

**DEVELOPMENT CONTROL AND REGULATORY BOARD****30th November 2023****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE: 2023/0988/03 (2023/VOCM/0056/LCC) – 23rd June 2023

PROPOSAL: Variation of conditions 6 and 21 of planning permission 2021/0683/03 relating to operational hours and noise limits to allow operations and vehicle movements from 6am

LOCATION: Husbands Bosworth Quarry, Welford Road, Husbands Bosworth, Leicestershire, LE17 6JH

APPLICANT: Mick George Ltd.

MAIN ISSUES: Impact of heavy goods vehicles and traffic on noise pollution, local amenity, health and wellbeing.

RECOMMENDATION: A. Refuse Planning Permission

Circulation Under Local Issues Alert Procedure

Mr. B. L. Pain CC

Officer to Contact

Amelia Mistry (Tel. 0116 305 7326)
Email: planningcontrol@leics.gov.uk

PART B – MAIN REPORT

The Site and Surroundings

1. The application site is 50.7 hectares and comprises the existing Husbands Bosworth Quarry site. Husbands Bosworth Quarry is an existing sand and gravel extraction site which has been operating to the south of the village of Husbands Bosworth and north of Welford since the 1980s. The site is set in open countryside with a predominantly agricultural function, although the wider area is characterised by small pockets of differing buildings and uses.
2. The site is accessed by an existing haul road from the A5199 Welford Road which itself leads south through Welford towards the A14 and Northampton. To the north it leads to Husbands Bosworth and Leicester, whilst also linking to the A4304 which heads towards Market Harborough to the west and Lutterworth and the M1 to the east.
3. The nearest sensitive residential receptors are properties in and around the south side of Husbands Bosworth. This includes properties along the southern part of Butt Lane/Bromell Grove at approximately 200 metres from phase 1 and Townend Close, approximately 325 metres from phase 1. The mineral processing area is approximately 300 metres from Townend Close.
4. Husbands Bosworth Quarry was originally established in the 1980s and has largely been used for the purposes of sand and gravel extraction since this time. The site is identified in the Harborough Local Plan as being within the open countryside as designated by policy GD3.

Planning History

5. The application site has an extensive history and the following comprises a summary of the most recent and/or pertinent applications and decisions.
 - a) 98/0329/03: Extension of sand and gravel workings with restoration to agriculture, woodland and heathland. Permitted 18/05/2000.
 - b) 2007/1869/03: Phased extraction of sand and gravel from an extension to Husbands Bosworth Quarry and construction of replacement silt and clean water lagoons. Restoration to woodland, grassland scrub and lakes. Permitted 16/6/2008, not implemented.
 - c) 2010/0798/03: Planning Application and Supplementary Ecological Assessments to extend the time limit for implementation of planning permission ref. 2007/1869/03. Permitted 24/08/2010 and implemented.
 - d) 2012/1030/03: Importation of foreign material for washing and processing. Permitted subject to restriction on material source (Mountsorrel Quarry), material type (granite dust) and a maximum of 26,000 tonnes per annum. Permitted 24/09/2012.

- e) 2020/2015/03: Variation of condition 3 of planning permission 2010/0798/03 in order to allow restoration works to be completed by 31 October 2021. Permitted, 28/01/2021. This permission has not been implemented.
 - f) 2021/1552/03: Continued use of aggregate bagging plant facility. Refused permission in November 2021 for the following reasons (in summary): a. Use of site as bagging plant facility without any connection to other on-site extraction operations; b. Failure to restore site; c. Inadequate demonstration the vehicle movements would not be harmful to highway safety.
6. In January 2023 planning permission was granted for a lateral extension for the extraction of sand and gravel; importation of inert material and topsoil for restoration of the site; installation of concrete batching plant; placement of mineral washing plant; and continued use of bagging plant. Permission was granted for the extraction of 900,000 tonnes of sand and gravel, equating to an output of up to 200,000 tonnes per annum (planning reference 2021/0683/03). This permission has since been implemented and soil stripping and overburden removal has commenced.
7. The applicant has also submitted planning application reference 2023/VOCM/0093/LCC (2023/1429/03). This application seeks to alter the location within the existing site in which inert material can be used to backfill and restore voids. It is not proposed to alter the approved operational hours, lorry movements or any other operational matters. At the time of writing this report, this application remains under consideration and undetermined. The cumulative impacts of each proposal, in combination with the existing operations being granted planning permission in conjunction with any cumulative impacts which may arise from other developments within the locality, is considered within the Assessment of Proposal section.

Description of Proposal

8. Planning permission is sought to vary Conditions nos. 6 and 21. of planning reference 2021/0683/03 with respect to the existing approved operational hours and noise limits. These amendments are sought to allow up to 10 HGVs to leave the site between 6am and 7am on weekdays (Monday to Friday).
9. It is proposed that vehicles would be loaded the working day before, in the consented working hours for the quarry (i.e. before 18:00 hrs weekdays or 14:00 hours on Saturdays) to ensure that no other plant or equipment (other than the HGVs) would be operational on site prior to 7am. Some text within the planning application refers to '13:00 hours on Saturdays'. The applicant has confirmed that this is a typographical error. The applicant is not looking to amend the finish time on a Saturday and wish it to remain as currently approved (i.e. 14:00 hours).
10. Condition no. 6 as existing, states;

Except in emergency to maintain safe quarry working (which shall be notified to the County Planning Authority within 48 hours of such an occurrence) or unless otherwise agreed in writing by the County Planning Authority:

No operations (other than water pumping) shall be carried out at the site except between the following times:

- (a) 07:00 hours and 18:00 hours Monday to Friday; and
- (b) 07:00 hours and 14:00 hours Saturday.
- (c) No operations (other than water pumping) shall be carried out on Sundays or any Public or Bank holidays.

11. It is now proposed that Condition 6 (Hours) be amended to: (Bold text highlights the proposed amendment, or insertion);

Except in emergency to maintain safe quarry working (which shall be notified to the County Planning Authority within 48 hours of such an occurrence) or unless otherwise agreed in writing by the County Planning Authority:

No operations (other than water pumping) shall be carried out at the site except between the following times:

- (a) 07:00 hours and 18:00 hours Monday to Friday; and
- (b) 07:00 hours and 14:00 hours Saturday.
- (c) **HGV movements shall be confined to 06:00 - 18:00 Monday to Friday and 07:00-14:00 hours on Saturday.**
- (d) No operations (other than water pumping) shall be carried out on Sundays or any Public or Bank holidays.

12. Condition no. 21 as existing, states;

Noise levels at noise sensitive properties and attributable to the operations subject to this permission shall not exceed the existing background noise level, L90, by more than 10 dB(A). Noise levels may temporarily exceed these levels, subject to them not exceeding 70dB(A) LAeq 1h, when measured at any nearby noise sensitive property. Such operations may not exceed a period of eight weeks (56 days) in any calendar year and must be connected with essential site preparation and restoration work only.

13. It is also proposed that Condition 21 (Noise limits) be amended to: (Bold text highlights the proposed amendment, or insertion);

*Noise levels at noise sensitive properties and attributable to the operations subject to this permission shall not exceed the existing background noise level, L90, by more than 10 dB(A). **Noise levels between 06:00 and 07:00 hours shall not exceed 42dB(A) at any noise sensitive property.** Noise levels may temporarily exceed these levels, subject to them not exceeding 70dB(A) LAeq 1h, when measured at any nearby noise sensitive property. Such operations may not exceed a period of eight weeks (56 days) in any calendar year and must be connected with essential site preparation and restoration work only.*

14. The applicant has stated that the proposed variation to conditions is sought to allow pre-loaded HGVs to leave the site prior to 7am to better serve the construction industry and potentially limit HGVs in the vicinity during the morning peak hour traffic flows.

Planning Policy

The Development Plan

15. The relevant local development plan policies are contained within the Leicestershire Minerals and Waste Local Plan, Harborough Local Plan and the Husbands Bosworth Neighbourhood Plan as follows.
16. Leicestershire Minerals and Waste Local Plan (Adopted September 2019)
 - Policy DM1: Sustainable Development
 - Policy DM2: Local Environment and Community Protection
 - Policy DM9: Transportation by Road
 - Policy DM11: Cumulative Impact
17. Harborough Local Plan 2011-2031 (Adopted April 2019)
 - Policy GD1 Achieving Sustainable Development
 - Policy IN2 Sustainable Transport
18. Husbands Bosworth Parish Neighbourhood Plan 2018-31 Referendum Version June 2020
 - Policy T3: Traffic Management

National Policy

19. National Planning Policy Framework 2023 (NPPF), key paragraphs include:
 - Paragraph 11 – Presumption in favour of sustainable development.
 - Paragraph 47 - planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
 - Section 8 of the NPPF ‘Promoting Healthy and Safe Communities’, states that planning decisions should, ‘enable and support healthy lifestyles, especially where this would address identified local health and well-being needs’, paragraph 92 c).
 - Paragraph 174 – requires that decisions should contribute to and enhance the natural and local environment by: ... e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
 - Paragraph 211 – requires that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the

economy. In considering proposals for mineral extraction, minerals planning authorities should... b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties..’.

20. The relevant planning practice guidance provides specific guidance to support the NPPF (2023) with respect to minerals and noise, under the subtitle ‘Assessing environmental impacts from minerals extraction’. A glossary of technical noise terms is also included and replicated in Appendix B of this report. Key paragraphs include:

- Paragraph 20 advises that, in determining the impact of noise, mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would: give rise to a significant adverse effect; give rise to an adverse effect; and enable a good standard of amenity to be achieved. In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.
- Paragraph 21 advises that mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property. It goes on to state that care should be taken, however, to avoid any of these suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed.

Other Policy Considerations

21. In line with Paragraph 20 of the planning practice guidance (Minerals) the Noise Policy Statement for England (published on 15 March 2010) is relevant. Additionally, the World Health Organisation’s Community noise guidelines (1999) and the World Health Organisation’s Night Noise Guidelines (2009) are relevant. Further to this, the most recent WHO Community Noise Guidelines were

published in 2018 to complement the “Night Noise Guidelines” (2009), these supersede the outdoor noise recommendations from “Guidelines for Community Noise” (1999) although the 1999 guidelines for internal noise remain valid. The 2018 guidelines provide an evidence base for various sources of noise, with the evidence for noise from road traffic considered to be strong.

Consultations – 28th June 2023.

22. **Harborough District Council – Planning:** No comments.
23. **Harborough District Council – Environmental Health:** Further Information Required.
24. The site in question is close to the settlement of Husbands Bosworth, and it is unclear in the supporting letter what route the proposed early morning HGV operations will take through the village. The current planning permission has a start time of 7am, which ties in generally with increases in traffic in the surrounding area, and in general vehicular movements will not be as noticeable after 7am due to other traffic. Between 6am and 7am, background noise levels will be lower, and most people will still be asleep. The movements of HGV vehicles at this time will be more noticeable and potentially intrusive. The proposal to change the noise level to 42 dB(A) does not seem to be backed up with any specific noise monitoring, and it is not clear what the current background noise levels are in this area.
25. It is recommended that the applicant submit a noise impact assessment for these additional early morning vehicle movements, detailing the proposed route, and the proximity of nearby sensitive receptors.
26. **Leicestershire County Council – Highways:** No objection.
27. **Husbands Bosworth Parish Council:** Objection. Husbands Bosworth Parish Council, whilst having no objections to the general quarry works, must raise an objection to this application.
28. As no planned routes of travel have been detailed in the application, we have assumed that some vehicles will travel into the centre of Husbands Bosworth and either take the High Street towards Market Harborough or Kilworth Road towards M1 J20 / Lutterworth. At 6.00am in the morning this will have an impact on residents whose properties line these routes; Welford Road, Marsh Drive, Townend Close, The Green, High Street and Kilworth Road. The volume of traffic and therefore traffic noise in the village at 6.00am is at present generally low. The movement of these vehicles would be noticeable to residents.
29. Have alternative routes of travel into and out of the quarry been considered? For example, Station Road as either an entry road, exit road or both?
30. If LCC decide to grant this application, then the following should be strictly adhered to and monitored:
 - Only up to 10 pre-loaded (loaded day before) outbound vehicles can leave the site between 06.00 and 07.00 Monday to Friday, not Saturday. Absolutely no loading or other quarry works between 06.00 and 07.00

- Vehicles on site must be fitted with white noise reverse equipment.
 - Where feasible, vehicles route away from Husbands Bosworth via Station Road.
 - No Inbound receipt of tipper bulk loads until normal working hours i.e., post 07.00.
31. **Welford Parish Council:** Objection. Welford Parish Council met on Wednesday 5th July 2023 to consider the proposal and strongly object to the application.
 32. The application states that it is 'to allow operations and vehicle movements from 6am' and that it is for pre-loaded vehicles to leave the site from 6am. Welford PC feels that the wording of the application is ambiguous in that it is for operations which are not specified and could be interpreted as other applications will take place on the site.
 33. The application needs to be more specific as to what will be moved and whether it will be only for traffic leaving the site or will it also allow entry to the site for people other than employees and agents to move product from the site in the pre-loaded lorries. Any other operations as stated need to be identified so as not to disturb local residents or for the contractor to extend to applications it considers necessary but outside the spirit of the application.
 34. The applicant asks for permission to allow up to 10 HGVs to leave the site between 6am and 7am but there is no mention of any way of this being monitored or enforced.
 35. Welford sees a lot of through traffic from GRS taking minerals to the quarry site where it is mixed and reloaded onto vehicles. There is nothing in the proposal to prevent vehicle movement to the site for further transport to/from the quarry. The heaviest goods vehicles on the road can be up to 44,000kg or 43.3 imperial tonnes which some of the loaded GRS articulated lorries could well be close to.
 36. The movement of large vehicles from the quarry site, along the narrow High Street with residential properties situated directly on to the highway, results in a significant loss of amenity to residents. Should this vehicle movement start earlier in the morning, at 6am, it can have a significant detrimental impact on sleeping patterns and associated impact on mental health. The proposal does not speak to this impact and disruption, as well as loss of amenity that will be suffered by local residents.
 37. There was no mention of traffic flows or any detailed traffic analysis in the original application for the site, as the applicant did not submit a local traffic impact assessment with the original application. The applicant further purports that if allowed the local morning peak traffic will be reduced but again provides no evidence to support this assertion. It therefore seems likely that the applicant is trying to address a problem that does not exist.
 38. Looking at other building and construction supply companies, they all open for business at 7am, this includes EH Smith, Huws Gray, Gibbs and Dandy and Screwfix; it was noted that Travis Perkins and Jewson open at 7.30am and only Selco Leicester opens at 6.30am.

39. It is noted by the Parish Council that LCC gave the go-ahead for the site on the grounds that it would be for the 'provision of sand and gravel and contribution to the (Leicestershire) County's overall supply'. If that would be the only factor in approving this application then it would not affect Welford as all traffic movements would be north into Leicestershire from the quarry and the application should clearly state this restriction to lorry movements. Welford Parish Council also felt that the existing time of 7am already enables lorries from the quarry to be able to get to a construction site in Leicestershire by 8am, when onsite work typically begins.
40. Welford Parish Council recognises that LCC needs sand and gravel for continued development. However, the traffic flows should be mainly in the direction of the Leicestershire area, accepting that some of the materials may also be used in Northamptonshire. We ask that a traffic management plan similar to the one already in place at Bruntingthorpe Proving Ground for Cox Automotive Europe is adopted and that strict enforcement controls and reporting mechanisms are in place for errant drivers.
41. The application does not state why the early start is required or provide any evidence for the assertions made in the application or covering letter. If it was commercially necessary then other companies would also be supplying the building trade at these earlier hours.
42. The applicant claims an altruistic position that it will support industry (although philanthropy does not appear in the applicant's website) but the earlier time is neither supported by local or national policy.
43. The applicant further purports that if allowed the local morning peak traffic will be reduced. This runs counter to the fact that the applicant didn't submit a local traffic impact assessment with the original application and has provided no additional traffic analysis to support this assertion or demonstrate that such a problem exists. It therefore appears likely that this application is trying to address a traffic issue that does not exist.
44. We accept that the A5199 is a diversion route when the M1, M6 and A14 have a problem, however the need for additional traffic through the village, especially at 6am onwards cannot be justified for 6 days a week.
45. Furthermore, it will have an impact on people living in Welford especially those on the High Street which is also the A5199 and the southern route to the A14. It will impact their mental health and well-being by disturbing them at 6am with additional lorries travelling through Welford. The proposal does not speak to the disruption and loss of amenity that will be suffered by local residents. On Welford High Street there are a number of vehicles parked on a gradual bend near to the post office. There are numerous occasions when opposing vehicles meet in the middle of this stretch and there is some delay in clearing the blockage. At 6am this would have a serious impact on the residents and other road users if the road became impassable or seriously held up if a blockage occurred. Later in the morning, many of these vehicles have moved as residents commute to work.
46. Unless Leicestershire County Council only plans for the extracted minerals to be used on Leicestershire construction work, which will not have an impact on

Welford as traffic will move north through Husbands Bosworth and beyond, Welford Parish Council strongly objects to the proposal.

47. **West Northamptonshire Council - Planning:** No response received at the time of writing this report.
48. **West Northamptonshire Council - Highways:** No objection. The application has no impact on the number or distribution of trips generated by the site and will most likely lead to a reduction of trips in the am peak hour.
49. **West Northamptonshire Council – Environmental Health:** Further information required. It is reasonable to ask that the applicant provide the proposed route for the early morning trips. The time between 11pm and 7am is protected by noise guidance (including WHO) as a time when residents would reasonably be sleeping. There is currently insufficient information to adequately assess the noise impact of this proposal on noise sensitive receptors.

Publicity and Representations

50. The application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
51. 38 representations were received during this initial consultation period, as shown below, 35 objecting, one in support and two raising comments. The responses are summarised below:

Objection

- When the original planning application was approved, the conditions relating to site movements were based on minimising the impact to surrounding villages. No other policies or procedures have been put into place to minimise these impacts, so there are no grounds to vary the approved planning permission;
- Lorries already enter and queue up for the site earlier than they should; so if the time is moved earlier the queues/entering would be earlier;
- The proposal is too close to residential estates and would wake residents up, result in negative impacts to quality of life, health and physical, social and mental wellbeing as bedroom windows face roads;
- Local residents who live in conservation areas cannot easily add sound proofing or make improvements to windows to reduce impacts upon amenity from early morning lorry movements;
- Further noise nuisance from reverse warning beepers;
- The proposal would cause further disturbance to the locality;
- Current driving behavior is dangerous and includes speeding;
- Residents need to be considered;
- Increased local air pollution and increased lorry movements;
- The quarry should be shut down or vehicles re-routed to avoid villages;
- Local safety measures for pedestrians should be put in place, e.g. crossings;
- Local safety measures such as flashing speed warning signs should be installed;

- Lorries passing through Welford already cause damage to pavements, properties and drains. Exacerbation of existing traffic problems;
- No traffic impact assessment has been submitted to justify the outlined need for the proposal as set out by the applicant;
- Local building and construction supply companies open at 7am. The existing time of 7am allows lorries to get to construction sites by 8am.
- No offered mechanism for monitoring or enforcement of the proposal.
- If material is to be used in Leicestershire construction, lorries should utilise roads in Leicestershire not Northamptonshire.
- Welford Action Group (WAG) wishes to endorse all the points raised by Welford Parish Council and strongly objects to the proposal. A list of reasons for objection were submitted and these are included within the above bullet points.

Support

- There is clearly a demand for their products and given that it is far outside the village we shouldn't be trying to hold it back from being successful. Not many tipper lorries go through the village and given that it is a main road with no height restriction and no need for a weight restriction they would be entitled to do so anyway. We should support businesses in the local area.

Other comments

- Chris Heaton-Harris MP for Daventry provided comment on behalf of constituents and Welford Parish Council. He has requested that the concerns of his constituents and Welford Parish Council regarding traffic management, proposed routes and noise impact could be considered further.
- Councillor Jonathan Harris Ward Councillor for Brixworth (West Northamptonshire Council) has made the following comments: The site in question is close to the settlement of Welford, and it is unclear in the supporting letter what route the proposed early morning HGV operations will take through the village. The current planning permission has a start time of 7am, which ties in generally with increases in traffic in the surrounding area, and in general vehicular movements will not be as noticeable after 7am due to other traffic. Between 6am and 7am, background noise levels will be lower, and most people will still be asleep. The movements of HGV vehicles at this time will be more noticeable and potentially intrusive. The proposal to change the noise level to 42 dB(A) does not seem to be backed up with any specific noise monitoring, and it is not clear what the current background noise levels are in this area. It would seem to be reasonable to recommend that the applicant submit a noise impact assessment for these additional early morning vehicle movements, detailing the proposed route, and also the proximity of nearby sensitive receptors.
- Vice Chair of Husbands Bosworth Parish Council James Bolter has made the following comments: Whilst it is noted and welcomed that this permission amendment only applies to pre-loaded outbound vehicles, the applicant should provide assurances to local residents that no

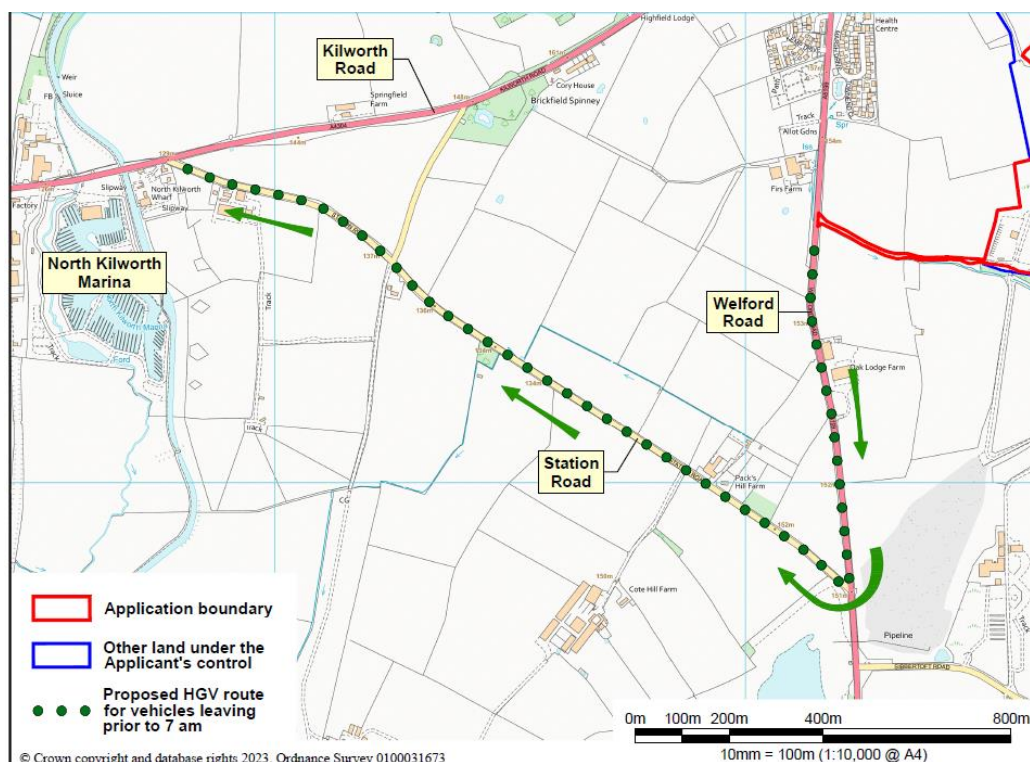
inbound operations use this earlier operations window for reversing and discharging loads at the quarry. Furthermore, the applicant should wherever possible ensure that outbound traffic should use the logical routes from the quarry entrance so as to avoid transiting through Husbands Bosworth village centre from 06:00-09:00 and on return up until 18:00. Drivers heading NORTH should use Pincent Lane, North Kilworth rather than Bell Lane, Husbands Bosworth. Returning traffic from the North and West should use Station Rd and turn left onto Welford Rd rather than turning left off Kilworth Rd and then South along Welford Rd, this will minimise impact on the busy junction in the middle of Husbands Bosworth and deconflict with school pedestrian traffic.

- Other comments received noted that; should permission be granted, a traffic management plan should be adopted for the quarry traffic, with strict enforcement controls and reporting mechanisms in place for errant drivers.

52. The matters raised are considered in the Assessment of Proposal section of this report.

Further Information and Consultations

53. Following the initial consultation period and requests for further information, the applicant submitted further information in the form of a noise assessment, dated August 2023. The noise assessment was compiled by independent acoustic engineers and comprises an assessment of the noise levels attributable to the proposed early morning vehicle movements.
54. To establish the current road traffic noise levels along the A5199 a noise monitoring exercise was carried out between 06:00 – 07:00 hours on Wednesday 23rd August 2023. The measurements were taken within Husbands Bosworth. The monitoring equipment was located along Marsh Drive, to the north of the quarry access, with the monitoring position 10 metres from the kerb of the A5199. This monitoring position was chosen to evaluate the current levels of road traffic noise and to be representative of Welford, as it was considered that a similar volume of traffic passes through both villages.
55. Calculations of the noise levels attributable to the maximum number of HGV movements at this time were made and an assessment made against the current road traffic noise levels. The assessment found that there would be a negligible change in road traffic noise levels attributable to the additional traffic, which would not result in a significant adverse impact. The report concluded that the additional traffic would therefore generate acceptable levels of noise.
56. Additionally, the applicant submitted a proposed route for directing vehicles exiting the site prior to 7am. It is proposed to use the route shown on the submitted Drawing No H37/6/23/01 which bypasses both the villages. The proposed route is illustrated in the snapshot of the submitted Drawing Number H37/6/23/01, below. This route travels southwards along Welford Road from the site access until they reach Station Road where they would travel westwards then exit and join onto the A4304 Kilworth Road. It is proposed that these movements would be controlled using the company's geofence system and computer software which is a form of telematics.



57. It is proposed that if a tracked vehicle passes any restricted road or village as set out and organised by the company, the Company's transport department would automatically be notified by text message and email. All company vehicles are fitted with a GPS tracking system, which is activated on engine ignition.

Consultations – 12th October 2023.

58. **Leicestershire County Council – Highways:** Objection. The LHA previously responded raising no objections. However, after discussions with the County Planning Officer, further clarification is sought from the Applicant. The LHA request a 'Site Management Plan', this should explain how the proposals would work in practice. It is currently unclear as to whether the Applicant has their own HGVs or sub-contracts this function, or if it is a combination of the two. As such it is not clear as to whether pre-loaded HGVs would remain on site overnight, or return to the sub-contractors/drivers base of operation. If HGVs are to remain on the site, this would require driving to the site to collect their HGVs using another mode of transport. If the HGVs are to return to their base of operation after pre-loading, this would possibility negate the requirement for the HGVs to return to the quarry until tipping their pre-loaded materials. Once a 'Site Management Plan' stating how the site will fully operate prior to 07:00 hours has been received, the LHA should be in a position to provide final observations. The LHA also note comments have been requested in relation to the route from the site for the 10 pre-loaded vehicles leaving the site prior to 07:00. Given this does not form part of the condition, the LHA will comment separately on these proposals.
59. **Husbands Bosworth Parish Council:** No response received at the time of writing this report.
60. **Harborough District Council – Planning:** No response received at the time of writing this report.

61. **Harborough District Council – Environmental Health:** Objection. From a HDC perspective, the alternate proposed route is potentially worse than the original route. The alternate route although sparsely populated, does have a small number of properties adjacent to the road, which being a minor road, will have lower traffic levels than the A5199. Background noise levels on the minor road, Station Road, are also likely to be lower than on the A5199, and the movement of HGVs between the hours of 6.00am and 7.00am even more noticeable.
62. The current restriction that limits HGV movements until after 07:00 is entirely appropriate, HGV movements should not be permitted prior to 07:00 as doing so will result in adverse noise impact and may cause sleep disturbance. This view is supported by the World Health Organisation's Community noise guidelines (1999) and more recently the Night Noise Guidelines (2009), which both promote that noise during nighttime hours (23:00 to 07:00) be suitably managed so as to protect the public from sleep disturbance and the health impacts associated with that disturbance.
63. The proposed alternate route does not alleviate any of these concerns, just pushing the issue to an even quieter road, where HGV movements in these early hours of the morning will be even more disturbing. I would therefore recommend that the current conditions continue to apply, and HGV movements start at 07.00 hours.
64. **Welford Parish Council:** Objection. Firstly, it was noted that the monitoring equipment was located along Marsh Drive, Husbands Bosworth to the north of the quarry access, with the monitoring position 10 metres from the kerb of the A5199. Welford PC considered this site unsuitable for measurement as it is at a point in the road where vehicles reduce speed as they approach the junction of the A4304 Market Harborough – Lutterworth/M1 road.
65. Furthermore the 10m does not reflect the proximity of the houses along the High Street in Welford where there is a footpath width between them and the road. The Council would suggest this is also the case for the remainder of Husbands Bosworth along the A4304 and the A5199 to Leicester.
66. The effect of the proximity of houses close to the road in Welford acts as a tunnelling effect on the sound generated by traffic through the village. At 6am this would be exacerbated due to low traffic flows and also as has been highlighted in the Environmental Health reports that have been submitted. It would have an impact on the health and mental health of residents by being disturbed with the few but nonetheless additional traffic noises created so early.
67. I will now refer to the proposed routing for HGVs site by turning left when exiting the site onto the A5199 and heading south before turning right onto Station Road.
68. Firstly, the turn from the A5199 onto Station Road is approximately 135 degrees which would entail lorries turning back on themselves to make the turn. Whilst lorries and their trailers have a good turning circle, in the dark and/or adverse weather conditions it would be easy to misjudge this junction as it is not lit and could lead to the junction becoming blocked by a lorry becoming stuck in the verge.

69. At the junction of Station Road and the A4304, there is a presumption made that the lorries will turn left onto the A4304 Kilworth Road and travel to the M1 for their onward destinations. However, this junction is a 45 degree junction for those turning left which then means that the driver has to look over his shoulder to check to his right. The approach to the junction is also on a downward slope and could cause issues under braking in the dark and/or adverse weather conditions especially with a fully laden trailer.
70. There is nothing in the proposal or any penalties indicated to prevent drivers turning right at this junction and returning to Husbands Bosworth. Likewise, the same applies to any lorries not following the route along Station Road and instead travelling through Welford and onto the A14 and other destinations.
71. The report only deals with lorries that have been pre-loaded the day before. There is nothing in any documents that would prevent vehicles travelling to the site unloaded knowing it was open from 6am so that they could be in line and ready to load at 7am when loading was permitted. Welford sees many GRS and other lorries destined for the site travel through the village during the day and there is nothing to suggest that this would change to earlier journeys through Welford before 7am.
72. Finally, Welford Parish Council would refer to the summary provided by Mike Jephcott, Environmental Protection Manager at West Northants Council. Welford Parish Council continues to oppose the proposal to extend the working hours of the Husbands Bosworth Quarry on the grounds that the impact to health and wellbeing and also the closeness of homes to the High Street will have an adverse effect on the residents and properties.
73. **West Northamptonshire Council - Planning:** No response received at the time of writing this report.
74. **West Northamptonshire Council - Highways:** No objection.
75. The main issues still relate to noise. The latest proposal to route HGV traffic via an alternative route is entirely within Leicestershire and clearly benefits the residents of Welford as opposed to the previous proposal. The mechanism for monitoring HGV traffic via a GPS tracking system would be acceptable as a way of monitoring and investigating non-compliance.
76. In terms of the practical arrangements of pre-loading vehicles, our understanding is that this is a way of reducing site generated noise during the restricted hours. The loading of these vehicles would require the operation of various machines within the site, not just the HGV delivery vehicles themselves. If they are loaded the day before during normal operational hours, the only noise generated by the site itself in the 6am to 7am period would be the HGVs leaving and not material being moved around and loaded. As this is the case, we would not anticipate any additional traffic movements as a result. Staff would load the vehicles at the end of their working day, leave for home and return the next day to carry on with deliveries or site activities as normal. The HGV drivers would simply be arriving for work slightly earlier in the morning than they do currently.
77. **West Northamptonshire Council – Environmental Health:** Objection. In terms of the further information provided by the applicant and specifically the revised

routing plan, I consider the noise impact is being moved elsewhere but the principle of limiting noise during nighttime hours remains and cannot be suitably mitigated.

Further supporting information from the applicant

78. During the consultation process the applicant submitted a further letter in support of their application on the 30th October 2023. This letter detailed the following points and clarifications which are summarised below;
- The HGVs are owned and operated by Mick George Ltd who have a fleet of over 210 8-wheel tipper trucks and the vehicles serving the Husbands Quarry would remain on site overnight.
 - The HGVs would simply be loaded the evening before, left on site overnight then depart the following morning. This is normal practice on a majority of Mick George Ltd sites and many of the vehicles leaving after 7am may also be pre-loaded on the preceding working day. Once leaving the site, the HGVs would return later in the day either empty or importing inert waste on a return load basis.
 - It is noted that whilst the proposed right hand turn from Welford Road on to Station road is not ideal, Leicestershire County Council Highways acknowledges that the Local Highway Authority would be unable to legally restrict the applicant from utilising the proposed route.
 - The applicant is unsure what more detail the Local Highway Authority requires but trust the above points clarify the intended operations.
79. As these clarifications did not alter the proposal, no additional formal period of re-consultation was considered necessary. These supporting comments and clarifications were circulated to the following relevant consultees, Leicestershire County Council Highways, West Northamptonshire Council Highways, Harborough District Council Environmental Health and West Northamptonshire Council Environmental Health. The consultees reviewed the information, and only Leicestershire County Council Highways provided the following revised observations:
80. **Leicestershire County Council – Highways:** No objection. The LHA previously requested further information as to how the pre-loaded HGVs would be managed. The Applicant has provided a letter stating the HGVs would be stored overnight within the site. As such, it could not be reasonably demonstrated the proposals would lead to an intensification of trips on the highway network within the vicinity of the site. Given this, the LHA would not consider the proposals have a severe impact on the highway network contrary to Paragraphs 110 and 111 of the NPPF.

Publicity and Representations

81. The package of further information for the application has been publicised by means of site notices, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.

82. Nine representations have been received in relation to the application during the second period of consultation, as summarised below, all of which comprised objections. The responses from the consultation period are summarised below:

Objections

- Noise monitoring not undertaken sufficiently.
 - Close proximity of houses to the road, proposal would result in exacerbation of lorry noise.
 - The existing lorries break speed limits.
 - The existing lorries cause vibration issues within homes.
 - Issues with existing driver behaviour.
 - Would cause unwanted intrusion on quality of life.
 - Risk of increased volumes of HGVs to and from the site in the future.
 - There is no practical reason why vehicles cannot be scheduled to turn right (north) at the quarry entrance.
 - Many houses are listed buildings and within a conservation area. Heavy traffic is already causing enormous problems of sound, pollution and possible damage to buildings.
 - There are and 3 story homes on both sides of the road, only separated from the carriageway by a narrow pavement.
 - Noise is a known stress factor and it should be minimised, not increasing the frequency of it which will affect sleep patterns and add to long term health effects.
 - The noise monitoring was carried out in Husbands Bosworth and was not comparable to conditions in Welford and irrelevant to Welford.
 - Proposal would lead to mud on roads, cause emissions next to local school and would be a public safety risk.
 - The alternative route would just move the noise pollution to North Kilworth and Walcote.
 - The alternative route would have to be strictly monitored, reported on and a condition of planning permission. The original raw data must be easily accessible, with enforceable penalties for any non-compliance must be included.
83. Welford Action Group continue to object to the proposals for reasons which are included in the above points. The matters raised from both periods of consultation are considered in the Assessment of Proposal section of this report.

Assessment of Proposal

84. Consent is sought to vary conditions 6 and 21 of planning permission 2021/0683/03 relating to operational hours and noise limits, to allow operations and vehicle movements from 6am.
85. The original planning permission for the extraction of sand and gravel, importation of inert material and topsoil for restoration of the site, installation of concrete batching plant, placement of mineral washing plant and continued use of bagging plant, was granted based on an assessment of the permitted hours of operation, including those restricting HGV movements, which found that they were appropriate for the scale, nature and location of the approved development.

86. Condition 6 reads, 'Except in emergency to maintain safe quarry working (which shall be notified to the County Planning Authority within 48 hours of such an occurrence) or unless otherwise agreed in writing by the County Planning Authority:

No operations (other than water pumping) shall be carried out at the site except between the following times:

- (a) 07:00 hours and 18:00 hours Monday to Friday; and
- (b) 07:00 hours and 14:00 hours Saturday.
- (c) No operations (other than water pumping) shall be carried out on Sundays or any Public or Bank holidays'.

87. The reason for the condition being imposed reads as follows, '*To protect the amenities of the area and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan*'.

88. It is proposed that Condition 6 be amended to: (**Bold text** illustrates amendments or insertion),

Except in emergency to maintain safe quarry working (which shall be notified to the County Planning Authority within 48 hours of such an occurrence) or unless otherwise agreed in writing by the County Planning Authority:

No operations (other than water pumping) shall be carried out at the site except between the following times:

- (a) 07:00 hours and 18:00 hours Monday to Friday; and
- (b) 07:00 hours and 14:00 hours Saturday.
- (c) **HGV movements shall be confined to 06:00 - 18:00 Monday to Friday and 07:00-14:00 hours on Saturday.**
- (d) No operations (other than water pumping) shall be carried out on Sundays or any Public or Bank holidays.

89. It should be noted that the suggested proposed variation to Condition 6 does not place a limit on the number of HGV movements which would take place between 0600-0700. However, it is sought that these be limited to ten outward movements.

90. Condition 21 reads, 'Noise levels at noise sensitive properties and attributable to the operations subject to this permission shall not exceed the existing background noise level, L90, by more than 10 dB(A). Noise levels may temporarily exceed these levels, subject to them not exceeding 70dB(A) LAeq 1h, when measured at any nearby noise sensitive property. Such operations may not exceed a period of eight weeks (56 days) in any calendar year and must be connected with essential site preparation and restoration work only.

91. The reason for the condition being imposed reads as follows, '*To ensure that noise arising from the site does not become a source of nuisance to local residents and comply with policy DM2 of the Leicestershire Minerals and Waste Local Plan*'.

92. It is proposed that Condition 21 (Noise limits) be amended to: (**Bold** for amendments or insertion) *Noise levels at noise sensitive properties and*

*attributable to the operations subject to this permission shall not exceed the existing background noise level, L90, by more than 10 dB(A). **Noise levels between 06:00 and 07:00 hours shall not exceed 42dB(A) at any noise sensitive property.** Noise levels may temporarily exceed these levels, subject to them not exceeding 70dB(A) LAeq 1h, when measured at any nearby noise sensitive property. Such operations may not exceed a period of eight weeks (56 days) in any calendar year and must be connected with essential site preparation and restoration work only.*

93. Additionally, the applicant proposes a route for directing vehicles exiting the site prior to 7am. This route travels southwards along Welford Road from the site access until they reach Station Road where they would travel westwards then exit and join onto the A4304 Kilworth Road. Once lorries reach the A4304 Kilworth Road, they could then travel either east or west towards with North Kilworth or Husbands Bosworth. This route would bypass Welford and residential properties to the south of Husbands Bosworth, along the A5199 Welford Rad. It is proposed that these movements would be controlled using the company's computer software and lorry telematics.
94. The application as submitted states that it is 'to allow *operations* and vehicle movements from 6am' and that it is for pre-loaded vehicles to leave the site from 6am. Representations received are of the opinion that the proposal is ambiguous in that it is for *operations* which are not specified and could be interpreted as other applications would take place on the site if permission be granted. Given the proposed variation to the conditions, it can be concluded that the proposal only seeks to allow 10 outbound HGV movements of loaded HGVs from the site between the hours of 0600 and 0700. No details of any other proposed operations onsite during these times have been put forward for consideration. It is proposed to load the outbound lorries during the working hours of the previous day, not at 6am. The application does not propose to alter the rate of extraction or change the overall vehicle movements. No extraction or processing of sand or gravel would take place at the extraction area or within the quarry complex before 7am.

Principal of Development – Location

95. With regard to the location of the development, paragraph 209 of the NPPF (2023) states that "minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation". It must be noted that the location of the existing development and permitted operations has already been established in the granting of planning permission reference 2021/0683/03. As identified in the officer's report for the original planning permission it remains fact that the site is set in open countryside with a predominantly agricultural function, although the wider area is characterised by small pockets of differing buildings and uses. The site is identified in the Harborough Local Plan as being within the open countryside as designated by policy GD3. The industrial functions legitimately connected with extraction operations are concentrated in a single area and these have been found allowable against the general presumption against forms of industrial development in the open countryside.
96. During each consultation period this application has received numerous letters of objection, concern and comments, with regard to proposed alteration to timing of HGV movements from the site and the resultant impacts on the highway network,

the general amenity of residents of nearby villages and the rural environment. Impacts upon the locality, particularly with respect to local amenity are considered below.

Principal of Development – Need for the Development

97. Within the submitted supporting covering letter, the applicant states that the purpose of the application is two-fold, to allow pre-loaded HGVs to leave the Husbands Bosworth Quarry site prior to 7am to better serve the construction industry and to potentially limit HGVs in the vicinity during the morning peak hour traffic flows. No further information regarding the market demand or need has been submitted. No information with regards to current peak hour traffic flows in the vicinity of the site, either in the village of Husbands Bosworth or Welford, and how they would be affected by the proposed development has been submitted.
98. It is recognised that limited outward HGV movements from the site between 6am and 7am would, to some degree, provide greater flexibility for the applicant to respond to market demand. This economic consideration must be balanced against the social and environmental considerations outlined below.

Noise and Local Amenity

99. The majority of comments received in relation to this application included (but were not limited to) noise impacts, including those impacts upon local amenity during the nighttime and upon the physical and mental health and wellbeing of residents.
100. The main quarry operations benefit to a certain extent by being relatively separate from surrounding residential properties with no shared boundaries and the nearest sensitive receptor being at least 200 metres from any site operations. The Council does not hold any recent records of any noise complaints from the site.
101. Existing conditions restrict the extent of noise exposure allowed and require the site to undertake ongoing noise monitoring and additional monitoring in the event of a noise complaint being received. Plant operating on site is controlled from using intrusive high pitched reversing alarms or the like.
102. A noise assessment was submitted in support of the proposal. The noise monitoring results indicated an existing road traffic noise level at a distance of 10 metres from the kerb of 59.9 dB LAeq, 1 hr. With the additional 10 HGV movements (maximum proposed) during this period, noise levels would increase to 61.8 dB LAeq, 1hr, resulting in a 1.9 dB(A) increase in road traffic noise levels.
103. Paragraph 21 of Planning Practice Guidance (Minerals) states that for operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property. Therefore, the findings of noise assessment do not accord with this planning guidance in that the noise levels would increase to 61.8 dB LAeq, 1hr, which is

greater than 42dB(A)1h (free field). Moreover, this exceeds the proposal to vary Condition 21 to insert a noise limit of 42dB(A) at any noise sensitive property.

104. Having reviewed the submitted noise assessment, routeing proposals and supporting information, the environmental health officers from West Northamptonshire Council and Harborough District Council object to the proposals.
105. The proposed routing, although sparsely populated, does have a small number of properties adjacent to the road, which being a minor road, will have lower traffic levels than the A5199. The noise assessment was based upon monitoring 10 metres from the kerb of the A5199. Many of the properties within Husbands Bosworth, Welford and those along the proposed route sit closer to the road than 10 metres distance. Background noise levels on the minor road, Station Road, are also likely to be lower than on the A5199, and the movement of HGVs between the hours of 6.00am and 7.00am even more noticeable. Given that insufficient information regarding the background noise levels or modelled increases in noise levels for the proposed routeing, the noise intrusion should the routeing be imposed would ultimately be unknown. The noise impact would be moved elsewhere but the principle of limiting noise during nighttime hours remains and cannot be suitably mitigated.
106. In light of this, it is considered that the current restriction that limits HGV movements until after 07:00 is entirely appropriate, HGV movements should not be permitted prior to 07:00 as doing so will result in adverse noise impact and may cause sleep disturbance. This view is supported by the World Health Organisation's Community noise guidelines (1999) and more recently the Night Noise Guidelines (2009), which both promote that noise during nighttime hours (23:00 to 07:00) be suitably managed so as to protect the public from sleep disturbance and the health impacts associated with that disturbance.
107. The Mineral Planning Authority in imposing conditions on mineral development, normally restricts the commencement of working hours to that as referred to within the NPPF mineral guidance as 'normal working hours (0700)' or 7am. HGV movements from minerals and waste facilities in rural areas (outside industrial/employment sites) prior to 7:00am is not usual practice and is resisted because of the potential impact upon local amenity, through early generation of noise, light pollution and visual impact. Early HGV traffic can also cause disturbance to residential properties that HGVs may pass once on the public highway further afield from the site.
108. The site is in a rural environment. On a more local level, should the proposed routeing system not be imposed, the HGV movements would pass by residential properties in Husbands Bosworth and Welford, many of which are in close proximity to the roadside, notably those in close proximity, or along residential roads off the A5199 Welford Road/A5199 High St, Welford. Should the routeing system be imposed, it remains a fundamental impossibility to divert HGVs along the route without having a disproportionate impact on certain residents (i.e. those along Station Road). Given that insufficient information regarding the background noise levels or modelled increases in noise levels for the proposed routeing, the noise intrusion should the routeing be imposed would also be unknown. In either instance, HGV activity before 7:00am, would not be expected by local residents

and would intrude into the night-time period. It is considered that the proposal would cause unacceptable noise intrusion for existing dwellings.

109. Existing planning conditions mean that the existing and proposed development would be time limited to a period of eight years, plus restoration, and ultimately represents a temporary use of this land. Although the proposal would be temporary, the extended time period in which noise intrusion would be experienced is considered unacceptable given the above.
110. The existing hours for the HGV movements at the site were originally applied for and found acceptable under planning permission reference 2021/0683/03. The operating time restrictions were included in the original planning permission to avoid unacceptable noise impacts upon residents along the transport routes and to ensure accordance with policy DM2 as set out within the reasons for the conditions.
111. Overall, this application is considered to depart from the reasons for the original imposition of the conditions and conflicts with policy DM2 and would generate a level of activity and noise impacts which cannot be suitably mitigated to an appropriate standard and so would have an adverse unacceptable impact on residential amenity and living conditions and harm to the rural environment. Overall, with respect to noise pollution, the proposal conflicts with policy DM2, and paragraph 174, e) of the NPPF.

Highways

112. The movement of HGVs to and from minerals sites can have significant effects on roads, other road users, the natural and built environments and local communities.
113. At present, under current permitted operations all HGV traffic (excepting for incidences of more locally bound traffic) is largely confined to the strategic road network of the A3403 and A5199 and leading to M1 or A14. Unfortunately, these routes do pass through Husbands Bosworth, Welford, North Kilworth and Walcote, amongst others. It remains a fundamental impossibility to divert HGVs to any other routes without having a disproportionate impact on certain residents. Unfortunately, those villages in closer proximity to the national highway trunk network may be subject to slightly higher impacts as a consequence of their proximity.
114. The possibility of the proposed routeing arrangement to control the travel paths of vehicles egressing the site within the specified period is considered. However, such an agreement if permitted would only transfer the entirety of any deleterious environmental effects (e.g. noise) to other communities. Additionally, within the 'Statement of the Main Reasons and Considerations on Which the Decision is Based' from permission 2023/0988/03 it was concluded that the balance of vehicle movements to and from the site should almost exclusively be confined to the strategic highway network and distributed so as not to unreasonably impact local residents more than may ordinarily be expected from the functioning of a normal 'A' class road. On this basis of the above reasons, it was not previously considered appropriate or necessary to impose a routeing agreement for the site and in this instance, it is not considered appropriate to recommend approval of the proposed routeing. Notwithstanding this, with regards to the highways

impacts, West Northamptonshire Council Highways do not object to the proposal. No additional traffic movements are anticipated. Staff would load the vehicles at the end of their working day, leave for home and return the next day to carry on with deliveries or site activities as normal. HGV drivers would arrive for work slightly earlier in the morning than they do currently. Leicestershire County Council Highways would not consider that the proposals would result in a severe impact on the highway network contrary to Paragraphs 110 and 111 of the NPPF. On the above basis and overall, the proposal also accords with policies DM9, IN2 and T3.

The Historic Environment

115. Representations received raised objection and concern of the proposals upon the historic environment. The proposal does not include any intensification of existing vehicle movements to and from the site but proposes new times for those HGV movements already permitted. Therefore, no impacts upon the historic environment are anticipated.

Public Health and Well-being Impacts

116. Objections on the grounds of health and well-being have been received. National planning policy stresses the importance of health and well-being, and this includes both physical and mental health. The NPPF is organised around three core sustainable development objectives. The social objective, 'to support strong, vibrant and healthy communities', should support health, social and cultural well-being. Section 8 of the NPPF 'Promoting Healthy and Safe Communities', states that planning decisions should, 'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs', paragraph 92 c).
117. Between 6am and 7am, background noise levels will be lower, and most people will still be asleep. The movements of HGV vehicles at this time will be more noticeable and intrusive. It is considered by both relevant Environmental Health officers that the current restriction that limits HGV movements until after 07:00 is entirely appropriate, HGV movements should not be permitted prior to 07:00 as doing so will result in adverse noise impact and may cause sleep disturbance. This view is supported by the World Health Organisation's Community noise guidelines (1999) and more recently the Night Noise Guidelines (2009), which both promote that noise during nighttime hours (23:00 to 07:00) be suitably managed so as to protect the public from sleep disturbance and the health impacts associated with that disturbance.
118. The proposed alternate route does not alleviate any of these concerns, and would push the issue to an even quieter road, where HGV movements in these early hours of the morning would be even more disturbing.
119. Overall, the proposal conflicts with policy DM2. Additionally, the proposal would not support healthy lifestyles and would conflict with paragraph 92 c) of the NPPF.

Dust, Odour and Air Pollution

120. The proposal would not increase the number of HGV movements or alter other forms of operative activities from or on the site and so therefore no impacts upon local air quality, air pollution, dust or odour are anticipated.

Public Rights of Way

121. No public rights of way would be impacted by the scheme.

Sustainability of the Proposed Development

122. When considering proposals for minerals development, the Minerals Planning Authority will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Proposals should contribute to the three dimensions (economic, environmental and social) of sustainable development. The proposal would allow pre-loaded HGVs to leave the Husbands Bosworth Quarry site prior to 7am to better serve the construction industry. No further information regarding the market demand or need has been submitted. It is recognised that limited outward HGV movements from the site between 6am and 7am would, to some degree, provide greater flexibility for the applicant to respond to market demand. The proposal accords with the NPPF in supporting economic growth, however, this must be balanced against the environmental and social objectives of sustainable development. With respect to the above assessment, the application, if granted permission would have unacceptable impacts upon the local environment with regards to noise pollution within the rural environment and local amenity including health and wellbeing relating to disturbance during night-time hours. The specialist advice sought from both relevant Environmental Health teams agree that the impacts would be unacceptable and cannot be suitably mitigated.
123. It is considered that the applicant has failed to provide adequate operational or economic reasons to justify the early start for HGVs that override any potential additional disturbance that such movements would cause. While it is stated that the early start would allow the company to better serve the construction industry and potentially limit HGVs in the vicinity during the morning peak hour traffic flows, there has been an insufficient demonstration of need and that there is no justification to start activity before the recognised 7.00 am start time. It has not been demonstrated that the early start would result in sufficient economic/social benefit such as additional employment, that outweigh the harm and the conflict outlined above.
124. Therefore, overall, on balance the proposal is found to conflict with policies DM1 and GD1 and the principles of sustainable development as set out in Paragraph 11 of the NPPF.

Cumulative Impact

125. It is always appropriate to consider the cumulative impact of a number of separate effects from a single site. Adverse cumulative impacts may include increased levels of noise or dust or impacts upon the local highway network. No other live planning applications are being considered within or surrounding the immediate

vicinity of the site which would be relevant to the consideration of the proposed development within this report with regards to local amenity. Whilst the applicant has also submitted planning application reference 2023/VOCM/0093/LCC (2023/1429/03), this application seeks to alter the location within the existing site in which inert material can be used to backfill and restore voids. It is not proposed to alter the approved operational hours, lorry movements or any other operational matters. This application is not considered relevant when considering cumulative impacts in relation to this proposal.

126. It is considered that the proposed development in addition to the existing permitted operations would result in unacceptable adverse cumulative impacts arising from the site in terms of local amenity and noise pollution within the rural environment and upon local residents. Overall, the proposal is found to conflict with Policy DM11 and paragraph 211, b) of the NPPF.

Other Matters

Speeding and driver behaviour

127. Objections and concerns were raised with regards to alleged existing issues around vehicles demonstrating poor driving behaviour and speeding that the proposals if permitted, would exacerbate these issues. It should be noted that whilst highway safety and traffic impacts are material planning considerations, speeding and driver behaviour and their potential exacerbation are not. These matters are controlled by civil law.

Conclusion

128. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the application, the supporting information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development does not accord with the development plan and as such does not represent sustainable development.
129. The relevant development control policies within the development plan provide the basis for the assessment. The proposal has also been assessed against national planning policies and guidance contained in the NPPF and PPG. The relevant guidance, notably, planning practice guidance (Minerals), the Noise Policy Statement for England (published on 15 March 2010), the World Health Organisation's Community noise guidelines (1999), the World Health Organisation's Night Noise Guidelines (2009) and the most recent WHO Community Noise Guidelines (2018) were considered in addition to the specialist advice of consultees.
130. The introduction of HGV movements before 7:00am would introduce industrial operations at the site at an inappropriate time of day causing unacceptable adverse harm to the rural environment, local amenity, health and wellbeing. Sufficient economic benefits have not been demonstrated to outweigh this harm. There has been an insufficient demonstration of need and that there is little justification to start activity before the recognised 7.00 am start time. By reason of the above assessment, it is considered that the proposal does not accord with

the development plan. In particular, policies DM1 and GD1 which relate to sustainable development, DM2 which relates to the local environment and community protection and DM11 which relates to cumulative impact. It is recommended that this application is refused for the reasons outlined above and in Appendix A of this report.

Statement of Positive and Proactive Engagement

131. In determining this application the Minerals 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. Issues of concern have been brought to the applicant's attention in a timely manner affording the opportunity to consider whether such matters can be suitably resolved. This approach has been in accordance with the requirement set out in the National Planning Policy Framework. In this instance, however, it has not been possible to resolve the issues of concern so as to overcome the harm as identified in the reason(s) for refusal. The Minerals Planning Authority is willing to offer pre-application advice in respect of any revised proposal.

Recommendation

1. REFUSE subject to the reasons set out in Appendix A.

Officer to Contact

Amelia Mistry (Tel: 0116 305 7326)
E-Mail planningcontrol@leics.gov.uk

Reasons For Refusal

1. The proposal is for the introduction of up to ten HGV movements from the application site before 0700. It is considered that movements at this time from the site would introduce industrial operations at the site at an inappropriate time of day (night time) causing unacceptable harm to the rural environment and residential amenity. It has been found that this harm cannot be suitably mitigated. The proposal conflicts with Policy DM2 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) which relates to the local environment and community protection and paragraph 174, e) of the NPPF with respect to unacceptable levels of noise pollution.
2. The proposal would have unacceptable adverse impacts upon the health and wellbeing of residents. It is considered by both relevant Environmental Health officers that the current restriction that limits HGV movements until after 07:00 is entirely appropriate, HGV movements should not be permitted prior to 07:00 as doing so will result in adverse noise impact and may cause sleep disturbance. This view is supported by the World Health Organisation's Community noise guidelines (1999) and more recently the Night Noise Guidelines (2009), which both promote that noise during nighttime hours (23:00 to 07:00) be suitably managed so as to protect the public from sleep disturbance and the health impacts associated with that disturbance. The proposed alternate route does not alleviate any of these concerns, and would push the issue to an even quieter road, where HGV movements in these early hours of the morning would be even more disturbing. Overall, the proposal conflicts with policy DM2 of the Leicestershire Minerals and Waste Local Plan (adopted 2019). Additionally, the proposal would not support healthy lifestyles and would conflict with paragraph 92 c) of the NPPF.
3. The proposed development in addition to the existing permitted operations would result in unacceptable adverse cumulative impacts arising from the site in terms of local amenity and noise pollution within the rural environment and upon local residents. On this basis, the proposal conflicts with Policy DM11 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) and paragraph 211, b) of the NPPF.
4. Further to this, there has been an insufficient demonstration of need and there is poor justification to start activity (HGV outbound movements) before the existing 7.00 am start time. The applicant has failed to provide adequate operational or economic reasons to justify the early start for HGVs that override any potential additional disturbance that such movements would cause. It has not been demonstrated that the early start would result in sufficient economic/social benefit, that outweigh the social and environmental harm and the policy conflict outlined above. Any economic benefits must be balanced against the environmental and social objectives of sustainable development. The application, if granted permission would have significant impacts upon the local environment with regards to noise pollution within the rural environment and local amenity including health and wellbeing relating to disturbance during night-time hours. The specialist advice sought from both relevant Environmental Health teams agree that the impacts would be unacceptable and cannot be suitably mitigated. On balance, the proposal is found to conflict with the

principles of sustainable development and policy DM1 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) and policy GD1 of the Adopted Harborough Local Plan (2019) and the principles of sustainable development as set out in Paragraph 11 of the NPPF. It is considered that there is a continued need to protect local amenity in accordance with policy DM2 of the Leicestershire Minerals and Waste Local Plan (adopted 2019), which supported the imposition of the original planning conditions under planning permission reference 2023/0988/03 (2023/VOCM/0056/LCC).

APPENDIX B**Technical noise terms (as set out in paragraph 222 of Minerals planning practice guidance)**

- Background noise level: The A-weighted sound pressure level of the residual noise at the assessment with no operation occurring at the proposed site, defined in terms of the LA90,T.
- Decibel (dB): A unit of level derived from the logarithm of the ratio between the value of a quantity and a reference level. For sound pressure level the reference quantity is 20 micro-pascals, the threshold of hearing (0 dB). 140 dB(A) is the threshold of pain. dB(A): Decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people's assessment of loudness.
- Free Field: An external sound field in which no significant sound reflections occur (apart from the ground).
- LA90,T: The "A weighted" noise level exceeded for 90 per cent of the specified measurement period (T).
- LAeq,T: The "A weighted" equivalent continuous sound level – the sound level of a notionally steady sound having the same energy as the actual fluctuating sound over the same time period (T).
- Lmax: The highest noise level recorded during a noise event or measuring period. The time weighting should be stated.

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