry, allowing for the movement of industrial vehicles and the formation of appropriate visibility splays. Comments from Landscape and the Local Planning Authority stated that consideration should be given to 10% of the trees to be planted being feathered or standard trees so as to provide a more immediate visual impact given the amount of trees to be removed. Therefore subject to a condition that 10% of the planting should be feathered or standard trees, the visual impact of the proposal would be acceptable and meets the terms of policies MCS11 for environmental protection, and, MDC12, implementing landscaping and woodland in minerals development.

51. The proposal includes the relocation of approximately 75m of dry-stone wall to accommodate the visibility splays. This would be undertaken by a suitably experienced dry-stone waller to ensure a satisfactory construction technique and replication of the existing walling to match the adjacent wall to be retained. Subject to a condition controlling this matter, the visual impact of the proposal would be acceptable and satisfies the amenity and environmental protection requirements the terms of policies MCS11, MDC12 and D2.

Amenity

52. An objection has been raised concerning air, noise and dust pollution. However, the proposal relates to the widening of the existing entrance and involves the removal of trees, the carrying out of earthworks and the relocation of the dry-stone wall and therefore is not likely to create significant air, noise and dust pollution. As Whitwick Quarry has been worked in part and the extant planning permissions allows for the winning and working of minerals at the site until 21st February 2042, (references 2010/1031/07 and IDO submission 2010/1032/07) these concerns will have been assessed under the current permissions which have conditions and measures in place to control air, noise and dust pollution. Therefore, given there are controls in place to address the potential adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic; the proposal's effect on amenity is limited and therefore acceptable and meets the terms of policies MDC12 and D2.

Highways

53. The proposed works relate to the widening of an existing entrance on to Leicester Road for the recommencement of quarry working at the site through the creation of appropriate visibility splays to allow the movement of industrial vehicles. The County Council Highway Authority has no objections to the proposal stating the visibility splays at the site access would be in accordance with the Leicestershire Highways Design Guide. It is recommended that a condition is imposed relating to the visibility splays as policy IF4 focuses on

transport infrastructure emphasising safety, and therefore the development satisfies the highway safety requirements of policy IF4.

Conclusion

54. Planning permission is sought to vary condition 51 of planning permission reference 2010/1032/07 dated 30th March 2011 to allow removal of vegetation/trees to improve an existing access to the quarry.
55. By reason of the above assessment it is considered that the proposal is in general accordance with the development plan policies and it is considered that the development would not have a significant detrimental effect on landscaping, visual impact, ecology, amenity, and the highway. As such the proposal is acceptable and is recommended for approval subject to the conditions set out in the Appendix.

Recommendation

- A. Permit subject to the conditions, as set out in the appendix.
- B. To endorse, as requested by The Town & Country Planning (Development Management Procedure) Order 2015 (as amended):
- i. How we have worked with the applicant in a positive and proactive manner:
- In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework.

Officer to Contact

Katie Ferguson (Tel: 0116 305 7325)
E-Mail planningcontrol@leics.gov.uk

Appendix**Conditions**

1. Unless otherwise required by the conditions attached to this permission, the development shall only be carried out in accordance with the approved documents.
2. For the purpose of Condition 1, unless otherwise required by conditions in this permission, the approved documents for this Schedule of Conditions consent shall comprise:-
 - The forms and Environmental Statement accompanying the submission of a scheme of conditions under IDO permission number 1992/0219/07 and variation of condition 3 of permission number 1981/1233/07.
 - Plans numbered W71/16 to W71/21 and 1979/001.
 - The details required by conditions attached to this decision.
3. Until such time as operations at the quarry cease, copies of these conditions and the approved documents referred to in Condition 1 and any subsequently approved in accordance with these conditions shall always be available for inspection at the quarry manager's office during normal working hours. Their existence and contents shall be made known to all operatives likely to be affected by matters covered by them.

Duration

4. The winning and working of minerals and the deposition of mineral waste at the site shall cease no later than the 21st February 2042.
5. Within 24 months of the permanent cessation of mineral working, all buildings, plant and machinery within the site shall be removed and the site restored in accordance with the Reclamation Scheme required by Condition 60 below.
6. In the event that mineral working permanently ceases prior to the full implementation of the approved working scheme required by Condition 25, a revised scheme to include details of reclamation, aftercare and a timescale for the completion of the reclamation works, shall be submitted for approval to the Mineral Planning Authority within 12 months of the permanent cessation of working. Such a revised agreed scheme shall be fully implemented within 24 months of approval.
7. Following the recommencement of quarrying, if mineral workings are then subsequently suspended for a period of 6 months or more, then the operator shall give written notification to the Mineral Planning Authority of the date upon which mineral working was suspended within one month of the end of the 6 month period of suspension of works.
8. In the event that mineral workings are recommenced and are then temporarily suspended for a period exceeding 2 years, then within 36 months from the suspension of mineral working an interim reclamation scheme for the site and timetable for its completion shall be submitted for approval to the Mineral

Planning Authority. The interim reclamation scheme shall then be implemented in its entirety within 12 months of approval.

Access and Protection of Public Highway

9. All HGVs leaving the site shall travel in an easterly direction onto Leicester Road other than those travelling between the two parts of the site on either side of Leicester Road.
10. a) Prior to the use of access three (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) details of vehicle directional signage and its location shall be submitted for the written approval of the Mineral Planning Authority. The signage shall be erected prior to the use of access three and maintained as approved for the duration of operations.

b) Vehicle directional signage and its location for access one (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) shall be carried out in accordance with the document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07' dated June 2015.
11. No mineral shall be brought onto the site for processing in the primary crusher.
12. The surface of site accesses onto Leicester Road together with internal access roads, roads serving parking areas, servicing of plant areas and internal traffic circulation areas shall be maintained in a good state of repair at all times until completion of the site restoration.
13. An efficient drainage system shall be provided in respect to the surfaced areas used by heavy goods vehicles and maintained at all times until completion of the site reclamation.
14. a) Wheel cleaning facilities and measures to ensure that the public highway is kept clean and free from mud and other deleterious shall be carried out in accordance with the following documents:
 - Document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07' dated June 2015;
 - Drawing titled 'Wheel wash location plan', drawing number W104, dated May 2015;
 - Document titled 'Rhino Ecowash Express';
b) All HGVs leaving the site shall use the wheel cleaning facilities as necessary to ensure that for the life of the development, no mud or deleterious materials are carried on to the public highway.
15. All vehicles leaving the site transporting stone less than 75 mm in diameter shall be securely sheeted to prevent dust emissions and spillage.

16. At the site accesses on to, and the frontages of, Leicester Road, vegetation shall be managed to ensure that visibility splays are maintained at all times to the maximum achievable distances across the site's frontages and that vegetation from the site does not impede pedestrians using the footway or the street lighting along Leicester Road.
17. a) Access one (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) shall not be used by HGVs relating to quarry operations.
- b) There shall be no use of access two (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) in accordance with the document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07' dated June 2015.
18. Access three (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) shall be completed in accordance with the following:
- Highway layout in accordance with plan titled 'Landscape Scheme', drawing reference WQ-001, dated September 2018;
 - Visibility splays in accordance with plan titled 'Geometry & Visibility Requirements', drawing number 103, dated 16/07/2018;
 - Landscape Scheme for Proposed Highways Entrance Design, reference 403.00027.00482, dated September 2018;
 - Drawing titled 'General Arrangement', drawing number 101 and dated July 2018, with a gradient of no more than 1:20 for a distance of at least 15 metres behind the highway boundary;
 - Drawing titled 'Site Clearance', drawing number 102 and dated July 2018;
 - Drawing titled 'Long & Cross Sections', drawing number 104 and dated July 2018;
 - Drawing titled 'Scope of Works', drawing number 105 and dated July 2018;
 - Drawing titled 'Swept Path Analysis', drawing number 106 and dated July 2018.
19. Prior to the use of access three (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) the visibility splays associated with access three shall be maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway throughout its duration.
20. No vehicles shall use access three for any means until the works in condition 18 have been successfully completed to the satisfaction of the Mineral Planning Authority.
21. Written notice shall be given to the Mineral Planning Authority when quarrying has recommenced. Such notice shall be given within seven days of the commencement date.

Working Programme

22. Development of the site shall be carried out in accordance with the phased working scheme shown on the drawings referred to in Condition 2 above.
23. The extraction of stone shall be limited to the area shown on the Phased Extraction Plans reference W71/16 to W71/21.
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order, with or without modification; unless otherwise agreed in writing by the Mineral Planning Authority no fixed plant or machinery, buildings, structures or erections shall be extended, installed or replaced at the site.
25. The scheme of quarry working shall be carried out in accordance with the document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07' dated June 2015 and drawing numbers W16/118 – W16/122 inclusive, all dated March 2015. At least every 5 years following the recommencement of quarry operations, a detailed scheme of working for the following 5 years, or such other period as may be agreed, shall be submitted for approval to the Mineral Planning Authority. Such a scheme shall include:
- The method, direction, sequence, depth and area of working;
 - The angles of excavated slopes and margins to the site boundary;
 - The location and construction of primary haul roads within the site;
 - The location and height of mineral stockpiles;
 - The location, height, size, shape and surface treatment of any overburden and quarry waste tips;
 - The location of any processing plant and equipment.
26. At least 48 hours prior written notice shall be given to the Mineral Planning Authority of the commencement and the estimated duration of any overburden moving operations.
27. The types of waste to be disposed of in the Quarry Waste Tips shall be restricted to inert waste generated at Whitwick Quarry only. No waste material shall be imported to the site.

Control of Weeds

28. Measures shall be taken to control the growth of noxious weeds and necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

Operating Hours

29. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practical),

- Servicing, maintenance and testing of static and mobile plant and the operation of the asphalt plant shall be 24 hours Monday to Sunday including Public and Bank Holidays.
- No mineral extraction and haulage of stone to the primary crusher shall take place outside the hours of: 0600 hours to 1800 hours on Monday to Saturday, subject to no operations taking place on any Sunday, Public or Bank Holiday.
- No processing or sale of stone shall take place outside the hours of: 0600 hours to 2200 hours on Monday to Saturday, subject to no operations taking place on any Sunday, Public or Bank Holiday.
- No stripping, movement or handling of overburden shall take place outside the hours of: 0700 hours to 1800 hours Monday to Friday, subject to no operations taking place on any Saturday, Sunday, Public or Bank Holiday.
- No HGVs shall leave the site accesses outside of the hours of: 0600 hours to 2200 hours Monday to Saturday, or at any time on a Sunday, Public or Bank Holiday except for vehicles delivering asphalt products from the asphalt plant which shall be allowed to leave the site at any time Monday to Sunday including Public and Bank Holidays.
- No blasting shall take place except between the hours of: 10:00 hours to 16:00 hours on Monday to Friday, subject to no blasting taking place on any Public or Bank Holiday.
- Except where stated above no operations, other than pumping water from the quarry void and environmental monitoring and other operations as may otherwise be undertaken in accordance with an agreed schedule shall be carried out on Sundays, Bank or Public Holidays.

Environmental Protection

Ecology

30. a) The first phase of extraction (shown on plan W16/119) shall be undertaken in accordance with the document titled 'Ecological Survey Report' dated December 2018 and reference 403.00323.00015'. If extraction does not recommence until 2020, prior to recommencement an updated badger survey shall be undertaken and submitted to the Mineral Planning Authority for written approval.
- b) Prior to the working of any subsequent phasing (phase 2 to 5+ inclusive, shown on plans W16/120 to W16/122 inclusive, all dated March 2015), an updated scheme shall be prepared to evaluate the presence of protected wildlife species (badger, barn owl, peregrine falcon and lizard) which could be affected by the proposed operations and provide appropriate mitigation and/or compensation measures. The scheme shall be submitted to the Mineral Planning Authority for written approval.
31. Prior to the removal of vegetation with the works associated with access three (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) an ecological survey set out in section 3.0, paragraphs 3.1.1 to 3.1.4 inclusive of 'Landscape Scheme for Proposed Highways

Entrance Design', reference 403.00027.00482, dated September 2018 shall be undertaken. The results of the surveys shall be submitted to the Mineral Planning Authority within two months of its completion.

Dust

32. Dust suppression methods shall be implemented in accordance with Table 5.18 of the Environmental Statement.
33. Notwithstanding the provisions of Condition 32 above, a water bowser shall at all times be available for use on site. All haul roads within the site shall be kept damp as necessary to control dust to the satisfaction of the Mineral Planning Authority.
34. At such times as operations on site give rise to unacceptable levels of dust leaving the site such as during adverse conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until the operations can be resumed without causing nuisance, either by change in working, improved weather conditions or other additional measures.
35. Dust monitoring shall be undertaken in accordance with the document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07', the drawing titled 'Dust Monitoring Plan' numbered W101 and dated May 2015 and the document titled 'Protocol For Using Dry Frisbee (With Foam Insert) Dust Deposition Gauge' dated April 2011, for the life of the development.
36. Notwithstanding the details contained within condition 35, in the event that monthly monitoring results at any location exceed a trigger level of 300 mg.m⁻²/day, the operator shall report in writing, within 14 days of the results being known to them, to the Mineral Planning Authority on the monitoring results and the quarry operations undertaken for the relevant period. If required by the Mineral Planning Authority, within 28 days the operator shall submit in writing a proposed scheme of measures to reduce dust levels for his approval. The scheme shall be implemented as soon as practicable following the approval of the Mineral Planning Authority.

Noise

37. Noise levels attributable to the site shall not exceed the levels given below:
 - 55dB (A) L_{Aeq} , 1h (freefield) between the hours of 07.00 to 18.00 for Quarry Cottages on Leicester Road and 48dB (A) L_{Aeq} , 1h (freefield) for all other noise sensitive properties;
 - 50dB (A) L_{Aeq} , 1h (freefield) between the hours of 18.00 to 22.00 for Quarry Cottages on Leicester Road and 45dB (A) L_{Aeq} , 1h (freefield) for all other noise sensitive properties;
 - 42dB (A) L_{Aeq} , 1h (freefield) between the hours of 22.00 and 07.00 for quarry and asphalt operations and 35 dB (A) L_{Aeq} , 1h (freefield) for water pumping operations for all noise sensitive properties.

38. Measures shall be taken within the site to ensure that emissions of noise from the site are controlled and 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.
39. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be affected within a reasonable period, the equipment affected should be taken out of service.
40. All audible warning devices fitted to mobile plant, vehicles and machinery whilst affording the required safety protection shall be designed and operated so as to minimise disturbance to nearby residents.
41. Notwithstanding Condition 37 above, during the removal of any overburden or quarry wastes, the creation of any screen mounds or reclamation works, the noise limit at the nearest noise sensitive property used as a dwelling shall not exceed 70dB LAeq 1 hr for a period of up to 8 weeks in any calendar year. At least five working days (being Monday to Friday inclusive) prior written notice shall be given to the Mineral Planning Authority of the commencement and the estimated duration of such operations.
42. Noise monitoring shall be undertaken in accordance with the document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07' and the drawing titled 'Noise Monitoring Plan' numbered W102 and dated May 2015' for the life of the development.
43. The quarrying operations and all other site activities shall be subject to noise control details and noise complaints procedure as set out in the document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07'.

Blasting

44. Every blast shall be designed with a 95% confidence level that ground vibration levels recorded at any vibration sensitive property arising from any blast shall not exceed a peak particle velocity of 6mm per second measured in any mutually perpendicular plane. No blast shall exceed a peak particle velocity of 12mm per second as measured at any vibration sensitive property.
45. Except in an emergency no secondary blasting shall be carried out without the prior approval in writing of the Mineral Planning Authority. In emergency situations, the Mineral Planning Authority shall be notified of operations within 24 hours.
46. An audible warning shall be given in advance of every blast.

47. Blast monitoring shall be undertaken in accordance with the document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07'; drawing titled 'Blast Monitoring Plan' numbered W103 and dated May 2015; document titled 'Shotfiring Rules' version 5; and document titled 'Whitwick Quarry Blasting Regression Curve' for the life of the development.

Lighting

48. All reasonable measures shall be taken to ensure that the operations carried out on site do not give rise to nuisance in the locality by reason of illumination.

Complaints

49. All complaints shall be managed in accordance with the document titled 'Submission of Schemes required by Planning Permissions 2010/1031/07 and 2010/1032/07'.
50. The Whitwick Quarry Liaison Group shall continue to be operated in the current format for the life of the operation, or as otherwise may be agreed in writing by Mineral County Planning Authority.

Groundwater and Surface Water Drainage Protection

51. At all times, all necessary steps shall be undertaken until the completion of reclamation and aftercare of the site to prevent pollutants from contaminating groundwater or any watercourse.
52. All settlement lagoons and associated ditches shall be maintained in good working order and shall be kept clear of mud and silt as necessary.
53. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to 110% of the capacity of the tank. For multiple tankage, the compound should be at least equivalent to 110% of the volume of the largest tank, or 110% of the combined capacity of interconnected tanks. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should discharge downwards into the bund.

Care of boundaries

54. Throughout the period of the operation until such time as the reclamation and aftercare of the site has been completed, the boundary to the active mineral operations shall be maintained in a stock proof condition.

55. All trees and hedges along the boundaries of the site shall be retained, protected and maintained throughout the duration of the operations with the exception of those set out for removal in the details on plan WQ-001, titled 'Highway Improvements Landscape Scheme' dated September 2018 in 'Landscape Scheme for Proposed Highways Entrance Design', reference 403.00027.00482, dated September 2018.
56. The replacement tree planting and grassland reinstatement in relation to the works undertaken for access three (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) shall be carried out in accordance with the details set out in 'Landscape Scheme for Proposed Highways Entrance Design', reference 403.00027.00482, dated September 2018.
57. The proposed woodland planting in accordance with the works undertaken relating to access three (shown on the drawing titled 'Access Location Plan' numbered W105 and dated May 2015) shall include a local species mix and contain at least 10% of the proposed trees to be planted will be feathered or standard.
58. Within 12 months following the completion of the works associated with access three in accordance with condition 18, the replacement dry-stone wall on plan WQ-001 shall be reinstated and carried out in accordance with the details contained in 'Landscape Scheme for Proposed Highways Entrance Design', reference 403.00027.00482, dated September 2018.
59. Until such time as the reclamation and aftercare of the site has been completed, all the dry-stone wall within the site boundary for Whitwick Quarry shall be preserved and maintained by a suitably experienced dry-stone waller to replicate the style of the existing walling.

Reclamation

60. Within 6 months of the recommencement of quarrying and at least every five years thereafter, a detailed scheme of reclamation for the following five year period shall be submitted for the approval of the Mineral Planning Authority. Such scheme shall, inter alia, include provision for:-
- Final contours for the parts of the site which will become exhausted during the period;
 - The treatment of any remnant quarry faces and benches;
 - Location, species, origin, numbers, sizes, ground preparation works and protective measures for tree and shrub planting;
 - Habitat creation and management, including water bodies;
 - Management of areas of open ground with ecological interest;
 - Detailed grass and/or wildflower seed mixes, fertiliser or other treatments;
 - The provision of fences;
 - Removal of any redundant buildings and quarry plant or machinery;
 - The preparation of a 5 year aftercare scheme to ensure the effectiveness of the restoration works.

61. The site shall be reclaimed in accordance with the approved scheme having regard to the actual progress of mineral operations, or such amendments to the approved documents as may be agreed in writing with the Mineral Planning Authority.

Tree and hedge planting

62. All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained within the principles of good forestry and husbandry until the expiry of this permission. Any trees or plants which die or become seriously damaged or diseased within five years of being planted shall be replaced with plants of the same species or such other species as may be agreed with the Mineral Planning Authority.

Aftercare

63. Any areas of the site reclaimed to forestry or amenity use shall be subject to the requirements of an aftercare scheme under the provisions of section 72(5) of the Town and Country Planning Act 1990. A scheme shall be submitted for the approval of the Mineral Planning Authority prior to each phase of reclamation commencing. The aftercare requirements shall be carried out for a period of five years from the completion of each phase of reclamation.

Reasons

- | | |
|---|--|
| 1, 2, 3, 4
22,23 &
27. | For the avoidance of doubt and to ensure that the development is carried out in accordance with the application. |
| | To accord with the requirements of Paragraph 2(1) (c) of Schedule 2 to the Planning and Compensation Act 1991. |
| 5, 6, 7 & 8. | To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse and in the interest of amenity of local residents. |
| 9, 10, 11,
12, 13, 14,
15, 16, 17
18, 19, 20
56, 57, &
58. | In the interests of highway safety and the amenity of the local area. |
| 21. | To enable the Mineral Planning Authority to monitor operations to ensure compliance with this permission. |
| 24. | To restrict development not authorised by this permission. |

- 25. To enable the MPA to adequately control the development and to minimise its impact on the amenities of the local area.
- 26. To allow sufficient time for the County Solicitor to monitor such operations in the interests of the amenity of local residents.
- 28. To prevent the spread of noxious weeds and in the interests of satisfactory restoration.
- 29&48. To protect the amenities of local residents.
- 30 & 31. To ensure that protected species and habitats are identified prior to the recommencement of operations and to ensure that mitigation and/or compensatory measures are in place to minimise the potential harm to protected species.
- 32,33
34,35
& 36. To protect the amenity of the locality from the effects of dust arising from the development.
- 37,38
39,40,
41, 42
&43. To minimise the adverse impact of noise generated by the operations on the local community.
- 44,45
46&47. To minimise the adverse impact of blasting generated by the operations on the local community.
- 49&50. To ensure that disturbance to local residents is monitored and kept to acceptable levels and that a forum exists for local residents and the operator to discuss quarry operations.
- 51,52,&53. To minimise the risk of pollution of drains and watercourses.
- 54. In the interests of Health and Safety and to prevent accidental access to the site by livestock.
- 55. To ensure that proper steps are taken to safeguard the existing vegetation during the course of the development.
- 59,60, 61,
62. To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse and in the interest of local amenity.
- 63. To enhance the appearance of the development in the interests of visual amenity and to ensure that the development is carried out in accordance with the application.

DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council's Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area'. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are given in the Town and Country Planning Act 1990:

- | | | |
|----------------|---|--|
| Section 70(2) | : | determination of applications; |
| Section 77(4) | : | called-in applications (applying s. 70); |
| Section 79(4) | : | planning appeals (applying s. 70); |
| Section 81(3) | : | provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991); |
| Section 91(2) | : | power to vary period in statutory condition requiring development to be begun; |
| Section 92(6) | : | power to vary applicable period for outline planning permission; |
| Section 97(2) | : | revocation or modification of planning permission; |
| Section 102(1) | : | discontinuance orders; |
| Section 172(1) | : | enforcement notices; |
| Section 177(2) | : | Secretary of State's power to grant planning permission on enforcement appeal; |
| Section 226(2) | : | compulsory acquisition of land for planning purposes; |

2018/0239/07 (2018/VOCM/0198/LCC) – continued

Section 294(3) : special enforcement notices in relation to Crown land;
Sched. 9 para (1) : minerals discontinuance orders.

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**Leicestershire
County Council**

DEVELOPMENT CONTROL AND REGULATORY BOARD

14th MARCH 2019

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2019/0044/07 (2018/CM/0261/LCC) – 19 th December 2018
PROPOSAL:	Extension of the period for the operation of Ellistown Concrete Works beyond 21st February 2042 (Permanent Permission).
LOCATION:	Concrete Works, Whitehill Road, Ellistown, Coalville, Leicestershire, LE67 1ET (North West Leicestershire District)
APPLICANT:	F P McCann Ltd
MAIN ISSUES:	Impact of the proposal upon landscape, amenity, the appropriateness of this development within the countryside and the impact of it on mineral reserves.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix to the main report.

Circulation Under Sensitive Issues Procedures

Mr D. Harrison, CC.

Officer to Contact

Mr. P. Larter (Tel. 0116 305 7292)
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Description of site

1. The Ellistown Concrete Pipe Works lies approximately 250 metres south east of Ellistown. The site is bounded by a railway line and then agricultural land to the east, the B585 Victoria Road to the south, St Christopher's Road and a new industrial development to the north, and Ellistown Terrace Road and the current Ellistown Quarry workings to the west. The concrete plant lies in an area of former clay extraction. This area was also used for the tipping of colliery spoil from Ellistown Colliery. The colliery spoil tip now provides a useful screening embankment between the residential areas on St Christopher's Road and the works. The nearest properties to the site include Ellistown Farm and The Grange to the west and St Christopher's Road 250 metres to the north.
2. The concrete pipe works is owned and operated by F P McCann and shares an access off of Ellistown Terrace Road that also accesses the adjoining brickworks and brick clay quarry. The brickworks and quarry are owned and operated by Ibstock Brick with the quarry being progressively restored by Mick George with inert waste (reference 2016/0332/07).

Planning History

3. The site has been operational since 1874 as a colliery with ancillary pipe and brick making. In 1990 planning permission was granted for the erection of buildings and plant and the formation of stockyards for the manufacture of concrete drainage products (reference 89/1232/7). This development was granted temporary planning permission until the permanent cessation of the Ellistown Works. As far as the records show this was the first operation that was not truly ancillary to the extraction of clay, that is, the manufacturing process made no use of the adjacent brick clay and all raw materials were imported in to the site.
4. In 1996 planning permission was granted for a temporary period for the creation of a stockyard to the west of that development permitted in 1990 (reference 96/0054/7). This stockyard development was permitted again in 1999 for another temporary period (reference 99/0306/7) and then again in 2003 so that it was permitted until 31st December 2042. As part of the 99/0306/7 planning permission a screening mound was required to be constructed, principally on the western side of the new stocking area to provide a visual and acoustic screen. This screening mound was also to be seeded and planted.

2019/0044/07 - continued



2019/0044/07 - continued

5. Built extensions to the factory have been permitted in 2006 (reference 2006/0997/07), 2008 (reference 2008/0515/07), 2011 (reference 2011/0434/07), 2015 (2015/0685/07), 2016 (reference 2016/0632/07), and 2018 (reference 2018/0677/07). Also, built extensions to the stocking area have been permitted in 2008 (reference 2008/0515/07) and 2017 (reference 2016/1477/07). All of these planning permissions are temporary in a similar vein to those granted in 1990 and 2003; the more recent of these state a date of 21st February 2042 hence the applicant's proposal description set out above. 21st February 2042 is the same date as that permitted for clay extraction at the adjacent brick clay quarry, relevant because the presence of these other operations has been linked to the extraction of the clay. However, much of the brickworks factory is not temporary.
6. The south western part of the screening mound, part of the access road (that adjoining Ellistown Terrace Road), and a large portion of the eastern part of the site, including much of the western part of the main factory building, are all covered by a mineral extraction consent (reference 2011/0625/07). This consent relates to a review of an older planning permission (reference 92/0270/07) when the site was all in one ownership. Condition 40 of 2011/0625/07 only allows mineral extraction in the areas owned by F.P. McCann once a scheme of working and progressive restoration has been submitted and approved by the Mineral Planning Authority.

Description of proposal

7. This proposal is to remove the temporary nature of the entire concrete products site so that it becomes a permanent operation. The site covers some 18.6 hectares and the application covers all of the land in the ownership of F P McCann. The applicant explains that the site employs approximately 250 permanent staff and is one of the largest manufacturing sites for concrete pipes in the UK.
8. The applicant states that the current concrete manufacturing process is not reliant on any raw materials which are worked at this location and it is not linked to the adjacent brick production facility. It is acknowledged that some clay reserves may lie below the site to which this application relates but that the applicant does not undertake this activity and has no intention to commence extractive works. The application contains no changes to the existing operations and no new buildings, plant or operations.
9. The applicant states that the primary purpose for this application is to provide long term security for the existing manufacturing operations, and that, although not an issue now, without this security it would affect potential funding and investment in the future. It is stated that if the facility was to close it is highly unlikely a suitable alternative site could be identified. The application also sets out the financial contributions the site makes directly and indirectly and the contribution its products make to the wider economy.

2019/0044/07 - continued

Planning Policy

National Guidance

10. The revised National Planning Policy Framework (NPPF) was published in July 2018 and sets out the Government's planning policies for England. At the heart of the NPPF is a presumption in favour of sustainable development, namely the economic, social and environmental roles, and the need to balance economic growth with the protection and enhancement of the environment. The NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, providing net gains in biodiversity.

Local Policies

11. The development plan's relevant local planning policies are contained within the Leicestershire Minerals Development Framework: Core Strategy and Development Control Policies document adopted October 2009, and the North West Leicestershire Local Plan 2011-2031 adopted November 2017.
12. *Policy MCS11* of the Leicestershire Minerals Development Framework states that the natural and built environment is to be protected by ensuring that minerals development have no unacceptable adverse impacts on: natural resources; landscape; biodiversity; geodiversity; historic and cultural features; and the character of settlements and residential amenity, have the highest standards of operational practice, and the development is designed to a high standard.
13. *Policy MCS14* seeks minerals development in the National Forest to make provision of new planting of woodlands, habitat creation, the creation of new leisure and tourism facilities and/or for public access.
14. *Policy MCS17* seeks the reclamation of land at its earliest opportunity with high quality restoration and aftercare, with the use of best practice at the time to minimise public safety and, where appropriate, to priority after-uses listed within the policy.
15. *Policy MDC5* prevents development in the countryside which would adversely affect the appearance and character of the landscape and the countryside unless there is an overriding need for the development.
16. *Policy MDC8* seeks to protect minerals from incompatible developments unless one of the five criteria listed are met, of which one is that the applicant demonstrates to the satisfaction of the Local Planning Authority that the mineral concerned is no longer of any value or potential value.
17. *Policy MDC11* seeks to prevent minerals developments from having a detrimental effect on groundwater, surface water drainage and flooding.

2019/0044/07 - continued

18. *Policy MDC12* on health and amenity lists those effects which a minerals development could not generate.
19. *Policy MDC13* states that a minerals development will be refused where there are unacceptable cumulative effects of either different impacts from a single development or the effects of a number of minerals developments in an area.
20. *Policy MDC20* requires proposals to have satisfactory provision for reclamation and after-use.
21. *Policy D2* of the North West Leicestershire Local Plan sets out that developments should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents.
22. *Policy S3* explains the types of development that will be permitted on land outside the Limits to Development. The manufacture of concrete pipes is not listed. For those developments listed in the policy it is then explained that the situations where these developments would be supported.
23. *Policy IF7* states that development should incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.
24. Leicestershire County Council is in the later stages of reviewing its Minerals Development Framework and has produced its submission version of the replacement Minerals and Waste Local Plan. Main and minor modifications have been consulted on following the hearing and the content of these modifications along with the submission version of the Local Plan should be given moderate weight. In terms of the emerging policies they are little changed from those set out above and do not materially affect the assessment of those policies from the approved development plan.

Consultations

Environment Agency

25. The Environment Agency has no objection to the proposal to extend the period for the operation of the Ellistown concrete works beyond 21 February 2042.

Highway Authority – Leicestershire County Council

26. The submitted Design and Access Statement outlines that there are no alterations proposed to the existing access. It is noted that with the presence of a weight restriction throughout the settlement of Ellistown, all HGV's are required to exit left onto Ellistown Terrace Road. Given the extant use of the site and planning permission which permits the use of the access to continue until 2042, the LHA consider this to be acceptable.

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There have been no recorded personal injury accidents in the vicinity of the site access within the last five years and as such the LHA has no pre-existing highway safety concerns at this location.

Given the extant use of the site and current permitted use until 2042, the LHA does not consider that an assessment of trip generation is required. The extant trips have occurred on the network since the site was brought into operation, therefore these form part of the baseline traffic as opposed to adding additional trips onto the network.

The LHA understands that there are no proposed alterations to the existing internal layout of the site. Should the internal layout be amended in the future to allow for extraction at different locations within the site, the applicant should ensure that any subsequent amendment to parking and turning facilities is provided in line with the current provision.

The LHA consider that given both the extant use and planning permission, the continuation of operation of the site beyond 2042 would not have a severe impact on the local highway network.

Lead Local Flood Authority (LLFA)

27. The site is located within Flood Zone 1 being at low risk of fluvial flooding. There are some areas at high risk of surface water flooding. The application is for the extension of operation of the Ellistown Concrete Works and not for additional development at the existing site. Therefore, the impermeable area of the site will not be increased. Flood risk to the site and the surrounding area will not be altered, as such the proposals would be considered acceptable to the LLFA on flood risk grounds. The LLFA advises the LPA that the proposed development does not have any impact on surface water drainage.

Network Rail

28. No observations to make.

North West Leicestershire District Council - EHO

29. No objection.

North West Leicestershire District Council - Planning

30. No objections to the proposal subject to the County Council completing a comprehensive assessment in respect of the impacts of a permanent use of the site would have in relation to matters which may arise as a result of the formal consultation process, including full consideration of the comments raised by the District Council's Environmental Protection Officer.

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Hinckley & Bosworth Borough Council

31. Hinckley and Bosworth Borough Council have no comments in respect of the proposal, subject to the application according with the Development Plan Policies.

Leicestershire County Council – Ecological Advice

32. No comments on or objections to this.

Leicestershire County Council – Landscape Advice

33. No comments to make.

Leicestershire County Council – Public Rights of Way Advice

34. No objection however the following should be included in any permission granted: Public Footpath Q80 runs through the site. The legal line of the Public Footpath must remain open and available in a safe condition for the public to use at all times. The Public Footpath must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

National Forest Company

35. The proposal appears to seek to regularise an existing use, no further development or expansion of the site is proposed. Given that, it is considered that the proposals do not trigger the need to include National Forest woodland planting and landscaping as expected by pre-submission Local Plan Policy DM3.

Ellistown and Battleflat Parish Council

36. Response not received.

Ibstock Parish Council

37. Response not received.

Stanton under Bardon Parish Council

38. Response not received.

Publicity

39. A notice published in a local paper, site notices, and individual neighbour letters have advertised the proposal since 11th January 2019. No representations have been received on the proposal.

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Assessment of Proposal

40. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to effects upon amenity (highway safety, noise and dust), landscape, the appropriateness of development in the countryside and the effect of the permanency of this development on safeguarding minerals.

General Location and Policy

41. The concrete works is located within an area identified as Countryside in North West Leicestershire's Local Plan and is not listed in Policy S3 as a form of development that should be located in the countryside. However, the site has extant permissions until 2042 for operations relating to the manufacture of concrete products. This date is the same as the latest date by which mineral extraction and infilling at the adjacent clay quarry (references 2011/0625/07 and 2016/0332/07, respectively) shall cease (and some of the more recent brick manufacturing buildings on adjacent land owned by Ibstock Brick have to cease being used). Upon the cessation of the concrete manufacturing the concrete works would be restored; the form that this may take remains to be agreed and is scheduled to take place in 2041. But, by virtue of this requirement and thus, the current temporary nature of these operations the site of the works remains 'greenfield'.
42. In the last five years a number of new developments have either taken place or been permitted in proximity to the concrete works. To the north of the site and adjoining Beveridge Lane in 2014 North West Leicestershire District Council approved the development of land at Battleflat Farm to employment uses (reference 13/00249/OUTM); this has been developed as two units, the largest of which is now occupied by Amazon. To the immediate south of this development and the immediate north of the site to which this proposal relates, Hinckley & Bosworth Borough Council permitted an additional warehouse in 2017 (reference 16/00314/FUL). This has also been built and completes the industrial development of all the agricultural fields between the site and Beveridge Lane.
43. Then to the east of the proposal, the other side of the railway line, in 2017 Hinckley & Bosworth Borough Council approved the development of Battleflat Lodge Farm to employment uses (reference 15/01318/OUT). This permission has been implemented and a new roundabout installed on Victoria Road, although to date no buildings have been erected. To the south of this, on the other side of Victoria Road there is a solar farm permitted by Hinckley & Bosworth Borough Council in 2015 (reference 15/00343/FUL) at Tower Hayes Farm. Condition 6 of this planning permission allows for the retention of the solar panels for 30 years from the first export of electricity.

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44. On the basis of the above, the surrounding local landscape has changed markedly since the concrete works was first permitted and particularly in the last five years. The works was formerly in a countryside setting but the immediate agricultural fields have now evolved to permanent employment uses. The existing screening mound and other planting around the site have all added to the local biodiversity and although there would be no restoration of the site (if this application was permitted) the potential benefits this restoration would bring are not considered fundamental to lead to a refusal of this application (that, if permitted, would not lead to a restoration of the site). The site is in the National Forest boundary and this restoration may have included woodland but, nevertheless, the National Forest Company have not objected to this application. Thus, it is considered that the principle of the retention of the works on a permanent basis is acceptable and meets the terms of policies MCS14, MCS17, MDC5, and MDC20 overcoming the conflict with Policy S3.

Highways

45. The application states that this proposal will not result in any change to traffic movements. On the basis of this no amendments/improvements to the existing access point would be necessary. The access to the site was improved as part of the planning permission granted in 1990 (reference 89/1232/7) and is still at an acceptable standard. Alongside this a legal agreement was signed to ensure that HGVs exiting and entering the site would not go through Ellistown village, i.e. towards and from Victoria Road, B585. It is considered that this legal agreement remains extant and would be so until such times as goods are no longer manufactured at the site. The Highway Authority has raised no concerns with the continued operation of the site. The car parking and cycle provision within the site are considered adequate. Therefore, the effect of the proposal on the highway is acceptable and meets the terms of policies MCS11, MDC12 and IF7.

Landscape

46. The concrete works principally consists of the following built developments: a large manufacturing building, an office building, mixing plants and feed conveyors. The manufacturing building has been recently extended (planning permission reference 2016/0632/07) and now extends over some 18,000m². The oldest and the largest of the mixing plants is also the largest structure on the site and this is over 31 metres in height. Public views of much of the site are limited by the existing vegetation on the eastern boundary adjacent to the railway line, the brickworks to the south and the screening mound to the north-west and west. However, the large mixing plant is visible from viewpoints some considerable distance from the site. This mixing plant formed part of the original planning permission for the concrete works and has become part of the local landscape for almost 28 years. The light grey colour of the plant and the buildings helps, in part, to reduce their visual impact. Thus, any planning permission should seek to retain the existing structures and buildings in this colour. Such a planning permission should also seek to retain the screening mound, the existing boundary vegetation (and the maintenance thereof), not only for their visual benefits but for their contribution to biodiversity. Subject to these conditions the proposed

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development would be acceptable in landscape terms and meets the terms of policies MCS11, MDC5, MDC12, and D2.

Noise and Dust

47. The manufacturing of concrete products can take place 7 days a week, 24 hours a day, however, the use of the stockyard is limited to the hours of 06:00 and 22:00 hours Monday to Friday and 06:00 to 14:00 hours on Saturdays. No use of the stockyard is permitted on Sundays or Public Bank Holidays. Additional existing planning conditions on the land relate to measures to control dust, the reduction of noise levels from the operations, and noise limits for the site. It is considered that these conditions, including those relating to the use of the stockyard, have been effective in limiting the effects of the development on residential amenity and should be repeated on this planning permission, if granted. Subject to this the effects of the proposal on noise and dust are acceptable and meet the terms of policies MCS11, MDC12, MDC13, and D2.

Minerals

48. Part of the concrete works site is covered by a planning consent for the extraction of brick clay (reference 2011/0625/07). The extent of this consent relates back to the area covered by the Interim Development Order 398/47 (planning permission 92/0270/07) at a time when the entire site was in the ownership of one company and also prior to works being present on the site not making use of the mineral(s) extracted from the site. Works at the current brick clay quarry are continuing and are located in the western part of the quarry, progressing towards the final agricultural field permitted for clay extraction. However, at the same time the eastern portions of the site have now been filled with inert wastes and are back to their approved levels. Infilling continues between these restored and extraction areas.
49. The principal area in the applicant's control and permitted for mineral extraction is that to the east and south of the eastern end of the Ellistown Quarry void. As set out above, this part of the quarry has now been infilled; tree planting should be undertaken this year. Thus, to undertake mineral extraction of the permitted area within the concrete works an extension of the current quarry void would not be readily possible, notwithstanding the large screening mound and concrete factory that sits upon this land. Therefore, it is considered that there is limited scope for the mineral to be extracted (even if the present works were to be removed) and the mineral is no longer of potential value. Furthermore, it is considered that the continuation of this employment (250 full time employees) in a sustainable location (proximity to bus stops to Leicester and Coalville, footpaths and links to bridleways) that is and has become an extensive area for employment uses would constitute an overriding need. On the basis of this it is considered that the proposal is acceptable and meets the terms of policy MDC8.

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Other Matters

50. To the immediate east of the site is an operational freight railway line but there are no concerns from Network Rail that the permanent use of the site would affect the continued operation of this infrastructure. The site lies in Flood Zone 1 and the LLFA consider that flood risk to the site and the surrounding area will not be altered nor would the development have any impact on surface water drainage. Therefore, it is considered that the effects of the development on the water environment and the adjoining railway line is acceptable and meets the terms of policies MDC11 and MDC12.
51. As part of the planning permission for the extension of the factory building (reference 2016/0632/07) the applicant was required to upgrade footpath Q80 to a bridleway. This has been undertaken and this is now open for public use, linking the new bridleways to the east and west of the applicant's land. Although the bridleway remains to be dedicated and, thus, it is considered that if this proposal is permitted that the new planning permission should also require the bridleway to continue to be made available for public use (as per the 2016/0632/07 planning permission).
52. Previous planning permissions on the site have removed the site's permitted development rights on the basis that it was "*in the interests of the amenity of the area*". However, as set out above the area within which the works sits has changed markedly; also those industrial units in proximity to the works are not restricted in this manner. Therefore, it is considered unreasonable for these rights to continue to be removed and such a condition is not repeated in those set out in the appendix.

Conclusion

53. In conclusion, given the land use changes that have occurred in vicinity to this proposal it is considered that the permanent retention of this employment use is acceptable. The site is located in a sustainable location allowing choices other than private vehicle to be used by employees. The continued operation of the concrete works would not have any significant adverse impacts upon amenity and its effects on the landscape are acceptable. However, conditions relating to the protection of amenity and the landscape should be attached to this planning permission to ensure the development remains acceptable. Subject to these conditions it is considered that the development accords with the development plan.

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Recommendation

- A. Permit subject to the conditions, as set out in the appendix.
- B. To endorse, as requested by The Town & Country Planning (Development Management Procedure) Order 2015 (as amended):
 - (i) How we have worked with the applicant in a positive and proactive manner:
In dealing with the applications and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework.

Officer to Contact

Mr. P. C. Larter (Tel: 0116 305 7292)

E-Mail planningcontrol@leics.gov.uk

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APPENDIX

Conditions

1. Unless otherwise required by this permission the development shall be carried out in accordance with the following details: drawing number 2042TC/ELI/PD-01 dated 29/11/2018 and the 'Design and Access Statement' dated 17th December 2018.
2. The buildings, structures and stockyard areas hereby permitted shall only be used for purposes connected with the manufacture of concrete pipes at Ellistown Concrete Works.

Ecology

3. All trees or hedgerows within the site as defined by a solid red line on drawing number 2042TC/ELI/PD-01 dated 29/11/2018 shall be retained for the life of the development hereby permitted.
4. The woodland planting as shown on drawing number 2016EXT/STO/PD-03 revision B dated 23/11/2016 and forming part of planning permission 2016/1477/07 dated 16 JAN 2017 shall be suitably maintained and replaced as necessary for a period of not less than three years from the date of this planning permission.
5. The screening mound as shown on drawing number PD-03 dated Oct. 06 and forming part of planning permission 2006/0997/07 dated 15-09-2006 shall be retained and maintained in accordance with the details set out on drawing number PD-03 dated Oct. 06.

Hours of Operation

6. The stockyards shall only operate between the hours of 0600 to 2200 Monday to Friday and 0600 to 1400 on Saturdays. There shall be no working on Sundays or Public/Bank Holidays.

Landscape

7. The silos, mixing plants, conveyors and concrete factory buildings shall be maintained and retained in a light grey external colour.
8. The height of the products stored on site shall not exceed five metres in height from the ground level.

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Noise and Dust

9. The free-field equivalent continuous noise level, LAeq, T noise levels arising from the site as defined by a solid red line on drawing number 2042TC/ELI/PD-01 dated 29/11/2018 when measured 3.5 metres from the most exposed external façade shall not exceed 55 dB (LAeq, 1 hr) free field between 0700-2300 hours and 42 dB (LAeq, 1 hr) free field between 2300-0700 hours at the nearest residential property.
10. Measures shall be taken within the site to ensure that the best practicable means are used to minimise the emission of noise and dust from the site to ensure so far is reasonably practicable that the operations carried out do not give rise to nuisance at residential properties. Such measures shall include:
 - a. damping of all internal roads and working areas during dry and windy conditions;
 - b. all stockpiles to be kept damp; and
 - c. drop heights to be kept to a minimum.
11. All site based vehicles shall have white noise type reversing alarms installed.
12. Should the development give rise to complaints regarding noise or dust that in the opinion of the Mineral Planning Authority are unacceptable, the applicant shall submit a scheme of mitigating measures to be agreed in writing by the Mineral Planning Authority. The development should then take place in accordance with the approved scheme.

Public Rights of Way

13. The bridleway provided between points marked A, B, C, D, E, and F, and points marked E and G on Plan EC1 attached to and forming part of planning permission 2016/0632/07 dated 12 AUG 2016 shall be made available for use by the public on foot, on horseback and on pedal cycles at all times.

Reasons

1. For the avoidance of doubt and to ensure that development is carried out in a satisfactory manner.
2. For the avoidance of doubt and to ensure that the use remains compatible with surrounding land uses.
3. To ensure that the existing vegetation is retained and to reduce the landscape impacts of the development.
4. To ensure the development is adequately screened.

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5. To ensure that the development remains adequately screened and to reduce the landscape impacts of the development.
6. To ensure that the development does not become the source of adverse noise or dust levels in the locality.
7. To ensure the buildings, mixing plants, conveyors and silos remain in a subdued and appropriate colour to reduce the visual impacts of the development.
8. To protect the visual amenity of the area and to ensure the development is adequately screened.
9. To ensure that the development does not become the source of adverse noise levels in the locality.
10. To ensure that the development does not become the source of adverse noise or dust levels in the locality.
11. To ensure that the development does not become the source of adverse noise levels in the locality.
12. To protect the amenities of local residents.
13. To ensure that the enhanced public right of way is made available for use by the public.