



*Meeting:* **Development Control and Regulatory Board**

*Date/Time:* **Thursday, 11 June 2020 at 2.00 pm**

*Location:* **Sparkenhoe Committee Room, County Hall, Glenfield**

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

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

### **Membership**

Mr. J. G. Coxon CC (Chairman)

Mr. I. E. G. Bentley CC	Mr. W. Liquorish JP CC
Mr. M. H. Charlesworth CC	Mr. L. Phillimore CC
Mr. B. Crooks CC	Mrs. J. Richards CC
Mr. D. A. Gamble CC	Mr. S. D. Sheahan CC
Mr. T. Gillard CC	Mrs. M. Wright CC
Mr. D. Harrison CC	Mr. M. B. Wyatt CC

**Please note: The Development Control and Regulatory Board meeting on Thursday 11 June 2020 at 2:00pm will not be open to the public in line with Government advice on public gatherings.**

**This meeting will be filmed for live or subsequent broadcast via YouTube:**  
<https://www.youtube.com/channel/UCWFpwBLs6MnUzG0WjejrQtQ>

### **AGENDA**

#### **Item**

1. Minutes of the meeting held on 21 May 2020. (Pages 3 - 4)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.



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

6. Presentation of petitions under Standing Order 36.

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

7. 2018/2588/02 (2018/VOCM/0251/LCC) - British Gypsum - Variation of condition 10 of planning permission 87/1467/2 to change product delivery times - Barrow Works, Paudy Lane, Seagrave. (Pages 5 - 70)

2018/2589/02 (2018/VOCM/0252/LCC) - British Gypsum - Variation of conditions 8 & 10 of planning permission 2001/2001/2 to increase imports of high-grade gypsum and reduce the permitted hours of importation - British Gypsum, Barrow Works, Paudy Lane, Seagrave.

8. Any other items which the Chairman has decided to take as urgent.

9. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield and via video link on Thursday, 21 May 2020.

PRESENT

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

Mr. I. E. G. Bentley CC	Mr. L. Phillimore CC
Mr. M. H. Charlesworth CC	Mrs. J. Richards CC
Mr. B. Crooks CC	Mr. S. D. Sheahan CC
Mr. T. Gillard CC	Mrs. M. Wright CC
Mr. D. Harrison CC	Mr. M. B. Wyatt CC
Mr. W. Liquorish JP CC	

Note: The meeting was not open to the public in line with Government advice on public gatherings however the meeting was broadcast live via YouTube:

103. Minutes of the previous meeting.

The minutes of the meeting held on 12 March 2020 were taken as read, confirmed and signed.

104. Question Time.

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

105. Questions asked by Members under Standing Order 7(3) and 7(5).

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

106. Urgent items.

There were no urgent items for consideration.

107. Declarations of interest.

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 members of a Parish, Town or District Council, or Liaison Committee would have personal interests in applications which related to areas covered by those authorities.

No declarations were made.

108. Presentation of petitions.

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

109. 2020/0072/02/ (2019/VOCEIA/0292/LCC - Biffa - To accommodate proposed changes to the design of the plant including materials used in the construction and the external appearance of the plant; the removal of the IBA maturation area and relocation of the car park into the IBA area; rearrangement of external ancillary equipment and internal site roadways. Newhurst Quarry, Ashby Road East, Shepshed.

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

## RESOLVED:

- (a) That the application be permitted subject to the conditions nos. 1-31 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.

110. Delegated Reports Schedule January 2020 - March 2020.

The Board considered a report of the Chief Executive which set out the Delegated Decisions issued in the period 1 January 2020 to 31 March 2020, a copy of which, marked 'Agenda Item 8' is filed with these minutes.

## RESOLVED:

That the contents of the report be noted.

111. Chairman's announcements.

The Chairman announced that there were no delegated enforcement notices issued between January 2020 and March 2020.



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**11<sup>th</sup> June 2020**

**REPORT OF THE CHIEF EXECUTIVE**

**COUNTY MATTER**

**PART A – SUMMARY REPORT**

**APP. NO.; DATE  
AND PROPOSAL:**

2018/2588/02 (2018/VOCM/0251/LCC) – 12<sup>th</sup> December 2018; Variation of condition 10 of planning permission 87/1467/2 to change product delivery times; and;

2018/2589/02 (2018/VOCM/0252/LCC) – 12<sup>th</sup> December 2018; Variation of conditions 8 & 10 of planning permission 2001/2001/2 to increase imports of high-grade gypsum and reduce the permitted hours of importation.

**LOCATION:**

British Gypsum, Barrow Works, Paudy Lane, Seagrave, Leicestershire, LE12 8GB

**APPLICANT:**

Saint Gobain Construction Products (UK) Limited (British Gypsum)

**MAIN ISSUES:**

Impacts on the highway, local amenity, ecology and the local environment.

**RECOMMENDATION:**

PERMIT planning application 2018/2588/02 (2018/VOCM/0251/LCC) subject to the conditions as set out in the Appendix and the prior completion of a legal agreement;

PERMIT planning application 2018/2589/02 (2018/VOCM/0252/LCC) subject to the conditions as set out in the Appendix and the prior completion of a legal agreement;

**Circulation under Local Issues Alert Procedure**

Mrs Hilary Fryer CC (Quorn & Barrow) and Mr Richard Shepherd CC (Sileby & The Wolds)

**Officer to Contact**

Amelia Mistry (tel. 0116 305 7326).  
E-mail: [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

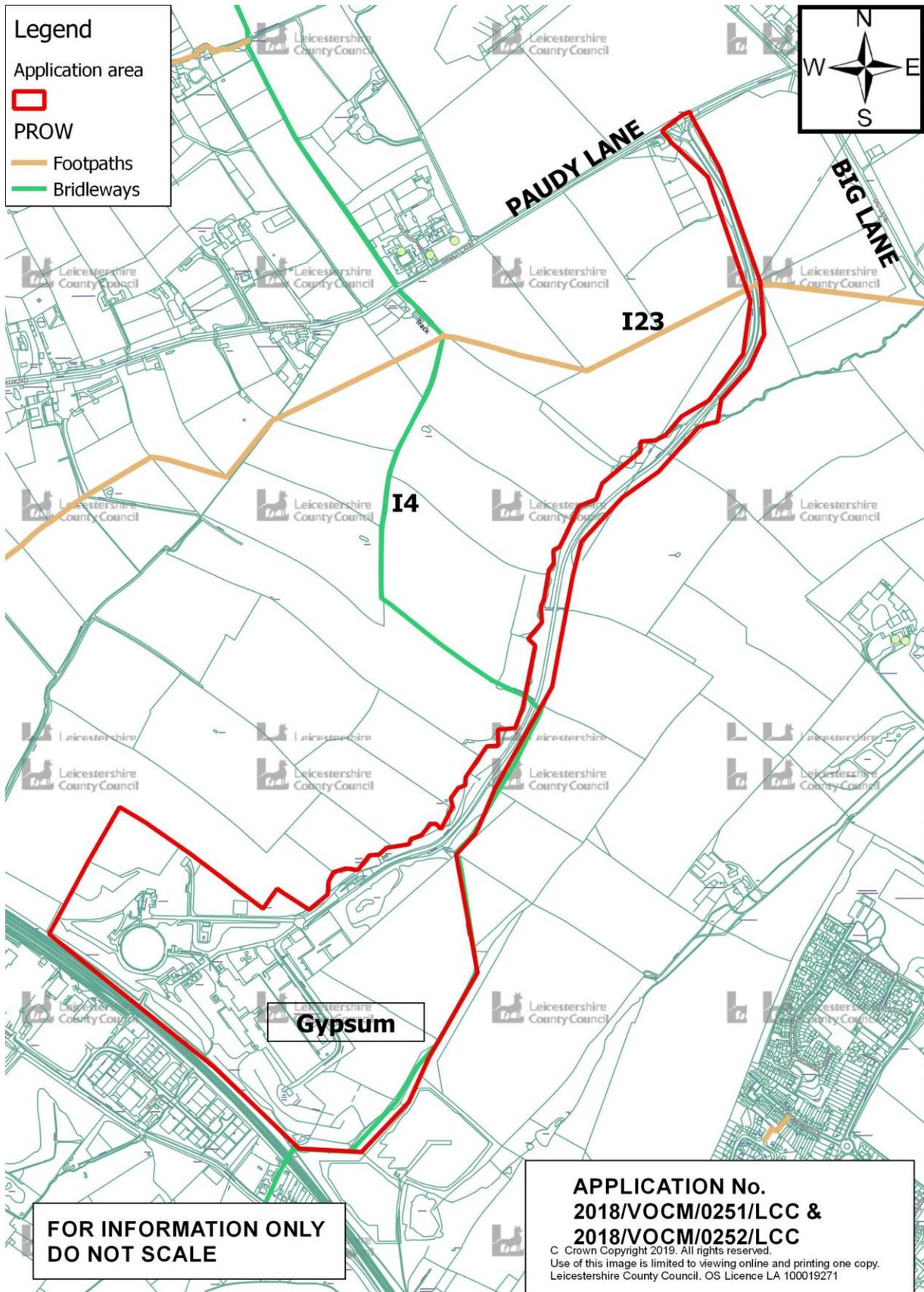
## **PART B – MAIN REPORT**

### **Location and nature of the site**

1. The Barrow Works is located approximately 600m to the south-east of Barrow-Upon-Soar and 800m north-west of Sileby. The site is bounded on its south-western side by the main Sheffield to London railway line.
2. The site is accessed via a private road located off Paudy Lane, which runs between Barrow upon Soar and the Six Hills junction of the A46. The access road to the site is 2.3km in length. Two public rights of way cross the site access road, Bridleway I4 and Footpath I23. Signage and traffic calming measures are in place where these rights of way cross the access road.
3. The nearest residential properties to the planning application area are 550 m away on the southern side of the main railway line and those which are situated in close proximity to the access road. The nearest property is located approximately 8 metres west from the site's access. Additionally, several businesses and residential properties are located along Paudy Lane. To the west, the nearest properties in Barrow upon Soar are 600m away. To the south-east the nearest properties in Sileby are 850m away. Additionally, there are numerous residential properties and industrial businesses which lie directly south of the railway line which bounds the southern edge of the site, along Sileby Road. The nearest residential properties in this area lie approximately 170 metres south-east of the site.

### **Planning History**

4. Planning permission was granted by the Secretary of State for the extraction of gypsum by underground mining at Barrow upon Soar in August 1980. The County Council subsequently granted planning permission for a new bagged plaster and plasterboard factory, and the construction of a new access, in September 1987 (permission reference 87/1467/2).
5. A legal agreement is in place at Barrow that controls, amongst other things, lorry routeing. This requires all vehicles over 3 tonnes in weight when leaving the access road to do so by turning right upon reaching the Paudy Lane junction and proceed directly to the junction of the B676 Six Hills with the A46. All vehicles are only permitted to use Class A and B roads, except in cases where no such road link exists or delivery to premises having access only via a road that is not A/B Class.



6. The importation of high-grade gypsum to blend with mineral excavated from lower grade areas of the mine was initially approved in June 1992, which was subsequently extended by numerous further permissions. In March 1995, permission was granted for the importation of up to 90,000 tonnes per annum (tpa) of high-grade gypsum by road for a temporary period up to 31st December 1996. In October 1996, planning permission was granted for the importation of up to 120,000tpa by road for a further temporary period up to 31st December 2001. In October 2001, a permanent permission was granted for the importation of up to 90,000tpa (permission reference 2001/2001/2). This permission varied planning permission 87/1467/2.
7. In 2005 a temporary planning permission was granted for the importation of up to 170,000 tonnes of high-grade gypsum (permission reference 2005/2313/2).
8. In 2013 planning permission was granted for the erection of a building for load securing operations which enable hauliers and drivers to secure their load onto despatch vehicles (permission reference 2013/0019/02).
9. In 2016, planning permission was granted for the use of land for stockpiling gypsum (permission reference 2016/0644/02).

### **Structure of this report**

10. Two separate planning applications have been submitted by the applicant. Whilst the two applications are assessed independently of one another, they are presented here in one joint report in two separate sections, with individual assessments and conclusions respectively. Planning permission is sought to vary Condition 10 of planning permission 87/1467/2 which controls the hours of movement of heavy goods vehicles (HGVs) leaving and entering the works. Additionally, planning permission is sought to vary conditions 8 & 10 of planning permission 2001/2001/2 to increase imports of high-grade gypsum and reduce the permitted hours of importation. As planning permission 2001/2001/02 amended planning permission 87/1467/2 an updated and amalgamated set of conditions is proposed at the end of this joint report. A cumulative assessment of both applications being granted approval is also presented within the assessment section of each report.

**2018/2588/02 (2018/VOCM/0251/LCC) – 12th December 2018****PROPOSAL: Variation of condition 10 of planning permission 87/1467/2 to change product delivery times**Description of Proposal

11. Planning permission is sought to vary Condition 10 of planning permission 87/1467/2 which controls the hours of movement of heavy goods vehicles (HGVs) leaving and entering the works.
12. The existing Condition 10 stops any HGVs from entering or leaving the site between the hours of 2200 and 0530 on weekdays (Monday - Saturday) and between the hours of 0001 to 0800 and 1300 to 2400 on Sundays. No HGVs are permitted to enter or leave the site on statutory public holidays. The volume and permitted movement hours of those HGVs for the purposes of importing gypsum to the site differ and are controlled by way of planning condition under planning permission 2001/2001/02. Although not strictly outlined in Condition 10, Condition 10 therefore controls the HGV movements relating to the delivery of products from the site only. Therefore, a variation is being sought to allow an increase in the permitted hours for the movements of HGVs relating to the movement of products to and from the site.
13. Permission is sought to allow night time movements of HGVs. It is proposed to introduce HGV vehicle movements between 22:00 – 05:30 hours Mondays to Saturdays. It is proposed that this would be subject to;
  - a) A maximum of 50 HGV movements over the night-time period of 22:00 – 05:30 hours Monday to Saturday (where a movement would relate to either an outbound or an inbound HGV).
  - b) A maximum of 10 HGV movements in any one-hour period over the night-time period of 22:00 – 05:30 hours Monday to Saturday (where a movement would relate to either an outbound or an inbound HGV).
14. A separate planning application has been submitted by the applicant to seek a variation to existing conditions which control and limit the number of HGVs importing gypsum into the site, as well as the hours of movement for those vehicles (planning application reference 2018/VOCM/0252/LCC). Whilst the two applications are linked to HGV movements into and out of the site, they are two separate proposals and are assessed independently of one another. This application solely relates to HGV movements associated with the movement of products to and from site and their permitted timings. A joint report is presented here, detailing the separate proposals and their individual assessments. Whilst the applications are being considered separately, the cumulative impacts of the possibility of both applications being granted planning permission is considered below in each assessment.

### Need for night time trade vehicle movements

15. The applicant details that the proposed changes are driven by the need to adapt to customer requirements and logistics around the timing of deliveries to customers. The changing customer requirements poses operational difficulties for the site and drivers with regards to vehicle movements and timings.

### Noise

16. A noise assessment was submitted in support of the proposal. This noise assessment was undertaken by independent consultants and was a joint assessment of planning application reference 2018/VOCM/0252/LCC and the application being considered in this section of the report (2018/VOCM/0251/LCC). The assessment included a daytime and night-time background noise survey which was undertaken at locations representative of the closest noise-sensitive receptors. The closest noise-sensitive receptors comprised those residential properties located on the haul route along Paudy Lane and the properties located south of the works access road. A sound survey was undertaken to establish the sound power level of HGVs currently accessing and egressing the site. This included measuring the following activities;
- HGV idling unladen;
  - HGV moving off unladen;
  - HGV moving at 10mph unladen;
  - HGV reversing unladen;
  - HGV engine start;
  - HGV moving off laden;
  - HGV moving at 10mph laden.
17. Specific to this application, the change in the Ambient Noise Level Assessment and the Absolute Noise Level Assessment found that during the daytime, the worst-case impact would be minor and not significant. At night (23:00 – 07:00) the worst-case impact would be moderate. The assessment found that this moderate impact on noise levels relates to the external noise environment. It was found that an indoor assessment would be more appropriate during the night-time. The cumulative ambient noise level of 42.2dB for the most affected property was considered in relation to the suitable internal noise levels for a bedroom. This accounted for a 15dB reduction due to a partially open window. The resultant ambient noise level would be below the night-time limit of 30dB (as set by British Standard BS8233:2014). Therefore, this impact was considered moderate and not significant. The assessment concluded that the proposed variation in operational hours for HGV movements would likely have a low impact with regards to noise.

## Ecology

18. An ecological walkover survey undertaken by an independent consultant was provided in support of the proposals. The surveyed route was 2.5km in length and included the access road from the site entrance and a section of Paudy Lane which links to the A46. Habitats along the route are dominated by hardstanding with adjacent species-poor semi-improved grassland, immature plantation and semi-natural woodland. The wider area comprises a predominantly agricultural landscape.
19. Three non-statutorily designated sites are situated within 500 metres of the proposed route including the Barrow Works Grassland Candidate Local Wildlife Site (cLWS), Walton on the Wolds, Big Lane and Black Lane Verges Historic Potential Local Wildlife Site (pLWS) and the Ponds pLWS. Barrow Works Grassland cLWS which is present within the application area site, located adjacent to the length of the applicant's access road, is notable for its grassland, woodland and lake and the presence of trailing St John's wort. It was found that as there would be no risk of habitat loss given the number of proposed additional vehicle movements and that there would be no adverse effects to the surrounding non-statutorily designated sites.
20. The habitats on site and adjacent off-site include areas of hard standing with associated species-poor grassland, a lake, mature trees, hedgerows and immature / mature woodland. It was identified that many of the habitats may qualify as habitats of Principal Importance under the NERC Act 2006 (woodland, lake, hedgerows) and Priority habitats under the Leicester, Leicestershire and Rutland Biodiversity Action Plan (woodland and lake). The remaining habitats (grassland and dry ditches) were generally species-poor, however, do provide structure and foraging and commuting routes for the local fauna.
21. The habitats within the survey area provide suitable habitat for a range of faunal species. No permanent lighting is proposed along the route. Therefore, lighting conditions for commuting and foraging would be retained. The risk of collision with badger, bats and other mammals or birds was found to be low due to the existing 20mph speed limit along the access road and the minimal additional night time vehicle movements proposed. It was found that the application would have negligible impact on any species which may be utilising the site.
22. All the habitats within and outside of the site would be retained and remain undisturbed, as the additional HGVs would utilise existing infrastructure. It was considered that no impacts to the habitats within or adjacent to the site are anticipated as a result of the proposed increase in vehicle movements.
23. Overall, the assessment concluded that the introduction of a small amount of vehicle movement during night time hours would not result in a significant impact on the local flora or fauna.

## Highways & Transport

24. A transport assessment was submitted in support of the proposal. This transport assessment was undertaken by independent consultants and was a joint assessment of planning application reference 2018/VOCM/0252/LCC and the application being considered in this section of the report (2018/VOCM/0251/LCC). The transport assessment included;
- an assessment of the existing highway conditions, including the site's access road and junction with Paudy Lane, Paudy Lane, Melton Road and the A46;
  - an assessment of traffic data and accident traffic collision (ATC) data;
  - an accessibility appraisal, trip generation and distribution assessment, which analysed the existing vehicle movements associated with the site, including both trade deliveries and the importation of gypsum and how these movements would alter as a consequence of the proposal;
  - an assessment of highway impacts, assessing the capacity of Paudy Lane, the B676 and the wider highway network, to ascertain whether the additional vehicle movements could be accommodated by the local highway network;
  - a summary of existing and proposed mitigation measures to alleviate any adverse impacts on the highway network.
25. It was considered that the introduction of night time vehicle movements Monday-Saturday would not result in an increase in the total number of vehicles from the Works; instead they would be more spread out throughout the day. Therefore, with respect to traffic impact, the introduction of night-time vehicle movements enables some of the existing day-time HGV movements to move out of the local highway network during the morning and afternoon peak periods and into the night-time, off-peak periods. This would increase the spread of HGV movements and benefit the local highway network. It is considered that the development proposals would not create an unacceptable impact on highway safety or lead to a severe impact on the road network in terms of highways and transport.
26. Overall, the assessments demonstrate that the proposal would not create an unacceptable impact on highway safety or lead to a severe impact on the road network in terms of highways and transport. Notwithstanding this, mitigation measures are proposed should the application be granted approval. These include a volunteered 30mph speed limit along Paudy Lane for British Gypsum HGVs between the hours of 22:00 and 05:30. It is proposed that the following existing measures which are currently undertaken by the applicant would continue:
- Adhering to the existing routing legal agreement for all HGV traffic;
  - Safety and environmental awareness training for all HGV drivers accessing the site;
  - Where possible, maintaining hedgerows and vegetation to ensure that visibility splays are maintained at the access point;

- The observation and enforcement of speeding of company HGVs and dealing with any driver misconduct where required.

## **Planning Policy**

### **National Policy**

27. 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.

### **Development Plan**

28. The Development Plan in this instance is composed of the Charnwood Local Plan 2011 to 2028 Core Strategy, The Borough of Charnwood Local Plan (2004) Saved Policies, the Barrow upon Soar Neighbourhood Plan, the Sileby Neighbourhood Plan, and the Leicestershire Minerals and Waste Local Plan up to 2031 (Adopted 2019).
29. The relevant policies from the Development Plan are as follows;

*Charnwood Local Plan 2011 to 2028 Core Strategy and the saved policies from the Borough of Charnwood Local Plan (2004)*

- Policy CS 13 (Biodiversity and Geodiversity);
- Policy CS 25 (Presumption in Favour of Sustainable Development).

*The Barrow upon Soar Neighbourhood Plan (Adopted 2017)*

- Policy BuS1 (Ecology and Biodiversity).

*The Sileby Neighbourhood Plan (Adopted 2019)*

- Policy G1 (Limits to Development);
- Policy ENV2 (Protection of sites of environmental significance);
- Policy ENV6 (Biodiversity, hedges and habitat connectivity);
- Policy ENV9 (Footpaths and bridleways);

*Leicestershire Minerals and Waste Local Plan (Adopted September 2019)*

- Policy DM1 (Sustainable Development);
- Policy DM2 (Local Environment and Community Protection);
- Policy DM7 (Sites of Biodiversity/Geodiversity Interest);
- Policy DM9 (Transportation by Road);
- Policy DM10 (Public Rights of Way);
- Policy DM11 (Cumulative Impact).

30. Additionally, Charnwood Borough Council has published the Draft Charnwood Local Plan 2019-36 as part of the process it is following to prepare a new local plan. The consultation lasted for six weeks and ended on the 16th December 2019. As the production of this revised plan is within the early stages, this draft local plan holds negligible material weight in the decision-making process. The following policies within the Draft Charnwood Local Plan (2019-36) form a material consideration in decision-making but do not yet form part of the Development Plan;

- Draft Policy LP 22 (Conserving and Enhancing Biodiversity and Geodiversity);
- Draft Policy LP 34 (Local and Strategic Road Network).

**Consultations****Charnwood Borough Council (Planning and Environmental Health)**

31. Objection. Concerns are raised relating to the impact on the residential property on Paudy Lane at the junction with the works access road. The assessment indicates that whilst this receptor is likely to experience moderate impact due to the change in night-time ambient noise levels, internally the resultant level is predicated to be below the BS8233:2014 limit of 30 dB. At this location the probability of being awakened at night is however likely to increase with the number of single sound events (L<sub>Amax</sub>) resulting from additional HGV movements rather than cumulative continuous noise.
32. WHO Guidelines for Community Noise suggest that in dwellings the critical effects of noise are on sleep. To avoid sleep disturbance WHO guidelines suggest indoor sound pressure levels should not exceed 45dB L<sub>Amax</sub> more than 10-15 times per night. With the proposed increase of HGV movements at night to 10 movements per hour up to a maximum of 50 between 22:00 – 05:30 hours Monday to Saturday, confirmation that the L<sub>Amax</sub> limit has been assessed and that this limit is unlikely to be exceeded is sought. Where the L<sub>Amax</sub> limit is likely to be exceeded additional mitigation proposals should be considered to minimise impact.

**Sileby Parish Council**

33. We have concerns about road safety issues and the junction, and any possibility of additional traffic being pushed through Sileby.

**Barrow upon Soar Parish Council**

34. No comments received within the statutory timescales.

### **Seagrave Parish Council**

35. Objection. The objections by Seagrave Parish Council are listed below:

- Many residents did not receive notification of the public meeting to unveil the plans. This did not enable them to make their views known at the meeting.
- To extend the hours of operation to 24 hours seems very unfair to residents. The lorries make considerable noise going past properties and to have this happening 24 hours a day, gives them no respite.
- The increase in vehicle movements will add to the disturbance to residents. The road is a rural road and not built to cope with that volume of traffic. It will lead to a further deterioration in the condition of the road surface.
- The Paudy crossroads is a known accident black spot and the increase in the volume of HGVs will only add to this danger.
- The original application contained a condition that speed cameras were installed on the road and we would ask that this condition is now implemented.
- The original application included provision for a railhead to be constructed on the site. We would ask that this is now constructed so goods can be moved by rail rather than road.
- The road is used by many cyclists and horse riders. This increase in the volume of traffic will only make the road more dangerous for them. The lorries are regularly seen by residents exceeding the speed limit.
- If the development does go ahead, we would ask that residents receive mitigation measures such as improved double glazing.

### **Walton on the Wolds Parish Council**

36. Objection. The points of objection relate to both or either of the applications.

37. The parish of Walton is a rural community, part of which is designated a conservation area. Many residents living here chose to do so because of its rural character. The volume of heavy goods vehicles entering and leaving the parish on British Gypsum business is seen by many residents as very unwelcome in such an environment and any extension of intensification of this traffic is undesirable to many of our parishioners. It appears that British Gypsum are not able to fully control the behaviour of all vehicle drivers and there have been several verbally reported cases by residents of vehicles not complying with the speed limits laid down by British Gypsum.

38. The fact that the quality of the gypsum mined at Barrow is now lower and necessitates the import of higher quality material is a problem which the company should manage within the current transport time constrains and without the introduction of truck movements outside the existing transport hours. The number of residents living within earshot of Paudy Lane is not large but is nonetheless significant and these residents should be able to expect a reasonable level and timing of HGV traffic. The introduction of Sunday movements and night time movements is unacceptable to our rural community. The fact that the company are proposing a 30-mph limit during night-time is confirmation that they recognise what an imposition this would be.

39. The import of higher quality material should and could be accommodated during normal commercial hours on weekdays. This should not be necessary on Sundays, just as it is not proposed for night movements.

40. The introduction of night time movements is, according to the company, to allow British Gypsum more freedom to facilitate delivery times requested by their customers. The company has managed for many years without the need for this freedom and it is clearly not necessary. It would be a very damaging imposition on residents and because it is clearly not essential, should be refused.

### **Local Highway Authority (Leicestershire County Council)**

41. The applicant has submitted two separate applications, both relating to its activities at British Gypsum, Barrow Works, Paudy Lane. Each application is being assessed independently of the other, and on its own merits. However, the applicant appears to have submitted combined supporting documents covering both applications. This response relates to application 2018/VOCM/0251/LCC.
42. The Local Highway Authority requires further information and clarification regarding the applicant's assessment of the highway impacts and proposed mitigation. Without this information the Local Highway Authority is unable to provide final highway advice on this application. The information required relates to:
- Site Access: Signing of the voluntary 30mph speed restriction overnight;
  - Highway Safety: Potential mitigation at Paudy Lane Crossroads;
  - Trip Generation: Separate Transport Assessments should be provided for each individual application, covering only the impact for that application including; an assessment of the night-time impacts of increased HGV movements; and;
  - of the impact of the increased HGV movements on the condition of the carriageway between Paudy Lane and the A46.

### **Ecology**

43. No objection. The proposal is minor in impact. Therefore, there are no recommendations for ecology mitigation.

### *Publicity*

44. The proposal has been advertised by a site notice placed adjacent to the application area on the 20<sup>th</sup> December 2018 and neighbour letters were sent out. A press notice was posted in the Leicester Mercury on the 26<sup>th</sup> December 2018.

### **Representations**

45. Twelve representations were received, of which eleven were objections and one raised concern. The objections received are summarised below:
- The proposals would result in detrimental impacts on the quality of life, local amenity and livelihoods of residents, including increased litter, increased noise and reduced air quality;
  - Existing issues regarding speeding HGVs and dangerous driving on Paudy Lane would be exacerbated and there is no current speed monitoring which is required;

- A voluntary speed limit of 30mph would not be effective and highlights the issue that would be caused in terms of noise from lorry movements. The voluntary speed limit would not be enforceable;
- The application would not reduce the daytime HGV traffic as this is unrestricted;
- Concerns were raised regarding the validity of the statistics and information provided in the transport, noise and ecology assessments;
- Paudy Lane is already in a poor state of repair and the current condition of the road makes it dangerous for road users. Paudy Lane crossroads are already dangerous. The proposals would exacerbate these issues;
- Issues raised with hiring lorry drivers and securing time slots for deliveries are not planning issues, they are management issues that should not impact residents;
- Detrimental effects on health through disruption to sleep caused by the introduction of night time hours and the noise;
- Increased danger to all road users including cyclists and horse riders;
- Dangerous for the nocturnal wildlife which use the verges, hedges and land adjacent to Paudy Lane for foraging and as a corridor;
- Detrimental impact on the personal lives of HGV drivers by introducing overnight and weekend working;
- Planning permission 87/1467/2 stated that no raw gypsum was to be transported into the site. The application is a deviation from that decision. Concerns over the future objective of Barrow Mine becoming a general production plant for gypsum mined from elsewhere. Concerns over increasing cumulative changes to operations and lorry movements over time;
- British Gypsum have failed to fulfil the planning conditions associated with their planning permissions which require them to provide and maintain speed cameras on Paudy Lane. Unless there are speed cameras the speed limit would not be adhered to. The Company should be formally instructed to comply with these conditions;
- Residents would like to see the provision of sound attenuation provided;
- Devaluation of local properties;
- The company should create railway sidings and bring gypsum in by rail;
- Local businesses may be negatively impacted by the increase in traffic and any impacts on local recreation over the weekend;

- The local area is rural and not a suitable location for 24-hour lorry movements;
  - Increased noise from industrial activity does not accord with the Charnwood Local Plan or The Strategic Growth Plan Leicester & Leicestershire;
  - The proposed mitigation measures are insufficient and have not involved the local community;
46. Furthermore, one objection was received from the MP Edward Argar on behalf of the residents of Seagrave. The objections and concerns raised by Mr Argar include the movement of lorries overnight having a detrimental impact on the residents of properties on or near Paudy Lane. Additionally, residents would be severely impacted by the introduction of transport movements on Sundays. Mr Argar recognises the economic value of the Gypsum Works but believes that the operational needs of the site need to be carefully balanced against the needs of residents. He believes that to allow the extra movements would be to tilt the balance too far from the interests of residents. Mr Argar asks that alternative arrangements be sought to find a way for the plant to continue and expand its operations, that do not impact adversely on local residents. Additionally, a representation was received from the former MP for Loughborough, Baroness Nicky Morgan. Baroness Morgan raised concerns relating to noise disturbance on a 24-hour basis and safety, particularly with regards to a voluntary overnight speed limit of 30mph which may cause other road users to undertake manoeuvres. She noted that whilst it is important to support local businesses and job creation, consideration must be given to the needs of the neighbours and the wider public.

### **Supplementary Information and Revisions**

47. Further information to support the application was submitted by the applicant on the 14<sup>th</sup> February 2020. This comprised a statement of further information which included;
- Revised proposals, including revised proposed hours for lorry movements associated with the works;
  - Responses to representations and comments from consultees from the first consultation period;
  - Results of an additional noise assessment;
  - Appendices including tachograph results, HGV vehicle complaint log, correspondence from Leicestershire County Council relating to speed cameras and a speed monitoring scheme.

48. The application as originally submitted proposed 24-hour movements of HGVs between Monday to Saturday and to retain vehicle movements on Sundays between 08:00 and 13:00. Revised hours for movements of HGVs are now proposed, as follows:

- 22:00 and 22:30 Monday to Fridays (reduce HGV movements to 2). Note: 2 movements = 1 vehicle in and 1 vehicle out, or 2 vehicles in;
- 22:30 and 03:00 Monday to Fridays (remove HGV movements);
- 03:00 and 05:30 Monday to Fridays (reduce HGV movements to 24 over this period, with a maximum of 8 per hour);
- 00:00 and 05:30 Saturdays (remove HGV movements);
- 19:00 and 00:00 Saturdays (remove HGV movements);
- 08:00 and 13:00 Sundays (remove HGV movements).

Some hours for vehicle movements associated with the works and the movement of products, that are currently permitted under planning permission 87/1467/2 have also been removed from the proposal. These are:

- 19:00 – 22:00 hours on Saturdays;
- 08:00 – 13:00 hours on Sundays.

It should be noted that restrictions relating to the lorry movements associated with the importation of gypsum to the site remain separate to the proposals in this planning application and are not proposed to be amended here.

49. The difference in the permitted hours and those proposed are illustrated below in Tables 1 and 2 respectively.

Time Period	Days of the week						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
00:00-01:00	Red	Red	Red	Red	Red	Red	Red
01:00-02:00	Red	Red	Red	Red	Red	Red	Red
02:00-03:00	Red	Red	Red	Red	Red	Red	Red
03:00-04:00	Red	Red	Red	Red	Red	Red	Red
04:00-05:00	Red	Red	Red	Red	Red	Red	Red
05:00-05:30	Red	Red	Red	Red	Red	Red	Red
05:30-06:00	Green	Green	Green	Green	Green	Green	Red
06:00-07:00	Green	Green	Green	Green	Green	Green	Red
07:00-08:00	Green	Green	Green	Green	Green	Green	Red
08:00-09:00	Green	Green	Green	Green	Green	Green	Green
09:00-10:00	Green	Green	Green	Green	Green	Green	Green
10:00-11:00	Green	Green	Green	Green	Green	Green	Green
11:00-12:00	Green	Green	Green	Green	Green	Green	Green
12:00-13:00	Green	Green	Green	Green	Green	Green	Green
13:00-14:00	Green	Green	Green	Green	Green	Green	Red
14:00-15:00	Green	Green	Green	Green	Green	Green	Red
15:00-16:00	Green	Green	Green	Green	Green	Green	Red
16:00-17:00	Green	Green	Green	Green	Green	Green	Red
17:00-18:00	Green	Green	Green	Green	Green	Green	Red
18:00-19:00	Green	Green	Green	Green	Green	Green	Red
19:00-20:00	Green	Green	Green	Green	Green	Green	Red
20:00-21:00	Green	Green	Green	Green	Green	Green	Red
21:00-22:00	Green	Green	Green	Green	Green	Green	Red
22:00-23:00	Red	Red	Red	Red	Red	Red	Red
23:00-00:00	Red	Red	Red	Red	Red	Red	Red

**Table 1.** Existing vehicle movement restrictions for HGV movements relating to products into and out of the site. Key: Green = permitted hours and red = curfew hours. Note that there are no restrictions on vehicle movements during permitted hours.

Time Period	Days of the week						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
00:00-01:00							
01:00-02:00							
02:00-03:00							
03:00-04:00	8	8	8	8	8		
04:00-05:00	8	8	8	8	8		
05:00-05:30	8	8	8	8	8		
05:30-06:00							
06:00-07:00							
07:00-08:00							
08:00-09:00							
09:00-10:00							
10:00-11:00							
11:00-12:00							
12:00-13:00							
13:00-14:00							
14:00-15:00							
15:00-16:00							
16:00-17:00							
17:00-18:00							
18:00-19:00							
19:00-20:00	10	10	10	10	10		
20:00-21:00	10	10	10	10	10		
21:00-22:00	10	10	10	10	10		
22:00-22:30	2	2	2	2	2		
22:30-23:00							
23:00-00:00							

**Table 2.** Proposed vehicle movement restrictions for HGV movements relating to products into and out of the site. Key: Green = permitted hours and red = curfew hours. The values where displayed are a proposed maximum number of movements for that time period.

*Revised transport assessment*

50. A revised transport assessment undertaken by independent consultants was provided in support of the application, in response to the concerns and objections raised in the consultation process and to assess the revised proposals.
51. Overall, it was found that the site is well located in terms of access to the strategic highway network with regards to HGV traffic. With regards to highways safety, data relating to road traffic accident records within the vicinity of the site were assessed. It is considered that in the majority of cases of road traffic collisions causation is unlikely to be linked to, or as a direct result of, a highways deficiency and that these incidents are more likely attributable to driver/rider error.

52. Non-car accessibility of the site was considered. It was determined that sustainable transport within the vicinity of the site is of an adequate standard given the nature of the location and the type of development.
53. A link impact assessment indicated that the overall impacts are likely to be negligible. Assessment of the operational and theoretical capacity of Paudy Lane indicated that the scope of the proposal falls within the capacity of the local highway network. In terms of traffic impact, the introduction of night time vehicle movements would enable some of the existing day time HGV movements relating to product movements to move out of the peak periods of the local highway network and into the night-time off peak periods. This would spread the overall movements of HGVs related to product deliveries.
54. The potential cumulative impact of applications 2018/VOCM/0251/LCC and 2018/VOCM/0252/LCC were assessed. Planning application reference 2018/VOCM/0252/LCC seeks to increase imports of high-grade gypsum to the site and the number of movements of HGVs associated with importation. Additionally, it proposed to reduce the permitted hours of importation. As the proposals included within planning application 2018/VOCM/0252/LCC would take place outside of night time hours, it was found that if both applications are granted planning permission, the cumulative impact would be negligible.
55. Overall, it is considered that the development proposals would not create an unacceptable impact on highway safety or lead to a severe impact on the road network in terms of highways and transport.

*Proposed highway mitigation measures*

56. The transport assessment did not find that any mitigation measures were required. However, improvements to the junction of Paudy Lane and Big Lane have been proposed by the applicant to address this area of local concern. These include improving visibility for the Big Lane approach through the cutting back of vegetation. However, this would take place on land not owned by British Gypsum. Additionally, a high friction surfacing is proposed to prevent junction overshooting and replacement junction signage is proposed which would be larger and feature yellow backing boards to increase their visibility.
57. It is proposed to retain the existing routeing agreement (legal agreement) for the site. All HGV traffic is routed via the Six Hills end of Paudy Lane situated with the A46/B676. This ensures all HGV movements are made via the strategic road network and avoid passing through residential areas where possible. Additionally, existing company policy measures around highway safety and the environment would continue to be adopted, including enforcement of the signed speed limits of the sites access road and the existing voluntary 40mph limit for company HGVs travelling along Paudy Lane.

*Revised noise assessment*

58. A revised noise assessment undertaken by independent consultants was provided in support of the application, in response to the concerns and objections raised in the consultation process and to assess the noise impact of the proposed changes. Overall, it was determined that the additional HGV movements are not expected to have an adverse noise impact on the ambient noise environment at any of the receptor locations assessed. Notwithstanding this, the applicant proposes to provide a 1.8m high acoustic fence adjacent to the nearest residential property at the site's access road off Paudy Lane. Additionally, it is proposed to upgrade the existing glazing on windows at The Barn, Grange Cottage, Windsor Cottage, and First Cottage residential properties if they are not adequate.

*Responses to concerns raised by residents and stakeholders*

59. The applicant has provided responses to concerns raised by local residents and stakeholders in the consultation process relating to the speed of existing HGVs along Paudy Lane, the control of sub-contractors, complaint handling, the installation of speed cameras, the safety of Paudy Lane crossroads, additional traffic through Sileby, the necessity of night-time vehicle movements, the use of rail sidings for the delivery of products, impact on local amenity, impact on house prices and danger to nocturnal wildlife.
60. Within this response, the applicant no longer proposes the introduction of a voluntary speed limit of 30mph. Instead, vehicles would continue to travel along Paudy Lane at the existing voluntary speed limit of 40mph. Spot-checks of tachographs for British Gypsum's drivers are carried out on a weekly basis.
61. The applicant addresses concerns and objections raised regarding the lack of speed cameras. These representations relate to Condition 4 of planning permission 2001/2001/2 which required the applicant to install speed cameras to monitor vehicles travelling to and from the site. Following grant of that permission, it was found that the installation of such cameras would be difficult due to the lack of electricity supply. Following this, the applicant corresponded with Leicestershire County Council where it was concluded that the provision of mobile speed cameras may be more effective than the installation of a static camera. The applicant has approached the Local Highway Authority for further advice on this considering the application. It was concluded that a detailed evidence base would need to be put forward to build the case for speed cameras and that consideration must be given to the necessity and logistics of such a provision; such as maintenance and the connection of power. Additionally, it is considered that the provision of speed cameras would not be a viable option. Therefore, the applicant proposes to continue to undertake weekly speed checks of tachographs. It is proposed that a planning condition be imposed to require a speed monitoring scheme to be submitted and approved in writing by the Minerals Planning Authority (Leicestershire County Council).
62. In response to concerns raised regarding additional traffic through Sileby, the applicant clarifies that it is proposed to retain the existing routing agreement. Therefore, no HGV traffic would travel through Sileby, or any of the other surrounding villages.

63. The applicant provided further information on the need for the proposed night-time movements. The proposals would help the company to adapt to the changing requirements of their customers and reduce the company's reliance on sub-contractors and third-party haulage depots.
64. The applicant has undertaken an analysis of the possibility of using rail sidings for the delivery of products. At present, all products are dispatched from the site by HGV to various locations across the UK. Some of these products are specialist and are only produced at Barrow. The rail distribution of products from Barrow is not currently undertaken because there are no rail sidings present at Barrow and the capital cost of providing rail sidings, owing to signalling requirements and the cost of stabilising the nearby St Margaret's mine. Additionally, there is a wide geographical spread of customers with few concentrated delivery areas. Due to the central location of the site, there are currently relatively short road travel times to the main markets and there are no rail connected distribution centres in the main market areas. The continued use of road transport is considered the only practicable option for the transportation of products from the site.

### **Consultations on Supplementary and Revised Information**

#### **Charnwood Borough Council Planning**

65. No objection.

#### **Charnwood Borough Council Environmental Health**

66. The updated report details an assessment of maximum noise level at these receptors, particularly The Barn on the site's access road. The report indicates, with regards to a maximum limit of 45dB(A) inside a bedroom, that the limit is already being exceeded even without the additional HGV movements. Whilst the report suggests the proposed additional HGV movements would not therefore significantly impact on this or on ambient and absolute noise levels, British Gypsum have indicated they are prepared to provide additional mitigation in the form of a 1.8m high acoustic fence at The Barn, and upgrade the existing glazing units at The Barn, First Cottage, Windsor Cottage and Grange Cottage if they are not adequate. Such measures are likely to also improve the noise impact from the existing operations and are to be encouraged. It is therefore recommended that these measures are required by condition or some form of S.106 agreement.
67. Application 2018/VOCM/0252/LCC proposes to increase the overall number of vehicle movements in the day but in order to mitigate the impact offers up reduction of movements at times that residents may find annoying, that is between 0600-0700 Monday - Friday, in an evening from 1900-2200 and 0600-0800 hours on Saturdays. Relinquishing such times may be beneficial to residents as these are times when residents may expect to be using their gardens, particularly at weekends, whereas vehicle movements during the day may be less noticeable due to existing activities.

68. Application 2018/VOCM/0251/LCC seeks to allow HGV movements during currently non-permitted hours, most of which are at noise sensitive times particularly from 03.00-05.30, when increased movement has the potential to impact sleep disturbance regardless of overall changes to ambient levels. It is therefore difficult to see how such hours can be supported unless some form of additional mitigation is provided.
69. It would therefore appear necessary and appropriate to condition the installation of the fence and this provision will have the advantage that it will impact both applications, albeit that first-floor bedrooms are likely to be less protected than ground floor. Glazing may already be adequate at properties, due to existing traffic noise levels and therefore the fence alone should be sufficient to mitigate noise levels.
70. Overall, existing noise levels are already over recommended levels, due to traffic on the main road and therefore increased vehicle movements during the day are not a concern. The issue is the increased movements during noise sensitive hours, particularly to occupiers of The Barn, which if limited per hour and mitigated with the fence should not be significantly adverse.

#### **Sileby Parish Council**

71. No response received.

#### **Barrow upon Soar Parish Council**

72. No response received.

#### **Seagrave Parish Council**

73. Objection. The application reduces the amendment for hours requested to 0300 hrs to 2230 hours weekdays. This is still unacceptable for residents who live within 30 to 40 feet of the road. The disruption to their sleep would be severe with lorries rumbling by. These would have a severe impact on the quality of their lives. The original planning approval did not allow for the importing of Gypsum onto the site and we object to this being allowed. Also, British Gypsum has dismissed the installation of speed cameras because of excessive cost. We should suggest they investigate putting in vehicle activated signs at a number of points on Paudy Lane to show vehicle speeds as they approach. These will be much cheaper than speed cameras and they can be powered by solar panels. They may be particularly effective at Paudy Crossroads. The original application from British Gypsum included a proposal for a railway siding to be built. This was never implemented and we feel that if this was explored further it would alleviate the need for the increased journeys by lorry.

### **Walton on the Wolds Parish Council**

74. Objection. We believe that having lorries driving past your door from 3am in the morning is totally unacceptable. No one would want these HGVs waking them up from 3am giving them minimal sleep. Ask yourselves how you would feel if you were put in this situation? Having spoken to some of the residents we believe the compromise proposal they have put forward is more than reasonable to try and resolve this situation which we believe to have been going on for 35 years. That is:

- Monday and Friday 4.30-5.00Hrs with max 10 movements thus allowing for early start on busy days on the roads. Thereafter no restrictions till 23.00Hrs.
- Tuesday/Wednesday/Thursday 05.00Hrs start with no restrictions on numbers thereafter till 23.00Hrs.
- Saturdays 06.00 – 19.00Hrs with no restrictions to movement numbers.
- All contract lorries to have their tachographs checked on entry to the mine between 04.30 and 08.00 Hrs, 15.00 and 17.00 Hrs which are peak problem times, and 21.00 and 23.00 Hrs. to protect nocturnal species. Random checks every day.
- Random checking of BG HGVs tachographs regularly not just when we complain.
- Solar powered warning signs which tell the speed a vehicle is doing set to begin at 40mph to be installed by BG in at least 3 positions in each direction.
- Average speed cameras would be better but BG complain about price.
- Campaign along with BG to have Paudy Lane a 50mph zone from Six Hills to Mucklegate Lane and 40mph to Barrow village along Melton Road.
- These changes to timings allow BG to logistically move their product without the restrictions of x HGVs per hour for many, more hours whilst allowing residents some quality of life.

### **Local Highway Authority (LHA, Leicestershire County Council)**

75. No objection. The LHA had previously requested further information. The LHA has reviewed the submitted further information specific to this application.

76. The proposed 30mph voluntary speed limit has been removed from the proposal as the LHA had concerns regarding how this would be implemented in a way which would not confuse drivers.

77. Potential mitigation at Paudy Lane Crossroads and impact of the increased HGV movements on the condition of the carriageway between Paudy Lane and the A46. There have been 7 recorded Personal Injury Collisions (PICs) within the last 5 years at the Paudy Lane crossroads, however none involved HGVs. The LHA believe that the proposed development does not result in a significant increase in HGV movements (with no additional movements in the AM/PM peak), therefore it would not be reasonable for the LHA to seek any improvement works to Paudy Lane.
78. Notwithstanding this, the LHA has considered the following improvements that the applicant has proposed;
- New yellow-backed signage, replacing the existing signs at the crossroads to warn drivers of the presence of the crossroad junction. The LHA would advise the following;
    1. The advanced give way (AGW) signs will need to be accompanied by SLOW markings.
    2. The give way signs should be amended to yellow backed as well to ensure consistency in the signing strategy.
  - High friction surfacing on each approach to the crossroads; the LHA no longer supports the use of high friction surfacing unless a site is specifically identified as requiring such a measure due to the significant on-going maintenance costs involved.
  - The applicant also proposes visibility splays should be improved, however this would be on third-party land therefore not a mitigation measure the applicant would be able to fulfil or maintain.
79. Therefore whilst it would be unreasonable for the LHA to seek to condition the proposed signage work, the LHA would welcome these measures if the applicant wished to proceed. It is important to note however that the LHA are not stating that these works are required to mitigate the impact of this proposal. The applicant would therefore not be obliged to undertake any such works. If they wished to do so, they should contact the Traffic & Signals team.

*Assessment of the night time impacts of increased HGV movements*

80. It is understood the need to introduce night time movements is to respond and adapt to the changing requirements of the applicant's customers, many of whom have moved to a system of time slot delivery management and out of hours deliveries over the last 5 years. The proposal now includes 2 vehicle movements between the hours of 22:00 and 22:30 Monday to Friday and a maximum of 8 movements between the hours of 03:00 to 05:30, which equates to an additional 24 movements per weekday over a total of 15 hours.
81. The hours that are currently permitted are between 19:00 - 22:00 on Saturdays and 08:00 - 13:00 on Sundays to provide benefits for the local residents. No proposed changes are made to include movements on public or bank holidays. Therefore, a total of 8 hours of movements over the weekend are removed,

meaning the proposal has a net increase of 7 hours of movements over the week.

82. The applicant has given consideration to the additional HGV movements that would be generated by the proposal. Figure 6.1 of the submitted Further Information document identifies HGV flows during the hours of 22:00 - 05:30 as approximately 11% of the total traffic, therefore it is not considered that this proposal will significantly increase HGV movements, and therefore no further assessment of the existing condition of Paudy Lane is considered necessary.

#### *Public Rights of Way*

83. The LHA do not have any concerns regarding the impacts of the proposed development on PROWs.

#### *Assessment of cumulative impacts and conclusion*

84. As to the cumulative impact if both applications were determined, the LHA consider the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Therefore, the proposal does not conflict with paragraph 109 of the National Planning Policy Framework (2019). No objection is raised to the proposal as the proposal is not considered to have an unacceptable impact on highway safety, or that the residual cumulative impacts on the highway network would be severe in accordance with paragraph 109 of the National Planning Policy Framework.
85. The LHA are satisfied that the application will not lead to a significant impact on the highway network. There is therefore no objection to the variation of condition 10 of planning permission 87/1467/2 as the proposal is not considered to have an unacceptable impact on highway safety, or that the residual cumulative impacts on the highway network would be severe in accordance with paragraph 109 of the National Planning Policy Framework.

#### **Ecology**

86. No additional comments.

#### **Landscape**

87. No objection. The proposed timber acoustic fence would have minimal impact on the visual amenity of the area.

#### **Publicity**

88. The further information has been publicised by press notice in the Leicester Mercury on 5th March 2020, neighbour notification letters and site notices on 5th March 2020.

## **Representations**

89. A total of 8 representations were received for the second consultation period. The representations comprised a total of 7 objections and one raised concern. The representations included objections on the following points which have been summarised for the purposes of this report:

- Planning permission should only be granted subject to any more increases in gypsum importation being brought in by rail;
- The site was never intended to be a production site for imported material and activities on the site are increasing incrementally over time;
- The hours proposed are suitable but not the numbers of vehicles;
- The site is not and have not complied with the requirements of the existing planning conditions with respect to speed cameras and speed monitoring. The company should install speed cameras;
- Concerns about the details and accuracy of the submitted transport assessments;
- All lorries should have tachographs checked on arrival at the site;
- Solar speed warning signs should be provided;
- If approval is given then no further increases in imports should be granted in the future;
- The proposals are unnecessary;
- Imports should be brought in by rail instead;
- The proposals would have a detrimental impact on all road users, including cyclists and horse riders;
- Existing issues around speeding HGVs associated with the site should be addressed and would be exacerbated;
- Detrimental impacts on the amenity of local residents, including air quality, litter and noise and vibrations from lorries;
- The noise, transport and ecology assessments are incorrect;
- Proposal would have a detrimental impact on local wildlife;
- Detrimental impact on the maintenance costs of Paudy Lane,
- The applicant is not currently adhering to the existing permitted times for HGV movements;
- Location for the proposed development is unsuitable as it is a rural area;
- Increased danger to all road users;
- Detrimental impact on the personal lives of HGV drivers;
- The importation of gypsum is not currently permitted;
- The plant should only be used for the production and manufacture of gypsum products from the Barrow Mine.
- The development does not accord with the Development Plan, particularly The Charnwood Wildlife Strategy and Leicestershire Minerals and Waste Local Plan;
- Better signage at the crossroads is supported but surfacing should not be used as it adds to noise issues when lorries go past;
- No benefits for local residents are proposed;
- The quality of driving for those lorries already accessing the site is very poor;
- Not all residents were invited to the Open Day;
- Company have never offered to replace any double glazing on local properties;

- There is no end date to the operations at Barrow Mine and no end date for impacts caused by lorries;
- There is no benefit to the proposed changes to the times, the proposed hours of 03:00 are just as disturbing as 05:30 or overnight, as all result in loss of sleep;
- Although noise assessment indicates that internal sound levels are already above WHO guidelines, this does not mean that the proposals are acceptable;
- An objector already has disturbed sleep from lorries travelling to and from the application site.

Additionally, the comments received proposed preferred alternative hours and movements.

90. In addition to the above, concerns were raised by Councillor James Poland on behalf of the residents in the Wreake Villages Ward. Concerns were raised regarding the extension of the permitted hours and the existing noise and vibration from lorries within a countryside setting and the potential impacts of the proposals on resident's night time amenity and sleep. Mr Poland notes that the site appears to be ideally suited to the use of railway. It is believed that this option should be considered before any decision is made on the applications.

### **Assessment of the Proposal**

#### **The Development Plan**

91. This application should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant considerations in determining the acceptability of this proposal are: the nature and need for development, highways, ecology and environmental impacts, including local and neighbour amenity. The application seeks planning permission for the variation of condition 10 of planning permission 87/1467/2 to allow for a variation in product delivery times. This variation would include the introduction of some night time movement of HGVs into and out of the site and the removal of some existing permitted hours on movements.
92. A second planning application was submitted simultaneously by the applicant to seek approval for an increase in imports of high-grade gypsum to the site and to reduce the permitted hours of importation (2018/VOCM/0252/LCC). Whilst the two applications are linked to HGV movements into and out of the site with respect to movement numbers and timings, the two applications form two separate proposals and are assessed independently of one another. This application solely relates to HGV movements associated with the works, the movement of products and their permitted timings. Notwithstanding this, the cumulative impact of both applications being granted permission is considered below.

#### *Nature and need for development*

93. The applicant details that the proposed changes are driven by the need to adapt to customer requirements and logistics around the timing of deliveries to customers. The changing customer requirements poses operational difficulties for the site and drivers with regards to vehicle movements and timings.

*Location and duration of the proposed development*

94. During the consultation process representations were received against the location of the proposed development and the scale of the proposed operations within the locality. The site is located between the villages of Barrow upon Soar, Sileby and Seagrave. Planning permission was granted by the Secretary of State for the extraction of gypsum by underground mining in 1980. Subsequently, planning permission for a new bagged plaster and plasterboard factory and the construction of a new access was granted in 1987 and so the long-term use of the site for the extraction and processing of mineral has been long established.
95. Paragraph 203 of the NPPF (2019) highlights that minerals are a finite natural resource and can only be worked where they are found. The use of the site for the extraction and processing of mineral in this location is temporary, this includes the factory and works. Planning conditions which exist on the site require the buildings and structures for the manufacturing of plaster to be removed within 12 months of the cessation of mining at the site and the area restored. Mineral extraction from the mine is limited until the 21<sup>st</sup> February 2042, where after the site must be fully restored within 12 months or must be fully restored within 12 months from the cessation of mining, whichever is sooner. It is not proposed to amend these controls and therefore the use of the site and its associated buildings and structures for the mining and distribution of mineral would remain temporary, including any associated impacts.
96. Notwithstanding the above, all proposals must be assessed with regards to their impacts. Consideration of the environmental and transportation impacts to the locality is given below.

*Highways and transport considerations*

Use of rail

97. During the consultation process objections were raised to the proposed increase in HGV movements and that rail should be used for the movement of products from the site. Owing to the capital cost of providing rail sidings at the site which would be increased by signalling requirements and the cost of stabilising a nearby former mine, it is considered that this would not be a viable option. Additionally, the transportation of minerals by rail is generally only economic over longer distances and is dependent on network capacity and adequate loading and reception facilities. From the site there are currently relatively short road travel times to the main market places and there are no rail connected distribution centres in the main market areas. Overall, the continued use of road transport is considered the most practicable and viable option for the transportation of products from the site.

Assessment of road impacts

98. Following the consideration of the further information the Local Highway Authority has recommended that the proposal is acceptable and concerns previously raised have now been addressed. The proposed development would not result in a significant increase in HGV movements. Given this, it would not be reasonable for the Local Highway Authority to seek any improvement works to

Paudy Lane, including suggested improvements received by representations, such as the suggested provision of vehicle activated speed signs. Whilst it would be unreasonable to seek to condition the proposed signage work, these measures would be welcomed if the applicant wished to proceed. However, such works are not required to mitigate the impact of this proposal. The applicant would therefore not be obliged to undertake any such works.

99. Overall, the proposed increase in movements would not lead to a significant impact on the highway network and the proposal is not considered to have an unacceptable impact on highway safety, or that the residual cumulative impacts on the highway network would be severe.
100. The site has existing mitigation measures to limit the impacts of transporting materials by road. These include an existing legal agreement which controls the routing of all lorries to and from the site. This ensures all HGV movements are made via the strategic road network and avoid passing through residential areas where possible. This requirement would be retained.

#### Speeding and driver behaviour

101. Objections were raised to existing issues around vehicles which access the site, and other vehicles which travel along Paudy Lane speeding and demonstrating poor driving behaviour. It should be noted that whilst highway safety and traffic impacts are material planning considerations, speeding and driver behaviour and potential exacerbation of such issues are not. These matters are controlled by civil law. Notwithstanding this, the applicant has existing mitigation measures to control the speed of lorries which access its site. These include a voluntary speed limit of 40mph on Paudy Lane, which is reinforced through company procedures in addition to an existing complaint handling system. It is proposed that these existing measures would be retained.

#### Compliance with existing planning conditions

102. Objections have been raised to the site's compliance with existing planning conditions. Particularly, the requirement of Condition 4 of planning permission 2001/2001/02 which required the implementation of several traffic mitigation measures. Part b) of the condition required, 'Provision of traffic speed cameras (within the public highway) which are privately owned and operated by the Company. The traffic speed cameras shall be installed to monitor vehicles travelling to and from the Barrow Works'. The condition goes on to state, 'All information obtained from the traffic speed cameras shall be made available to the Director of Planning and Transportation within 7 days of a written request by him'.
103. Following the grant of planning permission 2001/2001/02 it was found that the installation of speed cameras would be difficult to provide owing to the lack of convenient electricity supply. Additionally, correspondence from the Local Highway Authority indicated that mobile cameras may be more effective than one static camera. Following this, a mobile speed camera scheme was submitted to the Planning Authority. The applicant used an independent contractor to carry out random speed checks along Paudy Lane for a period of 6 months. The applicant has been in discussions with the Local Highway Authority and it is considered that the permanent installation of speed cameras remains an

unviable option. Given that speeding is a matter of civil law, it is not considered that any further assessment of the viability for the installation of speed cameras on Paudy Lane is required from the applicant in support of the application.

104. Notwithstanding the above, the applicant has proposed to carry out independent speed checks to record the speeds and registrations of HGVs travelling along Paudy Lane. The applicant proposes that a planning condition be imposed requiring the company to submit a speed monitoring scheme to the Authority for approval. However, such a condition would not meet the relevant tests for planning conditions, as set out in paragraph 55 of the NPPF. These are whether the condition is:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

105. Such a planning condition would not be *necessary*, given that speeding vehicles outside of the site boundary are a matter for civil law and therefore not *relevant to planning*. Additionally, given that the monitoring would be required to take place outside of the site boundary, any such condition would not be *enforceable*. Therefore, it is not recommended that such a condition be imposed. However, should the applicant wish to undertake independent monitoring and provide the results to the local parish councils or the liaison committee this would be welcomed.

#### Proposed mitigation measures

106. The applicant proposed a series of mitigation measures in response to local concerns around highway safety along Paudy Lane. The Local Highway Authority found that these mitigation works are not required to mitigate the impacts of this proposal. The applicant would therefore not be obliged to undertake any such works. However, the Local Highway Authority would welcome these measures if the applicant wished to proceed.

#### Assessment of impacts upon the public rights of way (PROW)

107. The proposals would not alter the existing public rights of way which cross the site's access road. The LHA do not have any concerns regarding impacts upon the PROW and its users. The PROW would continue to be retained and protected.

#### Cumulative highway impacts

108. As to the cumulative impact if both applications were granted approval, the LHA would consider the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the residual cumulative impacts on the road network would not be severe. Therefore, the proposal does not conflict with paragraph 109 of the NPPF (2019).

109. Overall, the application would not lead to a significant impact on the highway network or have an unacceptable impact on highway safety and the residual cumulative impacts on the highway network would not be severe. In consideration of the above, and subject to the imposition of the amended planning conditions and the retention of the legal agreement controlling routing to and from the site, the proposals are found to accord with paragraph 109 of the NPPF, Policy DM9, Policy DM10 and Policy ENV9.

*Ecology and nature conservation*

110. There would be no risk of habitat loss and no adverse effects to the surrounding non-statutorily designated sites. No permanent lighting is proposed along the route. Therefore, lighting conditions for commuting and foraging would be retained. All of the habitats within and outside of the site would be retained and remain undisturbed. Therefore, the proposal is considered to accord with Policy CS 13, Policy BuS1, Policy ENV2, Policy ENV6 and Policy DM7.

*Local Amenity*

111. An updated noise assessment was submitted by the applicant in response to concerns raised during the first consultation period. Additional HGV movements are not expected to have an adverse noise impact on the ambient noise environment at any of the receptor locations assessed. A 1.8m high acoustic fence adjacent to the nearest residential property at the site's access road off Paudy Lane is proposed by the applicant. Additionally, it is proposed to upgrade the existing glazing on windows at The Barn, Grange Cottage, Windsor Cottage, and First Cottage residential properties if they are not adequate.
112. Environmental Health recommend that the erection of the acoustic fence would improve the noise impact from existing noise levels. The fence would mitigate against the increased movements during noise sensitive hours, particularly to occupiers of The Barn so that the noise impacts should not be significantly adverse. Cumulatively, should both applications be granted permission, this provision will have the advantage that it will impact both applications. Therefore, it is recommended that a planning condition be imposed requiring the applicant to submit final details of the materials and specification of the acoustic fencing prior to commencement. Additionally, it is recommended that a planning condition be imposed requiring the applicant to construct such a fence prior to commencement of development to mitigate against any increase in noise impact from the proposed operations before any development commences. The provision of any replacement glazing is not considered necessary to make the development acceptable.
113. The fence would not have a severe impact upon the landscape or visual amenity, with regards to the nearest residential property located approximately 8 metres east from the site's access. Overall, it is considered that the proposals are found to accord with Policy DM2.

*Cumulative Impact*

114. It is always appropriate to consider the cumulative impact of a number of separate effects from a single site. Adverse cumulative impacts may include increased levels of noise, vibration, dust, odour and artificial lighting. The local highway network could also be affected by increased HGV movements with additional hazards related to road safety. In this instance it is important to assess the cumulative impact of granting approval for this planning application and planning application reference 2018/VOCM/0252/LCC, owing to their similarity in proposing to alter restrictions on HGV movements into and out of the site. Although each application is being considered separately, the applications have been submitted simultaneously by the applicant and have potentially overlapping environmental effects. It must be noted that in considering the cumulative effects of granting permission for both applications, it is not assumed that permission would be granted for both.
115. The revised transport assessment which was submitted in support of the application assessed the cumulative impact of both applications. Planning application reference 2018/VOCM/0252/LCC seeks to increase the number of HGV movements relating to the importation of gypsum to the site and to reduce the permitted hours of importation. Therefore, if this application (2018/VOCM/0251/LCC) is granted approval in addition to application 2018/VOCM/0252/LCC, the cumulative impact of increasing the permitted hours of HGV movements relating to product delivery is considered negligible as any impact from the proposals would be confined to the night time hours. Overall it is considered that the cumulative impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Therefore, the proposal does not conflict with paragraph 109 of the National Planning Policy Framework (2019) with regards to residual cumulative impacts on the road network.
116. The cumulative impacts upon local amenity including impacts upon local noise levels is considered. Application 2018/VOCM/0252/LCC proposes to increase the overall number of vehicle movements during the day time. In order to mitigate the impact, the applicant has offered up a reduction in movements between 0600-0700 and 1900-2200 on weekdays (Monday - Friday) and 0600-0800 hours on Saturdays. Relinquishing such times may be beneficial to resident's amenity and the proposed increased vehicle movements during the day would not result in significant impacts on noise or local amenity. Application 2018/VOCM/0251/LCC seeks to allow HGV movements during currently non-permitted hours. These hours are at noise sensitive times when increased movement has the potential to impact sleep disturbance regardless of overall changes to ambient levels. Subject to the provision of the acoustic fence, the noise impacts of this should not be significantly adverse. The provision of the fence would have the advantage that it would impact both applications. Cumulatively, it is considered that the impacts to local amenity both alone and in combination would not be significant.
117. With regards to the natural environment, both proposals would not result in any habitat loss and there would be no adverse effects to the surrounding non-statutorily designated sites. All the habitats within and outside of the site would be retained and remain undisturbed, as the additional HGVs would utilise

existing infrastructure. No impacts to the habitats within or adjacent to the site are anticipated as a result of the proposed increase in vehicle movements. Additionally, the introduction of a small amount of vehicle movement during night time hours would not result in any significant impact on the local flora or fauna. Cumulatively, it is considered that the impacts to the natural environment both alone and in combination would be negligible.

118. Overall, the cumulative effects of the proposed development are considered appropriate for its location. Subject to the recommended planning controls being imposed, in addition to those which exist on the site, it is considered that the development would not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from the sites and other factors in the locality. Therefore, the proposals if both granted permission would accord with paragraphs 180 and 205 of the NPPF and Policy DM11.

*Sustainability of the proposed development*

119. When considering proposals for minerals and waste development, the Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF (2019). Proposals should contribute to the three dimensions (economic, environmental and social) of sustainable development. The proposal, if permitted, would allow the company to address operational challenges regarding the logistics around the timing of deliveries and vehicle movements and timings. This would continue to ensure a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs, in line with paragraph 203 of the NPPF. Additionally, this would continue to provide jobs at the site whilst it is operational. The proposal accords with the NPPF in supporting economic growth and this should be given considerable weight in favour of the application.
120. This must be balanced against the environmental and social objectives of sustainable development. The application, if granted permission would not have significant impacts upon the local highway or on local amenity. Therefore, overall, the proposal is found to accord with the principles of sustainable development, Policy CS 25 and Policy DM1. Although the proposed development falls outside of the limits to development within the Sileby Neighbourhood Plan, the development would be controlled in line with local and national strategic planning policies and therefore accords with Policy G1.

*Other*

121. Objections were made during the consultation process which raised concerns regarding detrimental impacts on lorry drivers or the negative effect on the value of local properties as a result of the proposed development. It should be noted that these are not material considerations and have not been considered in this assessment.
122. A revised set of planning conditions is proposed, which removes those conditions from the 1987 planning permission which are no longer relevant. For example, those relating to the submission of building details or the storage of oils which is now controlled and monitored by the site's Environmental Permit and the Environment Agency.

### **Conclusion**

123. By reason of the above assessment it is considered that the proposal is in general accordance with the development plan. In particular, policies DM2 and DM7 which relate to the local environment, community protection and sites of biodiversity interest and policies DM9 and DM11 which relate to the transportation of mineral by road and cumulative impact.
124. The relevant development control policies with the development plan provide the basis for the assessment. The proposal has also been assessed against national planning policies and guidance contained in NPPF and PPG and is considered to reflect the principles of sustainable mineral development.
125. It is considered that subject to the imposition of planning conditions and the prior completion of a Deed of Variation legal agreement to ensure the continued imposition of lorry routeing to and from the site, the proposed development would be acceptable.

### **Recommendation**

1. PERMIT planning application 2018/2588/02 (2018/VOCM/0251/LCC) subject to the conditions as set out in the Appendix and the prior completion of a Deed of Variation legal agreement to ensure the continued imposition of lorry routeing to and from the site;
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.

**2018/2589/02 (2018/VOCM/0252/LCC) – 12th December 2018****PROPOSAL: Variation of conditions 8 & 10 of planning permission 2001/2001/2 to increase imports of high-grade gypsum and reduce the permitted hours of importation****Description of Proposal**

126. Planning permission is sought to vary conditions 8 and 10 of planning permission 2001/2001/02 which relate to the number of lorry movements for the purposes of importing gypsum to the site and the hours those lorries which import gypsum access the site.
127. Condition 8 limits the number of lorry movements associated with the importation of gypsum to the site so that movements do not exceed 24 for any working day (for example, 12 deliveries in and 12 movements out), where lorries carrying gypsum are permitted to enter the site on weekdays (Mondays to Fridays) and Saturdays. No HGVs associated with this permission can access or leave the site on any Sunday, or any Public or Bank Holiday. This existing limit allows for approximately 92,000 tonnes of gypsum to be imported per annum.
128. It is proposed to vary this condition to allow 258 weekly movements which would be subject to the following restrictions:
- A maximum of 50 HGV movements (for example, 25 deliveries in and 25 movements out) Monday-Friday;
  - A maximum of 26 HGV movements per day on Saturdays and Sundays (for example, 13 deliveries in and 13 movements out), with a maximum of 6 HGV movements in any one-hour period.
129. This would allow for an increase in the amount of high-grade gypsum that can be brought into the site to approximately 180,000 tonnes. It is proposed that to ensure compliance of the weekly limit of 258 HGV movements, the number of movements would be managed daily.
130. Condition 10 does not allow any lorries carrying gypsum to enter the site except between the hours of 0600 and 2200 on weekdays (Mondays to Fridays) and 0600 and 1400 on Saturdays. No lorries carrying gypsum are permitted to access the site on any Sunday, or any Public or Bank Holiday.
131. The application seeks to mitigate the proposed increase in movements by reducing the permitted hours for importation. It is proposed to give up the existing permitted hours of 06:00-07:00 and 19:00-22:00 Monday to Friday and 06:00-08:00 and 13:00-14:00 on Saturdays, for those lorry movements associated with the importation of gypsum only.

132. The reasons for the proposed alterations to these conditions are set out by the applicant. The importation of high-grade gypsum from Newark to the site has been taking place since the mine commenced operating in 1992. This material is used to raise the average grade of the rock which is mined at the site and allows for the reserves to be fully maximised. A suitable product is achieved by blending lower grade material with the imported, higher grade material. Increased imports are sought by the company owing to the presence of naturally varying lower quality areas of mineral within the mine. These areas can continue to be mined and utilised as a product of the required grade, through the importation and blending of higher-grade gypsum.
133. With regards to the proposed timings for the importation of gypsum, the company require some imports on Sundays to aid this blending process as rock is still mined at weekends. This would ensure that the right blend of material is produced across the weekend and stockpiled.
134. A second planning application was submitted at the same time by the applicant to seek approval for the night time movement of HGVs associated with the movement of products into and out of the site (planning application reference 2018/VOCM/0251/LCC). Whilst the two applications are linked to HGV movements into and out of the site, they are two separate proposals and are assessed independently of one another. This application solely relates to HGV movements associated with the importation of gypsum into the site and their permitted timings. However, the cumulative impacts of the possibility of both applications being granted planning permission is considered below in the assessment.

### Noise

135. A noise assessment was submitted in support of the proposal. This noise assessment was undertaken by independent consultants and was a joint assessment of planning application reference 2018/VOCM/0251/LCC and the application being considered in this part of the report (2018/VOCM/0252/LCC). The assessment included a daytime and night-time background noise survey which was undertaken at locations representative of the closest noise-sensitive receptors. The closest noise-sensitive receptors comprised those residential properties located on the haul route along Paudy Lane and the properties located south of the works access road. A sound survey was undertaken to establish the sound power level of HGVs currently accessing and egressing the site. This included measuring the following activities:
- HGV idling unladen;
  - HGV moving off unladen;
  - HGV moving at 10mph unladen;
  - HGV reversing unladen;
  - HGV engine start;
  - HGV moving off laden;
  - HGV moving at 10mph laden.

136. Specific to this application, the assessment found that with regards to the proposed variations of Conditions 8 and 10, the maximum increase in the number of vehicle movements within a period of one hour would be six movements per hour on a Sunday. The change in ambient noise level assessment and the absolute noise level assessment concluded that there would not be a significant impact from allowing the additional importation of gypsum and that the proposals are likely to have a low impact.

### Ecology

137. An ecological walkover survey undertaken by an independent consultant was provided in support of the proposals. The surveyed route was 2.5km in length and included the access road from the site entrance and a section of Paudy Lane which links to the A46. Habitats along the route are dominated by hardstanding with adjacent species-poor semi-improved grassland, immature plantation and semi-natural woodland. The wider area comprises a predominantly agricultural landscape.
138. Three non-statutorily designated sites are situated within 500 metres of the proposed route including the Barrow Works Grassland Candidate Local Wildlife Site (cLWS), Walton on the Wolds, Big Lane and Black Lane Verges Historic Potential Local Wildlife Site (pLWS) and the Ponds pLWS. Barrow Works Grassland cLWS which is present within the application area site, located adjacent to the length of the applicant's access road, is notable for its grassland, woodland and lake and the presence of trailing St John's wort. It was found that as there would be no risk of habitat loss given the number of proposed additional vehicle movements and that there would be no adverse effects to the surrounding non-statutorily designated sites.
139. The habitats on site and adjacent off-site include areas of hard standing (the access road and Paudy Lane), with associated species-poor grassland, a lake, mature trees, hedgerows and woodland. It was identified that many of the habitats may qualify as habitats of Principal Importance under the NERC Act 2006 (the woodland, lake and hedgerows) and Priority habitats under the Leicester, Leicestershire and Rutland Biodiversity Action Plan (the woodland and lake). The remaining habitats (grassland and dry ditches) were generally species-poor but provide structure and foraging and commuting routes for the local fauna.
140. The habitats within the survey area provide suitable habitat for a range of faunal species. No permanent lighting is proposed along the route. Therefore, lighting conditions for commuting and foraging will be retained. The risk of collision with badger, bats and other mammals/birds is considered low due to the already imposed 20mph speed limit along the access road and the minimal additional night time vehicle movements proposed. It was found that the application would have negligible impact on any species which may be utilising the site.
141. All of the habitats within and outside of the site would be retained and remain undisturbed, as the additional HGVs would utilise existing infrastructure. Overall, it was considered that no impacts to the habitats within or adjacent to the site are anticipated as a result of the proposed increase in vehicle movements.

Highways & Transport

142. A transport assessment was submitted in support of the proposal. This transport assessment was undertaken by independent consultants and comprised a joint assessment of planning application reference 2018/VOCM/0251/LCC and this proposal (2018/VOCM/0252/LCC).
143. The transport assessment included:
- an assessment of the existing highway conditions, including the site's access road and junction with Paudy Lane, Paudy Lane, Melton Road and the A46;
  - an assessment of traffic and accident traffic collision data;
  - an accessibility appraisal, trip generation and distribution assessment, which analysed the existing vehicle movements associated with the site, including product deliveries and the importation of gypsum and how these movements would alter as a consequence of the proposal;
  - an assessment of highway impacts, assessing the capacity of Paudy Lane, the B676 and the wider highway network, to ascertain whether the additional vehicle movements could be accommodated by the local highway network;
  - a summary of existing and proposed mitigation measures to alleviate any adverse impacts on the highway network.
144. The proposal would result in an additional 26 HGVs importing gypsum to the site per weekday (52 movements). This would comprise an average of two additional HGV movements per hour. It was found that the proposed additional movements fall within the capacity of the local and wider highway network. The link impact assessments that have been undertaken indicate that the proposals are likely to result in a 0.6% increase in total traffic movement on Paudy Lane and a 0.2% increase in total traffic movement on Melton Road (B676). This projected impact indicates that there would be negligible impacts.
145. Given the nature and location of the site, consideration was given to non-car accessibility. It was considered that non-car accessibility did not bear sufficient relevance to the proposals to warrant an exhaustive audit. Sustainable transport within the vicinity of the site is of an adequate standard given the nature of the location and the proposed development.
146. The assessment included a study of road traffic accidents which had occurred within the vicinity of the site. It was found that no highway deficiency exists within the relevant proximity of the site's access road or surrounding highway infrastructure that may now or in the future pose a detrimental effect upon highway safety in the vicinity.
147. Overall, it was found that the proposals would not create an unacceptable impact on highway safety or lead to a severe impact on the road network. Notwithstanding the above, the assessment details the existing mitigation measures which are currently undertaken by the applicant and would be retained if permission were granted. These include the following;

- Adhering to the existing routeing legal agreement in which all HGV traffic must travel along the Six Hills end of Paudy Lane to the A46/B676, to ensure that HGVs do not travel through villages;
- Existing safety and environmental awareness training for all HGV drivers accessing the site;
- Where possible, maintaining hedgerows and vegetation to ensure that visibility splays are maintained at the access point;
- The observation and enforcement of speeding of company HGVs and dealing with any driver misconduct where required.

## **Planning Policy**

### **National Policy**

148. 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.

### **Development Plan**

149. The Development Plan in this instance is composed of the Charnwood Local Plan 2011 to 2028 Core Strategy, The Borough of Charnwood Local Plan (2004) Saved Policies, the Barrow upon Soar Neighbourhood Plan, the Sileby Neighbourhood Plan, and the Leicestershire Minerals and Waste Local Plan up to 2031 (Adopted 2019). Additionally, Charnwood Borough Council published the Draft Charnwood Local Plan 2019-36 as part of the process it is following to prepare a new local plan. The consultation lasted for six weeks and ended on the 16<sup>th</sup> December 2019. As the production of this revised plan is within the early stages, this draft local plan holds negligible weight in the decision-making process.
150. The relevant policies from the relevant documents of the Development Plan are as follows:

*Charnwood Local Plan 2011 to 2028 Core Strategy and the saved policies from the Borough of Charnwood Local Plan (2004)*

- Policy CS 13 (Biodiversity and Geodiversity);
- Policy CS 25 (Presumption in Favour of Sustainable Development).

*The Barrow upon Soar Neighbourhood Plan (Adopted 2017)*

- Policy BuS1 (Ecology and Biodiversity).

*The Sileby Neighbourhood Plan (Adopted 2019)*

- Policy G1 (Limits to Development);
- Policy ENV2 (Protection of sites of environmental significance);
- Policy ENV6 (Biodiversity, hedges and habitat connectivity);
- Policy ENV9 (Footpaths and bridleways).

*Leicestershire Minerals and Waste Local Plan (Adopted 2019)*

- Policy DM1 (Sustainable Development);
- Policy DM2 (Local Environment and Community Protection);
- Policy DM7 (Sites of Biodiversity/Geodiversity Interest);
- Policy DM9 (Transportation by Road);
- Policy DM10 (Public Rights of Way);
- Policy DM11 (Cumulative Impact).

151. Additionally, Charnwood Borough Council has published the Draft Charnwood Local Plan 2019-36 as part of the process it is following to prepare a new local plan. The consultation lasted for six weeks and ended on the 16th December 2019. As the production of this revised plan is within the early stages, this draft local plan holds negligible material weight in the decision-making process. The following policies within the Draft Charnwood Local Plan (2019-36) form a material consideration in decision-making but do not yet form part of the Development Plan;

- Draft Policy LP 22 (Conserving and Enhancing Biodiversity and Geodiversity);
- Draft Policy LP 34 (Local and Strategic Road Network).

**Consultations****Charnwood Borough Council (Planning and Environmental Health)**

152. Objection. Concerns are raised in relation to the impact on the residential property at the junction with the works access road, particularly with regards to single sound events (L<sub>Amax</sub>) resulting from additional HGV movements rather than cumulative continuous noise. Confirmation is sought that the L<sub>Amax</sub> limit has been assessed and that this limit is unlikely to be exceeded. Where the L<sub>Amax</sub> limit is likely to be exceeded additional mitigation proposals should be considered to minimise impact.

**Sileby Parish Council**

153. Sileby Parish Council have concerns about road safety issues and the junction, and any possibility of additional traffic being pushed through Sileby.

**Barrow upon Soar Parish Council**

154. No comments received.

### **Seagrave Parish Council**

155. Objection. The Parish Council's objections are listed below;
- Many residents did not receive notification of the public meeting to unveil the plans. This did not enable them to make their views known at the meeting.
  - To extend the hours of operation to 24 hours seems very unfair to local residents. The lorries make considerable noise going past properties and to have this happening 24 hours a day, gives them no respite.
  - The increase in vehicle movements will add to the disturbance to local residents. The road is a rural road and not built to cope with that volume of traffic. It will lead to a further deterioration in the condition of the road surface.
  - The Paudy crossroads is a known accident black spot and the increase in the volume of HGVs will only add to this danger.
  - The original application contained a condition that speed cameras were installed on the road and we would ask that this condition is now implemented.
  - The original application included provision for a railhead to be constructed on the site. We would ask that this is now constructed so goods can be moved by rail rather than road.
  - The road is used by many cyclists and horse riders. This increase in the volume of traffic will only make the road more dangerous for them. The lorries are regularly seen by local residents exceeding the speed limit.
  - If the development does go ahead, we would ask that local residents receive mitigation measures such as improved double glazing.

### **Walton on the Wolds Parish Council**

156. Objection. The parish of Walton is a rural community, part of which is designated a conservation area. Many residents living here chose to do so because of its rural character. The volume of heavy goods vehicles entering and leaving the parish on British Gypsum business is seen by many residents as very unwelcome in such an environment and any extension of intensification of this traffic is undesirable to many of our parishioners. It appears that British Gypsum are not able to fully control the behaviour of all vehicle drivers and there have been several verbally reported cases by residents of vehicles not complying with the speed limits laid down by British Gypsum.
157. The fact that the quality of the gypsum mined at Barrow is now lower and necessitates the import of higher quality material is a problem which the company should manage within the current transport time constraints and without the introduction of truck movements outside the existing transport hours. The number of residents living within earshot of Paudy Lane is not large but is nonetheless significant and these residents should be able to expect a

reasonable level and timing of HGV traffic. The introduction of Sunday movements and night time movements is unacceptable to our rural community. The fact that the company are proposing a 30 mph limit during night-time is confirmation that they recognise what an imposition this would be.

158. The import of higher quality material should and could be accommodated during normal commercial hours on weekdays. This should not be necessary on Sundays, just as it is not proposed for night movements.
159. The introduction of night time movements is, according to the company, to allow British Gypsum more freedom to facilitate delivery times requested by their customers. The company has managed for many years without the need for this freedom and it clearly not necessary. It would be a very damaging imposition on local residents and because it is clearly not essential, should be refused.

### **Local Highway Authority (Leicestershire County Council)**

160. Further information required. The Local Highway Authority requires further information and clarification regarding the applicant's assessment of the highway impacts and proposed mitigation. The information required relates to:
  - Signing of the voluntary 30mph speed restriction overnight;
  - Potential mitigation at Paudy Lane Crossroads;
  - Assessment of the night-time impacts of increased HGV movements; and
  - Impact of the increased HGV movements on the condition of the carriageway between Paudy Lane and the A46.

#### *Site Access*

161. The site would be accessed via an existing junction with Paudy Lane. Paudy Lane is subject to the national speed limit (50mph for HGVs over 7.5 tonnes). The applicant's current policy is that HGVs travelling between the site and the A46 should travel at 40mph. This is a voluntary speed restriction below the posted speed limit of the road.
162. The applicant notifies drivers of the restriction through signs posted at the exit to the site, on the approach to Paudy Lane. To minimise noise caused by HGV movements overnight, the applicant proposes to extend this policy and introduce a 30mph voluntary speed restriction for its drivers at night. It is unclear how this will be posted in a way that will not be confusing to drivers. Further information is required to evidence that the speed restriction can be implemented safely.

#### *Highway Safety*

163. The applicant has undertaken analysis of road traffic collisions in the vicinity of the site between 1st April 2013 and 10th July 2018. This is appropriate, given the timescales for submitting the application. However, the analysis appears to be missing one slight collision which occurred at Paudy Lane Crossroads on 13th June 2018. A further collision, categorised as serious, occurred at the Crossroads on 30th November 2018.

164. Given the number of collisions which have occurred at this location over this period, Paudy Lane Crossroads has been identified as an incident cluster site. The site also has been raised as a safety concern by residents, at consultation events pertaining to this application. The applicant has responded to these concerns by undertaking to discuss the location with Leicestershire County Council, with a view to making contributions towards a mitigation scheme. Agreements regarding mitigation and contributions need to take place as part of the planning process, prior to planning consent being given.

#### *Trip Generation*

165. Separate Transport Assessments should be provided for each individual application, covering only the impact for that application.
166. The trip generation and impact assessments provided refer to the AM and PM peak, and 24-hour movements. However, the application will involve a significant percentage increase in night-time HGV traffic associated with this development. Therefore, the trip generation and impact assessments should make reference to the period between 22:00 and 05:30.
167. Leicestershire County Council is concerned regarding the potential impact of the increase in HGV traffic on the condition of Paudy Lane. Paudy Lane is an evolved road, rather than a road which has specifically been designed and constructed to withstand HGV traffic. Leicestershire County Council is currently considering a highway maintenance scheme to strengthen Paudy Lane between the application site and the A46. It is possible that a prolonged increase in HGV traffic may require more strengthening work than is currently proposed. Leicestershire County Council requires further engagement with the applicant, including the information requested above, to fully understand the potential impact of the increase in HGV movements on the condition of Paudy Lane and what mitigation may be required.

#### **Ecology**

168. No objection. The proposal is minor in impact, and I am in agreement with the ecologists' assessment of impacts, therefore there are no recommendations for ecology mitigation.

#### **Publicity**

169. The proposal has been advertised by a site notice placed adjacent to the application area on the 20<sup>th</sup> December 2018 and neighbour notification letters. A press notice posted in the Leicester Mercury on the 26<sup>th</sup> December 2018.

#### **Representations**

170. Twelve representations were received, of which eleven were objections and one raised concern. The objections received are summarised below:
- The proposals would result in detrimental impacts on the quality of life, local amenity and livelihoods of residents, including increased litter, increased noise and reduced air quality;

- Existing issues regarding speeding HGVs and dangerous driving on Paudy Lane would be exacerbated and there is no current speed monitoring which is required;
- A voluntary speed limit of 30mph would not be effective and highlights the issue that would be caused in terms of noise from lorry movements. The voluntary speed limit would not be enforceable;
- The application would not reduce the daytime HGV traffic as this is unrestricted;
- Concerns were raised regarding the validity of the statistics and information provided in the transport, noise and ecology assessments;
- Paudy Lane is already in a poor state of repair and the current condition of the road makes it dangerous for road users. Paudy Lane crossroads are already dangerous. The proposals would exacerbate these issues;
- Issues raised with hiring lorry drivers and securing time slots for deliveries are not planning issues, they are management issues that should not impact local residents;
- Detrimental effects on health through disruption to sleep caused by the introduction of night time hours and the noise;
- Increased danger to all road users including cyclists and horse riders;
- Dangerous for the nocturnal wildlife which use the verges, hedges and land adjacent to Paudy Lane for foraging and as a corridor;
- Detrimental impact on the personal lives of HGV drivers by introducing overnight and weekend working;
- Planning permission 87/1467/2 stated that no raw gypsum was to be transported into the site. The application is a deviation from that decision. Concerns over the future objective of Barrow Mine becoming a general production plant for gypsum mined from elsewhere. Concerns over increasing cumulative changes to operations and lorry movements over time;
- British Gypsum have failed to fulfil the planning conditions associated with their planning permissions which require them to provide and maintain speed cameras on Paudy Lane. Unless there are speed cameras the speed limit would not be adhered to. The Company should be formally instructed to comply with these conditions;
- Residents would like to see the provision of sound attenuation provided;
- Devaluation of local properties;
- The company should create railway sidings and bring gypsum in by rail;

- The local area has many local businesses which could be negatively impacted by the increase in traffic and a reluctance to use the lane for recreation over the weekend;
  - The local area is rural and is therefore not a suitable location for 24-hour lorry movements and increased noise;
  - the application does not accord with the Charnwood Local Plan or The Strategic Growth Plan Leicester & Leicestershire;
  - The proposed mitigation measures are insufficient and have not involved the local community.
171. One objection was received from Mr Edward Argar, MP for Charnwood, on behalf of the residents in Seagrave. Mr Argar raised concerns and objects to the movement of lorries overnight having a detrimental impact on the residents of properties on or near Paudy Lane. Additionally, that residents would be severely impacted by the introduction of transport movements on Sundays. Mr Argar recognises the economic value of the site but believes that the operational needs of the site need to be carefully balanced against the needs of residents. He believes that to allow the extra movements would be to tilt the balance too far from the interests of residents. Mr Argar asks that alternative arrangements be sought to find a way for the plant to continue and expand its operations, that do not impact adversely on local residents.

### **Supplementary Information and Revisions**

172. Further information to support the application was submitted by the applicant on the 14<sup>th</sup> February 2020. The further information comprised a revised and supplementary planning statement and associated appendices, including revised noise and transport assessments, proposed improvements to the crossroads on Paudy Lane, a summary log of recent site complaints, a letter relating to the provision of speed cameras and a copy of the existing agreed speed monitoring scheme.
173. This further information supported revisions to the proposals. These revisions included increasing the amount of gypsum that can be imported to 180,000 tonnes/annum (as was previously proposed) with reduced permitted import times. The following vehicle restrictions are proposed;
- Monday to Friday - a maximum of 50 in any one day;
  - Monday to Friday - between 0700 and 19:00 hours only;
  - Saturdays - a maximum of 26, with no more than 6 in any one hour;
  - Saturdays - between 0800 and 1300 hours only; and
  - Sundays - no movements.
174. The existing and proposed vehicle movements for the importation of gypsum are illustrated below in Tables 1 and 2 respectively. Overall, there would be an additional 26 movements per weekday.

Time Period	Days of the week						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
00:00-01:00							
01:00-02:00							
02:00-03:00							
03:00-04:00							
04:00-05:00							
05:00-06:00							
06:00-07:00							
07:00-08:00							
08:00-09:00							
09:00-10:00							
10:00-11:00							
11:00-12:00							
12:00-13:00							
13:00-14:00							
14:00-15:00							
15:00-16:00							
16:00-17:00							
17:00-18:00							
18:00-19:00							
19:00-20:00							
20:00-21:00							
21:00-22:00							
22:00-23:00							
23:00-00:00							
<b>Maximum per day</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>12</b>	<b>0</b>

**Table 1.** Existing vehicle movement restrictions for gypsum importations.

Key: Green = permitted hours and red = curfew hours.

Time Period	Days of the week						
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
00:00-01:00							
01:00-02:00							
02:00-03:00							
03:00-04:00							
04:00-05:00							
05:00-06:00							
06:00-07:00							
07:00-08:00							
08:00-09:00						(6)	
09:00-10:00						(6)	
10:00-11:00						(6)	
11:00-12:00						(6)	
12:00-13:00						(6)	
13:00-14:00							
14:00-15:00							
15:00-16:00							
16:00-17:00							
17:00-18:00							
18:00-19:00							
19:00-20:00							
20:00-21:00							
21:00-22:00							
22:00-23:00							
23:00-00:00							
<b>Maximum per day</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>50</b>	<b>26</b>	<b>0</b>

**Table 2.** Proposed vehicle movement restrictions for gypsum importations.  
Key: Green = permitted hours and red = curfew hours. The values proposed for Saturdays are a proposed maximum number of movements for each time period.

*Revised transport assessment*

175. A revised transport assessment undertaken by independent consultants was provided in support of the application, in response to concerns and objections raised in the consultation process and to assess the revised proposal.
176. It was found that the proposed additional vehicular movements would fall within the capacity of the local and wider highway network. Revised link impact assessments were undertaken indicating that the future trip generation of the development proposals are likely to result in a 0.6% increase in total traffic movement on Paudy Lane and a 0.2% increase in total traffic movement on Melton Road (B676). The likely impacts were found to be negligible.
177. It was found that the site is well located in terms of access to the strategic highway network and all HGV traffic are currently, and would continue to be, routed on roads considered suitable to accommodate frequent HGV movements.

178. A study of road traffic accident records within the vicinity of the site was undertaken, covering a five-year period ending 28th August 2019. It is considered that in most of the cases causation is unlikely to be linked to a highways deficiency and that these incidents are more likely attributable to driver/rider error.
179. The potential cumulative impact of both applications 2018/VOCM/0251/LCC and 2018/VOCM/0252/LCC were assessed. Planning application 2018/VOCM/0251/LCC seeks to extend the permitted hours for the movement of HGVs to and from the site, relating to product movements and does not propose any increase in the number of HGV movements. It was found that if this application (2018/VOCM/0252/LCC) is permitted, the cumulative impact of additional HGV movements from increased imports of high-grade gypsum is considered negligible as any impact from the proposals under planning application 2018/VOCM/0251/LCC would be confined to the night time hours.
180. Overall, the development proposals would not create an unacceptable impact on highway safety or lead to a severe impact on the road network in terms of highways and transport.

*Proposed highway mitigation measures*

181. Notwithstanding the findings of the transport assessment, several mitigation measures are proposed by the applicant.
182. It is proposed to retain the existing routeing agreement (legal agreement) for the site. All HGV traffic is routed via the Six Hills end of Paudy Lane situated with the A46/B676. This ensures all HGV movements are made via the strategic road network and avoid passing through residential areas where possible. Additionally, existing company policy measures around highway safety and the environment would continue to be adopted, including the enforcement of the signed speed limits of the site's access road and the existing voluntary 40mph limit for company HGVs travelling along Paudy Lane.
183. The transport assessment did not find that any additional mitigation measures were required as part of the proposals. However, the applicant proposes several improvements to the Paudy Lane, Big Lane junction to address this area of local concern. These include improving visibility for the Big Lane approach through the cutting back of vegetation. However, this would have to take place on land not owned or managed by British Gypsum. Additionally, a high friction surfacing is proposed to be provided on the Big Lane approaches to prevent junction overshooting. Additionally, replacement junction signage is proposed which would be larger and feature yellow backing boards to increase their visibility.

*Revised noise assessment*

184. A revised noise assessment undertaken by independent consultants was provided in support of the application, in response to concerns and objections raised in the consultation process and to assess the noise impact of the proposed changes. It was determined that the additional HGV movements are not expected to have an adverse noise impact on the ambient noise environment at any of the receptor locations assessed.

*Responses to concerns raised by residents and stakeholders*

185. The applicant has provided responses to concerns and objections raised relating to the speed of existing HGVs along Paudy Lane, the control of sub-contractors, complaint handling, the installation of speed cameras, the safety of Paudy Lane crossroads, the wear and tear of Paudy Lane, the use of rail sidings for the delivery of imported gypsum and the need for the importation of more high-grade gypsum.
186. Within this response, the applicant proposes to carry out independent speed checks to record the speeds and registration numbers of HGVs travelling along Paudy Lane. The applicant proposes that a planning condition be imposed requiring the submission of a speed monitoring scheme to be approved by the Planning Authority. Such a scheme would include details of the frequency, duration and location of speed checks.
187. Additionally, an analysis of the possibility of importing gypsum to the site via rail is provided. The source mine for the additional gypsum, in Newark is not rail connected. There is a rail link which could be utilised, however material would have to be transported seven miles by HGV to the rail link. Barrow Works is located adjacent to the London to Sheffield rail line. However, no rail sidings are present on the Barrow side of the railway line. The Company have previously investigated the setting up of rail sidings to support the site. However, due to the cost of signalling and stabilising work required for the nearby former St. Margaret's limestone mine this option remains unviable.

**Consultations on Supplementary and Revised Information****Charnwood Borough Council (Planning)**

188. No objection.

**Charnwood Borough Council (Environmental Health)**

189. No objection.

**Sileby Parish Council**

190. No response received.

**Barrow upon Soar Parish Council**

191. No response received.

**Seagrave Parish Council**

192. Seagrave Parish Council wishes to object to this application. The application reduces the amendment for hours requested to 0300 hrs to 2230 hours weekdays. This is still unacceptable for residents who live within 30/40ft of the road. The disruption to their sleep would be severe with lorries rumbling by. These would have a severe impact on the quality of their lives.

193. The original planning approval did not allow for the importing of Gypsum onto the site and we object to this being allowed. Also, British Gypsum has dismissed the installation of speed cameras because of excessive cost. We should suggest they investigate putting in vehicle activated signs at a number of points on Paudy Lane to show vehicle speeds as they approach. These will be much cheaper than speed cameras and they can be powered by solar panels. They may be particularly effective at Paudy Crossroads.
194. The original application from British Gypsum included a proposal for a railway siding to be built. This was never implemented and we feel that if this was explored further it would alleviate the need for the increased journeys by lorry.

### **Walton on the Wolds Parish Council**

195. Objection. We agree with the compromise proposals put forward by the residents and ask that the planners consider these carefully when reviewing this application. They are as follows:
- All sub-contract stone HGVs to have their tachographs checked on entry to the mine. The main contractor Ratcliffe has telemetry in cabs but unless it is checked what is the point. Again, random checks should be done to enforce the 40mph limit.
  - Solar powered warning signs which tell the speed a vehicle is doing set to begin at 40mph to be installed by British Gypsum (BG) in at least 3 positions in each direction.
  - Campaign along with BG to have Paudy Lane a 50mph zone from Six Hills to Mucklegate Lane and 40mph to Barrow village along Melton Road.
  - No more than 180,000 tonnes to be brought in by road to Barrow Mine in future.

The total number of HGV movements, both product and stone will be no more than 319/day. Added to that are pallets, tankers and others. We strongly recommend the council take these concerns into consideration and agree to the compromise proposals.

### **Local Highway Authority (Leicestershire County Council)**

196. No objection. The LHA had requested further information regarding; Signing of the voluntary 30mph speed restriction overnight; Potential mitigation at Paudy Lane Crossroads; Assessment of the night-time impacts of increased HGV movements; and impact of the increased HGV movements on the condition of the carriageway between Paudy Lane and the A46.

#### *Signing of the voluntary 30mph speed restriction overnight*

197. It is now understood the proposed 30mph voluntary speed limit has been removed from the proposal as the LHA had concerns regarding how this would be implemented in a way which would not confuse drivers.

*Potential mitigation at Paudy Lane Crossroads and impact of the increased HGV movements on the condition of the carriageway between Paudy Lane and the A46*

198. There have been 7 recorded Personal Injury Collisions (PICs) within the last 5 years at the Paudy Lane crossroads, however none involved HGVs. The LHA believe that the proposed development does not result in a significant increase in HGV movements. There will be an additional 2 HGVs per each hour (07:00 - 19:00) including the AM/PM peak hours between Monday - Friday. 26 movements on a Saturday (with no more than 6 per hour). The LHA believe that the proposed development does not result in a significant increase in HGV movements (with no additional movements in the AM/PM peak), therefore it would not be reasonable for the LHA to seek any improvement works to Paudy Lane. Notwithstanding this, the LHA has considered the following improvements that the applicant has proposed:

- New yellow-backed signage, replacing the existing signs at the crossroads to warn drivers of the presence of the crossroad junction. The LHA would advise the following;
  1. The advanced give way (AGW) signs will need to be accompanied by SLOW markings.
  2. The give way signs should be amended to yellow backed as well to ensure consistency in the signing strategy.
- High friction surfacing on each approach to the crossroads; the LHA no longer supports the use of high friction surfacing unless a site is specifically identified as requiring such a measure due to the significant on-going maintenance costs involved.

The applicant also proposes visibility splays should be improved, however this would be on third-party land therefore not a mitigation measure the applicant would be able to fulfil or maintain. Therefore, whilst it would be unreasonable for the LHA to seek to condition the proposed signage work, the LHA would welcome these measures if the applicant wished to proceed. It is important to note however that the LHA are not stating that these works are required to mitigate the impact of this proposal. The applicant would therefore not be obliged to undertake any such works. If they wished to do so, they should contact the Traffic & Signals team.

*Assessment of the night-time impacts of increased HGV movements*

199. It is understood the proposal to vary condition 8 above to allow HGV movements to be increased from 24 to 50 movements, which equates to 25 deliveries in a 24-hour period, between the hours of 07:00 to 19:00 only, which would result in an increase from 90,000 to 180,000 tonnes of gypsum per annum. The additional vehicle movements over the existing trip generation equates to 26 movements per weekday (an average of 4 HGV movements per hour, i.e. 2 arrivals and 2 departures). The Applicant has given consideration to the additional HGV movements that would be generated by the proposal. Figure 6-3 of the submitted Further Information document compares the existing traffic on Paudy Lane with the proposed additional site traffic generated as a result of the proposals to import greater quantities of gypsum

and also forecasts the expected percentage net increase in vehicular traffic volumes. The above identifies that there would be a maximum daily increase of 26 HGV movements. Therefore, no further assessment of the existing condition of Paudy Lane is considered necessary.

200. The LHA are satisfied that the proposed increase in movements equates to a maximum of 50 movements per weekday (an average of 4 HGV movements per hour, i.e. 2 arrivals and 2 departures including the AM/PM peak) and 26 HGV movements (no more than 6 in one hour, including the AM/PM peak) will not lead to a significant impact on the highway network.

#### *Public Rights of Way*

201. Although there will be additional HGVs accessing the site, the hours of HGV operation have been reduced, meaning users of the public rights of way will have more time to use the rights of way without concern about HGVs accessing over it. Regardless of this, the LHA do not have any concerns regarding additional HGVs crossing over the PROW.

#### *Assessment of cumulative impacts and conclusion*

202. As to the cumulative impact if both applications were determined, the LHA consider the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Therefore, the proposal does not conflict with paragraph 109 of the National Planning Policy Framework (2019). No objection is raised to the proposal as the proposal is not considered to have an unacceptable impact on highway safety, or that the residual cumulative impacts on the highway network would be severe in accordance with paragraph 109 of the National Planning Policy Framework.

#### **Ecology**

203. No additional comments.

#### **Publicity**

204. The further information has been publicised by press notice in the Leicester Mercury on 5th March 2020, neighbour notification letters and site notices on 5th March 2020.

#### **Representations**

205. A total of 8 representations were received for the second consultation period. The representations comprised a total of 7 objections and one concern raised. The representations raise objections on the following points which have been summarised for the purposes of this report;
- Planning permission should only be granted subject to any more increases in gypsum importation being brought in by rail;
  - The site was never intended to be a production site for imported material and activities on the site are increasing incrementally over time;
  - The hours proposed are suitable but not the numbers of vehicles;

- The site is not and have not complied with the requirements of the existing planning conditions with respect to speed cameras and speed monitoring. The company should install speed cameras;
- Concerns about the details and accuracy of the submitted transport assessments;
- All lorries should have tachographs checked on arrival at the site;
- Solar speed warning signs should be provided;
- If approval given, then no further increases in imports should be granted in the future;
- The proposals are unnecessary;
- Imports should be brought in by rail instead;
- The proposals would have a detrimental impact on all road users, including cyclists and horse riders;
- Existing issues around speeding HGVs associated with the site should be addressed and would be exacerbated;
- Detrimental impacts on the amenity of local residents, including air quality, litter and noise and vibrations from lorries;
- The noise, transport and ecology assessments are incorrect;
- Proposal would have a detrimental impact on local wildlife;
- Detrimental impact on the maintenance costs of Paudy Lane,
- The applicant is not currently adhering to the existing permitted times for HGV movements;
- Location for the proposed development is unsuitable as it is a rural area;
- Increased danger to all road users;
- Detrimental impact on the personal lives of HGV drivers;
- The importation of gypsum is not currently permitted;
- The plant should only be used for the production and manufacture of gypsum products from the Barrow Mine;
- The development does not accord with the Development Plan;
- Better signage at the crossroads is supported but surfacing should not be used as it adds to noise issues when lorries go past;
- No benefits for local residents are proposed;
- The quality of driving for those lorries already accessing the site is very poor;
- Not all residents were invited to the Open Day;
- The company have never offered to replace any double glazing on local properties;
- There is no end date to the operations at Barrow Mine and so there is no end date for impacts caused by lorries;
- There is no benefit to the proposed changes to the times, the proposed hours of 03:00 are just as disturbing as 05:30 or overnight, as all result in loss of sleep;
- The noise assessment indicates that internal sound levels are already above WHO guidelines, this does not mean that the proposals are acceptable;
- Residents already have disturbed sleep from lorries travelling to and from the application site.

Additionally, the comments received proposed preferred alternative hours and movements.

206. In addition to the above, concerns were raised by Councillor James Poland on behalf of the residents in the Wreake Villages Ward. Concerns were raised regarding the extension of the permitted hours and the existing noise and vibration from lorries within a countryside setting and the potential impacts of the proposals on resident's night time amenity and sleep. Mr Poland notes that the site appears to be ideally suited to the use of railway. It is believed that this option should be considered before any decision is made on the applications.

### **Assessment of the Proposal**

#### **The Development Plan**

207. This application should be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant considerations in determining the acceptability of this proposal are: the nature and need for development, highways, ecology and environmental impacts, including local and neighbour amenity. The application seeks planning permission for a variation of conditions 8 and 10 of planning permission 2001/2001/2 to allow an increase in imports of high-grade gypsum to the site and to reduce the permitted hours of importation.

#### *Nature and need for the development*

208. The importation of high-grade gypsum to blend with lower grade mineral was initially approved in June 1992, which was subsequently extended by numerous later permissions. In March 1995, permission was granted for the importation of up to 90,000tpa of high-grade gypsum by road for a temporary period, ending in December 1996. In October 1996 permission was granted for the importation of up to 120,000tpa by road for a further temporary period, ending in December 2001. In October 2001, a permanent permission was granted for the importation of up to 90,000tpa (permission reference 2001/2001/2).
209. In 2005 a temporary permission was granted for the importation of up to 170,000 tonnes of high-grade gypsum (permission reference 2005/2313/2). This permission has since lapsed and the limit for importation of gypsum remains at 90,000tpa under permission reference 2001/2001/2. This application seeks to increase the amount of high-grade gypsum that can be brought into the site to approximately 180,000 tonnes and reduce the permitted hours of importation.
210. The reasons for the proposals are set out by the applicant. The importation of high-grade gypsum from Newark to Barrow Mine has been taking place since the mine commenced operating in 1992. This importation is used to raise the average grade of the rock which is mined at the site and allows for the reserves to be fully maximised. A suitable product is achieved by blending lower grade material with the imported, higher grade material. Increased imports are sought by the company owing to natural variations in the quality of the areas which can be mined and the presence of lower grade areas. The increase in imports would allow the reserves to continue to be fully maximised.
211. A second planning application was submitted simultaneously by the applicant to seek approval for the night time movement of HGVs into and out of the site (planning application reference 2018/VOCM/0251/LCC). Whilst the two

applications are linked to HGV movements into and out of the site with respect to numbers and timings, the two applications form two separate proposals and are assessed independently of one another. This application solely relates to HGV movements associated with the importation of gypsum into the site and their permitted timings. Notwithstanding this, the cumulative impact of both applications being permitted are considered below.

#### *Location of the proposed development*

212. During the consultation process objections and concerns were raised to the location of the proposed development and the scale of the proposed operations within the locality. The site is located between the villages of Barrow upon Soar, Sileby and Seagrave.
213. The existing allowance for the importation of gypsum to the locality is considered an associated ancillary industrial activity solely for the benefit of mineral processing. There are environmental benefits in allowing the importation of gypsum in order to fully maximise the mineral reserves on the site. Paragraph 203 of the NPPF (2019) highlights the importance of ensuring that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. It goes on to state that since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
214. The importation of gypsum to the site is limited to the lifespan of the reserves at the mine, as the site is required to remove all buildings and structures including those for the processing of rock once mineral extraction on the site ceases. Therefore, once mineral extraction at the sites ceases, the site is required to be restored and there would be no further imports to the site. Additionally, Condition 7 of permission 2001/2001/02 requires that the importation of gypsum to be limited only for the purpose of enhancing the quality of gypsum rock extracted from the Barrow Mine and for no other purpose. This control would be retained should permission be granted.
215. Notwithstanding the above, the environmental, transportation and cumulative impacts of the proposal in the locality are considered below.

#### *Highways and transport considerations*

##### Use of rail

216. During the consultation process objections were raised with regards to the proposed increase in HGV movements and that the applicant should instead be utilising the use of the rail network. The applicant has provided evidence as to why the use of rail is not viable for the importation of gypsum. The evidence demonstrates that given the source locations for the imported rock there are no suitable railhead options. Whilst Barrow Works is located adjacent to the London to Sheffield railway line, the site does not have railway sidings. There are railway sidings which exist on the Barrow side of the rail line. There are sidings present on the opposite side of the track which are dedicated to the export of granite from Mountsorrel Quarry and would not be available to the applicant. The Company have previously investigated the option of creating

sidings for the site. However, due to the capital cost of setting up the rail sidings, particularly owing to the cost of stabilisation work for the former St. Margarets limestone mine, this option remains unviable.

#### Assessment of road impacts

217. Following the consideration of the further information the Local Highway Authority has recommended that the proposal is acceptable and addresses the concerns previously raised. The proposed development would not result in a significant increase in HGV movements. Additionally, as it would not result in a significant increase in HGV movements, it would not be reasonable for the Local Highway Authority to seek any improvement works to Paudy Lane. Whilst it would be unreasonable to seek to condition the proposed signage work, these measures would be welcomed if the applicant wished to proceed. However, such works are not required to mitigate the impact of this proposal. The applicant would therefore not be obliged to undertake any such works.
218. Overall, the proposed increase in movements would not lead to a significant impact on the highway network and the proposal is not considered to have an unacceptable impact on highway safety, or that the residual cumulative impacts on the highway network would be severe.
219. The site has existing mitigation measures to limit the impacts of transporting materials by road. These include an existing legal agreement which controls the routing of all lorries to and from the site. This ensures all HGV movements are made via the strategic road network and avoid passing through residential areas where possible. This requirement would be retained.

#### Speeding and driver behaviour

220. Objections and concerns were raised with regards to alleged existing issues around vehicles which travel along Paudy Lane speeding and demonstrating poor driving behaviour and that the proposals if permitted, would exacerbate these issues. It should be noted that whilst highway safety and traffic impacts are material planning considerations, speeding and driver behaviour and their potential exacerbation are not. These matters are controlled by civil law. Notwithstanding this, the applicant has existing mitigation measures to control the speed of lorries which access its site. These include a voluntary speed limit of 40mph on Paudy Lane which is reinforced through company procedures in addition to a complaint handling system. It is proposed that these existing measures would be retained.

#### Compliance with existing planning conditions

221. Objections and concerns were raised to the site's compliance with existing planning conditions. Particularly, the requirement of Condition 4 of planning permission 2001/2001/02 which required the implementation of several traffic mitigation measures. Part b) of the condition required, 'Provision of traffic speed cameras (within the public highway) which are privately owned and operated by the Company. The traffic speed cameras shall be installed to monitor vehicles travelling to and from the Barrow Works'. The condition goes on to state, 'All information obtained from the traffic speed cameras shall be made available to

the Director of Planning and Transportation within 7 days of a written request by him’.

222. Following the grant of permission 2001/2001/02 it was found that the installation of speed cameras would be difficult to provide owing to the lack of convenient electricity supply. Additionally, correspondence from the Local Highway Authority indicated that mobile cameras may be more effective than one static camera. Following this, a mobile speed camera scheme was submitted to the Planning Authority. The applicant used an independent contractor to carry out random speed checks along Paudy Lane for a period of 6 months. The applicant has been in discussions with the Local Highway Authority and it is considered that the permanent installation of speed cameras remains an unviable option. Given that speeding is a matter of civil law, it is not considered that any further assessment of the viability for the installation of speed cameras on Paudy Lane is required.
223. Notwithstanding the above, the applicant proposes to carry out independent speed checks to record the speeds and registrations of HGVs travelling along Paudy Lane. The applicant proposes that a planning condition be imposed requiring the submission of a speed monitoring scheme to the Authority for approval. However, such a planning condition would not meet the relevant tests for planning conditions, as set out in paragraph 55 of the NPPF. These are whether the condition is:
- 1.necessary;
  - 2.relevant to planning;
  - 3.relevant to the development to be permitted;
  - 4.enforceable;
  - 5.precise; and
  - 6.reasonable in all other respects.
224. Such a planning condition would not be *necessary*, given that speeding vehicles outside of the site boundary are a matter for civil law and therefore not *relevant to planning*. Additionally, given that the monitoring would be required to take place outside of the site boundary, any such condition would not be *enforceable*. Therefore, it is not recommended that such a condition be imposed. However, should the applicant wish to undertake independent monitoring and provide the results to the local parish councils or the liaison committee this would be welcomed.
225. Further to this, it is also considered that Condition 4 of planning permission 2001/2001/2 does not meet the relevant the tests for planning conditions as set out in paragraph 55 of the NPPF. The imposition of the planning condition was not *necessary*, given that speeding vehicles outside of the site boundary are a matter for civil law and therefore not *relevant to planning*. Additionally, given that the monitoring must take place outside of the site boundary, the planning condition remains unenforceable. Therefore, this requirement should no longer be imposed should permission be granted, and it is proposed that this condition be removed from any subsequent decision notice.

Public Rights of Way

226. The proposals would not alter the existing public rights of way which cross the site's access road. The LHA do not have any concerns regarding additional HGVs crossing over the PROW and the PROW would continue to be retained and protected.
227. In consideration of the above, and subject to the imposition of the recommended conditions and the retention of the legal agreement controlling routeing to and from the site, the proposals are found to accord with paragraph 109 of the National Planning Policy Framework, Policy DM9, Policy DM10 and Policy ENV9.

*Proposed mitigation measures*

228. The applicant proposes mitigation measures in response to local concerns around highway safety along Paudy Lane. The Local Highway Authority found that these mitigation works are not required to mitigate the impacts of this proposal. The applicant would therefore not be obliged to undertake any such works. However, the Local Highway Authority would welcome these measures if the applicant wished to proceed.

*Ecology and nature conservation*

229. An ecological walkover survey undertaken by an independent consultant was provided in support of the proposals. There would be no risk of habitat loss given the number of proposed additional vehicle movements and there would be no adverse effects to the surrounding non-statutorily designated sites. The risk of collision with badger, bats and other mammals / birds is considered minimal and it was found that the application would have negligible impact on any species which may be utilising the site. All of the habitats within and outside of the site would be retained and remain undisturbed, as the additional HGVs would utilise existing infrastructure. Therefore, the proposal is considered to accord with Policy CS 13, Policy BuS1, Policy ENV2, Policy ENV6 and Policy DM7.

*Local Amenity*

230. An updated noise assessment was submitted by the applicant in response to concerns raised during the first consultation period. The report presented an assessment of the noise impact of the proposed additional movements at eight noise sensitive locations. The additional importation of gypsum would not have significant impact and the proposals are likely to have a low impact. Environmental Health raise no concerns in response to the application. Therefore, the proposals are found to accord with Policy DM2.

*Cumulative Impact*

231. It is always appropriate to consider the cumulative impact of a number of separate effects from a single site. Adverse cumulative impacts may include increased levels of noise, vibration, dust, odour and artificial lighting. The local highway network could also be affected by increased HGV movements with additional hazards related to road safety. In this instance it is considered imperative to assess the cumulative impact of granting approval for this planning application and planning application reference 2018/VOCM/0251/LCC, owing to their similarity in proposing to alter HGV movements to the site and their permitted timings. Although each application is being considered separately, based upon their own merits, the applications have been submitted simultaneously by the applicant and have considerable overlap in potential environmental effects. It must be noted that in considering the cumulative effects of granting permission for both applications, it is not assumed that each permission would be granted.
232. The revised transport assessment which was submitted in support of the application assessed the cumulative impact of both applications. Planning application reference 2018/VOCM/0251/LCC seeks to extend the permitted hours for the movement of HGVs to and from the site, relating to product movements and does not propose any increase in the number of HGV movements. Therefore, if this application (2018/VOCM/0252/LCC) is permitted, the cumulative impact of additional HGV movements from increased imports of high-grade gypsum is considered negligible as any impact from the proposals under planning application 2018/VOCM/0251/LCC would be confined to the night time hours which have been proposed.
233. The cumulative impact if both applications were determined was assessed by the Local Highway Authority. It was found that the cumulative impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Therefore, the proposal does not conflict with paragraph 109 of the National Planning Policy Framework (2019) with regards to residual cumulative impacts on the road network.
234. The cumulative impacts upon local amenity and in particular impacts upon local noise levels is considered. Application 2018/VOCM/0252/LCC proposes to increase the overall number of vehicle movements in the day but in order to mitigate the impact offers up reduction of movements at times that residents may find disturbing, that is between 0600-0700 Monday- Friday, in an evening from 1900-2200 and 0600-0800 hours on Saturdays. Relinquishing such times may be beneficial to resident's amenity. Application 2018/VOCM/0251/LCC seeks to allow HGV movements during currently non-permitted hours. These hours are at noise sensitive times when increased movement has the potential to impact sleep disturbance regardless of overall changes to ambient levels. It is considered necessary to condition the installation of the acoustic fence and this provision will have the advantage that it will impact both applications. Overall, the existing noise levels are already over recommended levels, due to the level of traffic on Paudy Lane and therefore increased vehicle movements during the day are not a concern. The issue is the increased movements during noise sensitive hours, particularly to occupiers of The Barn, which if limited per hour and mitigated with the fence should not be significantly adverse.

235. With regards to the natural environment, both proposals would not result in any habitat loss and there would be no adverse effects to the surrounding non-statutorily designated sites. All of the habitats within and outside of the site would be retained and remain undisturbed, as the additional HGVs would utilise existing infrastructure. It was considered that no impacts to the habitats within or adjacent to the site are anticipated as a result of the proposed increase in vehicle movements. Additionally, the introduction of a small amount of vehicle movement during night time hours would not result in a significant impact on the local flora or fauna. Cumulatively, it is considered that the impacts to the natural environment both alone and in combination would be negligible.
236. The cumulative effects of the proposed development are considered appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development, in accordance with paragraph 180 of the NPPF. Overall, Subject to the recommended planning controls being imposed in addition to those which exist on the site, it is considered that the proposed operations would not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from the sites and other factors in the locality and therefore the proposals would accord with paragraph 205 of the NPPF and Policy DM11.

*Sustainability of the proposed development*

237. When considering proposals for minerals and waste development, the Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF (2019). Proposals should contribute to the three dimensions (economic, environmental and social) of sustainable development. The proposal, if permitted, would continue to enable the site to ensure a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs, in line with paragraph 203 of the NPPF. The proposal accords with the NPPF in supporting economic growth and this should be given considerable weight in favour of the application.
238. This must be balanced against the environmental and social objectives of sustainable development. The application, if granted permission would not have significant impacts upon the local highway or on local amenity. It is considered that there would be no adverse impacts on the natural and historic environment, human health or aviation safety, taking into account the cumulative effect of multiple impacts from the individual sites and/or other sites in the locality. Therefore, the proposal accords with paragraph 205 of the NPPF. Overall, the proposal is found to accord with the principles of sustainable development, Policy CS 25 and Policy DM1. Although the proposed development falls outside of the limits to development within the Sileby Neighbourhood Plan, the development would be controlled in line with local and national strategic planning policies and therefore accords with Policy G1.

*Other*

239. Numerous objections were raised to the proposals during the consultation process which raised concerns regarding any detrimental impact on lorry drivers or the negative effect on the value of local properties as a result of the proposed development. It should be noted that these are not material considerations and have not been taken into account in this assessment.
240. A revised set of planning conditions are proposed, which removes those conditions from the 2001/2001/02 planning permission which are no longer relevant. For example, those relating to the storage of oils, fuels or chemicals; as these matters are now controlled and monitored by the Environment Agency. Additionally, those conditions which do not meet the statutory tests for planning conditions have been removed.

**Conclusion**

241. By reason of the above assessment it is considered that the proposal is in general accordance with the development plan. In particular, policies DM2 and DM7 which relate to the local environment, community protection and sites of biodiversity interest and policies DM9 and DM11 which relate to the transportation of mineral by road and cumulative impact.
242. The relevant development control policies within the development plan provide the basis for the assessment. The proposal has also been assessed against national planning policies and guidance contained in NPPF and PPG and is considered to reflect the principles of sustainable mineral development.
243. It is considered that subject to the imposition of planning conditions and the prior completion of a Deed of Variation legal agreement to ensure the continued imposition of lorry routeing to and from the site, the proposed development would be acceptable.

**Recommendation**

PERMIT planning application 2018/2589/02 (2018/VOCM/0252/LCC) subject to the conditions as set out in the Appendix and the prior completion of a Deed of Variation legal agreement to ensure the continued imposition of lorry routeing to and from the site;

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.

**Recommended planning conditions 2018/2588/02 & 2018/2589/02**  
**(2018/VOCM/0251/LCC & 2018/VOCM/0252/LCC)**

**Scope of the permission and commencement**

1. The development shall be commenced within 3 years of the date of this permission. Written notification of the commencement of the development shall be provided to the Mineral Planning Authority within seven days from the date of the commencement.
2. The plant and buildings hereby permitted shall not be used for any other industrial or commercial use other than the production and manufacture of gypsum products from the Barrow upon Soar Mine.

**Building and highway details**

3. The siting, design and external appearance of all the buildings and plant shall be maintained in accordance with those details approved by the Mineral Planning Authority on the 7<sup>th</sup> January 1988 under application reference 1987/2544/02, the details approved under Condition 3 of planning permission 87/1467/2 and the details contained in the submitted planning application no. 2001/2001/02 dated 17th July 2001 and the accompanying drawings.
4. The site's access at the junction of Paudy Lane shall be maintained in accordance with those details approved under condition 4 of planning permission 87/1467/2.

**Restrictions on vehicle movements and the importation of gypsum**

5. The sole means of vehicular access to the site shall be restricted to the access road and junction from Paudy Lane. All alternative accesses shall remain permanently closed to the satisfaction of the Mineral Planning Authority.
6. No heavy vehicles shall enter or leave the site between the hours of 2230 and 0300 on weekdays (Monday to Friday) and between the hours of 1900 to 0530 on Saturdays. No heavy goods vehicles shall enter or leave the site on any Sunday or Public or Bank Holiday.

7. During the permitted hours outlined in Condition 6 above the following restrictions on the movements of heavy vehicles shall apply;
  - (a) Between the hours of 03:00 and 05:00 on weekdays (Monday to Friday) there shall be no more than 8 movements of heavy vehicles entering or leaving the site per hour. On those days, between the hours of 05:00 and 05:30 there shall be no more than 8 movements of heavy vehicles entering or leaving the site;
  - (b) Between the hours of 05:30 and 19:00 on weekdays (Monday to Friday) there shall be no restrictions on the number of movements of heavy vehicles entering or leaving the site per hour;
  - (c) Between the hours of 19:00 and 22:00 on weekdays (Monday to Friday) there shall be no more than 10 movements of heavy vehicles entering or leaving the site per hour;
  - (d) Between the hours of 22:00 and 22:30 on weekdays (Monday to Friday) there shall be no more than 2 movements of heavy vehicles entering or leaving the site;
  - (e) There shall be no restrictions on the number of vehicle movements during the permitted hours for heavy vehicle movements on Saturdays (05:30 - 19:00)
8. A record of daily heavy vehicle movements and timings to and from the site shall be maintained and shall be submitted for inspection to the Mineral Planning Authority upon request. All records shall be kept for at least 12 months.
9. The importation of gypsum shall be limited only to desulphogypsum or other high-quality gypsum to be used for the purpose of enhancing the quality of gypsum rock extracted from Barrow Mine.
10. The number of lorry movements associated with the importation of gypsum to the Barrow Works shall not exceed 50 for weekdays (Monday-Friday) and a maximum of 26 on Saturdays, with no more than 6 in any one hour on Saturdays. A record of daily lorry movements pertaining to those lorries associated with the importation of gypsum shall be maintained and shall be made available to the Mineral Planning Authority at any time upon request. All records shall be kept at least 12 months.
11. No lorries carrying gypsum shall enter the site except between the hours of 0700 and 1900 on weekdays (Monday to Fridays) and 0800 and 1400 on Saturdays. No lorries carrying gypsum shall operate on any Sunday or any Public or Bank Holiday.

### **Lighting**

12. No means of illumination shall be erected along the access road from Paudy Lane to the factory site.

13. The car parking and loading areas and the means of illuminating these areas shall be maintained in accordance with the details approved under condition 12 of planning permission 87/1467/2 by the Mineral Planning Authority.

#### **Other operational matters**

14. All loading and unloading of vehicles shall take place within enclosed loading bays.
15. No waste materials shall be stored or deposited on the site other than for the purpose of re-processing or disposal elsewhere, in which case they shall not be stored for more than 14 days.

#### **Noise**

16. All fixed plant and machinery including loading bays and hoppers shall be enclosed within buildings in accordance with the scheme approved under Condition 21 of planning permission 87/1467/2.
17. All conveyors and transfer points associated with this development shall be enclosed to the satisfaction of the Mineral Planning Authority.
18. The recorded background noise levels contained within Table 1 of the Wimpey Laboratories Report 895 (f) for the periods 0700 - 2200 and 2200 - 0700 shall be the basis for settling the limits for permanent on site noise emissions. Noise emanating from the site due to the operation of any permanent noise source in connection with this planning permission shall not exceed the mean cumulative levels La90 for the periods stated in the report +3dB(A).
19. Final details for the materials and specification of the acoustic fencing must be submitted to, and approved by, the Mineral Planning Authority. The acoustic fencing shall thereafter be installed in accordance with the approved details prior to the commencement of development.

#### **Planting**

20. All planted material as approved under Condition 17 of planning permission 87/1467/2 shall be maintained and replaced as necessary during the life of the plant and factory.

#### **Restriction of Permitted Development Rights**

21. Notwithstanding the provisions of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modification:
  - No fixed plant or machinery, building, structures and erections, or other similar apparatus, shall be erected, extended, installed, or replaced within the site without the prior written approval of the Mineral Planning Authority following the submission of relevant details and plans.

**Restoration and time limit**

22. All plant, machinery, structures and buildings shall be removed from the site and the site cleared to the satisfaction of the Mineral Planning Authority within 12 months of the cessation of the mining operations at Barrow Mine.

**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. The Mineral Planning Authority is only prepared to grant planning permission for this development in association with the Gypsum mine; and to prevent any other industrial or commercial use taking place on this site.
- 3 & 4. To ensure a satisfactory external appearance and grouping of materials.
5. To prevent heavy vehicles travelling through the surrounding villages.
- 6 & 7. To safeguard the amenities of the area and to protect local residents in the surrounding area.
8. To allow the Mineral Planning Authority to monitor the permission.
9. To accord with the terms of the application and for the avoidance of doubt.
- 10 & 11. To protect the amenities of the area and to enable the Mineral Planning Authority to monitor the development and to accord with the terms of the application.
- 12, 13, 14, 15, 16, 17 & 18. To safeguard the amenities of the area and to protect residents in the surrounding area.
19. To ensure a satisfactory grouping of materials in the interests of visual amenity and to ensure a satisfactory development in the interests of noise reduction and local amenity.
20. To enhance the appearance of the development and to ensure that it is suitably maintained.
21. To safeguard the amenities of the area and to protect local residents in the surrounding area.
22. The Mineral Planning Authority is only prepared to grant planning permission for this development in association with the gypsum mine and to prevent any other industrial or commercial use taking place on this site.

## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

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

### **EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

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

### **IMPLICATIONS FOR DISABLED PERSONS**

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

#### **Note to Applicant Department**

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

### **COMMUNITY SAFETY IMPLICATIONS**

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

### **BACKGROUND PAPERS**

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

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

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

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

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

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

- Section 70(2) : determination of applications;
- Section 77(4) : called-in applications (applying s. 70);
- Section 79(4) : planning appeals (applying s. 70);
- Section 81(3) : provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
- Section 91(2) : power to vary period in statutory condition requiring development to be begun;
- Section 92(6) : power to vary applicable period for outline planning permission;
- Section 97(2) : revocation or modification of planning permission;
- Section 102(1) : discontinuance orders;
- Section 172(1) : enforcement notices;
- Section 177(2) : Secretary of State's power to grant planning permission on enforcement appeal;
- Section 226(2) : compulsory acquisition of land for planning purposes;
- Section 294(3) : special enforcement notices in relation to Crown land;
- Sched. 9 para (1) : minerals discontinuance orders.