

**DEVELOPMENT CONTROL AND REGULATORY BOARD****7<sup>th</sup> August 2025****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2024/VOCM/0144/LCC (2024/2349/02). Valid application received: 05/12/2024.
<b>PROPOSAL:</b>	Variation of Condition 7 to allow the back-hauling of low grade gypsum from the site.
<b>LOCATION:</b>	British Gypsum, Barrow Works, Paudy Lane, Barrow-Upon-Soar, LE12 8GB
<b>APPLICANT:</b>	Saint-Gobain Construction Products UK Limited
<b>MAIN ISSUES:</b>	Impacts on the highway including rights of way, local amenity, health and wellbeing, the local environment, climate change, sustainability, and cumulative impact.
<b>RECOMMENDATION:</b>	Permit subject to the conditions included in Appendix A.

**Circulation Under Local Issues Alert Procedure**

Mr. P. Rudkin CC – Quorn & Barrow ED  
Mrs. N. Bottomley CC – Sileby & The Wolds ED

**Officer to Contact**

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## **PART B – MAIN REPORT**

### **The Site and Surroundings**

1. The Barrow Works is located approximately 600m to the south-east of Barrow-Upon-Soar and 800m north-west of Sileby. The site is bounded on its south-western side by the main Sheffield to London railway line. The application area is displayed in Figure 1. The planning permission area relating to the underground extraction of gypsum covers an extensive area of some 3,450 hectares, stretching from Sileby in the south to Wymeswold in the north, and Hoton and Barrow-upon-Soar in the west to the A46 and Six Hills in the east. The settlements of Seagrave and Walton-on the-Wolds lie within this area, but are excluded from the permission area.
2. The site is accessed via a private road located off Paudy Lane, which runs between Barrow upon Soar and the Six Hills junction of the A46. The access road to the site is 2.3km in length. Two public rights of way (PRoW) cross the site access road, Bridleway I4 and Footpath I23. Signage and traffic calming measures are in place where these PRoW cross the access road.
3. The nearest residential properties to the application area are on the southern side of the main railway line and those which are situated in close proximity to the access road. The nearest property is located approximately 8 metres west from the site's access. Additionally, several businesses and residential properties are located along Paudy Lane. To the west, the nearest properties in Barrow upon Soar are 600m away. To the south-east the nearest properties in Sileby are 850m away. Additionally, there are numerous residential properties and industrial businesses which lie directly south of the railway line which bounds the southern edge of the site, along Sileby Road. The nearest residential properties in this area lie approximately 170 metres south-east of the site.

### **Relevant Planning History**

4. The site has a long and complex planning history. As such, the relevant planning history to this application is summarised within this section of the report to aid the reader. Planning permission was granted by the Secretary of State on appeal for the extraction of gypsum by underground mining at Barrow upon Soar on the 11<sup>th</sup> August 1980 (ref. 79/1500/2).
5. The County Council subsequently granted planning permission for a new bagged plaster and plasterboard factory, and the construction of a new access, in September 1987 (ref. 87/1467/2).
6. The Environment Act 1995 placed a duty on the County Council to review and update mineral planning permissions granted after 30 June 1948. Active sites were dealt with in two key stages:
  - 'Initial Reviews' – to enable the Mineral Planning Authority to update older (pre 1982) mineral planning permissions by imposing modern operating, restoration and aftercare conditions;

- ‘Periodic Reviews’ – are required for all ‘ROMP’ permissions every 15 years. However, this frequency has since been relaxed under the Growth and Infrastructure Act 2013 which enables site operators to request a deferment where there has been no material change of circumstances.
7. An Initial Review of permission ref. 79/1500/2 was issued by the County Council on the 23<sup>rd</sup> August 2000 (ref. 2000/0381/2). This review process ensured that conditions attached to permission ref. 79/1500/2 remained relevant, satisfactory and in line with modern standards given the passage of time. As a result of this process updated conditions as set out on permission ref 2000/0381/2 were issued. On the 13<sup>th</sup> November 2014, a request to postpone another review (the first periodic review) of these conditions was granted at Development Control and Regulatory Board as it was concluded that the conditions remained of a relatively modern standard and included sufficient safeguards to protect the environment and amenity of local communities. Allied to this, ongoing site monitoring and compliance visits did not identify any significant issues regarding operations at the Mine. As a result, the conditions attached to permission ref. 2000/0381/2 remain extant, in addition to other planning controls imposed on the site. The postponement of the first periodic review was agreed until the 23<sup>rd</sup> August 2025. There is no fixed period when periodic reviews should take place so long as the first review is no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the initial review. Any further reviews should be at least 15 years after the date of the last review. The Minerals Planning Authority regularly undertake site monitoring of all mineral sites within the County. Monitoring has not yet highlighted that a review of conditions needs to be undertaken and as such, the conditions attached to permission ref. 2000/0381/2 remain.
  8. The importation of high-grade gypsum to blend with mineral excavated from lower grade areas of the mine was initially approved in June 1992, which was subsequently extended by numerous further permissions. In March 1995, permission was granted for the importation of up to 90,000 tonnes per annum (tpa) of high-grade gypsum by road for a temporary period up to 31st December 1996. In October 1996, planning permission was granted for the importation of up to 120,000tpa by road for a further temporary period up to 31st December 2001. In October 2001, a permanent permission was granted for the importation of up to 90,000tpa (ref. 2001/2001/2). This permission varied planning permission 87/1467/2.

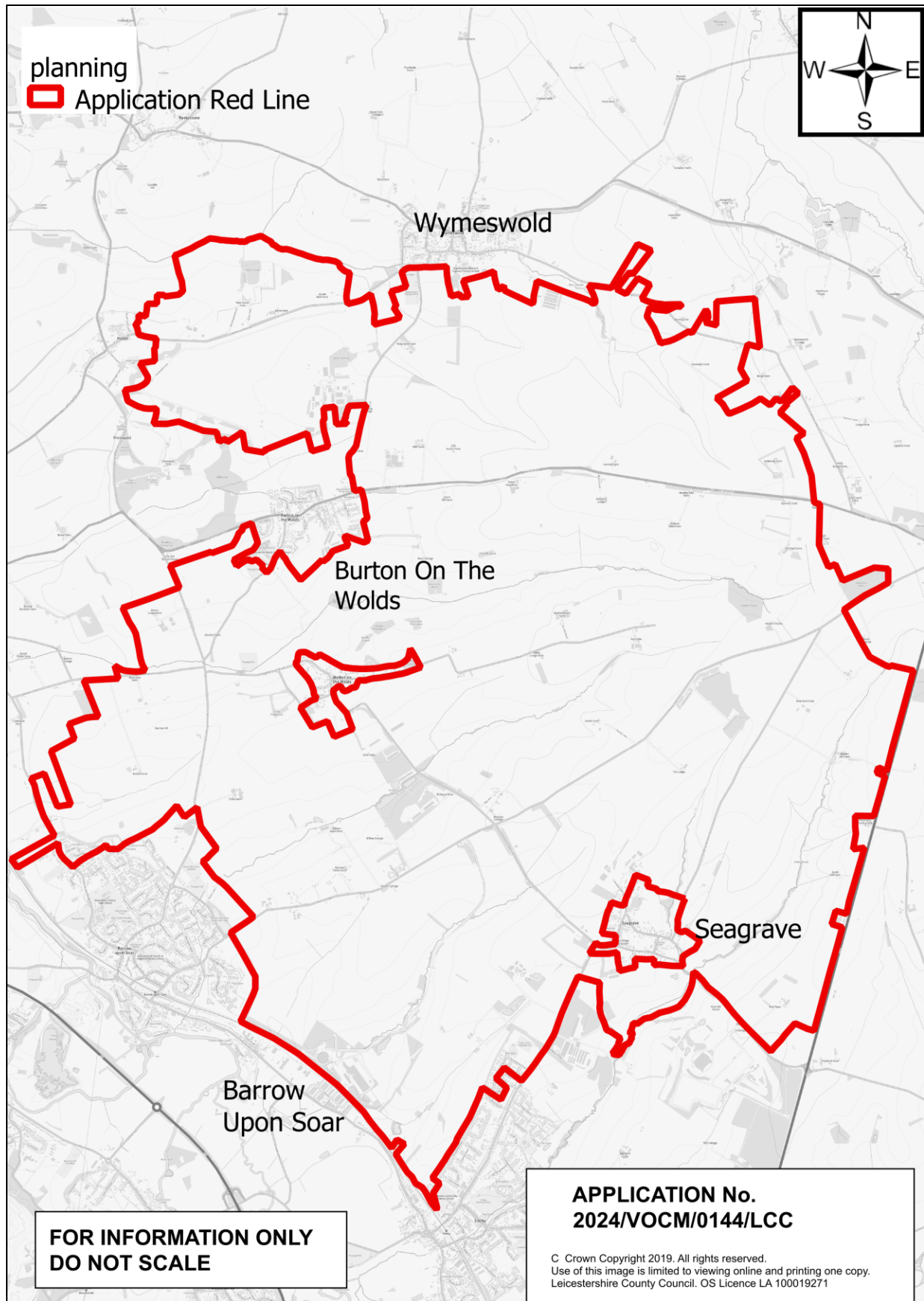


Figure 1. Extent of the application area.

9. In 2005 a temporary planning permission was sought for the additional importation of up to 170,000 tonnes of high-grade gypsum (ref. 2005/2313/2) owing to operational issues with extracting sufficient gypsum to meet demand for plaster. At the time, it was not considered that there were any substantive planning or highway reasons for refusing the increased importation of a limited amount of gypsum to the Barrow works for a temporary period, given the proposed routes and the level of lorry movement that would be involved. Approval was given for the importation of additional gypsum for a 6-month period. Following the six months of increased numbers of lorry movements the planning permission ceased and imports continued as approved under the permanent permission ref. 2001/2001/2 which allows for the importation of up to 90,000tpa of high-grade gypsum.
10. In 2013 planning permission was granted for the erection of a building for load securing operations which enable hauliers and drivers to secure their load onto despatch vehicles (ref. 2013/0019/02).
11. In 2016, planning permission was granted for the use of land for stockpiling gypsum (ref. 2016/0644/02).
12. Most relevant to this planning application, in 2018 planning permission was sought to vary Condition 10 of planning permission 87/1467/2 which controls the hours of movement of heavy goods vehicles (HGVs) leaving and entering the works (ref. 2018/2588/02). Additionally in 2018, planning permission was sought to vary conditions 8 and 10 of planning permission 2001/2001/2 to increase imports of high-grade gypsum and the associated HGV movements and to reduce the permitted hours of importation of such gypsum (ref. 2018/2589/02). Both applications were refused on the 23<sup>rd</sup> June 2020, following a resolution at a Development Control and Regulatory Board meeting, on the 11th of June 2020.
13. In 2022 planning permission was sought for the erection of a customer centre (planning application reference 2022/CM/0164/LCC). This application was withdrawn.
14. In 2023, planning permission was granted for a replacement welfare block to provide facilities for those staff who assist with securing pallets of plaster products onto lorries for dispatch (ref. 2022/CM/0117/LCC).
15. In 2023, planning permission was granted for the variation of planning conditions no.8 and no. 10 of planning permission reference 2001/2001/2 to increase imports of gypsum and the associated numbers of HGV movements and a reduction in the permitted hours of importation (ref. 2022/2260/02). This application was approved on the 20<sup>th</sup> November 2023 following a Board meeting on the 22<sup>nd</sup> June 2023 and the completion of a legal agreement to ensure the continued imposition of lorry routeing to and from the site. This legal agreement requires all vehicles over 3 tonnes in weight when leaving the access road to do so by turning right upon reaching the Paudy Lane junction and proceed directly to the junction of the B676 Six Hills with the A46 as illustrated in Figure 2. All vehicles are only permitted to use Class A and B roads, except in cases where no such road link exists or delivery to premises having access only via a road that is not A/B Class.



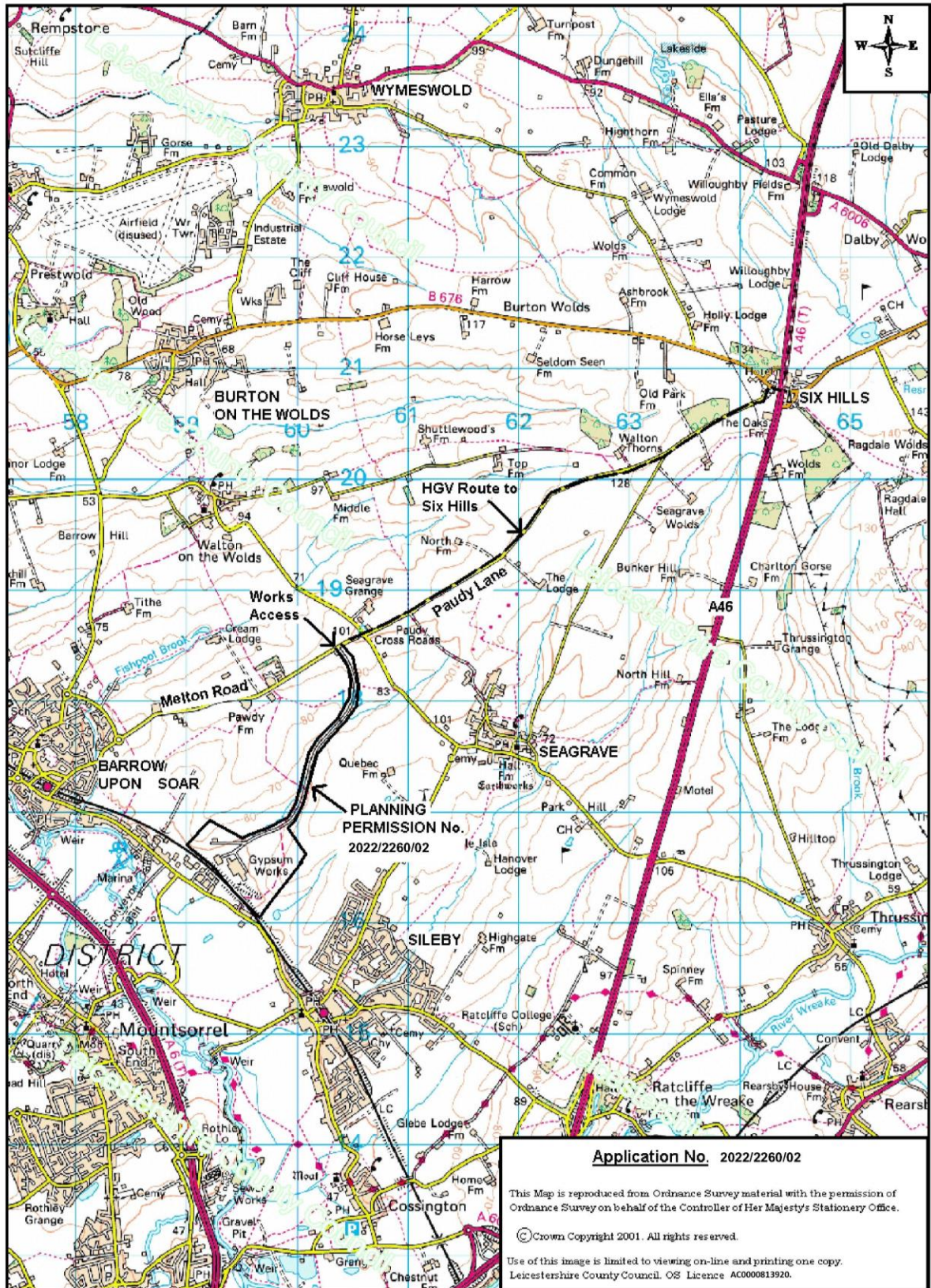


Figure 2. Existing routing agreed for 'Designated Vehicles' accessing and egressing the site where 'Designated Vehicles' is defined as all vehicles weighing in excess of 3 tonnes unladen and whether unladen or laden travelling to or from the application site. Routing agreed by legal agreement dated 16<sup>th</sup> November 2023 pursuant to planning permission ref. 2022/2260/02.

16. By way of information since this application relates to those HGV movements associated with the importation of gypsum please note below the approved details:
- Condition 4 states, 'The importation of gypsum shall be limited only to desulphogypsum or other high quality gypsum to be used for the purpose of enhancing the quality of gypsum rock extracted from the Barrow Mine'.
  - Condition 5 states 'The number of lorry movements associated with the importation of gypsum to the Barrow Works shall not exceed 50 for weekdays (Monday-Friday) and a maximum of 26 on Saturdays, with no more than 6 in any one hour on Saturdays. A record of daily lorry movements pertaining to those lorries associated with the importation of gypsum shall be maintained and shall be made available to the Mineral Planning Authority at any time upon request. All records shall be kept at least 12 months.
  - Condition 6 states 'No lorries carrying gypsum shall enter the site except between the hours of 0700 and 1900 on weekdays (Monday to Fridays) and 0800 and 1300 on Saturdays. No lorries carrying gypsum shall operate on any Sunday or any Public or Bank Holiday'.
  - Condition 7 states 'The sole means of vehicular access to the site shall be restricted to the access road and junction from Paudy Lane. All alternative accesses shall remain permanently closed to the satisfaction of the Mineral Planning Authority'.
17. Additionally, Condition 8 of ref. 2022/2260/02 required a detailed ecological mitigation and biodiversity enhancement scheme to be submitted to, and approved by, the Mineral Planning Authority. This condition was discharged on the 3rd February 2025 and provides for enhancement of existing habitat on the site and a timetable for its implementation.
18. In 2024 planning permission was granted for a two-storey quality centre and external works (ref. 2024/CM/0025/LCC).

### **Background Information on the Existing Site**

19. Barrow Works manufactures a range of bagged plasters for the construction industry. To meet an ongoing growth in demand for products, an expansion of the plant was completed in September 2002, which increased capacity by around 30% to a production capability of 900,000 tonnes per annum. The product range produced by the site ranges from a series of undercoat to topcoat plasters.
20. Raw gypsum material for the production of plaster at the site comes from two main sources:
- The on-site mine, which has been in operation since the plant first opened in 1992; and
  - High-grade gypsum (currently from Bantycok Quarry at Newark, which is part of the Saint-Gobain Formula business group).

21. The plant runs 24 hours per day, 7 days per week, with the only planned break in production being over the Christmas period. The works currently produce approximately 800,000 tonnes of plaster a year.

### **Description of Proposal**

22. This planning application seeks to amend Condition 7 attached to permission no. 2000/0381/02 to allow the back-hauling of low grade gypsum from the site. Condition 7 states, *"All gypsum extracted from the mine shall be transported to the covered storage building at the adjacent works site by enclosed conveyor. No unprocessed gypsum shall be exported from site"*. It is proposed to vary this condition to allow low-grade gypsum (<70%) to be exported from the site on a back-haul basis. It is proposed to amend the wording of Condition 7 to read, *"No gypsum that has a quality of >70% shall be exported from the site. Gypsum that has a quality of <70% shall not be exported from the site other than on a back-haul basis using only heavy goods vehicles that contain and are bringing in gypsum to Barrow Works site from elsewhere"*.
23. It is proposed that low-grade gypsum is exported from the site on a back-haul basis only. It is proposed that no gypsum shall be exported from the site other than on a back-haul basis using only heavy goods vehicles that contain and are bringing in gypsum to the Barrow Works site from elsewhere. Therefore, the proposal would not result in any additional vehicle movements. Additionally, only gypsum with a quality of less than 70% would be exported. These back-haul movements would be in full compliance with existing HGV movement limitations, as per Condition 6 of Planning Permission 2002/2260/02, whereby HGV movements are currently limited to the hours of 0700-1900 Monday to Friday and 0800-1300 Saturday. No changes are proposed to these hours.
24. The applicant, Saint-Gobain Construction Products UK Limited, has set out the need for the development within the submitted supporting planning statement. It has been identified that there are around 10 million tonnes of low-grade (<70%) gypsum at Barrow that is of a quality that cannot be used by the adjoining plant, as even when blended with higher quality gypsum, it would not meet the specification to make plaster. The proposed development therefore enables this gypsum to be used at one of their other sites in the manufacture of plasterboard. It is proposed that this would ensure that these reserves are not needlessly sterilised and that the best use is made of them.
25. Barrow Mine has a reserve life of over 25 years and this would not be impacted by the proposed development. If not exported for use elsewhere, the gypsum reserves of <70% would be sterilised.
26. The low-grade exported gypsum would be transported to one of the company's plasterboard factories. It is anticipated that this would predominantly be at Sherburn-in-Elmet (North Yorkshire), but also at East Leake (Nottinghamshire). The plant at Sherburn relies on 100% imported gypsum, currently from Spain (the site no longer has an adjoining mine, which was closed in 1987). This would reduce imports from Spain and make the best use of the mined gypsum from Barrow Mine. All vehicle movements would continue to be in accordance with the existing legal agreement, which controls lorry routing.



## **Planning Policy**

### **The Development Plan**

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the Development Plan, unless there are material considerations which indicate otherwise.
28. At the current time, the Development Plan comprises the Saved Policies of the Borough of Charnwood Local Plan (2004) and the adopted Charnwood Local Plan 2011 to 2028 Core Strategy (2015). The Council are in the process of preparing a new Local Plan for the Borough and have been working in conjunction with other Local Planning Authorities in the preparation of a Strategic Growth Plan for Leicestershire. Given the expanse of the application area, the Policies of the Barrow-upon-Soar Neighbourhood Plan (2016-2028), the Sileby Neighbourhood Plan Review 2022-2037 – Made 2022 and The Wolds Villages Neighbourhood Plan 2018-2028 – Made 2021, are also part of the Development Plan. The policies of the Leicestershire County Council Minerals and Waste Local Plan are also part of the Development Plan and are directly relevant, as set out below.

*Leicestershire Minerals and Waste Local Plan - adopted September 2019 (LMWLP)*

29. The following policies are relevant: Policy DM1: Sustainable Development, Policy DM2: Local Environment and Community Protection, Policy DM7: Sites of Biodiversity/Geodiversity Interest, Policy DM9: Transportation by Road, Policy DM10: Public Rights of Way, Policy DM11: Cumulative Impact.

*The adopted Charnwood Local Plan 2011 to 2028 Core Strategy – adopted 2015 (CLP)*

30. The adopted Local Plan for Charnwood is made up of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) and the saved policies from the Borough of Charnwood Local Plan (2004). The following policies are relevant: Policy CS 10 (Rural Economic Development), Policy CS 11 (Landscape and Countryside), Policy CS 13 (Biodiversity and Geodiversity), Policy CS 25 (Presumption in Favour of Sustainable Development).

*Barrow Upon Soar Neighbourhood Plan 2016-2028 – Made 2017 (BuSNP)*

31. The following policies are relevant: Policy BuS1: Ecology and Biodiversity and Policy BuS19: Rural Economy.

*Sileby Neighbourhood Plan Review 2022-2037 – Made 2022 (SNPR)*

32. The following policies are relevant: Policy G1 (Limits to Development), Policy ENV2 (Protection of sites of environmental significance), Policy ENV6 (Biodiversity, hedges and habitat connectivity), Policy ENV7 (Protection of Important Views), Policy ENV9 (Footpaths and bridleways) and Policy T2 (Highway Safety).

*The Wolds Villages Neighbourhood Plan 2018-2028 – Made 2021 (WVNP)*

33. The WVNP was prepared jointly by two parish councils, Burton on the Wolds, Cotes and Prestwold Parish Council and Hoton Parish Council. The following policies are relevant: Policy WV1: Landscape Character and Locally Important Views, Policy WV2: Green Infrastructure, Policy WV3: Trees, Policy WV5: Water Management and Policy WV7: Local Heritage Assets.

National Policy

*National Planning Policy Framework (NPPF) – December 2024*

34. The following paragraphs are identified as particularly relevant to the consideration of this application.
35. Paragraph 11 refers to the presumption in favour of sustainable development in decision-making.
36. Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
37. Paragraph 163 states that the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.
38. Paragraph 222 recognises that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Minerals are a finite resource and can only be worked where they are found. As such, best use needs to be made of them to secure their long-term conservation. Gypsum is listed as a mineral resource of local and national importance in Annex 2 of the NPPF.

*Planning Practice Guidance (PPG)*

39. Paragraph: 221 (Reference ID: 27-221-20140306) of Planning Practice Guidance for Minerals defines industrial minerals as minerals which are necessary to support industrial and manufacturing processes and other non-aggregate uses. These include minerals of recognised national importance including gypsum.
40. Paragraph: 086 (Reference ID: 27-086-20140306) states that Mineral Planning Authorities should recognise that there are marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals, which can have different implications for their extraction. These include:
- geology influencing the size of an industrial mineral resource, how it may be extracted and the amount of mineral waste generated;
  - the fact that markets are based on the consistent physical and/or chemical properties of each mineral. Different uses can require different specifications, and industrial minerals are often not interchangeable in use;

- the potential for the quality of a mineral extracted from a single site varying considerably. This may require multiple extraction faces within one quarry, or supplies of specific feedstock from several different quarries, to enable blending of lower specification material with that of higher grade. Alternatively, it may result in only a small proportion being suitable for specific industrial end-uses, with remaining minerals occasionally being used for alternative purposes such as aggregates;
- industrial minerals being essential raw materials for a wide range of downstream manufacturing industries. Their economic importance therefore extends well beyond the sites from which they are extracted;
- some industries are dependent on several industrial minerals. The loss of supply of one mineral could create difficulties for manufacturers even if the other minerals remain available.

### Other Policy Considerations

41. Charnwood Borough Council published the Draft Charnwood Local Plan 2021-37 (Pre-Submission Draft July 2021) as part of the process it is following to prepare a new local plan. Now that the Charnwood Local Plan 2021-37 has been submitted to Government, it has entered the examination phase. The following policies within the Draft Charnwood Local Plan (2021-37) form a material consideration in decision-making but do not yet form part of the Development Plan; Policy DS1: Development Strategy, Policy E3: Rural Economic Development, Policy EV1: Landscape, Policy EV2: Green Wedges, Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity, Policy EV8: Heritage, Policy EV11: Air Quality and Policy INF2: Local and Strategic Road Network.

### Consultations

42. **Charnwood Borough Council (Environmental Health Officer)** – No objection.
43. **Local Highway Authority (Leicestershire County Council)** – No objection. The LHA note that the Applicant intends to amend the wording of Condition 7 to read as follows: ‘No gypsum that has a quality of >70% shall be exported from the site. Gypsum that has a quality of <70% shall not be exported from the site other than on a back-haul basis using only heavy goods vehicles that contain and are bringing in gypsum to Barrow Works site from elsewhere’.
44. The LHA are aware, as is referenced within the British Gypsum Planning Statement (dated December 2024), that HGV movements to and from the site are restricted as per Conditions 5 and 6 related to planning permission 2022/2260/02 (2022/VOCM/0161/LCC). In addition, all current and existing access arrangements are to remain unchanged.
45. Therefore, the proposals will have no impact on the highway as the traffic generated by the operation is controlled through planning permission 2022/2260/02. The LHA therefore concludes that it has no objection to the variation of condition application.
46. **Former member for Sileby & The Wolds ED, Mr Richard Shepherd** – Objection. I would like the matter to be decided by the Development Control and

Regulatory Board. I wish to state, in the interests of openness and transparency, that I have been appointed by the County Council as a member of the British Gypsum (Barrow Project) Liaison Committee.

47. My reasons: You will have received letters of objection which give reasons for their objections to the Planning Application. I believe their objections justify refusal of the Application and that the DCRB should be given the opportunity to consider them. However, if officers decide they would have refused permission had the Application remained delegated please let me know that, with the reasons officers would give.
48. Notwithstanding the above I should like to add my own view, as set out below, of some matters I think need consideration and my own request for refusal of the Application.
49. British Gypsum's policy of a maximum speed of 40 mph for vehicles serving the Barrow Works: The query raised by the conversation which a resident reports he had with "a manager based at East Leake and obviously in charge at Barrow Works", in which the manager told the resident that "these same HGVs do not have in their contracts a specification that they should only travel at a maximum speed on Paudy Lane of 40mph...".
50. The provision of speed signs: Whilst the provision of speed signs is not a planning condition DCRB Members took an interest in the offer concerning them made by British Gypsum at the DCRB Meeting on 22nd June 2023, at which Planning Application 2022/2260/02 (2022/VOCM/0161/LCC) was granted permission. The Minutes of the Meeting record that: "The Board asked officers to send an Informative to the applicant specifying that the offer to give consideration to further speed monitoring would be welcomed."
51. Progress with the provision appears to have stalled. The principal cause seems to be the siting of the signs, as now proposed. It is also worth noting that there have been some mixed messages from British Gypsum about responsibility for any long-term costs for maintenance of the signs.
52. The two Parish Councils with which British Gypsum has been in contact, seeking participation in the scheme, Seagrave and Walton on the Wolds, do not wish to proceed. Seagrave Parish Council was initially supportive but withdrew support on hearing that the siting of signs eventually proposed was not as residents wished, despite the fact that the signs were offered by the company as a way of addressing residents' concerns. Ownership of the signs is also an issue for Seagrave Parish Council.
53. The meaning of "back-hauling": Clarification as to whether or not the application does concern what is strictly speaking "back-hauling", an issue referred to by objectors.
54. Request for refusal: In view of the above and the objections made by residents I request that the Planning Application be refused.
55. **Leicestershire County Council (LCC) Ecology** – No comment.
56. **LCC Public Rights of Way** - No objection.

57. **Charnwood Borough Council (Planning), Sileby Parish Council, Barrow upon Soar Parish Council, Walton on the Wolds Parish Council, East Midlands Health Protection Team** – No response received.
58. **Quorn & Barrow ED Former member Mrs Hilary Fryer CC** – Was notified of the application.

### **First Consultation Period Publicity and Representations**

59. The application has been publicised by means of site notice, press notice and neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement. A total of five representations were received, of which four comprised objections and one comprised comments on the application.
60. In summary, objections have been raised on the following grounds:
- The transport of imported gypsum rock to the site is not being carried out in accordance with the details contained within the application documents which comprised permission reference 2022/VOCM/0161/LCC. Namely, that in their application it was implied that all HGV vehicles entering and leaving the Barrow Works and travelling along the only legal route of Paudy Lane, would be required to travel at a voluntary maximum speed of 40mph. It is alleged that this voluntary speed limit is not being adhered to.
  - This application is to be carried out by these same HGVs and must be refused until implied conditions of transport by these contracted HGVs is confirmed as a requirement by Saint-Gobain.
  - An informative was placed on the decision notice for permission reference 2022/VOCM/0161/LCC which read as follows, '*The Development Control and Regulatory Board would welcome the proposed signage measures set out within the application documents if the Applicant wished to proceed. If they wished to do so, they should contact the Traffic & Signals team at [trafficandsignalconsultation@leics.gov.uk](mailto:trafficandsignalconsultation@leics.gov.uk) for further information. Please note that consideration to further speed monitoring would be welcomed*'. No signage has been installed since the permission was issued.
  - This application is based upon the premise of backhauling and the details of which are flawed in terms of source location and destination of those HGVs which would be making the proposed exports. As such, the movements to and from source to destination, via Barrow Mine, would result in an increase in mileage and thus carbon footprint.
  - The application does not comprise back hauling as stated, it is exporting of mined product to and from different source locations and does not comprise sustainable development.
  - Speeding HGVs are impacting upon local amenity.
  - Sustainability now and in the future is being undermined by this mined product being taken such a long way by road transport.



61. In summary, comments/queries have been raised on the following grounds: whether the exportation of low-grade gypsum would utilise empty HGVs leaving the site and whether the gypsum would be classified as a waste product. The case officer for the application confirmed that the exportation would utilise empty HGVs leaving the site and that the gypsum would not be a waste material, it would comprise mineral.
62. The issues raised are considered in the Assessment of Proposal section of this report.

### **Further Information**

63. In support of the application the Applicant submitted a package of further information on the 2<sup>nd</sup> June 2025 following the initial consultation period. This package of information contained a covering letter addressing comments raised by residents, a copy of the site rules for HGVs contracted to the Company and driving within and/or outside Barrow Mine, a Barrow Mine speed adherence notice, correspondence in relation to the provision of speed signage outside the application site along Paudy Lane, and a carbon assessment.

### **Response to residents**

64. Regarding concerns around speeding of HGVs along Paudy Lane, the Applicant highlights that this is not considered to be a material planning consideration in the determination of this application, it is a matter controlled by civil law. Other supporting information relating to the Applicant's contract hauliers and matters relating to speed were also provided including a copy of the site rules for HGVs and Barrow Mine speed adherence notice.
65. Regarding concerns around the provision of speed signs, the Applicant notes that the provision of speed signs is not considered to be a material consideration in the determination of this application, The matter was considered when planning application ref. 2022/2260/02 was determined at Board. It was considered that speeding vehicles outside of the site boundary is a matter for civil law and not relevant to planning. In addition to this, the Applicant has provided correspondence in relation to the provision of speed signage outside the application site.
66. With regards to the definition of back-hauling, the applicant states that the definition of back-hauling here (for the purposes of this planning application) refers to "a return journey of a vehicle after it has transported and delivered goods", rather than a commercial vehicle transporting a load on their trip back to their origin point. This definition has been sourced from the Cambridge Business English Dictionary. To clarify, the applicant would be utilising the same vehicles (HGVs) transporting high-grade gypsum into the application site to transport low-grade gypsum out. Whilst there may be other definitions and interpretations of the term 'backhauling', clarification has been provided by the applicant to provide transparency for consultees and residents.
67. With regards to HGV routeing, if travelling from British Gypsum's Barrow-upon-Soar Plant to the Sherburn-in-Elmet Plant, HGVs would travel along Paudy Lane, join the A46 North and pass Newark. These back-hauling HGVs would

therefore be returning to Newark, but then continue their journey Northwards along the A1 to Sherburn. The purpose of taking low-grade gypsum from Barrow to Sherburn is to reduce the need for the importation of gypsum from Spain, so the carbon emissions would be lower overall. No formal HGV routing is proposed however.

### Sustainability – Carbon Impact of the Proposed Development

68. The applicant commissioned an independent external company to carry out a comparative whole-life carbon assessment of the existing and proposed scenarios that determines how the proposal contributes to climate change mitigation. The scenarios are as follows;
  - Existing Scenario: 180,000 tonnes of high-grade gypsum per year is transported domestically from Newark-on-Trent Quarry to Barrow-upon-Soar Plant, while an additional 180,000 tonnes of additional of high-grade gypsum per year is imported from Spain (extracted from Placo Sorbas Quarry) and delivered to Sherburn-in-Elmet Plant (North Yorkshire) via the Port of Garrucha and Teesside Docks.
  - Proposed Scenario: 180,000 tonnes of high-grade gypsum per year to be transported domestically from Newark-on-Trent Quarry to Barrow-upon-Soar Plant, with 180,000 tonnes of low-grade gypsum per year to be transported from the mine located at Barrow-upon-Soar Plant to Sherburn-in-Elmet Plant. The latter would replace the 180,000 tonnes of gypsum imported from Spain under the Existing Scenario. This would utilise HGV (Heavy Goods Vehicle) movements from the site that would otherwise be empty.
69. The assessment has been undertaken by independent consultants WSP. The methodology has been undertaken in line with *BS EN 15978:2011 Sustainability of construction works, Assessment of environmental performance of buildings. Calculation method* and the *Royal Institution of Chartered Surveyors. (2017). RICS Professional Statement: Whole life carbon assessment for the built environment*. The assessment quantifies emissions for the two scenarios from mineral extraction and also transportation. Processing was excluded from the assessment as no changes in processing are proposed.
70. With regard to material extraction emissions, the proposal would deliver a reduction of 349.24 tCO<sub>2</sub>e/year – a 71% reduction of emissions, equating to a saving of 1.940 kgCO<sub>2</sub>e/tonne of gypsum. This is driven by 180,000 tonnes of gypsum being extracted from Barrow-upon-Soar Plant rather than Placo Sorbas Quarry annually, as the former is more fuel efficient than the latter and is powered by a renewable energy supply. With regard to transport emissions, the proposal would result in a reduction of 1,609.35 tCO<sub>2</sub>e/year – a 36% reduction of emissions, equating to a saving of 8.941 kgCO<sub>2</sub>e/tonne of gypsum. This is due to the reduction in transport distance for 180,000 tonnes of gypsum per year.
71. Overall, in total the proposal would lead to a reduction of 1,958.59 tCO<sub>2</sub>e/year, a 39% reduction of emissions, equating to 10.881 kgCO<sub>2</sub>e/tonne of gypsum. Notwithstanding the above, it should be noted that the applicant could transport

exported gypsum elsewhere and the destination of exported gypsum would not be controlled by any permission granted.

### **Second Consultation Period Publicity and Representations**

72. Given that the additional information largely served to respond to residents' comments, the additional information was advertised by way of direct neighbour notifications sent to residents. Additionally, the submitted whole life carbon assessment was sent out for consultation to the Leicestershire County Council Carbon Reduction Team. Hoton Parish Council and Burton on the Wolds, Cotes and Prestwold Parish Council were also consulted on the application as they were omitted from the first round due to a technical error. Additionally, Mr. P. Rudkin CC – Quorn & Barrow ED and Mrs. N. Bottomley CC – Sileby & The Wolds ED have been notified of the application following their appointments. The following responses have been received following the consultations.
  
73. **Leicestershire County Council Carbon Reduction Team:** No objection. The Carbon Reduction team have reviewed the documentation provided and have no major concerns regarding the proposal. There are, however, some minor points of feedback on the comparative life cycle assessment (WSP, May 2025): When comparing the electricity consumption of gypsum extraction under life cycle stage A1 at the Barrow and Placo Sorbas sites, the methodology assumes 100% renewable energy for Barrow and the standard Spanish grid mix for Placo Sorbas. Unless the Barrow site has a power purchase agreement (PPA) with a physical 'private wire' or a 'sleeved' PPA then we would also like to see the emissions from electricity consumption calculated on a location basis as well. The final results should also be calculated on a market and location basis. This would provide greater transparency of actual emissions based on the UK electricity grid. For module A2, it is notable that, while transport emissions as a whole will decrease and HGV movements at the Barrow plant will remain as they are, HGV movements elsewhere will increase. For example, HGV movements around the Newark-on-Trent quarry will increase with a new route being added that will see unladen lorries travel there from Sherburn-in-Elmet. This has implications for the community there which may need to be considered.
  
74. **Hoton Parish Council and Burton on the Wolds, Cotes and Prestwold Parish Council:** No response received at the date of publication of this report. If a response is received then this will be reported at the meeting.
  
75. **Mr. P. Rudkin CC – Quorn & Barrow ED and Mrs. N. Bottomley CC – Sileby & The Wolds ED:** Have been notified of the application.
  
76. One representation raising concern and comment over the content of the appendices was received. This raised concern over the appropriateness of sharing emails relating to Appendix 2 (speed signs). Additionally, concern regarding the details of Appendix 1 and whether these are correct. Additionally, further concerns regarding speeding of HGVs along Paudy Lane were raised. The further information, additional consultation responses and representations are considered in the assessment below.

## **Assessment of Proposal**

### **Principle of the Development**

77. This planning application seeks to amend Condition 7 attached to planning permission reference 2000/0381/02 to allow the exportation of low-grade gypsum from the site.
78. The existing Condition 7 reads as follows, '*All gypsum extracted from the mine shall be transported to the covered storage building at the adjacent works site by enclosed conveyor. No unprocessed gypsum shall be exported from site*'.
79. The proposed development lies within designated countryside which is comprised of predominantly open and undeveloped character of Areas of Local Separation and therefore Policy CS 11 of the CLP applies. Policy CS 11 states that the Authority will protect the predominantly open and undeveloped character of Areas of Local Separation unless new development clearly maintains the separation between the built-up areas of these settlements.
80. Given the lateral extent of the application area, a number of other countryside protection policies apply. The proposed development also lies outside of the limits to development as defined within the SNPR, therefore Policy G1 (Limits to Development) applies. Policy G1 states that land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.
81. Additionally, the application area lies on land outside the Barrow upon Soar Limits to Development as defined on the Policies Maps for the BuSNP. Therefore, Policy BuS19 (Rural Economy) of the BuSNP applies. Policy BuS19 states that the sustainable growth and expansion of all types of business and enterprise in The Countryside (land outside the Barrow upon Soar Limits to Development as defined on the Policies Maps) through the conversion of existing buildings, well-designed new buildings and sustainable tourism and leisure developments will be supported where the development: 1. is in keeping with the scale, form and character of its surroundings; 2. does not generate significant additional traffic through Barrow upon Soar Village; and 3. Has safe and suitable access to the site for all users of the site.
82. Further to this, Policy WV1: Landscape Character and Locally Important Views of the WVNP applies as the application area lies in the Countryside (land outside the Burton on the Wolds Limits to Development as defined on the Policies Map). Policy WV1 states that new development should conserve or enhance the character of the local landscape. This proposal does not represent new development, rather a variation of existing development and established operations. There would be no alterations to the physical footprint or built nature of the development and no additional HGV movements would arise. Therefore, the proposal would serve to conserve the local landscape character and associated views.
83. In land use terms only, the application is in accordance with the development plan as it is proposing variations to an existing mining permission within the same footprint of that permission. The proposed change would not alter the scale of the operations within the countryside but does represent a change in

the nature of the operations in that low grade raw mineral would be distributed from the site for the first time in its history. The proposal would not generate additional traffic through villages and the access to the site would remain safe and suitable access for all users of the site. The proposal would not result in any changes to the physical form of the existing works; lead to any changes to processing undertaken at the works or intensify any operations.

84. With regard to the principle of development only, the proposal would not alter the scale of the operations within the countryside, the proposal would continue to protect the character and appearance of the landscape, countryside and Areas of Separation and given the above, the proposal accords with Policies CS 10 and CS 11 of the CLP, Policy BuS19 of the BuSNP, Policy G1 of the SNPR and Policy WV1 of the WVNP.
85. The environmental considerations of the proposal within the locality are considered further below. Although it is noted that the proposal is not for a material change to the character of the works from that previously approved, it is noted that there are impacts already imposed by the existing workings and as such, the environmental impacts of the proposal in conjunction with the existing impacts are assessed.

#### Ecology and Biodiversity

86. The proposal would not result in any impacts upon surrounding local habitats, trees, ecology or biodiversity. As such, the proposal accords with Policy DM7 of the LMWLP, Policy CS 13 of the CLP, Policy BuS1 of the BuSNP, Policies ENV2 and ENV6 of the SNPR, and Policies WV2 and WV3 of the WVNP.

#### HGV Traffic, Access and Vehicle Routeing

87. The proposal would not result in any increase in HGV movements. HGV movements to and from the site would remain restricted as per Conditions 5 and 6 of planning permission 2022/2260/02. In addition, all existing access arrangements are to remain unchanged. Therefore, the proposals will have no impact on the highway as the traffic generated by the operation is controlled through planning permission 2022/2260/02. The Local Highway Authority has no objection to the variation of condition application.
88. Both Paudy Lane and Melton Road (B676) have long been recognised as an access route for the Site and have an established HGV traffic flow. The proposed development would not create any impact on highway safety, and it is not considered that any mitigation measures are required to make the proposals acceptable in planning terms.
89. The site has existing mitigation measures to limit the impacts of transporting materials by road and the routes HGVs can take to access the site. These include an existing legal agreement which controls the routeing of all lorries to and from the site. This ensures all HGV movements are made via the strategic road network and avoid passing through residential areas where possible. A planning condition requires that all gypsum imported to the site only uses the site access off Paudy Lane. These requirements would be retained.



90. A legal agreement is in place at Barrow that controls, amongst other things, lorry routing. This requires all vehicles over 3 tonnes in weight when leaving the Access Road to do so by turning right upon reaching the Paudy Lane junction and proceed directly to the junction of the B676 Six Hills with the A46. The applicant does not propose to alter or amend the requirements as set out by this legal agreement. Given the above, and subject to conditions, the proposal accords with Policy DM9 of the LMWLP, Policy T2 of the SNPR and paragraph 116 of the NPPF. Since the proposal would not generate additional traffic through Barrow upon Soar village and safe and suitable access to the site for all users of the site would remain, the proposal accords with the criteria set out within Policy BuS19 of the BuSNP.

#### Public Rights of Way (PRoW)

91. The access road to the site is 2.3km in length. Two public rights of way cross the site access road, Bridleway I4 and Footpath I23. Signage and traffic calming measures are in place where these rights of way cross the access road. The proposals would not alter the existing public rights of way which cross the site's access road, nor introduce any additional HGV movements which would cross these routes. As such, there would not be direct impacts on the network or impacts upon the amenity of PRoW users. The proposal accords with Policy DM10 of the LMWLP and Policy ENV9 of the SNPR.

#### Noise

92. With regards to noise impacts, the impacts of noise and/or other disturbances and activities on the site as a result of the proposal and the impacts of such has been considered in full, as well as any potential for cumulative noise impacts. The proposal would not result in any additional HGV movements to and from the site. However, it is noted that those HGVs which would enter the site laden (to bring imported gypsum into the site) and would otherwise leave unladen, would now leave laden. This may generate additional negligible minor noise when travelling along the private access road and Paudy Lane. Notwithstanding this, these HGV movements are already occurring and when set against the context of the properties and their setback distance from Paudy Lane and the existing traffic along that road, it is not considered that any negligible increase in noise would be considered unacceptable. The application has been considered by Environmental Health and no objections to the proposal or the details contained therein are raised. Overall, there would be no significant noise impacts as a result of the proposal. With regards to noise, the proposal accords with Policy DM2 of the LMWLP.

#### Air Quality/Dust

93. As above, the impacts upon air quality and/or dust from the proposal in conjunction with existing activities on the site as a result of the proposal and the impacts of such has been considered in full and as well as any potential for cumulative impacts. No impacts upon air quality or dust are anticipated and Environmental Health raise no objections to the proposal, or the details contained therein. With regards to air quality/dust the proposal accords with Policy DM2 of the LMWLP.

### Landscape, Visual Impact and Local Amenity

94. Policy DM2 of the LMWLP relating to the local environment and community protection states that planning permission will be granted for minerals and waste development where it is demonstrated that the potential effects from (inter-alia) emissions, illumination, noise or traffic to adjoining land uses and users and those in close proximity to the proposal would be acceptable.
95. As outlined above, the exportation of gypsum would take place on a back-haul basis only, and no additional vehicle movements are proposed. The vehicles would be travelling along Paudy Lane regardless of this proposed development. The proposed variation in condition does not give rise to any direct or indirect landscape impacts. No impacts from emissions, illumination, noise or traffic to adjoining land uses and users and those in close proximity to the proposal would arise.
96. As such, it is considered that there would be no additional amenity or wellbeing impacts in terms of noise, disturbance or otherwise or local residents as a result of the development. Overall, with regards to all aspects of the local environment and community protection, the proposal accords with Policy DM2 of the LMWLP, and with regard to landscape, tranquillity, visual impact and local amenity within the locality the proposal accords with Policy CS 11 of the CLP and Policy ENV7 of the SNPR.

### Waste and Water

97. The proposals would not lead to any change in waste arising or the methods of managing the waste or water at the Works. As such, there would be no impacts upon waste management, creation of waste or the water environment.

### Heritage

98. Given the nature of the proposal, there would be no impacts upon built heritage or archaeology.

### Sustainability and Climate Change

99. In considering sustainability and climate change regard is had to paragraph 163 of the NPPF and Policy DM1 of the LMWLP. Paragraph 163 of the NPPF states that the need to mitigate and adapt to climate change should be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.
100. Policy DM1 of the LMWLP, relating to sustainable development states that when considering proposals for minerals and waste development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Proposals should contribute to the three dimensions (economic, environmental and social) of sustainable development, as well as providing clear evidence of how a proposal would make a positive contribution to reducing its effects on climate change. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever

possible, and to secure development that improves the economic, social and environmental conditions in the county of Leicestershire.

101. With regard to the environmental strand of sustainability, it is considered that there would not be any adverse environmental impacts identified given the crossover with existing HGV movements already making those trips to the application site. There would be environmental benefits to fully utilising the natural resource rather than allowing the low-grade resources, estimated at approximately 10 million tonnes of low-grade gypsum, to be sterilised if not exported. As the gypsum would be exported as a raw mineral, there would be no additional use of energy, water and materials as no additional processing would occur on the site.
102. Objection was received on the grounds that sustainability now and in the future is being undermined through the transportation of mineral across long distances by road transport. The use of rail as an option for importing gypsum into the site was explored previously as part of the determination of planning permission ref. 2022/2260/02. It was found that Barrow Works does not have rail-sidings and as such it is not currently possible to bring in high-grade gypsum by rail. The company has previously investigated the viability of rail distribution to or from Barrow and it was found that rail-sidings would not currently be a viable option.
103. With respect to emissions, the submitted whole life carbon assessment found that when comparing the two scenarios, planning permission being granted, and, planning permission being refused *or* gypsum being imported for use in the destination processing plants, the proposal if granted, would lead to a reduction of 1,958.59 tCO<sub>2</sub>e/year, a 39% reduction of emissions, equating to 10.881 kgCO<sub>2</sub>e/tonne of gypsum. Whilst this application would not mitigate and/or adapt against the range of impacts arising from climate change, it is recognised that the reduction in global emissions would help to reduce greenhouse gas emissions.
104. The Carbon Reduction Team at Leicestershire County Council were consulted on the whole life carbon assessment submitted. They do not object or raise 'major concerns' to the proposal. However, they provided feedback on how the calculations could be further detailed to provide greater transparency of actual emissions based on the UK electricity grid. Additionally, the Team make comment on what would be the resultant increase in HGV movements at the destination, from a capacity and/or amenity perspective. Further clarity on this feedback was sought from the applicant. In response the applicant has provided a statement from their technical and independent consultants (WSP) in support of the submitted Technical Note, which compares the greenhouse gas (GHG) emissions associated with existing and proposed gypsum extraction and transportation arrangements across UK and Spanish sites. The additional statement provides additional context relating to the electricity source used at one of the assessed facilities in the UK - 'Barrow-upon-Soar Plant' and clarifies the assumptions made during the emissions calculations.
105. With regard to renewable electricity usage at the plant at Barrow-upon-Soar, the applicant provided WSP with an *Energy Label for Origin of Electricity Supply Certificate* for the plant, covering the period from the 1<sup>st</sup> April 2023 to the 31<sup>st</sup> March 2024. This certificate provides evidence that electricity supplied to the site during that timeframe was fully derived from renewable sources. The label

confirms a total renewable electricity supply of 196,896 MWh. This Energy Label was used to justify applying a zero-emission factor (0 kgCO<sub>2</sub>e/kWh) to the energy consumed during extraction (9 kWh per tonne of gypsum extracted) in WSP's carbon calculations. The WSP team were informed by the applicant that the renewable energy supply arrangement is expected to continue under the same terms in future years. Based upon this information, and in the interests of creating the most accurate comparison using available contextual information, WSP reasonably assumed continued use of renewable electricity at this site for the purposes of forecasting and emissions calculations. However, it is noted that no formal Power Purchase Agreement (PPA) or other contractual evidence was provided to verify this long-term arrangement. The Carbon Reduction Team recommend that emissions from electricity should be reported on both a market and a location basis in the interests of transparency, but this is not something that they insist upon as necessary to be provided to support the report provided by the applicant.

106. Overall, it should be noted that the whole life carbon assessment indicates that there would be a reduction in global emissions because of the proposal, and, that any destination for the exported low-grade gypsum would be subject to the necessary planning, or other environmental, controls. With respect to the latter point, the applicant has confirmed that there would be no increase in the number of HGV movements, and all movements onsite would remain in accordance with planning permission ref. 2022/2260/02. On the above basis, the proposal is considered to have successfully demonstrated how it would make a positive contribution to reducing its effects on climate change in accordance with Policy DM1.
107. With regard to the social and economic strands of sustainability, it is not considered that there would be direct economic or social benefits from the proposal as there would be no additional jobs created.
108. It is not considered there would be any direct social and economic impacts within the local community. There may be wider social and economic impacts through the generation of further activity throughout the economy. This is characterised by supply chain activity taking place as a result of the development along with indirect supply chain linkages that result from the development.
109. Policy CS 10 of the CLP states that Charnwood Borough Council will maximise the potential of our rural economy by 2028, through supporting the sustainable growth of businesses in rural areas, provided that in all cases the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside.
110. Utilising an otherwise sterilised resource would allow the continued sustainable growth of the existing business on the site in line with Policy CS 10 of the CLP. Given that the proposal would not result in additional HGVs travelling along roads in the locality, no negative socio-economic impacts upon residents through disturbance, noise, or otherwise are considered to arise upon residents and any local businesses as a result of the proposal. Overall, there may be some positive wider socio-economic impacts because of the proposal.

111. The proposed development would ensure that gypsum reserves are not needlessly sterilised. The proposal accords with paragraph 222 of the NPPF which states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since 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.
112. Overall, the proposal represents sustainable development and accords with Policy DM1 of the LMWLP, Policy CS 25 of the CLP and paragraph 163 of the NPPF.

### Cumulative Impact

113. 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. It is not considered that the proposed development when considered in addition to the existing operations onsite would result in adverse cumulative impacts in terms of local amenity, noise or other environmental pollution. No statutory consultees have highlighted concerns regarding potential cumulative impacts. The LHA does not object to the proposal or raise any concern that the residual cumulative impacts on the road network would be severe. Overall, the proposal is found to accord with Policy DM11 of the LMWLP.

### Other Issues

114. In undertaking this assessment regard has been had to all relevant material planning considerations including those raised by consultees and any representations received. Concerns raised which stray into other legislation or civil matters are recognised as matters of local importance and/or concern, however, are not given any material weight in this assessment.
115. During the application process, a query was raised in relation to when the mine was first given planning permission and whether the proposal would mean that they would breach tonnage limits relating to extraction. To clarify, there are no conditions limiting annual extraction on the site. However, the processing of mineral onsite is limited by the factory's processing capacity which is approximately 900,000 tonnes per annum (information taken from the planning application ref. 2001/2001/02). Additionally, the applicant has confirmed that the proposal here would not increase the rate of mineral extraction beyond historic levels. The currently permitted high-grade imports of gypsum are currently displacing gypsum that would otherwise have been sourced from the mine. This is necessitated due to the decline of mined rock purity. It should be noted that the exportation of low-grade gypsum offsite here (and therefore also extraction) would be limited by the number of HGVs importing gypsum into the site. The number of HGVs importing gypsum into the site is controlled by Condition 5 of permission ref. 2022/2260/02. This permission allows for the importation of up to 180,000 tonnes/annum of high-grade gypsum. The proposal here is on a back-haul basis only, and as such the proposed transportation of low-grade



gypsum from Barrow Mine is therefore limited to the same tonnage as that which the company are importing under the restricted limit.

116. The opportunity has been taken to update the planning conditions attached to the planning permission to be varied (permission reference 2000/0381/02) so that those which required information to be submitted, now refer to the submitted information. Additionally, given the age of the planning conditions some amendments to the wording have been made to bring them up to date and meet the requirements of paragraph 57 of the NPPF (planning conditions should be kept to a minimum and only imposed where they are *necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects*). That which was requested to be varied (Condition 7) has also been updated. The applicant has had prior sight of the proposed amended conditions. Further to this, clear and precise reasons have been added for every condition in accordance with Part 6, 35. (1)(a)(i), of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### **Conclusion**

117. By reason of the above assessment, it is considered that the proposal is in general accordance with the development plan. In particular, policies DM1, DM2 and DM7 of the LMWLP which relate to sustainable development, local environment, community protection and sites of biodiversity interest and policies DM9 and DM11 of the LMWLP which relate to the transportation of mineral by road and cumulative impact.
118. 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 NPPF and PPG and is considered to reflect the principles of sustainable mineral development.
119. It is considered that subject to the imposition of planning conditions, the proposed development would be acceptable.

### **Statement of Positive and Proactive Engagement**

120. 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. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **Recommendation**

121. PERMIT subject to the conditions as set out in the Appendix A.

### **Officer to Contact**

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