

**DEVELOPMENT CONTROL AND REGULATORY BOARD****10<sup>th</sup> June 2021****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

- APP.NO. & DATE:** 2020/1802/07 (2020/CM/0145/LCC) – 28<sup>th</sup> September 2020
- PROPOSAL:** Application for the recycling and importation, processing, storage and sale of inert materials to supplement primary aggregate at Bardon Hill Quarry.
- LOCATION:** Aggregate Industries UK Limited, Bardon Road, Coalville, LE67 1TL
- APPLICANT:** Aggregate Industries UK Ltd
- MAIN ISSUES** Location of waste facilities, air quality and dust, heritage, landscape and amenity, traffic and ecological issues.
- RECOMMENDATION:** PERMIT subject to conditions as set out in the appendix to the main report.

**Circulation Under Local Issues Alert Procedure**

Mr. K. Merrie CC  
Mr. C. Smith CC

**Officer to Contact**

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## **PART B – MAIN REPORT**

### **The Site and Surroundings**

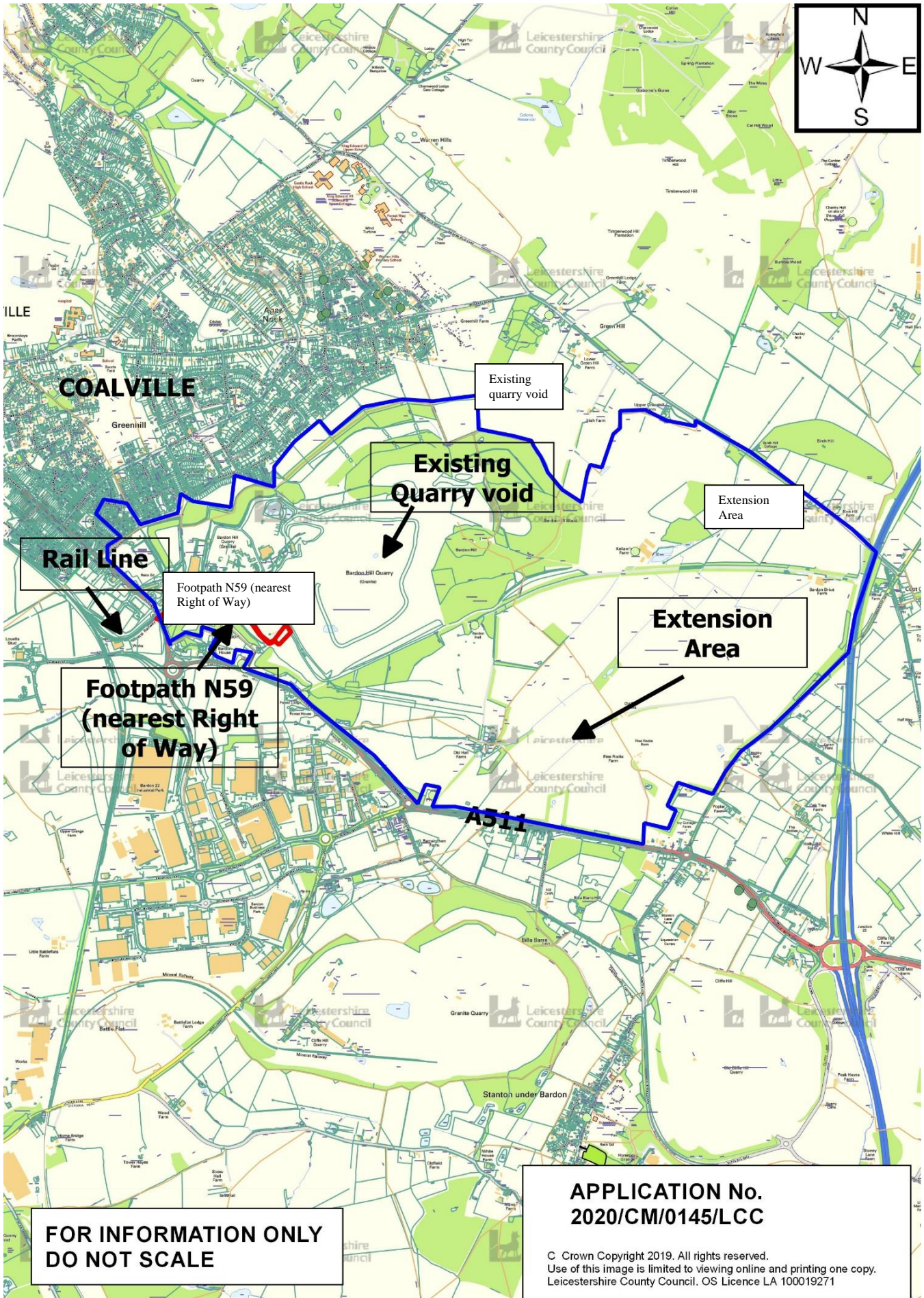
1. Bardon Hill Quarry is located to the south-east of the industrial town of Coalville and 7 miles to the north-west of the edge of Leicester. The Bardon Hill Quarry and Estate covers a total area of 450 hectares. The ancillary infrastructure including offices, tips, stocking areas and the railhead are located on the western side of the site and cover approximately 25 hectares. To the south west, the site is bounded by the A511 Bardon Road and B591 Copt Oak Road to the east. A network of public footpaths surrounds and pass through the wider Bardon Estate. The nearest Public Right of Way to this application area is Footpath N59, which is located approximately 100 metres to the south-west and runs 400 metres east to west starting and ending at Bardon Road.
2. There are no designated Conservation Areas within 1 kilometre of the proposed development. St. Peters Church and Bardon Hill War Memorial lie approximately 200m to the south-west of the proposed development, both of which are Grade II listed. Associated with St Peter's Church is a vicarage located approximately 150m to the south-west of the application site. Bardon Hill House is located 320m to the west of the application site. Bardon Hall is another Grade II listed building on the Bardon Hill Estate which lies approximately 900m to the north-east of the application site. The nearest residential properties in Bardon lie 880m to the north-west at Staples Drive, 910m at Bardon Close and approximately 900m on Bardon Road adjacent to a Shell petrol station.
3. The size of the site where the proposed development would be taking place is approximately 3,900m<sup>2</sup> and is accessed from a haul road that runs for approximately 700m to the north-west Bardon Road.
4. The application area is currently used as a stocking area. It has previously been used for concrete products and masonry manufacture, although this operation has not occurred for over four years.

### **Background & Planning History**

5. Mineral working at Bardon Hill Quarry was first permitted in 1947 but references to mineral working go back several centuries. The 1947 permission was extended in 1957, 1981 and 1989. These permissions were then consolidated into single planning permission in 2006 under a Review of Old Mineral Permissions (ROMP).
6. Planning permission for an extension of Bardon Hill Quarry for extraction of 132 million tonnes of mineral was granted on the 26<sup>th</sup> May 2011 (ref: 2010/0076/07) This included the use of overlying clay and overburden to complete the eastern tip, creating perimeter embankments and partially infilling the existing quarry void. This permission was granted subject to a legal agreement where all previous permissions were surrendered, and this became the principal planning permission for mineral extraction at Bardon Hill Quarry.
7. Planning permission was granted on 14<sup>th</sup> July 2017 (ref: 2017/0996/07) for an alternative overland aggregate and overburden conveyor route. This was due to unacceptable construction risks associated with the original approved route of the conveyor system.

8. Planning permission has been granted for other ancillary development including the creation of office accommodation (ref: 2010/9515/07), demolition of the Millhouse building (ref: 2012/0975/07), importation, processing, and reuse of reclaimed bituminous products for use in the asphalt plant (ref: 2014/0840/07), a temporary concrete batching plant (ref: 2017/0263/07) and the temporary widening of Bardon Hall Drive (ref: 2017/0753/07).
9. Planning permission was granted for a further extension of time to retain the widened Bardon Hall Drive until 30<sup>th</sup> June 2022 (2021/0255/07 – granted April 2021). This is the second application to extend the deadline to restore the Hall Drive to a single carriageway.
10. Planning permission was granted for an alternative restoration scheme at Kelham's Farm following the temporary permission for a concrete batching plant (ref: 2021/0254/07 – granted May 2021).





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**APPLICATION No.  
2020/CM/0145/LCC**

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**Description of Proposal**

11. Aggregate Industries is seeking to complement their existing sales of extracted minerals by establishing an inert waste processing and recycling facility at the existing Bardon Quarry site. The proposed development would produce recycled aggregate materials through the importation and recycling of 300,000 tonnes of materials per annum. These will be chemically stable, inert materials including Incinerator Bottom Ash (IBA), spent railway ballast, foundry sands and construction and demolition waste streams.
12. The proposed operation would involve the importation, crushing and screening of material to produce a recycled secondary aggregate which has similar properties to the primary aggregate that is extracted at the quarry. Most of the output would be sold as recycled aggregate, with the applicant indicating that 20-30% could be blended with primary aggregate (dependent upon the waste stream and the type of product being created). Imported materials would be kept in the application area prior to sale or blending with primary aggregate. This material would be brought onto site using HGVs that currently travel to the site to collect primary aggregate. Due to this, the applicant is proposing to make use of existing vehicle movements and there would not be any increase in vehicle movements above currently permitted levels.
13. There would be a requirement for four separate stockpiles to accommodate different waste streams. These stockpiles would be up to 10 metres in height and would be continuously managed to ensure that they do not exceed any permitted stocking heights. Construction and demolition waste have the potential to contain some non-recyclable materials. The applicant has stated that the amount of non-recyclable waste will comprise around 5% of the total amount of waste that is brought onto the site. It is possible to recover these materials from the recycling process, segregate them and place them in skips before they are taken away to a properly licensed landfill facility for final disposal.
14. Planning permission is being sought for a temporary period until 31<sup>st</sup> December 2051. The temporary duration sought reflects the currently permitted duration of the mineral extraction permission for the wider site (2010/0076/07).

**Planning Policy****The Development Plan**

15. *Leicestershire Minerals and Waste Local Plan (adopted September 2019)*
  - Policy M11: Safeguarding of Mineral Resources
  - Policy M12: Safeguarding of Existing Mineral Sites and Associated Minerals Infrastructure
  - Policy W4: Non-Strategic Waste Facilities
  - Policy W5: Locating Waste Facilities
  - Policy W8: Waste Disposal
  - Policy DM1: Sustainable Development
  - Policy DM2: Local Environment & Community Protection
  - Policy DM5: Landscape Impact
  - Policy DM7: Sites of Biodiversity / Geodiversity Interest
  - Policy DM8: Historic Environment
  - Policy DM9: Transportation by Road



- Policy DM11: Cumulative Impact
- Policy DM12: Restoration, Aftercare and After-use

16. *North West Leicestershire Local Plan (adopted November 2017)*

- Policy S3: Countryside
- Policy D2: Amenity
- Policy En1: Nature Conservation
- Policy En6: Land and Air Quality
- Policy He1: Conservation and enhancement of North West Leicestershire's historic environment
- Policy Cc2: Flood Risk

National Policy

*National Planning Policy Framework (NPPF)*

17. Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
18. Paragraph 175 of the NPPF outlines several principles for protecting the environment when determining planning applications including '*a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort compensated for, then planning permission should be refused*'.
19. Paragraph 183 of the NPPF advises '*the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes)*'.
20. Paragraph 193 of the NPPF highlights the importance of safeguarding heritage assets and states that '*great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*'

*National Planning Policy for Waste (NPPW)*

21. Paragraph 1 of the NPPW discusses the importance of working towards a more sustainable and efficient approach to resource use and management. This includes '*delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy*'.
22. Paragraph 7 of the NPPW outlines the criteria that should be considered when determining planning applications; in this case waste planning authorities should:
- "Only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any need;

- “consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies”.

23. Appendix B of the NPPW discusses the key locational criteria for locating waste management facilities. These criteria include amenity related factors (e.g. landscape and visual impacts, and noise) and environmental factors (e.g. protection of water quality and nature conservation).

### **Consultations**

24. **North West Leicestershire District Council** – No objection.

25. No objections to the proposals subject to consultation with Leicestershire County Council Heritage Officer.

26. **North West Leicestershire District Council (Environmental Health Officer)** – No objection.

27. The Environmental Health Officer (EHO) commented that the importation of 300,000 tonnes per annum exceeds the T7 waste exception and a permit will be required from the Environment Agency. An air quality assessment will not be required as there are no proposed increases in the number of permitted vehicle movements. Should planning permission be granted, a condition should be attached, requiring that existing dust management plans are updated in line with current best practice.

28. **LCC Archaeology** – No comments.

29. **LCC Ecology** – No objection.

30. The application is located within the existing quarry area and has no biodiversity impacts. There is no requirement for an ecological survey or further mitigation.

31. **LCC Heritage** – No objection.

32. The proposed development is a sufficient distance from the Grade II listed Bardon Hall and other buildings of historic interest. Due to the existing quarrying use at the site, relative limited physical scale of the plant associated with the proposal, the intention to keep within permitted stocking heights and the physical separation involved, negative impacts on the setting of the Bardon Hill Quarry Estate are considered unlikely.

33. **LCC Landscape** – No objection.

34. The proposals are well screened and will have no significant adverse landscape or visual impacts on the area.

35. **LCC Public Health** – No objection with comments

36. The application site does not sit within an Air Quality Management Area (AQMA). An AQMA would have been declared if statutory objectives were being exceeded specifically due to quarrying operations.

37. The overall health of local residents in Coalville based on GP profiles and premature mortality rates is similar to the rest of England and this application would not exacerbate existing health issues within the local community. LCC Public Health agrees with the comments raised by the EHO, that the existing dust management plans should be updated to reflect this new activity.
38. **Lead Local Flood Authority (LLFA)** – No objection.
39. The site is within Flood Zone 1 which has a very low risk of flooding. The existing site is formed of hardstanding and the proposals would not increase water runoff. The proposals would also have no impact on surface water drainage.
40. **Highways Authority** – No objection.
41. The proposed development would not have an unacceptable impact on the highway as the vehicles bringing in the waste will also be collecting primary aggregate.
42. Based on the information provided, the Local Highway Authority has no objection to raise to the proposed development subject to a condition requiring the development not be used for any purpose other than that outlined in the Planning Statement.
43. **Markfield Parish Council** – No reply received.
44. **Environment Agency** – No objection.
45. A permit will be required from the Environment Agency for this activity alongside any planning permission that is granted.
46. **Mr Keith Merrie CC** – Comments
47. Mr Merrie raised comments in relation to both transportation and air quality considerations. Regarding transportation, Mr Merrie expressed comments about the feasibility of utilising existing vehicle movements for the delivery of waste and subsequently sought further clarification on the number of vehicle movements that are currently permitted by current planning conditions.
48. Comments raised in regard to dust emissions related to nuisance dust, concerns by raised by residents regarding air quality and additional funds allocated by North West Leicestershire District Council to fund extra air quality monitoring equipment. Mr Merrie also sought further clarification regarding the number of dust exceedances in 2020.
49. **Mr Craig Smith CC** – No reply received.
50. **Natural England** – No objection.
51. Natural England consider that the development is acceptable subject to the submission of a dust management plan, to be secure by condition. This is considered necessary in order to prevent damage to interest features at the Bardon Hill Site of Special Scientific Interest (SSSI).
52. **Network Rail** – No reply received.



53. **Dr Terri Eynon (Former County Council Member for the Coalville North Electoral Division)** – Concerns raised.
54. Supports the recycling of building materials but raises concerns relating to the impact of nuisance (PM10) and clinically relevant dust particles (PM 2.5), their estimation prior to new activity and monitoring during operation. Lorries entering the site carry waste materials when they enter the site which will minimise the impacts from traffic but could exacerbate the dust issues along the A511.

### **Publicity and Representations**

55. The application has been publicised by displaying four site notices, a press notice that was published in the Coalville Times on the 8<sup>th</sup> January 2021 and six neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. No public representations have been received.

### **Assessment of Proposal**

56. The proposed development is for the importation of up to 300,000tpa of inert waste, to be recycled for onward sale, to supplement primary aggregate sales at Bardon Quarry.
57. The site area is already hard surfaced, having been previously used for the manufacture of concrete products. Permission is sought for a temporary period, with inert waste importation and recycling operations ending alongside the cessation of mineral extraction on the 31<sup>st</sup> December 2051.

### **Planning Policy Assessment**

58. The primary consideration for the determination of this application is whether the location of the proposed development accords with the key waste locational policies outlined in the Leicestershire Minerals and Waste Local Plan. As a facility to recycle inert waste, the proposed development does not meet the criteria to be classified as a strategic waste facility under Policy W3. The key policy for consideration is W4: Non-strategic Waste Facilities, set out in full below:

*“Planning permission will be granted for new non-strategic waste facilities, including extensions to existing waste facilities, within the following areas taking into account the principles set out in Policy W5:*

- (i) the Broad Locations for Strategic Waste Facilities, that is, in or close to the urban areas of Loughborough/Shepshed, Hinckley/Burbage and Coalville and close to the urban area of Leicester;*
- (ii) in or close to the main urban areas of Melton Mowbray and Market Harborough; and*
- (iii) within major growth areas.*

*Proposals for new waste facilities, including extensions to existing waste facilities, outside the above areas will only be granted where they are:*

- a) *facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting;*
- b) *the treatment of waste water and sewage;*
- c) *landfilling of waste; or*
- d) *facilities that require a more dispersed location to provide a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits subject to the principles set out in Policy W5. Such a proposal must demonstrate there is an overriding need for the development and that this cannot be met within the urban areas set out above in (i) to (iii).”*

59. The ‘Broad Locations for Strategic Waste Facilities’ can be found on Page 109 of the Leicestershire Minerals and Waste Local Plan. This diagram shows Bardon Hill Quarry as a rail linked quarry that falls outside of these ‘Broad Locations’, specifically just outside of the Coalville Broad Location. However, as set out above, Policy W4 (d) allows for new waste facilities to be located in more dispersed locations provided certain criteria are met.
60. Policy W4 (d) contains four ‘strands’ each of which must be demonstrated by the applicant in order for proposed development to be considered as being in accordance with the policy. Firstly, a clear link between the proposed location and the waste managed needs to be demonstrated. Secondly, this link should result in transport, operational and environmental benefits associated with waste being managed (subject to the principles outlined in Policy W5). Thirdly, such a proposal must demonstrate that there is an overriding need for the development. Finally, it needs to be demonstrated that this need cannot be met within the urban areas as set out in Policy W4 (i-iii).
61. The requirements of Policy W4 must be met before Policy W5 becomes relevant. Nevertheless, it is worth highlighting at this stage that as an existing mineral working site the proposed development is in accordance with Policy W5 (iv).
62. To support the determination of this application, the applicant submitted further information to address the requirements set out in Policy W4 (d). Within the submission, the applicant has sought to outline the distance that aggregate from the quarry is currently transported by HGV, and the anticipated distance that inert waste would be sourced from. This is shown on Figure 2 below.

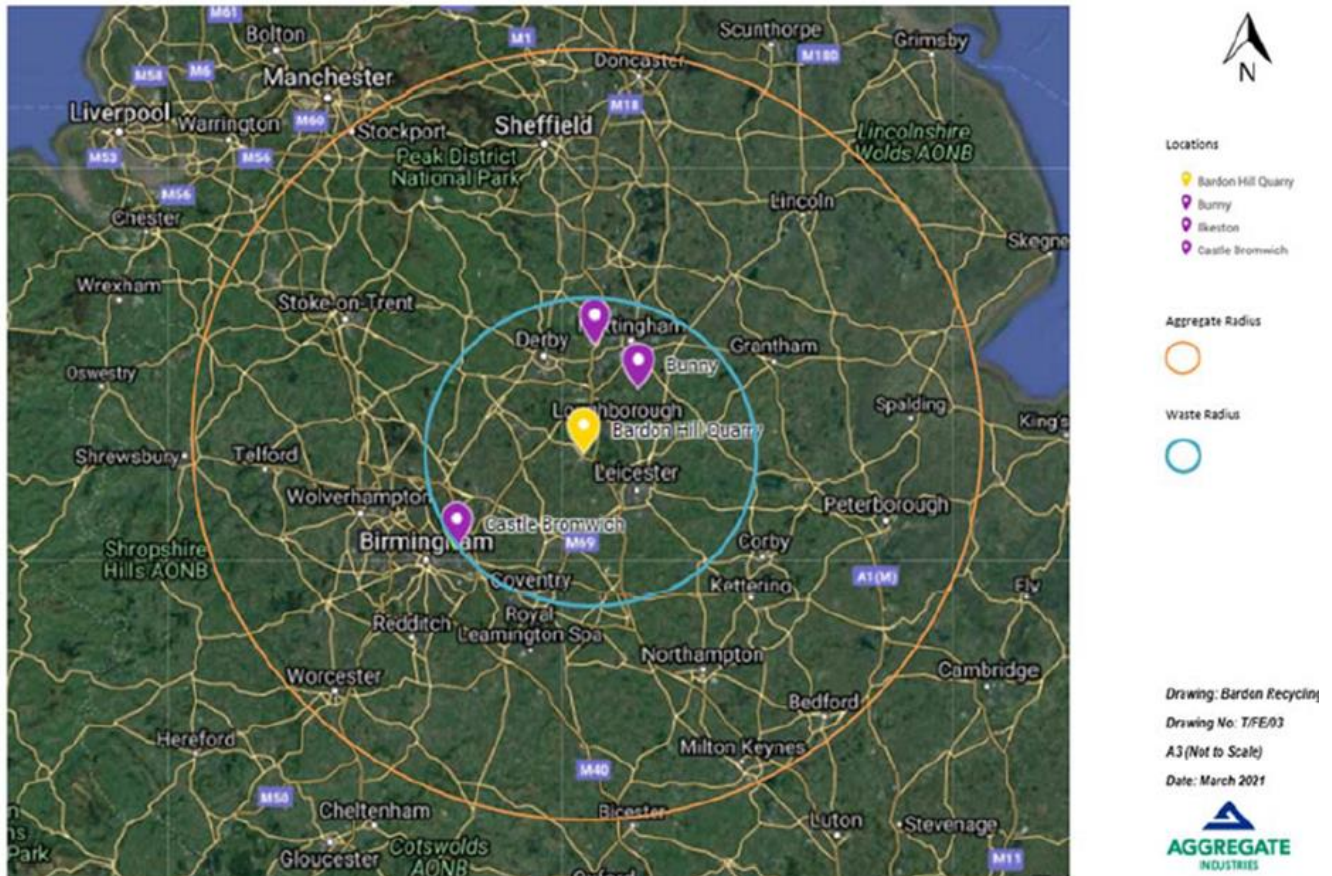


Figure 1: Bardon aggregate and waste radii

63. The applicant has stated that primary aggregate extracted from the site is on average delivered within a radius of 60 miles (see orange line on Figure 2). This represents an increase in recent years due to improved efficiency of HGVs. The light blue line shown on Figure 2 is the radius within which the waste is anticipated to be collected from. The applicant is proposing that waste materials would be collected on return from primary aggregate deliveries.
64. Despite not strictly being located within the 'Broad Locations' identified in the Key Diagram within the Minerals and Waste Local Plan; the Waste Planning Authority recognises that quarry is adjacent to the settlement boundary of Coalville (i.e. one of the broad locations that such facilities are guided towards). In addition, the applicant has outlined that Bardon Hill Quarry is positioned close to major road networks including the M1, A42 and A511. The secondary aggregates would be used to substitute for primary aggregates and complement existing sales. It should also be noted that Bardon Hill Quarry also has existing environmental mitigation measures in place, access measures and transport links.
65. To provide support for demonstrating an overriding need for the proposed development, the applicant has referenced data from historic Annual Monitoring Reports and the adopted Leicestershire Minerals and Waste Local Plan.
66. The Minerals and Waste Local Plan considers the need for construction and demolition recycling sites and states "*existing operational recycling capacity together with sites permitted for C&D recycling but not yet operations, would be sufficient to meet off-site recycling requirements through the plan period assuming that there will*

*be no growth in arisings*” (paragraph 4.7). Based on the most recent position, there does not appear to be an overriding need identified for additional inert waste recycling capacity. However, this is considered alongside the specific purpose of this facility, which is to allow secondary aggregates and blended aggregates to reduce reliance on primary aggregates. This is in line with the NPPF which highlights that minerals are a finite natural resource and best use needs to be made of them to secure their long-term conservation (paragraph 203).

67. The fourth requirement of Policy W4 (d) requires the applicant to demonstrate that this overriding need cannot be met within the urban areas. The applicant has outlined that the North West Leicestershire Local Plan Proposals Map identified current and proposed land use including Primary Employment Areas (Ec3) and Employment Provision Permissions (Ec1). In reviewing the availability within urban areas, the applicant states that of those areas identified for employment use there is no available land on Stephenson Industrial Estate; Snibston Drive or industrial land adjacent to the A511. They also are of the view that any other undeveloped land is located within close proximity to residential land use and is unsuitable for Construction and Demolition recycling. The Waste Planning Authority considers the applicants consideration of ‘other suitable locations’ reasonable and does not wish to challenge the findings. Indeed, it recognises that operations such as the crushing and screening of inert waste are often more suited to less urban locations where the presence of other sensitive receptors such as business and residential areas is not so constraining.
68. The information provided by the applicant is considered to largely address the four requirements identified in Policy W4 (d). Existing primary aggregate HGV movements will have the capacity to collect waste on return journeys. There will be no increase in permitted vehicle movements to the Bardon Hill Quarry site as a whole and this can be secured by condition. Furthermore, it is considered that the proposal brings operational, transport and environmental benefits. The applicant has stated that between 20-30% of the secondary aggregate would be mixed with extracted primary aggregates, reducing the reliance on a finite resource. Transport benefits arise from the proposed development through the strategic location of Bardon Quarry which is located directly adjacent to the A511 which has benefited from recent infrastructure improvements and the primary access to Bardon Hill Quarry is only 3 miles from the M1. The proposed development also benefits from being able to utilise existing vehicles movements that can collect waste when returning from collecting primary aggregates.
69. It noted that the site is located outside of the ‘Broad Locations’ identified on the Key Diagram. Nevertheless, the site is adjacent to Coalville and is well located in relation to waste arisings. Whilst there is little evidence of an overriding need there are links between the location of the proposal and the waste to be managed; transport benefits through the use of existing aggregate HGV movements to transport waste; operational benefits arising from the co-location of primary and secondary aggregate operations; and the environmental benefits of moving waste up the waste hierarchy and reducing the demand on primary aggregates, a finite resource. The WPA notes that strictly there is a degree of conflict with Policy W4, but overall, the proposal is in accordance with the thrust of the policy.

#### Air Quality/Dust

70. Assessing the potential impacts of the proposed development from the perspective of air quality and dust is of high importance due to Bardon Hill Quarry's status as a Site of Special Scientific Interest. It is also important to ensure that the proposed development is acceptable from an environmental health perspective. The inert waste will be brought into the site using existing permitted vehicle movements before being stored and processed at the site. The end product would then be stored within the application area prior to its sale.
71. The Environment Agency had no formal comments to make but did note that the importation and treatment of waste would require an Environmental Permit. North West Leicestershire District Council's Environmental Health Team had no objection to the proposals but recommended a condition to ensure that the existing dust management plans for the quarry site as a whole are updated to reflect the addition of the proposed inert recycling operation.
72. Natural England also consider the proposals to be acceptable subject to a condition requiring the submission of a dust management plan.
73. Mr Merrie CC raised comments in relation to whether the current dust suppression measures were adequate, what air quality monitoring is currently taken place and if so what the results were. It was also noted that North West Leicestershire District Council has allocated additional funds to monitor air quality. Conditions 45, 46 and 47 of 2010/0076/07 require the applicant to produce monthly air quality reports based on PM10 monitoring at the nearest sensitive receptors which are Pettifors Farm, Bradgate Drive and The Lodge. Bardon Hill Quarry is permitted up to 35 exceedances per year which was complied with in 2020. The applicant has confirmed that they have established live monitoring equipment at two sensitive receptors in order to pre-emptively detect issues relating to dust exceedances.
74. Concerns were raised by former County Councillor, Dr Terri Eynon, regarding the potential impacts of dust on from the perspective of nuisance dust particles which could cause issues when lorries import the inert waste material to the site. Dr Eynon also made additional comments relating to the impacts of 'clinically relevant' dust particles which pose implications from a public health standpoint and highlighted there are plans to build more houses close to the quarry.
75. To mitigate the impacts of dust, the applicant has proposed the use of sprays to damp down dust and prevent fugitive emissions from the recycling operation. This would be done in addition to existing dust management strategies including wheel washing facilities for HGVs and the sweeping of the A511 to minimise nuisance dust. Furthermore, as outlined above, there are existing controls on dust emissions from the site outlined in Conditions 45, 46 and 47 of Planning Permission 2010/0076/07 & 2010/0041/04.
76. Based on responses from Natural England, North West Leicestershire Environmental Health and the Environment Agency, the air quality impacts can be mitigated through the addition of a condition to update existing dust management plan. Furthermore, Leicestershire County Council's Public Health team have stated that they do not consider the proposed development would exacerbate the public health situation of the local area, which shares similar premature mortality rates to the rest of England. In addition, it is noted that there is no Air Quality Management Area (AQMA) in place, which would have been declared if there were specific concerns relating to PM 2.5 and PM 10 emissions from quarrying operations.

77. Therefore, subject to the addition of a condition requiring the updating of existing dust management plans to reflect the new proposed activity, it is considered that the proposed development is in accordance with Policies DM2 and DM11 of the Leicestershire Minerals and Waste Local Plan, Policies D2, EN1 and EN6 of the North West Leicestershire Local Plan and Paragraph 7 of the NPPW.

### Heritage

78. There are several Grade II listed buildings within the Bardon Hill Estate, including St Peter's Church, Bardon Hall, Kellam's Farmhouse and the Lodge to Bardon Hall. Paragraph 193 of the NPPF requires that great weight should be given to the conservation of historical assets. This applies irrespective of whether a potential harm is substantial or not.
79. North West Leicestershire District Council raise no objection to the proposed development. Leicestershire County Council's Heritage Advisor is satisfied that the proposed development is a sufficient distance from the statutorily listed Bardon Hall and other buildings of historic interest that there would be no impact.
80. St Peter's Church and the Bardon Hill War Memorial lie approximately 200 metres to the south-west of the application site. Both historical assets are well screened by existing planted trees and other vegetation. Furthermore, given the existing use of the application site as a stocking area and previous use for the manufacture of concrete and masonry products, the proposed use of the site is acceptable and will not have any negative effects on any heritage assets. The development is in accordance with Paragraph 193 of the NPPF, Policy DM8 of the Leicestershire Minerals and Waste Local Plan and Policy He1 of the North West Leicestershire Local Plan.

### Landscape and Visual Impact

81. The application site is currently used as a stocking area but was previously used for the manufacturing of masonry products. Leicestershire County Council's Landscape Architect is satisfied that the application area is well screened and would not have significant impacts on the landscape or amenity of the area. The inert waste material stored within the application area will be no more than 10 metres in height, which is within previously approved stocking heights for this area.
82. Therefore, it is considered that the proposed development is in accordance with Policy DM5 of the Leicestershire Minerals and Waste Local Plan and Policy D2 of the North West Leicestershire Local Plan.

### Ecology and Biodiversity

83. The proposed development lies within an area of the quarrying with a similar existing land-use. Natural England in their consultation response outlined where possible, opportunities for biodiversity enhancement or net gain should be sought.
84. However, in consultation with Leicestershire County Council's Ecology Team, it is considered that due to the proposed development being located within the existing quarry site on land with an existing use there will be no biodiversity impacts and it is not necessary to undertake an ecological survey or further mitigation measures. It is



considered that the addition of two conditions outlined above to control the impacts of dust are sufficient to ensure that there will be no adverse impact on ecological designations. In addition, the restoration of this area would be controlled by the restoration proposals for the wider quarry site. Therefore, the proposed development is in accordance with Policy DM7 of the Leicestershire Minerals and Waste Local Plan, Policies S3 and EN1 of the North West Leicestershire Local Plan and Paragraph 175 of the NPPF.

### Traffic, Access and Parking

85. The main planning permission (2010/0076/07) governing the quarrying operations includes a condition limiting the number of HGV departures for exports of dry and coated stone from the site from exceeding a daily average of 525 over any 4-week period, subject to a daily maximum of 575 HGV departures.
86. The application proposes that the recycling operations would involve importation up to 300,000 tonnes per annum of inert waste material to the site using existing permitted vehicle movements. This would be done through the use of HGV which deliver aggregate around the country and normally return to the site empty, collecting inert waste on their return journeys. The waste imported into the site would be processed, and much of the end product would be a replacement for primary virgin aggregate, although 20-30% could be blended with primary aggregate. The operation would not result in an increase in HGV movements above existing operations and would remain within permitted HGV numbers for the site.
87. The Local Highway Authority (LHA) was consulted on this application. In their consultation response the LHA highlight that due to the proposed development utilising existing vehicles' movements, there would be no increase in vehicle movements. By proposing to collect inert waste on return from aggregate deliveries as shown in Figure 2, the applicant is able to exploit HGVs that arrive at the site to collect aggregate but are currently empty. Figure 2 shows that the applicant currently exports primary aggregate to within a 60-mile radius from the site and is proposing to collect waste within a 30-mile radius which makes collecting inert waste on return journeys possible. Therefore, the applicant is not proposing to carry out additional trips to collect waste as outlined in the updated policy note. The comments provided by the Local Highway Authority address the comments raised by Mr Merrie CC, who queried how the applicant was able to utilise existing vehicle movements to collect waste.
88. The Bardon Hill Quarry site access runs directly onto the A511 which is a primary road and the site is located around 3 miles from the M1. To prevent vehicles from leaving the site by crossing the carriageway, a condition requiring all vehicles leaving the site to turn left is attached to the extant site wide permission. On this basis, it is proposed that the same approach is taken with a condition restricting left turn exit attached should planning permission be granted. A routing agreement that covers HGVs movements is not considered necessary for the proposed development given the sites access on a primary road.
89. The proposed development is therefore considered to be in accordance with Paragraph 109 of the NPPF subject to the addition of a condition ensuring vehicle movements from this operation, in combination with the overarching site wide extraction permission, do not exceed an average of 525 per day over any 4-week period (with a daily maximum of 575).

### Other Material Considerations

90. In consultation with the LLFA, it is considered that the proposed development would not have any negative effects that would either impact drainage or increase the risk of flooding. The proposed development is also situated within Flood Zone 1 which has a low risk of flooding.
91. There would be no impact from a mineral safeguarding perspective due to the proposed development being located on land with an existing use and mineral no longer being worked in the original void. The proposed development is therefore considered to be in accordance with Policy M11 of the Leicestershire Minerals and Waste Local Plan.

### Conclusion

92. The importation, processing, storage and onward sale of recycled inert waste is in accordance with Paragraph 1 of the NPPW as it helps to deliver sustainable development by driving waste management up the waste hierarchy. The proposal generally meets the requirements of Policy W4 of the Leicestershire Minerals and Waste Local Plan, although there is little evidence to demonstrate an overriding need for the site. Nevertheless, there are transport and operational benefits arising from the proposal and the site is well located in relation to the main areas of waste arising, albeit just outside of a 'Broad Location'. Overall, the policy conflict is considered to be technical and limited, and the proposal is in accordance with the thrust of Policy W4. The proposal site will also raise the management of the waste up the waste hierarchy and help preserve primary aggregate, a finite resource.
93. The proposed development will not have any negative impacts on heritage assets and is in accordance with Paragraph 193 of the NPPF, Policy DM8 of the Leicestershire Minerals and Waste Local Plan and Policy He1 of the North West Leicestershire Local Plan.
94. Whilst it is acknowledged there could be potential impacts on air quality from dust emissions, it is considered that these impacts can be made acceptable through the addition of a condition requiring the updating of the existing dust management plans. It is therefore recommended that the proposed development be permitted subject to the imposition of conditions outlined in *Appendix A*.

### Statement of Positive and Proactive Engagement

95. In determining this application, the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and all valid representations received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.
96. The Waste Planning Authority has been involved in proactive discussion with the applicant on various issues. These include discussing minor changes to the planning application at the validation stage, giving the applicant the opportunity to comment on various policy issues, providing amended plans, clarification on vehicle movement controls alongside ongoing dialogue through the application process.

**Recommendation**

97. PERMIT subject to the conditions set out in Appendix A.

**Officer to Contact**

Daniel Galpin (Tel: 0116 305 8064)  
E-Mail [planningcontrol@leics.gov.uk](mailto:planningcontrol@leics.gov.uk)

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### Conditions

#### Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

*Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The Minerals Planning Authority shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.

*Reason: To assist with the monitoring of conditions attached to the planning permission and for the avoidance of doubt.*

#### Adherence to Approved Details

3. Unless otherwise required pursuant to conditions of this permission, the development hereby permitted shall be carried out in accordance with the submitted application, documents and recommendations of reports, and the following plans:

- a) Drawing No. 20.08.1000.PL.A.001 (V2) titled 'Location Plan' dated 26<sup>th</sup> August 2020;
- b) Drawing No. 20.08.1000.PL.A.002 (V3) titled 'Application Area' dated 13<sup>th</sup> October 2020;
- c) Drawing No. 20.09.01.1000.PL.A.003 'titled 'Recycling Plant Elevations and Layout' dated 2020;
- d) Planning Application Form dated 24<sup>th</sup> August 2020.

*Reason: For the avoidance of doubt as to the development that is permitted.*

#### Duration

4. The operations hereby permitted shall be for a limited period only expiring on 31/12/2051, or upon the cessation of the winning and working of minerals prior to the completion of the approved scheme as defined in Permissions 2010/0076/07 and 2010/0041/04 (or any subsequent variation), whichever is the earlier. Upon cessation of the operation, any building(s) and works carried out under this permission shall be removed and the land reinstated in accordance with restoration and aftercare details approved under conditions 63 and 66 of permission 2010/0076/07 (or any subsequent variation of that permission).

*Reason: To provide for the completion and restoration of the site within the approved timescale.*

#### HGV Movements

5. The total number of HGV departures for export of dry and coated stone from the site and imported aggregate recycling to the site shall not exceed a daily average of 525 over a 4-week period subject to a daily maximum of 575. Records of such movements shall be maintained on a daily basis and shall be made available to the

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Mineral Planning Authority within five working days of such a request being made. All Records shall be kept on site for at least 12 months.

*Reason: In the interests of highway safety and safeguarding the local environment.*

Access

6. All vehicles leaving the site via the main quarry access onto the A511 shall turn left.

*Reason: To ensure the site is accessed with due regard to highway safety and the local environment.*

Wheel Cleaning and Sheeting of Lorries

7. No HGV's shall leave the site without first passing through an efficient wheel cleaning system to ensure that no deleterious material is deposited on the public highway. In the event that any such material is deposited on the public highway it shall be immediately removed.

*Reason: In the interests of highway safety, the amenities of local residents and the local environment.*

8. No loaded vehicles shall leave the site and enter the public highway unsheeted. All loads shall be evenly filled and levelled to avoid spillage when in motion.

*Reason: In the interests of highway safety and safeguarding the local environment.*

Stockpile Heights

9. Any stockpiles relating to the operations hereby permitted shall not exceed a height of 10 metres above ground level.

*Reason: To protect the amenities of local residents and in the interests of the local environment and to minimise the visual impact created by the permitted operations.*

Noise Mitigation of Operations

10. Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance or disturbance in the locality. Such measures shall include:
- a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
  - b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;
  - c) the minimisation, so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles;

*Reason: To minimise the adverse impact of noise generated by the operations.*

11. Except for the limits included in the table below the noise levels arising from the development when measured 3.5 metres from the most exposed façade of any noise sensitive property shall not exceed:

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- 55dB(A) $L_{Aeq\ 1h}$  during the hours of 07:00 – 22:00; and
- 42dB(A) $L_{Aeq\ 1h}$  during the hours of 22:00 – 07:00.

Measurement Location and reference.	Daytime Limit (07:00 – 22:00)
2. Bradgate Drive	54
4. Flannagan Way	52
10. Kirton Road	48
12. Irish Farm	49

Dust Management Plan

12. No development shall take place shall take place unless and until the Environmental Scheme approved under Conditions Nos. 42, 46 and 49 of Planning Permissions 2010/0076/07 and 2010/0041/04 has been updated to reflect the new additional activities on the site, and approved in writing by, the Mineral Planning Authority. The scheme shall include details of:

- monitoring at agreed locations to assess whether the limits specified in condition no. 13 below are being complied with;
- frequency and duration of monitoring;
- monitoring equipment to be used including the installation of appropriate equipment to continuously measure PM10 concentrations at suitable locations outside the site boundary;
- presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant dust emissions recorded;
- specific measures to control dust emissions arising from operations including the importation of inert waste, crushing of material and storage of inert waste prior to sale and when necessary, the suspension of operations when weather conditions are creating conditions where the amenities of local residents would be affected;
- an updated regime of regular sweeping of the A511 with dates recorded;
- maintenance and availability of monitoring results;
- procedures to be implemented if dust emissions exceed approved levels; and
- a methodology to keep the scheme under regular review subject to written agreement with the Mineral Planning Authority.
- Any other relevant mitigation measures considered necessary.

*Reason: To enable the dust related effects of the development to be adequately monitored during the course of the operations. There is an exceptional need here to secure additional control over dust emissions and air quality by ensuring appropriate measures are in place to protect local amenity prior to works commencing.*

Dust and Air Quality Limits

13. Dust and air quality emissions arising from the development when measured in accordance with the monitoring scheme approved under condition no. 46 of 2010/0076/07 shall not exceed:

- a mean average rate of 200 milligrams per day per square metre; and
- a limit of 50 $\mu\text{g.m}^{-3}$  not to be exceeded more than 35 times a year as a 24 hour mean/40 $\mu\text{g.m}^{-3}$  as an annual mean for PM10.



*Reason: To minimise the adverse impact of dust generated by the operations.*

Hours of Operation

14. The development shall only take place in accordance with the following hours:

Operations	Permitted Hours	
	Monday to Saturday	Sundays, Public & Bank Holidays
<ul style="list-style-type: none"> <li>Crushing and screening</li> </ul>	07:00 to 22:00	None
<ul style="list-style-type: none"> <li>HGV movements associated with the development hereby permitted;</li> <li>The use of the waste stocking areas;</li> </ul>	06:00 to 22:00	None

*Reason: To protect the amenities of local residents and in the interests of the local environment.*

Restriction of Permitted Development Rights

15. Notwithstanding the provisions of Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modification:

- no fixed plant or machinery, building, structures and erections, or private ways, sewers, mains, pipes, cables or other similar apparatus, shall be erected, extended, installed, or replaced within the site without the prior written approval of the Mineral Planning Authority following the submission of relevant details and plans.

*Reason: There is an exceptional need here to secure control over additional plant and machinery, in the interests of the amenity of the area and bearing in mind the degree of discretion otherwise allowed by the GPDO.*

**Notes to the Applicant**

1. The consent of Severn Trent Water will be required for either a direct or indirect connection to the public sewerage system under the provisions of Section 106 of the Water Industries Act 1991. Current guidance notes and an application form can be found at [www.stwater.co.uk](http://www.stwater.co.uk) or by contacting Severn Trent Water New Connections Team (01332 683369).
2. Although statutory sewer records do not show any public sewers within the site there may be sewers which have recently been adopted under the Transfer of Sewer Regulations. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and it is advised that Severn Trent Water should be contacted (0247 771 6843).
3. The Environment Agency advises that all building work should be in compliance with best working practices and in particular Government guidance on 'Construction, inspection and maintenance' [www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance](http://www.gov.uk/guidance/pollution-prevention-for-businesses#construction-inspection-and-maintenance). You are advised to contact the Environment Agency to arrange a site meeting to agree necessary measures to prevent pollution of the water environment during the construction phase of the development. The Environment Agency can carry out pollution prevention visits. Please contact [EastMidWaterQuality@environment-agency.gov.uk](mailto:EastMidWaterQuality@environment-agency.gov.uk) for further information and advice.

**DEVELOPMENT CONTROL AND REGULATORY BOARD**

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

**EQUALITY AND HUMAN RIGHTS IMPLICATIONS**

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

**IMPLICATIONS FOR DISABLED PERSONS**

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

**Note to Applicant Department**

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

**COMMUNITY SAFETY IMPLICATIONS**

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

**BACKGROUND PAPERS**

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

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

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

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

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

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

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

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