

DEVELOPMENT CONTROL AND REGULATORY BOARD

13TH OCTOBER 2005

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

COUNTY MATTERS

**ENNSTONE JOHNSTON LTD - PROPOSED CONSTRUCTION OF ASPHALT
PLANT AND CONCRETE BATCHING PLANT AND VARIATION OF CONDITION
TO ALLOW IMPORTATION OF MINERAL AT CLOUD HILL QUARRY (NORTH
WEST LEICESTERSHIRE DISTRICT)**

2005/0508/7 - 31st March 2005

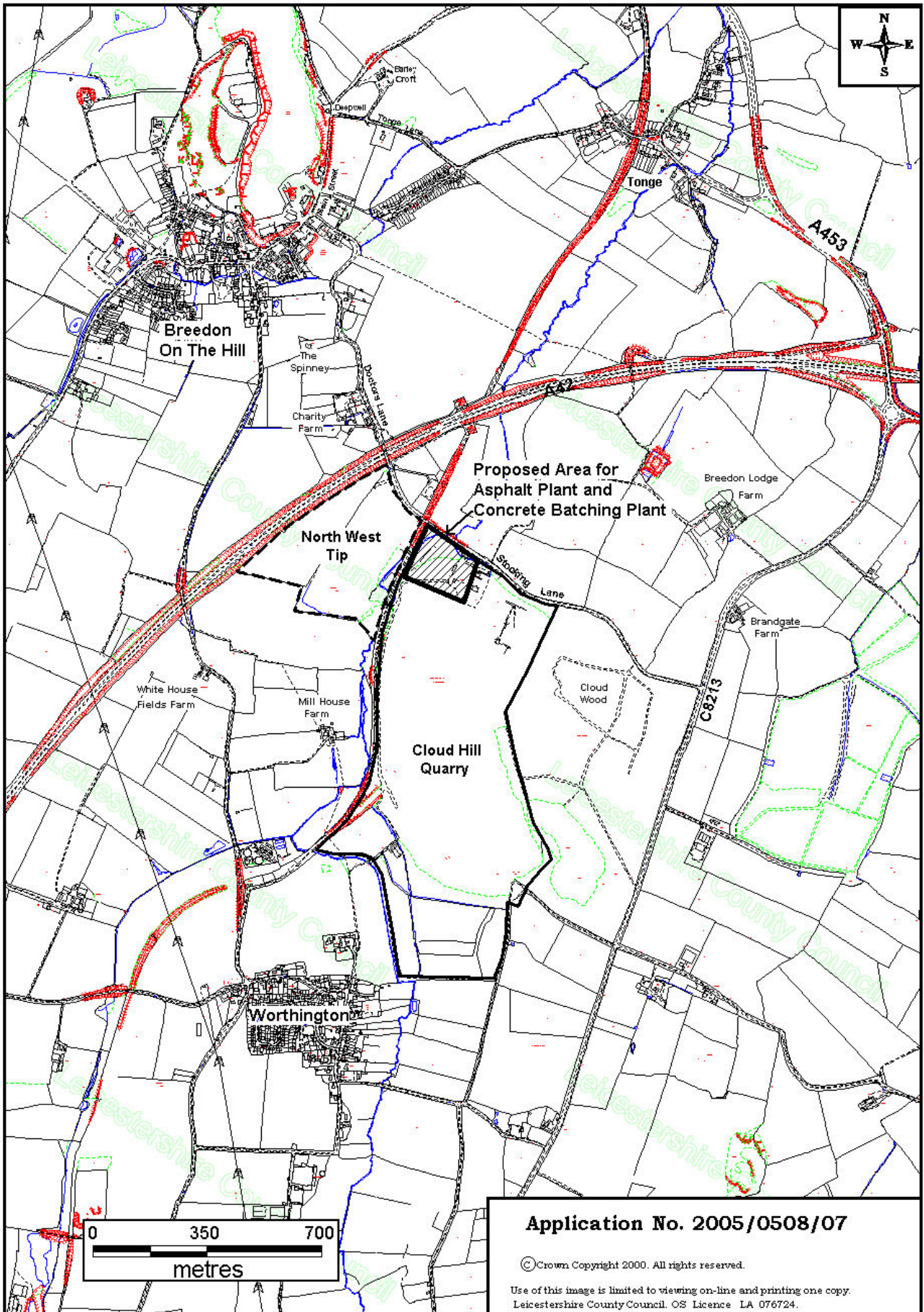
Location of Proposed Development

1. Cloud Hill Quarry is located to the north east of Worthington and to the south east of Breedon on the Hill. The quarry is located just to the south of the A42(T). Processing plant and ancillary buildings are located to the northeast of the main quarry. Access is gained from Stocking Lane. Operations to extend an overburden tip (the 'North West Tip') are currently taking place on land between the A42 and the former railway line.
2. The site proposed for the concrete batching plant and asphalt plant is located on land in the north western corner of Cloud Hill Quarry, adjacent to the existing mineral processing plant and quarry infrastructure. The land is currently used for vehicle parking and open storage of plant and equipment.
3. To the east of the application area is the processing area for the quarry, including crushing and screening plants and mineral stockpiles, beyond which lies Cloud Wood. To the south of the application area is the quarry. The area is bounded to the west by a former railway line (which has been developed as a cycleway) and to the north by Stocking Lane.
4. The nearest residential properties are at Charity Farm (where there are 4 private dwellings) and The Spinney, some 400 metres and 700 metres respectively to the north west of the proposed development area, and Mill House Farm and White House Fields Farm, some 550 metres and 700 metres respectively to the south west. The nearest residential properties in Worthington (Manor Drive) lie over 1km to the south.

Description of Proposal

5. This Application is for the installation of an asphalt plant to produce bituminous roadstone materials, a ready mixed concrete plant plus ancillary development. It is proposed to locate these two plants adjacent to a new weighbridge and offices in the north western corner of Cloud Hill Quarry.

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6. The Asphalt Plant will be located centrally within the proposed development area with the concrete plant placed in the south west corner. Aggregate storage bays are to be located along the western boundary of the site. The area of ground designated for the installation of the development has varying depths of compacted fragmented material overlying the main rock strata.
7. During the last 2 years the company has completed a major investment programme to upgrade the mineral processing plant at the quarry. To complement this investment, and to fully utilize the products from the quarry and to maximise their value, the company considers that it is appropriate to install the proposed plants.
8. The Company considers that the proposed production of ready mixed concrete and asphalt will contribute to the construction needs of the local and wider area within the East Midlands. It considers the site to be strategically located adjacent to the A42(T) and in close proximity to the M1 and A50(T). As such, it is considered to be well placed to serve the markets of Derby, Nottingham and Leicester, together with much of the remainder of the East Midlands.

Asphalt Plant

9. The Asphalt Plant consists of three key elements. Firstly is the 'Cold Feed' system which will be made up of 10 hoppers that hold the aggregates prior to transfer for processing through the plant. The proposed Cold Feed system measures 51m long by 3m wide and the loading height is 4.6m.
10. On leaving the Cold Feed system, material will pass through a rotating dryer. The dryer will be fitted with a burner which heats the aggregates and removes moisture. The fuel for the burner would be oil. Exhaust gases would be collected by means of a fan and passed through a bag filter type dust collection plant prior to emission to the air via an emissions stack 28 metres high.
11. Heated aggregates will be transported to a screen and mixing tower. The proposed tower would stand 26m high. All sections of the asphalt plant would be clad and will be olive green in colour. From the mixing tower, the combined aggregates, bitumen and other additives will be either discharged directly into lorries or transferred to hot storage bins for later dispatch.
12. The asphalt plant will be subject to primary and secondary dust extraction and filtration. The two stage dust collection system will comprise a primary dust skimmer unit returning dust to the hot material elevator. Secondary dust collection will be via a fabric filter system including insulated filter media and an integral clearing arrangement. The collected dust will be discharged to the filter silo.
13. The proposed Asphalt Plant would have a capacity of up to 300,000 tonnes per annum. It is proposed that the plant at Cloud Hill Quarry will operate at around 200,000 tonnes per annum. 160,000 tonnes of aggregates per annum from Cloud Hill Quarry would be utilised during the production. The remaining 40,000

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tonnes of aggregate will come from other quarries in the Ennstone group in order to produce higher specification asphalt. Importation of mineral will be done on a back haul basis.

Concrete Batching Plant

14. The proposed Concrete Batching Plant measures 21.4m by 11.7m at its widest point, and stands just over 15.5m in height. The concrete plant will be clad and colour coated in olive green.
15. The proposed plant has the facility to batch wet, dry, half wet, combination and slurry concrete. The proposed output from the concrete plant is 30,000 cubic metres per annum. The process will require the annual importation of 18,500 tonnes of sand and 9,000 tonnes of cement/ powders.
16. Material will be fed into the concrete batching plant by a ground loading hopper and transported by conveyor to be mixed. The plant will consist of three cement silos and a 300 tonne aggregate bin. Material will then be fed through a pan mixer and delivered to trucks by either a dry or wet discharge.
17. The cementitious material silos will be fitted with automatic protection systems and all new silo filtration plant will have a design specification with an emission limit of less than 10mgm^{-3} .

Importation of material

18. In order to facilitate the proposed development and provide for the importation of certain raw materials for the asphalt plant, the current planning permission for Cloud Hill Quarry needs to be varied as it only allows the importation of material for the purposes of manufacturing ready mixed concrete.
19. It is proposed that the majority (80%) of the material to be processed through the Asphalt Plant will be supplied directly from Cloud Hill Quarry (about 160,000 tonnes per annum). In order to be able to produce asphalt to meet all specifications, the applicant considers that it will be necessary to import hardstone in addition to other primary raw materials including bitumen and sand. Up to 40,000 tonnes per annum of stone will be required for importation (which equates to 8 lorries per day on a back haul basis). The estimated bitumen requirement will be 10,000 tonnes per annum (equating to 7 tanker loads per week) and the requirement for sand will be in the region of 2,800 tonnes per annum (equating to three lorry loads per week on a back haul basis).
20. The current planning permission allows for the importation of material for the purposes of manufacturing ready mixed concrete. 28,000 tonnes of sand and cement will need to be imported per annum for the proposed concrete batching plant. Deliveries of sand would be on a back haul basis. Imports of cement would result in 4 movements per day. Exports of concrete would involve 28 vehicle movements per day.

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Traffic and Access

21. The number of vehicle movements generated by the asphalt production would be between 70 and 86 per day, although this only represents a net increase of between 14 and 30 vehicle movements per day. There would be 28 additional HGV movements resulting from concrete deliveries. The majority of vehicles delivering raw materials will operate on a 'back haul' arrangement. The current level of traffic is 550 to 600 vehicle movements per day. Overall, it is estimated that current traffic amounts would increase by about 10%.
22. Access will continue to be gained off Stocking Lane. It is proposed to regrade the internal site access road to avoid direct run off from the quarry processing area onto Stocking Lane. The current restriction on heavy vehicles turning left out of the quarry will be adhered to in connection with the proposed development, unless delivering to Breedon village.

Ancillary Buildings and Facilities

23. In conjunction with the proposed development, it is proposed to introduce a new internal traffic management system. The new traffic system has been designed to incorporate new vehicle washing apparatus and a new drainage arrangement. The proposed new arrangement would involve the installation of a new weighbridge and office building directly to the south of the quarry entrance, the relocation of 2 existing weighbridges and the provision of new vehicle washing facilities.
24. The new weighbridge office building will accommodate staff responsible for dealing with transport movements and controlling the asphalt and concrete plant. It will be 24m long by 6m wide and will stand 4.7m high. It will be constructed using random coursed reconstituted stone blocks. The windows will be grey body tinted with powder coated aluminium frames. The existing offices will be retained and partially converted internally into a laboratory for the testing of both concrete and bituminous materials.
25. The existing car parking area will be increased in size to accommodate up to 40 vehicles. The car park will be surfaced with bituminous materials to give a firm clean surface.
26. In order to provide for the safe and orderly movement of vehicles within the proposed development area, it has been necessary to backfill a small part of the uppermost level of the quarry. This has involved 25,000 cubic metres of fill from within the quarry during the recent overburden removal operations.
27. The proposed operational area will be hard surfaced and be kept clean of detritus at all times. The Asphalt and Concrete Plant areas will each have a sealed water system to minimise the pollution potential.
28. The drainage from the wider traffic and parking areas will be directed into the existing quarry drainage system. This will be achieved by initial regrading works which, among other things, will prevent surface water runoff exiting the site onto the public highway.

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Hours of Operation

29. The current operating hours for mineral and processing are 0700 to 1800 Monday to Friday and 0700 to 1200 on Saturday. The loading and dispatch of vehicles is permitted from 0600.
30. It is proposed that the asphalt plant start at 0500 and concrete production commence from 0600. The earlier start for the asphalt plant is in order for vehicles to be dispatched from 0600.
31. In addition, the company wishes to be able to operate the asphalt plant under certain circumstances during evenings, and on Saturday afternoons and Sundays in order to meet contract requirements imposed by highway authorities where road works have to be undertaken during periods of low traffic flows. It is not anticipated that such working will be required on a regular basis. It is unlikely that any more than 18 weekends will be required in any 12 month period plus associated night time working. The company seeks permission for extended operating hours subject to prior notification to the County Council.

Assessment of Environmental Effects

32. A screening opinion was provided to the applicant in 5 October 2004. This stated that an application to install a concrete batching plant and an asphalt plant would not constitute EIA development as defined by the Town and Country Planning (EIA) (England and Wales) Regulations 1999. The Applicant has nevertheless undertaken assessment work in relation to the visual impact, noise, air quality and traffic.
33. The landscape and visual assessment has concluded that the potential impact of the proposal on the visual amenity and landscape character within the visual envelope of the site is not significant. Views into the site are distant and benefit from natural screening from both topography and vegetation. The proposed development will result in changes to the appearance of the quarry complex. However, in the context of the existing quarry and quarry buildings, the assessment considers that the impact will be minimal and will be assimilated into the current quarry uses. It concludes that the proposed development will not result in an unacceptable impact on the character of the area.
34. The noise assessment has concluded that, due to the distance from residential properties and the physical separation and screening, the operation of the proposed plants will have no material adverse impact on the local noise climate. Background noise levels have been monitored and noise levels predicted. The predicted worst case noise levels associated with the proposed development is within the existing planning noise criterion of 50 dB Laeq (1 hour).
35. The assessment concludes that, with the exercise of reasonable engineering control over general site operations, the proposed concrete batching plant and asphalt plant should be able to be worked with a minimal possibility of subjective concern with respect to noise levels. The noise assessment recommends,

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however, that the number of occasions on which the asphalt plant is operated during night-time and weekend periods in a 12 months period should be restricted and subject to noise monitoring to determine actual impacts.

36. The air quality assessment concludes that the dust control measures proposed for Cloud Hill Quarry will minimise the production of dust and its dispersal beyond the site boundary. The proposed design of the roadstone coating plant is based on the requirements of the Government as contained in Process Guidance Note PG3/15 (96) for mineral drying and roadstone coating plants. The design for the concrete batching plant is based on the requirements of Process Guidance Note PG3/1 for blending, packing, loading, unloading and use of bulk cement. The assessment states that compliance with these standards will ensure that the process is generally dust and odour free outside of the boundary.
37. As the assessments identified that there will not be undue noise or dust generated by the proposals, the applicant does not consider that there will be an impact upon the ecological integrity of Cloud Wood SSSI.
38. The applicant does not consider that the additional vehicle movements are significant in the context of the overall vehicle movements at the quarry and in terms of the capacity on the local highway network to cater for this increase. The applicant states that the approved route for vehicle avoids passing any nearby residential properties ensuring that the amenity of residents of Breedon and Worthington are unaffected.

Employment

39. The applicant has stated that the proposed development would potentially create 10 new jobs and will support the continued viability of the Cloud Hill Quarry.

Planning History

40. Quarrying and related activities were carried out at Cloud Hill Quarry for a considerable number of years prior to the introduction of planning legislation. In 1947, planning permission was granted for the continuation of quarrying under the Town and Country Planning (General Interim Development) Order 1946. In accordance with the Planning and Compensation Act 1991, an application for registration of this IDO permission was granted in 1992.
41. In August 1997, planning permission (ref. 96/0139/7) was granted for the continuation and extension of extractive and associated quarrying operations at Breedon and Cloud Hill Quarries. It consolidated all the earlier permissions. Condition 6 of the permission states that no mineral shall be brought on to the site for processing purposes except that sand and other necessary raw materials not available from within the site may be imported for the purposes of manufacturing ready mixed concrete at Cloud Hill Quarry. Condition 20 states that, notwithstanding the provisions of the Town and Country Planning General Development Order 1995, no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Director of Planning and Transportation.

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42. An extension of the hours of operation at Cloud Hill Quarry was agreed in February 2004 which allows vehicle loading and dispatch operations between 0600-0700 hours Mondays to Saturdays.

Planning Policy

Government Guidance

43. Planning Policy Statement (PPS) 7, 'Sustainable Development in Rural Areas' (August 2004), sets out the Government's planning policies for rural areas.
44. Minerals Planning Guidance Note (MPG) 1, 'General Considerations and the Development Plan System' (1996) provides advice on policies and the operation of the planning system with regard to minerals.
45. MPG 6, 'Guidelines for Aggregates Provision in England' (1994) provides advice on the supply of aggregate materials to the construction industry.

Development Plan

46. The current Development Plan for the application site comprises the Regional Spatial Strategy for the East Midlands (2005) (RSS8), the Leicestershire Leicester and Rutland Structure Plan (2005) (LLRSP), Leicestershire Minerals Local Plan (1995) (MLP) and the North West Leicestershire Local Plan (2002) (NWLLP). The principal policy considerations relevant to the current planning application as contained in these plans are set out below.

Regional Guidance

47. Policy 37 of the Regional Spatial Strategy for the East Midlands (RSS8) deals with regional priorities for non-energy minerals. This states that Development Plans and future Local Development Frameworks should, amongst other matters:
- identify sufficient environmentally acceptable sources to maintain an appropriate supply of aggregates and other minerals of regional or national significance.

Leicestershire, Leicester and Rutland Structure Plan

48. Strategy Policy 8 aims to protect the countryside from development but does acknowledge that minerals extraction may well have to be located in the countryside.
49. Resource Management Policy 1 aims to avoid air, noise, water, land and light pollution.
50. Resource Management Policy 9 says that planning permission will only be granted where the need for the development outweighs the environmental impact that would arise.
51. Resource Management Policy 12 aims to restrict the use of unsuitable roads by heavy lorries.

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52. Accessibility and Transport Policy 1 aims to minimise the traffic generated by new development by appropriate measures, including road improvements to be undertaken at the developer's expense.

Leicestershire Minerals Local Plan

53. Policy 2 sets out the criteria against which proposals for buildings etc will be assessed.
54. Policy 3 indicates instances where mineral working will not normally be allowed by virtue of the impact on environmentally sensitive areas.
55. Policy 5 sets out measures to control the environmental effects of mineral operations through the imposition of suitable planning conditions.
56. Policy 32 relates to industrial development associated with the processing of extracted minerals. It provides that the assessment of proposals for ancillary development for the minerals industry in close proximity to extraction sites should have particular regard to their environmental and transportation effects. It also provides that the County Council will attach planning conditions requiring that the use of the plant shall cease on the cessation of mineral extraction to which the development is linked and the plant is cleared and the land restored.

North West Leicestershire Local Plan

57. The site is outside the 'limits to development' as defined in the Plan. Policy S3 presumes against non-essential development within the countryside.
58. Policy E3 presumes against development which, by reason of its scale, height, mass, design, oppressiveness, proximity, noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or excessive traffic generation, would be significantly detrimental to the amenities enjoyed by the occupiers of existing nearby dwellings.

Consultations

North West Leicestershire District Council

59. Objects to the proposals. The site is within the countryside. Whilst the local Planning Authority acknowledges that there may be operational advantages to the developer from carrying out the proposed processing operations on site, the local Planning Authority does not consider there is any overriding need for the development which would warrant its countryside location. Approval of the application would, in the Local Planning Authority's opinion, result in unnecessary and inappropriate harm to the character of the countryside.

North West Leicestershire District Council (Environmental Health)

60. No objections.

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Breedon-on-the-Hill Parish Council

61. No objections but expressed some concern as to the proposed working hours.

Worthington Parish Council

62. Object on the following grounds:

- a) Access roads are not large enough to cope with the extra capacity. The roads in question are not even wide enough to allow two lorries to pass at the same time.
- b) Impact on the environment within the vicinity.

Environment Agency

63. No objections, in principle, to the proposed development but recommends the imposition of a condition to prevent pollution of the water environment.

English Nature

64. English Nature confirms that the proposed operations will not have a significant impact upon the features of special interest of Breedon Cloud Wood and Quarry SSSI and therefore has no objection to the authorisation of these operations.

Health Protection Agency (HPA)

65. "The HPA have recently received two Integrated Pollution Prevention and Control (IPPC) applications for comments from North West Leicestershire District Council to operate the roadstone coating and concrete batching plant. The HPA provides advice to the statutory consultee, North West Leicestershire Primary Care Trust in matters relating to potential impact on human health of sites regulated under IPPC.

The main concern regarding these types of installations are associated with nuisance issues such as noise, dust and odours. As these are modern plants they will be compliant with BAT (Best Available Techniques) and so areas such as conveyors, hoppers, screens etc... will be covered and fitted with dust suppression equipment, thus minimising to an acceptable level any dust emitted by the process. Nuisance issues are addressed by the local authority.

Regarding the concerns raised concerning potential links between bitumen fume and cancer, studies have not shown any definitive links between exposure to environmental concentrations of bitumen fumes and cancer so far.

It must be borne in mind that studies implying a link between asphalt plants and cancer are based on occupational exposures of workers who spend their working week in close proximity to the bitumen fumes and also take into account workers exposures to other pollutants such as cigarette smoke. Occupational exposures typically occur in close proximity to the source and for longer time periods than residential or transient exposures.

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An independent research on occupational exposure and bitumen fumes was undertaken by the International Agency on Research on Cancer (IARC), part of the UN WHO, and published 12 November 2001. This study found no evidence of a causal link between exposure to bitumen fumes and cancer. The research conducted in 7 countries over several years, concluded that:

- The results do not allow to conclude on the presence or absence of a causal link between exposure to bitumen fume and lung cancer;
- There was an improvement in working conditions in road paving leading to a gradual, but significant, reduction in fumes in recent years.

Furthermore, meteorological data demonstrates that the predominant wind direction for this area is from the southwest, thus any emissions from the plants would be taken away from the village of Worthington to the northeast.

The questions raised concerning the potential for emissions to affect agricultural land by deposition should be addressed to the Food Standards Agency."

Food Standards Agency

66. "Our response would be very similar to that of HPA.

Since the introduction of Integrated Pollution Control regulations in 1990 and Pollution Prevention and Control regulations in 2000, industrial operators have been obliged to meet increasingly tight restrictions on what they are allowed to emit from their operations. I cannot comment on the appropriateness of the planning application but, as we are Statutory consultees for part A1 and A2 processes under PPC, we would expect to see the full PPC permit application. In the case of an asphalt process, we would probably be looking in particular at polycyclic aromatic hydrocarbon emissions, especially as regulatory limits have recently been introduced in food. Only at this stage would we be able to confirm that there are no risks to food safety. If we did have any concerns, we would advise the Regulator accordingly, which would give him the option of rejecting the application or imposing additional conditions in the permit.

Previous experience suggests that as long as operators comply with the requirements of the various technical guidance notes issued by DEFRA and the Environment Agency, industrial processes will not have unacceptable effects on the safety of the food chain."

Health and Safety Executive

67. Do not have any comments to make regarding the proposed development. No areas of potential conflict with health and safety legislation have been identified.

Leicestershire Fire and Rescue Service

68. No objections.

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Sustrans

69. 'Since the applicant intends to retain the well-treed high bund between the new plant and our land, route most traffic up Stocking Lane, to and from the ex-A447, and make no additional crossing movements over our cycle track, Sustrans has no objection to the proposals.'

Nottingham East Midlands Airport

70. The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, there is no safeguarding objection to the proposal.

Highways Authority

71. Given the level of increase in HGV movements brought about by the proposal coupled with the improvements proposed, there is no highway objection subject to the imposition of conditions related to:

- Restriction of imports
- Visibility splays at the site access and the junction of Stocking Lane and C8213
- Resigning of HGV traffic to Breedon Quarry
- Lorry routeing
- Provision of wheelwash and lorry parking
- Internal site layout

Publicity

72. The application was advertised by way of press notice in the Derby Evening Telegraph (dated 20th April 2005). Neighbour notification letters were sent to residential properties in the immediate vicinity of the proposed development informing them of the Company's proposal.
73. The Worthington Quarry Action Group held a public meeting regarding the proposals at Worthington Primary School on 14th June 2005. A County Council officer attended this meeting. The County Council held a public meeting at Worthington Primary School on 7th July 2005 to hear the views of local residents on the planning application. About 90 people attended the meeting.

Representations Received

74. A total of 98 responses have been received objecting to the proposed development. These include 43 responses from residents of Worthington and 31 from residents of Breedon on the Hill.
75. The main concerns raised in representations and at the public meeting are:

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General

Adverse effect on the area, not only to the local residents but also to the public who come to the area, to use and enjoy the national cycle network

Will introduce a manufacturing operation into rural environment which is not typical of the area.

Will affect quality of life for local residents.

Too close to residential properties for industrial plant

Represents general industrial development which is wholly inappropriate and not supportable in such a rural location

Concern that plants would be run as a separate business activity from the quarry using imported material

Location unsuitable for this kind of facility

Noise

Plant and associated traffic will increase noise levels.

There will be 'noise echo' from existing Cloud Hill quarry face.

More noise from reversing vehicles (This is already irritating and can be heard in Worthington above highway traffic)

Noise assessment does not take into account current quiet times during evenings, Sundays and Bank Holidays.

Design would not comply with modern Pollution Prevention Control in terms of noise and potential dust emissions

Proposed hours of operation.

Operations in early mornings, evenings and Sundays and Bank Holidays is not acceptable.

Will adversely affect the quality of life of local residents

Dust

Dust levels will increase from concrete plant. This will contain cement dust which is highly irritant.

Worthington already troubled by dust blowing over village when wind is from north.

Cement dust would be unbearable for local residents

Quarry already creates a dusty environment - plant will add to the problem

Concrete production is extremely dusty. Dust will be spread across fields and villages and cause damages to property and crops.

Fumes

Unpleasant sulphur fumes released during the heating process

Worthington is in a valley. Fog often forms in valley on cold mornings. Under certain conditions, fumes from asphalt plant will be trapped and become a nuisance for locals.

Fumes will be carried by prevailing winds to surrounding villages, most of which are on higher ground

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Odour

Strong smell of bitumen associated with asphalt production
 Bitumen will be imported into the plant and this also has a strong tar smell that will surely carry to Worthington and the surrounding villages
 Depending on wind conditions, smell will undoubtedly be noticeable at times.
 Asphalt plant processes hydrocarbons and similar petroleum related materials. Escape of vapours from these materials almost unavoidable - they form obnoxious smells in and around processing plants. Density of vapours is greater than air making vapours difficult to disperse. Atmospheric dispersion, such as through stack design, is not an acceptable solution to handling the vapours. Properties of vapours cause them to fall to ground level within a short distance.

Health

Concerns have been expressed about the health risks if the project goes ahead. Particular comments that have been made include:

- Cement dust could be health hazard for community
- Concern at effect of fumes on health of people living downwind
- Asphalt emits tar products; tar products cause cancer. Concern about the safety of the plant, both for workers and anyone living within smelling distance
- Medically proven that production of asphalt and bitumen causes emission of carcinogens. Local inhabitants will be breathing in cancer causing agents
- Increased dust in the air could have health implications on the children at Worthington Primary School which is less than a mile from the site
- Concern about shape of valley in which quarry and nearby village of Worthington lie. Haze usually hangs in valley. Haze would hold any emissions from plant within it.
- Asphalt production produces toxins.
- Worried about impact from emissions and carcinogenic toxins. Weather conditions and topography may make it worse.
- Particulates (silicates) from concrete manufacturing can be extremely harmful to the young and asthma sufferers.
- Industrial pollution from fallout of hazardous by products emanating from the stack will contaminate local farms that produce agricultural products

Traffic

Will considerably increase volume of heavy goods traffic in a rural area, particularly on Stocking Lane, Doctor's Lane, Top Brand and surrounding areas.
 Impact on road safety

The existing traffic makes the road filthy, additional traffic would make it much worse.

Installation of new wheel washes are a good thing as the road conditions are often appalling, provided they are maintained and used by drivers.

Increased traffic will wear out the roads more quickly, which will mean an additional cost for council taxpayers to maintain and repair.

HGV 's should not be allowed to use Doctors Lane between the quarry and Breedon village.

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Visual Impact

Impact on local visual amenity given nature and size

Detrimental visual impact of a tall industrial chimney in a rural and agricultural landscape

Will have a serious visual effect not only for the local residents but also for visitors to the national cycle network and the National Forest.

Height of structure means that it will dominate the landscape and be prominent from many residential properties in Worthington and Newbold and other public viewpoints.

New plants will be visible from many points along Worthington Lane, from residences in Church Street, Chapel Rise and Manor Drive, Worthington, and from footpaths to the south of the quarry.

Adjacent overburden mound will not be of sufficient height to obstruct views from Charity Farm.

Photographs in visual assessment have been taken from places where there is minimal visual and environmental impact from the Quarry.

Ugly factory would destroy beautiful nature of village

Plant will have considerable visual impact being appreciably higher than the existing plant

Proposed new plants represent a substantial addition to the existing infrastructure and will not simply be assimilated into the existing quarry environment; and represent a substantial and visible structural increase and will change the nature of the current landscape from quarrying to industrial manufacturing

Partial vegetation screening only happens for 6 months of the year.

The smoke plume emanating from the chimney stack will be unacceptable.

Wildlife

Effect of pollutants (dust and fumes) on wildlife of Cloud Wood SSSI

Effect on wildlife and ecology of the area

Other

Devaluation of property

May lead to further extension of quarry towards Worthington, removing newly planted areas and affecting existing cycle/footpath.

Will be used as a justification for further applications to extend quarrying operations towards Worthington.

Future applications for mineral extraction are inevitable.

Further increase in quarry activity will decrease attractiveness of area and reduce tourism.

Lack of necessity - material can be produced from existing quarry sites operating in Central England

Properties of aggregate from Cloud Hill Quarry make it unsuitable for any surface course material in a highway application. Any surface course asphalt produced will require the importation of aggregate with a high Polished Stone Value. It would be better to locate the plant at quarries with high PSV stone to minimise transport of such materials.

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Will not generate work for local labour or help businesses in the area.
 Use of footpaths and cycleways would be affected
 Application should have been accompanied by an Environmental Impact Assessment
 Potential hazard to aircraft

76. The table below provides a breakdown of the main issues raised in the 98 representations.

Issue	Number of letters in which issue raised
Devaluation of Property	12
Dust	64
Fumes	21
Health	19
Hours of Operation	54
Noise	64
Potential Extension to Quarry	26
Smell	52
Traffic	66
Visual Impact	57
Wildlife	14

77. A letter has been received from a resident of Breedon on Hill, who considers that the proposed development is quite appropriate. The resident is critical of the information circulated locally by the Worthington Action Group.

Assessment of Proposals

78. This proposal, like any other application, must be determined on its own merits taking account of current relevant Government guidance and advice, the Development Plan, relevant statutory or non-statutory policies and any other material considerations. It is necessary to make a careful assessment of all the issues involved to determine whether the development proposed would cause demonstrable harm to interests of acknowledged importance, and if so, would that harm be offset by other relevant considerations. In the light of the above, it is appropriate to consider the following main issues:

- Development Plan
- Noise
- Dust/Emissions
- Traffic
- Landscape and visual impact

Development Plan

79. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that the Development Plan should be the starting point for the consideration of all development proposals. Specifically it states: "if regard is to be had to the

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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.” The current Development Plan for the application site is set out in paragraph 46 above. The principal policy considerations relevant to the current planning application are set out below.

80. MLP Policy 2 states that proposals for buildings, plant and other forms of construction or engineering works will be assessed in the light of the following considerations:
- (i) the siting and visual appearance of the development including its height, scale and colour;
 - (ii) screening of the development;
 - (iii) the extent to which the development will contribute to an improvement in the efficiency of mineral working;
 - (iv) the character of the surrounding area;
 - (v) the design of the development and the anticipated generation of noise and dust or any other nuisance.
81. MLP Policy 5 states that, in granting planning permission for mineral- related developments, conditions will be attached aimed at ensuring that such development has the least detrimental effect on the environment in general, and on local residents in particular. It goes on to state that, where appropriate, conditions will be imposed in respect of, amongst other matters, the control of noise and the regulation of hours during which operations will be allowed to take place.
82. MLP Policy 32 states that the County Council will assess proposals for ancillary development for the minerals industry in close proximity to extraction sites, with particular regard to their environmental and transportation effects. It goes on to say that permission will normally only be given where there are clear overall environmental advantages in a close link between the industrial and mineral developments; and that, in granting planning permission for such associated industrial development, the County Council will normally attach conditions requiring that the use of buildings and plant cease on the cessation of the mineral extraction to which the development is linked and that the buildings and plant then be demolished, the site cleared and the land restored in accordance with an approved scheme.
83. In paragraph 7.6 of the MLP, it is acknowledged that *‘there may be benefits for certain industrial development directly associated with the processing of extracted minerals to be located in close proximity to areas of mineral extraction’*.
84. Policy E3 of NWLLP states that development will not be permitted which, by reason of its scale, height, mass, design, oppressiveness, proximity, noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or excessive traffic generation, would be significantly detrimental to the amenities enjoyed by the occupiers of existing nearby dwellings.

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85. In accordance with the Minerals Local Plan, the assessment of proposals for ancillary or industrial type development at existing mineral operations should have regard to their environmental and transportation impacts. The principal effects of the proposed asphalt plant and concrete batching plant relate to noise, dust/emissions, traffic, and landscape/visual amenity. Each of these issues is now addressed in turn.

Noise

86. PPG24 states that the likelihood of complaints about noise from industrial developments can be assessed using BS 4142: 1990 *Rating Industrial Noise Affecting Mixed Residential and Industrial Areas*. BS 4142 rates the significance of a noise by comparison with the existing background noise. The existing background noise in the absence of the industrial noise is measured or predicted in terms of the LA90. The likelihood of complaints is indicated by the difference between the rating level and the background noise level. A difference of around 10 dB or higher indicates that complaints are likely. A difference of around 5 dB is of marginal significance.
87. In support of the applicant's submission, an independent acoustic engineer has been commissioned to provide a report on the potential environmental noise impact from the installation of the proposed plant. The applicant has undertaken monitoring of existing noise levels at 4 locations between 0500 hours and 1800 hours. The background level varies between 39 dB La90 in Worthington and over 60 dB La90 at Charity Farm.
88. The noise report, accompanying the applicant's submission, predicts the noise levels for the proposed development at the nearest noise sensitive properties. The report indicates that the proposed operations would exceed background levels by between 4.5-6dB at Mill House Farm and would therefore be of marginal significance. At Manor Drive, Worthington noise levels from the new plant would be between +1.5dB and -2.9dB of background levels. At Worthington Primary School and Charity Farm, noise levels would be below background levels. Noise levels from the plant during the proposed daytime working hours (0500-1800) are therefore considered to be acceptable.

Hours of Operation

89. The working week is generally regarded as Monday to Friday, and Saturday morning, while Saturday afternoons, Sundays and Public/Bank Holidays are normally be regarded as periods of rest. PPG24 (Planning and Noise) states that noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00). In order to protect the amenity of local residents, the Authority's general approach when granting new permissions has consequently been to restrict operations at quarries during night times and on Sundays, bank and public holidays.

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90. A combination of Health and Safety Legislation and the pressures from businesses and the travelling public have increased the need to plan work in the highway outside normal working hours. As a result, Statutory Utilities who deliver the country's services, Highway Authorities who manage the local roads, and the Highways Agency who are responsible for motorways and Trunk Roads, all now have a greater need to obtain road construction materials overnight and at weekends.
91. In addition to the standard operating times, the company therefore wishes to operate the asphalt plant on occasions during the evening and over weekend periods. The company has emphasised that, on such occasions, the need is to supply specific contracts rather than the wider market. Therefore, in such instances, production would typically be below the normal levels and consequently the traffic generated lower. Other activities within the quarry, including mineral extraction and processing, would continue to take place within the normal operating hours.
92. The company has also indicated that it would be agreeable to a limitation on the number of occasions or days when asphalt production takes place outside the standard operating times. It is proposed that this limit be 50 days per annum, of which no more than 15 shall be Sundays. In addition it is proposed that asphalt production be restricted to no later than midnight during evenings, and between 0700 and 1700 hours on Sundays. Outside these hours lorries would be permitted to transport material taken from storage with the proviso that on Sundays no vehicles carrying coated materials shall leave the site prior to 0700 hours or after 1800 hours.
93. Three other major quarry operators within Leicestershire are able to operate their coating plants during the night and at weekends. Because these other quarries do not have restrictions on the operation of coating plants, it would place Ennstone at a commercial disadvantage when tendering for contracts if restrictions were placed on them. In order to use local suppliers and maintain competition, it would be unreasonable to deny Cloud Hill Quarry the opportunity to operate under similar conditions to their competitors, provided that there are no adverse environmental effects
94. It is not considered appropriate, however, to allow completely unrestricted night-time or weekend operations. It is therefore recommended that the operation of the asphalt plant be allowed subject to the imposition of strict conditions to control operations, including a requirement to carry out appropriate mitigation measures in the event of the receipt of complaints about the operation.
95. Circular 11/95 'The Use of Conditions in Planning Permissions' states (in paragraph 111) that 'where an application is made for a use which may be "potentially detrimental" to existing uses nearby, but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development.' The company has

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indicated that it would be agreeable to the operation of the asphalt plant during extended periods for a trial period in the first instance. This would enable monitoring to take place after which the position could be reviewed. It has been suggested that this trial period be 12 months from the date of commissioning of the plant.

Dust and Emissions

96. The Secretary of State's Process Guidance Note PG 3/15a (04) provides guidance on the production of coated roadstone. It also refers to any ancillary handling of materials which takes place as part of these processes. The key emissions from these processes that constitute pollution for the purposes of Part I of the Environmental Protection Act 1990 or the Pollution Prevention and Control Regulations 2000 and therefore warrant control are those consisting of particulate matter, products of combustion and odour.
97. PG 3/15a(04) states that atmospheric particulate emissions from the drying process associated with a new roadstone coating plant must not exceed 50 mg/m³ air when measured in accordance with the procedures described in BS ISO 9096: 2003. The guidance note also states that there should not be any visible dust leaks from the plant. For compliance with the Pollution Prevention and Control Act, regular assessments of atmospheric particulate emissions will be required.
98. PG 3/1 (04) deals with the blending, packing, loading and use of bulk cement. It requires that there is no visible emission of particulate across the site boundary for the whole process and no visible emission from silo inlet or outlets, or arrestment equipment with an exhaust flow of less than 100m³/min.
99. The process guidance notes set out the controls necessary to meet BAT (Best Available Techniques) /BATNEEC (Best Available Techniques Not Entailing Excessive Costs) requirements. The applicant states that the proposed design of the plants is based on the requirements of the PG Notes. Compliance with these standards will ensure that the process is generally dust and odour free outside of the boundary.
100. The production of asphalt and concrete at the site will require permits from the Environmental Health Authority under the Pollution Prevention Control (England and Wales) Regulations 2000. In parallel with the planning application an application for a Pollution Prevention Control Permit has been submitted to the Environmental Health Department at North West Leicestershire District. The Permit will control emissions and the general operation on the plant in the interests of amenity and the environment. The operation must comply with strict operating conditions including emission limits. Such conditions will also provide for monitoring to ensure adherence to the environmental limits.
101. Government advice as contained in PPS 23 (Planning and Pollution Control) is that "the planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the

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control of processes or emissions themselves." It states that "planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it." The pollution control system is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health.

102. PPS23 states that planning authorities "must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts." It states that this will require close co-operation with the Environment Agency and/or the pollution control authority, and other relevant bodies such as English Nature "to ensure that in the case of potentially polluting developments the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework."
103. The applicant states that the proposed plants have been designed to high, modern environmental standards, and incorporate a range of features to ensure that impacts upon the locality are minimised. None of the pollution control authorities consulted (Environmental Health Authority, Environment Agency) have raised any objection to the proposed development. It is therefore considered that the applicant has given adequate consideration of the potential of escapes and emissions from the proposed development and put forward appropriate control measures which would, as far as possible, minimise the potential for nuisance.
104. Concern has been expressed about potential odours from the plant. This appears to relate to two aspects, namely smell from bitumen used in the production of coated roadstone, and odours or vapours derived from the fuel used to dry and heat the aggregates. With regard to the former all bitumen would be delivered and stored in sealed tanks. From the tanks the bitumen is pumped to the mixer for binding the aggregates. The mixer would be fully enclosed and discharged materials from the mixer would either be enclosed in hot storage hoppers or lorries with insulated bodies. Immediately following loading, the lorries would be sheeted in order to retain the temperature of the materials. Under these arrangements, any exposure of bitumen to the open air is limited and the applicant does not expect any incidence of detectable smell at any property.
105. Turning to emissions from the stack, problems have been experienced elsewhere under certain circumstances, and these have been associated with the use of reclaimed oil as a fuel. Due to new regulations the use of reclaimed oil is no longer attractive, and the fuel to be used at Cloud Hill Quarry would be low sulphur gas oil. This fuel should not give rise to such problems.

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106. The applicant has engaged consultants to assess the impact of potential odour releases from the proposed Asphalt Plant. The assessment did not identify any significant odour sources that would result in substantial off-site odour nuisance. With respect to local residential properties, the assessment considers that the site is well located and the separation distance between on-site activities and residential properties downwind of the site is considerable (in excess of 500m). Over this distance, the assessment concludes that the dispersion and dilution of any odour release from the site would be such that there is unlikely to be any discernible odour at sensitive receptor locations. The findings of the odour nuisance assessment are supported by North West Leicestershire's Environmental Protection Section. It should also be noted that the proposed asphalt plant at Cloud Hill Quarry is no closer to residential properties than the existing coated roadstone plants at Bardon, Croft, Mountsorrel and Whitwick Quarries.

Health

107. PPS23 advises that "any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use". PPS10 (Planning for Sustainable Waste Management) gives more explicit advice to planning authorities regarding health issues. This states that the detailed consideration any implications for human health is the responsibility of the pollution control authorities. Where concerns about health are raised, it advises that planning authorities should avoid carrying out their own detailed assessment of health studies, but should ensure, through drawing from Government advice and research and consultation with the relevant health authorities and agencies, that they have advice on the implications for health, if any, and when determining planning applications consider the locational implications of such advice.
108. The applicant company states that it is unaware of any significant health risks posed by the operation of an asphalt plant. The emissions from the plant would be subject to limits for particulate emissions under the PPC permit regime, and these would be monitored continuously. In addition to environmental legislation, the company has a duty to ensure the health and safety of its employees. Such individuals would inevitably be placed in circumstances where they are placed in close proximity to the plant. The applicant has also pointed out that coated materials are supplied for use in a wide range of situations where there is direct contact with the general public eg roads, car parks, footpaths, play areas etc. There are no restrictions on the application of the materials based upon health risk.
109. The District Environmental Health Officer, Health Protection Agency, Food Standards Agency, Health and Safety Executive and Leicestershire Fire and Rescue Service have all been consulted and made aware of concerns expressed by the local community about the proposed development. None of these bodies have raised any objections to the proposal on health or safety grounds.

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Traffic

110. LLRSP Resource Management Policy 12 states that, when considering planning applications for the extraction of minerals, account will be taken of the transportation implications of the proposed development; and that, where road borne transportation is involved, associated heavy lorry movements will be restricted from using unsuitable roads.
111. LLRSP Accessibility and Transport Policy 1 (Development and the Transport System) states that if the traffic generated by the development, together with that from existing and committed development, would impair road safety; have an unacceptable effect on the environment; or exceed the capacity available in the local highway system, further adequate and environmentally acceptable road improvements should be undertaken, at the developer's expense, to mitigate the impact of the development.
112. The applicant estimates that there would be a net increase of 62 traffic movements per day as a result of the installation of the proposed plants. This would represent approximately 10% of the overall hgv traffic movements currently associated with the quarry development. There are however no controls over the number of traffic movements within the main quarry permission (96/0139/7). It is not considered that the anticipated increase in traffic movements would have a significant impact.
113. The asphalt plant would require the importation of limited quantities of hardstone in order to meet certain specifications. Such specifications typically relate to wearing courses when the polished stone value is a key attribute of the aggregate in terms of skid resistance and safety. Imports of sand will also be required for the production of asphalt and concrete.
114. The traffic figures above assume that the importation of sand and stone would be made on a back haul basis. The Company has indicated that a substantial amount of material from the quarry is transported via the A42 into Birmingham and the West Midlands. The sources of hardstone and sand for the two plants would be Leaton Quarry near Telford, and Ling Hall Quarry, near Rugby respectively. The level of imports from these locations would be relatively small compared to the supply of materials from the quarry to nearby market areas. Backhauling on the scale proposed is therefore considered by the company to be both commercially desirable and practicable. A condition could be imposed to limit the quantity of imported material.
115. Concern has been raised that the assessment of traffic impact of the asphalt plant has been based on the proposed output rather than when operating at full capacity, which is 50% higher. The Company has responded that it is standard practice for processing plant to be installed with a higher capacity than the actual output requirements. The Company state that this is to allow for fluctuations in demand and 'downtime' for repairs and maintenance. A condition could be imposed to limit the annual output from the plant.

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116. Vehicles transporting materials to and from the quarry are restricted by the County Council's scheme of lorry routes as controlled by a series of weight restrictions and other measures. Currently neither Stocking Lane (C8202) nor the C8213 (formerly the A447) are subject to weight restrictions as far as Heavy Goods vehicles are concerned. There are no personal injury accident records for Stocking Lane nor the C8213 in the vicinity of its junction with Stocking Lane. Quarry traffic is directed to the primary road network on routes that avoid village communities.
117. Conditions attached to the planning permission for extraction at Cloud Hill Quarry granted in 1997 requires that, amongst other matters, all laden vehicles leaving Cloud Hill Quarry shall turn right only onto Stocking Lane, thereby avoiding access through Breedon village. The applicant is prepared to enter into a legal agreement whereby all heavy goods vehicles associated with the proposed development will be required to turn left into and right out of site thereby avoiding the use of Doctors Lane towards Breedon on the Hill. The applicant is also prepared to amend the signing to Breedon Quarry such that HGV's are not positively signed along Stocking Lane/Doctors Lane as is currently the case.
118. The Highways Authority has commented about restricted visibility at both the site access junction and the junction of Stocking Lane with Top Brand (C8213). It is considered that vegetation could be cut back at the site access junction without opening views into the quarry area. Based on the general market for products from the quarry, the Company has estimated that in excess of 80% of lorries turn left at the junction of Stocking Lane and Top Brand. It is considered that the visibility splay at this junction could be improved within highway land. The Applicant has indicated a willingness to improve and maintain visibility splays at both of these junctions.
119. The proposed introduction of drainage and other measures (including the installation of new wheelwashes) within the site would help to address concerns about the general condition of the public highway adjacent to the site entrance and resolve the problem of dirt and slurry being deposited on the public highway. The Company has indicated that this package of proposals would be implemented within about 6 months of approval.

Landscape and Visual Impact

120. PPS7 states that Planning Authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.
121. The overall strategy of the Structure Plan (LLRSP) has as one of its aims: *'protecting and enhancing irreplaceable and essential features and assets of the natural environment'*.

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122. Strategy Policy 8 of the LLRSP states that '*The Countryside will be protected for its own sake. Development in the Countryside will only be acceptable if it has no adverse effect on the appearance and character of the landscape*'. It states that built development should be well integrated in relation to existing development and designed sympathetically to fit into the local surroundings.
123. An exception to this policy is, however, allowed in the case of minerals extraction development provided that it cannot be satisfactorily located within the existing and planned limits to the built up areas of settlements; it can be demonstrated that there is an overriding need for the development to be located in the Countryside; and appropriate works of mitigation are to be undertaken. The Minerals Local Plan also acknowledges that there may be benefits for certain industrial development directly associated with the processing of extracted minerals to be located in close proximity to areas of mineral extraction.
124. By virtue of the Town and Country Planning (General Permitted Development) Order 1995, it is recognised that certain types of surface development ancillary to mining operations are generally acceptable, as they do not require planning permission. Such development includes buildings or structures on land as a mine or on ancillary mining land provided that they are used for the treatment, preparation for sale, consumption or utilization of minerals won at that mine. This would include asphalt and concrete batching plants.
125. It is quite common for quarries to have such ancillary operations. Thus, all the existing rock quarries within Leicestershire (except Breedon and Cloud Hill Quarries) possess asphalt and concrete batching plants. Cloud Hill Quarry has also historically had such plants, the concrete batching plant being the most recent to be removed in 2003. Most sand and gravel operations have concrete batching plants. Whilst there are also a number of concrete batching plants at other locations, such as industrial estates, within the County, all asphalt plants within Leicestershire are associated with a quarry location. It is not therefore considered that it would be inappropriate in principle to locate asphalt and concrete batching plants at Cloud Hill Quarry.
126. The planning application is accompanied by a visual impact assessment. This is considered to be generally accurate, although it does slightly underestimate the visual impact from some viewpoints, but these are at such a distance that any impacts from new development would be negligible. In order to assist in assessing the impact of the proposed development, the applicant has subsequently produced a series of photomontages to illustrate the visual impact of the proposed development from selected viewpoints in the vicinity.
127. The proposed plant would be situated immediately adjacent to the existing processing area for the quarry, an area of the site that is characterised by industrial plant and structures. The height of the proposed asphalt plant at the top of the mixing tower is approximately 3 metres higher than the existing No. 5 plant. However, the proposed asphalt plant would be located within the plant

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site at an elevation of c 68m OD whereas the existing, No. 5 plant is at a higher elevation of c 73m OD; a difference of about 5 metres. Therefore, in visual terms the new plant would appear to be at about the same height as No. 5 plant. The plant will also be clad with sheeting that is dark (olive) green. This will assist in merging the plant with the background.

128. The asphalt plant would be most prominent in view from Doctors Lane. Charity Farm and the adjoining properties of Cloud Byre, Willow Nook and Farthing Barn are however located in a dip along Doctors Lane on the opposite side of the A42 bridge to the quarry site, and are surrounded by trees and shrubs which screen outward views. The impact from Doctors Lane would be mitigated by the fact that the plant will be seen against the backdrop of Cloud Wood, with only the tops of the stack and mixer tower breaking the skyline. It would be located in a view that already contains industrial elements related to the existing quarry processes.
129. Elements of the plant will be visible from properties in Worthington. Due to the distance between the location of the proposed plant and residential properties together with the screening afforded by natural vegetation and topography, it is not however considered that the proposed development would have a significant visual impact. Similarly it is not considered that any emission plumes from the development would have a significant adverse effect on local visual amenity.
130. In conclusion, it is considered that the only substantial visual impacts of the development would be from parts of Doctor's Lane, but it is not considered that in visual terms the proposed additional plant would be detrimental to the amenity of the area and would not result in an unacceptable visual impact.

Other Matters

Effect on Wildlife

131. The proposed development at Cloud Hill Quarry lies 300 metres west of Cloud Wood SSSI. English Nature have been consulted on the planning application and have confirmed that the proposed operations will not have a significant impact upon the features of special interest of Breendon Cloud Wood and Quarry SSSI.

Effect on Aviation

132. ODPM Circular 01/03 provides advice in respect of safeguarding aerodromes. A safeguarding zone has been established around Nottingham East Midlands Airport (NEMA). The County Council is required to consult NEMA in relation to buildings, structures, erections and works on the basis of potential height hazard conflicts. The application site lies within that part of the aerodrome safeguarding map in which NEMA is required to be consulted on all buildings, structures, erections and works exceeding 45 metres in height. The proposed plant has a maximum height of 28 metres. NEMA has nevertheless been consulted about the potential hazard to aviation arising from the proposed development and has confirmed that there is no safeguarding objection.

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Need

133. Ennstone Johnston considers that it is appropriate to install the proposed asphalt and concrete batching plants in order to maximise the value and fully utilise the products from Cloud Hill Quarry. Further, the company believes that it is reasonable and legitimate for it to take measures both to maintain and develop its business activities. Reference has already been made to the asphalt and concrete batching plants located at other quarries in Leicestershire. In order to use local suppliers and maintain competition, it is considered that it would be unreasonable to deny Ennstone Johnston the opportunity to carry out similar activities to their competitors at Cloud Hill Quarry, provided that there are no adverse environmental effects.

Separate Business Activities

134. Concern has been raised that the plants will be run as a separate business activity from the quarry using imported material. Ennstone Johnston have confirmed that the proposed asphalt and concrete plants would be fully integrated with the business and operational activities established at the quarry. The Company do not consider that there would be any rational or commercial justification for supplying the proposed developments wholly with imported material. The Company state that the acquisition of Johnston Roadstone Limited at the end of last year has given the company a sound platform in the supply of coated roadstone from which its business activities are to be developed and that the proposals at Cloud Hill Quarry are an integral part of this process.
135. MLP Policy 32 states that the County Council will normally attach conditions requiring that the use of buildings and plant cease on the cessation of the mineral extraction to which the development is linked and that the buildings and plant then be demolished, the site cleared and the land restored in accordance with an approved scheme. The imposition of a condition linking the life of the plant to the cessation of mineral extraction at Cloud Hill Quarry together with a condition limiting the amount of imported material should ensure that the plants are not operated separately from the quarry.

Limestone quality.

136. Comments have been received that the properties of aggregate from Cloud Hill Quarry make it unsuitable for any surface course material in road construction. In response, Ennstone Johnston state that the quarry has supplied, and continues to supply, materials for use in both concrete and coated roadstone. The Company points out that, in the past, there have been both coated roadstone and ready mixed concrete plants at the site and that are many limestone quarries across the Midlands that produce aggregates of similar quality for such end uses.

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Future Extensions to Cloud Hill Quarry

137. Concerns have been expressed that once permitted the new plant may be used to justify extensions to Cloud Hill Quarry. In considering this planning application, account should only be taken of the proposal as submitted rather than speculate about what might happen in the future. Any proposals to work further areas would be subject to a separate planning application and a detailed consultation process.

Environmental Impact Assessment

138. It is not considered that the development constitutes "EIA Development" as defined in Article 2 of the Town and Country Planning (Assessment of Environmental (Effects) Regulations 1999 and therefore the applicant cannot be obliged to submit an EIA. There is no requirement that all development in the vicinity of a SSSI have an EIA and, in this case, English Nature does not consider that the proposed development would have a significant effect on the Cloud Wood SSSI. The applicant has nevertheless undertaken assessment work in respect of specific environmental topics, namely visual impact, noise, air quality and traffic. The findings of this assessment have been included in the supporting document submitted with the application.

Conclusions

139. Government advice stresses the importance of combining economic growth with care for the environment in order to support sustainable development. Any decision must be a matter of balancing the relative merits of the proposal in the context of the various considerations that have been identified. The assessment of levels of environmental impact, whilst containing reference to technical matters and acknowledged thresholds, is ultimately a matter of planning judgement which has to weigh all relevant factors in the balance.
140. As far as the environmental effects of the proposed development are concerned:
- noise levels will not be affected to an extent which would cause nuisance
 - dust/emissions: There has been no objection from any of the pollution control authorities. Appropriate control measures have been put forward to minimise, as far as possible, the potential for nuisance. The IPPC Permit will control emissions and the general operation on the plant in the interests of amenity and the environment. No objections on health or safety grounds have been received from the District Environmental Health Officer, Health Protection Agency, Food Standards Agency, Health and Safety Executive or Leicestershire Fire and Rescue Service.
 - traffic: there is no highway objection. The local road network is suitable to cater for the level of traffic proposed provided that controls are imposed to prevent HGV numbers increasing and vehicles are routed to avoid Doctors Lane; and subject to improvements to visibility splays at the site access junction and the junction of Stocking Lane with the C8213.

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- landscape and visual impact: it is considered that the only substantial visual impacts of the development would be on parts of Doctor's Lane, but it is not considered that in visual terms the proposed additional plant would be detrimental to the amenity of the area.

141. In conclusion, it is not considered that there are any substantive planning or highway reasons for refusing the proposed development provided that conditions are imposed to protect amenity. It is not considered that the proposed development would conflict with development plan policy (particularly the Minerals Local Plan).
142. The main areas of concern are either overcome by various measures contained within the planning application or can be overcome through the imposition of conditions or the inclusion of matters within a legal agreement such that the proposed development would not cause unacceptable impact to local residents and the local environment.
143. It is therefore recommended that the proposed development be permitted subject to the imposition of conditions and the completion of a legal agreement to cover the routing of lorries.

RECOMMENDATION

1. PERMIT subject to the prior completion of a Legal Agreement covering the routing of lorries so as to avoid the use of Doctors Lane, Breedon on the Hill and subject to the conditions as set out in the appendix.
2. To endorse, as required by The Town and Country Planning (General Development Procedure) Order 1995 (as amended), a summary of the:
 - a. policies and proposals in the development plan which are relevant to the decision, as follows:
 - (i) This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant development plan policies, including the following, and those referred to under the specific conditions as set out in the appendix:-

Leicestershire Leicester and Rutland Structure Plan: Strategy Policy 8; Access and Transportation Policy 1; and Resource Management Policies 1, 9 and 12.

Leicestershire Minerals Local Plan Policies: 2, 3, 5, and 32.

North West Leicestershire District Local Plan Policies: S3 and E3.

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- b. Reasons for the grant of planning permission, as follows:
- (i) The County Council considers that the proposed development accords with the development plan and there are no material considerations that indicate that the decision should be made otherwise. The County Council also considers that any harm to the local environment as a result of the proposed development would reasonably be mitigated by the imposition of conditions as set out in the appendix.

Background Papers

1. Planning Application No. 2004/1393/7 and all associated correspondence held on file 2004/1393/7.
2. Planning Permission No. 96/0139/7 dated 14th August 1997.

Circulation Under Sensitive Issues Procedure

Mr. N. Rushton, CC.

Officer to Contact

Mr. N. Hunt (Tel. 0116 2657042)
E-Mail: planningcontrol@leics.gov.uk

CONDITIONS

1. The development hereby permitted shall commence within 3 years from the date of this permission. Written notification shall be given to the Director of Community Services within 7 days of the plant being brought into use.
2. This permission relates to the installation and operation of an asphalt plant and concrete batching plant together with ancillary development and facilities on land as shown on drawing no. CHQ/02 accompanying the planning application.
3. Unless otherwise approved in writing by the Director of Community Services, the development shall be carried out in accordance with the planning application and the accompanying statement and associated drawings.
4. The cladding and external surfaces of the asphalt and concrete batching plants shall be olive green BS12B27 colour.
5. The principal purpose of the development shall be related to the utilization of minerals from Cloud Hill Quarry.
6. Within 12 months of the cessation of limestone extraction at Cloud Hill Quarry, the plant and ancillary facilities shall be removed from the site and the site restored in accordance with details that have been previously approved by the Director of Community Services.
7. A copy of the planning application and this permission with relevant plans shall be lodged with the quarry manager and shall be available at all times for reference by appropriate staff.

Noise

8. Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of noise from the site and to ensure so far as is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties. Such measures shall include the control of all audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery.
9. Noise levels arising from the operation of the asphalt and concrete batching plants (including associated traffic movements) shall not exceed 50dB(LAeq) (1 hour), freefield at any noise sensitive property.
10. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment shall be treated as an emergency and shall be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected shall be taken out of service and replaced with equipment which functions to an equivalent standard.

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11. Within one month of the asphalt plant being brought into use, noise monitoring shall be carried out to assess the noise level from site operations. The monitoring results shall be submitted to the Director of Community Services. In the event that the monitoring indicates that the levels set out in condition no.9 above are exceeded, appropriate remedial measures shall be agreed with the Director of Community Services.

Dust

12. All operations shall be carried out in a manner to minimise the emission of dust from the site. In order to minimise any dust created by site activities, the following steps shall be taken as appropriate:-
 - internal roadways to have a sealed surface wherever practicable and be watered as necessary to control dust from internal traffic movements, either by water bowser or fixed spray system.
 - water bowser to be available for use on site at all times.
 - volume of water applied to road surface to be monitored and adjusted according to weather conditions.
 - meteorological conditions to be monitored.
 - sealed surfaced areas to be regularly swept.
 - all spillages to be removed without delay.
 - Any dry, exposed material to be watered as necessary in dry and windy conditions to prevent dust becoming airborne.
13. If, in the opinion of the Mineral Planning Authority, any operations on site give rise to nuisance by way of dust leaving the site, such as during adverse weather conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as they can be resumed without causing nuisance, either by a change in working, weather conditions, or by taking other additional measures.

Other Environmental Protection

14. In the event of any complaint being received regarding noise, dust or odour from the operation of the plants, the operator shall inform the Director of Community Services within 24 hours. If, in the opinion of the Director of Community Services, it is considered that the complaint warrants further investigation, a report shall be submitted to him. Where necessary, a scheme of mitigation measures shall be submitted to and approved by the Director of Community Services and subsequently implemented. The scheme of measures shall seek to mitigate the effects of the operation that gave rise to the original complaint.
15. Measures shall be taken and the development carried out in such a manner as to ensure that, so far as is reasonably practicable, the operations carried out within the site do not give rise to nuisance at nearby residential properties by reason of illumination. So far as is reasonably practicable, lights shall not be directed beyond the boundaries of the site particularly during hours of darkness.

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Hours of Operation

16. Unless otherwise agreed in writing by the Director of Community Services, all site preparation and construction works (including the delivery of plant, equipment, machinery and the carrying out of commissioning operations) in connection with the development hereby permitted shall only take place between 0800-1800 hours Monday to Friday and 0800-1200 hours on Saturdays. No such activities shall take place at any other time on Saturdays or on Sundays or Public or Bank Holidays.
17. Unless otherwise agreed in writing by the Director of Community Services, the delivery of stone, sand and other materials in connection with the development hereby permitted shall only take place between 0700-1800 hours Monday to Friday and 0700-1300 hours on Saturdays. No such activities shall take place at any other time on Saturdays or on Sundays or Public or Bank Holidays.
18. Save as otherwise provided by condition nos. 20 and 21 below, the asphalt plant shall only be operated between 0500 hours and 1800 hours Monday to Friday and between 0500 hours and 1200 hours on Saturday. No vehicles carrying coated material shall leave the site between 0500 and 0600 hours on Monday to Saturday. No operations shall take place on Sundays or public or bank holidays.
19. The concrete batching plant shall only be operated between 0600 hours and 1800 hours Monday to Friday and between 0600 hours and 1200 hours on Saturday. No operations shall take place on Sundays or public or bank holidays.

Extended Hours of Operation

20. Notwithstanding condition no.18 above, the asphalt plant may be operated during extended hours for a temporary period which shall cease no later than 12 months from the date that the plant is first brought into use, unless otherwise approved in writing by the Mineral Planning Authority. During the extended hours, operations shall only be carried out to serve specific surfacing contracts which require supplies of coated material during the night-time, at weekends or on public or bank holidays. Details shall be submitted to the Director of Community Services of proposed operational dates, proposed operational hours and anticipated vehicle movements during the extended hours to meet the specified road contracts.
21. The operation of the asphalt plant during extended hours shall be subject to the following restrictions:
 - i. The asphalt plant shall not be operated between the hours of 0000 and 0500 hours on Monday to Saturday.
 - ii. The asphalt plant shall not be operated between the hours of 0000 hours and 0700 hours and 1700 and 2400 hours on Sundays, public or bank holidays.

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- iii. On Sundays, public or bank holidays, no vehicles carrying coated roadstone shall leave the site before 0700 hours or after 1800 hours.
 - iv. The number of days when the asphalt plant is operated at night-time (1800 to 0000 hours) or on a Sunday, public or bank holiday shall be restricted to 50 per annum. Of these, no more than 15 shall take place on Sundays, or public or bank holidays.
 - v. No more than 10 vehicles carrying coated material shall leave the site in any one-hour period between the hours of 1800 and 0600 (Monday to Saturday) or between 0700 and 1800 hours on Sundays, public or bank holidays. The hourly numbers of laden vehicles leaving the site shall be made known in writing to the Director of Community Services within 7 days of a written request for that information.
22. Prior to the commencement of any extended hours operations, noise monitoring measures shall be implemented, in accordance with a scheme which has previously been approved by the Director of Community Services. The scheme shall include:
- a. noise monitoring locations;
 - b. details of all proposed noise monitoring equipment;
 - c. frequency of measurements;
 - d. presentation of results;
 - e. modelling procedures (if required).
23. In the event of any complaint being received about the use of the asphalt plant during the extended hours and its associated traffic movements, the Company shall inform the Director of Community Services within 24 hours. If, in the opinion of the Director of Community Services, it is considered that the complaint warrants further investigation, a report shall be submitted to the Director of Community Services prior to further operations taking place. Where necessary, a scheme of mitigating measures shall be submitted to and approved by the Director of Community Services and subsequently implemented. The scheme of measures shall seek to mitigate the effects of the operation that gave rise to the original complaint.

Access

24. There shall be no vehicular access to or from the site for any purpose in connection with the development hereby permitted except by means of the existing main quarry access as approved under Planning Permission No. 96/0139/7 dated 14th August 1997.
25. Prior to the plant being brought into use, visibility splays to the site access at its junction with Stocking Lane and at the junction of Stocking Lane with the C8213 in a southerly direction shall be improved in accordance with details that have been submitted to and approved in writing by the Director of Community Services. The visibility splays shall be maintained for the duration of the development hereby permitted.

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26. Prior to the plant being brought into use, Breedon Quarry shall be re-signed such that HGV traffic is not positively signed along Stocking Lane/Doctors Lane in accordance with a scheme that has been submitted to and approved in writing by the Director of Community Services. The approved scheme shall thereafter be maintained for the duration of the development hereby permitted.
27. All heavy vehicles (over 7.5 tonnes unladen) leaving via the site access shall turn right only.
28. Prior to the plant being brought into use, wheel cleansing facilities shall be provided as shown on Drawing No.CHQ/02. The wheel cleansing facilities shall be available for use at all times, maintained and used as necessary by all vehicles leaving the new access to ensure that no mud or detritus is carried from the site onto the public highway.
29. Prior to the plant being brought into use, The internal layout/manoeuvring area and lorry parking as shown on Drawing No.CHQ/02 shall be provided (including marking out) and thereafter be so maintained and available for such use at all times.

Output/Import Limitation

30. Unless otherwise agreed by the Mineral Planning Authority, production from the asphalt plant shall not exceed 200,000 tonnes per any calendar year.
31. Unless otherwise agreed by the Mineral Planning Authority, imports of stone to the asphalt plant shall not exceed 40,000 tonnes per any calendar year, and imports of sand to the site shall not exceed 31, 000 tonnes per any calendar year.
32. Asphalt production and import figures shall be provided in writing to the Director of Community Services on a quarterly basis. Such figures shall be provided to the Director of Community Services within one month of the end of each quarter. The first quarter shall be 3 months from when either the asphalt or concrete batching plant hereby approved first came into productive operation and thereafter each quarter will be 3 calendar months.

Water Protection and Pollution

33. Throughout the period of working, restoration and aftercare, all reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the operations hereby permitted. All reasonable steps, including the provision of any necessary works, shall be taken to prevent damage by erosion or flooding and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

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34. Any facilities for the storage of oils, fuel 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, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses shall be located within the bund or have separate secondary containment. 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 ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Retention of existing woodland, trees and hedges

35. All existing trees, shrubs or hedges around the perimeter of the site shall be retained, maintained and managed throughout the duration of the operations hereby permitted

Reasons

1. To comply with Section 51 of the Planning and Compulsory Purchase Act 2004. (MLP Policy 5a)
- 2&3. For the avoidance of doubt and to ensure that the development is carried out in accordance with the application and in a satisfactory manner in the interests of the amenities of the area.
4. In the interests of the visual amenities of the area (MLP Policy 5m)
- 5&6. The proposed development is only acceptable as an ancillary activity to operations at Cloud Hill Quarry (MLP Policy 32)
7. To ensure that the site operator is fully aware of the conditions and the approved details.
- 8,9, 10&11 To ensure minimum disturbance from operations and avoidance of nuisance to the local community and to minimise the adverse impact of noise generated by the operations on the local community. (MLP Policy 5f)
- 12&13. To protect the amenities of the locality from the effects of dust arising from the development. [MLP Policy 5g]
- 14,15, 16,17, 18,19, 21,22, 23,30 & 31. To protect the amenities of local residents. (MLP Policy 5i)

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20. To enable the Minerals Planning Authority to review the development and to protect the amenities of local residents
- 24&27. In the interests of highway safety and safeguarding the local environment (MLP Policy 3n)
25. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.(MLP Policy 5n)
26. In the general interests of Highway safety and reduce the need of lorries to travel along Doctors Lane.
28. In the interests of road safety and to reduce the possibility of deleterious material being deposited in the highway.(MLP Policy 5j)
29. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.(MLP Policy 5n)
32. To enable the Minerals Planning Authority to monitor the development
- 33&34. To prevent pollution of the water environment (MLP Policy 5e)
35. To protect visual amenity in the locality and to preserve ecological aspects of hedgerows and trees. [MLP Policy 5 k, l and q]

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 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 Disability Discrimination Act 1995.

You are advised to contact the County Council's Human Resources Department 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.