



**Leicestershire
County Council**

DEVELOPMENT CONTROL AND REGULATORY BOARD

12th SEPTEMBER 2019

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2018/1457/03 (2018/CM/0147/LCC) – 20 th August 2018
PROPOSAL:	Extension of sand and gravel working with restoration to agriculture.
LOCATION:	Shawell Quarry, Gibbet Lane, Shawell, Leicestershire, LE17 6AB (Harborough District).
APPLICANT:	Tarmac Trading Ltd.
MAIN ISSUES:	Impact of the proposal upon archaeology, dust, ecology, landscape, noise, water, restoration of the site and the need for mineral.
RECOMMENDATION:	PERMIT subject to the conditions as set out in the appendix and the provision of a legal agreement covering the protection of the bore hole used by the adjacent tile works.

Circulation Under the Local Issues Alert Procedure

Mr B. L. Pain, CC.

Officer to Contact

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PART B – MAIN REPORT

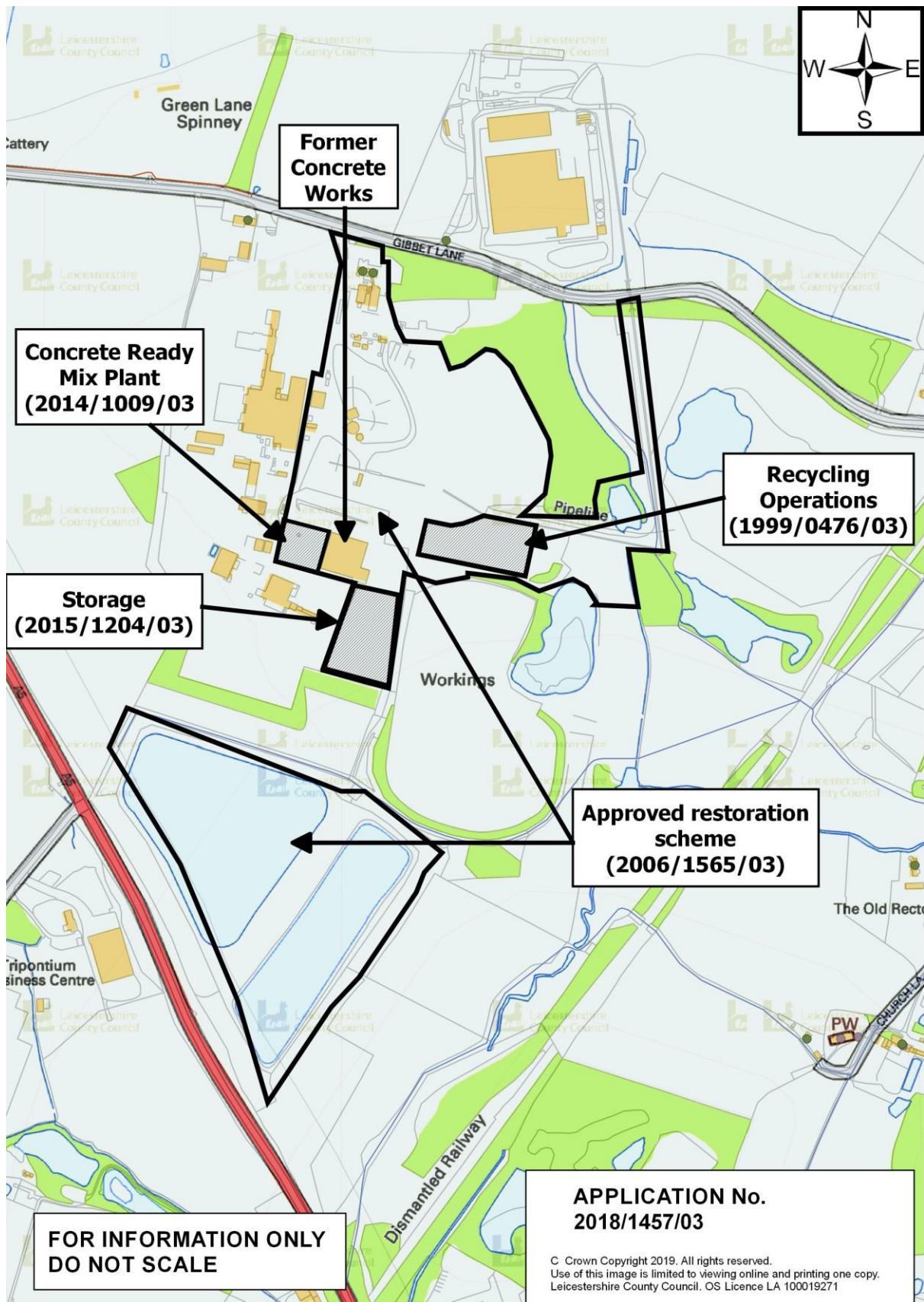
Site Location and Planning History

1. The Shawell/Cotesbach quarry and landfill site is located north west of the village of Shawell and south of the village of Cotesbach, near Lutterworth. The mineral extraction and landfill area is located north of Gibbet Lane, a road which links Shawell with the A5/A426 junction to the west of the site. The associated minerals processing plant, several silt settlement lagoons, a roof tile works, and the site of a disused concrete block works are located to the south of Gibbet Lane. Mineral is transported from the current extraction area to the processing plant by means of a conveyor which crosses under Gibbet Lane. An inert waste recovery and recycling facility is also situated south of Gibbet Lane. The nearest designated ecological site at a national level to the site is the Cave's Inn Pits SSSI (Site of Special Scientific Interest) approximately 700 metres south east of this proposal. The Scheduled Monument of Tripontium lies 500 metres south east of the proposal.
2. Shawell Quarry has been in operation since the 1960s. In 2004, the quarry and associated operations was the subject of a periodic review of planning conditions under the Environment Act 1995 (reference 2004/1605/03). An updated schedule of planning conditions for Shawell Quarry was approved by the Development Control and Regulatory Board in April 2005.
3. Planning permission was granted in September 2007 (reference 2006/1565/03) for the extraction of sand and gravel from an area to the west of the previously permitted quarry/landfill. It also included an extension of the landfill operation into the western extension. This permission governs the operation of the processing plant. In 2015 planning permission (reference 2015/0295/03) was granted for a northerly extension to the sand and gravel workings into an area known as Fields Farm.
4. A further application for the extraction of sand and gravel over 52 hectares (ha) of land to the west of the existing site was submitted to Leicestershire and Warwickshire County Councils in January 2017 which included the land subject to this application and an additional 33 hectares to the west of the A5 (reference 2017/0117/03). This application remains undetermined pending further assessment work relating to land within Warwickshire. The applicant has submitted this application seeking to secure earlier access to the resource on land to the east of the A5.

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Description of proposal

5. Planning permission is sought to extend the mineral extraction area of Shawell Quarry to land to the west of the roof tileworks and south of Gibbet Lane. The proposed development would provide for the extraction of approximately 850,000 tonnes of sand and gravel over an 18-month period.
6. The planning application is accompanied by an Environmental Statement (ES) which provides detailed assessments of: ecology; hydrogeology and hydrology; landscape and visual impact; noise; air quality; archaeology; and soils and agricultural land classification. The main issues from these assessments are the effects of the proposal on the nearest residential properties and on archaeology.
7. Works would progress from south to north through the proposed site with soil bunds created on the southern, western, and northern boundaries of the extraction area. Extracted sand and gravel would be transferred by dump truck through land in the control of Tarmac to the existing processing plant such that no unprocessed sand and gravel would be transported on the highway. A new temporary stone haul road of some 8-9 metres would be constructed to the south of the tile works to allow for these movements. No changes to the current levels of traffic from Shawell Quarry are therefore anticipated.
8. Restoration of the site would take one year and would see the land being restored to a low-level restoration to agriculture using overburden from the extension site, that is, with no imported material. The proposed hours of working are 0700-1900 hours Monday to Friday and 0700-1400 hours Saturday. There would be no working on Sunday or Public/Bank Holidays.

Additional Information

9. As a result of consultation on the original planning application additional information was supplied addressing the matters of archaeology, dust, ground stability, hydrology, a revised restoration plan, and the basis of a draft agreement between the applicant and the roof tile works to protect the tile works bore hole.

Planning Policy

Local Policies

10. The development plan's relevant local planning policies are contained within the Leicestershire Minerals Development Framework: Core Strategy and Development Control Policies document adopted October 2009, and the Harborough Local Plan 2011-2031 adopted April 2019. The relevant policies and proposals are set out below.

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Minerals Development Framework: Core Strategy and Development Control Policies

- *Policy MCS1: Supply of minerals.*
- *Policy MCS2: Aggregate minerals.*
- *Policy MCS11: Environmental Protection.*
- *Policy MCS16: Transportation of minerals.*
- *Policy MCS17: Reclamation and future use of mineral sites.*
- *Policy MDC3: Sites of National Historic Importance.*
- *Policy MDC4: Sites of Regional and Local Importance.*
- *Policy MDC5: Countryside.*
- *Policy MDC6: Landscaping and Woodland.*
- *Policy MDC7: Archaeology.*
- *Policy MDC10: Agricultural Land.*
- *Policy MDC11: The Water Environment.*
- *Policy MDC12: Health and Amenity.*
- *Policy MDC13: Cumulative Impact.*
- *Policy MDC14: Transportation of Minerals.*
- *Policy MDC14: Transportation of Minerals.*
- *Policy MDC15: Public Rights of Way.*
- *Policy MDC21: After-use.*
- *Policy MDC23: Associated Industrial Development.*

Harborough Local Plan 2011-2031

- *Policy GD3: Development in the Countryside.*
- *Policy GD5: Landscape and townscape character.*

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- *Policy G15: Biodiversity and geodiversity.*
 - *Policy CC3: Managing flood risk.*
 - *Policy CC4: Sustainable drainage*
11. Leicestershire County Council is in the later stages of reviewing its Minerals Development Framework and has produced its submission version of the replacement Minerals and Waste Local Plan. Main and minor modifications have been consulted on following the hearing and the Inspectors' Report finding the plan sound was received on 21 May 2019. Therefore, the content of these modifications along with the submission version of the Local Plan should be given considerable weight.
 12. Policy M1 of the new Local Plan seeks to make provision for some 19 million tonnes of sand and gravel up to 2031. Policy M2 sets out the mineral sites and the land that will be allocated to help meet this shortfall. The land to which this proposal relates is identified as land to be allocated for sand and gravel extraction and Box SA4 alongside Inset Map SA4 (which shows the land allocated at Shawell Quarry, part of which relates to this proposal) sets out the matters any such application should address. Policy DM12 sets out the terms for restoration, aftercare and after-use of minerals and waste sites referring to local biodiversity action plan targets and a need for a net gain to biodiversity.

National

13. The revised NPPF (National Planning Policy Framework) was published 19 February 2019 and sets out the purpose of planning as helping to achieve sustainable development and to seek jointly and simultaneously economic, social and environmental gains. The NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, providing net gains in biodiversity. Paragraph 205 of the NPPF sets out that when determining planning applications great weight should be given to the benefits of mineral extraction.

Consultations

Environment Agency

14. Licensed abstraction, 18/54/10/0174, is a protected right under the Water Resources Act 1991. It is recommended that the applicant enters in to a derogation agreement with the licence holder prior to the commencement of operations and derive a trigger level (based around a minimum groundwater level (Hands off Level (HoL))) that will protect the operational abstraction rate. If this HoL is breached this will result in appropriate action e.g. implementation of mitigation, cessation of dewatering and/or implementation of the derogation agreement.

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15. The impact assessment submitted in support of this planning application provides confidence that it will be possible to suitably manage the risks posed to groundwater and surface water levels and flows, and groundwater and surface water quality by this development. Further detailed information will however be required before any development is undertaken and as such the Environment Agency advises a condition is attached to any planning permission.

Harborough District Council – Environmental Health

16. The permission should be conditioned to require a dust management plan to be in place and be reviewed on a regular (3-5 yearly) basis. It is recommended that further monitoring of background dust levels is undertaken. A dust management plan should contain procedures for further dust identification and categorisation where complaints are received and trigger criteria for further automatic dust monitoring using equipment approved by DEFRA for PM₁₀ and PM_{2.5} where ongoing complaints are received, and the dust is shown to be sourced from the quarry.

Harborough District Council - Planning

17. No comments to make.

Highway Authority

18. No objection. The application would appear not to have any material impact on the external highway network.

Highways England

19. Having reviewed the information in support of this application, there is insufficient information provided for Highways England to review the proposed quarrying operations in detail. To allow Highways England to review the proposals in detail, additional information is required from the applicant.

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Historic England

20. The proposed extension of sand and gravel working is within the wider landscape setting of several designated heritage assets. These include the scheduled monuments of Tripontium Roman Station (National Heritage List for England UID 1005759) and Motte castle and associated earthwork SSW of All Saints Church (NHLE 1017549), listed buildings including the Grade II* Coton House and Church of All Saints at Shawell, and Shawell conservation area. Quarrying and subsequent restoration works have the potential to impact upon the contribution to significance made by the setting of the scheduled monument and on non-designated heritage assets that can include archaeological evidence related to, or contemporaneous with, the scheduled monuments. Further information is required prior to determination to inform a full understanding of significance, the impact of the proposal and any amendment to avoid or minimise harm.

Lead Local Flood Authority

21. The application is acceptable subject to three conditions relating to surface water management.

Natural England

22. No objection.

Warwickshire County Council

23. No response received.

Archaeological Advice

24. No response received.

Ecological Advice

25. No objection. Advice has been provided on protected species, biodiversity enhancement and the site's restoration

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Landscape Advice

26. An inspection of the site confirmed that the LVIA undertaken by the applicant was found to be an accurate representation of both the site and the landscape setting. The retention of existing agricultural hedgerows and hedgerow trees restrict views from the public highway and footpaths in to the site. During quarrying operations the top soil and overburden mounds will restrict views in to the quarry. The assessment of the impact of the development proposal on both the site and the surrounding landscape takes in to consideration the restricted views in to the site and the relatively small scale of the quarrying operations. The proposed phased restoration of the site to agricultural use at a lower level with a balancing pond would appear to have no detrimental impact on the landscape character of the area.

Public Rights of Way Advice

27. No objection to the application as it should not affect the public's use and enjoyment of the Right of Way.

Leicestershire Footpaths Association

28. No response received.

Leicestershire Wildlife Trust

29. No response received.

Ramblers Association

30. No response received.

Rugby Borough Council – Environmental Health

31. No objection.

Rugby Borough Council – Planning

32. No objection.

Shawell Parish Meeting

33. On any approval would wish to see conditions setting out no increased volume of traffic on Gibbet Lane and the applicant addresses longstanding concerns of mud on Gibbet Lane, noise and light pollution.

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Cotesbach Parish Council

34. The Parish Council raises queries/comments on points relating to footpaths, water levels, archaeology, landfilling and traffic.

Churchover Parish Council

35. No response received.

Consultation Responses on Additional Information

Environment Agency

36. The EA has reviewed the terms of the agreement between the Tarmac and BMI group (Monier Redland Ltd) in the event of any derogation. The details of the agreement between the parties are acceptable to the Environment Agency.

Archaeological Advice

37. No objection. The investigation demonstrated two areas of archaeological interest, both of which warrant further archaeological mitigation by prior excavation and recording, but do not constitute an obstacle to development or require amendment to the scheme to manage their significance. It is therefore recommended that the applicant is required to undertake a programme of final mitigation, to further target and investigate those identified remains, with these works secured by condition on any planning approval.

Historic England

38. Historic England has no objection to the application on heritage grounds. The proposals would impact upon the setting of the Tripointium scheduled monument resulting in some harm to its significance. In determining this application the Council should be satisfied that the applicant has provided the justification for this low level of harm, and ensure it is weighed against the public benefits of the scheme, in line with NPPF 194 and 196.

Highways England

39. No objection.

Lead Local Flood Authority

40. The application is acceptable subject to two conditions relating to surface water management.

Natural England

41. No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites including the Cave's Inn Pits SSSI and has no objection.

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Ecological Advice

42. The revised restoration plan is acceptable, showing an additional c 1.5ha of grassland and c. 0.75 ha of woodland. It is recommended that a condition requiring provision of species-rich grassland and/or species-rich wetland of local BAP quality (i.e. designed to meet Local Wildlife Site criteria) is attached to any planning permission.

Public Rights of Way

43. No objection to the application as it should not affect the public's use and enjoyment of the Right of Way.

Rugby Borough Council

44. There should be a limited adverse impact upon sensitive and residential receptors. On the basis that the mitigation and monitoring measures are implemented as specified no objections to this application.

Warwickshire County Council

45. The application site traverses the county boundary of Warwickshire and Leicestershire. The vast majority of the application site is within Leicestershire, but a strip of approximately 2.6ha immediately East of the A5 falls under the jurisdiction of Warwickshire. As such an application for planning permission relating to this land has been submitted to WCC under reference number: RBC/18CM021 and is currently awaiting determination. The parcel of land within Warwickshire to the East of the A5 is included in Warwickshire's Emerging Minerals Plan as site allocation no. 32, and as such broadly receives policy support. Site 32 forms part of a wider allocation combined with site no. 3 which includes land to the West of the A5. This area is subject to a planning application under reference number RBC/17CM002 which is currently being held in abeyance awaiting additional information from the applicant. Application reference: RBC/18CM021 is scheduled to be determined at the County Council's Regulatory Committee on the 8th of October 2019.

Publicity

46. The proposal has been advertised by neighbour letters dated 31st August 2018 and 18th April 2019, site notices posted on 23rd August 2018 and 16th April

2019, and notices in local newspapers published on 30th August 2018 and 18th April 2019.

Representations

47. One representation has been received from a local resident raising queries/clarification about the operation and restoration of the proposal.

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Assessment of Proposal

48. The application should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the main issues for consideration relate to the impact of the proposal upon archaeology, dust, ecology, landscape, noise, water, restoration of the site and the need for the mineral. Other matters such as economic factors and public rights of way are also addressed. The environmental statement, including the additional information, covers all the main issues of the proposal to a level sufficient to enable a decision to be made on the proposal.

Need for the Development

49. Estimated permitted reserves of sand and gravel in Leicestershire as at the end of 2017 were around 2.67 million tonnes. There was only enough permitted material to last about 2.3 years from the end of 2017, based on the average rate of production over the last 10 years. Calculations published in the emerging Minerals and Waste Local Plan indicate that there would be a shortfall of approximately 9.53 million tonnes of sand and gravel over the period up to 2031 (the difference between the predicted levels of sand and gravel needed and permitted reserves).
50. The proposed development would release approximately 850,000 tonnes of additional reserve and ensure a continuity of supply of construction materials from the site for a further 1.5-year period. And, thus this would assist in reducing the predicted shortfall up to 2031. Therefore, it is considered that the proposal meets the requirements of policies MCS1 and MCS2 and is acceptable.

Archaeology and Heritage Assets

51. Geophysical survey of the development site identified four areas of settlements dating from the late Iron and/or Roman age, and 75 trial trenches were dug in the areas of anomalies found by the survey. The trenching indicates Roman occupation in the southern part of the site, although with no direct link to Tripontium and Iron Age activity in the north. No additional archaeological investigation is offered but archaeological observation and recording should take place as the development progresses and, therefore, with this the development is considered to be in accordance with policies MDC3 and MDC7.

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52. The starting point for the assessment of this proposal is the statutory duty under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings and to preserving or enhancing the character of conservation areas, respectively, and this is given considerable importance and weight. Shawell Conservation Area is over 1 kilometre to the north east of this proposal. The nearest listed buildings are the Grade II* Coton House and Grade II* Church of All Saints, also over 1 kilometre from the proposal. It is considered that the distance between these statutorily listed heritage assets and the intervening topography and landscape means that this proposal would not affect the setting of the listed buildings or the Shawell Conservation Area.

53. The Tripontium Roman Station and the Motte castle and associated earthwork SSW of All Saints Church Scheduled Monuments (SM) are of national significance and thus, their preservation is given great weight. This proposal does not directly affect either of the SMs but, through proximity, could affect their setting. It is considered that this proposal would impact upon the setting of the Tripontium Roman Station resulting in some harm to its significance, but this harm is low level and thus less than substantial.

54. Paragraph 196 of the National Planning Policy Framework sets out that *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.’* The harm of this proposal has been assessed as less than substantial and the public benefits of the proposal are the continued supply of sand and gravel for use in construction and maintenance projects (and by the neighbouring tile works factory) and the continued employment that this brings both directly and indirectly. It is considered that these public benefits outweigh the potential harm that may arise to the setting of the Scheduled Monument near the proposal. It must also be considered that the harm is temporary (two and a half years) and following successful restoration the harm will cease. Therefore, the proposal’s effect on heritage assets is acceptable and meets the terms of policies MDC3 and MDC4.

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Dust

55. Dust could be generated by these proposed operations through the movement of vehicles and material during mineral extraction and restoration. To minimise the impact of dust the application proposes a number of mitigation measures. The EHO at Harborough District Council advises that “The permission should be conditioned to require a dust management plan to be in place and be reviewed on a regular (3-5 yearly)”. However, it is considered that firstly the mitigation measures already set out would obviate the need for such a plan and secondly, the development from start to finish is only 2.5 years. Thus, subject to the dust mitigation measures being secured by condition it is considered that the proposal is acceptable and meets the terms of policies MCS11 and MDC12.

Ecology

56. There are no designated species or areas present within the site and the land is of minimal wildlife value. The proposed development would result in the loss of 311 metres of species-poor hedgerow and four mature trees that have a low potential to provide bat roosts. To compensate for this loss the restoration scheme proposes 617 metres of new hedgerow, 0.6 hectares of deciduous woodland, 1.6 hectares of lowland meadow and the installation of five bat boxes in land at Shawell Quarry.
57. The Cave’s Inn Pits SSSI is located approximately 700 metres to the south-east of the application area and the submitted information sets out that this proposal would not have an additional impact on the SSSI; Natural England concur that this proposal would not affect the SSSI. The absence of protected species on the site and its short duration result in it not being necessary to require additional surveys for protected species through condition. The revised restoration scheme includes more diverse habitats than currently present in the agricultural field and it is considered that this would allow for a net gain to biodiversity. Therefore, the proposal’s effect on ecology is acceptable and accords with policies MCS11, MDC4, and G15.

Economic Factors

58. The current permitted reserves at Shawell Quarry will last 1-2 years at current output rates. The quarry currently employs seven people directly and 40 people indirectly. The main direct effects of the proposed development will be the protection of these existing jobs for another 2.5 years. Additionally, the

release of 850,000 tonnes of sand and gravel will ensure continuity of supply of construction into the local market place.

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59. The economic benefits should be given weight in the determination of the application, in accordance with the NPPF which seeks to ensure that the planning system supports economic growth.

Landscape and Visual Impact

60. The Landscape and Visual Impact Assessment (LVIA) concludes that the proposed development will have a limited and short-term adverse effect upon the local landscape and visual resources. The development is an acceptable form of development in the countryside. The greatest visual impact will be on the Green Acres property to the immediate north west of the site. Work will take place up to the property boundary whilst a screen bund is erected. In the long term the site will revert to the baseline with the benefit of additional hedgerows, woodland and grassland habitats. The Council's landscape officer agrees with the conclusions of the LVIA. However, the assessment is based on the existing boundary vegetation being retained and the site being restored to the habitats set out on the restoration concept. Therefore, these matters should be subject to control by planning condition(s). On the basis of this it is considered that the issues relating to landscape and visual amenity are capable of being satisfactorily resolved and accord with policies MCS11, MDC5, MDC6, MDC12, GD3, and GD5.

Noise

61. Existing noise levels have been measured at four noise sensitive locations of which the most important are those three to the north west of the site at the nearest residential properties. The predicted noise levels show that normal operations can take place without breaching the 55 dB (A) $L_{Aeq, 1h}$ level set in the Planning Practice Guidance (PPG) at these residential properties. However, during temporary operations, namely soil stripping and bund construction/removal the predictions show that the 70 dB (A) $L_{Aeq, 1h}$ set in the PPG would be exceeded at Green Acres whilst forming and removing the screen mound in proximity to the property. To mitigate this the applicant proposes either a temporary acoustic fence between the property and the screen bund or a buffer zone of 40 metres between the property and the screen bund. Either of these solutions should then allow the development to take place within the noise levels set by the PPG. If an acoustic fence is chosen by the applicant, then the details of this need to be agreed in advance of its installation.

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62. The application also contains other mitigation measures that would assist in reducing noise levels from the development. Furthermore, this is all set within the proposed hours of operation of 0700-1900 hours Monday to Friday and 0700-1400 hours Saturday which by themselves would reduce the noise impacts of the development on residential properties. However, notwithstanding this, once in phase 19 of the proposal the soil stripping and bund construction/removal should be limited to 0900-1700 hours Monday to Friday to further protect amenity. Subject to conditions ensuring all these matters are controlled the effects of the development on noise are acceptable and meet the terms of policies MCS11 and MDC12.

Soils and Agricultural Land

63. A soil and agricultural land classification survey has been carried out concluding that the land is sub-grade 3b, agricultural use limited by soil wetness. All soils would be retained within the site and used in the restoration of the land. Subject to the control of soil handling activities by planning condition, it is considered that the issues relating to soils and agricultural land are capable of being satisfactorily resolved in accordance with the provisions of policy MDC10.

Traffic, Transportation and Access

64. The mineral from the proposed extension area will be transported upon a new purpose-built haul road to the south of the tile works in to the existing plant site. The applicant states that there will be no changes to the site's output as a result of this application and, therefore, HGV movements should remain similar to those currently prevailing. HGV movements relating to sand and gravel extraction and waste disposal operations are limited by condition 19 of planning permission 2006/1565/03 to 2,244 trips in any week. A similar condition restricting HGV movements should be attached to this proposal in addition to a condition ensuring HGVs do not enter the Highway from the application area.
65. A ground stability risk assessment has been provided with the application showing that subject to the mineral extraction taking place as presented within the assessment there should be no effect on the A5. However, the assessment does recommend that on the northern boundary the extent of extraction is moved five metres further away from the boundary. Restricting the northern extent of mineral extraction and ensuring slopes are created as shown should be controlled by condition. Subject to these conditions the effects of the development on the Highway are acceptable and accord with policies MCS16 and MDC14.

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Rights of Way

66. There are no public rights of way within the proposed development site but public footpath X23 runs adjacent to the southern boundary of the site. It is not considered that the proposed development should significantly affect the use and enjoyment of the footpath. Box SA4 of the emerging Minerals and Waste Local Plan seeks restoration to “include provision of improved public access, particularly between Gibbet Lane and the A5”. The proposal does not address this and the applicant has not agreed to provide any rights of way enhancement but it is considered that this should be provided and, thus, the applicant should be required to provide this as part of the restoration details. Subject to this enhancement the proposal is considered to be in accordance with policy MDC15.

Water Environment

67. An assessment of the potential impacts of the proposal on hydrogeology, hydrology, and flooding has been undertaken. The assessment concludes that the development can operate and be restored without adverse effects on the water environment. However, there is a possibility that there could be an effect on the ability of the adjoining tile works to continue to abstract water. Measures to address this have been agreed between the tile works and the applicant and the Environment Agency consider these acceptable. This should form the basis of a legal agreement. The Environment Agency has advised that a scheme for the de-watering of the site is required and the Lead Local Flood Authority has advised that a water management scheme during construction and a maintenance scheme for the drainage system are required. This advice is considered germane and the schemes necessary to make the development acceptable. It is considered that the water environment as well as all the other matters can be satisfactorily controlled and there is no concern that this proposal will result in unacceptable cumulative impacts on the local community. Therefore, subject to these conditions and the legal agreement as set out above being completed the effect of the proposal on the water environment would be acceptable and accord with the provisions of policies MCS11, MDC11, MDC12, MDC13, MDC23, CC3 and CC4.

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Restoration & Aftercare

68. The proposed development of the land would lead to the loss of 311 metres of species poor hedgerow and four trees. It is proposed that upon the completion of restoration of the site there would be 617 metres of new hedgerow, 0.6 hectares of deciduous woodland, and 1.6 hectares of lowland meadow. Emerging policy DM12 elevates the importance of achieving net gains to biodiversity on restored sites beyond that in the extant Minerals Core Strategy. The new policy sets out that sites of over 10 hectares should provide for a mosaic of priority habitats – broadleaved woodland, hedgerows and neutral grassland are such habitats and are provided for in the restoration plan. Therefore, notwithstanding the ecological advice received it is considered the restoration scheme is acceptable in principle although the specifics on the restoration remain to be provided and should be required by condition. Box SA4 of the emerging Minerals and Waste Local Plan seeks restoration to “incorporate an element of traditional hedgerow management for retained hedgerows, and the restoration to include woodland to link the existing woodland areas between Gibbet Lane and the A5.” The proposal does not address this but it is considered that this should be provided and, thus, the applicant should be required to provide this as part of the restoration details.
69. Currently, all of the elements controlled and operated by the applicant south of Gibbet Lane have temporary planning permission with a requirement for this land to be restored. The presence of the processing plant (including an inert recycling operation) and silt lagoons area is controlled by planning permission 2006/1565/03, the permission that granted the large extension to the sand and gravel and landfill operations north of Gibbet Lane. A scheme for the clearance of the processing plant site and silt lagoons and their subsequent restoration was approved 30 August 2018. At present, this site clearance and restoration should begin October 2019. The other elements south of Gibbet Lane, namely the ready mixed concrete plant (reference 2014/1009/03), the storage area (reference 2015/1204/03) and the former concrete works (reference 86/0140/3), are all required to cease their operations within one year of the cessation of mineral extraction (which could be as early as the end of 2019), and the land subsequently restored. Therefore, all of Tarmac’s land south of Gibbet Lane, without any further mineral extraction permission, is due to cease operations within the next 18 months or so.
70. The mineral from this proposal would be transported to and processed at the existing plant site (to the east of the proposal). Of course, to process the mineral from this proposal the plant will need to be retained and thus, this planning permission should ensure that this is the case (alongside the silt lagoons) and then post mineral extraction require the land to be restored as per the approved scheme.

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71. Notwithstanding the requirement to retain the plant (and the silt lagoons), within the plant site there is a former concrete works and associated hardstanding (permitted under reference 86/0140/3 on 20th May 1986). This ceased to function as a concrete works some years prior to 2013 but since 30th April 2013 had been cleared of all its associated plant. A planning application was made in 2013 to change the use of the works to a materials recovery and solid recovered fuel production facility with associated storage yard (reference 2013/1509/03). A further planning application was made in 2018 to change the use of the works to provide for the importation, storage and distribution of construction materials (reference 2018/0495/03). Both planning applications were refused on the basis that they were not the correct forms of development for this area and that they would delay the restoration of this site. Given that no lawful use can be found for the former concrete works it is considered that it should not be retained in its redundant form along with the plant (and as set out above it is already due to be removed in the near future). Therefore, it is proposed that a condition is attached to any planning permission requiring firstly, the demolition of the former concrete works building and secondly, its restoration (the timescales of which should replicate that on the former concrete products storage area to the south), i.e. by 31st December 2022. Without such a condition on this planning permission the condition requiring restoration on the extant planning permission (reference 86/0140/3) will keep 'rolling forward' with every new mineral extraction permission.
72. Similarly, other operations take place within the plant area, planning permission was granted in 2000 for an inert recycling operation (reference 99/0476/03). This is located within the processing plant area and it is understood that the use of this area will be superseded by this permission for the stockpiling of extracted mineral and thus the recycling operation would become redundant; restoration of the land can be undertaken alongside the wider plant area. Subject to the control of the matters outlined above by planning conditions, it is considered that the issues relating to restoration, aftercare and after-use are capable of being satisfactorily resolved in accordance with the provisions of policies MCS11, MCS17, MDC20 and MDC21.

Conclusions

73. It is considered that the proposal is in general accordance with the development plan. In particular, strategy policies MCS2, MCS11 and MCS17 which cover the supply of aggregates, environmental protection and site reclamation. Together with the relevant development control policies of the Minerals Core Strategy, these provide the basis for the assessment of the proposal. The proposal has also been assessed against national planning policies and guidance contained in NPPF and PPG and relevant statutory requirements and is considered to reflect the principles of sustainable mineral development.

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74. It is considered that with the imposition of appropriate planning conditions and the unilateral agreement that the proposed development would be acceptable. There have been no objections from statutory consultees.
75. Once fully operational the proposed development would facilitate the release of additional sand and gravel reserves to assist in meeting the shortfall requirements, securing local employment and serving local development needs. In the longer term (the proposal would extend the overall timescales of permitted site operations by 2.5 years) the restored site would continue to provide usable agricultural land, with enhanced bio-diversity and public access features.

Recommendation

- A. PERMIT subject to the conditions as set out in the Appendix, and unilateral agreement for the monitoring of a borehole level including appropriate trigger levels for the maintenance of a supply of water to the adjacent tile works.
- B. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2015 (as amended), a summary of

How Leicestershire County Council has worked with the applicant in a positive and proactive manner:

In dealing with the application and reaching a decision account has been taken of paragraph 38 of the National Planning Policy Framework, which advises that planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, by seeking to approve applications for sustainable development where possible.

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APPENDIX

Conditions

Commencement

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

Notification of Commencement

2. Written notification of the commencement of:

- a) soil stripping from within the extension area;
- b) mineral extraction from within the extension area;

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

Duration

3. This permission shall be limited to a period of two and a half years from the commencement of the development, by which time the mineral working operations hereby permitted shall have ceased, all plant and machinery removed and the land reinstated in accordance with the reclamation details approved under condition number 33.

Adherence to Approved Details

4. Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details:
 - a) planning application reference 2018/1457/03 (2018/CM/0147/LCC) and accompanying environmental statement; and
 - b) the Regulation 25 Further Information submission.

Working and Phasing Details

5. The development hereby permitted shall be carried out in accordance with drawing numbers 2366/ES/2 revision D dated MAY 2018, 2366/ES/3 revision D dated MAY 2018, 2366/ES/4 revision D dated MAY 2018, and 2366/ES/5 revision F dated JULY 2018.
6. Notwithstanding the proposed limits of mineral extraction shown on drawing number 2366/ES/2 revision D dated MAY 2018 no mineral extraction shall take place within five metres south of the northern limit of mineral extraction adjacent to Gibbet Lane.

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7. No infilling or waste recycling operations shall take place within the site as defined by solid red and blue lines south of Gibbet Lane on drawing number 2366/ES/2 revision D dated MAY 2018.

Hours of Operation

8. No operations (other than water pumping) shall be carried out at the site except between the following times: 0700 to 1900 hours Monday to Friday; and 0700 to 1400 hours Saturday. There shall be no operations (other than water pumping) on Sundays, Bank Holidays and Public Holidays.

Access

9. There shall be no vehicular access to or from the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 from Gibbet Lane for any purpose in connection with the development hereby permitted.

Archaeology

10. No stripping of soils within the site as defined by a solid red line but outside of the solid blue line on drawing number 2366/ES/2 revision D dated MAY 2018 shall take place unless and until a written scheme of investigation for archaeological observation and recording has been submitted to and agreed in writing with the Mineral Planning Authority. Once approved works shall take place in accordance with the approved scheme.

Dust

11. No operations shall take place in Phase 18 as shown on drawing number 2366/ES/2 revision D dated MAY 2018 unless and until a dust management scheme has been submitted to and approved by the Mineral Planning Authority. The scheme should include a programme for monitoring the dust emissions from the site and set a limit for those dust emissions. Once approved works shall take place in accordance with the approved scheme.
12. The Dust Control Measures set out in Appendix 3 of Appendix 6 dated 12 July 2018 (reference R18.9090/4/DW) of the Environmental Statement dated July 2018 shall be undertaken at all times. Internal roads and dry exposed material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne.

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Ecology

13. Within twelve months from the commencement of the development hereby permitted five Schwegler 1FF bat boxes shall be provided within the site as defined by solid red and blue lines on drawing number 2366/ES/1 revision C dated MAY 2018.

Highways

14. The number of HGV movements generated by sand and gravel extraction and waste disposal operations shall not exceed 2244 in any week. The operator shall keep a record of all heavy goods vehicles accessing and leaving the site. Back records shall be kept for a minimum of 12 months and access to these records shall be afforded to the Mineral Planning Authority on request.

Lights

15. No fixed lights shall be used or installed within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018

Noise

Monitoring Scheme

16. No operations shall take place in Phase 18 as shown on drawing number 2366/ES/2 revision D dated MAY 2018 unless and until a scheme of noise monitoring has been agreed in writing with the Mineral Planning Authority. The scheme shall include details of:
 - a) Noise monitoring at agreed locations to assess whether the limits specified in condition numbers 17 and 18 are being complied with;
 - b) Frequency and duration of monitoring;
 - c) Monitoring equipment to be used;
 - d) Presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant noise sources and details of any ambient noise sources passed out of the measurements;
 - e) Provision of monitoring results to the Mineral Planning Authority; and
 - f) Procedures to be implemented if noise emissions exceed approved levels.

Noise monitoring shall only be undertaken in full accordance with the approved details.

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Limits

17. Except for temporary operations defined in condition number 18 noise levels arising from the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 when measured at any noise sensitive property shall not exceed 55dB(A) $L_{Aeq, 1h}$ (free field).

Temporary Operations

18. Noise levels arising from temporary operations, which for the purpose of this condition are site preparation, overburden removal, soil stripping and replacement, the construction and removal of soil and overburden mounds, from the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 shall not exceed 70dB(A) $L_{Aeq, 1h}$ (free-field) at any noise sensitive property. Such activities should not affect any noise sensitive property for more than 8 weeks in any year. Temporary operations which exceed the normal day to day criterion set out in condition number 17 shall only be carried out in phase 18 as shown on drawing number 2366/ES/2 revision D dated MAY 2018 between the hours of 0800 and 1800 Monday to Friday and the hours of 0800 to 1200 on Saturdays and in phase 19 between the hours of 0900 to 1700 hours Monday to Friday.

Mitigation of Operations

19. During operations involving the formation and removal of screening mounds within Phase 19 of the development as shown on drawing number 2366/ES/2 revision D dated MAY 2018, either temporary acoustic screening or a buffer zone of 40 metres shall be provided between the proposed screening mounds shown on the drawing and the private external amenity space of the residential dwelling identified as Green Acres on the same drawing. Details of the temporary acoustic fence shall be submitted to and approved by the Mineral Planning Authority in advance of its installation.
20. The Noise Mitigation Measures set out in paragraph 6.4.1 of the Noise Assessment dated 11 July 2018 (reference R18.9089/5/AP) shall be undertaken at all times.

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Removal and Protection of Trees, Shrubs and Hedgerows

21. Other than Hedgerow 2 and the 11 metres of Hedgerow 4 to facilitate the construction of a haul road (hedgerows shown on Page 22, Appendix A of the Ecological Impact Assessment dated 6 June 2018) and trees T1, T2, T3 and T4 shown on Page 25, Appendix C of the Ecological Impact Assessment dated 6 June 2018 no trees or hedgerows within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 shall be removed.
22. Retained hedgerows shall be managed in accordance with paragraph 6.13 of the Landscape and Visual Impact Assessment dated May 2018.

Soil Handling & Ground Preparation Works

23. All soil handling operations (including soil stripping, storage and replacement) shall be undertaken in accordance with paragraphs 4.5, 4.6 and 4.7 of the Soils and Agricultural Use & Quality report dated 23rd April 2018 (reference 463/4).
24. The Mineral Planning Authority shall be notified in writing at least 5 days before each of the following stages:
 - i. before each phase of soil stripping is due to commence;
 - ii. when overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration is carried out; and
 - iii. completion of topsoil replacement to allow an opportunity to inspect the completed works and assess its suitability for entry into aftercare before the commencement of any cultivation and seeding operations.
25. Overburden shall be replaced and levelled so that:
 - a. after replacement of topsoil and subsoil the contours conform with the 'PROPOSED CONTOURS' shown on drawing number 2366/ES/6 revision F dated JUNE 2018; and
 - b. there is satisfactory site and surface drainage, so that the land is free from ponding and capable of receiving an effective under-drainage system.
26. No soils shall be respread until the upper layers of the prepared surface have been ripped and stones, materials and objects which exceed 200 millimetres in any dimension and occur on the surface of the ripped and loosened ground have been removed from the site or buried at a depth of not less than two metres below the final contours.

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27. The respread topsoil shall be loose tipped to enable a single pass at a tine spacing of 500 millimetres maximum to full depth of the topsoil plus 100 millimetres. Any stones, materials and objects which exceed 100 millimetres in any dimension and occur on the surface of the ripped and loosened soils shall be removed from the site or buried at a depth of not less than two metres below the final contours.
28. All undisturbed areas of the site and all topsoil, subsoil and overburden mounds shall be kept free from agricultural weeds such as thistle, dock and ragwort. Cutting, grazing or spraying shall be undertaken, as appropriate, to control plant growth and prevent the production of seed and the subsequent spread of weeds onto adjoining agricultural land.

Water Environment

29. Prior to the commencement of mineral extraction within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 a scheme to secure the safe de-watering of the site shall be submitted to and approved by the Mineral Planning Authority. Once approved works shall take place in accordance with the approved scheme.
30. Prior to the commencement of mineral extraction within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 a surface water drainage scheme shall be submitted to and approved by the Mineral Planning Authority. The scheme should include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return period. Once approved works shall take place in accordance with the approved scheme.
31. Prior to the commencement of mineral extraction within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 details of the long-term maintenance of the sustainable surface water drainage system shall be submitted to and approved by the Mineral Planning Authority. Once approved works shall take place in accordance with the approved scheme.

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Restoration in the event of early cessation of working

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

Reclamation

33. Within six months of commencement of development, a detailed scheme of final landscaping and restoration of the site shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on a phased approach and the restoration concept shown on drawing number S348-00062A dated 08/02/2019. The scheme shall include details of the following:
- a) plant species, sizes, quantities and locations, of all new tree, shrub and hedgerow planting, grass seed mixes;
 - b) enhancement to the rights of way network linking Gibbet Lane to footpath X23;
 - c) new woodland planting along the eastern side of the site from Gibbet Lane through to Phase 17A as shown on drawing 2366/ES/2 revision D dated MAY 2018; and
 - d) hedge laying of the retained part of hedgerow 4 as shown on Page 22 of Appendix A of the Ecological Impact Assessment dated 6 June 2018 located within Phases 17A and 17B as shown on drawing number 2366/ES/2 revision D dated MAY 2018.

Planting and seeding in accordance with the approved scheme shall be carried out, as far as is reasonably practicable, within the first available planting season following the restoration of any substantial part of the site, in accordance with working and phasing details required by condition number 5. All trees, shrubs and hedgerows planted in accordance with the approved scheme shall be maintained for a period of five years following planting and such maintenance shall include the replacement of any plants that may die or be seriously damaged or become seriously diseased.

34. Within 12 months of the commencement of the development the concrete works building within the solid blue line on Plan M1 attached to and forming part of this planning permission shall be removed from the site as defined by a solid blue line on drawing number 2366/ES/1 revision C dated MAY 2018.

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35. By 30th June 2021 a scheme of final landscaping, restoration and aftercare for the static ready-mix concrete plant and the open storage area for plant and equipment as defined by solid red lines on Plan M1 attached to and forming part of this planning permission shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall take in to account and complement the restoration details and timescales set out in condition number 36 below.
36. By 31st December 2022 the concrete works site as defined by a solid blue line on Plan M1 attached to and forming part of this planning permission shall be restored in accordance with the details approved under condition 70 of planning permission 2006/1565/03, namely drawing numbers S348-00047a, S348-00048b, S348-00049b, and S348-00050a all dated 25/06/2018.
37. Within two years of the cessation of the processing of sand and gravel extracted from the permission area as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 the quarry processing plant area and silt lagoons shall be reclaimed in accordance with the details approved under condition 70 of planning permission 2006/1565/03, namely drawing numbers S348-00047a, S348-00048b, S348-00049b, and S348-00050a all dated 25/06/2018.

Aftercare

38. Within six months of commencement of development, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be in accordance with the reclamation details required by condition number 33, and shall provide an outline strategy for the 5 year aftercare period specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for use as agriculture and nature conservation, including the subsequent management of the restored land and vegetation. The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over a period of 5 years in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the Minerals Planning Authority.

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Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the development to be monitored to ensure compliance with this permission.
3. To provide for the restoration of the site within an agreed timescale in the interests of the amenities of the area.
4. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
5. For the avoidance of doubt.
6. In the interests of the highway and highway safety.
7. For the avoidance of doubt.
8. To protect the amenities of local residents.
9. In the interests of the highway and highway safety.
10. To satisfactorily record any archaeological interest found.
11. To protect the amenities of the locality from the effects of dust arising from the development.
12. To protect the amenities of the locality from the effects of dust arising from the development.
13. To minimise the adverse impact of the operations on ecological interests.
14. In the interests of the highway and highway safety.
15. To ensure that lights from the site do not become a source of nuisance to local residents.
16. To provide for a monitoring regime that ensures noise levels are within acceptable levels to protect the amenity of local residents.
17. To ensure that noise arising from the site does not become a source of nuisance to local residents.
18. To ensure that noise arising from the site does not become a source of nuisance to local residents.

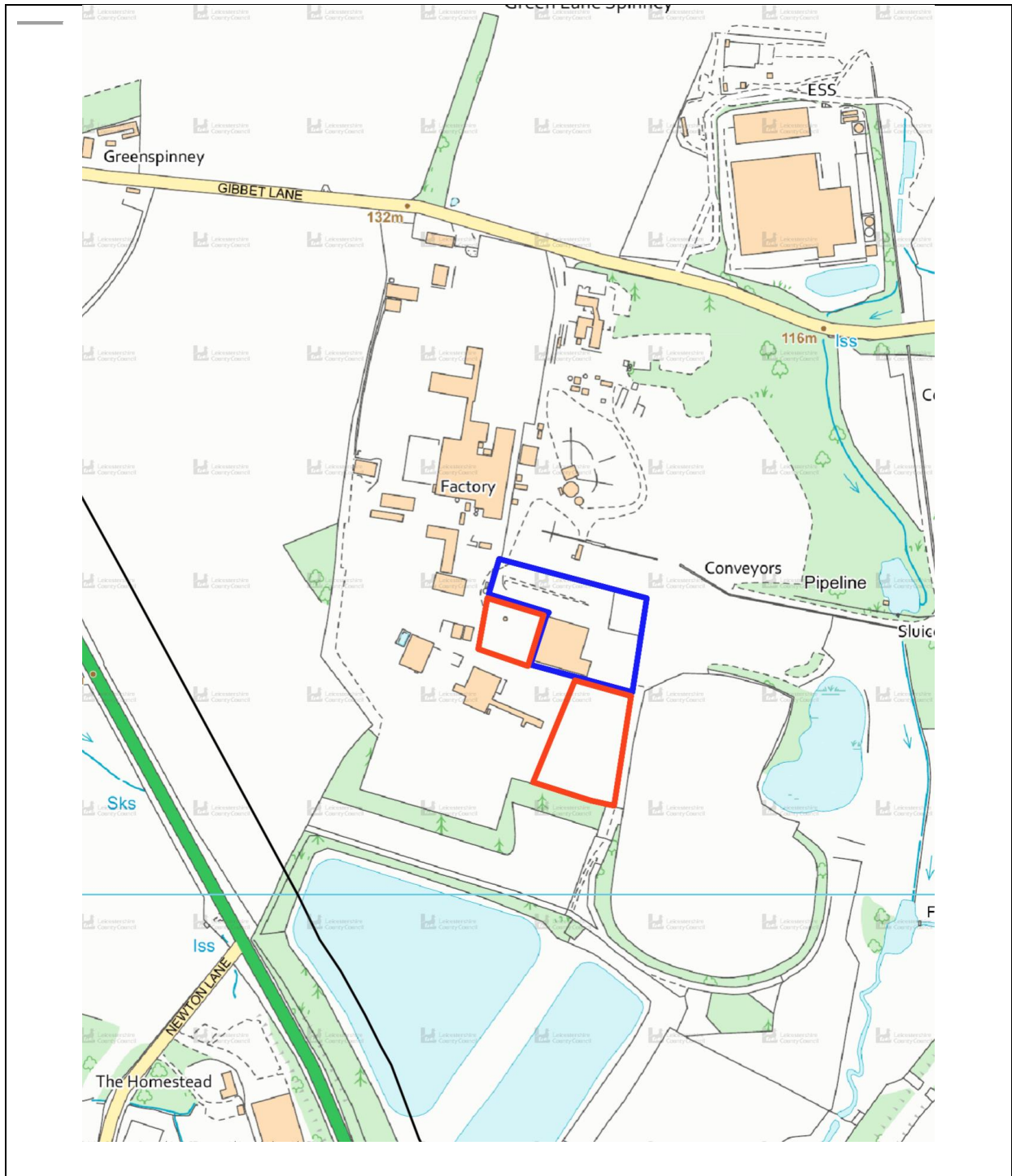
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19. To ensure that noise arising from the site does not become a source of nuisance to local residents.
20. To ensure that noise arising from the site does not become a source of nuisance to local residents.
21. To ensure that only the identified vegetation is lost as a result of this development and to safeguard the existing vegetation during the course of the development.
22. To limit the visual impact of the development.
23. To minimise structural damage and compaction of the soil and to aid the final restoration of the site.
24. To allow the Mineral Planning Authority sufficient time to inspect the soil handling and restoration works.
25. To ensure adequate surface drainage, to enable an effective under drainage scheme to be installed, to reduce the risk of soil erosion and to allow the use of agricultural machinery following restoration.
26. To ensure the reclaimed land is in an acceptable condition for agricultural after-use, and potential obstacles are removed prior to the replacement of soils.
27. To ensure the reclaimed land is in an acceptable condition for agricultural after-use, and potential obstacles are removed prior to the replacement of soils.
28. To prevent a build-up of harmful weed seeds in soils that are being, or will be used, for agriculture.
29. To ensure that the proposed development and associated dewatering does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.
30. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
31. To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.
32. To ensure reclamation of the site in the event of cessation of mineral working.

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33. To ensure satisfactory restoration of the site.
34. To ensure progressive restoration of the wider Shawell Quarry site and to remove redundant elements.
35. To ensure progressive restoration and aftercare of the wider Shawell Quarry site and to co-ordinate restoration with that approved on adjoining land.
36. To ensure satisfactory restoration of the site.
37. To ensure satisfactory restoration of the processing plant site and silt lagoons.
38. To ensure that a suitable regime of husbandry is pursued to bring the land to the required standard for the approved afteruse.

Plan M1



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