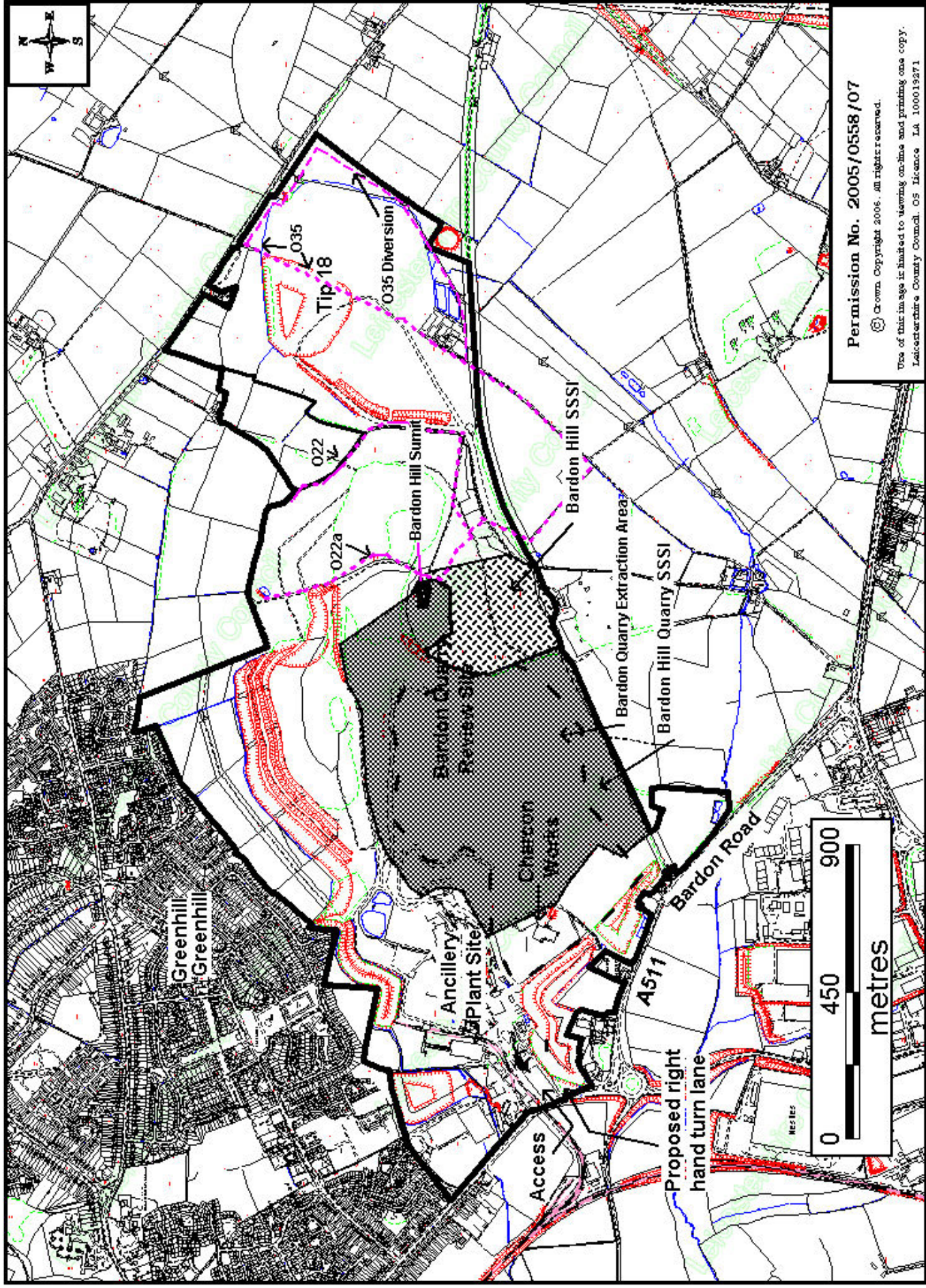


**DEVELOPMENT CONTROL AND REGULATORY BOARD****16<sup>TH</sup> MARCH 2006****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****COUNTY MATTER****AGGREGATE INDUSTRIES – APPLICATION FOR DETERMINATION OF  
CONDITIONS FOR MINERAL SITE - SCHEDULE 14 OF THE ENVIRONMENT ACT  
1995: PERIODIC REVIEW. BARDON QUARRY, BARDON HILL (NORTH WEST  
LEICESTERSHIRE DISTRICT)****785/57, 80/0833/7, 87/1099/07, 1996/0160/07, 1998/0772/07 and 2004/0050/07 -  
3rd APRIL 2005****Background Information**

1. Schedule 14 of the Environment Act 1995 requires all mining sites to be periodically reviewed every 15 years from the date of either a previous review or in Bardon Quarry's instance from the date of the latest substantive mineral permission relating to the site. The review process aims to allow the County Council to update the older mineral planning permissions by imposing modern operating, restoration and aftercare conditions.
2. Periodic reviews are for planning permissions for mineral extraction or the deposition of mineral waste (including IDO's) granted after 22nd February 1982. The County Council is required to impose a deadline on the operators/holders of these permissions to submit an application for updated conditions.
3. As with normal planning applications for mineral development the application for new schemes of conditions are required to go through a statutory consultation process and publicity procedures before being determined. Unlike normal planning applications, refusing an application for updated planning conditions is not an option.
4. Bardon Quarry's main planning permission is dated 3<sup>rd</sup> October 1989 and therefore the County Council agreed that the periodic review should be submitted by the 3<sup>rd</sup> October 2004 accompanied by an environmental statement. Aggregate Industries applied for an extension of time of 6 months to complete the environmental statement required as part of the periodic review. The Development Control and Regulatory Board agreed to that extension and therefore the submission date for Bardon Quarry to submit their periodic review was revised to the 3<sup>rd</sup> April 2005.



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### **Site Location**

5. Bardon Quarry lies to the east of Bardon Village at the foot of Bardon Hill. The nearest properties are Bradgate Drive and Bradgate Road, which bound the site to the north and Bardon Close, which bounds the site to the North West. Bardon Road (A511) bounds the site to the south west and agricultural land surrounds the site to the south and south east. Access to the site is via Bardon Road (A511).
6. The main ancillary buildings related to Bardon Quarry are located to the west of the site adjacent to the access off Bardon Road.
7. Bardon Hill footpaths include O22, O22a and O35, which cross the eastern part of the site. Footpaths N87 and N106 bound the site to the west and N59 O36 bound the site to the south west. The site is identified within the North West Leicestershire District Local Plan as Countryside and an area of Particularly Attractive Countryside. There are two Sites of Special Scientific Interest (SSSI). Bardon Hill SSSI is identified for ecological interest and Bardon Hill Quarry SSSI is identified for geological interest, these areas on the committee plan attached.

### **Planning History**

8. Mineral extraction has taken place at Bardon Quarry since 1885, the first planning permission is dated 1947. In 1957 an extension to the existing workings to the east of Bardon Hill was granted on the 21<sup>st</sup> August 1957. Permission granted on the 4<sup>th</sup> June 1981 an additional lateral extension to Bardon Quarry continuing to the east, was granted permission and included the formation of tipping areas to the north and south of Bardon Hill.
9. In 1989 planning permission was granted for a lateral extension to existing working to the west of Bardon Hill. The permission also included construction of screen banks and overburden tips and restoration of previous tipping areas. The planning permission was dated the 3<sup>rd</sup> October 1989 was subject to 87 planning conditions and is the main planning permission at Bardon Quarry.
10. Since the main planning permission in 1989 there have been three minor applications at Bardon Quarry relating to a small extension to extraction associated with the relocation of the primary crusher and development of an associated surge pile facility permitted on the 14<sup>th</sup> August 1996. Although the permission granted in 1999 for ancillary processing and extension to an existing tip permitted 26<sup>th</sup> October 2004 are not directly related to mining it has been agreed that it would be beneficial to include them within this periodic review.
11. Condition 14 of planning permission 1987/1099/07 restricted the quarry's permitted development rights therefore a number of developments required prior approval which included a concrete batching plant and ancillary development, a new laboratory (which has not been implemented), retrospective approval for 16 temporary units, a replacement asphalt plant a govern control kiosk and a new weighbridge building.

### **Description of Proposal**

12. Aggregate Industries have submitted a schedule of conditions under the minerals review procedure of the Environment Act 1995. The proposed conditions seek to consolidate and update the conditions on existing planning permissions on site related to the winning and working of minerals.
13. The current operations at Bardon Quarry include extraction processing and tipping. All areas have been included within the review process and are assessed within the supporting Environmental Statement.
14. The environmental statement assesses the following matters and provides additional information regarding operations on site relating to:
  - Geology
  - Hydrology & Hydrogeology
  - Landscape and Visual Impact
  - Ecology
  - Highway and Public Rights of Way
  - Noise
  - Air Quality
  - Blasting
  - Soils and Agriculture
  - Archaeological and Cultural Heritage
15. Bardon Quarry has an estimated reserve of 61.4million tonnes of high grade igneous rock (as at January 2004). The remaining development of the quarry would proceed to a depth of -45mAOD and would equate to a remaining quarry life of 20 years at the current production rate of approximately 3 million tonnes per annum although production is anticipated to increase to 5 million tpa in the future.
16. Extraction at Bardon Quarry would continue in a vertical and lateral direction. The lateral extension as permitted in 1989 would result in the relocation of the current Charcon Block concrete works. The extraction area would continue to be worked in a phased manner and worked in benches. All benches would be cut to a height of 15m and a depth of 7 metres with a 20m wide ramp giving permanent access to the base of the quarry.
17. Within the next seven years the extraction area would increase its depth from 120m to 90m AOD within the existing footprint. In 14 years the extraction footprint would be laterally extended removing the Charcon concrete works from its current position on site. The company proposes to relocate the concrete works within the existing site subject to availability and viability, which would have to be agreed by the County Planning Authority. To enable the footprint to be laterally extended 3.4million tonnes of boulder clay and mercia mudstone overburden would need to be removed. In the final years, extraction would meet its final depth and permitted footprint.

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18. The overburden material overlaying the igneous rock would be moved to the east of the site to an area known as Tip 18. The overburden material would be landscaped into a hill to complement the surrounding environment and promote the adjacent Bardon Hill Site of Special Scientific Interest (SSSI). Once the tipping area has been fully restored and aftercare completed the existing haul road would be restored to maximise the value of the SSSI. The tipping operations would continue to affect rights of way O22 and O35. Public footpath O22 would require to be temporarily diverted and footpath O35 would continue to be diverted until tipping had ceased and the area restored.
19. The mineral extracted at Bardon Quarry is processed, screened and stored on site. Bardon Quarry houses various ancillary plants that produce products for sale.
20. Reclamation of the site includes various habitats and landscape formation. The reclamation concept submitted proposes increased woodland cover, scrub habitat, heath/ acid grassland, pasture land and water areas. The extraction area would be retained for geological interest with interpretation boards for local interest.
21. Bardon Quarry currently extracts approximately 3 million tpa, which is exported off site via road and rail. Currently 2 million tpa is exported off site by road, which equates to 358 vehicles per day (716 vehicle movements per day); the remaining is exported by rail. The company expects intensification of recent extraction levels and has investigated increased rail export. However, current rail capacity is limited and therefore it predicts an extra 2 million tpa being moved by road. A total of 4 million tpa being exported by road would equate to 716 vehicles per day (1,432 vehicle movements).
22. The environmental statement proposes to improve the access into the quarry and produce a right hand turn lane should production levels from the site exceed either: 550,000 tonnes per annum by road from the asphalt plant (current asphalt production is approximately 400 tpa) or; 3 million tonnes per annum by road from the site as a whole.

### **Planning Policy**

#### **Government Guidance**

23. Planning Policy Statement 1: *Delivering Sustainable Development* gives advice on how to achieve sustainable development using the 4 main aims of social progress, protection of the Environment, prudent use of natural resources and the maintenance of high and stable levels of economic growth and employment. There is now a new national sustainable development policy document which looks at 5 aims - "The UK Government Sustainable Development Strategy" March 2005 Defra.

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24. Planning Policy Statement 7: *Sustainable Development in Rural Areas* (August 2004) promotes sustainable development, whilst protecting and enhancing the quality and character of the local countryside. Sustainable development supports traditional land based activities.
25. Planning Policy Statement 9: *Biodiversity and Geological Conservation* (August 2005) gives advice on how Government wants planning decisions to promote, conserve, enhance and restore the diversity of England's Wildlife and Geology.
26. Planning Policy Statement 10: *Planning for Sustainable Waste Management* (July 2005) continues to promote sustainable development and the waste hierarchy of reduction, re-use, recycling and composting and energy recovery with disposal as the last option.
27. Planning Policy Guidance Note 15: *Planning and the Historic Environment* (October 2002) promotes the protection of the historic environment whether individually listed, a conservation area, park / garden or the wider historic landscape. Planning decisions should take into consideration their responsibility for the historic environment.
28. Planning Policy Guidance Note 16: *Archaeology and Planning* (1990) gives advice on the handling of archaeological remains and discoveries, what investigations should be carried out prior to the determination of applications, and what can be left to control by means of planning conditions and obligations.
29. Mineral Planning Guidance Note 1 *General Considerations and the Development Plan System* (1996) sets out the principles and the key planning policy objectives against which plans for minerals and decisions on individual applications should be made.
30. Mineral Policy Statement 1: *Planning and Minerals* (Consultation draft November 2004) consultation document continues to ensure that the principles of sustainable development and balancing of environmental consideration against the need to maintain an adequate supply of minerals is undertaken.
31. Minerals Policy Statement 2: *Controlling and Mitigating the Environmental Effects of Minerals Extraction* (March 2005) sets out environmental policies and considerations that should be taken into consideration when assessing a new quarry or extension to an existing planning permission. MPS2 includes two annexes in respect of noise and dust.
32. Minerals Planning Policy Note 6: *Guidelines for Aggregates Provision in England* (1994) (revised guidelines issued in June 2003) provides guidance on how to maintain an adequate and steady supply of material to the construction industry, at a national, regional and local level, with the best balance of social, environmental and economic costs, through full consideration of all resources and the principle of Sustainable Development.

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33. Mineral Planning Guidance Note 7: *The Reclamation of Mineral Workings'* (1996) provides advice on the reclamation and restoration of mineral workings.
34. Mineral Planning Guidance Note 14: *Environment Act 1995: Review of Mineral Planning Permissions*, provides government advice and policy on undertaking the review of mineral planning permissions under the Environment Act 1995.

#### The Development Plan

35. The starting point for the assessment of this review is the development plan, comprising: the Regional Spatial Strategy for the East Midlands (RSS8) (March 2005), The Leicestershire, Leicester and Rutland Structure Plan (March 2005), The North West Leicestershire District Local Plan (August 2002) and Leicestershire Minerals Local Plan (May 1995). Relevant policies from the development plan have been used as the framework for the assessment section of this report.
36. The regional spatial strategy highlights the need for sufficient environmentally acceptable sources to maintain an appropriate supply of aggregate and other minerals of regional or national significance. RSS8 also emphasises the importance of protecting the countryside environment, respecting landscape character, and the role of high quality design, in line with Planning Policy Statement 7.

#### Leicestershire, Leicester and Rutland Structure Plan (March 2005)

37. *Strategy Policy 8: Development in the Countryside* aims to protect the countryside from development but does acknowledge that minerals and waste development may be accommodated if it can be demonstrated that there is an overriding need for the development to be located in the countryside and appropriate works of mitigation measures are undertaken
38. *Strategy Policy 10: Good Design* aims to ensure that development provides for the efficient use of land in a manner which satisfactorily acknowledges environmental and amenity interests, and (among other things) protects and enhances the form and local character and distinctiveness of the built and natural environment; develops a high quality walking and cycling network; and enhances the feeling of personal safety.
39. *Environment Policy 1: Historic Environment* states measures will be taken to identify, protect, preserve and enhance areas, sites, buildings and settings of archaeological importance. Development will only be acceptable in areas of archaeological potential if proper evaluation of the archaeological implications of the proposed development has been undertaken and taken into account.
40. *Environment Policy 3: Biodiversity Enhancement* seeks measures to be taken through development opportunities to protect, maintain and enhance natural biodiversity, having regard to the objectives of the Leicester, Leicestershire and Rutland Biodiversity Action Plan.

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41. *Environment Policy 3: Woodlands* seeks to improve the management of woodlands to enhance local landscape character and biodiversity.
42. *Resource Management Policy 9: Environmental Impact of Mineral Extraction and Waste Management* states when allocating land and considering a planning application for the extraction of minerals or for waste management development or related development, account will be taken of its likely impact on the environment.
43. *Resource Management Policy 10: Igneous Rock Extraction* states igneous rock extraction will be granted where the proposal is to extend an existing operational quarry to ensure continuity of supply, provided that the environmental impact of the proposed development can reasonably be kept to an acceptable level.
44. *Resource Management Policy 12: Transportation of Minerals and Waste* states account will be taken of the transportation implications of the proposed development, promotion of alternative transport to road borne is encouraged.
45. *Resource Management Policy 13: Restoration Aftercare and Afteruse* states when granting planning permission for mineral workings or the use of land for the disposal of waste materials or related development, restoration to an acceptable use will be required at the earliest opportunity. Priority will be given, where appropriate, to restoration to forestry, water recreation or nature conservation uses.
46. *Leisure Policy 13: Public Rights of Way and Access to the Countryside* seeks to ensure that developments affecting a right of way ensure that they are protected, or that safe and convenient alternatives are provided. New routes are encouraged.

#### Leicestershire Minerals Local Plan Review

47. MLP Policy 2: *Assessment of Proposals* sets out a list of factors that will be taken into account in assessing proposals for mineral extraction.
48. MLP Policy 3: *Environmental Considerations* states unless there is an overriding need or the impact can be alleviated by appropriate measures proposals for mineral working will not normally be permitted if there is adverse impact on the environmental issues identified in the policy.
49. MLP Policy 9: *Review of Mineral Working Sites* states the County Council will continue to review all mineral working sites in the County and will identify any inadequacies in existing planning controls attached to such sites for the proper protection of the environment both during and after mineral working. The County Council will, in respect of identified inadequacies, seek the co-operation of other parties concerned to secure a mutually acceptable solution.

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50. MLP Policy 11: *Restoration and Aftercare Conditions* states; In granting permission for the winning and working of minerals and other mineral related developments, the County Council will attach conditions aimed at ensuring the high quality restoration of worked out mineral operations at the earliest opportunity.
51. MLP Policy 12: *After Use* of the Leicestershire Minerals Local Plan Review seeks increased woodland cover particularly within the National Forest and encourages new wildlife habitats creation.
52. MLP Policy 30: *Surface Disposal of Mineral Waste*, takes into consideration the environmental effects of surface disposal of mining waste.

#### North West Leicestershire District Local Plan

53. Policy E22 states: development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and/or be detrimental to natural habitats and scientific interest of the following Areas of Particularly Attractive Countryside, identified on the proposals Map: Land to the East of Greenhill, Thringstone, Whitwick and Worthington, Including part of Charnwood Forest
54. Policy E26 states; development will not be permitted which could adversely affect designated Sites of Special Scientific Interest or Regionally Significant Geological Sites identified on the Proposals Map, or any sites subsequently so designated, unless an overriding, national need can be demonstrated, and either:
  - (a) In the case of sites designated for their ecological interest , there is no other site suitable for that particular purpose; or
  - (b) In the case of sites designated for their geological interest, a suitable substitute site of equal or greater value can be proposed.

#### Consultations

##### **North West Leicestershire District (Planning)**

55. No Objection

##### **North West Leicestershire District (Environmental Health)**

56. No formal written response has been received but there have been discussions regarding the review submission. The Environmental Health Officers view is that a dust scheme should be included as a condition to monitor dust nuisance around the site. With regards to noise the Environmental Health Officer is not satisfied with the noise monitoring undertaken as part of the submission and feels a more rigorous noise monitoring scheme should be implemented over a longer period of time. The company, are willing to undertake noise monitoring over a longer period of time. These details could be imposed as a condition.

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**Bardon Parish Council**

57. Bardon Parish Council is concerned with the proposed hours of operation stated in the schedule of conditions and comment:

- 22.00h Monday to Saturday is too late for houses near the quarry
- No limit is clearly unacceptable, the following hours would be more appropriate 6.00am to 20.00h is more appropriate.

**Ellistown and Battleflat Parish Council**

58. No observations

**Environment Agency**

59. No comment

**Highway Authority**

60. The Highway Authority had some initial concerns regarding the review submission and accidents on the section of the A511 adjacent to Bardon Quarry access. Although it is agreed that the accidents on the A511 cannot be associated with Bardon Quarry an increase in HGV's would have an impact. The introduction of a right hand turn lane is welcomed but the trigger level of 3 million tonnes would see a fifty percent increase in HGV movements. A figure of 2.5million would be more appropriate as a trigger level. Whilst the right hand turn lane is agreed in principle the formal design should be agreed at a later date.

**DEFRA**

61. Defra do not wish to object to the proposal because it is unlikely to result in the loss of any best and most versatile land. Any soil movements should be undertaken in accordance with the Good Practice Guide for Soil Handling Soils MAFF (2000)

**Health and Safety Executive**

62. None of the development conflicts with health and safety legislation.

**Leicestershire and Rutland Wildlife Trust**

63. No comment

**The National Forest**

64. No comments

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### **English Nature**

65. Object to the updated conditions because there is no reference to either the Bardon Hill SSSI within the Schedule of Draft Conditions or the need to conserve and enhance its features of interest. This is particularly apparent in the restoration of the quarry/ haul road.
66. English Nature were initially concerned with the schedule of conditions being granted due to poor restoration conditions proposed especially regarding the haul road that runs between Bardon Hill SSSI. After further discussions and agreement that the proposed restoration should promote native tree planting, natural regeneration and geological features. English Nature is satisfied provided that revised planing conditions can be imposed to control and secure adequate restoration as soon as possible.

### **Leicestershire Bridleway Association**

67. No objection

### **Leicestershire Footpaths Association**

68. No comment

### **English Heritage**

69. No comment

### **Archaeological Advice**

70. There is little scope for significant archaeological intervention in the context of the current ROMP. The main issues that would appear to have a potential archaeological dimension comprise:
- The proposed phase 2 south -western quarry extension
  - Relocation of the Charcon block works
  - Extension to Tip 18 and park pale earthworks
  - Site restoration
- All these matters can be appropriately conditioned.

### **Ecological Advice**

71. The Ecological Officer has given a very detailed response, regarding restoration opportunities and the opportunity to not only conserve and protect but to create, monitor and manage new areas of heath, woodland and other habitats. This should take into consideration the Leicestershire, Leicester and Rutland Biodiversity Action Plan. Any work undertaken should take into consideration protected species, and connectivity of habitats. Hedgerow planting should be native and commonly occurring in the vicinity and any woodland planting should not be undertaken as plantations. Heath grassland should be encouraged on the site making more of a feature on Tip 18.

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### **Rights of Way Advice**

72. The Rights of Way Officer wishes to clarify the exact position of public footpaths and bridleway's across the site. The description of the rights of way contained within the Environment Statement are not consistent with the routes as recorded on the definitive map, and one of the footpaths has been omitted completely. All footpaths should be reinstated once operations have ceased.

### **Publicity**

73. The proposal has been advertised locally by site notice (13/4/2005), neighbour notification (13/4/2005 & 21/4/2005) and press notice dated 22<sup>nd</sup> April 2005. Local residents submitted 8 letters of concern, which included the following points:
- Increased noise levels due to proximity to local residential properties
  - Increased dust levels due to proximity of the quarry, wind direction and particle size.
  - Increase of vehicle movements onto Bardon Road
  - Poor condition of Bardon Road
  - Odour from processing plant in the early hours
  - Blast vibrations and structural damage due to vibrations
  - Impact of quarrying on the local water table
  - Health and safety of children
  - The effect on the local environment

### **Assessment of Proposals**

74. Bardon Quarry has submitted details under the Environment Act 1995 to ensure the site is brought up to date and operates under modern planning conditions. Refusing this submission is not an option to the County Planning Authority but it can modify the submitted conditions provided that any further restrictions do not prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site, otherwise compensation may be payable. This submission needs to be assessed in accordance MPG 14 and the Development Plan in particular policies 3, 5 and 9 of the Leicestershire Minerals Local Plan.
75. The assessment of Bardon Quarry review has highlighted four main issues regarding the continued operation of the site. These are traffic noise, air quality and restoration. These amongst other matters, are considered below:

### **Traffic**

76. Bardon Quarry currently has no limit on output. Current production levels are just below 3 million tonnes per annum, of which approximately 2 million is exported by the road. All vehicles access the site via the A511 (Bardon Road) where most vehicles turn right into the site and all vehicles turn left out of the site.

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Continued

77. Aggregate Industries, hope to increase their rate of production in future years, which would have implications on the volume of traffic likely to be generated and the impact on the existing point of access.
78. Existing vehicles per day (one way) are approximately 358, which equate to 716 vehicle movements per day these figures fluctuate, reflecting market demands and trends. The company propose to increase production to 5 million tonnes per annum with 4 million being exported via the road, which would double vehicle movements to approximately 716 vehicles per day (1432 vehicle movements per day).
79. The A511 is a busy road and has high accident levels. Between 2000 and 2004 The County Traffic records show there had been 13 accidents between Bardon Quarry access and the Birch Tree roundabout. Although these accidents were not directly linked to Aggregate Industries vehicles, increased vehicle movements would have an impact.
80. Aggregate Industries are aware of the accidents related to this stretch of road and offered to implement a right hand turn lane through the approval of an asphalt plant in October 2004. A condition was attached to the asphalt plant, stating if asphalt production levels exceeded 550,000 tonnes per annum a right hand lane would be implemented.
81. As part of this review the company proposed an additional trigger level for the implementation of the right hand turn lane. The proposed trigger levels would be, asphalt production exceeding 550,000 tonnes per annum by road or 3 million tonnes per annum by road from the site as a whole. However this trigger level was not included in the schedule of conditions that the company submitted.
82. The Highway Authority has highway safety concerns regarding the A511 and feel any increase in vehicle movements from Bardon Quarry would have detrimental effects on the local highway network. The Highway Authority welcomed the proposed right hand turn lane, but recommended that the trigger level be reduced to 2,500,000 tonnes per annum exported by road from the whole site. The company feel such a reduction of output prior to the implementation of the right hand turn lane is restrictive to their operations and is unreasonable.
83. Agreement has been reached with the company that the right hand turn lane should be provided but a condition that is linked to trigger levels could be considered to restrict the company's extraction rate and therefore their working rights. As a result of further discussion with the company a condition requiring the right hand turn lane to be implemented within a fixed timescale has been. This will ensure the right hand turn lane is implemented, without restricting the output and working rights of the company. A two year period has been assessed as reasonable to agree the design details and with the implementation of the scheme to be undertaken within a further three years.

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84. The proposed mitigating right hand turn lane should improve highway safety and reduce the long-term impact of potential increased vehicle movements from Bardon Quarry.

#### Noise

85. As part of the Environmental Statement, which accompanied the schedule of conditions, a noise assessment was undertaken. The noise assessment was undertaken on 23<sup>rd</sup> November 2004. One day of noise monitoring is not considered sufficient to give an accurate assessment of noise levels at noise sensitive properties around Bardon Quarry. Taking into account the scale and magnitude of operations at Bardon Quarry and that not all operations are undertaken on a daily basis or at the same time.
86. The Environmental Health Officer was not satisfied with noise monitoring undertaken, and has recommended that additional noise monitoring be undertaken over a longer period of time to fully assess the noise implication of operations at Bardon Quarry to ensure the correct noise levels are set at noise sensitive properties. The Company has agreed to undertake more extensive noise monitoring and suggested a period of 9 months to assess all weather conditions, seasons and operational situations on site throughout a working day.
87. Noise conditions can be attached which would require initial comprehensive noise monitoring to be undertaken the results of which would then be used to set noise limits. Once noise limits have been set at noise sensitive properties for daytime, evening and night time, a scheme to monitor these levels for the life of the site would be required by condition.
88. Concerns were raised by Bardon Parish Council regarding the hours of operation proposed by the company in their schedule of conditions. The company's schedule of conditions have reiterated their existing hours of operation on site. Bardon Parish Council was unaware of the quarry's existing hours of operation. There have been only 6 noise complaints received by the County Council since 1993 under their current hours of operation. Two of the complaints received were related to the hours of operation regarding Tip 18 operations and the other complaints were with regards to plant and machinery operating. The company now ensures all their plant has broadband silencers and plant enclosed where applicable to reduce noise nuisance. The continuation of existing hours of operation should not have a detrimental effect on local residents or cause any increase in noise levels.

#### Air Quality

89. As part of the Environmental Assessment the company has identified different types of air quality nuisances. The main air quality nuisance is dust, sources have been identified on site which include blasting, excavation of material, processing of material, haulage of material, stocking of material, soil stripping / overburden and tipping. To reduce dust nuisance the company has identified

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mitigation measures, which include water suppression on plant, stockpiles and haul roads avoiding soil handling in adverse weather conditions, seeding soil storage mounds and maximising the height of storage mounds. Haul roads are located away from sensitive receptors and are paved where possible and swept.

90. Some dust still migrates beyond the quarry boundaries, which has led to 3 complaints being received by the County Council since 1996. North West Leicestershire Environmental Health Department has received an additional 84 complaints within this period especially from the Bradgate Drive area.
91. Bardon Quarry undertook a detailed dust assessment between 2003 and 2005, after North West Leicestershire District Council was to identify Bardon Quarry as a possible area of Air Quality Management Area. At the beginning of 2003 the company undertook a screening assessment which identified that the company would exceed Government PM<sub>10</sub> levels. PM<sub>10</sub> describes particles that are below 10µm in diameter and are therefore respirable. Government limits for PM<sub>10</sub> are currently 40 µg/m<sup>3</sup> annual mean and 50 µg/m<sup>3</sup> fixed 24-hour mean (not to be exceeded more than 35 days per year). Targets for 2010 are 20 µg/m<sup>3</sup> annual mean and 40 µg/m<sup>3</sup> fixed 24-hour mean (not to be exceeded more than 7 times per year).
92. The detailed dust assessment took place between 10<sup>th</sup> December 2003 and 16<sup>th</sup> March 2004. During this period, 11 PM<sub>10</sub> exceedences were identified which would equate to 40 exceedences for the whole year. The 11 exceedences could be seasonal. To establish if there was any correlation between the exceedences and the time of year the company extended the dust monitoring until December 2004. The results from the additional monitoring identified 21 exceedences between January 2004 to January 2005, which means that Bardon Quarry would not be identified as an Air Quality Management Area by North West Leicestershire District Council.
93. In addition to the detailed dust assessment the company installed 6 frisbee gauges in the vicinity of Bardon Quarry between the 10<sup>th</sup> December 2003 and the 16<sup>th</sup> March 2004. Four gauges were positioned on site and two gauges were positioned off site at Tillson House and Bradgate Drive. The results from these gauges concluded that deposition rates were not excessive and did not constitute a nuisance.
94. However, in order to ensure that dust levels are kept to an acceptable level now and in the future, it is considered that a dust monitoring scheme would be required to gather information on dust emissions from the site, which would assist additional mitigation measures. It is not anticipated that dust would cause a significant nuisance to sensitive receptors. Since Bardon Quarry review has been submitted, the company has continued to improve mitigation measures with a new water curtain to the road and rail load out adjacent to the Greenhill Estate and a ring main suppression system, on the boundary of the quarry adjacent to the Greenhill Estate. Improvements have also been made to existing plant and a new asphalt plant has been installed with an improved bag filter house, which should reduce dust emissions.

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95. The main cause of dust on site is the movement of material to and from stockpiles. Stockpiles on site are predominantly screened from sensitive receptors and the haul roads are located away from the boundary to reduce nuisance, in addition all stockpiles have dust suppression systems. The company has previously submitted an application to regularise stocking areas and to increase the height of permitted stockpiles. This application has been held in abeyance at the company's request to wait the results of the PM<sub>10</sub> dust monitoring. The company has not pursued the increase in stocking areas through this review but have sought the regularisation of the use of the previous playing field as a stocking area. A condition stating the location and maximum height of the stock piles can ensure that stocking areas are controlled
96. Odour is also an air pollutant that has been raised as a concern by residents on the adjoining Greenhill Estate. The main source of odour at Bardon Quarry is the roadstone coating plants. The odour may become apparent through bitumen fumes, poor combustion of waste oil and reclaimed asphalt when heated. The company has added odour neutraliser to the bitumen and waste oil before it is used which has reduced odour complaints from sensitive receptors. The company has also introduced natural gas to fuel the road coating plants on site instead of gasoil or reclaimed fuel oil, which has previously caused complaints.
97. The potential for odour nuisance from the roadstone coating plant should be minimal due to improvements on site and the low frequency of unfavourable wind direction or weather conditions.

#### Restoration

98. The long term nature of this quarrying operation means that details of restoration are difficult to resolve now and there may be another review prior to the operations being completed. Nevertheless, it is important to ensure that the principles of a proper restoration and aftercare are put in place so that work can be carried out towards its ultimate achievement and so as to bring the land into beneficial use as soon as is practicable.
99. As part of the review the company produced a satisfactory restoration concept that can be developed. The concept includes existing peripheral screening which the company, propose to maintain for the life of the site and such maintenance can ensured through conditions.
100. The restoration of Tip 18 would continue in accordance with previously approved plans and supporting information approved by the County Council in October 2004 which is included as part of the review.
101. The haul road used to transport the overburden to Tip 18 shall be restored once all tipping has been completed. The restoration of the haul road needs to be undertaken with great care, as part of the road lies adjacent to an SSSI. Prior to the restoration of the haul road a detailed scheme would need to be submitted and approved by the County Planning Authority.

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102. Historic tipping and landscaping would continue to mature through the life of the site and should complement the final restoration of the site. Once extraction and processing has ceased all the plant and buildings except the listed building on site shall be cleared and the land prepared for an unspecified afteruse. The precise afteruse of the plant area shall be determined in the future and shall be conditioned to ensure the most appropriate afteruse is implemented.
103. Part of the quarry void space will be retained for geological interest and a small amount of soils would be placed on each bench to encourage local colonisation of grasslands and scrub species. The full reclamation options for the quarry void needs to be assessed in the future to decide the most appropriate aftercare.

#### Environmental Considerations

104. Other environmental effects raised through the Environmental Statement, consultee responses and public representations have been assessed below:

#### Landscaping

105. There should be limited additional landscape impact from Bardon Quarry. The extension to Tip 18 is the main outstanding landscape feature still to be completed. Tip 18 final landform would enhance the surrounding landscape and would not adversely affect the Area of Particularly Attractive Countryside.
106. The company does propose to improve the screening of the site by extending two screening mounds. One proposed screening mound is located behind St Peter's Church, off Bardon Road (A511). The second proposed improvement is to join the gap in the north western screening mound that runs parallel with Bradgate Drive and Waterworks Road. These proposed landscaping improvements would not only reduce visual impact but would help further mitigate noise and dust from the site.
107. All existing and proposed screening mounds can be maintained and managed for the life of the site under planning conditions. The proposed landscape improvements would provide additional screening and environmental improvement to the local landform.

#### Rights of Way

108. There would be no additional alterations to the rights of way routes, as part of the review process. Should the company wish to alter any rights of way they would need to gain written approval from the County Council. Right of Way No O35 would continue to be diverted until November 2008 with a possible extension of time if necessary to complete the restoration of Tip 18. Right of Way O22 would need to be diverted in the future to allow the completion of Tip 18. The company would need to contact the County Council to gain written approval to divert right of way O22. Right of Way O22A, N59 and N100 would continue along their definitive line.

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109. All rights of way would be reinstated along their original line once winning and working has ceased and the site restored. The restoration concept identifies additional footpaths, which would lead to interpretation boards around the quarry extraction area, the routes still need to be clarified within the final restoration scheme and classified.

#### Ecology

110. There is no notable, rare or protected flora within the submission area (excluding Bardon Hill SSSI and Bardon Quarry Hill SSSI). There is protected and notable fauna within the submission area. There is evidence of Badgers being present in the area but no setts have been found within the operational area. Brown Long Eared Bats have been noted within the submission area but not in the active working area. Great Crested Newts have been located within 2.5km of the submission area none have been found within the operational area.
111. The company, understand that should they encounter any protected species that they would need to cease operations and contact the correct professional body. A procedure could be placed as a condition to ensure the continued safeguarding of protected species.
112. The proposed restoration scheme and long term management of the site includes the creation of heathland, woodland, acidic grassland and species rich hedgerows; all of which are BAP habitat targets and in accordance with MLP Policy 3. It is considered that the restored site should provide a greater value of wildlife than that currently exists.

#### Hydrology & Hydrogeology

113. A local resident has raised concerns regarding the effect of quarrying on the local water table. Bardon Quarry is approximately 100m deep and accumulates surface water, which is pumped to the surface into settlement lagoons. Bardon Quarry is precambrian igneous rock, which is non aquifer, and impermeable, therefore extraction should have no effect on the local water table.
114. Tip 18 is affected by surface water, and has been designed with a 100m wide drainage blanket underneath the Tip, which is linked to settlement lagoons to reduce surface water ponding. All settlement lagoons are discharged into a tributary of the River Sence.
115. There has been no existing problems regarding surface water, groundwater, flooding or any water pollution through operations on site. As operations on site should not significantly change there should be no adverse impact on ground or surface water in accordance with MLP Policy 3.

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Continued

### Archaeology

116. Although part of the eastern submission area (i.e. where area Tip 18 is located) is within a medieval deer park and could have a high potential for archaeological remains, all areas have been assessed and have approved archaeological briefs for future work. The existing extraction area and plant site has no land undisturbed and therefore there should be no adverse effect on any archaeological remains.

### Conclusion

117. The review of Bardon Quarry mineral permissions will result in an update of planning conditions, taking into consideration modern working methods and techniques and the environmental standards required today. As part of the review process various environmental issues were assessed in particular traffic, noise and air quality. All significant environment effects can be suitably controlled and mitigated through the imposition of appropriate planning conditions.
118. Under Paragraph 13 of schedule 14 of the Environment Act 1995 the County Council is required to consider the recommended conditions and whether the conditions would restrict the working rights of the site to an unreasonable degree. The proposed recommended conditions should not restrict the working rights of Bardon Quarry and are considered to be reasonable. The company has confirmed that the proposed recommended conditions set out in the below appendix would be acceptable.

### Recommendation

119. It is recommended that planning permission 785/57, 80/0833/07, 1996/0160/07, 1996/0160/07, 1998/0772/07 and 2004/0050/07 relating to Bardon Quarry be subject to the conditions set out in appendix.

### Background Papers

- 1) Planning Permission Nos. 785/57, 80/0833/7, 87/1099/07, 1996/0160/07, 1996/0160/07, 1998/0772/07 and 2004/0050/07 -

### Circulation Under Sensitive Issues Procedures

Mr. P.A. Hyde, CC  
Mr. C.A. Stanley, CC

### Officers To Contact

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**Conditions**Duration

1. On or before the 31<sup>st</sup> December 2028 all winning and working of minerals shall have ceased and the depositing of mineral waste shall have ceased. All buildings and structures shall be removed and the site restored in accordance with the relevant conditions herein specified.

Approved Details

2. Unless otherwise approved in writing by the Director of Community Services or otherwise required by conditions attached to this permission the development hereby permitted shall be carried out in accordance with details contained in the submitted application no 2005/0558/07 dated 3<sup>rd</sup> October 2005 and the accompanying supporting Environmental Statement.

Availability of Plans

3. Copies of the approved conditions and documents shall always be made available for inspection at the quarry manager's office during normal working hours. Their existence and contents shall be made known to all operatives likely to be affected by matters covered by them.

Restriction of Permitted Development Rights

4. Notwithstanding the provisions of the Town and Country Planning (general Permitted Development) Order 1995 (as amended)
  - a. No fixed plant or machinery, building, structures and erected, extended, installed or replaced at the site without the prior approval in writing by the Director of Community Services;
  - b. No new lighting or fencing or posts above 2m in height shall be installed or erected at the site unless details of them have been submitted in writing to the Director of Community Services;
  - c. No additional open stocking, storage, loading, parking or other hard surfaced area or lagoons or tipping areas shall be constructed without the prior approval from the Director of Community Services.

Traffic

5. Within 2 years from the date of these conditions being approved design details shall be submitted and agreed in writing by the Director of Community Services for access improvements to Bardon Quarry off the A511 to include a new right hand turn lane into the site.
6. The access improvements and right hand turn lane shall be implemented in accordance with the approved design details and shall be completed and brought into use within 3 years from the date of the design details being approved in writing by the Director of Community Services.
7. There shall be no access to the site other than via the existing quarry entrance

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8. All HGV's are to turn left out of the site access
9. No HGV's or Mobile Plant shall exceed a speed of 15 mph around the processing area and stockpiles
10. No HGV vehicles shall leave the site without first passing through an efficient wheel cleaning system so that no deleterious materials is deposited on the public highway. In the event that any such material is deposited on the public highway it shall be immediately removed by the operators.
11. All vehicles exporting dry stone less than 75mm in diameter from the site shall be sheeted before entering onto the public highway.
12. The surface of the site access road shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of the site restoration and aftercare.

#### Working and Phasing Details

13. Mineral extraction operations at the site shall be carried out in accordance with the working and phasing details contained within Section 5 of the Environmental Statement dated April 2005 and drawings Nos BHQ 5/1, BHQ 5/2 and BHQ 5/3.
14. Within the 1<sup>st</sup> quarter of each calendar year from the date of these conditions being approved a plan shall be submitted to the Director of Community Services. The plan shall show the progress of extraction, soil stripping/ storage, stockpiles, tipping and restoration over the previous 12 months and anticipated progress over the next 12 months.

#### Hours Operation

15. Unless otherwise approved in writing by the Mineral Planning Authority, except in the case of emergency and for essential pumping and for the maintenance and repair of plant and machinery, no operations shall be carried out within the site except as follows:
  - a. Operations connected with the construction of the Eastern Tip (Tip 18) shall only be carried out between the hours of 07.00 - 19.00 on Mondays to Fridays and 07.00 to 14.00 on Saturdays;
  - b. Operations connected with the extraction and internal movement of stone and the operation of aggregate processing plant and aggregate and concrete product stocking areas shall only be carried out between the hours of 06.00 to 22.00 Monday to Saturday;
  - c. The existing coated roadstone/ asphalt plants at the site may be used at any time and the loading, movement and servicing of trains may be carried out at any time;
  - d. The manufacture of concrete products within existing enclosed buildings at the site may be carried out at any time;

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- e. The existing office buildings at the site may be used at any time;
  - f. Any other operations carried out within the site shall only be carried out between the hours of 06.00 and 22.00 Monday to Saturday;
  - g. In respect of all operations above except (c & d), there shall be no working on any Sunday or statutory bank holiday/ public holiday.
16. Any emergency operations which need to be carried out outside the specified hours shall be notified to the Director of Community Services within 72 hours of the occurrence together with details of the reasons why operations were necessary.

### Noise

17. Any pumping, maintenance and repair work carried out outside the normal permitted hours of working as set out in the condition above shall not exceed the noise levels set out in condition 20.
18. Unless otherwise agreed in writing by the Director of Community Services a noise monitoring and control scheme shall be submitted to the Director of Community Services for written approval 6 months from the date of approval of these conditions. The scheme shall identify:
- a. How background noise levels would be obtained;
  - b. Noise monitoring locations;
  - c. Frequency of measurements;
  - d. Noise monitoring equipment and model
  - e. How noise levels would be monitored;
  - f. How the results would be presented and analysed.
- Noise monitoring should be undertaken in accordance with the approved scheme for a period of 9 months. All noise monitoring results shall be submitted within 1 month from the last date of noise monitoring to the Director of Community Services in accordance with condition 19.
19. All noise results and a programme of future monitoring shall be submitted to the Director of Community Services for written approval and should include the following information:
- a. Noise monitoring results
  - b. Noise limits for day, evening and night time periods at each noise monitoring location;
  - c. A programme of future monitoring;
  - d. Mitigation measures to meet approved noise levels;
  - e. Procedures to be adopted should agreed noise limits be breached.
- All noise limits shall not be exceeded and monitoring should be undertaken in accordance with the approved programme of noise monitoring.
20. Until permanent noise limits have been approved in accordance with conditions 19 and 20, noise levels shall not exceed the below levels at any noise sensitive property;
- 55dB (A)  $L_{Aeq}$ , 1h (freefield) between the hours of 07.00 to 22.00;
  - 42 dB (A)  $L_{Aeq}$ , 1h (freefield) between the hours of 22.00 and 07.00.

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21. Unless otherwise agreed in writing by the Director of Community Services noise levels arising from temporary operations, such as soil stripping and the construction and removal of soil/ overburden mounds, shall be minimised as far as is reasonably practicable and shall not exceed 70dB L<sub>Aeq</sub>, 1h (freefield) at any noise sensitive property. Temporary operations shall only be carried out between the hours of 08.00 to 18.00 Monday to Friday and the hours of 08.00 to 12.00 on Saturday, and shall be limited to a total of 8 weeks in any 12 month period for any individual noise sensitive property. The Company shall notify the Mineral Planning Authority within 1 week of commencing any temporary operations
22. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected should be taken out of service until fixed or replaced. Other than for the purpose of maintenance, no machinery shall be operated with the cover open or removed. The motor of all vehicles, plant and machinery shall be switched off when not in use.

#### Blasting

23. Blasting shall only take place within the proposed extraction area shown on plan no BHQ 5/1.
24. Except in an emergency no blasting shall be carried out within the site other than between the hours of 09.00 and 17.00 hours Monday to Friday and 10.00 to 14.00 hours on a Saturday provided that no blasting shall take place during the hours of darkness. No blasting shall take place on any, Sunday or Public/ Bank Holiday unless otherwise approved in writing by the Director of Community Services.
25. Any emergency blasting needed to be carried out outside the specified hours in accordance with condition 31 shall be notified to the Director of Community Services within 72 hours of the occurrence. A detailed justification shall accompany the notification.
26. No blasting operations shall be carried out which would result in ground vibration exceeding 6.0mm/s peak particle velocity (ppv) in any of the three planes of measurement at any vibration sensitive property off site, with a 95% upper confidence level, measured over any period of 6 months. No individual blast shall result in ground vibration exceeding 12.0mm/s ppv in any of the three planes of measurement at any sensitive receptors.
27. Every blast shall be designed to minimise noise or air over pressure by use of the latest available techniques such that air over pressure should not exceed 120dB peak linear as measured externally at any residential property under normal atmospheric conditions.

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28. No secondary blasting shall be carried out within the site subject of this permission.
29. Within 6 months from the date of these conditions being approved a scheme for monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the Director of Community Services for written approval. Blast monitoring shall be undertaken in accordance with the approved scheme to the satisfaction of the Director of Community Services.
30. The equipment to be used for the measurement of vibration from blasting shall be maintained in good condition in accordance with the manufacturer's specification at all times throughout the development.
31. All blast results should be kept on site and made available upon demand to the Director of Community Services.

#### Dust

32. Unless otherwise agreed in writing by the director of Community Services a dust monitoring scheme shall be submitted to the Director of Community Services 6 months from the date these conditions are approved. The scheme shall include:
  - a. A methodology of dust monitoring including type of equipment to be used;
  - b. Dust monitoring locations ;
  - c. Monitoring frequency ;
  - d. Presentation and analysis of results;
  - e. A record of which operations are active on site
  - f. Measures to be taken to record rainfall, wind speed, direction and temperature;The scheme shall be implemented as approved unless otherwise agreed in writing by the Director of Community Services.
33. Unless otherwise agreed in writing with the Director of Community Services dust suppression methods shall be implemented in accordance with table 13/9 of the Environmental Statement dated April 2005 ( as shown in appendix 3).
34. All operations shall be carried out in a manner to minimise the emission of dust from the site. In order to control dust from internal traffic movements, all haul roads within the site shall be maintained in a good condition. Should in the opinion of the Director of Community Services the internal access road be of poor condition written notification shall be given and remedial works that have been previously approved with the Director of Community Services shall be undertaken within 1 week of such written notification to the satisfaction of the Director of Community Services.
35. All haul roads in service shall be kept moist in dry and windy conditions by water bowser or fixed water sprays, as necessary and any dry and exposed area/material shall be watered as necessary in windy conditions to prevent dust becoming airborne.

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Complaints regarding noise, blasting dust or odour

36. In the event of any complaint being received regarding noise, blasting, dust or odour from the site, 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 be 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.

Soil Handling

37. Unless otherwise agreed in writing by the Director of Community Services all soil handling shall be undertaken in accordance with the Department for Environment Food and Rural Affairs, Good Practice Guide Soil Handling dated 2000 (or any subsequent amendment or replacement).
38. Topsoil and subsoil shall be separately stripped to their full depth and shall wherever possible be immediately re-spread in their correct sequence to the same settled depth. If this immediate re-spreading is not practicable, the topsoil and subsoil shall be stored separately for subsequent replacement.
39. Written notification shall be given to the Director of Community Services 5 days prior to soil stripping commencing.
40. Within 6 months of the formation of any storage bund the operators shall submit a plan to be approved in writing by the Director of Community Services showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein. Topsoil bunds shall not exceed 3m in height and subsoil bunds shall not exceed 5 m in height.
41. All storage mounds intended to remain in situ for over 6 months or over the winter months shall be grass seeded and kept weed free to the satisfaction of the Director Community Services.
42. All soil movement operations shall only be carried out when the full volume of soil involved is in a dry and friable condition, i.e. the soil is in a non-plastic state such that damage to its structure shall be avoided.
43. Plant or vehicle movement shall be confined to clearly defined haul routes and shall not cross areas of topsoil except for the express purpose of soil stripping or replacement operations.
44. All topsoil, subsoil and soil forming material shall be retained on site
45. All stones and other materials in excess of 200mm in any dimension which are likely to obstruct cultivation in the agricultural afteruse shall be picked and removed from the site.

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46. The minimum settlement depth of subsoil and topsoil shall be 1 metre above the drainage layer.
47. The applicant shall notify the MPA at least 5 working days in advance of the commencement of the final subsoil placement on each phase or part phase to allow a site inspection to take place.
48. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, if required by the Director of Community Services shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Director of Community Services
49. Unless otherwise agreed in writing by the Director of Community Services or required by conditions of this permission, the replacement overburden shall be graded in accordance with the contours shown on the restoration plan. The restored site contours shall be free from risk of ponding or erosion.

#### Landscaping

50. Unless otherwise agreed in writing by the Director of Community Services a landscape management scheme shall be submitted for written approval from the Director of Community Services, 6 months from the date of this permission, for peripheral screening mounds and previous tipping areas. The management scheme should identify the annual programme of works to be undertaken taking into consideration the following issues:
  - Vegetation management - cutting grass, grazing period, livestock, weed control and spraying;
  - Tree and hedgerow management - beating up, weed control, fertiliser, cutting and pruning;
  - Irrigation/ watering
  - Engineering, stability and erosion works.
 Unless otherwise approved in writing by the Director of Community Services all landscape management should be undertaken in accordance with the approved scheme.
51. Prior to any additional infilling operations behind St Peters Church and Waterworks Road a scheme of working shall be submitted and approved in writing by the Director of Community Services. The scheme shall include:
  - detailed plans
  - machinery to be used
  - amount of material to be used
  - method of working
  - time scale of the development
  - contour levels
  - landscaping
  - aftercare
 All works shall be undertaken in accordance with the approved scheme.

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#### Ground Water Protection

52. Any facilities for the storage of oil, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall at least equivalent to the capacity of the tank plus 10%. All filling point vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.
53. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

#### Rights of Way

54. Prior to the commencement of the diverted right of way 022 details shall be submitted to and approved in writing by the Director of Community services with regard to the width, surface, fencing and maintenance of right of way 022. The right of way would then be managed in accordance with the approved details.
55. All footpaths shall be sign posted, secure and maintained at all times until completion of the site restoration and aftercare.

#### Stocking Areas

56. Unless otherwise agreed in writing by the Director of Community Services stocking areas shall only be located in those areas as shown coloured and hatched on Plan No 2005/0558/07/M1 and to the size and height as stated on the plan.

#### Plant

57. Unless otherwise agreed in writing by the Director of Community Services all plant and machinery cladding shall be maintained to its original colour and condition for the life of the site.
58. Unless otherwise agreed in writing by the Director of Community Services, no mineral shall be brought onto the site for processing in the primary crusher.

#### New Laboratory

59. The construction of the new laboratory shall commence by the 13<sup>th</sup> September 2010 and be completed in accordance with details dated 8<sup>th</sup> July and 23<sup>rd</sup> August 2002 and drawings 1000/213 and 1000/214, both dated 6<sup>th</sup> June 2002.

#### Illumination

60. Measures shall be taken as may be agreed by the Director of Community Services 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

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properties by reason of illumination. Measures shall be taken to ensure that so far as is reasonably practicable that lights are not directed beyond the boundaries of the site particularly during hours of darkness.

Eastern Tip (Tip 18)

61. Unless otherwise agreed in writing by the Director of Community Services the archaeological investigations regarding Tip 18 shall be carried out in accordance with the details contained in the archaeological brief dated 24 May 2004.
62. Unless otherwise agreed in writing by the Director of Community Services Tip 18 (including permitted extension) shall only be constructed from Bardon Quarry waste materials.
63. There shall be no access to Tip 18 (including permitted extension) other than via the existing internal haul road.
64. Unless otherwise agreed in writing by the Director of Community Services the submission of final archaeological reports and archive material shall be submitted to the County Planning Authority in accordance with the approved archaeological Brief dated 24 May 2004 and letter dated 23 September 2004.
65. No trees shall be felled between the months of March to September.
66. Restoration of Tip 18 shall be carried out in accordance approved details dated 13 January 2004 and Plan No B19/04. A detailed scheme identifying the location and design of all ponds, planting species, mixes, the location of all trees, hedgerow and heath grassland planting and wetland habitats shall be submitted and approved in writing by the Director of community Services within 6 months from the date of this permission.
67. Prior to the completion of the restoration of any phase of Tip 18 (as stated on Plan No B19/05) a scheme for the aftercare of the restored land for a period of 5 years in order to bring it to a condition suitable for long term beneficial use. The subsequent management of land and vegetation throughout the duration of the mineral working operations hereby permitted shall be submitted to the Director of Community Services. The submitted scheme shall cover a 5 year period and shall specify the steps that are to be taken over the period and shall include the provisions to be made for the subsequent management of the land and vegetation; the steps shall include:
  - planting;
  - cultivating;
  - fertilising;
  - watering;
  - draining;
  - fencing and otherwise
  - treating and managing the land.
  - Rights of Way

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The scheme of aftercare shall be subject to annual review and in the light of circumstances appertaining at the time of the review the scheme may be modified in agreement with the Director of Community Services.

#### Restoration and Aftercare

68. Once Tip 18 has been completed the internal haul road that links Tip 18 to the extraction area and runs through the Bardon Hill SSSI shall be restored in accordance within an approved scheme. A restoration scheme for the internal haul road shall be submitted within 6 months from the date of these conditions being approved unless otherwise agreed in writing by the Director of Community Services. The scheme shall include the following:
- Intended use of the haul road
  - Impact and integration with Bardon Hill SSSI
  - Protection of Bardon Hill SSSI
  - Timing and implementation of restoration
  - Grass mixes and planting mixes
- Restoration of the haul road shall be implemented within 18 months of permanent cessation of tipping in accordance with the approved scheme and maintained for a period of 5 years.
69. Two years prior to extraction ceasing a definitive and detailed restoration scheme for the whole site shall be submitted to the Director of Community Services for written approval. The restoration scheme shall be carried out in accordance with the restoration concept plan no. BHQ6/1 and shall include the following:
- The nature or the intended after-use of the whole site;
  - The sequence and phasing of reclamation showing clear relationship to the working scheme;
  - Drainage;
  - The reinstatement of the plant site and access roads by clearing plant, buildings, machinery and concrete or bricks, deep cultivation in both directions to remove stocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites;
  - Grass seeding mix;
  - Time table for implementation;
  - Leicestershire Biodiversity Action Plan targets;
  - Details of final routing of rights of way;
  - Geological protection;
  - Protection and enhancement of Bardon Hill SSSI;
  - Protection and enhancement of the historic environment of the medieval Bardon Park;
  - Any other matters as relevant.
70. On completion of the restoration all equipment, plant, machinery structures and building shall have been removed from the site.

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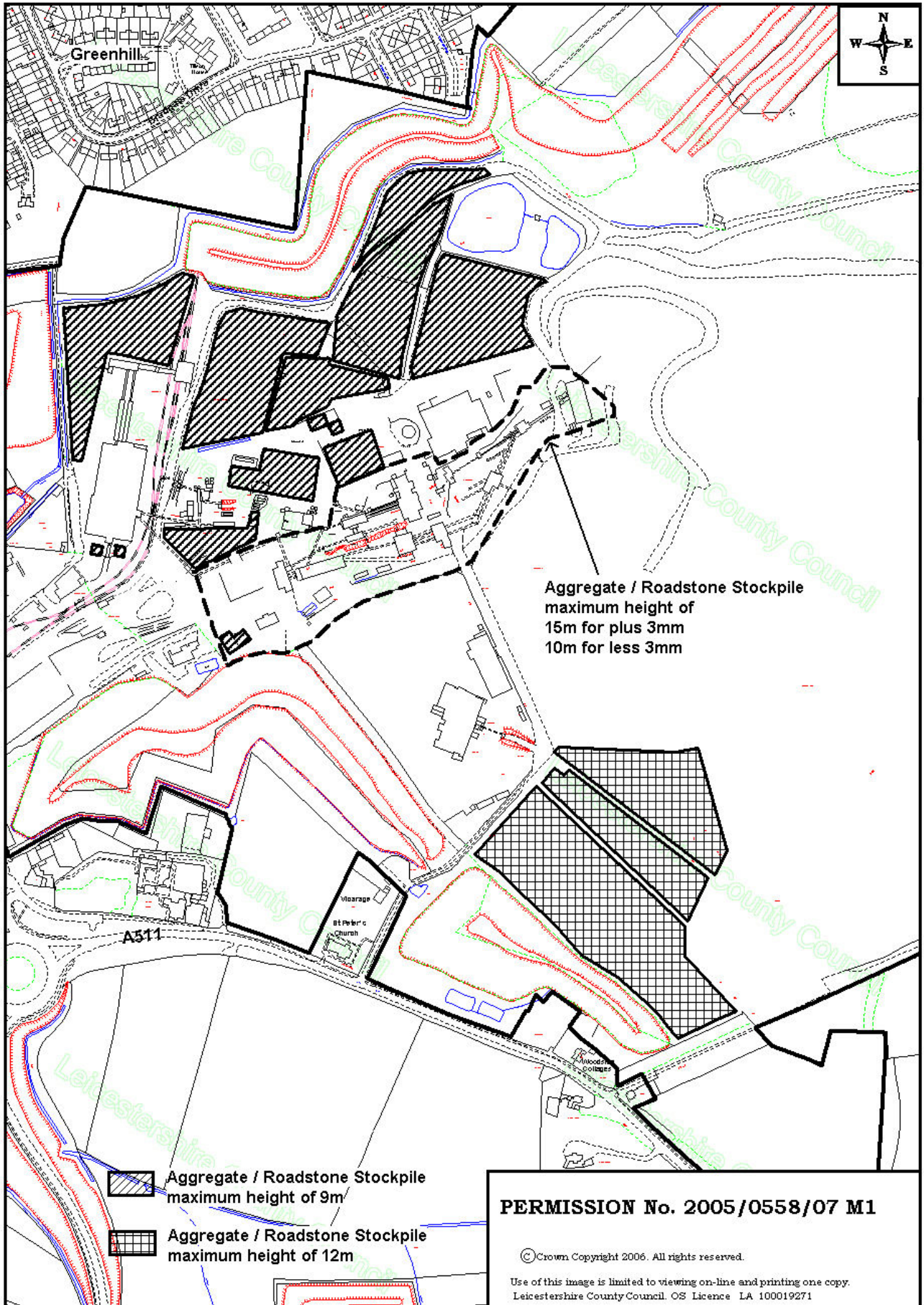
71. All areas so designated in the restoration scheme under condition 68 and 69 shall undergo aftercare management for a period of 5 years. This aftercare period shall commence on the date that restoration is completed in accordance with the agreed scheme.
72. An aftercare scheme, requiring such steps as may be necessary to bring each phase of the land reclaimed under condition 68 and 69 to the required standard for use shall be submitted for the approval of the Director of Community Services, at least 6 months before restoration has been completed and thereafter implemented as approved.
73. Within 6 months of being notified by the County Planning Authority that (in its opinion) there has been a permanent cessation of mineral extraction prior to the achievement of final site restoration, a restoration scheme (to include details of aftercare) shall be submitted in writing to for approval by the County Planning Authority. (Permanent cessation will be taken to mean where no winning and working of minerals or depositing of waste has occurred, to any substantial extent, at the site for a period of at least 2 years and it appears to the County Planning Authority that resumption of the winning and working of mineral or the depositing of waste at the site is unlikely). The restoration scheme shall include details identified in condition 68.

### **REASONS**

- |                                     |  |
|-------------------------------------|--|
| 1&2                                 | To comply with Section 91 of the Town and Country Planning Act 1990 (Minerals Local Plan Policy 5)   |
| 3                                   | To enable the MPA to adequately control the development and to minimise its impact on the amenities of the local area (Minerals Local Plan Policy 5) |
| 4,58,<br>59&62                      | To restrict development not authorised by this permission (Minerals Local Plan Policy 5)   |
| 5,6,7,<br>8,9,10<br>11,12<br>&63    | In the interest of highway and environmental safety (Minerals Local Plan Policy 5)   |
| 9,36,<br>56,57<br>&60.              | To protect the amenity of the local residents (Minerals Local Plan Policy 5)   |
| 13&14                               | To enable the effects of the development to be adequately monitored during the course of the operations (Minerals Local Plan Policy 5)               |
| 15,16,<br>17,18,<br>19,20,<br>21&22 | To minimise the adverse impact of noise generated by the operations on the local community (Minerals Local Plan Policy 5)                            |

785/57, 80/0833/7, 87/1099/07, 1996/0160/07, 1998/0772/07 and 2004/0050/07 –  
Continued

- 23,24,  
25,26,  
27,28,  
29,30  
&31
- To ensure compliance with the conditions relating to Blasting.  
(Minerals Local Plan Policy 5)
- 32,33,  
34&35
- To protect the amenity of the locality from the effect so of dust arising from  
the development (Minerals Local Plan Policy 5)
- 37,38,  
39,40,  
41,42,  
43,44,  
45,46,  
47,48  
&49
- To protect the soil resource and to aid the final restoration of the site and  
pursuant to Leicestershire Minerals Local Plan Policy 11.
- 50&51
- In the interest of the amenity of the local area and to ensure the  
development is adequately screened. (Minerals Local Plan Policy 5)
- 52&53
- To minimise the impacts of surface water on surrounding properties and  
watercourses. (Minerals Local Plan Policy 5)
- 54&55
- To protect and enhance the right of way amenity of the area
- 61
- To protect the archaeological interests of the area, (Minerals Local Plan  
Policy 5)
- 64
- To ensure that adequate archaeological investigation and recording is  
undertaken prior to the development taking place (Minerals Local Plan  
Policy 5)
- 65
- In the interest of amenity and wildlife conservation (Minerals Local Plan  
Policy 5)
- 66,67,  
68,69,  
70,71,  
72&73.
- To ensure that the site is reclaimed in an orderly manner to a condition  
capable of beneficial afteruse and in the interest of amenity of local  
residents. (Minerals Local Plan Policy 11)



**SCHEDULE OF DRAFT CONDITIONS**

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**Approved Documents**

1. The development hereby approved shall be carried out solely in accordance with the details submitted with the Review of Old Mineral Permissions (ROMP) application comprising Drawings BHQ 5/1, BHQ 5/2, BHQ 5/3 & BHQ 6/1, the ROMP application forms and the text contained in the Environmental Statement dated April 2005. There shall be no variation to these approved documents unless otherwise agreed in advance in writing by the Mineral Planning Authority.
2. Until such time as operations at the quarry cease, copies of these conditions and the approved documents referred to in Condition 1, and any other subsequently approved in accordance with this permission shall always be available for inspection at the quarry manager's office during normal working hours. Their existence and contents shall be made known to all operatives likely to be affected by matters covered by them.

**Duration**

3. This permission shall expire on 31<sup>st</sup> December 2042 by which date all quarrying and associated operations shall have ceased unless a further planning permission has been granted.

**General Working**

4. Mineral extraction operations at the site shall be carried out in strict accordance with the working and phasing details contained within Section 5 of the Environmental Statement and as illustrated on Drawings BHQ 5/1, BHQ 5/2 and BHQ 5/3.
5. Measures shall be taken, as may be agreed by the Director of Community Services, in consultation with the Environment Agency, to ensure that the operations carried out within the site do not give rise to the pollution of any watercourse or other land and do not give rise to any flooding and to ensure that the natural or artificial drainage or any adjoining land is not adversely affected by any operations carried out within the site, any oil, lubricant, paint or solvent within the site shall be so stored as to prevent such material from contamination any topsoil, subsoil or soil making material or from reaching any watercourse.
6. Prior to the commencement of the stripping and removal of soil and overburden (if any) from any part of the permitted but un-worked quarry area, details of the area to be stripped, the quantities of topsoil, subsoil, overburden and any other material to be stripped or removed, the locations in which the materials to be stripped or removed are to be deposited and the manner in which the stripping, removal, transportation and deposition of the materials is to be carried out, shall be submitted to the Director of Community Services for approval. These operations shall thereafter be carried out in accordance with the details as approved in writing by the Director of Community Services.
7. Following the completion of soil stripping and overburden removal from any substantial part of the permitted but un-worked quarry area, all parts of the exposed overburden face that are visible from anywhere outside the site shall be

## **SCHEDULE OF DRAFT CONDITIONS**

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landscaped and planted in accordance with details that have previously been submitted to and agreed in writing by the Director of Community Services in order to minimise the visual impact of the newly exposed faces.

8. Unless otherwise approved in writing by the Mineral Planning Authority, the stocking of concrete products on the site shall not exceed a height of 3.5 metres above the existing ground level.
9. Unless otherwise approved in writing by the Mineral Planning Authority, the stocking of aggregates or roadstone on the site shall not exceed a height of 15 metres above the existing ground level.
10. Unless otherwise approved in writing by the Mineral Planning Authority, no mineral shall be brought onto 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, concrete products and coated roadstone.
11. Unless otherwise approved in writing by the Mineral Planning Authority, the mineral processing plant and the coated roadstone/asphalt plants within the site shall not be used except for the processing of and manufacture of products from stone extracted from within the site.
12. No waste or other material shall be brought onto the site for the purpose of tipping or disposal.
13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development 1 Order 1995, no buildings, plant, structures or machinery (excluding mobile plant and machinery) shall be erected or replaced on any part of the site without the prior approval in writing of the Mineral Planning Authority, given following the submission of details and plans showing the location and (where appropriate) external appearance of the buildings, plant, structures, or machinery to be erected or replaced.
14. Adequate wheel cleaning facilities shall be maintained at the access point to the site and shall be used as may be necessary to ensure that no mud or other detritus is carried onto the highway at all times.

### **Access**

15. Unless otherwise approved in writing by the Mineral Planning Authority, access to and from the Bardon Hill Quarry complex shall only be gained via the existing main quarry accesses from the A50 Bardon Road, as illustrated on Drawing BHQ 11/1.

### **Noise**

16. Unless otherwise agreed in writing with the Mineral Planning Authority, noise levels at the nearest noise sensitive properties shall not exceed 47dB L<sub>Aeq</sub> 1 hour free-field during the period of 06:00 to 22:00 hours.

## SCHEDULE OF DRAFT CONDITIONS

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### Dust

17. Measures shall be taken within the site to ensure that the best practicable means are used to control the emission of dust from the processing plant 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.

### Illumination

18. Measures shall be taken as may be agreed by the Director of Community Services, to ensure, so far as it is reasonably practicable that the operations carried out within the site do not give rise to nuisance at nearby residential properties by reason of illumination. The measures taken shall include insurance so far as is reasonably practicable that lights are not directed beyond the boundaries of the site, particularly during hour of darkness.

### Blasting

19. Except in the case of emergency, no blasting shall be carried out within the site except between the hours 10:00 – 18:00 on Mondays to Fridays and 10:00 – 14:00 on Saturdays; any emergency blasting carried out outside these specified hours shall be notified to the Mineral Planning Authority within 24 hours of its occurrence together with details of the reasons at to why it was necessary.
20. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 8 mms<sup>-1</sup> in 95% of blasts measured over any period of twelve months and no individual blast shall exceed a peak particle velocity of 12 mms<sup>-1</sup> as measured at vibration sensitive buildings. The measurement shall be the maximum of three mutually perpendicular axes. The company shall monitor and record vibration levels and air overpressure resulting from blasting, and record the location of each blast, the number of holes, MIC, etc, and forward details to the Mineral Planning Authority at agreed intervals.'

### Hours of Operation

21. Unless otherwise approved in writing by the Mineral Planning Authority, except in the case of emergency and for essential pumping and for the maintenance and repair of plant and machinery, no operations shall be carried out within the site except as follows:-
  - (a) Operations connected with the construction of the Eastern Tip (Tip 18) shall only be carried out between the hours of 07:00 – 19:00 on Mondays to Fridays and 07:00 – 14:00 on Saturdays.
  - (b) Operations connected with the extraction and internal movement of stone and the operation of aggregate processing plant and aggregate and concrete product stocking areas shall only be carried out between the hours of 06:00 – 22:00 on Mondays to Saturdays.

## **SCHEDULE OF DRAFT CONDITIONS**

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- (c) The existing coated roadstone/asphalt plants at the site may be used at any time, and, the loading, movement and servicing of trains may be carried out at any time.
  - (d) The manufacture of concrete products within existing enclosed buildings at the site may be carried out at any time.
  - (e) The existing office buildings at the site may be used at any time.
  - (f) Any other operations carried out within the site shall only be carried out between the hours of 06.00 and 22.00 on Mondays to Saturdays.
  - (g) In respect of all the operations above, except (d), there shall be no working on any Sunday or statutory Bank Holiday.
22. Any pumping, maintenance and repair work carried out outside the normal permitted hours of working as set out in condition number 16 above shall be carried out in such a manner as to ensure that the operation or work is not audible at any nearby residential property, as may be agreed by the Director of Community Services.

### **Restoration & Aftercare**

23. Unless otherwise agreed in writing by the Director of Community Services, for the duration of the permitted operations affecting any part of the site, all existing perimeter hedges, fences and walls at that part of the site shall be made stockproof, maintained and protected from damage. Where the site boundary does not coincide with an existing hedge, fence or wall, stockproof fencing shall be erected for the duration of the permitted operations. Undisturbed hedgerows within or bounding the site shall be retained, protected and maintained throughout the duration of the permitted operations.
24. Unless otherwise agreed in writing by the Director of Community Services all areas of the site left undisturbed and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from weeds and measures shall be taken to destroy weeds at an early stage of growth to prevent seeding.
25. Prior to any part of the site being excavated, traversed by heavy vehicles or machinery (except for the purpose of stripping topsoil from that part or stacking topsoil on that part), to be built upon, or used for stacking of subsoil, soil making material or overburden, or as a machinery dump or plant yard, or for the construction of a road, all available topsoil shall be stripped from that part after removal of any excess vegetation or standing crops.
26. Following the completion of the restoration of any part of the site, all plant, machinery, fixed equipment, building and structures shall be removed from the restored area.
27. Following the replacement and treatment of topsoil on any substantial part of the site, the restored land shall be seeded to grass or otherwise planted and fences,

## **SCHEDULE OF DRAFT CONDITIONS**

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hedges and ditches shall be formed in accordance with the approved scheme of restoration, landscaping and planting for the area.

28. Within any part of the site, the area of land taken out of agricultural, woodland or other existing use for the purposes of carrying out the development hereby permitted and the felling of trees in advance of the development shall be restricted to the minimum that is necessary for efficient operational purposes, as may be agreed in writing by the Director of Community Services.
29. No movement of soil shall be carried out except when the full depth of soil to be stripped or otherwise transported is a suitably dry soil moisture condition such that the topsoil can be separated from the subsoil without difficulty and so that it is not damaged by machinery passage over it, unless otherwise agreed by the Director of Community Services in consultation with the Ministry of Agriculture, Fisheries and Food.
30. Topsoil, subsoil and soil making material storage mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and they shall be graded and seeded with a suitable grass seed mixture and the sward shall be managed throughout the period of soil storage, all to the reasonable satisfaction of the Mineral Planning Authority. Mounds of topsoil, subsoil and soil making material shall not be traversed by heavy vehicles or machinery except during construction or removal of the mounds.
31. The site shall be restored in accordance with the details set out in Section 6 of the Environmental Statement and illustrated on Drawing BHQ 6/1 or such amendments to that scheme as may be agreed in writing by the Mineral Planning Authority.
32. The final restoration of the site shall be completed within a period of 24 months from the cessation of mineral operations unless otherwise agreed in writing by the Mineral Planning Authority.
33. All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained with the principles of good forestry and husbandry until the expiry of this permission. Any trees or plants which die, become seriously damaged or diseased within 5 years of being planted shall be replaced with plants of the same species or other species which may be agreed in writing with the Mineral Planning Authority.
34. Under the provisions of Section 72(5) of the Town & Country Planning Act 1990, following the completion of the restoration of the site, a 5 year aftercare scheme, to be submitted to and agreed in writing by the Mineral Planning Authority, shall be implemented. The implementation of the aftercare scheme shall also be agreed in writing with the Mineral Planning Authority.

### **Archaeology**

35. The remaining sections of the medieval 'Park Pale' earthwork, as shown in Appendix 16/1 of the Environmental Statement, shall be protected from damage throughout the duration of the operations hereby permitted; the means of protection shall include the taking of such measures as may be agreed in writing by

## **SCHEDULE OF DRAFT CONDITIONS**

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the Director of Planning and Transportation in consultation with the Leicestershire Museums Service and, in any case, no working shall be carried out within five metres of any part of the 'Park Pale' to be protected.

## AIR QUALITY 13

Table 13/9: Summary of Dust Control Measures &amp; Estimate of Effectiveness

Site Operation	Dust Control Measures	Estimate of Effectiveness
<b>Soil/Overburden removal:</b>	Water sprays to be used as required	High
	Avoid soils handling during adverse weather conditions	High
	Soil/overburden storage mounds graded to minimise wind blown dust (when storage is needed)	Moderate
	All soil mounds to be seeded immediately upon completion of construction	High
	Soil mound heights restricted to minimise dust emissions	Moderate
<b>Blasting &amp; Mineral Extraction:</b>	Filtration of process air from drilling for explosive placement.	High/Moderate
	Avoid blasting during unfavourable wind conditions.	High
	No stockpiling of mineral in active excavation areas	High
	Drop heights minimised at all times	Moderate
	Use of water sprays as and when necessary	High
<b>Stock Piles:</b>	Use of water sprays on stock piles, when necessary	High
	Siting of stock piles to take advantage of shelter from wind	High
<b>Internal Haul Roads:</b>	Controlled use of fixed haul routes	Moderate/High
	Haul routes to be regularly maintained by grading to minimise dust generation	High
	Optimise separation distances to sensitive receptors	High
	Speed controls to be implemented and enforced on all haul routes (e.g. 10 mph)	Moderate
	Water bowsers to be used as required	High
	Temporary and permanent sprinkler systems can be located around the site if required	High
<b>Access Road:</b>	Paved site access road	High
	Use of wheel cleaning equipment	Moderate/High
	Use of water bowsers on access road when required	High
	Use of road sweeper on paved areas when required	Moderate
	Speed controls to be implemented on access road (e.g. 10 mph)	Moderate
<b>Processing Plant:</b>	Use of water sprays	High
	Drop heights to be minimised at all times	Moderate
	Use of belt scrapers and correct disposal of scrapings	Moderate
	Siting of screens, crushers and conveyors to take advantage of shelter from wind	Moderate/High
	Avoid dropping aggregate to quarry floor during unfavourable wind conditions.	High

## **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, 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 Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

### **BACKGROUND PAPERS**

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

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

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

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

Any relevant provisions of the development plan (i.e. the Regional Spatial Strategy, 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 given in the Town and Country Planning Act 1990:

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