



DEVELOPMENT CONTROL AND REGULATORY BOARD

18TH OCTOBER 2001

**REPORT OF THE ACTING DIRECTOR OF PLANNING AND
TRANSPORTATION**

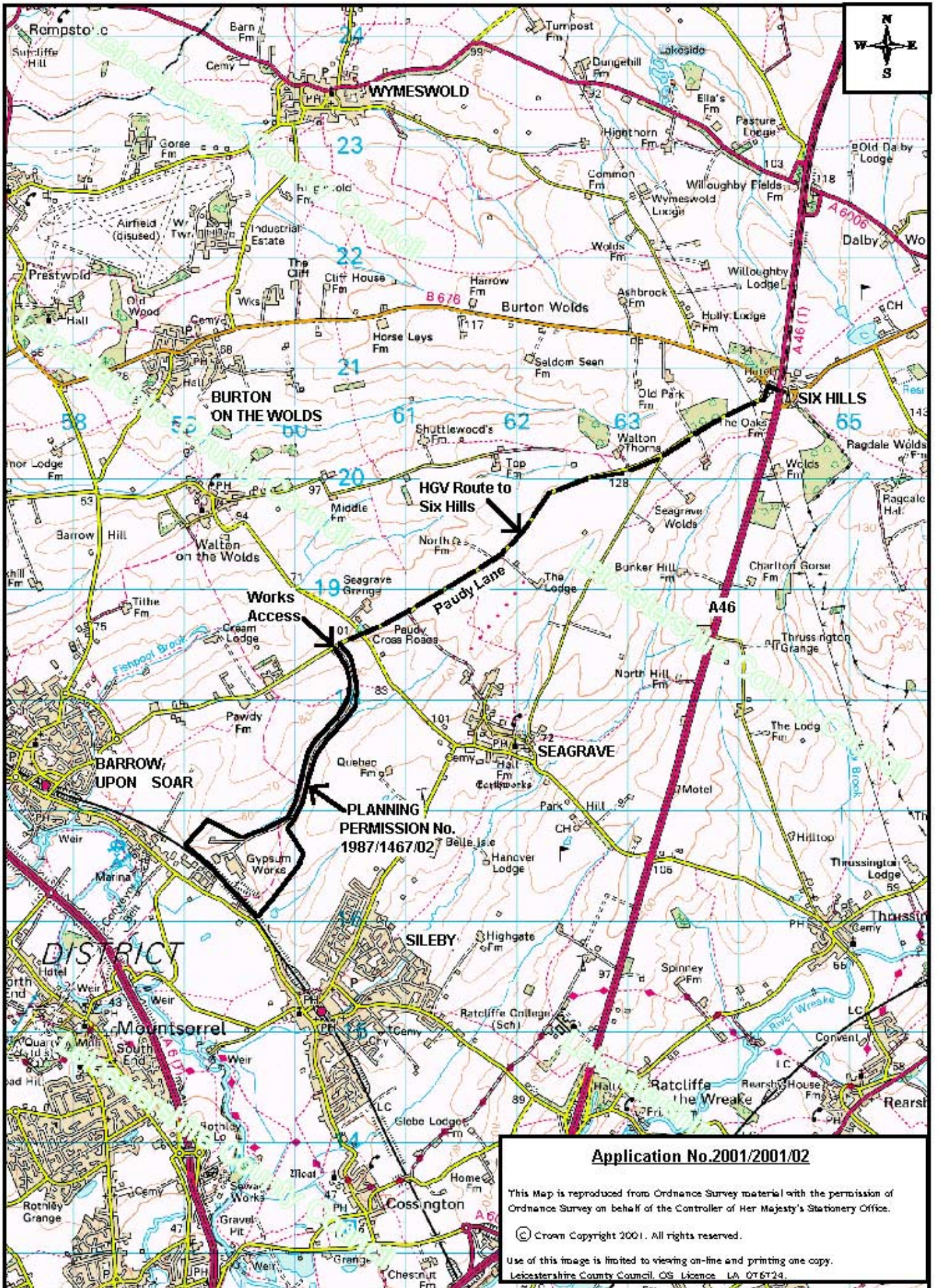
COUNTY MATTER

**BRITISH GYPSUM LIMITED – ERECTION OF BUILDINGS FOR EXPANSION OF
PLASTER MANUFACTURING CAPACITY AND VARIATION OF PLANNING
PERMISSION TO ALLOW CONTINUED IMPORTATION OF GYPSUM BY ROAD,
BARROW WORKS, PAUDY LANE, BARROW UPON SOAR (CHARNWOOD
BOROUGH)**

2001/2001/2 - 3rd August 2001

Background and Planning History

1. 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. Condition No.29 of that Planning Permission states that no raw gypsum shall be imported into the site unless otherwise agreed in writing by the County Planning Authority. Condition No.34 states that the plant and buildings shall only be used for the production and manufacture of gypsum products from the Barrow Mine.
2. A Section 52 Agreement accompanying the 1987 planning consent required the Company to carry out major road improvements on Paudy Lane to accommodate the higher levels of heavy goods vehicle traffic anticipated as a result of the development of the Barrow site.
3. In June 1992, dispensation was granted by the County Council to British Gypsum Ltd to import gypsum by road to Barrow Upon Soar. This dispensation was for a period expiring on 31st December 1993. The proposal to import rock to the site was made to supplement gypsum rock during a period when it was anticipated that surface feed requirements would temporarily outstrip the Mine's ability to supply rock.



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4. In August 1993, the County Council granted an extension to the temporary dispensation arrangements for imports by road for a further 18 months until 30th June 1995. This proposal was made to enable the introduction of gypsum produced from the flue gas desulphurisation process, known as desulphogypsum (DSG), being installed at Drax Power Station whilst output levels became established.
5. Planning permission for the erection of buildings and plant for the storage and processing of imported DSG was granted in April 1994. Planning permission for the construction of rail sidings to enable the importation of up to 200,000 tonnes of DSG per annum by rail was granted in June 1994, but this permission has not been implemented.
6. In March 1995, planning permission was granted for the importation of up to 90,000 tonnes per annum of gypsum to the Barrow factory by road for a temporary period up to 31st December 1996. In October 1996, planning permission was granted for the importation of up to 120,000 tonnes per annum of gypsum to the Barrow factory by road for a further temporary period up to 31st December 2001.

Proposed Development

7. British Gypsum's Barrow factory manufactures a range of bagged plasters for the construction industry and has a capacity of some 650,000 tonnes per annum. In order to meet the current level of demand and provide some additional future capacity, the Company proposes to install additional calcination packing and storage capacity and increase output from the mine that will provide a production capability of some 900,000 tonnes per annum. This would provide a greater degree of flexible capacity in order to meet seasonal and other variations in demand, and to meet the delivery requirements of its customers.
8. For several years the factory has been operating at a very high level of activity resulting from a steady growth in the demand for plasters for interior finishes reflecting a long term rise in demand for gypsum based products in buildings construction. It is anticipated that this pattern of growth in demand is likely to continue for some time into the future.
9. It is proposed to install the following additional plant: a new calcination kettle; additional pneumatic conveying; a new tube mill; silos for bulk storage of plaster; and a new plaster packing machine. The majority of this additional plant will be accommodated within the existing buildings on the site. However, a small 112m² annex is required on the eastern elevation of the existing mill building to accommodate additional plant. This will be constructed to a similar height to the surrounding mill buildings and will include the construction of a further dust collector stack. In addition the existing low bay warehouse will need to be extended by the provisions of some 1681m² and an additional stack installed to deal with the emissions from the 4th calcination kettle. The total area of new building amounts to some 1,793 m². The Company also proposes to erect 3 flagpoles adjacent to the works.

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10. Additionally, the Company wishes to continue to be able to import some gypsum of high purity that is not available from the Barrow Mine, to enhance product performance and resist competitive pressures. Planning permission is therefore sought for the variation of conditions 29 and 34 of the 1987 planning permission in order to allow the continued importation of up to 90,000 tonnes of gypsum to the Barrow factory by road.
11. The Barrow Mine has been in full production since 1992 and currently provides 90% of the requirements for the plaster mill. The indigenous gypsum supplies available from the Barrow Mine average between 77 and 83% gypsum. This source of supply will continue to fulfil most of the factory's requirements. The Company however considers that it is desirable to augment the mined gypsum with higher quality gypsum thereby increasing the overall gypsum purity in order to enhance product performance. This can be most easily accomplished by obtaining higher quality gypsum from other sources of supply, such as its own quarries, at Newark or overseas, where gypsum purities exceed 90%.
12. The Company planned to use some supplies of high quality gypsum arising from the desulphurisation of Power Station Flue Gases (FGD) at Drax in Yorkshire and had considered importing some of this desulphogypsum(DSG) to the Barrow site by rail. Planning permission was obtained to install rail sidings but it would only be economically viable to import DSG at levels of some 200,000 tonnes per annum.
13. National production of DSG is some 0.8M tpa. British Gypsum consumes most of this at its plasterboard factories in Cumbria and Sussex. The indigenous mined gypsum at these sites has a lower purity than at Barrow. Furthermore, the need to enhance plasterboard product performance requires a significantly higher proportion of high quality gypsum. Consequently there has been insufficient DSG to supply the Barrow Works. However more DSG could be available in the medium term and this will be used as required for plaster production,
14. There are technical limits to the amount of DSG that can be added to the plaster feedstock. This is because the synthetic gypsum has different physical properties that affect the performance of the plasters. Generally, it is only possible at present to add a maximum of 10% or about 90,000 tpa.

Traffic

15. The 1987 planning permission allowed for development of a plasterboard factory, in addition to the plaster mill. The Company, in its original application, stated that some 436 Heavy Goods Vehicle journeys per day would arise from the combined development. The Company has indicated however that it has no plans to construct the plasterboard factory in the foreseeable future. The current volume of traffic arising from heavy goods vehicles from Barrow is therefore considerably lower. Based on a traffic survey carried out in March 2001, traffic levels are 60% of that originally expected in 1987.

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16. The proposed increase in capacity will lead to an increase over current levels of road transport to and from the site. The proposed increase in factory capacity would lead to an increase of 94 HGV journeys per day to a total of 357 journeys per day. This represents an increase of 36% over current levels, but is still less than the figure approved in the original 1987 permission.
17. The proposal to continue importing gypsum into the site would involve 24 hgv journeys per day, assuming the importation of 90,000 tonnes of gypsum per annum.

Employment

18. The site currently provides employment directly for some 126 people. The current proposal will lead to a small increase in employment to over 130. The Company state that the Barrow Works has a substantial impact on the local economy by providing employment for the many contractors to service the needs of the factory, and the investment in the development will improve the security of this employment.

Planning Policy

19. Employment Policy 7 of the approved Leicestershire Structure Plan indicates that planning permission will be granted for the expansion of existing firms unless unacceptable environmental conditions would result.
20. Transport Policy 4 of the approved Structure Plan states that planning permission will not be granted for development if the traffic generated by it, together with that from existing development for which planning permission exists, would exceed the capacity available in the local or wider highway system, or impair the safety and satisfactory operation of the highway system, or have an unacceptable effect on the environment.
21. Minerals and Waste Disposal Policy 7 of the approved Leicestershire Structure Plan states that "When allocating land and considering planning applications for the extraction of minerals, account will be taken of the transportation implications of the proposed development. The County Council will encourage the transportation of minerals by means other than road. Where road borne transportation is involved, the County Council will restrict associated heavy lorry movements from using unsuitable roads."
22. The Deposit Draft Replacement Structure Plan contains similar policies to the above.
23. Policy 2 of the Minerals Local Plan covers Assessment of Proposals. Part (b) of this policy covers proposals for buildings and sets out 5 criteria against which proposals will be considered. Briefly, these cover: siting and visual appearance; screening; extent of improvement to operation; character of surrounding area; and, design and potential nuisance.

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24. Policy 32 of the Minerals Local Plan states that proposals for ancillary development for the minerals industry in close proximity to extraction sites will be assessed with particular regard to their environmental and transportation effects.

Consultations

Charnwood Borough Council

25. No objection. Would support amendment to lorry routing agreement so as to avoid Burton on the Wolds, the erection of new signage at the Thrussington crossroads and the revocation of the planning permission for the plasterboard factory.

Charnwood Borough Council (Environmental Health)

26. No objections.

Barrow-upon-Soar Parish Council

27. No objection subject to the planning permission for the plasterboard plant being relinquished.

Seagrave Parish Council

28. Extra lorries are not welcomed but it is appreciated that total movements are less than proposed in 1987. Increased and better signage is requested, particularly adjacent to Walton Thorns Farm and where horses and their riders come onto the road.

Sileby Parish Council

29. No objection.

Walton on the Wolds Parish Council

30. Reply awaited.

Burton on the Wolds Parish Council

31. Reply awaited.

Environment Agency

32. No objections.

Leicestershire Constabulary

33. The police have received a small number of complaints regarding vehicles speeding through Wymeswold and along Paudy Lane. The police have no evidence to support these complaints.

Highways

34. No objections subject to planning permission for the plasterboard factory being rescinded, improvements to the junctions of Paudy Lane with B676 Melton Road and the slip road junctions with the B676, and provision of additional signage and private speed cameras on Paudy Lane.

Publicity

35. The application has been advertised by means of press notice in accordance with the requirements of the Town and Country Planning Act 1990. Individual neighbour notification letters were delivered to 9 residential properties/farms along Paudy Lane between the works access road and the A46 at Six Hills.

Representations Received

36. Twelve letters have been received objecting to the proposed development. These include 7 responses from residents along Paudy Lane, and 4 responses from Burton on the Wolds (including letters on behalf of the Burton Road Safety Action Group and the Burton on the Wolds Playgroup Committee). A letter has also been received from Nick Clegg MEP on behalf of Burton on the Wolds residents.
37. The main matters raised in the letters from Paudy Lane residents are:
- Paudy Lane is an unclassified road
 - There has been a substantial increase in traffic using Paudy Lane
 - British Gypsum cannot control current traffic movements
 - HGV drivers do not observe 40mph speed limit on Paudy Lane
 - Concern about road safety due to lack of respect by lorry drivers
 - Situation has resulted in a loss of amenity to other users of Paudy Lane and the rural area
 - Additional traffic will increase the chances of an accident
 - Additional lorries on Paudy Lane will make it more dangerous for horse riders
 - Should be improved signage and speed cameras along Paudy Lane
 - Permission for the plasterboard factory should be revoked
 - Should make use of rail
38. The main matters raised in the letters from Burton on the Wolds residents are:
- B676 through Burton on the Wolds is not a suitable route for HGVs
 - Movement of British Gypsum lorries (and those of their subcontractors) is already excessive
 - Environment impact of additional lorry movements through Burton will be significant
 - Detrimental effect on welfare of children within Burton as a result of increased road traffic
 - People within Burton, particularly young families and the elderly, have difficulty crossing the road due to heavy lorries

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- Concern that DSG may be imported from Ratcliffe Power Station or East Leake via Burton or Wymeswold
- Consideration should be given to alternative routing of British Gypsum lorries
- More suitable roads are now available for use compared with the 1980s
- Should make use of rail

Assessment of Proposals

39. It is not considered that the proposed extensions to the existing building will have a significant visual impact given their location adjacent to the existing mine and factory complex of much larger structures. The external appearance of the proposed extensions will match that of the existing buildings on site. The low bay warehouse extension is situated on the eastern elevation of the existing warehouse and behind the high bay warehouse. The extension will therefore be well concealed within the existing group of industrial buildings.
40. Conditions 29 and 34 were imposed because the County Council was only prepared to grant planning permission for the development in association with the Gypsum mine and to prevent any other industrial or commercial use taking place on site. It is now proposed to continue importing up to 90,000 tonnes of gypsum per annum. With the proposed increase in capacity, the bagged plaster factory would be able to produce around 900,000 tonnes per annum. The factory would therefore continue to rely predominantly on gypsum from the mine.
41. Paudy Lane is located in a generally quiet, rural area. Between the access road to the British Gypsum Works and Six Hills, 2 cottages abut Paudy Lane (at Paudy Crossroads) and a further 5 residential properties/farms are set back but have direct access to Paudy Lane. Traffic has been an important consideration in previous decisions regarding the Barrow Development. When the mine was allowed on appeal in 1980, the Secretary of State imposed a condition requiring all mineral to be transported by rail because of the environmental objections to transport by road.
42. The Inquiry Inspector had considered that the effects on Paudy Lane and the rural area to the north would be severe although the number of people directly affected would be relatively small. When the planning application for the bagged plaster and plasterboard factory was determined by the County Council in 1985, however, it was considered that the proposed new access road and the necessary improvements to the public highway which the Company was willing to carry out to the Council's requirements overcame the previous highway objection.
43. The decision to grant planning permission for the bagged plaster and plasterboard factory was taken based on an estimated 218 commercial vehicles per day (436 movements) made up of 30 raw material deliveries, 60 plasterboard delivery and 128 plaster delivery. The bagged plaster factory has now been completed and is fully operational. The Company has stated however that it has no plans to construct the plasterboard factory in the foreseeable future and has offered to relinquish its planning rights to develop plasterboard manufacturing at Barrow.

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44. The volume of lorry traffic is therefore less than had been anticipated. The proposed increase in factory capacity would involve an increase of 94 hgv movements per day. The total number of movements from the Barrow Works would still be less than that anticipated in 1985. The proposed importation of gypsum would involve about 12 vehicles per day (24 movements) on average. This is slightly less than the current permission to import rock by road.
45. There has been some criticism by local residents of the traffic data accompanying the planning application. As a result, residents have carried out their own survey. There is similarity regarding traffic movements to the Works during the 12-hour period (7am-7pm). The biggest discrepancy relates to hgv movements outside these hours. Even assuming the worst case scenario, however, it is not expected that hgv movements would exceed those anticipated in 1985, provided that the plasterboard factory is not built.
46. Synthetic gypsum would be imported from Ratcliffe Power Station, Nottinghamshire or Drax Power Station in Yorkshire. Natural gypsum would come from the Newark area. In each instance the Company has indicated that all vehicles would be routed along the A46, and that none would travel through Burton and Wymeswold.
47. The existing planning permission for the Barrow Works is accompanied by a lorry routing agreement which does not preclude the use of the B676 through Burton on the Wolds. British Gypsum have contacted their hauliers regarding the routing of vehicles. The hauliers have indicated that a very few in exceptional circumstances travel through Burton on the Wolds, but this is not their normal route. On that basis, it is not considered likely that the proposed expansion of plaster capacity would lead to increased vehicle numbers through Burton.
48. There have been many complaints regarding the passage of heavy goods vehicles through Burton on the Wolds over the years. It is accepted that the general carriageway and width of the B676 is poor. The only alternative is to route all HGVs on the A6006 through Wymeswold, but this is equally poor. Action to resolve the problems experienced by one of these communities could be to the detriment of the other. In the absence of more suitable routes, the County Council as Highways Authority has therefore taken the position that both routes should continue to play their part in the distribution of traffic. Possible measures to mitigate the impact of HGVs in Burton on the Wolds are however currently being explored.
49. British Gypsum has stated that it is prepared to implement the following traffic mitigation measures:
 - Erection of signs along Paudy Lane warning drivers of slow moving/turning tractors and the presence of horse riders
 - Provision of signs at A46 Thruslington crossroads stating no access to Barrow Works
 - Provision of traffic speed camera on Paudy Lane (within the public highway) which is privately owned and operated by the Company
 - Improvements to the junctions of Paudy Lane with B676 Melton Road and the slip road junctions with the B676 where the highway verge has suffered from overloading by HGVs.

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49. The Company has stated that the use of rail for the importation of gypsum to Barrow is not economically justifiable at the proposed rate of 90,000 tonnes per annum. In addition, it is not currently practicable since the majority of gypsum is supplied from opencast mines in the Newark area where no rail facilities exist.
50. As far as finished goods are concerned, the Company is required to deliver directly to the end user usually next day, sometimes with a timed delivery requirement. It is not possible to do this through the British railway freight network. In addition, deliveries in small amounts cannot be logistically achieved using rail delivery.

Conclusion

51. It is not considered that there are any substantive planning or highway reasons for refusing the proposed erection of buildings and the continued importation of a limited amount of high purity gypsum to the Barrow works for enhancement purposes, particularly given the proposed routes and the level of lorry movement that would be involved compared with that anticipated when the works was granted planning permission in 1987.

Recommendation

PERMIT subject to the prior completion of a legal agreement covering the following matters:

Relinquishment of planning rights to develop plasterboard manufacturing at Barrow Lorry routeing in respect of importation of gypsum

And subject to the following conditions:

1. The proposed buildings for the expansion of the plaster manufacturing capacity shall be begun within 5 years from the date of this permission. Written notification shall be sent to the Director of Planning and Transportation within 7 days of the completion of the building works.
2. Unless otherwise approved in writing by the Director of Planning and Transportation, the proposed buildings for the expansion of the plaster manufacturing capacity shall only be constructed in accordance with the details contained in the submitted planning application no. 2001/2001/2 dated 17th July 2001 and the accompanying drawings.
3. The buildings and structures hereby permitted shall be removed from the site and the site restored to the satisfaction of the County Planning Authority within 12 months of the cessation of mining operations at Barrow-upon-Soar unless otherwise agreed in writing by the County Planning Authority.
4. Prior to the new buildings being brought into use, the following traffic mitigation measures shall have been implemented in accordance with details which have been submitted to and approved by the Director of Planning and Transportation:

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- a. Erection of additional signs along Paudy Lane warning drivers of slow moving/turning tractors and the presence of horse riders
- b. 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. Information provided by the speed cameras shall be made available to the Director of Planning and Transportation on request.
- c. Improvements to the junction of Paudy Lane with the B676 Melton Road at Six Hills, and with slip roads to the A46. Such improvements shall allow HGVs to turn into and out of each junction without having to cross the wrong side or override the verges and also enable such vehicles to turn into the junction whilst another turns out of the junction.

Written notification shall be sent to the Director of Planning and Transportation within 7 days of the implementation of these measures.

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above the ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
6. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct or via soakways.
7. 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 the Barrow Mine.
8. The number of lorry movements associated with the importation of gypsum to the Barrow Works shall not exceed 24 for any working day. Records of lorry movements shall be maintained on a monthly basis, and shall be made available to the Director of Planning and Transportation at any time upon request. All records shall be kept for at least 12 months.
9. No gypsum shall be imported to the site except via the works access road, Paudy Lane, the Six Hills junction and the A46.
10. No lorries carrying gypsum shall 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 shall operate on any Sunday or any Public or Bank Holiday.

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11. In all other respects, the development shall be carried out in accordance with the conditions attached to planning permission 87/1467/2 dated 28th September 1987.

REASONS

1. In accordance with section 91 of the Town and Country Planning Act 1990.
- 2& 11. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in accordance with the submitted details.
3. To ensure the satisfactory restoration of the land.
4. In the interests of highway safety.
- 5&6 To prevent pollution of the water environment.
7. To accord with the terms of the application and for the avoidance of doubt.
8. To enable the County Planning Authority to monitor the development and to accord with the terms of the application.
- 9& 10. To protect the amenities of the area and to be consistent with previous planning permissions granted to the Applicant Company.

Notes to Applicant

A suitable legal agreement, to include a Bond of Surety, will need to be concluded with Leicestershire County Council as Highway Authority to cover the proposed highway works, including the provision of the signs and speed cameras.

The provision of signs on the A46 Trunk Road at the Thrussington/Seagrave crossroads stating no access to Barrow Works will have to be approved by the Highways Agency. You are therefore advised to contact Jim Allcock, Route Manager, Highways Agency, 5 The Broadway, Broad Street, Birmingham B15 1BL regarding this matter.

Policies and Proposals in the Development plan relevant to the Decision

Leicestershire Structure Plan (1994): Employment Policy 7; Transport Policy 4; Minerals and Waste Disposal Policy 7.

Minerals Local Plan (1995): Policies 2 and 32

Background Papers

1. Planning Application Nos. 79/1500/2, 87/1467/2, 94/3032/2 and 96/0970/2.

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2. Reports of the Director of Planning and Transportation to the Planning and Recreation Committee on 18th June 1992, 26th August 1993, 16th February 1995 and 17th October 1996.
3. Planning Application 2001/2001/2 dated 17th July 2001.
4. Letter from British Gypsum Ltd dated 26th September 2001.

Circulation Under Sensitive Issues Procedure

Mr.A.M.Kershaw C.C.
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DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Education and the Director of Property 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.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

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 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or 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:

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 (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
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.