



Meeting: **Development Control and Regulatory Board**

Date/Time: **Thursday, 23 May 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. I. E. G. Bentley CC	Mr. D. Jennings CC
Mr. M. H. Charlesworth CC	Mr. W. Liquorish JP CC
Mr. J. G. Coxon CC	Mrs. J. Richards CC
Mr. B. Crooks CC	Mr. S. D. Sheahan CC
Mr. D. A. Gamble CC	Mrs. M. Wright CC
Mr. T. Gillard CC	Mr. M. B. Wyatt CC
Mr. D. Harrison 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. Appointment of Chairman.
2. Election of Deputy Chairman.
3. Minutes of the meeting held on 11 April 2019. (Pages 3 - 6)
4. Question Time.
5. Questions asked by Members under Standing Order 7(3) and 7(5).
6. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
7. Declarations of interest in respect of items on the agenda.



8. Presentation of petitions under Standing Order 36.

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

9. 2018/1204/06 (2018/Reg3Ma/0182/LCC): Leicestershire County Council - North and East Melton Mowbray Distributor Road, Melton Mowbray. (Pages 7 - 42)
10. 2019/0159/04 (2018/Reg3Mi/0263/LCC: Leicestershire County Council - Construction of a standalone single storey 3 classroom and studio modular building (to west side) - Newbold Verdon Primary School, Dragon Lane, Newbold Verdon. (Pages 43 - 64)

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

11. 2018/0917/06 (2018/CM/0123/LCC):Tarmac Trading Ltd - Application for southern extension of sand and gravel working and restoration using site derived and imported inert material returning the land to a combination of agriculture, open water and nature conservation - Brooksby Quarry, Melton Road, Brooksby. (Pages 65 - 114)
12. 2019/CM/0048/LCC - Acorn Recyclers - Construction of paper and plastic waste storage facility - Unit 11, Wymeswold Industrial Estate, Wymeswold Lane, Burton on the Wolds. (Pages 115 - 126)

Reports of the Director of Environment and Transport on Tree Preservation Orders.

13. 2019/TPO/0077/LCC: Application to fell a Corsican pine tree protected by LCC Glen Parva (Leicester Road) TPO 1971 at 3 Woodbank, Glen Parva. (Pages 127 - 132)
14. 2019/TPO/0078/LCC: Application to fell a horse chestnut tree at 33, Westminster Drive, Burbage, protected by LCC Burbage (Coventry Road) Tree Preservation Order 1973. (Pages 133 - 138)
15. Any other items which the Chairman has decided to take as urgent.
16. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 11 April 2019.

PRESENT

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

Mr. G. A. Boulter CC
Mr. B. Crooks CC
Mrs. H. J. Fryer 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

93. Minutes of the previous meeting.

The minutes of the meeting held on 14 March 2019 were taken as read, confirmed and signed.

94. Question Time.

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

95. Questions asked by Members.

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

96. Urgent items.

There were no urgent items for consideration.

97. 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.

No declarations were made.

98. Presentation of petitions.

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

99. 2016/1119/04 (2018/CM/0302/LCC): Earl Shilton Recycling Limited - Restoration of the former Barrow Hill Quarry to an agricultural use with inert waste and soils, including temporary passing bays on Mill Lane - Barrow Hill Quarry, Mill Lane, Earl Shilton.

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 a local resident Michelle Watson (Mirfield Farm, Mill Lane, Earl Shilton) spoke against the proposals.

The local member Mrs. J. Richards CC also addressed the Board. Mrs Richards stated that she had deep concerns with the proposal and asked for the application to be refused due to concerns about the condition of the highway and potential conflict between HGVs, horses and pedestrians.

The Board considered the application. Members also had concerns about highway safety and whether HGVs would be able to safely pass horses and pedestrians on Mill Lane. It was questioned whether the proposed passing bays would be sufficient given the width of HGVs. The Board received advice from the Director of Environment and Transport in light of the concerns expressed by members about the highways issues they felt were pertinent.

The Director of Law and Governance advised members that it was the role of the Planning Authority's Officers to give advice on the application and make a recommendation however it was the Board that made the decision. The Director emphasised that if the Board was minded to refuse the application then planning reasons would need to be given and cross reference specified Development Plan policies that applied.

A motion was proposed and seconded that the officer's recommendation to approve the application subject to the conditions as set out in the report (with amendments to conditions nos. 5 and 6 relating to the hours of operation) be agreed, however the motion was not carried.

A further motion was proposed and seconded that the application be refused, contrary to the officer recommendation, on the grounds that a) the development would conflict planning policies relating to the safety of users of Mill Lane; and b) noise from HGVs travelling to and from the site, along Mill Lane, would adversely affect residential amenity.

RESOLVED:

- (a) That the application be refused.
- (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 paragraph 38 of the National Planning Policy Framework.

REASONS FOR DECISION:

Highway Safety

The proposed development would result in harm to the safety of users of Mill Lane as a direct result of conflict between heavy goods vehicles and horse riders / pedestrians, which could not be satisfactorily mitigated through planning conditions. Approval of the application would therefore be contrary to policy WDC10 (ii and iii) of the Leicestershire & Leicester Waste Development Framework Core Strategy and Development Control Policies 2009 and paragraph 109 of the National Planning Policy Framework (2019).

Environment / Amenity

The proposed development would cause unacceptable harm to the amenity of occupiers of nearby properties by reason of frequent and sudden noise and disturbance caused by heavy goods vehicles using Mill Lane. Approval of the application would therefore be contrary to policies WCS8 (iv), and WDC10 (iii) of the Leicestershire & Leicester Waste Development Framework Core Strategy and Development Control Policies 2009 and paragraph 180 of the National Planning Policy Framework (2019).

(Note: Mr. D. Harrison CC left the meeting and did not return.)

100. 2018/0669/04 (2018/CM/0110/LCC): Forterra Building Products Ltd - Construction and operation of new Brickworks with ancillary development, extension to quarry workings and amendments to the approved working and restoration scheme for the existing quarry workings - Land at Desford Brickworks, Heath Road, Leicestershire and land North of Heath Road, near Desford Brickworks.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 8', is filed with these minutes.

The local member Mr. B. Crooks CC stated that whilst he had some concerns about the increase of vehicle movements that would result from the proposals, overall he was in support of the application.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-55 as set out in the appendix to the report, and the prior completion of a legal agreement to secure the operator's participation in a liaison committee, HGV routing and rail sidings use.
 - (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 paragraph 38 of the National Planning Policy Framework.
101. 2018/0925/04 (2018/REG3Mi/0149/LCC): Leicestershire County Council - Drop off and pick up zone, to provide parents and carers with a safe environment to drop off and collect their children from school by car - Hinckley Parks Primary School, Leicester Road, Hinckley.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 9', is filed with these minutes.

RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-9 as set out in the appendix to the report.
- (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 paragraph 38 of the National Planning Policy Framework.

102. Chairman's announcements.

The Chairman noted that this was the last meeting of the municipal year and thanked members and officers for their attendance and support during the year.

2.00 - 3.50 pm
11 April 2019

CHAIRMAN

DEVELOPMENT CONTROL AND REGULATORY BOARD

23 MAY 2019

REPORT OF THE CHIEF EXECUTIVE

APPLICATION UNDER REGULATION 3 OF THE TOWN AND
COUNTRY PLANNING GENERAL REGULATIONS -
NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR
ROAD

PART A – SUMMARY REPORT

APP.NO. & DATE:	2018/1204/06 (LCC Ref no. 2018/Reg3Ma/0182/LCC) – 8 October 2018.
PROPOSAL:	North and East Melton Mowbray Distributor Road. New distributor road and 3m shared cycle/footway around Melton Mowbray from west of A606 Nottingham Road at St Bartholomew's Way to west of the A606 Burton Road at Sawgate Road including: six new roundabouts; bridges at Scalford Brook, Thorpe Brook, River Eye and the Leicester-Peterborough railway line (to the east of Lag Lane Brentingby Junction); and ancillary development including works to connecting roads, diversion of River Eye, creation of new and enhanced habitats, landscaping, demolition of Sysonby Farm, works to cycleways and footpaths, development of a Non-Motorised User route along Lag Lane/Sawgate Road and flood risk/drainage works (including but not limited to culverts and balancing ponds).
LOCATION:	North and East Melton Mowbray Distributor Road, Melton Mowbray (Melton Borough).
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Traffic, noise, landscaping, heritage impacts and general local amenity.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr. J.T. Orson JP, CC; Mr. A.E. Pearson, CC; Mrs. P. Posnett MBE, CC; and Mr. B. Rhodes, CC.

Officer to Contact

Mr. S.R. Marriott (Tel. 0116 305 7045)
 Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

Background

1. In September and October 2017, Leicestershire County Council, as local highway authority, sought views on the recommended route for the Distributor Road (MMDR) to relieve congestion in Melton Mowbray, and to support plans for housing and employment growth in the town. The aim of the scheme is to improve access to potential housing and employment, reduce congestion on the town, improve access to the town centre, and reduce the number of HGVs travelling through the town centre.
2. A report which detailed the final recommended route along with results of the consultation was presented to and approved by the Cabinet in December 2017. Following this, the applicant submitted an Outline Business Case to the Department for Transport in late December 2017, to seek funding for the scheme through the Local Large Majors Fund. The Government announced in May 2018 that the scheme had been awarded a grant of £49.5m.
3. The County Council, as applicant, carried out further design work, surveys and engagement with landowners, and the route has been further refined, taking into account feedback received during the consultation. This has sought to minimise the impact on the environment, local landowners and residents, and ensure that it best supports future development and growth.

Site Location and Description

4. The application site covers approximately 200 hectares of land to the north and east of Melton Mowbray. The proposed road would run from the north west of Melton Mowbray at the A606 Nottingham Road to the south east of the town at the A606 Burton Road. It would be located around the outskirts of Melton Mowbray to the north of Melton Country Park, the east of Thorpe Arnold and the north west of Burton Lazars.
5. In addition to the road alignment itself, the submitted red line boundary incorporates land required for delivery of: improvements to footpaths, bridleways and cycle paths; construction compounds and material storage; and ecological, flood risk and landscaping mitigation and enhancement measures. The majority of the land within the red line boundary (95%) is a mix of arable and pastoral agricultural land. The remainder of the encompassed land comprises existing highways and non-motorised user (NMU) routes, abandoned buildings that form part of Sysonby Farm and watercourses.
6. The proposed road scheme would cross several arterial roads, namely Scalford Road, Melton Spinney Road, the A607 Melton Road and the B676 Saxby Road. The route would also cross the Leicester to Peterborough railway line and the former Melton Mowbray Navigation and Oakham canal. The scheme would cross six surface watercourses namely the River Eye, Scalford Brook, Thorpe Brook and three more minor Ordinary Watercourses. The section of the River Eye crossed by the scheme is designated as a Site of Special Scientific Interest (SSSI).

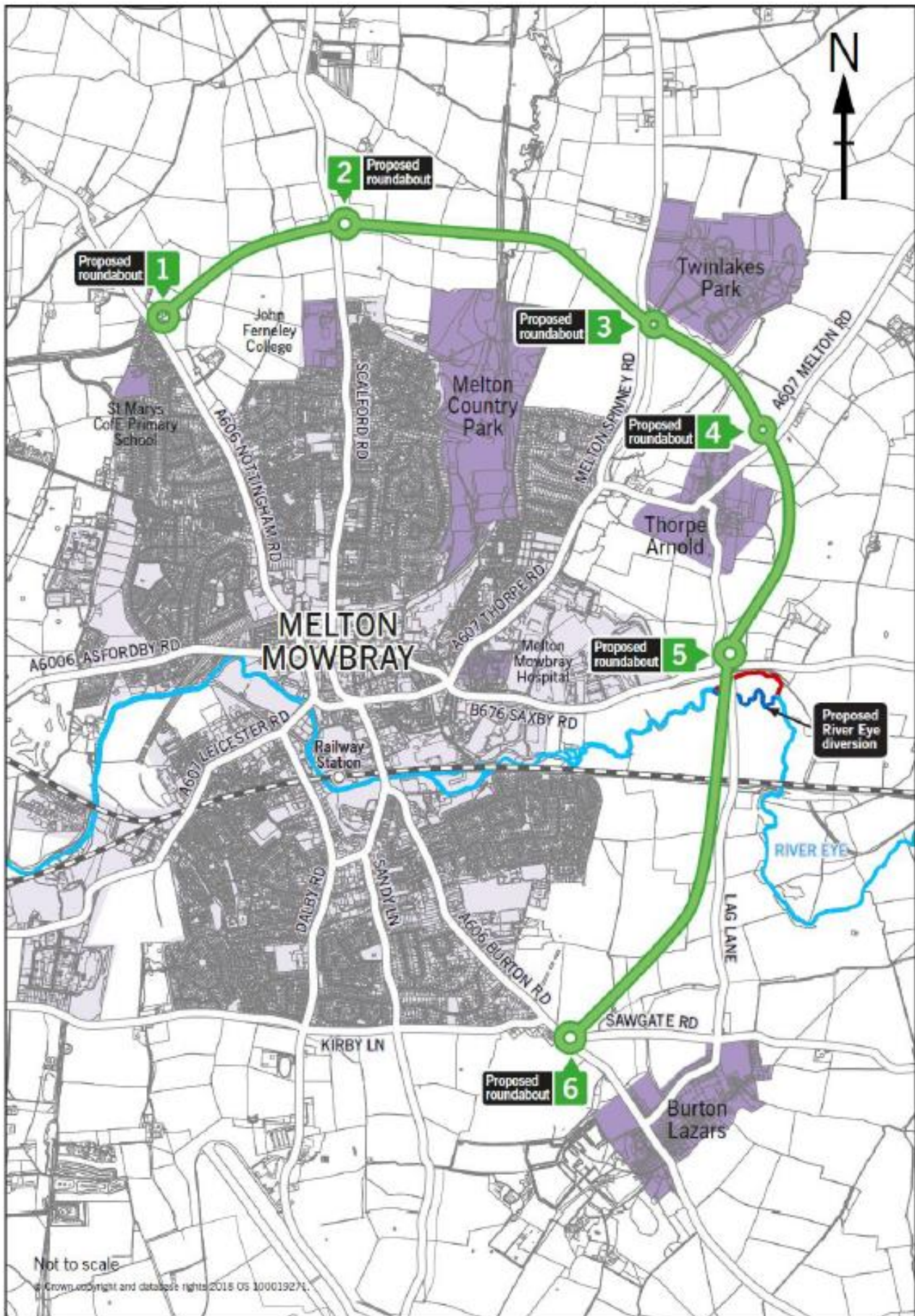
7. There are no designated built heritage assets within the site boundary. There are 11 listed buildings located within the 1km scheme study area, in Thorpe Arnold, Burton Lazars, north-west of Melton Mowbray and the urban area of Melton Mowbray itself. There are no Scheduled Monuments on the site but there are three within the 1km study area, namely:
- Sysonby Grange – located approximately 270m to the west of the proposed junction between the new road and A606 Nottingham Road;
 - Moated Grange at Spinney Farm – located approximately 175m from the site boundary and 375m north of the new road alignment between Scaford Road and Melton Spinney Road; and
 - The Scheduled Monument of the hospital, fish ponds and moated site at Burton Lazars – located approximately 350m to the south of the proposed road directly to the west of Burton Lazars.
8. There are no designated historic landscapes within the heritage study area. There are undesignated heritage assets and areas of archaeological potential within the site and surrounding area. The scheme boundary also includes parts of the River Eye SSSI and the Local Wildlife Site at Nottingham Road Hedgerows. The scheme lies in relatively close proximity to the Local Wildlife Sites at Melton Country Park (275m south of the proposed road and 77m south of the red line boundary) and Scaford Brook (approximately 220m north of the scheme).

Description of Proposal

9. The proposed scheme would deliver a 7.1km long, single carriageway road to the north and east of Melton Mowbray. The route links the A606 Nottingham Road with the A606 Burton Road, with new junctions at Scaford Road, Melton Spinney Road, A607 Melton Road and the B676 Saxby Road. Details of the various elements of the original proposals are outlined below.

Highway

10. The highway has been designed to provide the following:
- A 7.3m wide single carriageway road;
 - Six new roundabouts at the intersections of the proposed scheme with existing roads;
 - A speed limit of 40mph between the A606 Nottingham Road and Melton Spinney Road, adjacent to the proposed Northern Sustainable Neighbourhood, and a speed limit of 60mph between Melton Spinney Road and the A606 Burton Road;
 - Lanes with a width of 3.65m with an additional 1m hard strip on the nearside edge of both lanes within the 60mph section;
 - Earthwork slopes with a typical gradient of 1:3;
 - A 3m wide off-carriageway shared footway/cycleway adjacent to the north-bound lane over the full extent of the scheme and around the circumference of each roundabout. The shared route will be separated from the carriageway by the kerb and a 0.5m paved separation strip within the 40mph section and by a 1m kerbed grassed verge within the 60mph sections;
 - A 1.5m verge at the back of shared footway/cycleway and a 2.5m grassed verge on the opposite side of the road to the shared way. The verge width on both



sides of the road may be increased as required to provide the appropriate sightlines around bends. Further localised increases in verge width will also be required to accommodate highway features such as signs and vehicle restraint systems;

- Uncontrolled (un-signalised) non-motorised user (NMU) crossings will be provided by splitter islands at roundabouts or pedestrian refuges at points within the carriageway where existing or proposed Public Rights of Way (PRoW) cross the highway;
- Safety barriers will be provided where required.

Structures

11. There are four main structures within the scheme:

- Scaford Brook Bridge – a single 9m clear span, open span structure across the Scaford Brook watercourse.
- Thorpe Brook Bridge – a single 15.5m clear span bridge, open span structure across the Thorpe Brook watercourse. Thorpe Brook Bridge enables the farm track and NMU access to pass beneath the MMDR on the east side of the watercourse.
- River Eye Bridge – a 55m, four-span bridge structure over the diverted River Eye channel. North to south the spans are as follows:
 - a) 11m flood relief span;
 - b) 14m flood relief span, including livestock underpass;
 - c) 14m span over diverted River Eye; and
 - d) 11m flood relief span including farm access track and NMU route underpass.
- Railway Bridge – a 47m single span structure across the active Birmingham to Peterborough railway line.

12. In addition to the four main structures, there are five culverts:

- A 1.5 x 1.5m box culvert located east of Roundabout 1 (A606 Nottingham Road), passing beneath the MMDR highway at approximately Chainage 220;
- A 1.5 x 1.5m box culvert located west of Roundabout 2 (Scaford Road) passing beneath the MMDR highway at approximately Chainage 730;
- A 2.0 x 2.3m box culvert, located to the south of Roundabout 4 (A607 Melton Road) passing beneath the MMDR highway at approximately Chainage 3950;
- 3.0 x 1.3m box culvert carrying the Lag Lane watercourse beneath the diverted Lag Lane north east of Roundabout 5 (B676 Saxby Road); and
- 3.0 x 1.3m box culvert carrying the Lag Lane watercourse beneath the B676 Saxby Road and proposed bridleway east of Roundabout 5.

Lighting

13. Roundabouts and their immediate approaches would be illuminated by LED street lighting for road safety purposes. It is not intended that lighting will be provided in between roundabouts to reduce the impact of the scheme on the surrounding communities and the environment. LED lanterns would be directional to minimise light pollution beyond the extents of the highway. Outline lighting plans have been included in the application providing indicative layouts.

Drainage and Balancing Ponds

14. Ten balancing ponds have been incorporated into the design of the scheme. Appropriate locations have been selected adjacent to low points in the road to maximise the use of the local topography and enable controlled outfall into adjacent watercourses. Maintenance access tracks will be provided to the balancing ponds, along with fencing around the ponds for safety purposes.

Non-Motorised Users

15. Inclusion of the 3m shared cycleway/footway adjacent to the proposed carriageway provides NMU connectivity along the length of the route. Existing NMU facilities will also be improved where possible. Major works include creation of three new sections of bridleway, with all being suitable for equestrians, cyclists and pedestrians:
- Creation of a new bridleway between Thorpe Arnold and Melton Spinney Road. From Thorpe Arnold, the bridleway is to follow the route of the unclassified country road in alignment with footpath E25 and will be closed to motor vehicle traffic (except access). The NMU route diverges from the road at the location of the proposed balancing pond P06 and heads towards Thorpe Brook. The bridleway then passes underneath the proposed MMDR via an underpass at Thorpe Brook bridge, with the bridge lengthened to allow the bridleway to pass within its span. The bridleway would cross Thorpe Brook north of the MMDR and re-join the route of footpath E25 to Melton Spinney Road. The bridleway would cross the access to Twinlakes Theme Park by means of an equestrian crossing.
 - Byway 106, which is partly used as a bridleway, terminates on the A606 Burton Road west of Child's Cottage. A new bridleway is proposed where the existing route ends to run west from this point, crossing the A606 Burton Road by means of an uncontrolled equestrian crossing to join Sawgate Road to the east of roundabout 6.
 - Sawgate Road and Lag Lane are to be downgraded from highway to public bridleway, creating a 3.4km long new bridleway closed to through traffic (except for restricted access).

Environmental Mitigation and Enhancements

16. Key measures of the proposed mitigation and enhancement measures are summarised below:

River Eye Diversion

17. The proposed MMDR would cross the River Eye, which is a SSSI. It is proposed to divert a section of the River Eye where it currently intersects with the proposed road alignment immediately south of Saxby Road. Diverting the River Eye in this location offers the opportunity to provide environmental enhancements and mitigate the impact of the scheme on the SSSI.

Landscaping

18. A Landscape Masterplan has been included in the proposed scheme design, the objectives of which are to:
- replace trees and shrubs lost as a result of the scheme;

- replicate landscape elements such as hedge lines and woodland blocks;
- rationalise field severance and create appropriate new fields for agricultural use;
- provide screening of the proposed scheme and vehicles using landform and tree and shrub planting; and
- incorporate features of biodiversity/conservation value within the landscape.

Noise Attenuation

19. A significant proportion of the MMDR route is located within cutting with low noise surfacing proposed throughout to minimise noise impacts of the scheme. Sections of noise barrier are also proposed in the following locations to further reduce noise impacts:
- A 3m high noise barrier on the north side of the scheme for a length of 180m on the approach to the Scaford Road roundabout to shield the adjacent property (Grammar School Farm); and
 - A 3m high noise barrier from a length of 440m on the south side of the scheme east of Scaford Road roundabout to shield the area of recently constructed housing to the south.

Accommodation works

20. Where vehicular access is to be provided directly from the new road, gates will be set back from the carriageway providing sufficient room for a farm vehicle to pull off the carriageway to access the land. The bridge over Thorpe Brook incorporates a farm access underpass, maintaining connectivity between farmland north and south of the road at Thorpe Brook. The bridge over the River Eye will incorporate a shared farm access track and NMU route over the River Eye, and farm access through the flood relief spans north and south of the river. This will maintain connectivity between farmland east and west of the road at this point and north south of the diverted River Eye. Gated farm access is also proposed to the sections of Lag Lane and Sawgate Road that would become NMU routes.

Construction

21. A contractor has yet to be appointed therefore the construction arrangements proposed provide an indicative management plan. The construction period is anticipated to last approximately two years with most of the road being constructed offline. Although details cannot be finalised at this stage it is expected that most of the construction traffic would access the site from the following two main accesses:
- A606 Nottingham Road/St Bartholomew's Way junction to the north west of Melton Mowbray, with main temporary construction compound likely to be located to the north of proposed roundabout 1 and the east of the A606;
 - A606 Burton Road to the south west of the town, with a satellite construction compound likely to be located between the A606 Burton Road and Sawgate Road.
22. The A607 Melton Road north of Thorpe Arnold and the B676 Saxby Road east of Melton Mowbray would be used as secondary construction traffic access routes. Temporary site compounds would accommodate all large Heavy Commercial Vehicles, Heavy Goods Vehicles and staff/contractor parking.

23. The above roads would provide access to the internal haul routes and side tracks which would provide connectivity within the site, including between temporary site compounds. Additional access points could be utilised from Scaford Road and Melton Spinney Road with the expectation of serving smaller vehicles only.

Description of Revisions

24. During consultation on the submitted scheme, several comments were received from consultees and members of the public as a result of which, the applicant submitted revised and additional information. These include:

Scaford Brook Bridge

25. The span of the bridge has been widened from 9 metres to 14.5 metres to include a farm accommodation track to east of the brook. The proposed crossing point, with refuge island on the new carriageway, has been replaced with an underpass at the Scaford Brook bridge. This will maintain connectivity of the Jubilee Way (footpath E18) to Melton Country Park where it crosses the proposed scheme.

Public Rights of Way

26. Several changes to the proposed public rights of way arrangements. These are outlined below:
- Footpath E17 was proposed for re-routing to the east to avoid the proposed location of the balancing pond and culvert. The revised plans have altered this footpath to be re-routed to the west and to cross the carriageway via the pedestrian crossing.
 - Crossing arrangements of footpath E18 at Scaford Brook Bridge have been amended to an underpass as outlined above.
 - Footpaths F2 and F4 are now to be extinguished.
 - Realignment of Footpath E1 to follow a more direct route west of the MMDR, making use of the existing farm track.
 - Inclusion of a controlled Pegasus crossing at the B676 Saxby Road west of Roundabout 5, in place of an uncontrolled equestrian crossing.

Water Framework Directive and Flood Risk Assessments

27. The Flood Risk Assessment has been updated to reflect the changes to the Scaford Brook Bridge and to provide details of emergency and maintenance access arrangements for Brentingby Dam.
28. The Water Framework Directive Assessment has been updated with new baseline modelling and the results amended as necessary throughout.

Noise

29. Predicted noise levels at the new housing near to the northern part of the scheme have been provided, as requested by Melton Borough Council's Environmental Health Officer.

Biodiversity

30. An indicative Ecology Mitigation & Enhancement Plan has been submitted, setting out the general principles for ecological mitigation and enhancement to be delivered through the proposed scheme. The key measures include:
- Mammal tunnels at three locations along the proposed scheme, to maintain ecological connectivity, particularly for badgers;
 - Creation of two new waterbodies for Great Crested Newts to mitigate the potential functional loss of a waterbody with a known population;
 - Safe passage of mammals, such as otter and bats along existing riparian corridors, through open span bridge structures, sensitive planting/lighting and access levels at heights above flood levels;
 - Fencing to prevent mammals accessing the carriageway at strategic points along the scheme and encouraging use of underpasses; and
 - Widespread sowing of diverse grasslands and planting of native woodlands and hedges.

Landscaping and Arboriculture

31. The following additional landscaping has been included throughout the proposed scheme:
- Addition of grass verge separating the cycle way from the carriageway;
 - Addition of shrub planting at woodland edges throughout to enhance biodiversity; and
 - Species rich grassland added to embankment slopes and roundabouts throughout.
32. Following submission of the scheme, a Tree Preservation Order (TPO) within the red line boundary of the scheme at Sysonby Lodge has been identified. In addition, there are five trees which have been identified as potentially protected by a TPO, assigned by Melton Borough Council. The Arboricultural Impact Assessment and Tree Constraints Plans have not been updated to reflect these, but, through development of site clearance plans, avoidance measures are to be considered to reduce the impact of the scheme on all trees affected.

Planning PolicyNational Policy

33. The *National Planning Policy Framework* (NPPF) provides the government's policies for the delivery of sustainable development through the planning system. At paragraph 11 it advocates a presumption in favour of sustainable development and for decision-taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which

are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

34. Paragraph 102 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) The potential impacts of development on transport networks can be addressed;
- b) Opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) Opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Leicestershire Local Transport Plan 3 2011-2026

35. The Leicestershire Local Transport Plan 3 (LTP3) Strategy was published in 2011, with Implementation Plans published for each 3-year period. The LTP Strategy recognises that several county towns experience ‘appreciable congestion’ with Melton Mowbray identified as one of four towns mentioned and focuses on the delivery of transport scheme that will support the economy and population growth.

Development Plan

Melton Local Plan

36. The Melton Local Plan was adopted on 10 October 2018. The relevant policies are set out below.

Policy SS1 – Presumption in favour of Sustainable Development further supports the National Planning Policy Framework stance that planning applications according with the policies of the Local Plan shall be approved without delay, unless material considerations indicate otherwise.

Policy SS4 – Melton South Sustainable Neighbourhood (Strategic Development Location) outlines the policy requirements for the successful delivery of the Southern Sustainable Neighbourhood, including transport improvements by way of a strategic road link connecting the A606 to the A607 forming part of the MMDR.

Policy SS5 – Melton North Sustainable Neighbourhood outlines the policy requirements for the successful delivery of the North Sustainable Neighbourhood, including transport improvements by way of a strategic road link connecting A606 to Melton Spinney Road forming part of the MMDR and securing a route that allows north/south connectivity as part of the MMDR.

Policy EN1 – Landscape seeks to conserve and where possible enhance the character of the Borough's landscape and countryside.

Policy EN2 – Biodiversity and Geodiversity seeks to achieve net gains for nature and seek habitat creation as part of new development proposals, while also protecting and enhancing biodiversity, ecological networks and geological conservation interests throughout the Borough.

Policy EN3 – The Melton Green Infrastructure Network outlines the strategic approach to delivery, protection and enhancement of green infrastructure in order to deliver new assets where deficits have been identified and to enhance primary green infrastructure areas, including the River Eye.

Policy EN8 – Climate Change sets out the need for all new development proposals to demonstrate how the need to mitigate and adapt to climate change has been considered.

Policy EN11 – Minimising the Risk of Flooding aims to ensure that development proposals do not increase flood risk and will seek to reduce flood risk to others.

Policy EN12 – Sustainable Drainage Systems outlines the need to demonstrate through a surface water drainage strategy that properties will not be at risk from surface water flooding, allowing for climate change effects.

Policy EN13 – Heritage Assets sets out how a positive approach will be taken to conserve heritage assets and the wider environment through the protection and enhancement of Heritage Assets.

Policy IN1 – Melton Mowbray Transport Strategy (MMTS) outlines how Melton Borough will work with Leicestershire County Council and others to deliver a transport strategy for Melton Mowbray. A key component of this strategy is the delivery of the MMDR from the A606 Nottingham Road to the A607 Leicester Road following a route in accordance with the 'corridor of investigation' identified on the Policies Map.

Waltham on the Wolds and Thorpe Arnold Neighbourhood Plan

37. The application area passes through the area included in the Neighbourhood Plan, adopted on 12 April 2018. The relevant policies are set out below.

Policy S1 – Limits to Development sets out the limits to development which are identified within the Plan. Development outside the limits is strictly controlled, however, the MMDR is specifically cited as an exception to these limits.

Policy ENV4 – Protection of Other Sites of Environmental (natural or historical) Significance

Policy ENV11 – Ridge and Furrow Fields identifies ridge and furrow fields which it states are non-designated heritage assets and the need to balance the harm against the benefits of the development having regard to the scale of harm and significance of the affected heritage assets.

Consultations

38. Melton Borough Council – Planning – Support the application as it is in line with the Melton Local Plan.
39. Melton Borough Council – Environmental Health – Raise concerns regarding the impact of noise on Grammar School Farm, particularly during the construction phase. Also request assessment of the potential noise impact on proposed new housing allocation between existing housing and proposed MMDR.
40. Leicestershire County Council (LCC) Archaeology – Insufficient information provided to identify the locations of and assess the potential impacts of the development on archaeological remains. Requires the undertaking of field evaluation work, including trial trenching, to identify and locate any archaeological remains of significance and propose suitable treatment to avoid or minimise damage by the development.
41. British Horse Society and Bridleways Authority – Require clarification regarding the suitability of the non-motorised user routes for use by horses in addition to details of equestrian crossings, bridle gates and carriage access.
42. Cadent Gas – Provided an informative to advise the applicant of instances which would require consultation with Cadent Gas' Plant Protection Team.
43. Canal & River Trust – The development lies some distance from any of the waterways or associated infrastructure owned or operated by the Trust, therefore offer no comment.
44. The Coal Authority – No comments but highlight the need to include the Authority's standing advice in any decision as an informative note in the interests of public health and safety.

45. LCC Ecology – Require further information to be confident that suitable mitigation can be achieved with regards to badgers and Great Crested Newts, particularly addressing the severance of land on either side of the road scheme's route. Suggests an opportunity to address targets for habitat creation which should be addressed in a revised landscaping scheme. Requests submission of isolux lighting plan for area around the proposed River Eye alignment to enable the assessment of potential light spill impacts on ecology.
46. Environment Agency – Require a revised Flood Risk Assessment to provide clarification of maintenance access arrangements to Brentingby Dam.
47. Health and Safety Executive – No objections to raise.
48. LCC Heritage – Raise concerns with regards to introducing an urbanising form of development and a physical barrier, which partially severs the longstanding connection between the farms and historic buildings from their wider rural hinterland. It is considered the assessment underplays the potential impact of the development on this historic functional relationship, with the new road causing damage to the wider setting and heritage value. The level of harm to the significance of the listed buildings identified in the Heritage Assessment is likely to be at the lower end of the less than substantial harm spectrum, however, it should be considered due to the over-arching statutory duty to have special regard to the desirability of preserving their setting. All the statutory listed buildings escape direct impact, although Sysonby Farm a potential non-designated heritage asset does not. It is proposed that an archaeological record is made in the assessment by way of mitigation for the loss of the Farm which would be desirable.
49. LCC Highways – Require submission of the following to fully assess the proposals:
 - Vertical alignment information;
 - Stage 1 Road Safety Audit;
 - Models and drawings used in capacity analysis data; and
 - Clarification and justification for the deviation from the design standards set out in the Leicestershire Highways Design Guide.
50. Highways England – No comments to make.
51. Historic England – Raised concerns regarding impacts on heritage assets, the 3 Scheduled Ancient Monuments at: Sysonby Grange; a moated grange at Spinney Farm; and St Mary and St Lazarus Hospital in addition to areas of undesignated archaeology. They raise objections on the basis that the scheme will mask and/or destroy historic field boundaries and some ridge and furrow with the current spur alignment from Roundabout 6, intended to adjoin an additional southern section of road. Despite their objections they have advised that if planning permission is to be granted, efforts should be made to effectively screen Roundabout 6 from St Mary and St Lazarus Hospital through the sympathetic planting of indigenous hedgerow tree and shrub species.

52. Inland Waterways Association – Concerned that the scheme does not make provisions for the Oakham Canal, preventing future restoration. Also concerned that the proposals would also stop short-term plans for a walk/cycleway between Melton and Oakham along the line of the old waterway.
53. LCC Landscape – Recommends additional planting on some of the embankment side slopes, cuttings and roundabouts to provide additional screening and to increase the biodiversity of the area.
54. Lead Local Flood Authority – Raise no objections subject to the imposition of planning conditions relating to drainage and watercourse crossings.
55. Natural England – Raise no objection subject to the imposition of planning conditions relating to the following:
 - Management and monitoring plant agreement to mitigate for impact on the River Eye SSSI including Ecological Monitoring to ensure restoration to the required standard and appropriate management thereafter;
 - Surface Water Management Plan;
 - Biodiversity Net gain approach; and
 - Construction Management Plan and appointment of an ecological clerk of works.

Also provided standard advice relating to protected species and soil management.

56. Network Rail – No objections to raise.
57. Public Health England – No objections to raise.
58. LCC Public Rights of Way – Raised comments regarding the proposed arrangements for public footpaths E1, E5, E17, E18, E20, E25, F2, F3, F4, Lag Lane and Sawgate Road and raises concerns that suggested routes are diagrammatic and lack the detail required to draft the Orders for changes.
59. Leicestershire and Rutland Wildlife Trust – No comments received.
60. The following were also consulted but provided no comments – Scalford Parish Council; Burton and Dalby Parish Council; Waltham on the Wolds & Thorpe Arnold Parish Council; Mr Byron Rhodes CC (Belvoir ED); Mr Joe Orson JP CC (Melton Wolds ED); Mr Alan Pearson CC (Melton West ED); Mrs Pam Posnett MBE CC (Melton East ED); British Waterways Board; and Ramblers Association.

Publicity & Representations received

61. The application was advertised in accordance with the statutory requirements on 18 October 2018 by way of: site notices posted around the application area, a press

notice within the Melton Times and direct neighbour notifications sent to 1,069 residents. 75 representations have been received comprising 46 objections, 2 in support and 27 making general comments. The main planning issues raised are summarised below:

Oakham Canal

62. The scheme does not provide a bridge over the historical alignment of the Oakham Canal which would prohibit future restoration of the canal. This severing of the former canal's alignment would also prevent the creation of walk/cycleways between Melton and Oakham as well as a west-east cycleway route from Melton Mowbray town centre.

Amenity Impacts

63. Noise, odour, air and light pollution, visual impacts and a loss of privacy and enjoyment of properties will result from the proposed route of the MMDR being near properties both when in use and during the construction phase. The speed limit of 60mph between roundabouts 3 and 6 should be lowered to 40mph to considerably reduce noise and pollution. It is likely to be worse on the shorter stretches of road between roundabouts as sharply accelerating and decelerating vehicles will create additional noise, congestion and pollution.
64. Noise attenuation measures should be installed to minimise the impacts of the road to existing and future residential properties.

Traffic, Highways and Public Rights of Way

65. Exiting properties on to the 50mph B676 road when driving a horsebox or tractor is currently dangerous. The proposed arm from Roundabout 5 on Saxby Road will further reduce sightlines to the east which will make turning out even more hazardous.
66. The location of Roundabout 3 close to the access of Twinlakes Park may give rise to queuing traffic on the approach to the roundabout on the A606 causing delays. A designated filter lane should be provided to remove the potential bottleneck.
67. Lag Lane is insufficiently wide, has blind bends with narrow verges and a 7.5 tonne weight restriction making it unsuitable for construction traffic. Following construction, as Lag Lane is to be closed to through traffic, barriers should be sited to block access and suitable road signage erected well before the 90-degree bend to warn motorists of the change.
68. No construction traffic should be allowed to travel through or park in areas which are not suitable for large vehicles and appropriately located signage should be erected on the highway. The applicant should provide a much more detailed traffic management plan for construction traffic.
69. New bridleways should have turning points or roundabouts creating a loop for the horses to turn around in. Hand gates instead of stiles for horses and cyclists to pass through and equine crossings are light controlled to make the routes safer for all users of the road and public rights of way.

70. The pathway on the southbound carriageway of the A606 north of Roundabout 6 has been omitted from the existing pathway analysis. This is a much used, vital footpath which has been replaced by a grass verge on the proposed plans. A new surfaced path should be provided to lead directly from Burton Lazars to Roundabout 6 that is wide enough for mobility scooters, and for pedestrians and cyclists to pass. This path should be set back with a grass verge separating it from the road.

Landscape and Character

71. The proposed native broadleaf woodland planting on land to the northwest and northeast of Roundabout 5 will encroach further into an area already significantly affected by land being acquired for the scheme, that the remaining areas of their land should be maximised for their existing equestrian operation. A reduction to a 10-metre-wide strip of planting to the northeast and a reduced area to the northwest have been suggested as a suitable compromise.
72. The extent of tree replacement for those being removed is not indicated in the application. Reassurances that no net loss of trees results from the proposed development is required.
73. Roundabout 2 is located at a raised level and details of landscaping in this area are not sufficient to demonstrate appropriate mitigation for the visual and noise impacts caused by the proposed road.
74. The loss of green field land will have a significant impact on the character of the area around Thorpe Arnold, with the proposed road alignment being too close to properties in the village.

Ecology

75. The route of the road to the north of Melton Country Park will sever the wildlife corridor link between the park and local countryside increasing roadkill. An extended bridge should be provided.

Flooding

76. The submitted Flood Risk Assessment does not account for the fact that Thorpe Arnold floodplains flood several times a year and the Brentingby Barrier cannot cope. The balance pond at Saxby Road looks undersized.
77. Potential flooding issues may result from the proposed development as the existing watercourses in the area are already over capacity.

Farm Access

78. The proposed farm accesses are welcomed, but no details have been provided and should be addressed.
79. Preparatory spurs from the roundabouts ahead of further development should be suitably barriered to prevent illegal trespass and enable the continuation of animal grazing on the land.

Development of Surrounding Land

80. The cut and fill strategy for construction of the new road should consider its impacts on the development of neighbouring land parcels and the extent of earthworks planned to minimise encroachment into the developable area. The proposed alignment, grading and landscaping of the road will result in sterilisation of land reducing achievable housing numbers.

Re-consultation

81. Following a request for further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) two re-consultations were undertaken.
82. The main addendum of further information was received on 20 March 2019 and advertised in accordance with the statutory requirements on 21 March 2019 by way of: site notices posted around the application area, a press notice in the Melton Times and direct neighbour notifications sent to 1,143 residents, including those who made representations during the original consultation period.
83. A second re-consultation was undertaken following the later submission of further information relating to Archaeology on 12 April 2019. This information was advertised on 18 April 2019 by way of: site notices posted around the application area, a press notice in the Melton Times and direct neighbour notifications sent to 1,143 residents, including those who made representations during the first re-consultation period. This consultation period expired on 21 May 2019 and therefore a supplementary report will be provided prior to the Development Control Regulatory Board meeting to address any responses received after the publication of this main report.
84. The following responses have been received following the re-consultations:
85. The Coal Authority – No further comments to add.
86. Historic England – Maintain their concerns regarding Roundabout 6 and its harm to the significance of the Burton Lazars scheduled monument. Positive changes should be made to improve detailing to Roundabout 6 to minimise harm and eliminate loss of the field of ridge and furrow.
87. LCC Landscape – The amendments to the landscaping scheme address all their previous comments.
88. LCC Public Rights of Way – Raises concerns regarding details of footpath and bridleways surfacing and connections and their compatibility with the revised landscaping plans.
89. Public Health England – No further comments to add.
90. Highways England – No objection.

91. Canal and River Trust – Acknowledge and understand the applicant's reasoning for not amending the scheme but consider it regrettable that the prospect of restoration of the Oakham Canal will be reduced.
92. LCC Heritage – No further comments to make.
93. Lead Local Flood Authority – The proposals are considered acceptable subject to conditions in respect of a surface water drainage scheme; surface water management during construction; and an assessment of all watercourse crossings, culverts and realignments.
94. Natural England – Please refer to the previous response which refers to conditions for a river diversion monitoring plan; detailed surface water management plan; a construction environmental management plan; and a net gain approach.
95. Environment Agency - advises conditions in respect of: flood risk; protection of controlled waters; compensatory habitat creation; a landscape and ecological management plan; and a protected species and habitat protection plan.
96. LCC Ecology – recommends conditions for: a protected species surveys and mitigation plans for each phase; landscaping to be in accordance with the ecology mitigation and enhancement plan; controls over all proposed new planted stock to ensure locally native species; a construction environmental management plan; a detailed mitigation, compensation and enhancement scheme for the River Eye; and lighting lux levels.
97. LCC Highways – recommends conditions for an updated construction traffic management plan; and that the development is carried out in accordance with a schedule of general arrangement plans and non-motorised user route plans.

Representations Received

98. There have been six additional representations received: 4 objections, one in support and one with comments concerning the proposals. The issues raised in addition to those outlined above are summarised below:

Traffic and Highway Safety

99. The majority of traffic that goes into the centre of Melton is staying in the centre and not passing through. The bypass will therefore not alleviate any of this traffic. The bypass will also make a convenient diversion route for when the A1 is closed and will bring more traffic to the area.
100. The pavements into Burton Lazars are narrow and would need widening, and pedestrian crossings in the village would also need some thought as the crossing points are visually poor. Average speed cameras covering the section of road from the proposed roundabout to the village would be the best solution.

Assessment of Proposal

101. The proposal needs to be assessed against National Planning Policy and Guidance and the policies of the current Development Plan, the findings of the Environmental Statement (ES) accompanying the application and the measures it proposes to mitigate any impact that is identified. The ES that has been submitted – together with the additional addendum report – in support of the proposal, highlights several key issues and identifies where impacts will occur and what measures will be taken to mitigate them. The findings of the ES confirm that there will be overall environmental benefits from the road scheme, with a substantial number of residents benefiting from the road scheme, and its associated impacts and a relatively small number experiencing an increase in impacts. Measures are included in the proposals to off-set the impact on residents and ensure that they remain within acceptable levels.
102. Whilst some residents and consultees are requesting amendments to the alignment of the scheme and other significant changes, the applicant has provided their rationale for rejecting these options during the design stages. The Board is required to consider the application as submitted, and to decide whether it is acceptable on the basis of the relevant material planning considerations, rather than compare it to any alternative proposals. Consent should be refused only if the development would cause demonstrable harm to interests of acknowledged importance giving rise to material reasons for refusal that cannot be resolved by conditions and/or mitigation.
103. It will be necessary to consider the detailed impact of the scheme and a number of key issues have been identified as a result of the consultation process, many of which have been addressed in the findings of the ES and its addendum, and the measures set out therein to mitigate against any impacts on the environment. These are addressed below.

The Development Plan

104. The Melton Mowbray Distributor Road scheme is a fundamental element within the Melton Local Plan and the future growth strategy for the town. Land to the north, east and south of Melton Mowbray Town Centre has been identified and allocated as a “corridor of investigation” for the route of a distributor road on the Policies Map. *Policy IN1: Melton Mowbray Transport Strategy (MMTS)* outlines the Borough Council’s strategy for delivery of transport infrastructure in Melton Mowbray, with the MMDR listed as the first key component to achieving this. The policy also seeks to provide a package of complementary measures, including enhanced pedestrian and cycling facilities between the town centre and the main local journey attractors from the southern and northern urban extensions.
105. *Policy SS4 and SS5* of the Melton Local Plan outlines the Borough Council’s objectives to create the Melton South and North Sustainable Neighbourhoods. Within both policies sub-section t1A highlights the need for a comprehensive package of transport improvements including a strategic road link forming part of the Melton Mowbray Distributor Road.

Environmental and Other Impacts

Noise

106. Concerns have been raised by the Environmental Health Department at Melton Borough Council with regards to the impact of noise on Grammar School Farm, particularly during the construction phase. As set out in the ES, it has been identified that moderate adverse effects (significant) are anticipated at Grammar School Farm during the day, which is very close to the proposed scheme west of Scalford Road roundabout. As a result, specific additional mitigation in the form of site boundary solid hoarding is proposed at this location to reduce the significance of the daytime effect to slight (not significant). The performance specification of these mitigation measures would be confirmed at the detailed design stage to ensure the performance assumed in the assessment is achieved. A Construction Environmental Management Plan (CEMP) would also be implemented during the construction works which would include details of observational checks/audits to ensure compliance with working hours, working methods, mitigation measures etc.
107. As further requested, information has been provided from the applicant within the ES Addendum (March 2019) in response to concerns with regards to the potential noise impact on the proposed housing allocated between existing housing and proposed MMDR. This is illustrated in the plans provided in Appendix E of the ES Addendum (March 2019) showing the predicted noise levels at the new housing near to the northern part of the scheme. As based on the provided indicative housing layout, it is concluded that in 2036 (15 years after opening) free field LA10,18h traffic noise levels at first floor level (4m) range from 60-66 dB at the closest properties to the MMDR on the facades facing the MMDR, to around 45 dB at the furthest properties from the MMDR and other existing roads. This is considered to sufficiently demonstrate that the request regarding any potential future amenity impacts has been included for consideration in the determination of the planning application. The proposal is considered acceptable in accordance with Policy D1 of the MLP in this respect.

Archaeology

108. Concerns have been raised by LCC Archaeology with regards to the provision of insufficient information to identify the locations of and assess the potential impacts of the development on archaeological remains. It has been requested that field evaluation work, including trial trenching be undertaken, to identify and locate any archaeological remains of significance and propose suitable treatment to avoid or minimise damage by the development. As outlined in the ES, the archaeological potential at the proposed development has been assessed, with a significant number of recorded heritage assets within the study area, many of which have been identified from archaeological surveys and investigations. As part of the construction phase, it has been acknowledged that the proposed scheme has the potential to impact upon both recorded archaeological assets and potential archaeological deposits. The implementation of appropriate mitigation measures has been proposed, taking into account impact avoidance measures. Further assessments have also been undertaken indicating that with appropriate scheme design, adoption of a bespoke archaeological mitigation strategy, implementation of mitigation measures included within the Construction Environmental Management Plan and a programme of archaeological fieldwork, this would mitigate impacts and effects upon archaeological sites therefore no significant effects are anticipated

during the construction works. Subject to further evaluation of the trial trenching exercise (to be reported in the supplementary report) it is considered that the impacts on archaeological interests are capable of being satisfactorily controlled in accordance with Policy EN13 of the MLP.

Ecology and Nature Conservation

109. As requested, information has been provided by the applicant within the ES Addendum (March 2019) in response to concerns regarding outstanding information on suitable mitigation options for badgers and Great Crested Newts. An indicative Ecology Mitigation and Enhancement Plan (EMEP) is presented in Appendix F, which sets out the principles for mitigation to be delivered as part of the proposed scheme (to be read in conjunction with the revised Landscape Design Plans presented in Appendix H for the proposed scheme). This information provides a commitment that the proposed scheme has incorporated sufficient measures to mitigate any potential adverse effects on important ecological features identified in the ES. The details in this plan remain indicative at this stage, with a commitment from the applicant to provide a further detailed EMEP subject to a relevant planning condition. As further requested, a set of Lux plans to show which areas will have levels above 1 Lux have been provided. This was requested with regards to the area around the proposed River Eye alignment to enable the assessment of potential light spill impacts on ecology. This is now considered satisfactory.
110. No significant issues have been raised by Natural England, subject to the imposition of planning conditions relating to the following:
- Management and monitoring plant agreement to mitigate for impact on the River Eye SSSI including Ecological Monitoring to ensure restoration to the required standard and appropriate management thereafter;
 - Surface Water Management Plan;
 - Biodiversity Net gain approach; and
 - Construction Environmental Management Plan and appointment of an ecological clerk of works.
111. A revised Water Framework Directive report has also been provided by the applicant in response to these conditions.
112. Subject to the control of these matters (as detailed in paragraphs 94 and 96) by condition it is considered that the ecological impacts of the proposed development are capable of being satisfactorily controlled in accordance with Policies EN1, EN2 and EN3 of the MLP.

Cultural Heritage

113. Further information has been provided by the applicant in response to concerns raised by Historic England with regards to the impacts on heritage assets, the 3 Scheduled Ancient Monuments at: Sysonby Grange; a moated grange at Spinney Farm; and St Mary and St Lazarus Hospital in addition to areas of undesignated archaeology. This objection was made on the basis that the scheme will mask and/or destroy historic field boundaries and some ridge and furrow with the current spur alignment from Roundabout 6, intended to adjoin a future southern section of new road. The further information (and Environmental Statement) concludes disagreement with Historic England's view that the scheme will harm the significance of Sysonby Grange and Spinney Farm monuments. At Sysonby Grange, the land associated with the road scheme does not appear to have any historic connection with the scheduled

monument and does not make any contribution to its significance. At Spinney Farm, the proposed scheme is sufficiently distant so that the land on which it is located is not considered to contribute to the historical context of the site. The intervening trees and hedgerows prevent views across to the proposed road scheme and it is considered that visibility from the monument would be limited. It is recognised that any harm to the significance of these monuments would be at the lower end of the spectrum.

114. Consideration has been given to whether it is possible to re-design roundabout 6 (which has been located outside the area where it would cause substantial harm), such that spurs do not lead to eventual extension of the road into the area of substantial harm highlighted by Historic England. However, there is a requirement for two spurs into the southern sustainable neighbourhood (SSN) to access the proposed future residential development and provide the link to the southern MMDR. The requirements of roundabout and road design do not allow for these spurs to be closer together than proposed with the roundabout in its current position. Therefore, the roundabout cannot be re-designed without significant harm to the performance of the scheme to address Historic England's concerns and provide for future access to the proposed SSN. The landscaping plan to address Historic England's request for more planting to protect the setting of the Scheduled Monument by providing screening of the roundabout has been amended.
115. With regard to the LCC Heritage comments it is acknowledged that no listed buildings would be directly affected by the proposal and that harm to their settings, via impacts largely on the traditional farmland hinterland, would be at the less than substantial harm end of the spectrum. A proposed archaeological report of the Sysonby Farm building/site is supported.
116. In respect of the cultural heritage assets, it is noted that the proposed development would not directly result in substantial harm. In assessing the potential and likely harm, consideration has been given to the provisions of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require special regard to be had to preserving the setting of a listed building, and special attention paid to preserving or enhancing the character or appearance of a conservation area. In addition, regard has been had to the NPPF, especially paragraphs 193 to 196, and the requirement to give great weight to the asset's conservation, regardless of whether the potential harm amounts to substantial or less than substantial, including a clear and convincing justification for any harm. In this instance, paragraph 196 requires that harm of a less than substantial nature should be weighed against the public benefits of the proposal. Consequently, it is considered that the slight adverse impact on the setting of the Scheduled Monuments, listed buildings and conservation areas, amounting to less than substantial harm is significantly outweighed by the public benefits of the North and East MMDR.

Public Rights of Way

117. In line with requests from the British Horse Society and Bridleways Authority regarding the suitability of the Non-Motorised User routes (NMU's) for use by horses, and LCC Public Rights of Way with regards to the proposed arrangements for a number of public footpaths, a summary of the evaluation of change with regard to NMUs is provided in the ES Addendum (March 2019), based on the minor alterations to the design of the NMU routes and facilities. A set of (7 no.) associated new plans showing Non-Motorised User routes, including works to existing Public Rights of Way have also been provided. This additional information is considered to sufficiently address the

key difference between the significance of effects on these NMU routes as presented in the ES and result of the assessment as presented in the ES Addendum (March 2019) due to the changes in the design. Any outstanding matters concerning the surfacing of the NMU routes and their detailed connections, including where revised landscaping features are proposed, are matters that can be controlled by planning condition in accordance with Policy EN3 of the MLP.

Highways

118. As requested by the Local Highway Authority, a Stage 1 Road Safety Audit has been provided by the applicant in response to the comments raised. Following the issue of the further information the Local Highway Authority has recommended that the proposal is acceptable subject to conditions in respect of an updated construction traffic management plan, and that the development is carried out in accordance with a schedule of general arrangement plans and non-motorised user route plans. No significant issues were raised by Highways England, with no comments put forward. Subject to control of these matters by planning condition the proposal is considered acceptable from a highway perspective having regard to the requirements of Policies IN1 and IN2 of the MLP.

Water Resources and Drainage

119. A revised Flood Risk Assessment has been provided by the applicant in response to the request from the Environment Agency, to provide clarification of maintenance access arrangements to Brentingby Dam and provide consideration to revised bridge design. The Environment Agency require conditions in respect of flood risk; protection of controlled waters; compensatory habitat creation; a landscape and ecological management plan; and a protected species and habitat protection plan in mitigation of the overall scheme.
120. The Lead Local Flood Authority raise no objections subject to the imposition of planning conditions relating to a surface water drainage scheme and management of surface water during construction.
121. Subject to the control of the above matters by planning condition it is considered that the proposed development is acceptable in terms of flood risk potential impacts on the water environment in accordance with Policies EN11 and EN12 of the MLP.

Landscape

122. Recommendations have been provided from LCC Landscape with regards to additional planting on some of the embankment side slopes, cuttings and roundabouts (including Roundabout 6 to screen the heritage asset) to provide additional screening and increasing the biodiversity of the area. A response has been provided by the applicant within the ES Addendum (March 2019) to incorporate these comments. An indicative Ecology Mitigation and Enhancement Plan is also presented in Appendix F which sets out the principles for mitigation to be delivered as part of the proposed scheme, in combination with the revised Landscape Design Plans presented in Appendix H. Description of the additional landscaping at specific locations along the proposed scheme are also provided in the ES Addendum (March 2019).
123. Subject to the control of the landscaping of the proposed development to specifically ensure that the amended landscaping proposals are fully implemented, it is considered that the landscaping provisions of the proposed road scheme are acceptable in accordance with the provisions of Policies EN1, EN2 and EN3 of the MLP.

Other Impacts

124. No significant issues have been raised with regards to gas, coal, rail, health and safety and public health disciplines.

Conclusion

125. In principle the proposal is in accordance with the policies and strategies of the Development Plan, which makes provision for an allocated corridor of investigation for the MMDR. There are no overriding objections to the proposal and the matters highlighted in the consultation responses and in the majority of representations have been addressed through the submission of the further information.
126. Subject to the control of the matters raised in the consultation process by planning condition, and given the significant public benefit likely to result from the construction of the MMDR, it is concluded that the proposal, as set out in the application, accompanying ES, the further information provided in the two Regulation 25 submissions is in accordance with national planning policy and the policies of the development plan.
127. A supplementary report will be submitted to the Board prior to its meeting regarding the archaeological issues; an evaluation of the trial trenching exercise (paragraph 108 above refers) and any consultation responses which are received in-between the publication of this report and the close of the consultation period on 21 May

Recommendation

1. PERMIT, subject to the conditions contained in the Appendix to the Main Report; and
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), a summary of
 - a. How Leicestershire County Council has 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

Mr. S. R. Marriott (Tel: 0116 305 7045)
E-Mail planningcontrol@leics.gov.uk

2018/1204/06 (2018/Reg3Ma/0182/LCC) – continued

Conditions

Scope of Permission

Commencement

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

Adherence to Approved Documents

2. Unless otherwise required by the permission the development shall be carried out in accordance with the following details:

Document Name	Document Reference	Document Date
Application Form		01/10/2018
Arboricultural Impact Assessment	60542201-ACM-ARB-GEN_GEN_ZZ_Z-RP-LV-0001 P01 S2	Sept 2018
Outline Construction Traffic Management Plan	60542201-ACM-TTM-GEN_GEN_ZZ_Z-RP-T-0001	Sept 2018
Statement of Community Engagement		Sept 2018
Planning Application Supporting Statement		Sept 2018
Transport Assessment		Sept 2018
Equality & Human Rights Impact Report	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-002-P01 S3	Oct 2018
Volume 1: Environmental Statement	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0003 P01 S2	Sept 2018
Volume 2: Environmental Statement ES Non-Technical Summary Report & Figures	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0006 P01 S0	Sept 2018
Volume 3: Environmental Statement ES Appendices	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0005 P01 S0	Sept 2018
Covering Letter: LCC Responses and Further Information		18/03/2019
LCC Response to Comments Received on the Oakham Canal		07/03/2019
Stage 1 Road Safety Audit	60542201/M001/RSA/RSA1/02	21/12/2018
Applicant Response to the Historic England Objection		14/01/2019
Water Framework Directive Assessment		Mar 2019
Environmental Statement Addendum	60542201-ACM-EGN-GEN_GEN_ZZ_Z-RP-LE-0013	Mar 2019
ES Addendum - Figure 2.3 Indicative Structure Locations	60542201-ACM-EGN-GEN-GEN-ZZ-Z-DR-LE-0022 P02	
ES Addendum Appendix A - Figure 15.2 Indicative Proposed NMU Facilities	60542201-ACM-EGN-GEN-GEN-ZZ-Z-DR-LE-0049 P03	
ES Addendum Appendix A - Figure 15.2 Indicative Proposed NMU Facilities	60542201-ACM-EGN-GEN-GEN-ZZ-Z-DR-LE-0050 P03	
ES Addendum Appendix A - Figure 15.2 Indicative Proposed NMU Facilities	60542201-ACM-EGN-GEN-GEN-ZZ-Z-DR-LE-0051 P04	
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ES Addendum Appendix G – Ecology Mitigation and Enhancement Pond 4	60542201-ACM-EGN-GEN_GEN_ZZ_Z-DR-LE-0132 P01	
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ES Addendum Appendix 1 – Archaeological Evaluation Report	AAL 2019044	Apr 2019

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Ecology

Construction Environmental Management Plan

3. Prior to commencement of construction works, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall include provision of mitigation of the effects of the development including proposed working hours.

Biodiversity Management Plan

4. Prior to commencement of construction works, a detailed Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the County Planning Authority. The BMP shall include provision for the ongoing management of biodiversity during the construction works including the full implementation of the approved landscaping works and for a five-year establishment period after completion of the landscaping works.

River Eye Mitigation, Compensation and Enhancement Scheme

5. A detailed mitigation, compensation and enhancement scheme for the River Eye as shown on the Indicative Ecology Mitigation and Enhancement Plan (60542201-ACM-EGN-GEN_GEN_ZZ_Z-DR-LE-0126 Rev P01) shall be submitted to and approved by the County Planning Authority prior to the commencement of any works on site.

The scheme shall make provision for compensatory habitat creation including its management and monitoring and shall be implemented as approved. Thereafter, the development shall be implemented in accordance with the approved scheme.

River Eye Management and Monitoring Plan

6. A detailed management and monitoring plan to mitigate for impact on the River Eye SSSI including hydro-morphological, ecological and surface water monitoring to ensure restoration to the objectives of the Water Framework Directive Report (including River Eye SSSI diversion and enhancement proposals) Update (March 2019) and to include appropriate management actions for a five-year establishment period after completion of the restoration works shall be submitted to and approved by the County Planning Authority prior to the completion of construction works. The plan shall make provision for annual monitoring visits and the submission of annual reports to the County Planning Authority during the five-year establishment period.

Lighting

7. Lighting shall be in accordance with the approved Indicative Lighting Lux Contour Layout plans 60542201-ACM-HLG-S4_ML_ZZ_Z-DR-T-0011 and 60542201-ACM-HLG-S4_ML_ZZ_Z-DR-T-0012 Rev P02 in the area of the existing and proposed River Eye crossings.

Landscaping

8. Landscaping of the application site shall be in accordance with the Indicative Ecology Mitigation and Enhancement Plan (60542201-ACM-EGN-GEN_GEN_ZZ_Z-DR-LE-0126 to 0131 Rev P01) with regard to the amount of wildflower grassland, diverse grassland and habitat enhancement. All above ground SUDs features shall be designed to maximise benefit to wildlife. The planting of all trees, wildflower grassland, scrub, hedgerows and marginal aquatic vegetation shall be locally native species. Final landscaping plans shall be submitted to and approved by the County Planning Authority prior to implementation of the landscaping works and provide for a biodiversity net gain.

Protected Species

9. Prior to implementation of each construction phase of the development a scheme of updated protected species surveys shall be agreed with the County Planning Authority. The surveys shall be completed, and the agreed mitigation plans revised, submitted and approved by the County Planning Authority at least 6 months prior to the commencement of that phase. All mitigation shall be implemented in accordance with the approved plans.
- the surveys shall include Kingfisher on the Scalford Brook, Roosting Bats at Sysonby Farm and the railway crossing, Water Voles on the River Eye, Otters on all watercourses and Barn Owl, Great Crested Newts, and Badgers throughout the whole scheme.
10. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of otter and its associated habitat has been submitted to and approved by the County Planning Authority. The plan must consider the whole duration of the development, from the construction phase through to development completion and shall be carried out in accordance with a timetable for implementation as approved. The scheme shall include the following elements:
- details of how otters will be protected during the operational phase of the development.
 - details of otter ledges within culverts used on the development.
 - details of otter proof fencing to ensure that otters are not able to access the new road development and therefore prevent otter deaths.

Landscaping

11. Having regard to the requirements of Condition No. 8 the landscaping of the application site shall be in accordance with the revised landscaping plans referenced: 60542201-ACM-ELS S1_GEN_ZZ_Z-DR-T-0001-P04; 60542201-ACM-ELS-S2_GEN_ZZ_Z-DR-T-0002-P04; 60542201-ACM-ELS-S2_GEN_ZZ_Z-DR-T-0003-P04; 60542201-ACM-ELS-S3_GEN_ZZ_Z-DR-T-0004-P04; 60542201-ACM-ELS-S4_GEN_ZZ_Z-DR-T-0005-P04; 60542201-ACM-ELS-S5_GEN_ZZ_Z-DR-T-0006-P04; and, 60542201-ACM-ELS S5_GEN_ZZ_Z-DR-T-0007-P04 and a timetable to be submitted to and agreed with the County Planning Authority prior to the commencement of any landscaping works.

Water EnvironmentSurface Water Drainage

12. No phase of the development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to and approved in writing by the County Planning Authority. This drainage scheme shall be in accordance with Appendix 16.4 Flood Risk Assessment Report and Appendix 16.6 Surface Water Drainage Plan.
13. No phase of the development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the County Planning Authority.

Flood Risk

14. The development shall be carried out in accordance with the submitted flood risk assessment (ref: MMDR – 60542201, dated September 2018, produced by AECOM) and the following mitigation measures it details:
 - The soffit level of the River Eye bridge is to be set no lower than 76.18mAOD (section 3.1.1 page 23).
 - The soffit level of any of the bridge spans are to be set no lower than 74.97mAOD (section 3.1.1 page 23).

These mitigation measures shall be fully implemented prior to first use of the development and then subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

15. The development hereby permitted shall not be commenced until such time as a scheme to provide compensatory floodplain storage (as detailed in section 4.2, p36 of the submitted FRA) has been submitted to, and approved in writing by, the County Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the County Planning Authority.

16. The development hereby permitted shall not be commenced until the final designs for the scheme to provide Environment Agency access to the Brentingby Flood Storage Reservoir both during construction and post scheme completion (as detailed in Melton Mowbray Distributor Road – Addendum to Flood Risk Assessment and drawing number 60542201-ACM-EWE-S5_GEN_ZZ_Z-SK-HD-0002 Rev P01) has been submitted to, and approved in writing by the County Planning Authority. The scheme should include the following design details:

- a) The distance of the field access gates from the road (east carriageway edge);
- b) The width of the new access road;
- c) The visibility splay distances;
- d) The proposed new access road pavement detail/proposal; and,
- e) The proposed surface for the part of lag lane from the new access road to the reservoir site entrance.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the County Planning Authority.

Contamination

17. If during construction works contamination not previously identified is found to be present at the site then no further works in the affected area shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been

submitted to, and approved in writing by, the County Planning Authority. The remediation strategy shall be implemented as approved.

Highways**Construction Traffic Management Plan**

18. No works shall commence on the site until such time as an updated construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the County Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Public Rights of Way**Surfacing of Routes and Access Details**

19. Prior to the completion of the highway construction works a scheme for the surfacing and access arrangement details of all Non-Motorised User routes as shown on Drawings referenced Indicative Proposed NMU Routes: 60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-T-0001_P01; 60542201-ACM-ENM-S2_GEN_ZZ_Z-DR-T-0002_P01; 60542201-ACM-ENM-S2_GEN_ZZ_Z-DR-T-0003_P01; 60542201-ACM-ENM-S3_GEN_ZZ_Z-DR-T-0004_P01; 60542201-ACM-ENM-S4_GEN_ZZ_Z-DR-T-0005_P01; 60542201-ACM-ENM-S5_GEN_ZZ_Z-DR-T-0006_P01; and, 60542201-ACM-ENM-S1_GEN_ZZ_Z-DR-T-0007_P01 shall be submitted to and approved by the County Planning Authority.

Amenity Protection**Working Hours**

20. Apart from the following exemptions no operations shall be carried out at the site except between the following times: 0700 hours and 1900 hours Monday to Friday; and 0800 hours and 1300 hours Saturday. With the exception of work related to agreed possessions with Network Rail there shall be no operations on Sundays or public holidays.

Exemptions – Working outside of the normal working hours listed above shall be limited to:

- working to agreed possessions with Network Rail to undertake works associated with the bridge crossing; and,
- measures to minimise traffic disruption with prior notification to the County Planning Authority and in accordance with the approved Construction Traffic Management Plan.

Noise

21. Except as may otherwise be agreed in writing by the County Planning Authority, all plant, equipment and machinery used on site for the road construction, including vehicular traffic to and from the site, shall be designed and maintained to reduce noise levels to a minimum and shall be operated in accordance with manufacturer's instructions. All plant, equipment and machinery used on site, including vehicular traffic, which is capable of being fitted with the appropriate silencers, baffles, cladding, rubber linings and white noise reversing beepers shall be fitted and maintained.

Materials

22. The road shall be constructed utilising a low road noise surface material as proposed in the submitted application and all maintenance thereafter shall utilise construction materials that achieve the same or improved noise reduction properties.

Lighting

23. All lighting provision related to the development hereby permitted shall be in accordance with a detailed scheme to be submitted to and approved in writing by the County Planning Authority prior to its installation. The scheme as approved shall include details of the types and height of lights and/or light columns, their location, technical specification, means of preventing or minimising light spillage and the proposed hours of use.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to enable the development to be monitored to ensure compliance with this permission.
3. To ensure the visual and environmental amenity of the surrounding area is protected during the construction of the proposed development.
4. To provide for a biodiversity net gain as part of the development.
5. To ensure that the ecological interests of the River Eye are protected and enhanced during the construction period. There is an exceptional need here to ensure that the ecological interests of the River Eye are protected in accordance with approved measures that are in place for the commencement of development.
6. To provide for the management and monitoring of the River Eye SSSI post construction to ensure that its significance is not damaged.
7. To protect habitats at the River Eye crossings from the effects of light spill.
8. To ensure that the landscaping of the site has due regard to biodiversity enhancement and to protect the integrity of local ecological interests.

9. To afford appropriate protection to the protected species and to monitor the effects of the development on their status during the development.
10. There is an exceptional need here to ensure that appropriate protection for the otter and its habitat within the development site is available, and to avoid damaging the site's nature conservation value.
11. To ensure that the site is subject to appropriate landscaping treatments.
12. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. There is an exceptional need here to ensure that the surface water associated within the development site development does not contribute to flooding elsewhere.
13. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. There is an exceptional need here to ensure that the surface water associated with the development site development does not contribute to flooding or lead to effects on the surface water management system during construction.
14. To reduce the risk of flooding to the proposed development and to prevent flooding elsewhere.
15. To ensure that there are no detrimental impacts to flood storage or flood flow routes. There is an exceptional need here to ensure that the surface water associated within the development site development does not contribute to flooding elsewhere.
16. There is an exceptional need here to ensure that the Environment Agency has access, both during the construction phase of the works and once the scheme has been completed, to undertake maintenance activities to the flood defence asset on the river Eye.
17. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.
18. There is an exceptional need here to protect local amenity and in the interests of highway safety by reducing the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and ensuring that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
19. To safeguard and enhance the rights of way network.
20. To ensure that the construction works can be carried out in a reasonable manner without significant effects on local amenity and the environment.
21. To ensure that the operational noise from the construction activities has due regard to the protection of local amenity.

22. In the interests of protecting the local amenity having regard to the future use of the new carriageway and its maintenance.
23. To ensure that the illumination of the new carriageway is acceptable having regard to local amenity and highway safety.

Informatives

Protected Species.

1. With regard to condition no. 4, the agreed mitigation plans are contained within section 8.13 to 8.18 and Tables 8.6 and 8.7 of the Environmental Statement, the Environmental Statement Addendum Appendix F and G (including the Indicative Ecology Mitigation and Enhancement Plans (60542201-ACM-EGN-GEN-GEN_ZZ_Z-DR-LE-0126 to 0131 Rev P01)) and it is these that will need to be referred to and revised prior to each phase following the resurvey programme.

Environmental Permitting

2. The Environmental Permitting (England and Wales) Regulations 2016 may require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

Balancing Pond 09

3. Balancing pond P09 appears to fall within Flood Zone 3. Creating the pond in this location may compromise its effectiveness during a flood event. We suggest that this pond is relocated to higher ground outside of flood zone 3.

Considerations in relation to gas pipeline/s identified on site:

4. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588.



DEVELOPMENT CONTROL AND REGULATORY BOARD

23rd May 2019

REPORT OF THE CHIEF EXECUTIVE

REGULATION 3 MINOR APPLICATION

PART A – SUMMARY REPORT

APP. NO. & DATE:	2019/0159/04 (2018/Reg3Mi/0263/LCC) – 21 st December 2018
PROPOSAL:	Construction of a standalone single storey 3 classroom and studio modular building (to west side) of school.
LOCATION:	Newbold Verdon Primary School, Dragon Lane, Newbold Verdon, LE9 9NG
APPLICANT:	Leicestershire County Council
MAIN ISSUES:	Parking, local highways issues and privacy
RECOMMENDATION:	PERMIT subject to the conditions as set out in the Appendix.

Circulation under Local Issues Alert Procedure

Mr. B. Crooks CC

Officer to Contact

Amelia Lees (tel. 0116 305 7326)
E-mail: planningcontrol@leics.gov.uk

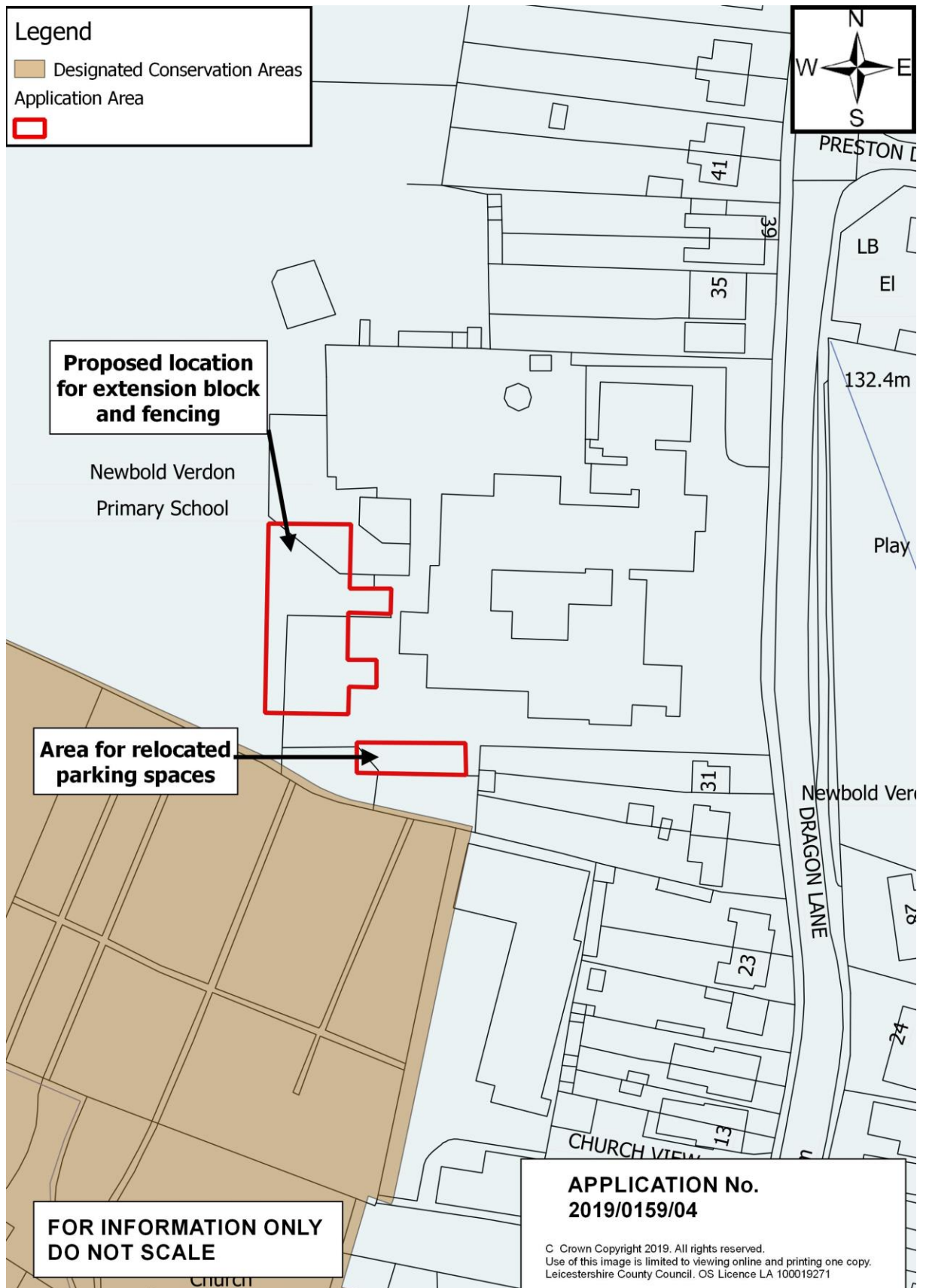
PART B – MAIN REPORT

Background

1. Newbold Verdon Primary School is located to the west of Dragon Lane and north of Main Street on the western side of Newbold Verdon village. The existing catchment area includes the surrounding residential areas located to the north, east and south of the school site. The western boundary of the school is occupied by agricultural land.
2. Newbold Verdon Primary School is a 210-place primary school with pupils covering an age range of 5 to 11 years old. The school currently has a total of 23 full time employees and 33 part time employees. As part of the proposed development there would be no increase in staff numbers.
3. The southern boundary of the school lies adjacent to the Newbold Verdon Conservation Area. The nearest listed building to the school site and the proposed development is the Grade II listed Church of St James which lies approximately 95m south of the school boundary. Additionally, the Grade II listed Pavilion to the north west of Newbold Verdon Hall lies approximately 120 metres south-west of the schools southern boundary. The Grade I listed Newbold Verdon Hall lies 120m south-west of the school's boundary. Further afield, the Moated site south of The Hall, a Scheduled Ancient Monument, lies approximately 150 metres south-west of the school boundary.
4. A large playing field is located to the west of the site, whilst the east of the site which comprises the main school buildings, borders Dragon Lane. The nearest residential properties to the school are along Dragon Lane. The nearest of which about the school boundary and have gardens which border the school boundary and views into the school site. On the northern and southern boundaries of the school site, sparse vegetation and trees screen views of the school site from these properties.

Recent Planning History

5. In 2003, the school was granted planning permission for the use of the school premises for non-educational activities (reference 2003/0002/04). Under this permission, non-educational events are restricted to taking place outside of the times of a normal school day (i.e. 0800-1600 hours Monday – Friday, in term time). The frequency and nature of non-educational events are also restricted under this planning permission. The provision of car parking facilities, including room for overflow parking facilities to accommodate such activities, is also required to be available for use on site. In 2009, a single classroom extension was constructed under permitted development rights (reference 2009/9207/04).



Description of Proposal

6. The proposal comprises the erection of three new classrooms and a studio space in a single standalone block within the school site. This would allow for an increase in the number of pupils from 210 to 315. The area proposed for the extension is currently comprised of hardstanding for the car parking for school staff, the edge of which is lined with trees and vegetation and a small portion of amenity grassland.
7. The single storey extension block would have a mono pitched roof which would slope towards the east. At its lowest, the roof would have a height of approximately 2.913 metres. To the west, the building would have the greatest height, with the roof reaching approximately 3.924 metres. The building would result in a net additional internal gross floor space of 358 metres squared.
8. The access for staff, refuse vehicles and deliveries would remain the same as present and the school site would continue to be served by the access point which is located on the southern boundary of the site. Parents are not permitted to use the on-site parking in the morning drop-off and afternoon pick-up hours for safety and congestion reasons. This access is however used by vehicles which need to pick up and drop off disabled adults or children to the school site. It is not proposed that this would change as part of the proposed development.
9. It is not proposed that staff numbers would increase as a result of the proposed extension block. Existing staff within the school would be re-distributed into the new classrooms.
10. The proposed materials for the modular block include the following;
 - External walls of site would be fitted with fibre cement cladding panels;
 - External walls of site would be fitted with vertical cedar cladding;
 - The roof would comprise a high-performance firestone single layer roofing system;
 - The windows would be thermally broken powder coated aluminium frames.
11. The following colours are proposed to be used in the development, but the applicant notes that these are to be confirmed;
 - Main Body - Western Cedar, Natural Finish;
 - Fascia - Powder Coated Aluminium;
 - Doors - Powder Coated Aluminium;
 - Door frames - Powder Coated Aluminium;
 - Windows - Powder Coated Aluminium;
 - Plinth – Brick.

Ecology

12. The area proposed for the location of the extension block is comprised of part of the car park, which is lined with trees and vegetation and a small portion of amenity grassland. Some of the area for the proposed development would include overlaying the grass with tarmac of approximately 188 square metres. Overall, the proposal would result in the loss of sixteen trees onsite. These trees range between mature and semi-mature and are in fair condition. The school would replace any trees lost and aim to provide a net gain in biodiversity. A Phase 1 Walkover Ecology Survey was submitted in support of the application. The survey found that there was no identified evidence of bats, birds or other wildlife species which would be affected by the proposed development within the site or in the local area. The report concludes that in order to enhance biodiversity and in consideration of the National Planning Policy Framework, bat and/or bird boxes could be installed on the new building.

Car Parking, Traffic and Sustainable Transport

13. The proposed development would sit on a portion of the existing school car park. As a result, the car park would need to be reconfigured in order to replace those car parking spaces which would be lost. The school premises currently provides 22 staff parking spaces, this includes three disabled spaces. There are also parental parking facilities available at the back of the school, which comprise 26 parking spaces. Parents are not permitted to use the 'parental' on-site parking in the morning drop-off and afternoon pick-up hours, for safety and congestion reasons. It is not proposed that this would change as part of the proposed development. As the proposed application would not result in any increase in additional staff, no increase in car parking spaces is proposed. It is proposed to remove three disabled car parking spaces and provide three standard sized car parking spaces as a replacement, as detailed in Table 1 below. It is not proposed to provide any additional cycle storage on the site. The Transport assessment submitted with the application notes that once the school extension is up and running, additional cycle parking demand and provision would be reviewed on a continual basis by the school.

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	36	39	+3
Disability Spaces	9	6	-3
Cycle Spaces	24	24	0

Table 1. Existing and proposed vehicle spaces at Newbold Verdon Primary School.

14. The transport assessment calculated that the proposals would generate an additional 26 single family and 11 multiple family vehicle trips by students and 2 additional single occupancy vehicle trips by teaching staff. The assessment concludes that given the location of the school it is anticipated that the additional vehicle trips which would be generated as a result of the proposed development would not have a significant impact on the local highway network. Additionally, the results of a parking beat survey which was undertaken concluded that there is sufficient capacity within the surveyed area to accommodate the potential increase in parked vehicles as a result of the proposed development.
15. However, the transport assessment recommends that prior to occupation an updated Travel Plan should be produced by the school. It is recommended that this Plan should include details of the current modal splits, suitable Travel Plan targets, measures to meet the targets and reduce single car occupancy to and from the site and details on how the Travel Plan would be monitored. It should also provide comment on the responsibilities of the Travel Plan Co-ordinator, who would undertake said role and provide details on potential mitigation measures.
16. It is not proposed to change any existing arrangements for the refuse collection and deliveries at the site.

Flood Risk & Drainage

17. The proposed development lies within Flood Zone 1, which has a low probability of flooding. It is proposed to include a drain to run and connect to existing combined system and a new drain to connect to the existing.

Other

18. It is not proposed to open the block for community use. The hours of opening proposed for the development are 08:30 to 16:30, Monday to Friday only.
19. It is proposed to erect a new picket fence and gate 1.2m in height, in order to section off the proposed classroom block from the car park.
20. The proposed location for the development would not impact the existing layout of any sports pitches or playing fields on the site. Therefore, there would be no loss of playing capacity as a result of the proposed development.

Planning Policy**National Policy**

21. The National Planning Policy Framework (NPPF) provides the government's policies for the delivery of sustainable development through the planning system. In paragraph 11 it advocates a presumption in favour of sustainable development, and for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
22. Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
23. Section 16 of the NPPF provides the government's policies of conserving and enhancing the historic environment. Paragraph 192 of the NPPF requires that when determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Development Plan

24. The Development Plan in this instance comprises the Hinckley & Bosworth Borough Council Local Plan 2006-2026. The principal policy considerations relevant to the current application are set out below.

Hinckley & Bosworth Borough Council Local Plan 2006 – 2026

Local Development Framework Core Strategy (Adopted December 2009)

- Policy 7 (*Key Rural Centres*);
- Policy 11 (*Key Rural Centres Stand Alone*)

Site Allocations and Development Management Policies DPD (Adopted July 2016)

- DM1 (*Presumption in Favour of Sustainable Development*);
- DM6 (*Enhancement of Biodiversity and Geological Interest*);
- DM7 (*Preventing Pollution and Flooding*);
- DM10 (*Development and Design*);
- DM11 (*Protecting and Enhancing the Historic Environment*);
- DM12 (*Heritage Assets*);
- DM17 (*Highways and Transportation*);
- DM18 (*Vehicle Parking Standards*);
- DM25 (*Community Facilities*)

Consultations**Hinckley and Bosworth Borough Council (Planning)**

25. No comment.

Hinckley and Bosworth Borough Council (Environmental Health)

26. No objection.

Newbold Verdon Parish Council

27. No response received.

Local Highway Authority (Leicestershire County Council)

28. The Local Highway Authority (LHA) requested further clarification relating to:

- Confirmation of additional staff numbers;
- Confirmation of additional trip generation;
- Clarification regarding number of additional car parking spaces;
- Confirmation that on-street parking at drop-off and pick-up times does not currently cause congestion or safety concerns.

29. Further to the comments received from Highways, the agent provided the following response:

- *Confirmation of additional staff numbers:* No new additional members of staff.

- *Confirmation of additional trip generation:* For confirmation the school has clarified that no additional staff will be hired as they have sufficient staff members to cover the additional 3 classrooms.
- *Clarification regarding number of additional car parking spaces:* The number of car parking spaces on the site would remain the same.
- *Confirmation that on-street parking at drop-off and pick-up times does not currently cause congestion or safety concerns:* Paragraph 4.7 of the Transport Assessment (Table 10) provides a summary of the resultant parking stress and also specifies that the number of parked vehicles disperse quickly. This suggests that on-street parking at drop-off and pick-up times will not increase congestion or safety concerns. The school will be contacted to provide an up to date travel plan.

Response from the Local Highway Authority in response to the clarified details

The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2019 (NPPF), subject to a School Travel Plan Condition. The following observations should be read in conjunction with previous LHA response.

30. The applicant has confirmed that there will be no net increase in car parking spaces as part of this development. However, local residents' comments indicate that the on-street parking currently causes disruption and inconvenience, including parking across dropped kerbs and blocking driveways. The LHA considers that the existing parking issues should not be dealt with through the planning system, and will refer these to the appropriate part of Leicestershire County Council for action through other means (e.g. enforcement). The LHA considers that an updated School Travel Plan should be provided, to reduce the likelihood of exacerbating car parking problems as a result of the proposed development.

Ecology (Leicestershire County Council)

31. The Phase 1 Walkover Survey submitted in support of this application indicates that the proposed development is to take place on existing hardstanding. When comparing the red-line boundary to aerial photographs it appears that the building will involve the removal of a small number of trees/shrubs. If these trees are to be removed they should be assessed for their potential to support roosting bats. It is possible that this has been done as part of the survey as section 3.2 of the report states 'The surrounding buildings and area of development were thoroughly and systematically inspected for any signs of wildlife. No evidence of any wildlife species was observed either having been or currently being present'. However, as no map has been provided it is difficult to be sure that this includes the vegetation in the footprint of the building. Please confirm that these trees have been assessed by the ecologist.

32. The Survey recommends that bat and/or bird boxes are incorporated into the development to enhance opportunities for biodiversity in the area. These will be required if trees are to be removed. It is recommended that a minimum of three bat boxes are erected, either on the new building or on on-site mature trees and a minimum of three sparrow or starling boxes added.

Further comment received

33. Following receipt of the consultation response from Ecology, it was confirmed by the agent that the trees and shrubs in question were surveyed and did not hold any potential to support roosting bats. Following confirmation of these details, Ecology provided the following additional comments;

- No objection. The previous recommendations for bat and bird boxes remain valid. It is recommended that the trees/scrub are removed outside of the bird-breeding season (March to August), unless it can be proven by an ecologist that no nesting birds are present.

Landscape (Leicestershire County Council)

34. It is considered that the proposals will be well screened from adjacent properties and will not have a major adverse visual impact on the surrounding landscape. The following comments are made;
1. The existing mature trees on the site provide a valuable screen, have amenity value, provide valuable wildlife habitat and should be retained wherever possible.
 2. The existing trees to be retained may be adversely affected by contractors gaining access to the site and the construction works themselves and the following is recommended:
 - Forestry are contacted to recommend any remedial works such as lopping low branches/ removing dead wood etc. which may improve the health of existing trees to be retained. Any remedial works identified should be carried out prior to construction works starting and by a qualified tree works contractor, in accordance with BS 3998: 2010 'Tree Works Recommendations'. Furthermore, prior to construction works, any trees to be retained within the extent of works, should be adequately protected with adequate temporary fencing in accordance with the provisions of BS 5837, 2012: 'Trees in Relation to Design, Demolition and Construction - Recommendations', and with reference to the root protection areas shown on the submitted tree survey.
 - Construction should ideally be undertaken in dry weather between May and October when the ground is driest and least prone to compaction,

- 16No trees lost as a result of the proposed development should be replaced with appropriate species of suitable size. A detailed landscape scheme should be submitted, showing a specification for replacement tree planting covering earthworks, size, species, including protection and aftercare.

Heritage (Leicestershire County Council)

35. Concern raised. The new classroom block would be readily visible from the cemetery attached to the historic church yard and within the conservation area. It is some distance from the parish church but it would be possible to see both the listed building and new development in the same view. The development is within the setting or surroundings in which the designated heritage assets are experienced and it is believed that its impact does, therefore, need to be taken into account in the decision-making process by virtue of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF. The single storey structure now proposed will be close to existing late C20 school extensions; their modern design already makes an unwelcome intrusion into the historic rural village environment. Any additional harm to significance from the new development is, however, likely to be very slight given the existing character and appearance of the school. Additional timber cladding, instead of the cement panels on the elevations facing the conservation area, together with further planting along the boundary would help to preserve or possibly enhance the rural outlook from the cemetery and church yard.

Historic England

36. No comment. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Lead Local Flood Authority (Leicestershire County Council)

37. Refer to standing advice.

Sport England

38. No objection.

Publicity

39. The application was advertised by two site notices posted on the 4th February 2019, along Dragon Lane. Neighbour notification letters were sent to local residents in close proximity to the proposed development.

Representations

40. One objection was received from a member of the public during the statutory time period. The objection raised concerns that the proposed development would exacerbate existing parking issues outside of the school on Dragon Lane, particularly with respect to parents blocking the driveways of nearby properties.

41. Further to this, two members of the public raised concerns about: parking; blocked driveways and the exacerbation of this issue; the accuracy of the transport assessment; highway safety; loss of car parking and privacy for nearby residential properties.

Supplementary Information and Revisions

42. Following responses from statutory consultees the applicant submitted revised layout and elevation plans for the proposed development. The revised plans include a change of materials from concrete cladding to vertical timber cladding on the southern face of the building. The layout plan has also been revised to include an outlined area in which new trees are to be planted along the southern boundary of the school site, to screen the proposed development from the Grade II listed church of St James.

Consultations on Supplementary and Revised Information

Hinckley & Bosworth Borough Council (Planning)

43. No comment.

Hinckley & Bosworth Borough Council (Environmental Health)

44. No objection.

Newbold Verdon Parish Council

45. No response received within the statutory timescales.

Ecology

46. No additional comments.

Heritage

47. No objection. The replacement of concrete panels with timber cladding on the south elevation and confirmation of planting on the boundary would help to reduce any adverse impact of the development on the setting of the conservation area and listed buildings.

Landscape

48. No further comments.

Lead Local Flood Authority (LLFA)

49. No further comment.

Sport England

50. No further comment.

Highways

51. No response received within the statutory timescales.

Historic England

52. No comment.

Publicity

53. An additional consultation period for the revised application documents started on the 20th March 2019. The revised application was advertised by a site notice which was posted on the 20th March 2019, along Dragon Lane. Neighbour notification letters were sent to local residents in close proximity to the proposed development.

Representations

54. No further representations from members of the public were received during the statutory consultation period. However, comments were made by Mr. B Crooks County Councillor. These comments raised concern about the absence of a regular crossing warden outside of the school and that the provision of a pedestrian crossing in this location should be investigated.

Assessment of the Proposal**The Development Plan**

55. This proposal, like any other application, must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the following are the key issues for consideration.

Principle of the Development

56. The proposed development would provide for the projected rise in the number of pupils within the Newbold Verdon area at Newbold Verdon Primary School. The new extension would allow an increase to the existing capacity of Newbold Verdon Primary School and provide sufficient accommodation for pupils and staff at the school in the short and medium-term future. Therefore, the proposed development accords with paragraph 94 of the NPPF which highlights the importance of providing sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Car Parking and Sustainable Transport

57. The blocking of driveways is a highway enforcement matter and potentially a civil matter that lies outside of the planning system. However, issues regarding traffic and an increased number of cars as a result of any proposed development is a material consideration in the decision-making process. During the consultation process, concerns were raised by a member of the public regarding the accuracy of the Transport Assessment (TA). The TA has been considered by the Local Highway Authority and following clarification of details and subject to the imposition of a planning condition for a School Travel Plan, the TA is considered satisfactory.
58. The TA states that the applicant would update the School Travel plan for the site prior to occupation. This would include as a minimum, details of the current modal splits, suitable Travel Plan targets, measures to meet the targets and reduce single car occupancy to and from the site and details on how the Travel Plan would be monitored moving forward.
59. During the consultation process, concern was raised by members of the public regarding loss of car parking space at the rear of the school and the increased pupil capacity could exacerbate existing highway issues. It should be noted that it is not proposed to decrease the number of car parking spaces in the proposed development. The submitted TA assessed existing highway conditions outside of the school and subsequently assessed the potential impact of the development proposals on the local highway network.
60. Concern was also raised by Councillor Bill Crooks over whether a pedestrian crossing outside of the school could be provided as part of the proposals. In response to this concern, the Local Highway Authority has stated that for a formal zebra or puffin crossing to be justified there needs to be a consistent number of pedestrians crossing Dragon Lane at 4 different times of the day. The Local Highway Authority commissioned a survey which counts the number of pedestrians and compares that to the number of vehicles per hour. This survey was undertaken in March 2019 and the results of the survey indicated that the criteria for a new crossing has not been met. Therefore, the Local Highway Authority would not be able to justify the delivery of a new pedestrian crossing as part of this planning application.
61. Given the above considerations and the advice from the Local Highway Authority, it is considered that the proposed parking and travel arrangements are appropriate to accommodate the proposed development. Therefore, the proposal is considered to accord with Policies DM17 and DM18; subject to the imposition of the advised condition.

Heritage

62. One of the main considerations in bringing forward the new building at the school has been to ensure that the new buildings are acceptable having regard to the sensitivities of the site and in particular the adjoining Newbold Verdon Conservation Area and the Listed Buildings which it contains. Under the provisions of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard should be had to preserving the setting of a listed building, and special attention paid to preserving or enhancing the character or appearance of a conservation area. Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF also confirms that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
63. Following the consultation process, the design of the proposed development has evolved to take into consideration the sensitivities of the nearby conservation area and the setting of the Listed Buildings. The proposed materials on the southern elevation of the building have been amended to plain timber sides to reduce any adverse impact of the development on the setting of the conservation area and listed buildings. Additionally, it is now proposed to plant trees along the southern boundary of the school in order to aid screening of the proposed extension block. The final design is now considered acceptable for this setting, having regard to the legislative and policy requirements detailed above (para. 62). Therefore, the proposed development is found to accord with Policy 11 and Policies DM10; DM11 and DM12; which requires new development to respect the character and appearance of the Newbold Verdon Conservation Area by incorporating locally distinctive features of the conservation area into the development. It is considered that the integrity of the historic environment would be preserved in accordance with the NPPF.

Ecology, Landscaping and visual amenity

64. The proposed location of the new school extension is considered to be the optimum available on the school site as it would reuse an existing area of hardstanding. However, using this location would result in the loss of sixteen trees bordering this area. It is noted that the trees to be removed are a mixture of semi-mature to mature trees in 'fair' condition. It is proposed to replace any trees or vegetation that would be lost as a result of the development with higher quality trees and planting and vegetation. The school has extensive grounds in which planting can be provided to offset the proposed loss. The Landscape Officer has requested that these trees be replaced as part of a detailed landscaping scheme. Additionally, Ecology has found the proposed development acceptable, subject to the development providing the installation of at least three bat boxes, either on the new building or on on-site mature trees and a minimum of three sparrow or starling boxes added in order to enhance opportunities for biodiversity in the area. The imposition of conditions to ensure the replacement planting and biodiversity gains would mean that the proposed development would accord with Policy DM6.

Loss of privacy and residential amenity

65. A representation was made regarding concerns over the loss of privacy at neighbouring residential properties along Dragon Lane. The closest property lies approximately 65 metres eastwards from the proposed development. However, its boundary lies adjacent to the school's boundary. With regards to the concerns raised over privacy by a local resident, the proposal includes the erection of a picket fence which would separate any children in the playground or those accessing the classroom block, from those boundaries on the southern and western sides of the school. With regards to the block overlooking the nearest residential properties and impacting on privacy, the proposed block is single storey. The greatest height of the block would be 3.924 m which would be the top of the mono-pitched roof. It is proposed that the block would be facing eastwards, towards those properties which are situated along the eastern side of Dragon Lane. The proposal is for a single storey development and therefore it is not considered that the building would be overlooking any nearby properties.
66. The Heritage officer recommended the installation of planting along the southern boundary and this would also provide additional screening both to and from the proposed development and the nearest residential properties which lie along Dragon Lane. Overall, it is not considered that the proposed development would result in an adverse loss in privacy for nearby residents. Given the above considerations, it is considered that the proposal accords with Policy 7, Policy 11, Policy DM1 and Policy DM25.

Conclusion

67. The proposed new classroom and studio block would provide the school with a greater capacity to accommodate for the rising number of pupils attending the school in the short-medium term. The proposed development would have no significant impacts on local amenity or the environment.
68. The building's design, siting and proposed construction details have evolved through careful consideration given the site's location and the adjoining and nearby historic environment assets. It is concluded that the removal of the concrete panels on the southern face of the building and their replacement with sympathetically designed timber cladding contributes towards preserving the character and appearance of the adjoining conservation area and the setting of the listed buildings contained within it and is therefore acceptable in this instance. Additionally, the provision of a detailed landscaping scheme would compensate for the proposed loss of trees and vegetation and would provide appropriate soft landscaping around the development, particularly with regards to the southern boundary of the school site which would help to provide additional screening of the view from the nearby designated conservation area and listed buildings it contains.
69. Subject to the controls highlighted in the above assessment, it is considered that the development is acceptable in principle in the context of the relevant policies of the development plan and legislative requirements.

Recommendation

1. PERMIT subject to the conditions as set out in the Appendix.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), a summary of:
 - a. How Leicestershire County Council has worked with the applicant in a positive and proactive manner:
 - b. In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework.

Conditions

1. The development hereby permitted shall be begun within three years from the date of this permission.
2. Unless otherwise required by this permission, or approved by the County Planning Authority, the development shall be carried out in accordance with the following details:
 - a) The planning application 2019/0159/04;
 - b) The application form dated 20/12/2018;
 - c) Drainage Plan, drawing no. 05, dated November 2018;
 - d) Phase 1 Walkover Survey, Ref: WO/LCC/NVPS, dated 20 June 2018;
 - e) Location Plan, Drawing no. 03, dated Jan 2019;
 - f) Planning Application supplementary documents;
 - g) GA Plans & Elevations, dated 04/09/18, submitted to the Authority on the 11th March 2019;
 - h) Newbold Verdon Primary School 3 Classroom & Studio Block Proposed Plan, drawing no. 02, dated Mar 2019;
 - i) Transport Assessment; Document Number: NVS-BWB-GEN-XX-RP-TR_0003, dated 04.12.18;
 - j) Tree Survey, dated September 2018;
 - k) Internal memorandum, dated 15th September 2018;

Construction Works and Parking

3. All site preparation and construction works, deliveries of and movement of materials and machinery, in connection with the approved development, shall take place only between 07:30-17:00 hours Monday to Friday and 08:00-12:00 hours on Saturdays. No such activities shall take place at any time on Sundays, Statutory Public or Bank Holidays.
4. Notwithstanding the provisions of condition no 3. no deliveries or exportation of materials or plant/machinery shall take place between 08:00-09:00 hours or 15:15-16:15 hours on any school day.
5. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the County Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been surfaced in a bound material and implemented in accordance with the 3 Classroom & Studio Block Proposed Plan dated Mar 2019. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Construction Materials

7. Within three months of the commencement of development a written schedule of materials and colours to be used externally in the construction of the development shall be submitted to the County Planning Authority for its agreement in writing. The development shall be carried out in accordance with the approved schedule of materials and colours.

Sustainable Transport

8. No part of the development hereby permitted shall be first occupied until an updated 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 School Travel Plan shall include proposals to encourage travel by sustainable modes by staff and pupils to mitigate the impacts of on-street parking on local residents. Thereafter the agreed School Travel Plan shall be implemented in accordance with the approved details.

Protection of Existing Vegetation and Replacement Planting

9. Prior to the building coming into use a detailed landscaping scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include details for replacement of the sixteen trees which are to be lost as a result of the development, details for the planting of trees and vegetation and also the following details;
 - a) The species mix for new planting/seeding;
 - b) Ground preparation;
 - c) Planting specification;
 - d) Maintenance/protection and management measures;
 - e) Phasing and timing;
 - f) Trees/other vegetation to be removed;
 - g) Trees/ other vegetation to be retained;
 - h) Root protection areas;

The scheme shall include for the provision of trees to the south of the school site as indicated on the drawing titled 'Newbold Verdon Primary School 3 Classroom & Studio Block Proposed Plan', drawing no. 02, dated Mar 2019 and rev. A.

10. The approved landscaping scheme shall be implemented in the first available planting season following commencement of development. All planted material shall be suitably maintained and replaced as necessary for a period of not less than 5 years from the date of planting.
11. The removal of existing trees from the site shall have regard to the submitted tree survey, and shall only be undertaken in accordance with the details provided on the 3 Classroom & Studio Block Proposed Plan, drawing no. 02, dated Mar 2019.

12. No building works including site works of any kind, shall take place until, all trees in close proximity to the construction works are protected in accordance with BS5837, 2012: 'Trees in Relation to Design, Demolition and Construction – Recommendations', and with reference to the root protection areas shown on the submitted tree survey. When installed the means of protection shall be maintained in situ throughout the period of construction.

Ecology

13. The development hereby permitted shall not be occupied until a scheme for the installation of bird boxes and bat boxes shall be submitted to the County Planning Authority. The scheme shall include for the provision of a minimum of three bat boxes and three sparrow or starling boxes to be erected on the site. Within six months of the date of approval of such a scheme, the scheme shall be implemented.

Lighting

14. Details of the siting, design, timing controls, luminance, direction of light distribution and the shielding of all means of external lighting shall be agreed in writing with the County Planning Authority before any such provision is made within the development.

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory form of development.
- 3, 4 & 5. To protect the amenities of local residents.
6. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally, in the interests of highway safety.
7. To ensure a satisfactory appearance and grouping of materials, in the interests of visual amenity.
8. To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport.
- 9 & 10. To enhance the development and bio-diversity and to safeguard the appearance of the locality.
- 11 & 12. To ensure that all trees to be retained on site are protected during the construction works and for environmental protection.
13. In the interests of biodiversity.
14. To minimise the adverse impact of light generated by the operations on the local community and environment.

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DEVELOPMENT CONTROL AND REGULATORY BOARD

23RD MAY 2019

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2018/0917/06 (2018/CM/0123/LCC) – 11 th July 2018.
PROPOSAL:	Southern extension of sand and gravel working and restoration using site derived and imported inert material returning the land to a combination of agriculture, open water and nature conservation.
LOCATION:	Brooksby Quarry, Melton Road, Brooksby, Leicestershire LE14 2LN.
APPLICANT:	Tarmac Trading Ltd.
MAIN ISSUES:	Need and sand and gravel reserves; archaeology; ecology; water resources; restoration and after-uses.
RECOMMENDATION:	Permit subject to the conditions included in Appendix A, and planning obligations.

Circulation under Sensitive Issues Procedures

Mr. J.T. Orson, JP CC
Mr. J. Poland, CC

Officer to Contact

Mr. S.R. Marriott
Email: planningcontrol@leics.gov.uk

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

PART B – MAIN REPORT

Planning History

1. Planning permission was granted in September 2003 (Ref. 2000/0443/06) subject to a legal agreement, for the extraction and processing of sand and gravel with restoration to agriculture, woodland and water at Brooksby Quarry.
2. A variation of Permission 2000/0443/06 was approved in November 2008 (Ref. 2008/0443/06) to alter the layout of the plant site and revise the permitted phasing of working.
3. A variation of Permission 2008/0443/06 was approved in January 2012 (Ref. 2012/0062/06) to allow the importation of 25,000 tonnes of mineral per annum from Mountsorrel to the site for processing.
4. A variation of Permission 2008/0443/06 was approved in February 2015 (Ref. 2014/0191/06) to revise the sequence of working, provide an alternative restoration plan and extend the timeframe for mineral extraction and restoration to 31/12/2026.
5. Planning permission was granted in February 2015 (Ref. 2014/0190/06) for the importation of inert fill for restoration purposes. This permission was implemented in February 2017 and covers the current infill operation.
6. Planning permission was granted in August 2016 (Ref. 2016/0453/06) for an alternative internal haul road to serve the inert waste landfill site, including weighbridge, wheel wash, cabin and car parking.
7. A variation of Permission 2014/0191/06 was approved in September 2016 (Ref. 2016/0428/06) to revise the sequence of working and provide an alternative restoration plan.
8. A variation of Permission 2016/0428/06 was approved in May 2018 (Ref. 2018/0399/06) to extend the extraction boundary in Phase 13 with restoration to a combination of grassland, woodland and a waterbody. This is the extant planning permission covering extraction at the site.

Location and Setting of Proposed Development

9. Brooksby Quarry lies to the south of the A607, from where it is accessed, between Brooksby Grange to the south west, and the former Brooksby College plant nursery site to the north east. Public Bridleway H58 (Midshires Way) passes along and through the eastern part of the site, from the A607 to the countryside to the south.
10. The planning application area extends to approximately 93 hectares and includes some 39 hectares of the existing site (covering phases 2 and 11 to 14, the access and haul road, and processing plant site). The extension area covers approximately 54 hectares of farmland in the ownership of Brooksby College to the south of the plant site and the Rearsby Brook, in a strip extending approximately 1.9km east to west and 200 – 300m north to south.

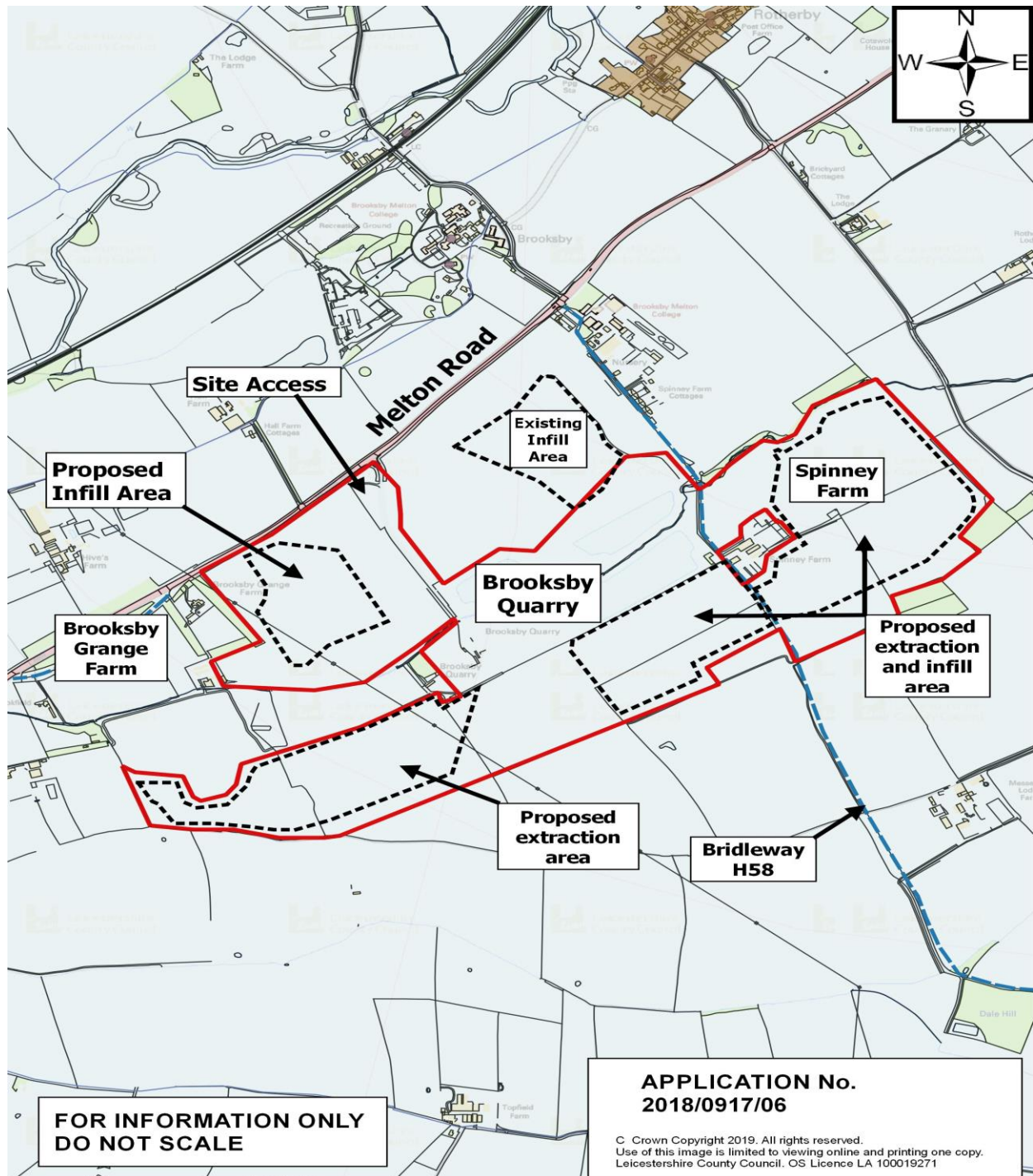
2018/0917/06 (2018/CM/0123/LCC) - continued

11. The site lies within a section of the gently sloping valley associated with the Rearsby Brook, which flows in a north east to south west direction through the site. The topography slopes down from the A607 at 76m Above Ordnance Datum (AOD) to the Brook at around 64mAOD near to Brooksby Grange Barns, from where there is a gradual rise to the south into the proposed extension area. Levels here rise to approximately 80 to 83mAOD at the proposed site boundary and continue upslope to the ridgeline at around 100mAOD.
12. The proposed extension area and surrounding land to the south of the A607 consists of sloping agricultural land supporting mixed farming with regular field patterns formed by hedgerow boundaries, and the remnants of Brooksby Spinney border the site to the south east. There are small settlements in the wider landscape and a few dwellings at farmsteads and associated properties in the immediate vicinity of the site. The nearest dwellings to the application site are: Brooksby Grange and Brooksby Grange Barns adjacent to the western site boundary; Brookfield 170m; Topfield Farm 727m; Messenger's Lodge Farm 453m; Rotherby Lodge 455m; The Lodge 398m; Brickyard Cottages 555m; Spinney Farm Cottages 150m; The Cottage 425m; Hall Farm Cottages 232m; and Hives Farm 261m.
13. The Grade II* listed buildings of the Church of St. Michael, and Brooksby Hall, together with the main Brooksby College campus lie to the north of the A607, approximately 520 to 550m away.

Description of Proposed Development**Current Quarry Operations**

14. The remaining permitted sand and gravel reserves at the site will be fully exhausted by mid-2019. The main operational areas of the existing quarry are located north of Rearsby Brook and to the east and west of the site access road. The plant area and silt lagoon are located south of the Rearsby Brook. There are several top-soil and overburden stores located around the periphery of the working areas.
15. Once extracted, mineral is conveyed by dump truck to a main feed hopper located within the plant site. The hopper feeds a conveyor belt which supplies a static mineral processing plant on the south side of the Rearsby Brook. The plant washes and grades the sand and gravels which are then stockpiled for sale. The plant site also includes a site cabin, meeting room, office and weighbridge.
16. Mineral extraction is due to commence imminently in Phase 2, the last remaining area of the existing quarry to be worked. Restoration has been completed for Phases 3 - 6, with partial completion in Phases 7 and 11. The completion of restoration in Phase 7 and Phases 8 to 10 will incorporate the use of imported inert fill material in line with planning permission 2014/0190/06.
17. Current quarry production rates are approximately 250,000 tonnes per annum. Importation of inert material for infilling (phases 7 to 10) will commence at the site upon receipt of a permit from the Environment Agency. The inert infill planning permission allows for the importation of up to 250,000 tonnes per annum and has an end date of 16th February 2023.

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Mineral Reserves and Geology

18. The site is overlain by superficial glacial drift deposits, consisting of brown (silty) clays of varying thickness. The Bytham Sand & gravel Formation is the main economic deposit at the site, forming a continuous unit with a relatively flat upper surface at an elevation of 65-66m AOD. The top 1- 2m of the deposit is comprised of fine to medium soft sands, which grade down into gravelly sands and sands and gravels. The sand and gravel deposit ranges from 0.5 to 11.6m, with the thickness of the economic mineral increasing within an identified palaeochannel, which runs northwest to southeast through the site. The base of the deposit is highly variable because of the undulating eroded topography of the bedrock surface (Mercia Mudstone and Lias Clay).

Proposed Development

19. Tarmac Trading Limited seeks planning permission to enable a southern extension of sand and gravel extraction at Brooksby Quarry. The proposed development would provide for the extraction of approximately 1.4 million tonnes of mineral, to be worked at a rate of up to 250,000 tonnes per annum, in accordance with established rates of working at the quarry.
20. The extraction of mineral would take place over a six-year period. Subject to the grant of planning permission, it is anticipated that working of the proposed extension areas would commence by mid-2019. The restoration scheme provides for a return of the land to a largely agricultural after-use. This would be achieved using a combination of clay overburden from quarry operations as well as imported inert material. Inert material would be used to assist in the restoration of defined areas of the site. These areas include Phases 12, 13a, 13c (within the existing site) and Phases 17, 18 and 19 (each forming part of the southern extension site). It is estimated that approximately 1.5 million m³ of inert fill would be required to assist in the restoration of these phases. It is anticipated that the site would be restored by approximately 2030-31.
21. It is proposed that the mineral would be worked dry, in the same manner to the workings in the existing quarry. Groundwater would be pumped from each phase into the existing clean water lagoon. This water would then be used to supply the mineral washing plant, and silt water from the washing plant piped to a silt settling lagoon, with clean, settled water piped back to the clean water lagoon. Groundwater and surface water would continue to be efficiently recycled within the site, and any surplus clean water would be discharged from the lagoon into the Rearsby Brook under the extant discharge permit.
22. Additional silt and clean water lagoons would be formed on the north side of the Rearsby Brook by utilising an existing extraction void. The current and proposed silt lagoons would be allowed to develop as natural wet scrub woodland, and gradually dry and consolidate from the point when they become full and stop receiving silt water. The silt lagoon is maintained at a level of at least 1 metre below original ground level adjoining the Rearsby Brook.

Originally Proposed Scheme of Working

23. Extraction was to commence under the originally proposed scheme of working to the south west of the plant site in Phase 15a following the completion of extraction in the current site. Access would be gained to the extension area via a new haul road south of the plant site. Extraction would then follow in Phase 15b the most westerly phase before continuing in an easterly direction through phases 16a, 16b, and 17 before reaching the Spinney Farm complex, comprising Phase 2 (of the existing site) and Phases 18a, 18b, 19a and 19b.
24. Topsoil from the working areas would be stored in perimeter bunds around the extraction phases, and in the dedicated storage area together with the stripped subsoils. Overburden materials would be stored in the dedicated storage area or directly placed into worked out areas of the excavation void for restoration. Mineral extraction would continue to be undertaken with the use of an excavator, with dump trucks moving the mineral to the plant site feed hopper.

25. Restoration works in the existing site would be ongoing, and it is anticipated that the Phase 7 – 10a existing infilling area would be restored during Phase 16 extraction, and the new Phase 13 infilling area would be restored during Phase 17 extraction. Restoration of the extension Phases are to be undertaken with on-site overburden materials and imported inert materials in respect of Phases 17, 18 and 19. The site would be restored to a predominantly agricultural after-use, mixed with areas of open water, wetland habitat, grassland and woodland. Several accesses and crossing points are to be retained across the site to facilitate agricultural access. Former silt and fresh water lagoons are to be fenced and hedgerows reinstated adjacent to the former site haul route.

Environmental Statement

26. The planning application is accompanied by an Environmental Statement (ES), which provides technical appendices and an assessment of the following predicted potential environmental impacts, in accordance with the Scoping Opinion: hydrology, hydrogeology and flood risk; ecology; landscape and visual impact; noise; dust and air quality; archaeology; soil resource and agricultural land classification; and alternatives and cumulative impact. A summary of the impacts of the proposed development identified in the ES, together with proposed mitigation and any compensation measures is set out below.

Hydrology, Hydrogeology and Flood Risk

27. Brooksby Quarry lies adjacent to the Rearsby Brook, a tributary of the River Wreake. The Bytham Sand and Gravel Formation, which forms the economic mineral at the site, forms a locally important aquifer classed by the Environment Agency as a Secondary Aquifer. The quarry does not lie within a source protection zone, and there are no licensed groundwater abstractions within 2 km of the site boundary. Within 2km of the site there is one licensed surface water abstraction, which utilises a spring discharge, and several private wells, one of which is confirmed as being used as a drinking water supply.
28. Prior to quarrying, which commenced in 2006, groundwater flow was westwards, with discharge to Rearsby Brook. The sand and gravel deposit is partially below the water table and the working areas must be dewatered to enable safe and efficient operation. This has modified the groundwater flow pattern to the south of the quarry and there is currently flow towards the quarry void with a groundwater high centred on the plant site. Groundwater levels to the west of the site have remained generally stable since the quarry commenced working with no impact apparent at the closest private water supply borehole.
29. An assessment of impacts from the proposed extension has been made with consideration of groundwater and surface water flows and quality, proximity of local ecological interests and water abstractions. Impacts of the proposed operation have been assessed against the current conditions around the site, while impacts following restoration have been assessed against the pre-development situation.

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

30. During mineral extraction, impacts to identified receptors would have a significance of minor, or none. The exception is the archaeological remains beneath the plant site, which have already been impacted by the current quarry workings. The existing mitigation measures are being implemented in response to this and no additional measures are proposed. Groundwater monitoring is already in place at the closest private water supply and if derogation of the supply is observed arrangements for an alternative supply can be made.
31. The only long-term impacts identified post-restoration are from potentially lowered groundwater levels immediately down-gradient of the site and discharge from the sand and gravel aquifer to the Rearsby Brook. This may affect a number of private water supplies. Ongoing monitoring would be used to assess any impacts and if these cause derogation of the supplies, then investigation of alternative water supplies would be undertaken.
32. The Flood Risk Assessment (FRA) identifies that the whole site is located within Flood Zone 1, except for Phase 18B, where approximately 2% of the phase is located within Flood Zone 2 and 2% within Flood Zone 3.
33. The risk of flooding to and from the site from fluvial, groundwater, surface water and sewage/water mains sources has been considered during mineral extraction and post-restoration. Mitigation measures are required for both internal and external receptors during mineral extraction, and for external receptors post-restoration.
34. Incidental rainfall into the working voids would be attenuated in sumps and settlement lagoons, prior to discharging into Rearsby Brook. Discharge from the lagoons would be controlled via the existing discharge permit at a rate of 106 l/s. Safe egress routes from quarry void for personnel and plant would be maintained during all stages of working. The lowest parts of the quarry void would not contain any buildings and if surface water was to accumulate to a depth where working became unsafe then operations in the affected area would cease temporarily until water levels decreased.
35. Surface water run-off rates from the restored agricultural land would reflect those of the pre-development site, hence run-off rates and volumes would not be altered. Surface water run-off from the post-development site, would largely be attenuated via the proposed restoration waterbodies. The restoration waterbodies would have an outfall back into the Rearsby Brook, which would be controlled at 'greenfield' rates. The controlled surface water discharge would attenuate potential flood risk to external receptors, such that any residual flood risk is negligible.

Ecology

36. An Extended Phase 1 Habitat Survey has been undertaken in August 2015 and updated in November 2017. The report outlines the findings of the surveys and makes appropriate recommendations. A data search has been undertaken with Leicestershire and Rutland Environmental Records Centre to identify records of protected species and sites within 2km of the site.

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37. There are no records of designated sites within the survey area. There are several Parish, District and County Sites within 2km of the site but there are none within or adjacent to the survey area.
38. There are a number of records of badgers but most of these records are the badger setts identified within the quarry site.
39. There are historic records of grass snakes and barn owl in the area around the site, and more recent records for barn owl, Great Crested Newts, bats and bat roosts within the vicinity of the site, and water vole records in and upstream of the site.
40. The main area of the site is large arable and grazing fields which are low ecological value. The areas of tall ruderal are of moderate ecological value due to the number of flowering species present. Hedgerow removal would be limited to the boundary between Phases 15b and 16.
41. Two of the identified badger setts are adjacent to the workings and would have a minimum of a 30m stand-off in place for protection purposes. Badger foraging areas would be lost but sufficient areas exist nearby unaffected by the workings.
42. As the works would affect very low value terrestrial habitat for great crested newts and the records of the species are 500m from the survey area, there are no recommendations for further great crested newt surveys. However, during any works on site, should a great crested newt be found, works must stop, and advice must be sought.
43. If any of the large trees within the hedgerows, the tree containing the knot-hole, or further sections of hedgerow are to be removed a further assessment and inspection for bats should be undertaken, including bat activity surveys. It is recommended that details of which hedgerows and trees to be removed are provided so an assessment can be made of what further surveys are required. Any vegetation clearance should be carried out outside the nesting bird season.

Landscape and Visual Impact Assessment

44. A Landscape and Visual Impact Assessment (LVIA) has been prepared and comprises a desk study to review the status of the site in relation to relevant national and local policy, a description of the existing baseline landscape situation and an assessment of predicted landscape and visual effects.
45. The proposed extension lies within the 'High Leicestershire' Landscape Character Area (LCA), which is an area of gently undulating landscape with mixed arable and pasture and a rural character. The extension reflects some of the character of the LCA but due to its position directly adjacent to the consented quarry and near the busy A607 corridor, it has a relatively low level of tranquillity.

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

46. The consented quarry and proposed extension occupy the lower slopes either side of the Rearsby Brook and are relatively well-contained visually. Both areas are screened north of the A607 by the ridge of higher ground along the A607 after which land slopes down to the valley of the River Wreake. The ridge of higher ground to the south of the extension also serves to contain views from the south in the direction of Gaddesby.
47. The site is not located within or adjacent to a statutory designated landscape, and there are no designated receptors of high natural or cultural heritage value within the immediate vicinity. The land has been assessed to have a **low** landscape value, and a comparatively **high** capacity to accommodate the proposals due to its location directly adjacent to the consented quarry in a visually well-contained position.
48. The landscape effects of the proposal would see a temporary loss of agricultural land and its conversion to mineral extraction through soil stripping, storage of overburden and extraction of aggregate. The treed hedgerows forming the external site boundaries would be retained during the extraction operations.
49. Following restoration, the extraction land would be restored to approximate original ground levels and agricultural use. The silt and water lagoons would be allowed to revert to shallow waterbodies with fringing woodland/scrub and grassland habitats. Any landscape impacts would therefore be temporary in nature and there would be no permanent adverse effects.
50. The southern extension would not noticeably expand the area from which the consented quarry is currently visible, due to its position on the lower slopes above the Rearsby Brook. The higher ground to the north along the A607 ridgeline, and the valley side immediately south of the extension would limit the visual effects, with quarrying activity relatively well-contained from views from the surrounding landscape.
51. Significant visual effects would be confined to users of the public bridleway ('Midshires Way') that passes through the site between Spinney Farm Cottages and Messenger's Lodge Farm. The bridleway would have views of the extension to the west and east, as it separates Phases 15 - 16 from 18 - 19.
52. Effects on other receptors are not predicted to exceed moderate levels of significance. Filtered glimpses would be available from the A607 between Gaddesby Lane and the Rearsby junction, and the stretch of Gaddesby Lane between the A607 and east of Messenger's Farm Lodge.
53. There are several individual residential properties amongst the scattered farmsteads from which there are potential views of the proposed operations, with Brookfield and Brooksby Grange Farm and Barns being the closest. None of the properties would experience significant adverse visual effects, due to their location and the screening/filtering from intervening buildings and vegetation which would reduce any visual effects to moderate levels.

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

54. For most locations, the proposed extension would be seen directly alongside the consented quarry which would reduce the underlying sensitivity to change of the site. All visual effects would be temporary in nature and reversible following restoration.

Noise

55. A Noise Assessment has been prepared which reviews the existing site noise limits for locations close to the proposed extension area. This has been informed by the results of compliance noise monitoring conducted during 2016 and 2017, and additional baseline noise surveys from November 2017 to obtain up to date baseline noise data.
56. The Noise Assessment includes calculated noise levels arising from the workings (extraction and infilling), which are compared to the existing and suggested site noise limits at the nearest dwellings to the proposed extension area.
57. Observations during routine compliance noise monitoring and the baseline noise surveys indicate that current site activity is sometimes audible or just audible at five of the monitoring locations. Site noise noted during the surveys was generally extraction activity and associated vehicle movements, and some processing plant noise, at around the background (LA90) noise level, i.e. some 10 dB below the site noise limit.
58. Following the review of the noise monitoring data, it is proposed that the existing site noise limits, including those for temporary operations, and the new dwelling at Brooksby Grange Barns, remain in place for the proposed southern extension. The noise limits are based on current advice from the government contained in the Planning Practice Guidance. For routine extraction and infilling operations this is based on the average background noise level plus 10 dB(A) and not to exceed 55 dB LAeq, 1-hour, free field at the nearest noise sensitive premises during routine daytime operations on site. For temporary operations a site noise limit of 70 dB LAeq, 1-hour, free field at dwellings, which should not exceed a total of eight weeks duration at any noise sensitive properties in any twelve-month period. For out of hour's operations when the site would require the use of a dewatering pump overnight, a site noise limit of 42 dB LAeq, 1-hour, free field is proposed.

Dust and Air Quality

59. A dust and air quality assessment has been prepared with reference to relevant documents and best practice guidance.
60. The assessment finds that the development would not result in any impact on Air Quality objectives for Nitrogen Dioxide due to HGV movements remaining at existing levels. In respect of Fine Particulate Matter (PM¹⁰), the predicted background concentration for 2018 is below 17 µg/m³ and in accordance with Institute of Air Quality Management (IAQM), with a low risk that the process contribution from the proposed extension would lead to an exceedance of the annual-mean objective.

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

61. Potential sources and site activities that may give rise to dust because of the extension development have been assessed, along with the estimated residual source emissions for each activity. The potential impacts of the proposed development have been determined in accordance with IAQM guidance, and the results of the assessment demonstrate that no off-site receptors would experience more than a Slight Adverse Effect as a result of the proposed extension.
62. Based on the result of the assessment and provided that existing dust control measures at Brooksby Quarry are also applied to the southern extension, it is anticipated that there would be no more than a negligible impact at existing receptors.

Archaeology

63. An archaeological assessment has been prepared to identify the archaeological potential of the site and its immediate environs and assess the significance of any heritage assets which might be affected by the proposed development.
64. The assessment has been informed by field walking, consultation with the Sites and Monuments Records at LCC and a geophysical survey. Past investigation of the site is also detailed and known archaeology included. Aerial photography also provides many other entries for the area around the consented and proposed working area, consisting largely of single or groups of enclosures of probable late Iron Age or Roman date. Evidence of Roman and Saxon occupation is also evident in the surrounds of the quarry, and later medieval settlement and occupation is located to the north of Melton Road. The assessment provides a detailed review of known and potential archaeology, relating specifically to subsurface and Palaeolithic archaeology.
65. There are no heritage assets within or adjacent to the site, two Grade II* Listed Buildings are situated within the settlement of Brooksby to the north of the A607. Due to the topography between the village and the quarry, there is no inter-visibility between the Listed Buildings and the extension site.
66. The assessment indicates that the extension site has the potential for burnt mounds, Bronze Age, Iron Age, Roman and/or Saxon settlements. The application site may also contain the ploughed-out remains of medieval field systems. It is likely that palaeochannels of prehistoric to modern date are also in the vicinity of the Rearsby Brook. If correct, it is considered these non-designated assets would be of regional importance.
67. In terms of Pleistocene deposits, two arms of the Bytham Channel appear to intrude into the extension site. If in-situ artefacts were located within the deposit (which is considered unlikely), the archaeology would be of international importance. While planning policy advises against permitting development within sites of international importance, the deposits are deeply buried, and quarrying is the only way that these potential deposits can be investigated.

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

68. To establish the nature and extent of any archaeological remains more securely and enable a considered mitigation strategy, it is proposed to carry out a staged programme of field investigation. With regard to subsurface archaeology, field-walking and the geophysical survey have already been undertaken. Trial trenching would provide further detail on the presence, date and condition of any buried archaeological deposits. In the alluvial belt, a programme of auguring is proposed.
69. With regard to the Palaeolithic archaeology, while the geomorphological modelling of the base of the Lias has been shown to be successful, further modelling work within the extension site is proposed in accordance with requests from LCC.
70. During operational development, it may be possible to preserve parts of the site in-situ, particularly if areas of archaeological interest do not contain well preserved organic deposits. Where preservation in-situ is not possible, mitigation consisting of excavation, recording and publication of archaeological assets would follow.

Soil Resource and Agricultural Land Classification

71. A Soil Resource and Agricultural Land Quality survey has been undertaken. The report provides information on the soils, agricultural quality and use of land within the southern extension site. The report is based on a soil and agricultural desk study and a survey of the land initially carried out in 1997 but reviewed in 2018.
72. Two main soils types have been identified across the extension area. These are comprised of heavy clay loams over clay and medium loamy topsoil and upper subsoil over clay.
73. With regard to agricultural quality, the survey demonstrates that it is mainly limited by surface soil wetness over slowly permeable subsoil. As a result, Grade 3 land dominates the extension area (Grade 3a 27%; Grade 3b 72%; Grade 2 <1%).
74. To minimise damage to soil resources, all stripping, handling and movement of soils should be undertaken in accordance with the MAFF Good Practice Guide for Handling Soils. This covers stripping, handling and movement methodology, bund construction and management, which should be undertaken when the soils are in a dry, friable condition.

Cumulative Impacts

75. The assessment has had regard to the potential successive, simultaneous and combined cumulative effects on the environment, of the proposed southern extension to Brooksby Quarry, in terms of any existing, completed or on-going projects, or future developments. It is concluded that the proposal would not give rise to any significant adverse effects, arising from simultaneous developments, and would not add a significant combined environmental impact to the ongoing operations.

Need and Alternatives

76. The Environmental Impact Assessment Regulations 2017 require that the Environmental Statement outlines the alternatives that have been considered. Potential alternatives may also arise as the proposal is refined, and subject to appropriate approvals, as the development proceeds. The proposed site is located adjoining the existing quarry and would be worked as a follow-on extension. The operations at the proposed site would use the established site access and mineral processing infrastructure at Brooksby Quarry. In addition, mineral extraction is dependent on the location of workable reserves of mineral; the potential for siting mineral development in alternative locations is, therefore, more restricted than other forms of development. It is considered, therefore, that an alternative location is not practical in this instance.
77. The proposed extraction areas are identified as an allocation site for future sand and gravel extraction in the Leicestershire County Council Mineral and Waste Local Plan Pre-Submission Draft, published in August 2016.

Planning Policy**Development Plan Policies**

78. The development plan for the application site comprises the Leicestershire Minerals Core Strategy and Development Control Policies (2009), the Leicestershire and Leicester Waste Core Strategy and Development Control Policies (2009), the saved policies of the Minerals Local Plan (1995) and Waste Local Plan (2002), and the Melton Local Plan (2018). The new Minerals and Waste Local Plan for Leicestershire was subject to examination in October 2018, and Modifications were advertised in January 2019. The principal policy considerations relevant to the current application are set out below.
79. *Leicestershire Minerals Core Strategy & Development Control Policies (2009).* Strategy Policies: Policy MCS1 (Supply of Minerals) aims to ensure an adequate and steady supply of minerals in a sustainable manner. Policy MCS2 (Aggregate Minerals) seeks to meet the sub-regional apportionment; maintain a landbank of reserves in line with national policy; give priority to proposals for sand and gravel extraction to be worked as extensions to existing sites; to allow proposals for aggregate extraction only where they would not cause unacceptable harm to the environment or communities. Policy MCS11 (Environmental Protection) seeks to protect and enhance the natural and built environment. Policy MCS16 (Transportation of Minerals) seeks to locate new mineral working close to markets and the County's lorry route network. Policy MCS17 (Reclamation and Future Use of Mineral Sites) seeks to ensure that land is reclaimed at the earliest opportunity with high quality restoration and aftercare to an appropriate after-use.
80. Development Control Policies: Policy MDC1 (Sustainable Mineral Development) requires that government's sustainable minerals development objectives are met. Policy MDC4 (Sites of Regional and Local Importance) requires the protection of relevant ecological, geological or amenity sites. Policy MDC5 (Countryside) provides protection for the general appearance and character of the landscape and countryside. Policy MDC6 (Landscaping and Woodland)

requires landscaping and new woodland planting where appropriate. Policy MDC7 (Archaeology) provides protection for important archaeological remains. Policy MDC10 (Agricultural Land) seeks to protect the best and most versatile agricultural land from significant loss. Policy MDC11 (The Water Environment) seeks to protect the quality and flow of groundwater and surface water and from any increase in flood risk. Policy MDC12 (Health and Amenity) provides protection from the unacceptable effects of minerals development including noise, dust, illumination, visual intrusion or traffic. Policy MDC13 (Cumulative Impact) seeks to protect the environment of an area or the amenity of a local community from cumulative effects of mineral working. Policy MDC14 (Transportation of Minerals) seeks to limit the transportation of minerals by road borne transport. Policy MDC15 (Public Rights of Way) seeks to protect and enhance the rights of way network. Policy MDC18 (Planning Conditions) provides details of matters which may be controlled to limit the effects of the development. Policy MDC 19 (Planning Obligations) provides details of matters that may be covered by obligations. Policy MDC20 (Reclamation and Aftercare) makes provision to ensure the satisfactory reclamation and aftercare of sites to enable appropriate after-use of the land. Policy MDC21 (After-use) provides requirements for the after-use proposals for sites.

81. *Leicestershire and Leicester Waste Core Strategy & Development Control Policies (2009)*. Strategy Policies: Policy WCS1 (Waste Management Capacity) aims to provide sufficient waste management capacity for local waste arisings and achieve relevant recycling and diversion targets. Policy WCS3 (Non-Strategic Waste Sites) provides the strategy for establishing non-strategic sites in accordance with locational criteria, and the principles of WCS4. Policy WCS4 (Locating Waste Sites) provides a sequential approach for the location of waste sites. Policy WCS8 (Inert Waste Landfill) seeks to resist new or extended inert waste landfill sites unless certain sustainability and environmental criteria are met. Policy WCS10 (Environmental Protection) seeks to protect and enhance the natural and built environment. Policy WCS14 seeks to locate new waste management sites close to arisings and the County's lorry route network to minimise transportation effects.
82. Development Control Policies: Policy WDC3 (Sites of Regional and Local Importance) requires the protection of relevant ecological, geological or amenity sites. Policy WDC4 (Archaeology) provides protection for important archaeological remains. Policy WDC5 (Countryside) restricts waste management development in the countryside unless certain criteria are met. Policy WDC6 (Agricultural Land) seeks to protect the best and most versatile agricultural land from significant loss. Policy WDC7 (Landscaping and Woodland) requires landscaping and new woodland planting where appropriate. Policy WDC8 (Health and Amenity) provides protection from the unacceptable effects of waste management development including noise, dust, illumination, visual intrusion or traffic. Policy WDC9 (Cumulative Impact) seeks to protect the environment of an area or the amenity of a local community from cumulative effects of waste management development. Policy WDC10 (Transportation of Waste) seeks to limit the transportation of waste by road borne transport. Policy WDC11 (Public Rights of Way) seeks to protect and enhance the rights of way network. Policy WDC12 (The Water Environment) seeks to protect the quality and flow of groundwater and surface water and from any increase in

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flood risk. Policy WDC15 (Reclamation and Aftercare) makes provision to ensure the satisfactory reclamation and aftercare of sites to enable appropriate after-use of the land. Policy WDC16 (After-use) provides requirements for the after-use proposals for sites. Policy WDC17 (Planning Conditions) provides details of matters which may be controlled to limit the effects of the development. Policy WDC 18 (Planning Obligations) provides details of matters that may be covered by obligations.

83. *Leicestershire Minerals and Waste Local Plan (Submission Version 2018)*. The emerging Leicestershire Minerals and Waste Local Plan provides an updated forecast for sand and gravel provision up to 2031, based on average sales over the period 2005 – 2014. This identifies a shortfall of some 9.53Mt, around 8.5 years' requirement, in addition to the recommended landbank for sand and gravel which is seven years. Policy M2 makes provision for the supply of sand and gravel from extensions to existing sites and includes land at Spinney Farm and south of the existing plant site as an allocated site at Brooksby Quarry. The allocation recognises the need for imported inert waste to help achieve site restoration; identifies potential operational requirements relating to heritage and environmental assets and provides restoration objectives. Policy W8 makes provision for additional inert landfilling within the Brooksby Quarry allocation.

National Policy & Guidance

84. *The National Planning Policy Framework 2019* (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. The NPPF advocates a presumption in favour of sustainable development at paragraph 11, and for decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or,
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusal; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies.
85. Section 17 of the NPPF covers "Facilitating the sustainable use of minerals" and paragraph 203 recognises that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It is also acknowledged that minerals are a finite resource and can only be worked where they are found.
86. Paragraph 205 advises that, when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. MPA's should: as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside designated areas; ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account any cumulative effects; ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive

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- properties; restoration and aftercare are achieved at the earliest opportunity to high environmental standards, through the application of appropriate conditions.
87. Paragraph 207 relates to Maintaining supply of aggregates through measures including: preparation of a Local Aggregate Assessment based on a rolling average of 10 years' sales data; maintaining a landbank of at least 7 years for sand and gravel and using it as an indicator of mineral supply.
 88. Section 8 of the NPPF covers promoting healthy and safe communities. Paragraph 98 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users by adding links to existing rights of way networks.
 89. Section 14 of the NPPF covers flooding and climate change. Paragraphs 163 and 165 relate to flood risk and seek to ensure that this is not increased elsewhere from the effects of development. Major developments should incorporate sustainable drainage systems where appropriate.
 90. Section 15 of the NPPF covers conserving and enhancing the natural environment. Paragraph 170 advises that planning decisions should: contribute to and enhance the natural and local environment; recognise the intrinsic character and beauty of the countryside, and the benefits of the best and most versatile agricultural land, trees and woodland; minimise impacts on and provide net gains for biodiversity by establishing coherent ecological networks; and prevent unacceptable levels of pollution.
 91. Section 16 of the NPPF covers conserving and enhancing the historic environment. Paragraph 189 relates to proposals affecting heritage assets, and requires that in determining applications, the applicant should be required to describe the significance of any heritage assets affected, and where this involves heritage assets with archaeological interest, an appropriate desk-based assessment and, where necessary, a field evaluation is required. Paragraph 193 requires that when considering the potential impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
 92. The National Planning Policy for Waste published in October 2014 and the Waste Management Plan for England published December 2013 set out the Government's ambition to work towards a more sustainable and efficient use of waste and the desire to move the management of waste up the waste hierarchy.
 93. Planning Policy Guidance (PPG) provides additional guidance to ensure the effective implementation of the national policy set out in the NPPF in relation to mineral extraction. It identifies the principal issues to be addressed including the following relevant matters: noise, dust, air quality, lighting, landscape and visual impact, heritage features, flood risk, ecology, restoration and aftercare.
 94. The PPG advises that a programme of work should be agreed which takes account of potential impacts, including the positioning of any plant, having regard to the proximity of occupied properties, as well as legitimate operational

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considerations. It advises on the control and mitigation of dust and noise emissions and establishes the use of noise limits. Maximum limits at noise sensitive properties during normal working hours, evening and night-time periods are given, together with higher limits for certain short-term activities.

95. The PPG seeks to implement the NPPF requirements to provide for the restoration and aftercare of mineral sites at the earliest opportunity, carried out to high environmental standards. It advises on the use of a landscape strategy, reclamation conditions and aftercare schemes to achieve the desired after-use of the site following working.

ConsultationsMelton Borough Council - Planning

96. No objections subject to careful consideration of key issues included in the Environmental Statement.

Melton Borough Council – Environmental Health

97. No separate observations received, (included in planning response).

Hoby with Rotherby Parish Council

98. No observations received.

Environment Agency

99. No objection subject to conditions in respect of: carrying out the development in accordance with the submitted Flood Risk Assessment; the submission of a scheme for the monitoring of groundwater levels; the provision of a buffer zone alongside the Rearsby Brook; and, a settlement facility for surface waters.
100. The Agency also advises that the proposed development should be used as an opportunity to restore the watercourse to a natural channel that would be suitable for water vole along its entire length creating a significant environmental gain for the character of the area and nature conservation.

Lead Local Flood Authority

101. The Lead Local Flood Authority (LLFA) advises that the application documents as submitted are insufficient to provide a detailed response, and the following information is required: the performance of the attenuation ponds should be demonstrated for a range of return periods and storm durations up to the 1 in 100 year plus climate change storm event; and, confirmation of the agreed discharge rates and locations of the outfalls along the Rearsby Brook.

Natural England

102. Soils, Land Quality and Reclamation - the proposed development would extend to approximately 45.8ha including some 12.8ha of 'best and most versatile' (BMV) agricultural land. Natural England are satisfied that the site working, and reclamation proposals provided in support of the application meet the requirements for sustainable minerals development set out in Guidance, particularly on restoration and aftercare of minerals sites.

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103. It is noted that the supporting information demonstrates that an equivalent area of the BMV land disturbed as a result of the development, would be reinstated to a similar quality, suited to a productive agricultural after-use.

LCC Public Rights of Way Advice

104. The supporting statement includes measures to address the issues raised at the scoping stage regarding: warning notices on the haul road and bridleway; provision of sight lines; closure of previous crossing point; and provision of a concrete pad for the crossing point.
105. Enhancement of the rights of way network within the restoration proposals should also be explored and a suggested plan has been prepared in this respect.

LCC Landscape Advice

106. A comprehensive landscape and visual impact assessment has been submitted, and following a site visit it is considered that the quarry extension is proposed within a visually well-contained position and would not have unacceptable visual or landscape character impacts following restoration. The existing field boundary hedgerows and trees should be retained as far as possible and adequately protected during construction works in accordance with BS 5837, 2012: 'Trees in Relation to Design, Demolition and Construction - Recommendations'.

LCC Archaeology Advice

107. Sub-surface deposits - The site possesses a high potential for the presence of significant sub-surface archaeological remains, providing evidence of the use and exploitation of the area from the early prehistoric era. This potential is detailed in the submitted desk-based assessment, incorporating the results of a geophysical survey of the extension area. However, to substantiate the archaeological implications of the proposals, and assess the diversity, character and significance of the archaeological resource, it is necessary to undertake a trial trenching evaluation of the application site. It is confirmed that the applicant has submitted a suitable Written Scheme of Investigation for this element of the archaeological evaluation.
108. Bytham River channel deposits - The current site has worked the sand and gravel deposits deposited by the Anglian glaciation, in the former channel of the pre-Anglian Bytham River. Geoarchaeological modelling of borehole data prepared for the current workings, mapped in detail the extent and character of the former channel. The current application lacks a similar level of detail, with borehole data sparse along the southern and eastern edges of the proposed extraction area and projected course of the river channel. It is recommended that the applicant prepares an updated geoarchaeological model of the Bytham channel, to include additional boreholes along the south and easterly edges of the proposed extraction area.

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LCC Ecological Advice

109. The ecology report contains several inaccuracies, assumptions and omissions, which need to be rectified. There is a holding objection pending resolution of these issues, and it is recommended that an adequate data-search from the Environmental Records Centre is commissioned, so that the report and survey programme is based on the best possible information on existing conditions.
- Habitats – It is agreed that the habitats on site are largely of low ecological value. However, to ensure that all impacts on habitats can be avoided or mitigated, a number of potentially important ecology features need checking.
 - Great Crested Newts - the impacts on protected species are likely to be low and mitigatable. Further work is needed on the assessment of impacts on great crested newts, which are known to have been in this area in the past, to determine any mitigation requirements.
 - Badgers - the badger surveys undertaken are satisfactory. None of the setts should be impacted significantly by the extraction or restoration, although there will be inevitable and unavoidable disturbance. Although foraging to the south will be lost, there is adequate foraging still available to the north. Due to changing activity the status of setts can change, increasing or decreasing their size and use, and it is recommended that a planning condition requiring an update survey prior to each phase of extraction and restoration is in place.
 - Restoration - The entire area of new extraction is to be returned to agricultural use, of minimal wildlife value, due to a proposal to import a large amount of fill material from off-site. There appears to be no net gain to biodiversity from the proposal. The new restoration plans are a backwards step; there is less open water, less of a corridor along the Rearsby Brook, and less creation of priority biodiversity habitats such as open water, wetland, marsh, stream corridor and species-rich grassland. The restoration plan is considered unacceptable and should be replaced with a plan that a) reflects the previously agreed plans; and b) provides biodiversity benefits on restoration of the new phases.

LCC Highways Advice

110. Substantive Response - The residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 (NPPF), subject to the Conditions as outlined below.
111. Background - The extension of Brooksby Quarry would provide for the extraction of approximately 1.4 million tonnes of mineral to be worked at a rate of up to 250,000 tonnes per annum. This is in accordance with established rates of working at the quarry. Current permissions also allow for the importation of inert material at the rate of up to 250,000 tonnes per annum.
112. Site Access - The site would continue to be accessed off the A607 Melton Road via the existing site access. No alterations or amendments to the access are proposed. Upon final restoration of the site, the access would remain in place as a farm/pond access. This is considered acceptable by the LHA.

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113. Trip Generation - Overall, the LHA accept the proposals would not generate an increase in trips to or from the site. The site is currently permitted to operate at the capacity proposed and these proposals, if permitted would continue this arrangement for an additional seven years until the end of 2026, at which point mineral extraction would cease. A lower volume of traffic would continue until 2031 when importation of inert material would be complete.
114. HGV Routeing - The site accesses onto the A607 with direct links to the A46 and beyond. Surrounding villages and side roads are also weight restricted, therefore the LHA considers there is not a requirement for the Applicant to submit details of HGV routing to/from the site as it is well placed to avoid the need for HGVs to use minor and more unsuitable roads.
115. Highway safety - There have not been any Personal Injury Collisions on the road network in the vicinity of the site access during the last five years plus the current year to date and thus the continued use of the site under the established traffic levels would not lead to road safety concerns.
116. Conditions – 1. No commercial vehicles shall enter the public highway unless they are sheeted. The wheels and, where necessary, chassis of all commercial and private vehicles exiting the development shall be cleaned. 2. No mud, debris, or other deleterious material shall be deposited on the public highway, and any accidental deposition of such materials shall be removed immediately.

Regulation 25 Request for Further Information – October 2018

117. As a result of issues raised during the consultation process, the Company has provided further information in response to a request under Regulation 25 of the Environmental Impact Assessment Regulations 2017, regarding the following matters.

Water Environment

- Clarification of surface water drainage matters in connection with attenuation pond performance; discharge rates and outfall locations affecting Rearsby Brook.
- A groundwater monitoring scheme.

Ecology

- Additional information pertaining to data-search boundaries; clarification of site designations, habitats, Great Crested Newts and bats presence.
- Enhancement of biodiversity through site restoration.

Archaeology

- Additional information in connection with Bytham River channel deposits; and hydrological effects on the plant site buried archaeological assets.

Noise

- Noise impacts relating to a residential property known as Brookfield;

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Revised Scheme of Working & Restoration

118. In addition to the above, and alongside the Regulation 25 response, details of a revised scheme of working and restoration are included.
119. Under the original proposals, working was to commence within Phase 15a and progress in an easterly direction, finishing in Phases 18 and 19. The revised scheme seeks a general reversal of this as follows: after working Phase 2 (the last remaining phase within the current site), mineral extraction would progress into the adjoining Phases 18 and 19, working in a clockwise direction around Spinney Farm before reaching Bridleway H58 and then continuing in a westerly direction through Phases 16 and 15 before returning to Phase 17 (a designated soil/overburden storage area), the last phase to be extracted; topsoil would be stored in bunds around the edge of the working areas, subsoil and overburden would be stored in the dedicated storage areas and where possible directly placed for restoration; as the working of the site continues, restoration of the inert infill areas progresses and it is expected that prior to the extraction of minerals within Phase 16, the infill areas in the current site comprising Phases 7 to 10, and 12/13, would be restored; following the working of Phase 17 the processing plant is removed and the plant site restored together with Phase 17.
120. The revision to the scheme does not alter the method of working the southern extension or the extent of land to be impacted by proposed operations. The volume of mineral yield, inert fill requirements and overall restoration levels remain as per the description within the submitted Environmental Statement. Overall the site is to be restored to a predominantly agricultural after-use with areas of open water, wetland habitat, grassland and woodland.
121. Combined with revisions to the direction of working, the restoration scheme has also been amended. The reasons for the restoration amendments are two-fold. Firstly, the restoration of the consented Phase 2 has been altered to account for the handling of large quantities of overburden at the outset of working, although the principle of a linear water feature is retained. Secondly, and the principle reason for the revision to the restoration scheme, is in response to the County Ecologist's request to maintain and enhance biodiversity gain. The revisions to the restoration scheme include: a 10m ecological enhancement margin, incorporating ephemeral scrapes, adjacent to Rearsby Brook in the area above the plant site and continuing through the northern extents of Phase 18; an area of grazing land between ponds in Phase 1 and 1a to improve habitat diversity; an area in Phase 13 to encourage natural regenerating grassland with ephemeral scrapes along a field edge ecological corridor.

Consultation Responses to Regulation 25 Further Information Request

Environment Agency

122. No objection to the proposed development subject to conditions in respect of flood risk, monitoring of groundwater levels, and silt control measures.

Natural England

123. The proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

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124. The proposals are considered acceptable subject to conditions in respect of a surface water drainage scheme, management of surface water, and the long-term maintenance of the surface water drainage system.

LCC Ecology

125. The revised ecology survey is now acceptable and has addressed all the points made in the previous consultation response. The habitat survey results have been amended, an acceptable ecological data search has been undertaken and ponds within 500m have been assessed for Great Crested Newt (GCN) suitability. Several of these, close to the site boundary, and with reasonable habitat connectivity to the site have been assessed as having 'average' suitability and will therefore require further GCN survey pre-determination. Mitigation will be needed for pond 17, unless surveys can demonstrate this no longer holds GCNs. The final restoration plan has also been revised, and it is much more satisfactory, with improved protection and enhancement of the Rearsby Brook corridor.
126. Following the further GCN survey which found GCN's in pond 11, more surveys and a specific mitigation plan will be needed prior to the start of Phase 17. This should involve habitat creation to compensate for disturbance in this area. The remaining risk is for Phase 15b which is close to pond 17 where GCN's were present previously. A specific mitigation plan, surveys and management plan/habitat creation will also be needed prior to phase 15b. A condition is therefore recommended to cover these matters.

LCC Archaeology

127. Following consideration of the information provided and monitoring of on-site investigation, we now recommend that the archaeological and historic environment interest of the application area can be dealt with by appropriate planning conditions.

Publicity

128. The planning application and accompanying Environmental Statement has been publicised by press notice in the Melton Times 26/07/2018, by site notices on 20/07/2018, and neighbour notification letters sent to nearby residential properties on 23/07/2018. One representation has been received raising objections to the proposal due to adverse effects on a private water supply.
129. The Regulation 25 Further Information has been publicised by press notice in the Melton Times 07/02/2019, by site notices on 08/02/2019, and neighbour notification letters sent to nearby residential properties on 8th February 2019.
130. The Company undertook their own publicity, circulating leaflets and meeting neighbours prior to the submission of the application.

Assessment of Proposal

131. This proposal, like any other application, must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it is appropriate to consider the following key matters: Leicestershire Minerals and Waste Development Core Strategies; the emerging Leicestershire Minerals & Waste Local Plan (which now should be given moderate weight); national policy and guidance; the nature of and need for the development; environmental impacts and other effects; restoration and after-use of the site.

Principle of and Need for the Development

132. In relation to the proposed extension to the mineral working at Brooksby Quarry, the Leicestershire Minerals Core Strategy 2009 (LMCS) identified a shortfall of some 6Mt over the plan period up to 2021, equivalent at the time to 4.8 years supply. The LMCS states that the shortfall could be met through the addition of extensions to existing sites identified by the minerals industry, rather than by the release of new sites.
133. The National Planning Policy Framework (NPPF) requires an annual Local Aggregate Assessment (LAA) to be produced by Mineral Planning Authorities to plan for a steady and adequate supply of aggregates, as part of the development plan monitoring procedures, including a landbank of 7 years for sand and gravel. The LAA includes forecasts based on the average rate of production over the last 10 years data. The Draft 2017 LAA estimates permitted reserves of sand and gravel in Leicestershire at the end of 2016 at around 4Mt. This level is significantly less than previously, due to a significant reassessment of available reserves and a lack of suitable replenishing sites coming forward. The reserves will provide sufficient permitted material to last about 3.2 years based on the annual provision identified in the LMCS, and 3.5 years based on the 10 years average data.
134. The LMCS and emerging Leicestershire Minerals & Waste Local Plan (LMWLP) recognise the need for additional sand and gravel resources, as evidenced through the LAA process detailed above. The preferred option to meet the requirements of the strategy for the supply of minerals as set out in Policy MCS1 of the LMCS is that this should primarily be derived from acceptable extensions to existing sites. This is supported in Policy MCS2 of the LMCS which covers the strategy for aggregate minerals and includes detail in respect of supply provision and the maintenance of landbanks. The LMWLP builds on this approach and covers an updated supply scenario in Policy M1 by making provision for some 19Mt of sand and gravel up to 2031, and in Policy M2 by allocating extensions to 4 existing sites. These include land at Spinney Farm and south of the existing plant site, i.e. an extension to Brooksby Quarry.
135. In terms of meeting the requirements of Policies MCS1 and MCS2, it is considered that the demonstrated need for additional reserves to improve the landbank deficiency identified in the LAA and maintain production capacity has been established sufficiently in this case to satisfy these policy requirements. The additional sand and gravel resources available in the proposed Brooksby Quarry extension area would assist in meeting local needs and would comply with the intended way forward identified in the emerging LMWLP. It is

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considered that significant weight should be given to this factor in relation to Policies MCS1 and MCS2, and moderate weight to emerging Policies M1 and M2, given the stage the LMWLP is at.

136. With regard to the proposed extension to the inert waste infill operations at Brooksby Quarry, the Leicestershire & Leicester Waste Core Strategy 2009 (LLWCS) identified a shortfall of landfill capacity for inert waste throughout the plan period, amounting to some 130,000 tonnes in 2020, and assessed the potential number of new sites needed to meet the shortfall.
137. The 2015/16 LLWCS Annual Monitoring Report and the 2017 Waste Needs Assessment provide updated figures for both inert waste arisings and landfill capacity, indicating that a deficit of operational inert landfill still exists. The forecasted shortfall is reduced from previous levels to some 85,000 tonnes in 2020, with a potential rise over the next decade to around 440,000 tonnes.
138. The LLWCS and emerging LMWLP recognise the need for additional inert landfill capacity, as evidenced through the above monitoring process. The preferred option to meet the requirements of the strategy for waste management capacity as set out in Policy WCS1 of the LLWCS is to provide sufficient capacity to manage waste arisings from within the plan area having regard to waste reduction targets. This is supported by Policy WCS3 of the LLWCS, which covers the strategy for non-strategic waste sites, and includes locational scenarios for the siting of waste operations. The proposed inert infilling operations at Brooksby Quarry would fall within scenario *(iv) within or adjacent to an existing waste facility where it can be demonstrated that transport, operational and environmental benefits arise from co-location*. From this, Policy WCS4 of the LLWCS provides the strategy for locating waste sites through a sequential approach. The proposed additional inert infilling operations at Brooksby Quarry would fall within scenarios *(i) and (ii e), covering land within an existing waste management use, where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities; and existing mineral workings*.
139. Policy WCS8 of the LLWCS provides a strategy for inert waste landfill, and includes sustainability and environmental criteria, and requirements for the protection of existing sites, the environment and communities. The proposed Brooksby infilling operation seeks to deal with inert waste arisings from the local area, mainly development projects where excess materials arise on site. The proposed infilling would allow areas of the site to be restored back, or close to, original contours, and utilise the best and most versatile soil resources on appropriate gradients, to facilitate an agricultural after-use. The proposed Brooksby infilling operation is not within affecting distance of any other inert infilling operations to cause any detriment to input rates, and the operation would be subject to planning and environmental permit controls.
140. The LMWLP supports the above approach to addressing the shortfall in inert waste landfill capacity and Policy W1 seeks to make provision for a sufficient range of facilities to manage the equivalent of the County's arisings up to 2031. Policy W8 makes provision for additional inert landfilling within the allocated Brooksby Quarry extension site.

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141. In terms of meeting the requirements of Policies WCS1, WCS3, WCS4 and WCS8, it is considered that the demonstrated need for additional inert landfill capacity in this location, to meet the shortfall identified in the LLWCS and 2017 Waste Needs Assessment, has been established. The requirements of the locational objectives of the above policies would also be met by the proposal. The additional inert infill capacity proposed would assist in meeting local needs and would comply with the intended way forward identified in the emerging LMWLP. It is considered that significant weight should be given to this factor in relation to Policies WCS1, WCS3, WCS4 and WCS8, and that moderate weight be apportioned to emerging Policies W1 and W8.

Environmental and Other Effects*Heritage Assets*

142. The heritage assets likely to be affected by the development relate to buried archaeological deposits. There are no listed buildings or conservation areas within the development site or its immediate vicinity. The nearest Listed Buildings (two Grade II*) are situated within the settlement of Brooksby to the north of the A607, over 800m to 1km from the extension area. Due largely to the local topography there is no inter-visibility between the Listed Buildings and the extension site, and their settings are not affected.
143. An Archaeological Assessment (AA) has been undertaken and forms part of the Environmental Statement accompanying the planning application. The AA identifies the archaeological potential of the site and its immediate environs and assesses the significance of any heritage assets likely to be affected by the proposed development. This has been supplemented by Further Information under the Regulation 25 request in respect of: the impact upon buried deposits retained in situ within the Plant Site area; and the impact upon the Bytham River channel deposits. The assessment of the archaeological assets within the site concentrates on the following three key areas detailed below.
144. Sub-surface deposits: the site possesses a high potential for the presence of significant sub-surface archaeological remains (important at a regional level), providing evidence of the use and exploitation of the area from the early prehistoric era. This potential is detailed in the submitted desk-based assessment, incorporating the results of a geophysical survey of the extension area, which have now been supplemented by targeted trial trenching.
145. Bytham River channel deposits: the current site has worked sand and gravels deposited by the Anglian glaciation, in the former channel of the pre-Anglian Bytham River. Modelling of borehole data prepared for the current workings, mapped in detail the extent and character of the former channel, although no organic remains were identified (these would be potentially important at an international level). The current application initially lacked a similar level of detail to support the working of this resource within the extension area. An updated model of the Bytham Channel with additional borehole information has since been undertaken.
146. Plant Site retained in situ deposits: The decision to preserve in situ the significant later prehistoric and Anglo-Saxon archaeological remains in the

current site was subject to a programme of maintenance and monitoring of groundwater levels and quality, to provide the best conditions for the retained deposits preservation. Whilst groundwater quality has remained stable, the levels have seen a fluctuating fall off, whereby prescribed trigger levels have been met. This resulted in the approved contingency provisions being initiated last year, and a targeted archaeological investigation of the previously recorded preserved organic remains was undertaken. Given the favourable results from the recently taken samples, a revised programme of monitoring is seen as the most appropriate way forward for the continued in situ preservation of these buried remains, although excavation of the deposits may also be a potential option.

147. Having regard to the archaeological advice, it is considered that the AA, as supplemented by the (Regulation 25) Further Information, provides an objective assessment of the application site's heritage assets, and that its findings in relation to the potential impacts of the proposed development are acceptable. Subject to the control of these matters by planning condition, it is considered that the issues relating to the buried heritage assets are capable of being satisfactorily resolved in accordance with the requirements of policies MCS11 and MDC7 of the LMCS.

Ecology

148. The ecology section of the Environmental Statement was originally informed by inadequate ecological surveys, which contained a number of inaccuracies, assumptions and omissions, resulting in concerns being raised in connection with habitat impacts, Great Crested Newts' (GCN) presence in nearby ponds, and the lack of suitable habitat creation along the restored Rearsby Brook corridor. These matters were addressed through a revised survey, which formed the basis for the Regulation 25 Further Information ecological submission. GCN surveys have also been undertaken of two nearby ponds.
149. The ecological advice confirms that the revised ecological report of survey is now acceptable and has been informed by adequate and acceptable data search parameters. The habitats across the site are considered to be largely of low ecological value given the current agricultural use of the land, notwithstanding the Rearsby Brook corridor which runs through the site. This area is proposed to be enhanced through additional compensatory measures incorporated in a 10m wide strip adjacent to the watercourse, which are included within the restoration proposals. Further biodiversity enhancements to the restoration scheme (including hedgerow and woodland planting) are considered below in the restoration section.
150. In relation to protected species, presently there is a requirement for a 5m stand-off along the eastern section of the watercourse to protect water vole habitat during working and reclamation operations and it is considered that this should continue. Further GCN surveys have been undertaken in the ponds highlighted in the revised ecological report and appropriate mitigation measures put in place in respect of future working (Phases 17 and 15b). The annual surveys which currently take place at the site in respect of badgers and water voles should also continue for the duration of the working and reclamation operations

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within the extension area, and where practicable, to coincide with the opening of new phases in respect of the badger surveys. The existing measures for the protection of nesting birds where either vegetation removal is proposed, or in the case of ground nesting species where soil stripping is to take place, should also be carried forward to the working of the extension area. Bat surveys would also be required in circumstances where any identified large tree with roosting potential is to be removed, or in the case of hedgerow removal, where bat foraging activities may be affected.

151. It is considered that the proposed mitigation and compensation measures highlighted above in respect of protected species, and as included within the recommendations of the revised ecological report and GCN survey, in combination with the ecological enhancements to the restoration proposals, would be acceptable. Appropriate controls to ensure the development is undertaken in accordance with the submitted ecological surveys and restoration proposals could be secured by condition.
152. Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to ecological interests are capable of being satisfactorily resolved in accordance with the requirements of policies MCS11 and MDC4 of the LMCS, policies WCS10 and WDC3 of the LLWCS, and Box SA1 of the emerging LMWLP.

Water Environment

153. The Environmental Statement identified that the only potential for long term effects would be the lowering of groundwater levels near the site, and a potential reduction in discharge from the sand and gravel aquifer to the Rearsby Brook. These effects would be largely downstream, to the west of the workings, and are considered to be of a low magnitude impact of minor significance. Upstream to the north east, the groundwater is considered to be of low sensitivity due to its depth below the surface and the overlying deposits which comprise largely of clays.
154. A water monitoring scheme has been undertaken in and around the site since before the date of the original application. This has been added to over the years, and additional monitoring boreholes are proposed around the extension area as part of the current proposal. Some of the existing boreholes, especially those closer to the workings identified a lowering of levels following the commencement of operations in 2006, whilst others have shown less of an effect, and are all subject to seasonal variations, and the lack of a significant recharge period over recent years.
155. Existing water supplies and watercourses near the site should be protected from the effects of the proposed extension during the working period and beyond. It is considered, having regard to the Environment Agency's advice that a further groundwater monitoring scheme should be in place for the proposed extension area workings. This should fully consider the effects on the Rearsby Brook and all groundwater wells adjacent to the proposed extension area and include appropriate trigger levels and mitigation measures.

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156. In particular the private water supply at Brookfield (1883 Melton Road), which is monitored and presently protected under the terms of a legal agreement associated with the original planning permission, should continue to have a similar level of protection in relation to water supply and quality. An alternative supply is required to be put in place in the event of derogation of supply or quality of the current well supply. The Company has included this provision in a new section 106 agreement which has been submitted in draft form.
157. In relation to surface waters, Brooksby Quarry and the proposed extension area are located adjacent to the Rearsby Brook within the Wreake to Soar catchment. Since becoming operational in 2006 there have been no recorded adverse impacts on the quantitative status of Rearsby Brook, and this is not expected to change with the working of the extension area. In terms of qualitative status, the existing pollution control measures employed at the existing site have proved effective, and these would be carried forward to prevent potential pollution impacts on the watercourse from sources such as fuel, oils and silt.
158. The Flood Risk implications of the proposed development are considered to be acceptable subject to compliance with the submitted Flood Risk Assessment. With the appropriate surface water management systems in place, the proposed development would remain operational and safe during times of flood; would result in no net loss of floodplain storage and would not increase the risk of flooding along the Rearsby Brook. Subject to the management of surface water drainage matters including controlling run-off and the long-term maintenance of the surface water drainage system, there are no further requirements in respect of surface water matters.
159. It is recommended that conditions in respect of groundwater monitoring, run-off pollution control, flood risk, surface water drainage provision and maintenance are imposed, and subject to the control of these matters by planning condition (and legal agreement), it is considered that the issues relating to the water environment are capable of being satisfactorily resolved in accordance with the requirements of policies MCS11 and MDC11 of the LMCS, and policies WCS10 and WDC12 of the LLWCS.

Highways

160. The proposed extension would not generate an increase in trips to or from the site, as the site is currently permitted to operate at the capacity proposed. The proposals would continue this arrangement for an additional six years until 2026, at which point mineral extraction would cease. A lower volume of traffic would then continue until 2031, to facilitate the importation of inert fill material in line with current permission rates.
161. The site would continue to be accessed off the A607 Melton Road via the existing site access. The A607 is an appropriate lorry route with direct links to the A46 and for local deliveries to Melton Mowbray, avoiding the surrounding villages and side roads which are weight restricted. No Personal Injury

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Collisions have been recorded on the road network in the vicinity of the site access during the last five years, and the continued use of the site under the established traffic levels would not therefore lead to road safety concerns.

162. Two conditions are recommended in respect of the sheeting and cleaning of HGV's, and the maintenance of the highway in a clean condition. Subject to the control of these matters by planning condition, it is considered that the highway related issues are capable of being satisfactorily resolved in accordance with the requirements of policies MCS16 and MDC14 of the LMCS, and policies WCS14 and WDC10 of the LLWCS.

Rights of Way

163. The effects on Public Bridleway H58 and the users of the right of way, which passes between the current site and the proposed extension area, are included in the Environmental Statement. Generally, any impacts would be a continuation of the amenity disturbance previously experienced by users passing through the Spinney Farm complex area during the working and restoration of Phase 3, when a crossing point over the Bridleway was utilised by quarry traffic. This has since been downgraded to an agricultural/maintenance access.
164. A new crossing for quarry traffic over the Bridleway to the south of Spinney Farm has recently been constructed to access Phase 2, and this would form the access to the extension area Phases at Spinney Farm. The previous crossing point worked satisfactorily from a practical and safety point of view, and it is considered that a similar arrangement, including the maintenance of warning signs would be acceptable for the working and restoration of the eastern phases of the extension area.
165. With regard to the provision of an enhancement to the rights of way network, a potential route linking Bridleways H58 in the east and I117 to the west, has been identified. It is considered that this matter should be pursued and included in the comprehensive restoration scheme for the proposed extension area, based on the concept shown on Drawing No. B355-00071-11. Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to the protection and enhancement of rights of way are capable of being satisfactorily resolved in accordance with the requirements of policies MCS17, MDC15 of the LMCS and WDC11 of the LLWCS.

Landscape and Visual Impact

166. A Landscape and Visual Impact Assessment has been undertaken and forms part of the Environmental Statement accompanying the planning application. The proposed extension area falls within the 'High Leicestershire' Landscape Character Area, an area of gently undulating landscape with mixed arable and pasture and a rural character. The extension reflects some of this Character Area but is influenced by its position directly adjacent to the consented quarry and near the busy A607 corridor. The site is not located within or adjacent to a statutory designated landscape, and there are no designated receptors of high natural or cultural heritage value within the immediate vicinity.

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167. The consented quarry and proposed extension occupy the lower slopes either side of the Rearsby Brook and are relatively well-contained, being screened by higher ground to the north along the A607, and by the ridge of higher ground to the south towards Gaddesby.
168. The landscape effects of the proposal would see a temporary loss of agricultural land throughout its life as a mineral working and in part during the inert backfilling operation. The hedgerows forming the external site boundaries would be retained, and following restoration, the site would be restored to approximate original ground levels with a predominantly agricultural after-use. Any landscape impacts would therefore be temporary. Adjacent to the Rearsby Brook, the silt and water lagoons would be retained as shallow waterbodies with fringing woodland/scrub and grassland habitats.
169. The only location where visual effects would be significant is along a stretch of the public bridleway H58 ('Midshires Way') which passes through the site adjacent to Spinney Farm. Users would be able to see some of the proposed workings in addition to views into the existing site and the restored Phase 3 area as they pass by. Effects on other receptors, including individual residential properties and the scattered farmsteads around the site (most notably Brookfield and Brooksby Grange Farm and Barns) are not predicted to exceed moderate levels of significance due to the screening and filtering effects of intervening buildings and vegetation. Some glimpses of the site would be available from the surrounding highways.
170. In the light of the landscape advice it is considered that the LVIA's findings in relation to the potential impacts of the proposed development are acceptable, with no resulting significant visual or landscape impacts of a permanent nature. The retention and protection of the perimeter vegetation, and the inclusion of new internal field boundary hedgerows, (with gates, fencing etc.) should be required within a comprehensive restoration scheme for the proposed extension area, based on the concept shown on Drawing No. B355-00071-11. This should also include additional woodland planting in the south eastern corner of the site to link Brooksby Spinney with other existing woodland in accordance with the requirement in the emerging LMWLP. Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to landscape and visual amenity are capable of being satisfactorily resolved in accordance with the requirements of policies MCS11, MCS17 and MDC6 of the LMCS, and policies WCS10, WDC3, and WDC7 of the LLWCS.

Soils and Agricultural Land

171. The Environmental Statement provides details relating to soils, informed by a Soil Resource and Agricultural Land Quality survey. The survey identifies two main soil types and clarifies that land quality is limited by surface soil wetness. This results in moderate quality Grade 3b over 72% of the site, and best and most versatile land over the remainder (Grade 3a 27% & Grade 2 <1%).
172. To minimise damage to soil resources, all stripping, handling and movement of soils should be required to be undertaken in accordance with the MAFF Good Practice Guide for Handling Soils. In addition, the supporting information demonstrates that an equivalent area of the best and most versatile land would be reinstated to a similar quality, suited to a productive agricultural after-use.

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Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to soils and agricultural land are capable of being satisfactorily resolved in accordance with the requirements of policies MCS11 and MDC10 of the LMCS, and WCS10 and WDC6 of the LLWCS.

Noise

173. The noise assessment has considered the noise implications of the proposed development by reviewing the existing site noise limits for locations close to the proposed extension area based on the noise monitoring conducted during 2016 and 2017. It includes calculated noise levels arising from the workings and compares those with the existing and suggested site noise limits at the nearest dwellings to the proposed extension area.
174. The study area for the noise assessment takes in the sensitive properties (farms and isolated properties) around the site, which currently form the compliance monitoring locations, and for which approved limits are set. This has been added to by the inclusion of Brookfield, a property to the west of the site, for which a separate technical note has been prepared. The seven nearest properties to the southern extension area are used for calculating the projected noise levels, based on the noise sources and sound power levels from typical plant and equipment operated within the site. The calculations assume that all plant on site for the extraction and infilling operations is operating simultaneously, in the closest likely working areas to each receiver location. Calculations cover the periods of routine site working, temporary operations and (night-time pumping operations) and include mitigation measures (consisting of the proposed topsoil bunds to the north of Phases 15 and 16.
175. The noise assessment examines the significance of the residual noise impacts in relation to the existing noise environment (including the extraneous noise from the A607). It concludes that the comparison of calculated worst case noise levels arising from the operation with the existing and suggested noise criteria indicates that it is possible to work the proposed southern extension fully whilst complying with the existing site noise limits and suggested limit for the new receptor property. The report assumes that there is no significant change in the noise levels from the processing plant site and HGV movements on the site access road. On this basis, the calculated site noise levels are considered acceptable and in line with the advice contained in the Planning Practice Guidance. These are: for daytime working, based on the average background noise level plus 10 dB(A) and not to exceed 55 dB LAeq, 1 hour, free field at the nearest noise sensitive premises; for temporary operations a site noise limit of 70 dB LAeq, 1 hour, free field at dwellings; and, for out of hours operations a site noise limit for night-time of 42 dB LAeq, 1hour free field.
176. Subject to the control of the noise limits outlined above by planning condition, it is considered that the issues relating to noise are capable of being satisfactorily resolved having regard to the requirements of policies MCS11 and MDC12 of the LMCS, and policies WCS10 and WDC8 of the LLWCS.

Dust and Air Quality

177. The Environmental Statement provides an assessment of the potential for dust and air quality impacts resulting from the proposed development and appropriate mitigation measures. The assessment considers impacts to air in relation to the national Air Quality Objectives (AQO) for PM₁₀ and oxides of nitrogen, and also considers impacts from 'nuisance' dust.
178. With regard to air quality, the assessment considers the potential impacts from the proposed development on the AQO in relation to nitrogen dioxide (NO₂), which is usually associated with exhaust emissions from traffic, and fine particulate matter (PM₁₀), which can arise from many sources including traffic but also from industrial activities such as quarrying. Given that the proposed development is a continuation of existing operations with similar potential impacts, the assessment concludes that emissions from the proposed extension would not have any impact on the AQO for NO₂, and that the predicted PM₁₀ background concentration near the Brooksby Quarry extension is well within the annual mean objective. The assessment also states, by referring to the Borough Council's 2017 Air Quality Annual Status Report, no Air Quality Management Areas have been declared for the borough.
179. In terms of 'nuisance' dust (essentially particles greater than PM₁₀ material) the nature of the sand and gravel operation at Brooksby (a wet operation with dewatering) does not generally give rise to excessive dust emissions during processing. Notwithstanding this, potential sources that may give rise to dust because of site activities are: soil and overburden stripping, soil storage and reinstatement; infilling operations; mobile plant and on-site vehicle movements; and, wind scouring of exposed surfaces. These residual source emissions are considered in the assessment to comprise a small or medium emission risk to the sensitive receptors within 250m of the proposed southern extension area at Brooksby Quarry, and capable of being mitigated further through a continuation of the on-site dust suppression techniques currently employed at the site (there are no records of dust related complaints from the site over the last five years).
180. The dust and air quality assessment concludes that the significance of any residual impacts, taking account of the considered mitigation measures, would be no more than a slight adverse effect at existing receptors. Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to dust and air quality are capable of being satisfactorily resolved having regard to the requirements of policies MCS11 and MDC12 of the LMCS, and policies WCS10 and WDC8 of the LLWCS.

Illumination

181. The illumination of the site/operations would need to be controlled to ensure that there is no significant light spill beyond the site boundary that gives rise to nuisance at nearby residential properties or impacts on protected species. It is considered that this matter could be controlled to recognise best practice and ensure that a satisfactory lighting scheme is implemented. Subject to the control of the matters outlined above by planning condition, it is considered that issues relating to illumination are capable of being satisfactorily resolved having regard to the provisions of policies MCS11 and MDC12 of the LMCS, and policies WCS10 and WDC8 of the LLWCS.

Hours of Operation

182. Planning permission ref. 2018/0399/06 contains the current hours of working controls for the site. These have remained the same since the initial grant of planning permission for the site in 2003: 07.00 to 19.00 hours Monday to Friday; and 07.00 to 13.00 hours Saturday, with no operations (other than water pumping) on Sundays, Public or Bank Holidays. It is considered that the same hours of operation would be appropriate in respect of the proposed southern extension to the site. Subject to the control of this matter by planning condition, it is considered that the hours of operation are capable of being satisfactorily controlled in accordance with the requirements of policies MCS11 and MDC12 of the LMCS, and policies WCS10 and WDC8 of the LLWCS.

Reclamation, Aftercare and After-use

183. The current restoration proposals for the site were approved under the 2016 planning permission (Ref. 2016/0428/06) and are subject to control under the current 2018 planning permission for the site. The approved scheme provides for a primarily agricultural based after-use with a series of water areas through the site adjacent to the Rearsby Brook corridor. These are enhanced by marginal wetland habitat, wet grassland areas, scrub and new woodland.
184. The current proposals as amended under the Regulation 25 submission, seek to revise the approved scheme by: reducing significantly the size of the water area in Phases 12 and 13 at the western end of the site by accommodating an additional infill area to raise the site levels back to approximate original levels for an agricultural after-use; a minor change to restoration profile of Phase 2 area to take account of additional overburden materials, whilst retaining the principle of a linear water feature; offsetting some of the above biodiversity loss by providing a 10m ecological enhancement margin, incorporating ephemeral scrapes, adjacent to Rearsby Brook in the area above the plant site and continuing through the northern extents of Phase 18; an area of grazing land between ponds in Phase 1 and 1a to improve habitat diversity; an area in Phase 13 to encourage natural regeneration with field edge ephemeral scrapes.
185. There is a key balance to be struck between the restoration/return of the site to a predominantly agricultural after-use and the requirement for biodiversity gain and enhancement of the right of way network. In respect of the agricultural after-use: there is a recognised need for additional inert waste void space; a requirement for the retention and appropriate use of the best and most versatile soil resources within the site (approx. 28%); and, the unique situation pertaining to this site, where the landowners are also a practising agricultural college and the site forms an important part of their farm unit. On the other hand, it is considered that the proposed biodiversity enhancement detailed above, whilst containing some features of merit is insufficient to offset the loss compared to the currently approved scheme. To address this, it is considered that the following additional enhancement to the restoration proposals should form part of the reclamation programme: the reinstatement of internal field boundaries with treed hedgerows, to complement the retained perimeter hedgerows; any required gapping up of the perimeter hedgerows with new hedge and tree plants; new woodland planting near to Brooksby Spinney as identified in the emerging LMWLP; and, a new public bridleway ideally linking existing routes H58 and I117.

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186. It is considered that the above detailed restoration proposals are acceptable, in striking an appropriate balance between the agricultural after-use of the restored site and enhancements providing an overall net gain to biodiversity and local access. Subject to the control of the matters outlined above by planning condition, it is considered that the issues relating to site reclamation, aftercare and after-use are capable of being satisfactorily resolved in accordance with the requirements of policies MCS11, MCS17, MDC6, MDC10, MDC15, MDC20 and MDC21 of the LMCS, policies WCS8, WCS10, WDC6, WDC7, WDC11, WDC15, WDC16, of the LLWCS, and policies M2 and W8 of the Leicestershire Minerals and Waste Local Plan (Submission Version 2018).

Cumulative Impact

187. The cumulative effects of previous minerals/waste development and new proposals on a locality are recognised as a material consideration in PPG and included within policy in the Minerals and Waste Core Strategies. Proposals for the simultaneous and/or successive working of several sites in an area of commercially viable deposits may affect communities and localities over an extended period. Individual mineral workings can also generate multiple environmental impacts throughout their life. Consideration has been given in the above assessment to the various potential environmental and amenity impacts associated with the proposed development and in consultation with specialist advisors, proposed controls are recommended that would reduce effects to recognised limits. These include protection of the site's important assets, natural features and amenity.
188. In terms of the impacts relating to simultaneous and/or successive working, key considerations are the need for the development and the timing of the release of additional reserves. The need for the development is considered earlier in the assessment, and it is concluded that there is a demonstrated need for the development, which would help to address the sand and gravel supply position. Socio-economic benefits from the proposal would ensure employment for the workforce and associated indirect and induced benefits to suppliers, the local economy and wider construction market.
189. In the light of the cumulative impact assessment, it is considered that the effects of the proposal would impact on the local environment and amenity but that these impacts can be satisfactorily mitigated by controls, and therefore the economic and supply benefits arising from the proposal can be seen as positive. The positive management of the cumulative effects is material to the determination of the application and should be given appropriate weight. It is considered that the cumulative effects are capable of being satisfactorily controlled in accordance with the requirements of policies MDC13 of the LMCS and WDC9 of the LLWCS.

Section 106 Legal Agreement Matters

190. The current legal agreement dated 29/09/2003 accompanied the original planning permission for the establishment of the sand and gravel quarry and predated the construction of the Rearsby Bypass. It includes provisions in respect of: the establishment of a liaison committee; a restriction on the use of the A607 through Rearsby Village by HGV's; the provision of CCTV cameras on

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the new access road until the opening of the Rearsby Bypass; maintenance of a supply of drinking water for residents of 1883 Melton Road; and various highway works for the new site access.

191. The only remaining relevant provisions to be carried forward into a new agreement for the extension area are the continuation of the site liaison committee and maintenance of a supply of drinking water at 1883 Melton Road, which is presently served by a well. In this respect the Company has prepared a draft section 106 agreement covering these matters. It is considered that this is acceptable subject to the inclusion of details of the monitoring scheme for the well in terms of water level and quality, including appropriate trigger levels.

Conclusion

192. By reason of the above assessment it is considered that the proposal is in general accordance with the development plan. In particular, strategy policies MCS2, MCS11 and MCS17 of the LMCS, and policies WCS8 and WCS10 of the LLWCS, which cover the supply of aggregates, inert waste landfill, environmental protection and site reclamation. Together with the relevant development control policies of the Core Strategies, these provide the basis for the assessment of the proposal. The proposal has also been assessed against national planning policies and guidance contained in NPPF and PPG and relevant statutory requirements and is considered to reflect the principles of sustainable mineral and waste development.
193. It is considered that with the imposition of appropriate planning conditions and obligations, and operational controls provided by the environmental permitting regime, the proposed development would be acceptable. There have been no objections from statutory consultees.
194. Once fully operational the proposed development would facilitate the release of additional sand and gravel reserves and inert waste void space to assist in meeting the shortfall requirements, securing local employment and serving local development needs. In the longer term (the proposal would extend the overall timescales of permitted site operations by four years and three months) the restored site would continue to provide usable agricultural land, with enhanced bio-diversity and public access features.

Recommendation

- A. PERMIT subject to the conditions as set out in the Appendix A, and planning obligations for: the continuation of the site liaison committee; and monitoring of the well water level and quality (including appropriate trigger levels) for the maintenance of a supply of drinking water at Brookfield, 1883 Melton Road.
- B. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), a summary of

How Leicestershire County Council has 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, which

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advises that planning authorities should approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, by seeking to approve applications for sustainable development where possible.

Officer to Contact

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Conditions

Scope of Development

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

Adherence to Approved Details

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

Commencement

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

Notification of Commencement

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

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

Duration

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

Working and Phasing Details

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

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

Access

8. There shall be no vehicular access to or from the site for any purpose in connection with the development hereby permitted except by means of the existing access onto the A607 Melton Road.
9. The existing vehicular access onto the A607 Melton Road shall be retained and maintained to the following standards for the period of the development hereby permitted:
 - a) visibility splays of 4.5 metres by 215 metres provided in both directions;
 - b) an area 6 metres wide for 30 metres behind the highway boundary surfaced in a bound material; and,
 - c) any gates provided on the site access road shall be set back 30 metres from the highway boundary and hung to open into the site.
10. The existing wheel cleaning facilities shall be retained and maintained in accordance with the approved details for the duration of the development hereby permitted to ensure that no mud or other detritus is carried onto the highway. Any accidental deposition of such materials shall be removed immediately. The surfacing of the access road shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare works.
11. No commercial vehicles carrying sand and gravel shall leave the site unsheeted.

Crossings Over Rearsby Brook

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

Bridleway H58

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

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Protection of Existing Vegetation

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

Dust

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

Noise

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

Location	Criterion Limit (dB $L_{Aeq, 1 \text{ hour}}$; free field)
The Lodge	51
Rotherby Lodge	47
Messengers Lodge Farm	45
Top Field Farm	45
Brooksby Grange	55
Hall Farm Cottages	52
The Old Rectory	51
The Cottage	55
Spinney Farm Cottages	53
Brooksby Grange Barns	50
Brookfield	55

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

17. Noise levels arising from temporary operations such as site preparation, soil stripping, overburden removal, construction and removal of soil mounds and restoration activities shall be minimised as far as is reasonably practicable and, in any case, shall not exceed 70dB L_{Aeq} (1 hour), freefield at any noise sensitive property detailed under Condition 16. Such activities should not affect any noise sensitive property for more than 8 weeks in any year.
18. All pumps used in connection with the development hereby permitted shall be powered by electricity or acoustically insulated diesel-powered units. Any pumps shall be operated and sited to minimise impact on residents from noise. Noise levels from any pumping operations carried out outside normal working hours, as detailed under Condition 7 shall not exceed 42dB L_{Aeq} (1 hour) freefield at any noise sensitive property.

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19. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification including the use of effective silencers at all times.
20. All audible warning devices fitted to all plant, vehicles and machinery operating within the site shall be of non-tonal design and operated to minimise disturbance to nearby residents.
21. In the event that noise monitoring indicates that the levels set out in Conditions 16, 17 and 18 are being exceeded, the source of the noise shall be identified, and measures undertaken to remedy the breach immediately. Should these measures prove unsuccessful, the operations generating the noise shall cease until additional measures agreed with the Mineral Planning Authority have been undertaken.

Surface Water Drainage

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

Flood Risk

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

Groundwater Resources

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

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

Silt Control Measures

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

Archaeology

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

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

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

Ecology

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

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

- a) resurveys of pond 11 prior to the any working in Phase 17 and surveys of ponds 14, 17 and 18 prior to any working in Phase 15b;
 - b) the submission of specific mitigation plans and habitat creation details for the approval of the Mineral Planning Authority prior to any working in Phase 17 and Phase 15b; and,
 - c) the submission of a general operating plan for the approval of the Mineral Planning Authority that covers ongoing precautionary working to minimise risk to GCN's and provides habitat enhancements.
31. No works that involve the removal of trees, shrubs, hedgerows, scrub and other vegetation including grassland habitats used by ground nesting birds shall be undertaken during the bird nesting season (March to August inclusive) unless the area has first been checked by a qualified ecologist and an action plan approved by the Mineral Planning Authority. All mitigation and compensation measures shall be implemented in accordance with the approved action plan.
32. No works affecting existing trees with potential for bat roosts or hedgerows that comprise bat foraging habitat shall be carried out until a detailed bat survey has been undertaken in the appropriate season and a scheme of measures to mitigate and compensate any impact on any bats found has been approved by the Mineral Planning Authority. All mitigation and compensation measures shall be implemented in accordance with the approved scheme.
33. The development hereby permitted shall be subject to an annual ecological re-survey during the appropriate season(s) in respect of water vole and badger presence within the site during the working and restoration phases of the development. The report of the ecological survey shall be submitted to the Mineral Planning Authority by 31st October each year and shall include appropriate mitigation measures. The timing of the badger survey shall where practicable be in advance of the working of any new phase.
34. The development hereby permitted shall be subject to a five-metre stand-off area measured from the top of the banks of the Rearsby Brook to protect water voles and their habitat. The stand-off area shall be demarked with fencing which shall be retained and maintained for the duration of the working and restoration phases of the site. The stand-off area shall cover the section of the Rearsby Brook extending from the existing site access road eastwards to the point where the Brook meets Bridleway H58. Vegetation within the stand-off area shall remain undisturbed.

Soil Handling & Ground Preparation Works

35. All soil handling operations (including soil stripping, storage and replacement) shall be undertaken in accordance with: Section 4 of the Soil Resources and Agricultural Use & Quality Report No. 369/4 dated 4th May 2018; the details shown on Drawings Referenced B355 – 00071 to B355 – 00071 – 11: and, the revised working scheme description.

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

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

Restoration in the event of early cessation of working

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

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

Reclamation

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

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

Aftercare

43. Within six months of commencement of development, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be in accordance with the reclamation details required by Condition No. 42, and shall provide an outline strategy for the 5 year aftercare period specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for use as agriculture and nature conservation, including the subsequent management of the restored land and vegetation. The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over a period of 5 years in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the Minerals Planning Authority.

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

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

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

Reasons

- 1 & 2. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
3. To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
4. To enable the development to be monitored to ensure compliance with this permission.
5. To provide for the completion and restoration of the site within the approved timescale.
6. To ensure the working of the site and the follow-on restoration works are undertaken in a phased manner and large areas of the site are not unrestored.
7. To protect the amenities of local residents.
- 8 & 9. In the interests of highway safety and the amenities of the area.
10. In the interests of highway safety and to prevent mud and dirt getting onto the highway.
11. In the interests of highway safety and safeguarding the local environment.
12. To safeguard the local watercourse and facilitate safe passage of vehicles within the site.
13. In the interests of the safety of bridleway users and the amenities of the area.
14. To ensure that all hedgerows and trees to be retained on site are protected during the development.
15. To minimise the adverse impact of dust generated by the operations on the amenities of the locality.
- 16/17/18. To enable the noise related effects of the development to be adequately monitored during the operations, and to minimise the adverse impact of noise generated by the operations on the amenities of the locality.
- 19/20/21. To minimise the adverse impact of noise generated by the operations on the amenities of the locality.

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

22. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. There is an exceptional need here to secure control over impacts to the surface water drainage system by ensuring appropriate measures are in place prior to works commencing.
23. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase. There is an exceptional need here to secure control over impacts to the surface water drainage system by ensuring appropriate measures are in place prior to works commencing.
24. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development. There is an exceptional need here to secure control over the maintenance of the surface water drainage system by ensuring appropriate measures are in place prior to works commencing.
25. To prevent flooding elsewhere by ensuring that storage of flood water capacity is maintained or increased; to not inhibit overland flood flow routes.
26. To ensure that the proposed dewatering does not impact on other water users in the area and does not harm groundwater resources. There is an exceptional need here to secure control over impacts to the surface water drainage system by ensuring appropriate measures are in place prior to works commencing.
27. To prevent silty water from entering the water environment and to protect water quality and biodiversity.
- 28 & 29. To ensure satisfactory archaeological investigation and recording, and protection of buried heritage assets.
30. To safeguard the ecological interests of the site, including the local population of GCN's..
31. To protect nesting birds and their habitats.
32. To protect bats and their habitats.
33. To protect water voles and badgers and their respective habitats and monitor their presence within the site.
34. To safeguard and enhance the ecological interests adjacent to the Rearsby Brook.
35. To safeguard the soil resources and prevent loss or damage of soil or mixing of soil types.

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

- 36. To allow the MPA sufficient time to inspect the soil handling and restoration works.
- 37. To ensure adequate surface drainage, to enable an effective under drainage scheme to be installed, to reduce the risk of soil erosion and to allow the use of agricultural machinery following restoration.
- 38 & 39. To ensure the reclaimed land is in an acceptable condition for agricultural after-use, and potential obstacles are removed prior to the replacement of soils.
- 40. To prevent a build-up of harmful weed seeds in soils that are being, or will be used, for agriculture.
- 41. To ensure reclamation of the site in the event of cessation of mineral working or infilling operations.
- 42. To ensure the acceptable restoration and landscaping of the site.
- 43. To ensure that the restored agricultural and nature conservation landforms are brought to a condition suitable for long term beneficial use.
- 44 & 45. To allow the MPA to monitor the progression of the restored landforms in accordance with the approved aftercare scheme and ensure that the restored agricultural and nature conservation after-uses are achieved.

Informatives

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

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

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

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

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

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

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

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

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**DEVELOPMENT CONTROL AND REGULATORY BOARD****23rd MAY 2019****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2019/CM/0048/LCC – 25 th February 2019
PROPOSAL:	Construction of paper and plastic waste storage facility
LOCATION:	Unit 11, Wymeswold Industrial Estate, Wymeswold Lane, Burton on the Wolds (Charnwood Borough)
APPLICANT:	Acorn Recyclers
MAIN ISSUES:	Impact of the proposal upon landscape, the highway, amenity, and the appropriateness of this location for an extension to an existing waste management operation within the countryside when assessed against the waste spatial strategy policies.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

Mr. R. J. Shepherd CC.

Officer to Contact

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

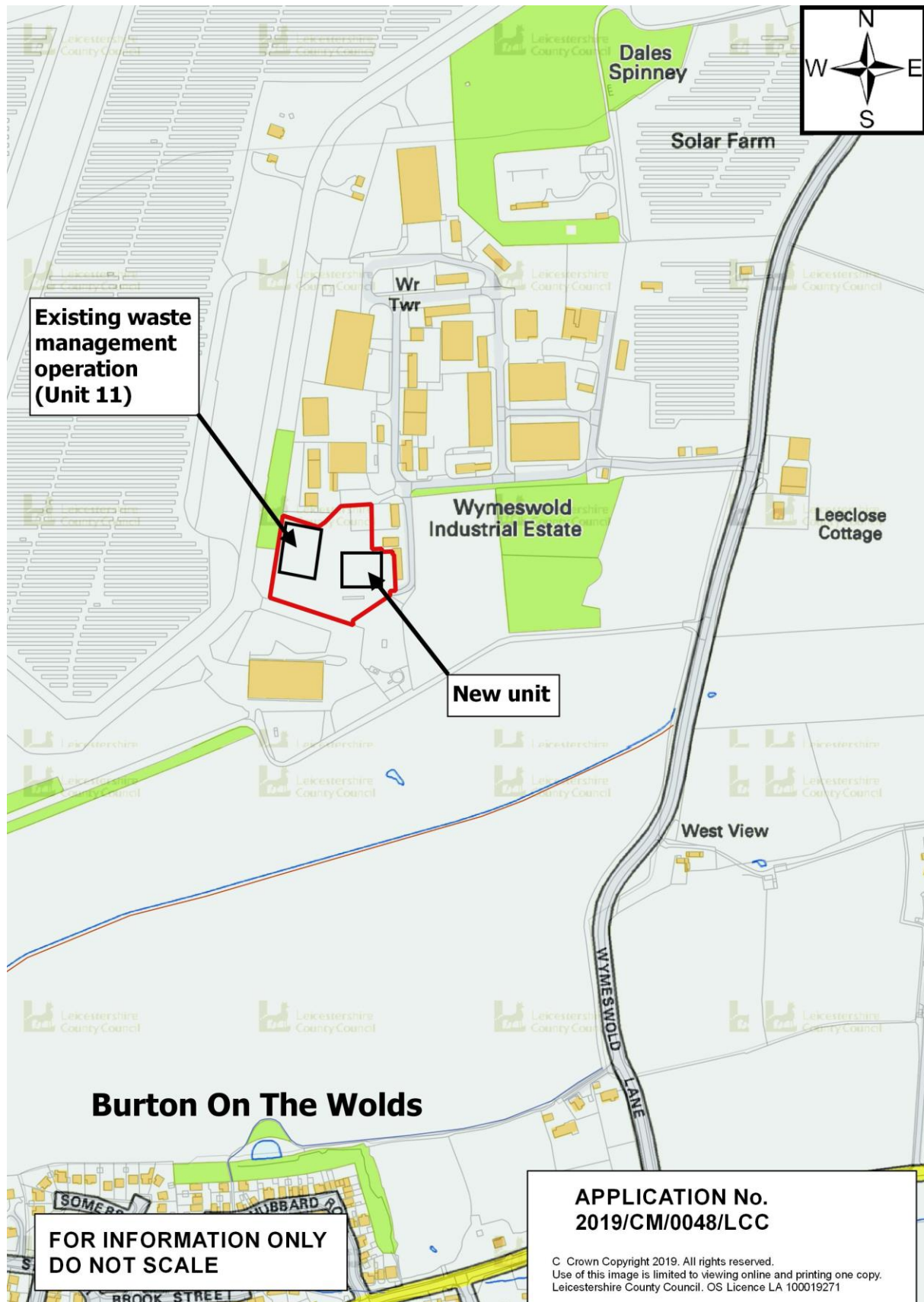
PART B – MAIN REPORT**Description of site**

1. Wymeswold Industrial Estate lies south west of the village of Wymeswold, to the immediate east of the former Wymeswold Airfield Runway. The estate is on the site of the original airfield operational buildings. Unit 11 (previously called Unit B) was permitted in 2011 in the south west corner of the estate and consists of one large building (reference 2010/2018/02). Variations to the development have been undertaken twice in 2013, once in 2014 and once in 2017 (references 2013/0696/02, 2013/1351/02, 2014/2091/02 and 2017/1967/02, respectively).
2. The most recent of the variations was sought to increase the throughput and HGV movements of Unit 11 following the conversion of Units E and 10 within the estate from waste operations to B8 and B2 uses (references P/15/0229/2 and P/14/2318/2). The permitted throughput of Unit 11 is currently 12,000tpa and 12 HGV movements a day.

Description of proposal

3. This application is seeking planning permission to erect an additional building to the east of Unit 11. The western part of the proposed building would sit within the current curtilage of Unit 11, an area earmarked for the open storage of baled material, and the remainder of the proposed building would be upon an area of hardstanding used for the storage of HGV trailers. The building would measure 40.5 metres by 34 metres with a maximum height of around 10 metres. The building would be open fronted on the western elevation with two roller shutter doors on the northern elevation. Two floors of office space are proposed in the south western portion of the building. The building would be clad with goosewing grey profiled panels on the lower portions and glass green on the upper profiles. The roof would be goosewing grey and all external doors and windows grey aluminium. Alongside the new building the yard area of the waste operations would also be expanded.
4. The application sets out that the proposal, if permitted, would result in an additional 12 full time employees and it is stated that car parking spaces would increase from five to eleven. The throughput of the new building is proposed to be 10,000tpa of paper and plastic wastes. However, it is explained that this will operate in conjunction with the existing unit (Unit 11) and as such this proposal and the existing will not exceed the 12,000tpa already permitted for Unit 11. No processing of paper or plastic is proposed within this new building, it would be used for storage. The hours of operation are proposed to be 07:00 to 17:30 hours every day.

2019/CM/0048/LCC – continued



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Planning Policy

National

5. The revised National Planning Policy Framework (NPPF) was published 19 February 2019 and sets out the Government's planning policies for England. The NPPF does not contain specific policies on waste. 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 (including the minimisation of waste and pollution).
6. The National Planning Policy for Waste published in October 2014 and the Waste Management Plan for England published December 2013 set out the Government's ambition to work towards a more sustainable and efficient use of waste and the desire to move the management of waste up the waste hierarchy.

Development Plan Policies

7. The development plan in this instance consists of the Leicestershire, Leicester and Rutland Waste Local Plan (saved policies) (September 2002), the adopted Waste Development Framework Core Strategy and Development Control Policies Document (October 2009), the Charnwood Local Plan 2011 to 2028 Core Strategy (November 2015) and the Borough of Charnwood Local Plan 2004 (saved policies) (January 2004). The relevant policies and proposals are set out below.
 - *Policy WCS3: Non Strategic Waste Sites* of the adopted Leicestershire and Leicester Waste Core Strategy & Development Control Policies Plan.
 - *Policy WCS4: Locating Waste Sites* of the Waste Core Strategy.
 - *Policy WCS5: Reuse, Recycling, Waste Transfer and Composting Facilities* of the Waste Core Strategy.
 - *Policy WCS10: Environmental Protection* of the Waste Core Strategy.
 - *Policy WCS14: Transportation of Waste* of the Waste Core Strategy.
 - *Policy WDC5: Countryside* of the Waste Core Strategy.
 - *Policy WDC8: Health and Amenity* of the Waste Core Strategy.
 - *Policy WDC9: Cumulative Impact* of the Waste Core Strategy.
 - *Policy WDC10: Transportation of Waste* of the Waste Core Strategy.
 - *Policy CS2: High Quality Design* of the Charnwood Core Strategy.

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- *Policy CS11: Landscape and Countryside of the Charnwood Core Strategy.*
 - *Policy EV/1: Design of the Charnwood Local Plan.*
8. Leicestershire County Council is in the later stages of reviewing its Waste 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 and their relevance to this proposal 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**Charnwood Borough Council - Planning**

9. No response received.

Charnwood Borough Council – Environmental Health

10. No objection.

Environment Agency

11. This development will require an Environmental Permit unless a waste exemption applies.

Local Highway Authority (LHA) – Leicestershire County Council

12. The proposal would utilise an existing access point on the private road network and the LHA considers this to be acceptable. There have not been any Personal Injury Collisions on the road network near the site access during the last five years plus the current year to date. The LHA is satisfied the proposal would generate a level of trips which would not have a material impact on the highway network. The Applicant has indicated that 12 staff will be employed at the site. Based on the Leicestershire Highways Design Guide the LHA consider that 15 car parking spaces and four HGV spaces will be required within the site. The Applicant has advised that 11 car parking spaces will be provided within the site, however the submitted drawing only shows five spaces and does not detail HGV bays. Nevertheless, the LHA considers that given the red line boundary of the site, there is sufficient space within the site to accommodate off-street parking as well as turning for both cars and HGV's. Given the distance of the site from the public highway, it is also considered unlikely that employees would park on Burton Lane.

2019/CM/0048/LCC – continued**Lead Local Flood Authority (LLFA)**

13. The LLFA refers to its standing advice which sets out parameters to be met by developments.

Landscape Advice

14. No comments to make.

Burton on the Wolds, Cotes and Prestwold Parish Council

15. The Parish Council make no objection if processing of materials is not taking place on this site and that any water run-off is contained so that it does not contaminate the water course via the stream to the River Soar.

Wymeswold Parish Council

16. No objections.

Publicity

17. A press notice in a local newspaper, a site notice and individual neighbour letters have advertised the proposal since 1st March 2019.

Assessment of Proposal

18. The relevant consideration in the determination of this proposal is the acceptability or not of the location for this new development and the effects of it on the landscape, the highway and amenity.

Policy and Location

19. In general terms the proposed development conforms with national and local objectives to reduce waste disposal and move the management of waste up the hierarchy. One of the principal aims of the Waste Core Strategy is to direct new waste developments to specific areas of the County and to suitable priority locations. Given the size of the site and the proposed throughput of the operations it is considered that the site does not meet the criteria of a 'strategic' site and, therefore, Policy WCS3 is the starting point for assessing its suitability in terms of location and Policy WCS4 for the type of land upon which the proposal would be located.

2019/CM/0048/LCC – continued

20. Policies WCS3 and WCS4 both allow for sites within or adjacent to existing waste facilities where transport, operational and environmental benefits arise from co-location. This proposal is immediately adjacent to an existing waste facility on a brownfield location. There would be no increase in the throughput or the traffic levels of the waste operation, instead this expansion with the new building would allow for baled waste currently outside to be stored inside and for better segregation of plastics and paper. It is considered that this would allow for operational, transport and environmental benefits from co-location. Therefore, it is considered that the physical expansion of the waste operations is acceptable and accords with policies WCS3, WSC4 and WCS5.

Landscape

21. The proposed development would be located within an established industrial estate and the building would be constructed in a style and design similar to the surrounding industrial units. The existing Unit 11 covers 1200m² (40 metres x 30 metres) with a maximum height of 11 metres. Unit 11 is clad in merlin grey profiled metal cladding to the roof and goosewing grey metal cladding to the walls. This proposal would differ to this unit through the proposed use of glass green cladding in the upper vertical profiles and goosewing grey on the roof. Many of the other building on the estate, and particularly those on the southern side of the estate, are all clad in goosewing grey. Notwithstanding the difference in appearance that this proposal would introduce to this locality, the use of goosewing grey does not eliminate views of these large industrial buildings and many modern industrial buildings elsewhere use multiple cladding colours to add interest and break up profiles. However, there is no obvious benefit from the use of a green colour on the upper parts of the building in this location and this new large building would be on the south eastern edges of the estate with open views from Wymeswold Lane. Therefore, to ensure that this proposed building would be in keeping with the existing structures at the industrial estate the building should all be clad in goosewing grey.
22. The proposed development, although visible from outside of the industrial estate, would not have an additional visual impact on the surrounding countryside. However, this is subject to the development being constructed in the colours proposed (except for the glass green cladding) and, as such, a condition should be attached to the planning permission (if granted) to require this. Also, the previous and current planning permission for the adjacent unit limited the height of waste stockpiles to 2.5 metres thereby limiting the visual impact of the development. It is considered that for the visual benefit of the area this restriction is replicated on this planning permission (if granted). Subject to this the proposal is considered to have an acceptable impact on the landscape and accords with policies WCS10, WDC5, WDC8, CS2, CS11 and EV/1.

2019/CM/0048/LCC – continuedHighway

23. Access to the industrial estate on which this proposal relates is accessed from Wymeswold Lane through a purpose-built access. HGVs access Wymeswold Lane from the B676 which forms a junction with Wymeswold Lane south of the site to the east of Burton on the Wolds. The B676 is a designated HGV route as is the A6006 in Wymeswold from which access to the site can also be made. The Highway Authority considers that the proposal would not have a material impact on the highway and is therefore acceptable. Further comments from the Highway Authority on the parking provision on the site indicate that the expansion of the site would not have an impact on the highway through on-street parking for the development taking place. No layout plan has been provided to indicate where parking and turning space would be provided but it is considered that although, in this instance, such specific detail is not required that it should be ensured that sufficient space is left within the site and, therefore, such a condition should be included on any planning permission. On the basis of this, the proposal is acceptable and accords with policies WCS14, WDC8 and WDC10.

Amenity

24. The nearest residential property to the proposal is that almost opposite the access to the industrial estate (but set back from the road) which is some 385 metres away from the proposal. Given the distances involved and the types of waste being handled there are no concerns that the proposal would generate unacceptable impacts from noise, dust, odour or illumination. Indeed, the existing operation has never been the source of complaint. Burton on the Wolds, Cotes and Prestwold Parish Council raise the issue of contaminated run off which is a matter dealt with by the Environment Agency (EA) and as the EA state “This development will require an Environmental Permit unless a waste exemption applies”; in either case this will address the matter of containing pollution from the site. On the basis of this, the impact of the proposal on amenity is acceptable and accords with policies WCS10, WDC8 and WDC9.

Conclusion

25. The proposed development would be located on designated employment land within an established industrial estate and would provide complementary operations to an existing waste management facility on the site. The building would be large scale, but it would be located within the existing industrial estate, close to other units of a similar size and appearance and it is considered that the impact on the surrounding landscape would be acceptable. No significant adverse impacts would arise from the proposed development.

2019/CM/0048/LCC – continued

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

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

E-Mail planningcontrol@leics.gov.uk

Conditions

1. The development shall be begun within 3 years from the date of this permission.

Details of approved development

2. Unless otherwise required by this permission the development shall be carried out in accordance with the following submitted plans and details:
 - Application Form dated 04/02/2019;
 - Drawing No. 218037-PL02 dated 02/10/2017; and
 - Drawing No. 218037-PL03 revision A dated 02/10/2017.

Materials

3. Notwithstanding those details shown on Drawing No. 218037-PL03 revision A dated 02/10/2017 the external wall and roof cladding of the waste transfer building shall be finished and thereafter maintained in a Goosewing Grey (RAL 7038) colour only.

Hours of Operation

4. The development hereby permitted shall only operate between the hours of 0700 to 1730.

Throughput

5. No more than 12,000 tonnes of material per annum shall be imported in to the site as defined by a solid red line on drawing 218037-PL02 dated 02/10/2017.

HGV Movements

6. No more than 12 (twelve) heavy good vehicle (HGV) movements shall be made into or out of the site as defined by a solid red line on drawing 218037-PL02 dated 02/10/2017. in any one day. A record of the daily number, type and registration of vehicle movements into and out of the site shall be maintained at all times and be made known in writing to the Waste Planning Authority within 7 days of a written request for such information.

External Storage

7. No materials shall be stored externally above a height of 2.5 metres within the site as defined by a solid red line on drawing 218037-PL02 dated 02/10/2017.

2019/CM/0048/LCC – continued

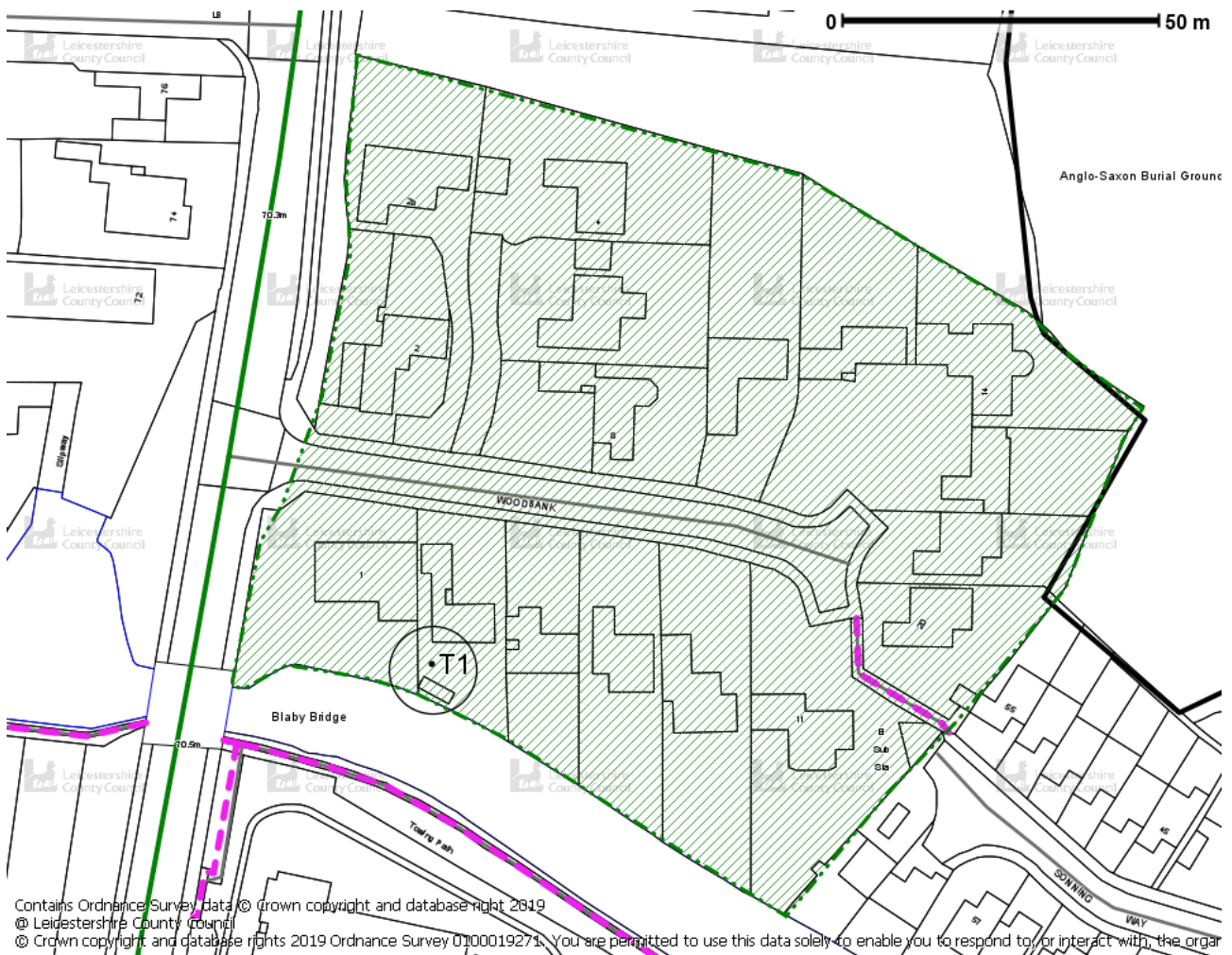
Layout

8. Provision shall be made within the site as defined by a solid red line on drawing 218037-PL02 dated 02/10/2017 to allow for the parking of 15 cars and 4 HGVs and for sufficient turning space to allow all vehicles that enter the site to be able to leave the site in a forward gear.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
3. To ensure that the building retains a satisfactory appearance in the interests of visual amenity.
4. To ensure the development remains compatible with other uses in the area.
5. For the avoidance of doubt and to ensure that the site remains compatible with its location.
6. For the avoidance of doubt and to ensure that the site remains compatible with its location.
7. In the interests of visual amenity and to reduce the visual impact of the development on the adjacent open countryside.
8. To ensure that the sufficient parking and turning spaces are provided within the site to protect the amenity of other users of the industrial estate and the public highway.

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Purpose of Report

1. To enable members to consider an application by Mrs Tracey Inkley of 3 Woodbank, Glen Parva LE2 9QP to fell a Corsican pine tree T1 located on her property.

Background

2. The Corsican pine T1 is included in a 1.16ha Area Tree Preservation Order that includes broadleaf and conifer trees located in the gardens of 16 residential properties.
3. The property 3, Woodbank is located adjacent to the Grand Union Canal Conservation Area.
4. A structural engineers report by Diamond Wood & Shaw Limited (DWS) was submitted with the application. The report stated that the Corsican pine tree T1 is not implicated in causing subsidence related cracking damage to the gable end of the neighbouring property 1, Woodbank. In addition the report stated that though the Corsican pine tree T1 is 4.2m from the south elevation of the Applicant's property there is no evidence of subsidence damage. The report concludes that should the tree be removed there would be a low risk of the clay below the foundation rehydrating, swelling and causing the foundations to lift resulting in cracking damage to the walls of the property.

5. A Tree Report was submitted by the Agent Mr. Prewett of MSP Tree Care, Leicester that stated that the Corsican pine tree was fully mature, and the stem and crown are unbalanced towards the south and the canal. It concludes that the tree has outgrown the location.

Consultations

Blaby District Council

6. Response received from the Tree Consultant for Blaby District Council. The Corsican pine T1 is visible to the public and the residents of the neighbouring Glenhills Court apartments, and contributes to the street-scene.
7. The tree has no significant structural defects. The tree has grown at an angle (rather than subject to an active lean) with no indication of any movement. The crown is slightly asymmetric towards the canal, but since the tree has grown in this form it is not considered of any significance.
8. Blaby District Council objects to the proposal to fell the Corsican pine tree T1 .

Glen Parva Parish Council

9. The Parish Tree Warden has written objecting to the proposal to fell the Corsican pine tree T1 for the reason that the removal of the tree will have a detrimental impact on the character and appearance of the area.

Local Member

10. No comments received.

Local Residents

11. No comments have been received

Issues

12. The Applicant wishes to fell the Corsican pine tree T1 for the reasons that the tree is fully mature and has outgrown the location. The stem and crown are unbalanced and lean towards the canal and there is an increased risk that the tree could blow over in high winds causing damage to the canal banks. It is proposed to plant a replacement tree of suitable species.
13. The mature Corsican pine T1 is located in the rear garden of the property adjacent to the canal bank and brick garden walls. The main stem has an estimated diameter of 80cm and height of 22.0m. The tree appears to be stable in the ground. The stem leans slightly to the south and the crown is unbalanced to the south. There is some minor dead wood in the crown and the foliage is generally healthy. It was noted that there was evidence of debris such as small dead branches and cones together with pigeon droppings on the lawn and the slabbed patio.
14. The Corsican pine T1 contributes to a line of 9 protected Corsican pine trees located in the rear gardens of 5, 7, 9 and 11 Woodbank that can be viewed from the public

highway on Woodbank, Leicester Road and the canal towpath that is public footpath Z13.

Equality and Human Rights Implications

9. There are no discernible equality and human rights implications.

Conclusion

10. The Corsican pine tree T1 was found to be stable in the ground with no significant faults and is considered to be at low risk of failing in high winds. The tree as part of a line of protected canal side Corsican pine trees that contributes to the amenity of the Grand Union Canal Conservation Area and the surrounding area.
11. The removal of the Corsican pine tree T1 would have a detrimental impact on the amenity of the area.

Recommendations

12. It is recommended that Consent is **refused** to fell the Corsican pine tree T1.

Reason for Recommendations

13. The removal of the Corsican pine tree T1 would have detrimental impact on the amenity of the area.

Background Papers

The background papers used in the preparation of this report are held on Environment and Transport files No. 2019/TPO/0077/LCC.

Circulation Under the Local Issues Alert Procedure

Mr. G. Welsh CC

Officers to Contact

Mr. Andrew Shaw
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Environment and Transport Dept.
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APPENDIX 1 PHOTOGRAPHS OF CORSICAN PINE TREE T1 FROM CANAL
TOWPATH



Corsican pine T1



Corsican pine T1



Corsican pine T1 showing line of
protected Corsican pine trees



Corsican pine T1 showing line of
protected Corsican pine trees

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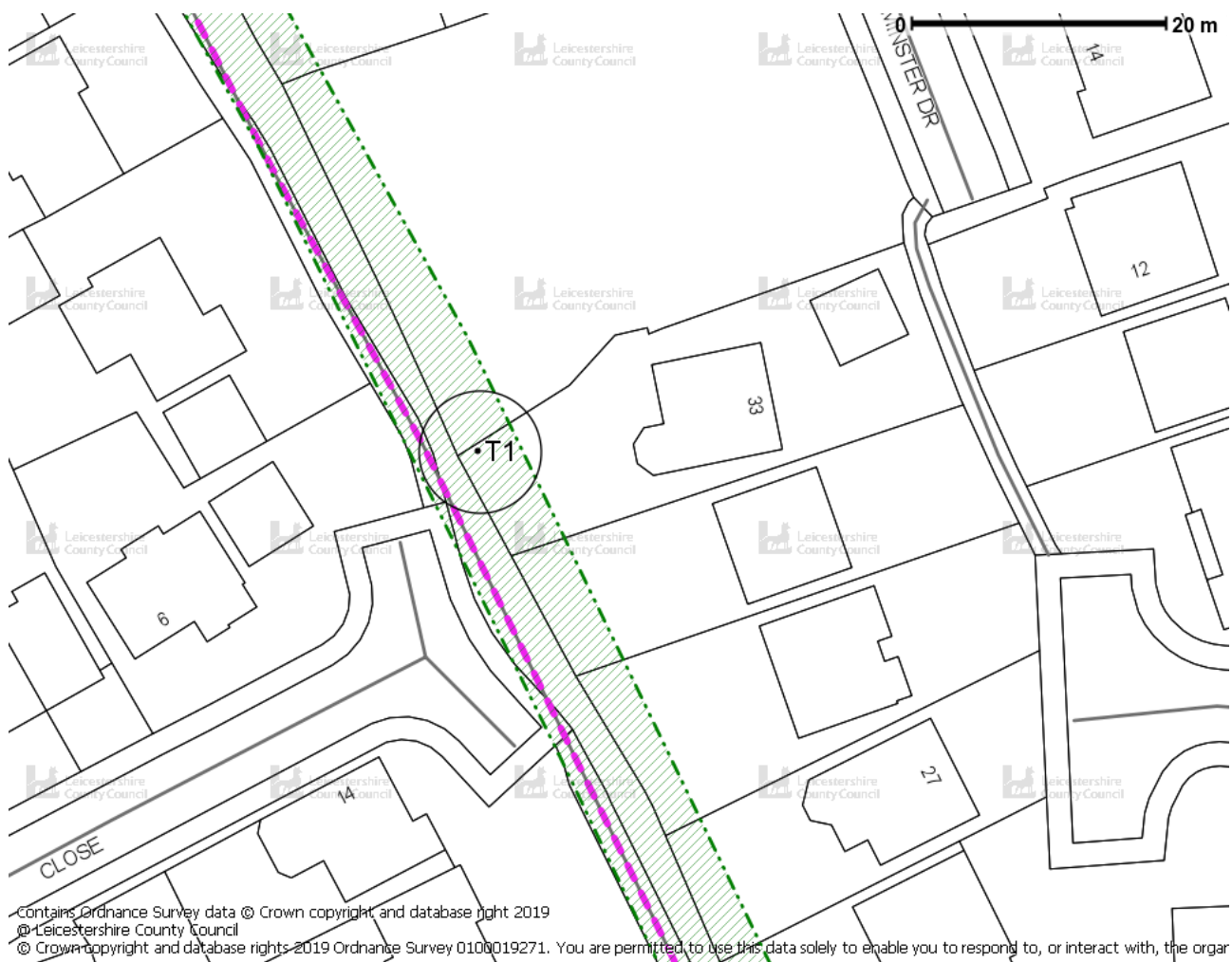


DEVELOPMENT CONTROL AND REGULATORY BOARD

23rd MAY 2019

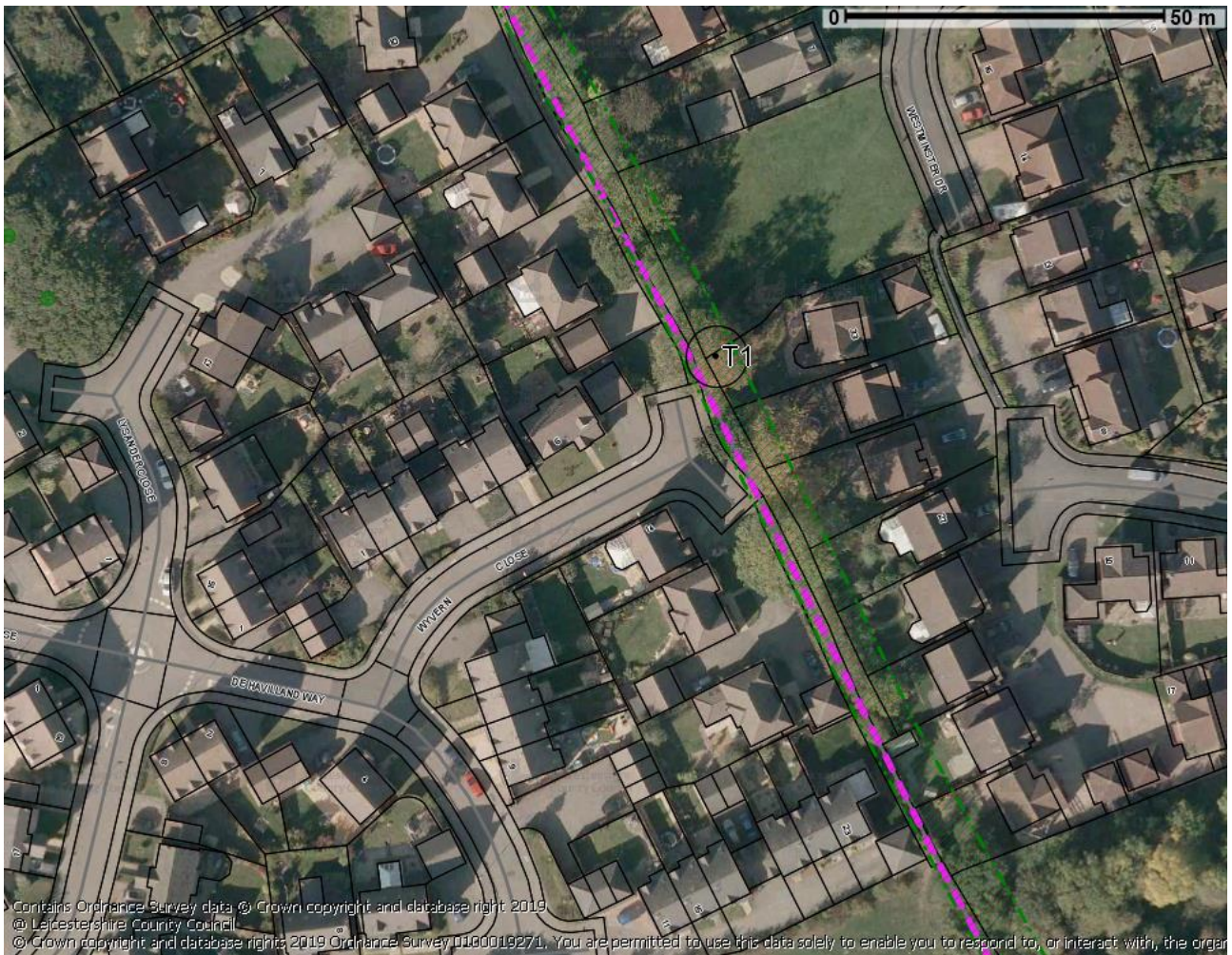
LEICESTERSHIRE COUNTY COUNCIL
BURBAGE (COVENTRY ROAD) TREE PRESERVATION
ORDER 1973

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT



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Purpose of Report

1. To consider an application by Mr. and Mrs. Fanthorpe of 33 Westminster Drive Burbage LE10 2HA to fell a horse chestnut tree T1 located on their property.

Background

2. The horse chestnut T1 is located in an 8.5m wide by 240.0m long (0.2ha) Area Order along the line of the public footpath U57 and in the rear gardens of 11 residential properties and a public recreation ground.
3. Consent was granted under delegated powers on the 30th March 2011 to overall crown reduce horse chestnut tree T1 and horse chestnut T2 located on 31 Westminster Drive by 25%. This work has been carried out.
4. The Application was submitted by the Agent Mr. Mike Beddow of Beddow Tree Specialists, Ratby.

Consultations

5. Hinckley and Bosworth Borough Council

No comments received.

6. Burbage Parish Council

The Parish Council objects to the application to fell the horse chestnut tree T1. The shade cast by the tree and the seasonal dropping of conkers and leaves is considered insufficient reason to remove the tree that has amenity value. In addition the removal of the tree would not have a significant effect on the amount of sun entering the garden.

7. Local Member Mrs. A. Wright CC

No comments received.

8. Local Residents

No comments received.

Issues

9. The Applicant wishes to fell the horse chestnut tree T1 to enable the garden that is densely shaded by the tree to be landscaped with a suitable flat surface, appropriate play equipment and vegetable garden to provide a safe play area for their son who suffers from a rare condition Neurofibromatosis Type 1. This condition causes significant impairment of the nervous system, vision, reduced muscle tone and learning difficulties. The child has a Leicestershire County Council Educational Health Care Plan. The shade cast by the horse chestnut tree T1 and the seasonal dropping of conkers and leaves create a significant safety risk to the child when playing out in the garden.
10. The mature horse chestnut T1 is located on the west boundary of the rear garden. The tree has a main stem diameter of 67cm that splits at 2.5m in to 2 co-dominant stems and is 16.0m in height. The crown has a spread of 8.0m and the foliage in the crown is healthy. The tree has an estimated safe life span of 20 plus years. The tree is likely to continue to grow in size to a width of up to 20.0m and a height of 28.0m. To maintain the tree to a reasonable size it will require regular pruning that is a significant cost to the Applicant and would in time result in cavity formation. Horse chestnut is a large growing tree that is an unsuitable species for relatively small suburban gardens.
11. There is a mature protected oak tree located adjacent to the public footpath to 6.0m to the north of the horse chestnut T1. The protected oak tree is growing in the hedge line that forms the east boundary of the public footpath U57 and includes a number of protected oak trees.
12. The rear garden is 13.0m long and 11.0m wide (143.0m²). It is significantly shaded to the west by the horse chestnut T1 when in leaf and to the south by an unprotected young conifer tree and an ever-green oak, a shrub and a protected horse chestnut at located in the garden of 31 Westminster Drive.
13. The horse chestnut T1 can be viewed from the public footpath U57, the recreation ground and Wyvern Way. The removal of the horse chestnut T1 will have a minor impact on the amenity of the area. There is insufficient space and light to plant a replacement tree.

Equality and Human Rights Implications

14. There are no discernible equality and human rights implications.

Conclusion

15. The safety risk to the child tripping or slipping on fallen conkers and leaves shed by the horse chestnut T1 is a seasonal hazard and can be mitigated by regular collection and disposal of the leaves and the conkers. The seasonal falling of leaves and fruit is not considered to be sufficient reason to remove protected trees.
16. The significant shade cast by the horse chestnut T1 is preventing the establishment of a level grass lawn and vegetable beds. It also results in damp conditions that would lead to the rapid deterioration of any specialist play equipment installed in the garden making it unsafe for children to use. The shade cast by the horse chestnut tree T1 is reducing the opportunities for their son to enjoy outdoor play in the rear garden.
17. The horse chestnut T1 is a large growing tree that has the potential to grow over the Applicants' garden. Approved regular pruning of the tree is potentially costly to the Applicants and in time may lead to weak branch unions and decay cavities in the tree.
18. The removal of the horse chestnut tree T1 would allow the garden to be landscaped and play equipment installed. The minor loss of amenity in the area would be mitigated by the mature protected oak tree growing outside the boundary of the Applicants garden.

Recommendations

19. It is recommended that Consent is granted to fell the horse chestnut T1.

Reason for Recommendations

20. The shade cast by the horse chestnut T1 when in leaf is reducing the Applicant's son the opportunity to enjoy outdoor play.

Background Papers

The back ground papers used in the preparation of this report are held on Environment and Transport files no. 2019/TPO/0078/LCC.

Circulation Under the Local Issues Alert Procedure

Mrs A. Wright CC

Officers to Contact

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Landscape Officer
Environment and Transport Dept.
Tel. 0116 305 7061
Andrew.shaw@leics.gov.uk

APPENDIX 1 PHOTOGRAPHS OF HORSE CHESTNUT T1

Horse chestnut T1 viewed from Applicants garden



Horse chestnut T1 viewed from public footpath and Wyvern Close



Oak growing adjacent to horse chestnut T1



Horse chestnut T1 and adjacent oak viewed from recreation ground

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