

DEVELOPMENT CONTROL AND REGULATORY BOARD

16TH AUGUST 2007

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2006/1565/03 – 27 th October 2006
PROPOSAL:	Extraction of sand and gravel from an extension to Shawell Quarry, revision of the previously consented scheme of working and extension of the existing landfill operation into the extension site
LOCATION:	Shawell Quarry, Gibbet Lane, Shawell, Lutterworth (Harborough District)
APPLICANT:	Lafarge Aggregates Ltd.
MAIN ISSUES:	Extension of an existing permitted mineral extraction and waste disposal operation into an area allocated for sand and gravel extraction in the Minerals Local Plan 1995.
RECOMMENDATION:	PERMIT subject to 74 conditions as set out in the appendix to the main report.

Circulation Under Sensitive Issues Procedures

Mr. G. A. Hart CC

Officer to Contact

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PART B – MAIN REPORT

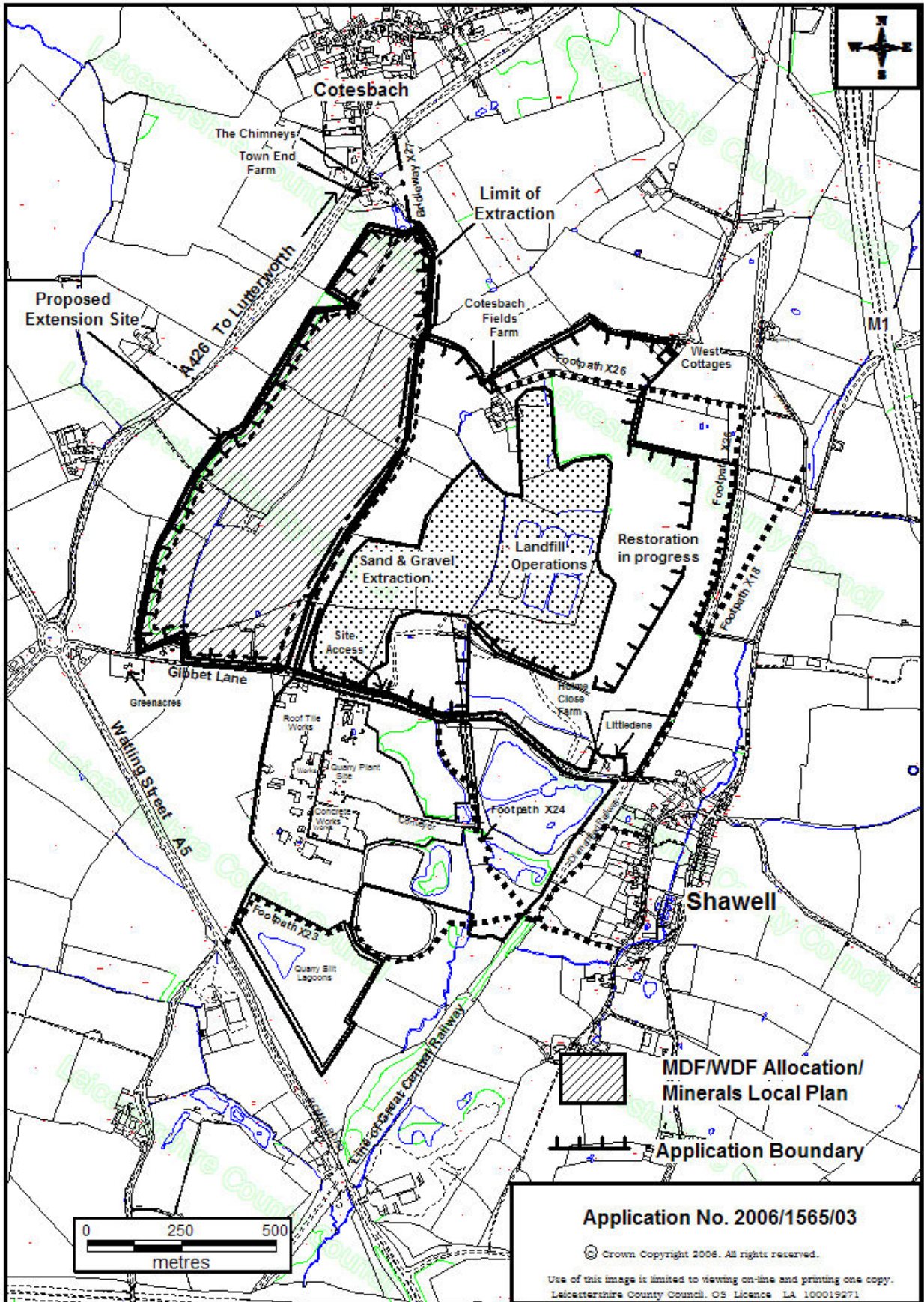
Background

1. The applicant, Lafarge Aggregates Ltd, proposes to extend the existing operations at Shawell Quarry, an established sand and gravel quarry and landfill site, into an area to the west of the quarry. The application area is allocated for future sand and gravel extraction in the Minerals Local Plan 1995.
2. The application site also constitutes one of a number of Preferred Options in the emerging Minerals and Waste Development Frameworks for sand and gravel extraction and waste management development.
3. The planning application is accompanied by an Environmental Statement covering hydrology and hydrogeology, soils and agricultural land quality, landscape and visual impact, ecology, archaeology, noise, airborne dust, traffic and services.

Location of Proposed Development

4. Shawell Quarry and Landfill Site is located to the west of the village of Shawell and south of the village of Cotesbach, near Lutterworth. The mineral extraction and landfill area is located north of Gibbet Lane, a narrow road linking Shawell with the A5/A426 junction to the west of the site. The associated minerals processing plant, a number of silt settlement lagoons, a roof tile works and a concrete blockworks are located to the south of the road. Mineral is transported from the extraction area to the processing plant by means of a conveyor which crosses under Gibbet Lane. An inert waste recovery and recycling facility is also currently situated south of Gibbet Lane, although planning permission was granted in June 2007 for the relocation of this element of the operation to a vacant area of land adjacent to the landfill weighbridge north of Gibbet Lane.
5. The site is set in a largely rural area. The eastern boundary of the operational quarry/landfill is defined by a disused railway cutting. The A5 (Watling Street) runs in a north-west to south-east direction to the west and south of the processing plant. The M1 motorway passes approximately 1 kilometre to the east of the village of Shawell.
6. The application site measures 113 hectares and comprises the already consented quarry and landfill area and a number of agricultural fields to the west of the existing operation. It is bounded by an existing belt of trees to the west with further agricultural fields and the route of the A426 Rugby Road beyond, and by Gibbet Lane to the south. The existing extraction area abuts the eastern edge of the application site. To the north, two properties known as Town End Farm and The Chimneys are located approximately 80 metres from the northern tip of the extension area, with the village of Cotesbach located on the north-western

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side of the A426 Rugby Road. Properties in Cotesbach are between 160 and 700 metres from the northern tip of the application area and between 230 and 700 metres from the edge of the extraction area.

7. To the west of the site, the only properties in the vicinity of the site are Green Spinney Cattery, which is currently vacant and is owned by Lafarge, two properties known as Greenacres and Gibbet House, and a petrol station at the A5/A426/Gibbet Lane roundabout.
8. Cotesbach Fields Farm, an isolated farmhouse with associated barns and outbuildings, is located 200 metres east of the application site and directly adjacent to the permitted sand and gravel extraction operation. This property is in the ownership of Lafarge and has recently been vacated. It is anticipated that it will be demolished in the near future to allow further mineral extraction operation from the previously consented area.
9. A number of Public Rights of Way are located near the application site and the operational quarry. The original route of Footpath X26 traverses the consented mineral extraction/landfill area from Cotesbach Fields Farm in the north and links to Gibbet Lane in the south. This footpath is currently the subject of a temporary Footpath Diversion Order. Its diverted route runs from Cotesbach Fields Farm along the northern and eastern quarry boundaries to Gibbet Lane. The original route of Footpath X26 is to be reinstated following the final restoration of the site. Bridleway X27 also links Gibbet Lane and Cotesbach Fields Farm, leading along the western edge of the consented operation and east of the proposed quarry extension. In the vicinity of the application site, Footpath X23 links the village of Shawell with the A5, and Footpath X24 leads from Shawell to Gibbet Lane, crossing the mineral conveyor.

Currently Consented Operation

10. Under current arrangements for the consented part of the quarry, mineral is extracted by hydraulic excavator and loaded into dump trucks. It is then delivered to a feed hopper within the quarry and transferred from the extraction area to the processing plant by means of a conveyor under Gibbet Lane. The material is processed at the processing plant to the south of Gibbet Lane, where finished products are also stored, awaiting their sale and export from the site by lorry.
11. The mineral is worked dry, with groundwater being pumped off-site to a licensed discharge point. The total depth of working varies between 13 and 22 metres, according to geological conditions. The sand and gravel occurs in a band approximately 6 metres thick and lies beneath a layer of overburden which varies between 6 and 12 metres in depth.

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12. Topsoils, upper and lower subsoils and other overburden and restoration materials are stripped and stored separately. Stripping, transport and storage are handled by a combination of excavators and dump trucks. These materials are progressively re-spread directly onto previous infilled phases wherever possible, or stored within the quarry void.
13. The quarry is being restored progressively by backfilling the voidspace created by sand and gravel extraction with imported waste. Following mineral extraction, clay overburden from the mineral extraction areas is used in the construction of the landfill containment cell walls. Leachate and landfill gas collection systems are then installed in each cell before waste materials are deposited. Clay overburden is used to provide a clay cap of a minimum thickness of 1 metre on top of completed waste cells. Capped cells are then covered with subsoil and topsoil before being grass seeded.
14. Current rates of mineral extraction are in the region of 400,000-500,000 tonnes per annum. As of October 2006, the remaining permitted reserve was estimated to be 0.9 million tonnes, equivalent to approximately 2 years of working.
15. Rates of landfilling range from 200,000-300,000 tonnes per annum. The import and deposition of waste is carried out under an Integrated Pollution Prevention and Control (IPPC) Permit for inert waste, degradable household, commercial and industrial waste and bonded asbestos. The permit was issued by the Environment Agency in July 2001 and was amended in August 2004.

Description of Proposal

16. It is proposed to extract sand and gravel from an area to the west of the operational quarry/landfill, to revise the consented scheme of working and to extend the existing landfill operation into the extension site. Initially, mineral extraction would continue in the currently permitted area until all previously permitted reserves are exhausted. Extraction operations would then move to the extension area to the west. Extraction would take place in a north to south direction. Once the landfill cells have been constructed (as described above), landfill operations would follow the mineral extraction phases. Initially, the remainder of the previously consented site would be landfilled to reach the approved restoration contours. Once the previously consented landfill voidspace has been filled, waste disposal operations would move into the western extension area. The site would be restored progressively on a cell-by-cell basis. The northern tip and the south-western corner of the proposed extension area are the closest parts of the site to residential properties and would therefore be restored using inert materials only, in order to ensure a stand-off of at least 150m from landfill operations to residential properties.
17. The proposed area into which mineral extraction and landfilling operations would be extended would measure approximately 38 hectares. Borehole surveys indicate a sand and gravel reserve of approximately 3.6 million tonnes.

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Soil handling, excavation, transport of raw material and backfilling operations would be undertaken using the same methods currently employed in the consented operation.

18. The proposals include stand-off margins of minimum 10 metres to existing boundary hedges and planted areas, minimum 15 metres to Gibbet Lane, and minimum 100 metres to property boundaries.
19. The proposed extension area would be restored to agriculture, hedgerows, woodland and ponds. A number of public rights of way cross the quarry area, some of which are the subject of temporary diversions, others would have to be diverted during the course of the development. The indicative restoration proposals include the re-instatement of the existing rights of way and also the creation of a number of new paths.
20. In addition to the extension of quarrying and landfill operations, the application also proposes to revise the consented scheme of working, to allow the proposed extension area to be worked and restored consecutively with the currently consented area and to ensure the proposed extension area blends into the restored landform once site reclamation has been completed.
21. A high pressure gas pipeline, known as the Transco East Midlands No. 2 Feeder, crosses the site of the proposed extension to the quarry as well as the northern part of the consented area. The applicant proposes to relocate this pipeline outside the working area and is in discussion with Transco over the details of this operation.

Access and Traffic

22. Traffic movement information submitted by Lafarge Aggregates Ltd. in 2004 indicates that sand and gravel sales from Shawell Quarry give rise to an average figure of 188 heavy goods vehicle (HGV) movements per day. The import of waste to landfill generates a further 220 HGV movements per day on average. Other activities at the site which are contributing to vehicle traffic on Gibbet Lane but which do not form part of the proposed development are the production of ready-mixed concrete (resulting in 68 HGV movements per day), the operation of an inert waste recycling facility (46 HGV movements per day on average, although actual traffic levels can vary depending on demand), and a concrete products factory (average 66 HGV vehicle movements per day).
23. As it is proposed to maintain current levels of mineral production and waste importation, the proposals would not lead to a change in the number of vehicle movements for these elements of activities at the site.

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Hours of operation

24. Current permitted working hours at the site are 0700 to 1900 Monday to Friday and 0700 to 1400 on Saturdays, with no operations (other than water pumping) taking place on Sundays and Bank Holidays. In those areas of the site which are within distances of up to 100 metres from residential dwellings, operations are restricted to the hours of 0730-1730 Monday to Friday and 0730-1300 on Saturdays. No changes are proposed to the permitted hours.

Planning History

25. Shawell Quarry has been in operation since the late 1950s. The first planning permission for sand and gravel extraction dates back to January 1958. In the late 1970s, extraction operations took place on land near Hill Farm, to the west of the A426 Lutterworth Road. Since then, a number of planning permissions have been granted for mineral extraction, the erection of plant, landfilling of waste and other operational works.
26. In July 1989, planning permission was granted under reference 1988/1547/03 for an extension to sand and gravel working with infilling and subsequent restoration to agriculture and the replacement of the existing processing plant.
27. In January 2000, planning permission reference 1999/0476/03 was granted for the storage and recycling of inert waste at the quarry plant site south of Gibbet Lane. In June 2007, planning permission 2007/0224/03 was granted to relocate the waste recycling facility from the processing plant area south of Gibbet Lane to an area adjacent to the landfill weighbridge.
28. The quarry and associated operations have been the subject of a periodic review of planning conditions under the Environment Act 1995. An updated schedule of planning conditions for Shawell Quarry was approved by the Development Control and Regulatory Board in April 2005.

Planning Policy

29. Planning Policy Statement 1 (PPS1) sets out the overarching planning policies on the delivery of sustainable development through the planning system. Planning Policy Statement 9 (PPS9) *Biodiversity and Geological Conservation* sets out the Government's objectives for nature conservation and emphasises the importance of both designated sites and undesignated areas for nature conservation.
30. Minerals Policy Statement 1 (MPS1): *Planning and Minerals*, published in November 2006, sets out the key overarching policies and principles the Government expects Mineral Planning Authorities to follow when preparing minerals development frameworks and in considering applications. Minerals Policy Statement 2 (MPS2) *Controlling and Mitigating the Environmental Effects of Mineral Extraction in England* states the principles to be followed in

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considering the environmental effects of mineral working. Annex 2 to MPS2 states the planning considerations which the Government expects to be applied to noise emissions from surface mineral operations.

31. Government advice on planning and waste management is contained in the Waste Strategy 2007 and Planning Policy Statement 10 (PPS 10): *Planning for Sustainable Waste Management*. The Waste Strategy was published in May 2007 and updates the earlier *Waste Strategy 2000*. It describes the need for a significant change in the way in which waste is managed to reduce the amount that is taken to landfill and to promote the re-use of materials. It places a greater focus on waste prevention by setting higher targets than the 2000 Strategy for the recycling and composting of household waste and the recovery of municipal waste.
32. PPS10 provides advice about how the land use planning system should contribute to sustainable waste management through the provision of the required waste management facilities in England. It continues to promote sustainable development and the waste hierarchy of reduction, re-use, recycling and composting and energy recovery, with disposal as the last option.
33. The Development Plan in this instance comprises the Regional Spatial Strategy for the East Midlands, the Leicestershire, Leicester and Rutland Structure Plan, the Leicestershire Minerals Local Plan, the Leicestershire, Leicester and Rutland Waste Local Plan and the Harborough Local Plan.

Regional Spatial Strategy for the East Midlands (RSS8)

34. RSS 8 was agreed in March 2005. It sets out the regional guidance for development in the East Midlands and applies the general principles for sustainable development which are set out in national guidance.
35. The RSS sets out minimum targets for the recycling and composting of municipal solid waste of 25% by 2005, 30% by 2010 and 50% by 2015. Detailed policies are to be developed through the Regional Waste Strategy (RWS), which is to be based on the following principles:
 - Working towards zero growth in waste by 2016;
 - Reducing the amount of waste sent to landfill;
 - Exceeding government targets for recycling and composting to achieve levels of current best practice; and
 - taking a flexible approach to other forms of waste recovery on the basis that technology in this area is developing very quickly.

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36. Whilst not part of the Development Plan, the East Midlands Regional Waste Strategy is a material consideration and Policy 1.7 states that Waste Development Plans should allocate specific sites for a range of types and scales of waste management facilities, with such sites being assessed against the following criteria:
- Proximity to existing or major new or planned developments;
 - Good transport connections, with preference given to rail and water;
 - Compatible land uses including active mineral sites, previous or existing industrial land use, contaminated or derelict land, land adjoining sewage treatment works; and
 - Locally based environmental and amenity criteria.
37. The draft revision of the Regional Spatial Strategy was published in September 2006 and is currently undergoing an Examination in Public. The revised version of the RSS reflects the policies and aims of the East Midlands Regional Waste Strategy.

Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (March 2005)

38. One of the principal aims of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 is to manage and enhance the quality of the environment. The proposal has to be considered against the following Structure Plan policies:
- Strategy Policy 8 – Development in the Countryside: States that the Countryside will be protected for its own sake.
 - Environment Policy 1 – Historic Environment: Aims to protect, preserve and enhance areas, sites, buildings and settings of historic or architectural interest or archaeological importance. States that proposals for development on, in or adjacent to archaeological or other historic sites and buildings will be considered against the need to ensure their preservation and setting.
 - Environment Policy 3 – Biodiversity Enhancement: States that measures will be taken through development opportunities to protect, maintain and enhance biodiversity and sites of ecological importance, to identify locations for habitat restoration and creation schemes, and to maintain and enhance the wider ecological value of the environment.
 - Environment Policy 3A – Protection of Important Species and Habitats: Sets out protection measures in relation to habitats of international, national and local importance and species of acknowledged importance, as well as mitigation and compensation measures.
 - Resource Management Policy 7 – Land Release – Minerals: States that when allocating land and considering planning applications for the extraction of minerals, consideration will be given to the need to release sufficient land to maintain an adequate supply of minerals, maintain an appropriate land bank of permitted reserves of construction aggregates, and maintain a sufficient stock of limestone and clays.

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- Resource Management Policy 8 – Land Release – Waste Management: States that when allocating land and considering planning applications for the management of waste, sufficient provision will be made to meet needs, based upon the consideration of the Best Practicable Environmental Option, regional self-sufficiency, the Proximity Principle and the Waste Hierarchy.
- Resource Management Policy 9 – Environmental Impact of Mineral Extraction and Waste Management: States that when allocating land and considering planning applications for the extraction of minerals or for waste management development or related development, account will be taken of its likely impact on the environment and the need for the development when it is a material planning consideration.

Leicestershire Minerals Local Plan (May 1995)

- Policy 5 – Planning Conditions for the Protection of the Environment: Sets out measures to control the environmental effects of mineral operations through the imposition of suitable planning conditions;
- Policy 11 – Restoration and Aftercare Conditions: Sets out the matters in respect of which conditions will be imposed to ensure satisfactory restoration.
- Policy 12 – After Use: Seeks to ensure that mineral sites are restored to beneficial afteruses and encourages the creation of new habitats and an increase in woodland cover of the County.
- Policy 15 – Sand and Gravel Sites (Extensions) lists Gibbet Lane, Shawell as one of a number of sites where it is proposed to release land for sand and gravel extraction to be worked as an extension to, or in conjunction with, the extraction of minerals using existing plant areas, subject to satisfactory details regarding the proposed development being submitted.

Leicestershire, Leicester and Rutland Waste Local Plan (September 2002)

- Policy WLP 7 lists the factors which will be taken into account in the assessment of proposals for waste management development.
- Policy WLP 8 lists environmental considerations in the determination of planning applications.
- Policy WLP 11 states that conditions will be attached to planning permissions in order to minimise the effect of development on the environment and local residents.
- Policy WLP 12 states that planning obligations will be sought where appropriate in order to achieve control over waste management operations and their ultimate restoration which cannot otherwise be adequately imposed by the normal use of conditions attached to a planning permission or are not adequately covered under relevant legislation.
- Policy WLP 13 requires the high quality restoration of completed waste management operations at the earliest opportunity and states that conditions will be attached to planning permissions to achieve this aim.

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- Policy WLP 17 requires that proposed extensions to existing waste disposal sites to meet the environmental criteria set out in Policy WLP 8, and that it can be demonstrated that the need for the facility cannot otherwise be reasonably met.

Harborough District Local Plan (2001)

- Policy RM/1 – presumes against development which would pose an unacceptable threat to the quality and quantity of the underlying groundwater.
- Policy RM/9 – aims to protect the character, appearance and ecological interest of hedgerows, tree belts and woodlands, watercourses and waterways, wetland habitats including marshes, ponds and lakes, and meadows and unimproved grasslands by imposing conditions on planning permissions to ensure that development does not adversely affect these features.
- Policy RM/10 – contains criteria for development that maintains or improves the ecological and geological diversity of the district.
- Policy RM/11 – presumes against development proposals which would adversely affect a protected species or its habitat.
- Policy RM/12 – presumes against development which would adversely affect the archaeological significance or setting of a Scheduled Ancient Monument or other important archaeological remains.
- Policy RM/13 – requires planning applications for development affecting a site of identified archaeological interest to be accompanied by an archaeological assessment of the site. Where the archaeological assessment reveals that archaeological remains may exist, the developer is expected to submit an archaeological field evaluation.
- Policy RM/15 – states that where archaeological remains are found to exist and their preservation in situ is neither justified nor feasible, planning conditions will be imposed requiring the excavation and recording of the remains before development commences.
- Policy EV/1 – aims to safeguard and enhance the environment of the district.
- Policy EV/5 – presumes against development in the countryside unless a number of criteria are fulfilled, including the requirements that the development does not adversely affect the character and appearance of the countryside, the amenities of residents in the area, or areas of ecological or archaeological significance.
- Policy EV/20 – requires submissions to be accompanied by a landscape scheme where appropriate.
- Policy EV/23 – seeks to ensure that development does not have an adverse impact on the character of its surroundings, or harm the amenity of nearby uses, through noise, smell, dust, dirt, grit, air or soil pollution, or an unacceptable level of traffic.

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Emerging development plan documents

39. The County Council is preparing its Minerals Development Framework (MDF) and, in conjunction with Leicester City Council, its Waste Development Framework (WDF). These documents are to replace the existing Minerals and Waste Local Plans. Both Frameworks are currently at the Preferred Options stage. Whilst limited weight can be attached to the emerging policies, they are a material consideration in the determination of the current application. This weight increases as successive stages of the Framework are reached.

Minerals Development Framework

40. The MDF needs to ensure that land is made available to provide an appropriate contribution to local, regional and national needs for minerals, whilst also ensuring that minerals are used in line with the objectives for sustainable development. It aims to make sufficient provision to meet national, regional and local requirements, but also contains policies which aim to protect and enhance the environment.
41. Policy 1 of the MDF Core Strategy states that planning permission will not be granted for minerals development unless it can be demonstrated that the Government's objectives for sustainable minerals development have been appropriately addressed whilst ensuring that there will be no significant loss in other sustainability objectives. Policy 2 aims to ensure a sustainable supply of minerals. Policy 5 presumes in favour of mineral development within the preferred areas as shown in the Site Allocations document. Policy 9 restricts proposals for extensions to existing aggregate extraction sites to those required to meet a proven need, provided they accord with the requirements of other MDF policies. Policy 25 makes provision for archaeological investigations. Policy 33 aims to safeguard Public Rights of Way. Policy 34 aims to safeguard the water environment. Policy 37 lists the information to be included in planning applications, and Policy 38 lists the matters which may be controlled by planning conditions. Policies 40 and 41 deal with restoration/aftercare and after-use respectively.

Waste Development Framework

42. The WDF identifies the requirements for waste management facilities in the Plan area up to 2021, the existing capacity for such activity and the likely shortfall in provision that needs to be accommodated. Various 'preferred site allocations' are put forward to meet the residual requirement for such development, including recycling facilities for municipal solid waste, commercial and industrial waste, and construction and demolition waste.

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43. The Core Strategy sets out the strategic objectives for waste management development, based on the principles of Government guidance, PPS10 and the RSS. It seeks to deliver sufficient waste management facilities in the plan area to meet requirements up to at least 2021, based on the increased re-use and recycling of waste and minimal disposal.
44. Policy 3 of the WDF Core Strategy aims to ensure that provision will be made for the period until 2021 for sufficient waste management capacity to accommodate a quantity of waste equivalent to the apportionment identified for the Framework area by the Regional Waste Strategy. Policy 4 provides for the allocation of specific sites and areas to provide sufficient capacity for a period of at least 10 years. Policy 11 aims to restrict the establishment of new landfill sites for non-inert waste, and the extension to existing sites, to the areas allocated in the Framework. Policy 17 presumes against proposals for waste management development which are likely to affect areas with potential archaeological interest, unless they have been the subject of a preliminary archaeological assessment, and adequate provision for preservation in situ, excavation or recording of any interest is made in accordance with the level of importance of the finds. Policy 20 presumes against waste management development which would generate significant adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic. Policy 22 requires that when permission is granted for waste management development, landscaping and new woodland planting be provided where applicable.
45. The application site is included in the 'Preferred Waste Site Allocations' as one of the potential sites for a materials recovery facility, the relocation of an existing aggregates recycling facility and the landfilling of non-inert waste. Policy 1 of the Site Allocations document provides that planning permission for the potential uses be granted, so long as:
- (i) the application has full regard to the requirements, issues and constraints set out for the individual site;
 - (ii) the release of the site does not undermine the delivery of sustainable waste management provision; and
 - (iii) the proposed development accords with the requirements of other relevant policies contained in the waste development framework.
- In the allocation of non-inert landfill sites, Policy 2 requires provision to be made for measures to encourage the provision of facilities which move waste management up the waste hierarchy.

Consultations**Harborough District Council (Planning)**

46. The extension to this site is expansive and will cover quite a large area of countryside to the west of the existing quarry site. Whilst there is already a large landfill and mineral extraction operation taking place here, careful consideration must be given to the neighbouring properties and the nearby settlements of

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Shawell and Cotesbach. An application of this size will have a significant impact on the surrounding area and it is therefore imperative that all of the issues raised relating to this development are dealt with appropriately to minimise the effect on the surrounding countryside. Implications with regard to traffic movements and quantity are considered particularly significant in this respect. However, assuming these issues are dealt with in the normal manner, Harborough Planning Department does not object to the proposal.

Harborough District Council (Environmental Health Officer)

47. No response received.

Cotesbach Parish Council

48. Has no comments to make.

Shawell Parish Meeting

49. Comments that a property known as The Old Rectory in Shawell is not connected to a mains water supply and relies exclusively on water from a well that is only 1.5km from the proposed landfill extension. Shawell Parish Meeting therefore believes that a detailed professional contamination risk assessment is required.

50. The proposed landfill extension is estimated to add 23 years to the life of this operation. This will extend well into the future, the effect of traffic using the landfill site on the already heavy and growing congestion on the local roads in and around Lutterworth. The Parish Meeting endorses the view expressed at the 22 November 2006 meeting of the Cotesbach/Shawell Quarry Liaison Committee that a more thorough long-term traffic assessment is necessary.

51. The volume of traffic using Gibbet Lane is of particular concern to the electors of Shawell Parish. The Parish Meeting strongly requests that any planning permission makes it a condition that HGV traffic movements for these operations should not exceed the current levels, i.e. 2244 movements per five and one half day working week.

52. Hours of working should be restricted to those currently permitted.

Lutterworth Town Council

53. Requests that a routeing agreement be drawn up to take HGV traffic away from Lutterworth, particularly the town centre.

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Environment Agency

54. Has no objections, but makes the following comments:

- Biodiversity – Given that there would be a net loss of habitats for the life of the development (over 30 years), there should be a greater emphasis on restoration with an emphasis on wildlife habitat creation. The proposals as they currently stand will result in the loss of existing features of Biodiversity interest with restoration not replacing those habitats for at least 30 years. In order to offset this, a comprehensive restoration plan with more of a Biodiversity bias should be produced, which requires that at least 50% of the site to be restored for wildlife.
- PPC Permit – The proposal to deposit waste will require a Pollution Prevention and Control Permit (PPC Permit) to be in place before landfilling commences. There may be scope for the existing permit for current operations to be varied, otherwise a new permit needs to be obtained.
- Water Resources – There are two abstraction licences within 1.5km of the proposed site. Additionally, certain private water supplies do not require a licence, therefore the Environment Agency is not necessarily aware of their existence. The locations of private domestic sources may be held by the local District Council on the register required by the Private Water Supplies Regulations 1992. It is the responsibility of the applicant to ensure that the extraction will not affect any existing legal water interests in the area. If the applicant intends to dewater the site they should be aware that although at present dewatering is exempt from licensing, in the near future an abstraction licence will be required under the Water Act 2003. As the exact date is not known it is recommended that the applicant contacts the agency again prior to commencement.
- Flood Risk – the Environmental Statement highlights that the proposed extension to the quarry will have additional impacts on flood risk to adjacent land. This will be caused by the nature of the finished ground levels and impermeable characteristics of the capping material. Whilst the assessment gives assurances that the additional risks will be mitigated for by altering the existing measures to suit, relevant supporting information should be provided and agreed in writing with the local planning authority.

Natural England

55. Soils: In terms of soils and agriculture, the proposals are satisfactory in the most important considerations of soil handling (including reference to the Good Practice Guide for Handling Soils), aftercare proposals and annual restoration review meetings. However, there appear to be some inconsistencies in the proposals and areas where further clarification is needed, which are as follows:
- A significant area of the site is to be restored with subsoil only, and subsequently to be used for a temporary soil stockpile. Partly restored areas

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should not be used for stockpiling as this is likely to result in compaction and degrading of the newly placed soil resource. It should also be noted that subsoil and topsoil should be placed in narrow strips rather than a large area of subsoil being spread and left for topsoil spreading later.

- If large areas are to be spread, the applicants may wish to consider using the “peninsular method” for spreading topsoil over large areas of previously placed subsoil. This is a method which Lafarge have successfully adopted at other sand and gravel quarries in the East Midlands.
- It is not clear what the intended long-term use of the restored site will be as both cropping with cereals and grassland for sheep grazing are mentioned. The actual afteruse is not an issue, but if arable cropping is proposed, a piped under-drainage scheme is likely to be required. If this is the case, this will have to be considered when burying the gas and leachate pipe infrastructure, which should ideally leave at least 90cm of freeboard above the crown of the pipes to facilitate subsequent installation of a drainage scheme.

56. Ecology: Natural England initially raises a strategic objection to the proposals until the exact impact on the Caves Inn Pits SSSI can be clarified.

- The hydrological and hydrogeological assessments correctly identify the proximity of the Caves Inn Pits SSSI. It is noted that it has been determined that the site is beyond influence of the site’s dewatering activities. Further details are required as to how this assessment was made. It is noted that discharges will be made into a brook which feeds into the SSSI. Can it be confirmed that a new discharge consent will be sought to accommodate increased discharge volumes as a result of the extension?
- The Environmental Statement indicates that there would be a net gain of habitat area as a result of the scheme. Natural England commends and strongly supports this feature of the restoration scheme. Further information is required about how the habitats are to be created or restored.
- The possibility of translocating hedges has not been considered. Given the phased working of the quarry, there should be opportunities to move hedges. A hedgerow is an important biodiversity feature and the value of a mature or semi-mature hedge should not be underplayed in the rural environment.
- Protected Species: Natural England advise that the applicants seek ways to ensure that some areas of the site are managed for farmland bird species. Some of the areas earmarked for habitat creation in the restoration scheme could be “farmed” to create the nesting opportunities and food for farmland species. The restoration scheme in its current form does not contain habitats for birds that like to nest away from hedges and woodland.

57. Landscape Character and Visual Amenity:

- Natural England commends the detail within and largely concurs with the landscape character and visual receptor analysis undertaken for this application, the only area of concern is in relation to the effect of the proposed development on residents of nearby Town End Farm and adjacent Cotesbach. The effects at the inception of Stage 7 of extraction may be

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more significant than stated. No reference could be found to the cumulative impact of this and other workings in the vicinity.

58. Rights of Way:

- Natural England praises the enhancement proposed with regard to the temporary diversion and eventual reinstatement of existing footpaths and bridleways within the site and would wish to ensure that works are phased so that reinstatement and replanting can occur on these pathways as soon as it is practical to do so. Further detail should be provided with regard to the surfacing, furniture and interpretation provision that is to be installed as an integral part of a more detailed restoration scheme.

Health and Safety Executive

59. Has not identified any conflicts with health & safety legislation and will not comment further.

National Grid (Transco)

60. No objection, but advises that a gas pipeline crosses the application site and that detailed negotiations with Lafarge are ongoing, to ensure that the integrity of the pipeline is not compromised.

Leicestershire and Rutland Wildlife Trust

61. No comments received.

Leicestershire Bridleways Association

62. No objection, but points out that the 'time line' for the various stages of the proposals is unclear.
63. It is proposed to temporarily move Bridleway X27 - which marks the western boundary of the current consent - to run round the western boundary of the extension, initially from a point just south of Town End Farm, Cotesbach, and returning to the original line and exit point via a route on the north side of South Lodge. Later the northern part of the diversion will be moved south east to a point nearer the current northern end of Bridleway X27, and the southern end extended to run right round the site to the current exit point. This will provide a bridleway parallel to Gibbet Lane. On completion of restoration, Bridleway X27 will be restored to its original line and an additional dedicated bridleway will be left comprising the northern two-thirds of the second-phase extension, with its southern boundary returning to Bridleway X27 along, roughly, the line of the track past South Lodge.

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64. The provision of a route that will allow Bridleway X27 to continue in use during the quarrying and landfill is very welcome, as is the provision of a permanent addition to the network. However, the Leicestershire Bridleways Association believes that one of the most useful elements could well prove to be the provision of the bridleway 'behind-the-hedge' along Gibbet Lane. We would like it to be possible for riders (and walkers and cyclists) using Gibbet Lane to enter and exit both ends of this Bridleway in order to keep out of the traffic for that length, as doubtless this part of Gibbet Lane is the most affected by the quarry traffic. I hope this can be arranged.
65. It seems a pity that the final restoration proposals do not keep this very valuable facility. For this reason the Leicestershire Bridleways Association would like to propose that the second-phase of the diversion becomes the dedicated bridleway in full. It could then be dedicated from an early stage. The 'north of South Lodge' route would, if retained in the plans, be a useful quiet route that made a shorter circuit for riders and walkers coming from the Cotesbach direction.
66. The increasing need for 'behind-the-hedge' facilities for Vulnerable Road Users along busy roads – as Gibbet Lane currently is and will be when the planned M1 Junction 19 alterations take place due to closing off local access to J.19 - makes us wonder if Lafarge would be willing to contemplate an extension of the bridleway eastwards along Gibbet Lane towards Shawell on the land it controls, even if that meant taking the bridleway round the back of Holme Close Farm and having the final metres of restored Footpath X26 dedicated as bridleway? The track could be put in in sections as the various stages of work are completed, but it might be possible to put in the eastward extension fairly soon as this land is restored.

Leicestershire Footpaths Association

67. The need for sand and gravel need extraction is appreciated and the proposals for temporary diversion of the routes and gradual re-instatement of routes are understood. The Leicestershire Footpaths Association is pleased to note the intention of the company to provide a new footpath and new bridleway at the conclusion of the extraction. The new footpath is more or less on the line of the diverted footpath we have been using for some time. Together with the planned landscaping this area will eventually become an attractive piece of countryside to walk through.

Warwickshire County Council (adjoining Mineral Planning Authority)

68. No objection.

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Publicity

69. The proposal was advertised in November 2006 by site notices posted in various locations in Shawell and Cotesbach, on Gibbet Lane and on a number of the public rights of way crossing the consented quarry/landfill and the application site. A press notice was published in the Harborough Mail on 16 November 2006. In addition, neighbour notification letters were sent to all households in Shawell and Cotesbach as well as to a number of properties located outside the villages but in close proximity to the site.

Representations received

70. Four letters of representation were received, objecting to the proposal on the following grounds:
- Environmental issues – damage and disturbance to the countryside, wildlife, and rural landscape of the area, being more visible from the road (A426) and the village
 - Noise pollution – increase in noise from traffic and machinery
 - Light pollution – more artificial lighting spoiling the landscape and natural appearance of the fields/countryside
 - Traffic – more congestion on the roads, air pollution, noise
 - Dust/rubbish/flies – extraction of sand and gravel causing dust, muddy roads, pollution of rubbish in hedgerows and roads, rubbish blowing into the village. Increase in flies in a village that already has a tremendous problem with flies
 - Loss of use and/or disturbance to Bridleway X27 and Footpath X26 – keep Britain's countryside!
 - Long term effects on local house prices and the surrounding area, affecting the appeal of the village to attract others to reside in the village and the area.
 - Objection on environmental grounds
 - Increase in heavy lorries on the A426 heading to the landfill site
 - Effect of the proposal on Footpath X26 and Bridleway X27 – especially as access to open countryside in this part of Leicestershire is extremely limited
 - Objection to mineral extraction and landfilling operations in the northern part of the proposed extension area and additional areas of land promoted by Lafarge Aggregates Ltd. for inclusion in the emerging Minerals and Waste Development Frameworks.
 - Adverse impact on the town of Lutterworth and the local area:
 - Additional vehicle traffic would seriously impair the growth and improvement possibilities of Lutterworth
 - Lutterworth already suffers with traffic and pollution problems – the proposals at Shawell and Husbands Bosworth would add to the existing problems
 - The present site is already subject to associated traffic problems, smells and complaints about litter on the road

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- There is no need to provide this extended facility in this area. Facilities of this kind should only be sited where clear needs have been identified, in areas where they have the least impact on communities
- Existing capacity should be explored before approving further development
- Recycling and material recovery facilities will have a serious potential effect as well as to increase traffic movements to and from the site

Assessment of Proposal

Planning Policy

71. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to be in accordance with the Development Plan unless material considerations indicate otherwise.
72. Policy 15 of the Leicestershire Minerals Local Plan Review 1995 proposes to release land at Gibbet Lane, Shawell for sand and gravel extraction, to be worked as an extension to, or in conjunction with, the existing quarry. The application site covers the area allocated in the Minerals Local Plan. It is considered that any adverse environmental impacts which the proposed development would cause can be mitigated, and that the proposed development can be adequately controlled by means of planning conditions.
73. The Leicestershire, Leicester and Rutland Waste Local Plan does not allocate any land at Shawell for an extension to the existing landfill operation. Policy WLP 17 of the Waste Local Plan therefore applies to this proposal. This policy requires that proposed extensions to existing waste disposal sites to meet the environmental criteria set out in Policy WLP 8, and that it can be demonstrated that the need for the facility cannot otherwise be reasonably met.
74. The emerging Minerals and Waste Development Frameworks are currently at the Preferred Options stage. The application site has been allocated in both frameworks as a Preferred Option for future mineral extraction and waste disposal operations.

The need for the development – Mineral extraction

75. In February 2004, the East Midlands Regional Assembly approved sub-regional apportionments for each of the Mineral Planning Authorities across the region. Leicestershire (with Rutland) is required to provide 20.2 million tonnes of sand and gravel in the period between 2001 and 2016. In addition, 6.25 million tonnes are required for the period of 2017 to 2021.
76. Calculations published in the Minerals Development Framework indicate that, taking into account permitted sand and gravel reserves, there would be a shortfall of approximately 10.2 million tonnes during the 2001-2021 period. The proposed development would release additional reserves which would assist in meeting this shortfall.

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The need for the development – Landfill

77. In 2003-04, over 4 million tonnes of waste was produced in Leicestershire and the City of Leicester which needed to be dealt with by waste management facilities. This includes municipal waste (11%), commercial and industrial waste (35%) and construction and demolition waste (53%), with the remaining 1% comprising principally clinical, hazardous and agricultural wastes. These waste streams are currently forecast to grow by approximately 2-3% per year. Not all of this waste is managed within Leicestershire or the City of Leicester – some of it (including hazardous waste) is exported to other counties.
78. Rates of recycling in 2003-04 were 23% for municipal waste, 30% for commercial and industrial waste, and 49% for construction and demolition waste. The remainder of the waste was landfilled. In 2006/07, the recycling rate for household waste had risen to 42%.
79. At present, there are three active landfill sites within the County of Leicestershire: Bradgate Quarry, New Albion and Shawell/Cotesbach. Bradgate Landfill currently accepts approximately 2,000 tonnes of waste per week and is due to close in the autumn of 2007. New Albion Landfill started to accept waste in late 2005 and has a permitted airspace of 3.9 million m³. Applying a conversion ratio of 0.85 m³ per tonne of waste, this equates to approximately 4.6 million tonnes of landfill capacity. At an average input rate of 300,000 m³ (350,000 tonnes) per year, the site would have a lifespan of approximately 13 years.
80. Taking into account the increase in recycling rates, the need assessment which was carried out in connection with the emerging Waste Development Framework identifies a continuing need for waste disposal capacity for the disposal at least of residual waste left after treatment, within the plan period (i.e. up to 2022). Land at Newhurst Quarry near Shepshed is allocated in the adopted Leicestershire, Leicester and Rutland Waste Local Plan (2002) for a waste disposal facility. A planning application for an integrated waste management facility at Newhurst Quarry is currently being considered by the County Council. This proposal includes a waste transfer station, materials recycling capacity, in-vessel composting and landfill. If permitted, this development would provide a total of 5.5 million tonnes of landfill capacity. At a calculated input rate of 275,000 tonnes per annum this would equate to a lifespan of 20 years. It is anticipated that, subject to the necessary consents and permits being granted, this facility could come on-stream from 2009.
81. As of summer 2006, the permitted landfill operation at Shawell/Cotesbach contained approximately 3.8 million m³ of available airspace, equating to 4.5 million tonnes of landfill capacity. The above-mentioned other existing operational landfill sites elsewhere in Leicestershire also add to the currently available landfill capacity, albeit the Bradgate Landfill is expected to close this year. On the assumption that the existing sites (apart from Bradgate) continue and the proposed site at Newhurst comes forward and other facilities for landfill

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diversion are also brought on stream, there should be sufficient landfill capacity in the emerging plan period for landfill to meet the equivalent of Leicestershire waste arisings.

82. The current rates of landfilling at Shawell Quarry/Cotesbach Landfill range from 200,000-300,000 tonnes per annum. Based on this figure, and assuming that the amount of waste being sent to landfill remains stable at current levels, the currently permitted landfill space would be filled in approximately 15 years from 2006, i.e. by 2021. The proposed extension to the site would result in an additional 6.9 million tonnes of disposal capacity becoming available, which (again assuming that the rate of disposal remains constant at 300,000 tonnes per annum) would provide disposal capacity for a further 23 years, i.e. until 2044. This additional capacity at Shawell/Cotesbach is not likely to be used until after 2021, when the currently consented capacity at the site is exhausted.
83. Waste deposited at Shawell Quarry/Cotesbach Landfill comprises a number of different waste streams, including household waste (municipal waste), commercial and industrial waste and construction and demolition waste. The applicant advises that only approximately 15% of the total waste input would be municipal waste from kerbside collections. Commercial and industrial waste and construction and demolition waste account for a large share of the wastes disposed of at the site.
84. The proposal at Shawell, if allowed, would provide for landfill capacity beyond the emerging development plan period and at this stage it is difficult to judge whether there will be a need for landfill in this location beyond 2021. Having said that, other factors such as fiscal, regulatory and the markets will dictate whether such a facility would be used. It is important therefore that, should planning permission be granted, a mechanism is in place to keep under review the requirement for such a facility in the future and to ensure proper restoration is achieved.

Duration of operations

85. It is proposed to maintain current levels of mineral production at the quarry. Assuming an annual rate of sand and gravel production of 500,000 tonnes, it would take approximately 8 years to extract the anticipated future reserves. Therefore, if mineral extraction in the extension area were to commence in late 2008 (after the currently permitted reserves have been extracted), the anticipated reserves could be extracted by 2016.
86. The void created by mineral extraction would be restored progressively by backfilling with imported waste. As explained above, the nature of waste management and the number of factors involved make it difficult to make accurate predictions about future infill rates. Given the consented airspace available at the site, and assuming that the rates of infilling remain constant at today's levels, the currently consented site (with a capacity of 4.5 million tonnes)

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would provide 15 years of infilling, followed by a further 23 years for the extension site (6.9 million tonnes capacity).

87. If waste disposal rates reduce significantly over time, it may not be possible to achieve the proposed final restoration contours within the prescribed timescale, thereby leading to a prolonged delay in site restoration. In order to address these uncertainties, the progress of restoration should be monitored on a regular basis. If planning permission is granted, it should therefore be subject to a condition requiring review meetings between the Director of Community Services or his representative and the site operator at 5-year intervals to ensure the site can be restored in accordance with the approved restoration scheme. This is explained in more detail at paragraphs 127-128 of this report.

Additional Information supplied by the Applicant

88. Following receipt of the comments from the Environment Agency and Natural England, the applicant has provided additional information.
89. In response to the comments from the Environment Agency, the applicant advises as follows:
- Biodiversity: The proposed restoration scheme has been adjusted to increase the nature conservation value of the site. It should also be noted that as an independent exercise the old silt lagoons south of Gibbet Lane are being developed by the Company so as to increase their habitat potential in accordance with a Section 52 agreement dated 28.06.1989. This action would help compensate for the interim loss of habitat during the extension work.
 - Water Resources: Water interests in the area continue to be protected through the PPC Permit regime and ongoing water monitoring. The requirements of the Water Act 2003 will be met. The company will comply with the statutory requirements of its PPC Permit and, if necessary, will apply for the existing permit to be varied or for a new permit to be issued.
90. In response to comments by Natural England, the applicant confirms that:

“It is accepted that subsoil placement and storage, albeit within a discrete area of the site (south of Cell 15 on ES Figure 12) as currently proposed would cause compaction of the subsoil prior to topsoil placement. Maintaining sufficient soil storage space within the scheme is an important practical requirement. Such storage areas would be treated to relieve compaction prior to topsoil placement and final restoration.

The Company will trial the “Peninsular Method” of spreading topsoil over large areas of previously placed subsoil. Should this method prove effective at Shawell it will be adopted as normal practice.

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The long term agricultural regime allows for some arable cropping but the majority of the restored land would be given over to pasture. As the site will experience localised differential settlement over a number of years as the waste settles formal piped under drainage would not be installed. In situations where settlement causes ponding then the Company would strip the topsoil from the affected area and infill with subsoil to achieve a suitable drainage profile prior to replacing the topsoil.

91. With regard to ecological issues, the applicant advises that the proposed restoration scheme has been revised to incorporate additional ponds and to adjust hedgerow locations so that the Parish boundary is defined. Ponds would form part of the surface water management scheme located close to the site perimeter on inert fill or original ground. Water features are not included on the main landfill cap as this could compromise long term leachate management. During operations additional target habitat would be formed in close proximity to the site over the former silt lagoons south of Gibbet Lane. This area was subject to remedial earthworks during 2005-06 and is to be restored under the terms of a Section 52 agreement relating to a previous planning permission at Shawell Quarry. This site forms part of a wider area for which the intended restoration is a combination of wet woodland and meadow with habitats developed in line with the Leicester, Leicestershire and Rutland Biodiversity Action Plan. It extends to approximately 9.7ha and would provide a significant offset to the loss of habitat experienced during the works. Consultation for landscape and habitat creation on this area will be undertaken as a separate exercise in accordance with the agreement.
92. Following removal of any part of an existing hedgerow on the application site topsoil would be taken from the hedgerow line, stored separately and later spread under proposed restoration hedge lines ready for planting. It is not intended that any hedgerow translocation be carried out. Trees identified as having bat roost potential would be surveyed by a licensed bat worker in the summer prior to felling being required and an appropriate mitigation scheme for felling the tree will be agreed with Natural England. Removal of hedgerows and trees would preferably take place from the end of August to the beginning of March at a time when the operation is likely to cause least disturbance to local wildlife, in particular breeding birds. A wildlife management plan would be prepared by the applicant company. The plan would provide details of proposed planting, seeding, natural regeneration, habitat creation, agricultural management and maintenance over the application site and the former silt lagoons site south of Gibbet Lane. This plan would involve discussions with a wide range of stakeholders including the landowner, tenant farmer, Wildlife Trust and the quarry liaison committee.

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93. In a further response, Natural England advises that under the duties of the Natural Environment and Rural Communities Act, the planning authority in exercising its functions has to have regard to the conservation of biodiversity. If permission is to be granted, a more detailed restoration strategy would have to be produced, which clearly indicates that the scheme will enhance biodiversity. Should permission be granted it would be subject to a condition requiring the submission of a detailed restoration plan which would also include a habitat restoration strategy.
94. Natural England also requests that planning permission should only be granted subject to a legal agreement to ensure the management of the habitats for a period of 20 years minimum. In considering this request, the nature of the proposed afteruse of the site has to be borne in mind. It is proposed to restore the site to agricultural use, including some hedgerows and small blocks of woodland, rather than creating a large dedicated area for nature conservation. Restored parts of the site would be the subject of aftercare requirements for a period of 5 years, in accordance with standard practice. Following the completion of site restoration, longer-term management of the land would be undertaken by the tenant farmer in accordance with general practice of good husbandry. In addition, the applicant's agent indicated that any part of the site which has been restored would be subject to longer-term management after the 5-year aftercare period has been completed. This long-term management would continue until the complete site has been restored. Given the restoration proposals and the proposed afteruse of the site, it is considered that the restoration benefits for the site may also be delivered by means of a management scheme required by a planning condition.

Environmental considerations

Noise

95. MPS2 Annex 2 recommends that subject to a maximum of 55dB(A) $L_{Aeq, 1 \text{ hour}}$ (free field), Mineral Planning Authorities should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10dB(A). The guidance recognises that this will in many circumstances be difficult to achieve without imposing unreasonable burdens on the mineral operator. In such cases, the limit set should be as near that level as practicable during normal working hours (0700-1900) and should not exceed 55dB(A) $L_{Aeq, 1 \text{ hour}}$ (free field). Evening (1900-2200) limits should not exceed background level by more than 10dB(A) and night-time limits should not exceed 42dB(A) $L_{Aeq, 1 \text{ hour}}$ (free field) at noise-sensitive dwellings.
96. All mineral operations have some particularly noisy short-term activities that cannot meet the limits set for normal operations. Examples include soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. MPS2 Annex 2 recommends that increased temporary daytime noise limits of up to 70dB(A) $L_{Aeq, 1 \text{ hour}}$ (free field) for periods

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of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds, where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is likely to take longer than 8 weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) $L_{Aeq, 1 \text{ hour}}$ (free field) limit referred to above should be regarded as the normal maximum.

97. A noise assessment was carried out in the summer of 2006. This included undertaking noise measurements at five properties in the vicinity of the quarry. The "worst case scenario" noise levels arising from temporary operations (such as soil stripping) are predicted to be below the 70dB(A) $L_{Aeq, 1 \text{ hour}}$ criterion at all noise sensitive receptor locations. Noise from general site operations are predicted not to exceed 55dB(A) $L_{Aeq, 1 \text{ hour}}$. The proposed works would therefore be below the thresholds recommended in MPS2 Annex 2.

Dust

98. There are a number of potential sources for airborne dust at the application site. These include soil and overburden handling (including restoration works), mineral extraction, waste tipping, site and road haulage, processing plant and wind blowing across soil bunds, stockpiles and stripped areas.
99. With the exception of site haulage, the potential sources are not considered significant due to the cohesive nature of the soils and overburden, the saturated nature of the mineral and the established methods of waste deposition and cover. The adjacent processing plant and associated areas are located outside of the application site and operate under modern planning conditions which were agreed in 2005. The site entrance has recently been upgraded, and the stretch of Gibbet Lane leading west towards the Gibbet Hill roundabout was resurfaced in 2005.
100. The Environmental Impact Assessment concludes that site haulage has the greatest potential to be a source of airborne dust, particularly when vehicles travel over longer distances, as vehicle speeds tend to be higher and more effort is required to maintain a smooth damp running surface.
101. MPS2 advises that residents' concerns are most likely to be experienced within 100 metres of the dust source. Proposed site haulage operations within the application site would occur at distances greater than 100 metres from the nearest sensitive receptors. Notwithstanding this, the Environmental Statement acknowledges that it is common practice to allow for potential dust effects to occur up to 250 metres from source. There are three residential properties within a 250 metre radius of the site: Town End Farm (at the northern tip of the application site), Green Acres and Gibbet House (both on Gibbet Lane).

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The A426 Rugby Road is also a potential receptor located within 250 metres of the site. Other potential receptors are located further afield, broadly north and west of the site. With the exception of Town End Farm, these would be partially screened by an established plantation and by proposed screen bunds. For these reasons significant adverse impacts due to dust are considered unlikely to occur.

102. The Environmental Statement lists the proposed mitigation measures to control wind-blown dust. These include: landform engineering; compaction, grading and maintenance of haul roads; setting an appropriate speed limit for the site; fitting all site vehicles and plant with upswept exhausts and radiator fan shields; loading vehicles evenly to avoid spillages; and dust suppression by regular spraying of water in dry conditions. The implementation of standard good working practices in connection with additional dust mitigation measures would reduce significantly the likelihood of adverse dust impacts to occur.

Ecology

103. An ecological survey was carried out in the spring of 2006, which assessed the impact of the proposed operations on local flora and fauna. The survey concludes that the main effects on fauna would relate to birds and bats. The restoration proposals for the site include the re-instatement of habitats lost, but because the restoration of the site would be delayed due to the landfilling operations, there would be a net loss of habitats in the application area for the duration of the development. The Environmental Records Centre (Holly Hayes) therefore recommends that priority habitats cited in the Leicestershire, Leicester and Rutland Biodiversity Action Plan (LLR.BAP) should be created and managed on any land within the applicant's ownership near the site. The additional habitats should be in place before the works begin.
104. The likely effect of the proposal would be more significant if considered cumulatively with that of the ongoing mineral extraction and landfilling operations. Mitigation measures relating to protected species such as badgers, bats and Great Crested Newts would be incorporated into detailed schemes of working which could be controlled by planning conditions. The Environmental Records Centre (Holly Hayes) recommends that an annual search for Badger setts should be carried out as previously identified setts may still be in occasional use, and that a wildlife-friendly management plan for any retained habitat on the site and for habitat replaced during the restoration phase should be devised and implemented. Such a management plan should be in place before the works begin and ongoing for the time that the land is in the ownership of the applicant.

Hydrology/Hydrogeology

105. The applicant has assessed the impact of the proposals on the hydrology and hydrogeology of the area. This assessment included the potential effects on surface water quality, flow regime and flood risk.

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106. The applicant advises that any accidental spillage of fuels, oils or other chemicals from plant operating within the quarry and landfill excavations during construction would be captured by the surface water management system which drains to the main quarry sump. In the event that a pollution event occurs, the affected water would be removed and taken off-site for appropriate disposal.
107. Other potential risks to surface water quality are associated with fuel spillages, silty water entering the brook adjacent to the site, and leachate contamination. Site management operations and the existing discharge consent include measures to be taken should these events occur.
108. The entire landfill area (consented as well as proposed) would be subject to the Integrated Pollution Prevention and Control Regulations 2000 (as amended). As part of the PPC process, the site has to comply with the Landfill Regulations 2002, and therefore also with the Groundwater Regulations 1998. The company has confirmed that it will comply with the statutory requirements of its PPC Permit and, if necessary, will apply for the existing permit to be varied or for a new permit to be issued.
109. Leachate management would be undertaken to ensure that the amount of leachate generated is kept within the limits determined by the hydrogeological risk assessment. The site operator is monitoring the quality of groundwater at various locations on the site, and this monitoring regime would be continued.
110. In its consultation response, Shawell Parish Meeting advised that a property known as The Old Rectory in Shawell is not connected to the mains water supply, but is relying on well water. This property is located approximately 750m from the currently active part of the site, and 1.5 km from the nearest part of the proposed extension. It is therefore considered that the contamination risk to the water supply of this property is minimal.
111. Natural England initially objected to the proposals, voicing concerns that the nearby Cave's Inn Pits SSSI may be at risk from dewatering operations at the quarry. Following discussion of this matter at officer level and having been referred to the relevant technical appendix to the Environmental Statement, Natural England withdrew its objection, as the proposals are not considered to have a significant effect on the features of interest of the Cave's Inn SSSI. The land between the SSSI and the active quarry has been significantly worked in the past. This means that it is unlikely that a good aquifer linkage remains, and any damage to or impacts on the SSSI would have occurred already. If the quarry lagoons to the south of Gibbet Lane are bedded in sand and gravel sequences, they would provide an additional buffer for the SSSI. Natural England therefore considers it unlikely that the proposed extension to Shawell Quarry would have a significant impact on the SSSI, especially given the proposed methods of working.

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Traffic

112. Assuming that sand and gravel production and waste disposal operation remain constant at current levels, the proposal would result in a continuation of existing traffic levels (an average of 188 HGV movements per day relating to sand and gravel extraction, and an average of 220 HGV movements per day relating to the import of waste to landfill). The proposed extraction area would be worked and backfilled consecutively with the currently permitted site. The development would therefore not result in an increase over and above current levels of sand and gravel production/sales or wastes being landfilled, and consequently the proposal would not lead to an intensification in site traffic.
113. Lutterworth Town Council requests that a routeing agreement be drawn up to take HGV traffic away from Lutterworth, particularly the town centre. In addition, a letter of representation was received, objecting to the proposal on the grounds that it would lead to an increase in heavy lorries on the A426 heading to the landfill site, that it would have an adverse impact on the town of Lutterworth and the local area, that the present site is already subject to associated traffic problems, smells and complaints about litter on the road, that additional vehicle traffic would seriously impair the growth and improvement possibilities of Lutterworth, and that the proposals at Shawell and Husbands Bosworth would add to the existing problems of Lutterworth, which already suffers with traffic and pollution problems.
114. The applicant company responded as follows to the comments made by Lutterworth Town Council:

"The majority of waste and mineral related HGV movements at Shawell Quarry arrive and depart via the A5, A426 (south) and the local Motorway network. HGVs using the strategic route through Lutterworth are mostly related to local domestic and Civic Amenity (CA) waste deliveries controlled by County and District Councils.

From an initial study it appears that current waste related deliveries arriving at Shawell Quarry via Lutterworth and the A426 strategic HGV route constitute approximately 24% of total waste related traffic. Of these approximately 58% relate to civic amenity (CA) and domestic waste from CA sites located at Whetstone and Lutterworth and include Blaby and Harborough District Councils dust cart collections from local communities. The remainder of deliveries using this route are associated with private contracts in the locality south of Leicester.

Quarry mineral related HGV traffic, over which the Company has control and which uses the A426 through Lutterworth currently amounts to approximately 2-3 trips (4-6 movements) per day. It is inevitable that some of this traffic will be related to deliveries to Lutterworth as well as meeting demand elsewhere in the locality.

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Harborough District Council carries out regular de-littering of the local major trunk roads including the A426, A5, A4303, A4304, A14, A5199 and the new by-pass. The A426 is attended on a fortnightly basis."

115. A share of 24% of waste-related traffic to and from Shawell Quarry equates to 29 waste-related HGVs per day (on average) travelling through Lutterworth, 17 of which (58%) are under the control of Leicestershire County Council, Blaby District Council or Harborough District Council. The remainder (approximately 12 vehicles per day) are private contracts.
116. In addition, it has to be borne in mind that the A426 and the A4303 through Lutterworth both form part of the road network which is not subject to a weight restriction to 7.5 tonnes gross vehicle weight. Given the relatively small contribution to HGV movements using the A426 through Lutterworth which are caused by traffic under the control of the applicant it is considered that a routing agreement is not appropriate or necessary.

Landscape advice

117. The main landscape and visual impacts would be those on users of Public Footpath X26 and Bridleway X27. Both rights of way would have to be diverted to allow the proposal to be implemented. In the case of Footpath X26, part of the route is already subject to a temporary diversion order as it also crosses the current extraction area.
118. The applicant anticipates that the Zone of Visual influence would broadly correspond with that of the existing consented quarry and landfill.
119. The proposed stand-offs and amenity bund details identified in the Environmental Statement are satisfactory. There are some concerns over the proposed maximum height of the site following restoration, which appear to be substantially increased at 13.5m over and above the present topography.

Archaeological Advice

120. The completed desk-based assessment and geophysical survey has demonstrated, within the limitations of non-intrusive survey techniques, that the application area has a limited archaeological potential. It is the case, however, that archaeological remains may survive with the application area and that such remains may be of significance.
121. The County Archaeology Service does not consider that there is much value in undertaking a phase of exploratory trial trenching as part of the required programme of mitigation. Instead, the applicant should make provision for a programme of archaeological monitoring coupled with targeted control and supervision where archaeological remains are or have been previously

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indicated (e.g. by the geophysical survey). The attendance should be undertaken during the proposed topsoil and subsoil stripping associated with the extraction areas, landscaping, soil storage areas, etc.

122. Following the granting of planning permission the applicant would be required to submit a specification for the necessary soil stripping and the associated archaeological investigation for assessment and approval by the planning authority. No development should be undertaken except in accordance with the approved details, unless previously agreed in writing by the planning authority.

Public Rights of Way Advice

123. The Public Rights of Way Officer makes a number of comments relating to details of the proposed temporary diversions of the affected footpaths. Generally speaking, the proposed treatment of the rights of way is commendable but the number of rounds of proposed diversions over the duration of the development should be reduced where possible. Following restoration of the site, the rights of way should be reinstated along their original lines, unless there is a good reason why this cannot be achieved. The details of each diversion would have to be agreed with the County Council's Public Rights of Way Team, particularly with regard to path widths, surface treatments, bridges and gates, and ongoing maintenance during the duration of the development.
124. Footpath X26 is currently the subject of a temporary Footpath Diversion Order, as its original route crosses the area in which quarrying and landfilling is currently being undertaken. Its diverted route runs from Cotesbach Fields Farm along the northern and eastern quarry boundaries to Gibbet Lane. The original route of Footpath X26 is to be reinstated following the final restoration of the site. Bridleway X27 also links Gibbet Lane and Cotesbach Fields Farm, leading along the western edge of the consented operation and east of the proposed quarry extension.
125. The Public Rights of Way Officer supports the Leicestershire & Rutland Bridleway Association's proposals for the creation of a bridleway open at both ends and running parallel with Gibbet Lane, and the dedication of such a bridleway as a permanent right of way. For the duration of the development the maintenance of such a route would be the responsibility of the quarry operator. On completion of the works the County Council would become responsible for its future maintenance. The width and details of the construction and surfacing would have to be agreed prior to the route being provided. The dedication of public rights of way is a separate legal process which does not fall within the remit of the Minerals or Waste Planning Authorities.

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Conclusion

126. This proposal involves the extraction of sand and gravel from an extension to Shawell Quarry, a revision to the consented scheme of working, and an extension of the existing landfill operation into the extension site. The development is considered to be in accordance with the relevant policies of the Development Plan. The proposed extension area is allocated in the Leicestershire Minerals Local Plan 1995 as a potential extension to Shawell Quarry. Whilst the application area is not allocated in the Leicestershire, Leicester and Rutland Waste Local Plan, the site is one of the Preferred Options for mineral extraction and waste management in the emerging Minerals and Waste Development Frameworks.
127. The application comprises an extension to an existing waste disposal site, albeit one that would create landfill capacity beyond the Waste Development Framework period. In the event that the need for landfill capacity diminishes significantly during the course of the development, it may not be possible to achieve the restoration of the application site to the topographical contours submitted with the planning application by the time the permission expires in 2044. For this reason it is proposed that the restoration of the site would be the subject of regular review meetings between the Director of Community Services or his representative and the site operator.
128. Such meetings would take place at 5-year intervals, starting no later than 5 years after the date on which permission is granted. In the event that, in the opinion of the Director of Community Services, the restoration of the site in accordance with the approved restoration scheme cannot be achieved within the duration of the permission, i.e. by 31 December 2044, the site operator would be required to submit an amended restoration scheme to the planning authority and to restore the site in accordance with the amended scheme. The details of that scheme, such as amended final site contours and the timescale of site restoration, would require the planning authority's approval.
129. Whilst operations at the site have the potential to give rise to adverse impacts, it is considered that these can be adequately controlled through planning conditions. It is therefore considered that planning permission should be granted, subject to the conditions set out in the Appendix to this report.

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Recommendation

1. PERMIT subject to the conditions as set out in the appendix.
2. To endorse, as required by The Town and Country Planning (General Development Procedure) Order 1995 (as amended), a summary of the:
 - a. Policies and proposals in the development plan which are relevant to the decision, as follows:

This application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant Circulars, together with the relevant development plan policies, including the following, and those referred to under the specific conditions as set out in the appendix:-

Leicestershire, Leicester and Rutland Structure Plan 1996-2016
 Strategy Policy 8,
 Environment Policies 1, 3, 3A,
 Resource Management Policies 7, 8 9.

Leicestershire Minerals Local Plan
 Policies 5, 11, 12, 15.

Leicestershire, Leicester and Rutland Waste Local Plan
 Policies WLP 7, WLP 8, WLP 11, WLP 12, WLP 13 and WLP 17.

Harborough District Local Plan
 Policies RM/1, RM/9, RM/10, RM/11, RM/12, RM/13, RM/15,
 EV/1, EV/5, EV/20 and EV/23.

- b. Reasons for the grant of planning permission, as set out in Conclusion above.

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Conditions

General Provisions, Commencement and Duration

- 1 The development to which this permission relates shall commence no later than 3 years from the date of this permission.
- 2 Unless otherwise approved in writing by the Mineral Planning Authority, the winning and working of minerals and the import and deposition of waste hereby permitted shall have ceased no later than 31 December 2044 and the restoration of the site in accordance with the conditions below shall have been completed within 12 months thereafter.
- 3 This permission shall relate to the land edged red on drawing ref. "SS Figure 2" dated October 2006 and submitted with planning application no. 2006/1565/03 dated 17 October 2006 and shall be for the use of that land for the extraction of sand and gravel, backfilling with such wastes as specified in condition 26 below, and progressive restoration in accordance with an approved scheme of restoration and aftercare.
- 4 Written notification shall be sent to the Director of Community Services within 7 days of the commencement of:
 - (a) site preparation works; and
 - (b) mineral extraction

in the area edged black and referred to as "Proposed Extension Site" on drawing ref. "SS Figure 2" dated October 2006 and submitted with planning application no. 2006/1565/03 dated 17 October 2006.

Working and Phasing Details

- 5 Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the details contained in planning application no. 2006/1565/03 dated 17 October 2006 and the accompanying Environmental Statement and Non-Technical Summary, as amplified and amended by the details contained in the document "Response to Consultees and Revised Scheme of Working", submitted on 1 June 2007.
- 6 Unless otherwise approved in writing by the Mineral Planning Authority, the working and restoration of the site shall be carried out progressively in accordance with the details contained in planning application no. 2006/1565/03 dated 17 October 2006 and the accompanying Environmental Statement and Non-Technical Summary, as amplified and amended by the details contained in the document "Response to Consultees and Revised Scheme of Working", submitted on 1 June 2007.

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- 7 No excavation shall be carried out within 10 metres of Gibbet Lane.
- 8 No soil stripping or other operations connected with the extraction of minerals from the site shall be carried out within 35 metres of the boundary of the properties known as West Cottages located adjacent to the north eastern corner of the site, with the sole exception of the removal of existing soil bunds during the course of site restoration.
- 9 No mineral extraction or backfilling operations shall take place in the area edged black and referred to as "Proposed Extension Site" on drawing ref. "SS Figure 2" dated October 2006 and submitted with planning application no. 2006/1565/03 dated 17 October 2006 until detailed drawings showing the proposed final pre-settlement and post-settlement contours of the entire mineral extraction and landfill area have been submitted to the Director of Community Services for approval.
- 10 No development shall take place in the area edged black and referred to as "Proposed Extension Site" on drawing ref. "SS Figure 2" dated October 2006 and submitted with planning application no. 2006/1565/03 dated 17 October 2006 until a detailed restoration plan which shall include a habitat restoration strategy has been submitted for approval by the Director of Community Services.

Such a plan shall:

- a) Confirm that the figures for hedgerow, woodland, grassland and water body creation stated in Appendix 6 to the Environmental Statement submitted with planning application ref. 2006/1565/03 will be provided in the restoration;
- b) Show the strategy for hedgerow creation including the species that will be used and a cross section profile which makes clear the area of headland/buffer of unimproved grassland either side;
- c) Show the species mixes and planting strategy for the areas of woodland creation. This must consist of species appropriate to the area and of local provenance;
- d) Show the profiles and planting structures for the new water bodies. The ponds shall be designed in such way that they contribute to local BAP goals; and
- e) Show the location of the areas retained as unimproved species rich grassland.

The restoration of the site shall be carried out in accordance with the approved plan.

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Restriction of Permitted Development Rights

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended):
- a) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing of the Director of Community Services; and
 - b) no pole-mounted floodlights shall be installed or erected at the site unless details of them have been submitted to and agreed in writing by the Director of Community Services.

Hours of Operation

- 12 Except in emergencies to maintain safe working conditions (which shall be notified to the Director of Community Services as soon as practicable):
- a) no operations shall be carried out at the site except between the following times:

0700 hours and 1900 hours Monday to Friday; and
0700 hours and 1400 hours Saturday.
 - b) No operations (other than water pumping) shall be carried out at the site on Sundays or Public or Bank Holidays with the exception of Good Friday.
- 13 Notwithstanding the requirements of condition 12 above, except in emergencies to maintain safe working conditions, no working in connection with the development hereby permitted shall be carried out within 100 metres of any occupied dwelling outside the hours of 0730-1730 Mondays to Fridays and 0730-1300 on Saturdays.

Availability of Plans

- 14 A copy of this permission together with all documents hereby approved and any other documents subsequently approved in accordance with any condition of this permission shall be kept available for inspection on site during the prescribed working hours.

Access, Traffic and Protection of the Public Highway

- 15 Vehicular access to and from the operational area on the north side of Gibbet Lane shall be gained only via the existing access from Gibbet Lane shown marked X on Plan 2006/1565/03/M1 attached to and forming part of this permission.

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- 16 The access from Gibbet Lane shown marked X on Plan 2006/1565/03/M1 attached to and forming part of this permission shall be maintained with visibility splays of a minimum of 4.5 metres by 120 metres. Within the area between the splay lines and the highway boundary nothing shall be erected or allowed to grow to a height which impedes visibility as laid down in the current design standards in the Department of Transport Design Manual for Roads and Bridges Volume 6, "Road Geometry Section 1 - Links Part 1 Highway Link Design".
- 17 The accesses from Gibbet Lane marked X and Y on Plan 2006/1565/03/M1 attached to and forming part of this permission shall be maintained in a clean and hard surfaced condition for a minimum distance of 100 metres back from the edge of the highway carriageway throughout the duration of the operations hereby permitted.
- 18 Wheel cleaning facilities shall be installed to a standard, and used as necessary, to ensure that no mud or other detritus is carried onto the highway from any of the approved accesses.
- 19 The number of lorry trips generated by sand and gravel extraction and waste disposal operations shall not exceed 2244 in any week. The operator shall keep a record of all heavy goods vehicles accessing and leaving the site. Back records shall be kept for a minimum of 12 months and access to these records shall be afforded to the Director of Community Services on request.
- 20 All heavy goods vehicles associated with the development hereby permitted shall enter the site by turning left from Gibbet Lane, and all such vehicles leaving the site shall turn right onto Gibbet Lane. No vehicles associated with the development hereby permitted shall use that stretch of Gibbet Lane to the east of the quarry/landfill entrance, except for the purposes of local deliveries or waste collection.
- 21 All laden heavy goods vehicles entering or leaving the site shall be sheeted.

Protection of Public Rights of Way

- 22 No development shall take place which would encroach upon or obstruct any public right of way until such time as the right of way concerned has been temporarily diverted or temporarily stopped up by the appropriate Public Path Order.

Operational matters

- 23 Unless otherwise agreed in writing by the Mineral Planning Authority, no topsoil, subsoil, overburden or waste material shall be removed from the site.

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- 24 No excavated sand and gravel or other material shall be removed from the mineral extraction area except by means of the conveyor to the sand and gravel processing plant on the south side of Gibbet Lane, as shown in yellow on Plan 2006/1565/03/M1 unless otherwise agreed in writing by the Director of Community Services.
- 25 Sand and gravel and mineral products shall only be transported from the site onto the public highway by means of the existing access to the processing plant site from Gibbet Lane, as shown marked Y on Plan 2006/1565/03/M1 attached to and forming part of this permission.

Types of Waste

- 26 Unless otherwise agreed in writing by the Mineral Planning Authority, tipping of waste materials shall be restricted to inert, household, commercial and industrial waste and bonded asbestos.

General Provisions for Environmental Protection

- 27 Measures shall be taken as may be agreed by the Director of Community Services to ensure that operations on the site do not give rise to any nuisance in the locality by reason of noise, dust, illumination or any other cause, to the satisfaction of the Director of Community Services. All plant and machinery used shall be effectively silenced or baffled and maintained in a good working condition. Pumps shall whenever possible be electrically operated. Where pumps are operated by internal combustion engine, they shall be sited and screened in such a manner as to minimise the noise emanating from them as may be agreed by the Director of Community Services. Haul roads and dry exposed material shall be sprayed with water and plant and machinery shall be fitted with dust suppression or containment measures as may be necessary to avoid the creation of dust nuisance.
- 28 Any facilities for the storage of oils, fuels or chemicals shall be either stored in double skinned tanks or sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels, plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 29 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

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- 30 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected should be taken out of service.
- 31 All audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery, whilst affording suitable safety, shall as far as is reasonably practicable be of a design that does not cause unreasonable noise intrusion to residential properties.
- 32 All reasonable measures as may be agreed with the Director of Community Services shall be taken to ensure that the development hereby permitted does not become a source of nuisance by reason of noise or dust.

Groundwater and Surface Water Protection

- 33 Following the completion of mineral extraction from any phase of the site, the excavated area shall be backfilled with overburden and waste materials and regraded to the approved pre-settlement levels as shown on drawings which shall first have been submitted for approval pursuant to condition 9 above, allowing for subsequent re-spreading of subsoil and topsoil.
- 34 The deposition of waste shall take place in accordance with the details provided in the planning application reference 2006/1565/03 dated 17 October 2006. Following capping, the landfill cells shall be covered with a layer of overburden prior to the replacement of soils.
- 35 The restored surface shall be free from risk of ponding or erosion and shall have a minimum gradient of 1 in 100 to enable surface water drainage and so as to be suitable for agricultural use.
- 36 The tipping of waste materials shall be carried out in accordance with the Permit issued under Regulation 10 of the Pollution Prevention and Control Regulations 2000 (Permit no. BK 1449 dated 12 July 2001 or any other relevant permit subsequently issued).
- 37 Measures shall be taken as may be agreed by the Director of Community Services to ensure the operations hereby permitted do not impair or render less efficient drainage from areas adjoining the site.
- 38 Measures shall be taken as may be agreed by the Director of Community Services to ensure that the operations hereby permitted do not give rise to any damage of any land or watercourse by erosion or flooding and do not give rise to the silting or pollution of any land or watercourse and to ensure that all water

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entering or arising on the site is satisfactorily discharged from the site or otherwise disposed of. Measures taken shall include the provision for the settlement of suspended solids prior to the discharge of water from the site to the satisfaction of the Mineral Planning Authority.

- 39 Within 6 months of the date of these conditions coming into effect, a scheme for the disposal of foul and surface waters shall be submitted for the written approval of the Director of Community Services, and thereafter implemented as approved.
- 40 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall pass through an oil interceptor designed and constructed to have a capacity and details which are compatible with the site which is being drained. Roof water shall not pass through the interceptor.

Noise

- 41 Monitoring of noise levels shall be carried out in accordance with a revised noise monitoring scheme to be submitted for the written approval of the Director of Community Services within 2 months of the date of these conditions coming into effect. The scheme shall include the following:
- a) measurements confirming existing background noise levels;
 - b) predicted noise levels arising from operations at the site;
 - c) noise monitoring locations; and
 - d) frequency and duration of noise measurements.
- 42 Except during periods of bund construction and removal, soil stripping and final restoration, the level of noise arising from any operation or item of plant or machinery, when measured at a height of 1.2 metres above ground level and 3.6 metres from the facade of any occupied residential property in the vicinity of the site, shall not exceed 55 dB(A) L_{Aeq} (free field) or 10 dB(A) above the agreed background level (whichever is the lower) during any 30 minute period at any time.
- 43 During periods of bund construction and removal, soil stripping and final restoration, the level of noise arising from these operations, when measured at a height of 1.2 metres above ground level and 3.6 metres from the face of any occupied residential property in the vicinity of the site, shall not exceed 70 dB(A) L_{Aeq} (free field) during any 30 minute period at any time.

Dust

- 44 All operations shall be carried out in a manner which minimises the emission of dust from the site. Internal roads and dry exposed material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne.

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- 45 At such times as, in the opinion of the Director of Community Services, operations on site give rise to unacceptable levels of dust leaving the site, such as during adverse conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as the operations can be resumed without causing such nuisance, either by a change in working, weather conditions or by taking other additional measures.

Landscape/Ecology

- 46 Within 6 months of these conditions coming into effect, a scheme for the protection of trees and hedgerows on the site shall be submitted to the Director of Community Services for approval. Such scheme shall record the condition of those trees and hedgerows to be retained and set out measures for their maintenance and protection. All hedgerows and trees to be retained shall be protected from damage throughout the duration of the operations. Maintenance shall include the cutting and trimming of hedgerows at the appropriate season and the replacement of any shrub or tree that may be seriously damaged or become seriously diseased or die or be removed with a plant of similar species within the next planting season. No soil stripping, storage of any material or regrading shall take place within 2 metres of any hedge or within the canopies of any isolated tree that is to be retained.
- 47 Following the completion of restoration of any phase of the site the landscaping of that phase shall be carried out in the first available planting season in accordance with a scheme of restoration and aftercare previously submitted to and approved by the Director of Community Services. All trees and shrubs shall be maintained for a period of 5 years following planting in accordance with the scheme. Maintenance shall include the cutting and trimming of hedges at the appropriate season and the replacement of any shrub or tree that may be seriously damaged or become seriously diseased or die or be removed with a plant of similar species within the next available planting season.

Long-term Wildlife Habitat Management Plan

- 48 No mineral extraction or backfilling operations shall take place in the area edged black and referred to as "Proposed Extension Site" on drawing ref. "SS Figure 2" dated October 2006 and submitted with planning application no. 2006/1565/03 dated 17 October 2006 until a long-term wildlife habitat management plan has been submitted for approval by the Director of Community Services. Such a plan shall describe the overall aim for the management of each of the habitats it covers and the management activities to achieve this aim. Following the completion of the five-year aftercare period as set out by condition 47 above, any restored areas on the site shall be managed in accordance with the approved long-term management plan, for a period of 20 years or until the date on which the final restoration of the application site has been completed, whichever is the later.

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- 49 Following the completion of the five-year aftercare period as set out by condition 47 above, the long-term management of any restored areas on the site shall be the subject of annual review meetings between the operator and the Director of Community Services or his representative. The first of such meetings shall be held within 2 years from the date of completion of the five year aftercare period for that part of the site. The meetings shall take place at the site on a date arranged by the operator. The purpose of the meetings shall be to review the management of each area over the past year and to agree any modifications to the long-term wildlife management plan as may be necessary.

Archaeology

- 50 No soil stripping operations shall take place in the remaining unstripped areas within the area edged black and referred to as "Proposed Extension Site" on drawing ref. "SS Figure 2" dated October 2006 and submitted with planning application no. 2006/1565/03 dated 17 October 2006 until the operator has secured the implementation of a programme of archaeological work. The archaeological programme shall take place in accordance with a written scheme of investigation which shall be submitted for written approval by the Director of Community Services. The scheme shall provide for:
- a) controls and supervision to be in place during soil and overburden stripping and mineral extraction;
 - b) a metal detecting programme;
 - c) contingency measures for emergency investigation and recording of any significant remains; and
 - d) analysis, archive deposition and reporting.

The archaeological work shall be undertaken by a suitably qualified body acceptable to the Director of Community Services. The development shall only be carried out in accordance with the approved scheme.

Site Maintenance and Safety

- 51 Unless otherwise agreed in writing by the Director of Community Services, no stripping of soil from any part of the site shall commence until all hedges, fences and walls around the perimeter of that part of the site have been made stockproof, and they shall be maintained in a stockproof condition and protected from damage for the duration of mineral extraction and restoration operations on that part of the site. Where the external boundary of any part of the site that is the subject of soil stripping, mineral extraction or restoration operations does not coincide with an existing hedge, fence or wall then stockproof fencing shall be erected along that boundary and shall be maintained for the duration of working and restoration operations on that part of the site.

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- 52 All areas of the site that are not the subject of mineral extraction, restoration or associated operations and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from weeds and measures shall be taken to destroy weeds at an early stage of growth to prevent seeding, to the reasonable satisfaction of the Director of Community Services.

Soil handling

- 53 All soils and soil making materials shall only be stripped, stored and replaced in accordance with the conditions attached to this planning permission.
- 54 No soil stripping operations which may impact on any breeding birds shall be carried out unless appropriate mitigation and compensation measures have been implemented in accordance with a scheme agreed by the Director of Community Services.
- 55 In each calendar year, the Director of Community Services shall be notified in writing at least 5 days before each of the following stages:
- a) before each phase of soil stripping is due to commence;
 - b) when overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out;
 - c) when soil making material or subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and
 - d) on completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operations.
- 56 By 31 January in any calendar year, the Director of Community Services shall be supplied with a plan showing:
- a) the area stripped of topsoil, subsoil, and soil making material;
 - b) the location of each soil storage mound; and
 - c) the quantity and nature of material therein.

Soil Stripping

- 57 In each calendar year, topsoil stripping shall not commence on any phase until any standing crop or vegetation has been cut and removed.
- 58 The two main subsoil types shall be stripped separately where present to their full depth - upper subsoil (depth 250-600mm) and lower subsoil (depth 600-1000mm) and, wherever possible, both topsoil and subsoil shall be directly placed as part of restoration.

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- 59 No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or used for a road, or for the stationing of plant or buildings, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil has been stripped from that part. The exception is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.
- 60 Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition. No movement of soil shall occur:
- a) during the months of November to March (inclusive), unless otherwise approved in writing by the Director of Community Services;
 - b) when the soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the "Worm Test" as set out in BS 1377:1975 - British Standard Methods Test for Soils for Civil Engineering Purposes; or
 - c) when there are pools of water on the soil surface.

Soil Storage

- 61 All topsoil and subsoil shall be permanently retained on the site and used in its restoration. Available soil making materials shall be recovered during excavation, as necessary, to achieve restoration of the site in accordance with the submissions detailed under Condition 5 of this permission.
- 62 All topsoil, subsoil and soil making material shall be stored in accordance with submissions detailed under Condition 5 of this permission, and in separate mounds which:
- a) for topsoil storage mounds, shall not exceed 3 metres in height with 1:3 external batters and 1:1.5 internal batters, and for subsoil mounds, shall not exceed 5 metres in height with 1:3 external batters and 1:1.5 internal batters, unless otherwise approved in writing by the Director of Community Services;
 - b) shall be constructed with only the minimum amount of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;
 - c) shall not be traversed by heavy vehicles or machinery except where essential for purposes of mound construction or maintenance;
 - d) shall not be subsequently moved or added to until required for restoration unless otherwise approved in writing by the Director of Community Services;
 - e) have a minimum 3 metre stand-off around each storage mound;

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- f) shall only store topsoils on like texture topsoils and subsoils on like texture subsoils; and
 - g) if continuous mounds are used, dissimilar soils shall be separated by a third material previously approved in writing by the Director of Community Services.
- 63 All storage mounds that will remain in situ for more than 3 months or over winter shall be seeded with a suitable grass seed mix and thereafter maintained in a weed free condition.
- 64 Unless otherwise approved in writing by the Mineral Planning Authority, overburden shall only be stored above existing ground level in the locations specified in planning application reference 2006/1565/03 dated 17 October 2006. Overburden storage mounds shall not exceed 10 metres in height above existing ground levels.

Restoration and Aftercare - Ground Preparation

- 65 Following the replacement of overburden and prior to the replacement of subsoil on any part of the site, the upper layers of the overburden shall be subsoiled (rooted) with a heavy duty subsoiler to ensure that within a total depth of 1.0 metre below the surface of the replaced topsoil there is:
- a) no waste material or other sterile material injurious to plant life;
 - b) no rock, stone, boulder or other material capable of preventing or impeding normal agricultural or land drainage operations;
 - c) no wire rope, cable or other foreign objects;
 - d) no excessively compacted zone;
 - e) a reasonably level, but uncompacted, surface suitable to receive subsoil.

Restoration and Aftercare - Soil Replacement

- 66 Following any necessary ripping of the overburden on any part of the site, subsoil shall be re-spread evenly over the overburden to such depth as to ensure that on re-spreading of topsoil there is a combined depth of topsoil and subsoil of at least 1 metre.
- 67 All operations involving soil replacement, subsoiling and cultivation treatments shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition to minimise soil damage and to maximise the effects of the subsoiling operations.
- 68 Measures shall be taken to ensure that no mixing of topsoil, subsoil, overburden and waste infill material takes place during restoration operations.

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- 69 Topsoils shall not be spread over subsoils within areas to be restored to species rich grassland unless they are sourced from the field containing semi-improved grassland identified in Appendix 1 of the Environmental Statement submitted with the Environment Act Review submission reference 2004/1605/03 dated 24 September 2004 and where shown on Plan 1493/Sk1.

Final Landscaping/Restoration

- 70 Not later than 6 months after the cessation of the extraction of sand and gravel from the application site area a scheme for the clearance and restoration of the quarry processing plant area and the silt lagoons to the south of the processing plant area shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall include:
- a) the removal from the site of all plant, buildings, structures, machinery, roads, hardstandings and stockpiled material;
 - b) the restoration of the ground surface to a condition suitable for agricultural or other agreed afteruse; and
 - c) the seeding, planting and landscaping of the site in a manner appropriate to the afteruse to which the land is to be put.
- 71 Unless otherwise agreed in writing by the Mineral Planning Authority, within 2 years from the cessation of the processing of sand and gravel extracted from the application area, the application site, the quarry processing plant area and the silt lagoons shall be restored in accordance with the scheme of clearance and restoration as agreed in writing by the Mineral Planning Authority.

Premature Cessation of Waste Disposal Operations

- 72 Within 6 months of being notified by the Mineral Planning Authority that (in its opinion) there has been a permanent cessation of waste disposal at the site prior to the achievement of final site reclamation, a reclamation scheme (to include amended final site contours and details of aftercare) shall be submitted in writing for approval to the Waste Planning Authority. (Permanent cessation will be taken to mean that no waste disposal has occurred, to any substantial extent, at the site for a period of at least 2 years and it appears to the Waste Planning Authority that resumption of waste disposal at the site is unlikely). The implementation of the approved scheme shall commence within 12 months of the written approval unless otherwise agreed in writing by the Mineral Planning Authority, and shall be carried out in accordance with a timescale to be agreed by the Director of Community Services.

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- 73 At 5-year intervals the site operator shall arrange a meeting with the Director of Community Services or his representative to review the progress of site restoration and the restoration proposals for the site. The first of such meetings shall take place no later than 5 years from the date of this planning permission. In the event that, in the opinion of the Director of Community Services, the restoration of the site in accordance with the previously approved details cannot be achieved within the timescale set by condition 2 above, a reclamation scheme (to include amended final site contours and details of aftercare) shall be submitted in writing for approval to the Waste Planning Authority. The implementation of the approved scheme shall commence within 12 months of the written approval unless otherwise agreed in writing by the Mineral Planning Authority, and shall be carried out in accordance with a timescale to be agreed by the Director of Community Services.

Aftercare

- 74 Within 6 months of the date of these conditions coming into effect, a scheme of restoration and aftercare shall be submitted to the Director of Community Services for approval. The submitted scheme shall provide an outline strategy for the 5 year aftercare period and shall specify the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for use for agriculture and nature conservation and the subsequent management of the restored land and vegetation. The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over a period of 5 years in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the Minerals and Waste Planning Authority.

Removal of Buildings, Plant and Machinery

- 75 Within one year of the completion of the restoration of the site, all buildings, plant, structures and machinery used in connection with the mineral extraction, waste disposal and restoration operations hereby permitted, including the conveyor shown marked yellow on Plan 2006/1565/03/M1 attached to and forming part of this permissions (but excluding plant and facilities having separate permissions) shall be removed and the land concerned shall be reinstated to its original condition and any vehicle parking areas and, unless required to be retained for the purposes of the agricultural use of the land, all haul roads shall be removed and the land reinstated to its original condition in accordance with an agreed scheme of restoration and aftercare.

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Reasons

1. In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. To provide for the completion and progressive restoration of the site within a specified timescale in the interest of the amenities of the area (Leicestershire Minerals Local Plan Policy 5a).
3. For the avoidance of doubt, and to ensure the development accords with the submitted details. (Leicestershire Minerals Local Plan Policy 5)
4. For the avoidance of doubt, and to ensure the development is carried out in a satisfactory manner. (Leicestershire Minerals Local Plan Policy 5)
- 5,6
&9 For the avoidance of doubt, to ensure the development is carried out in a satisfactory manner, and to provide for the completion and progressive restoration of the site in the interests of the amenities of the area (Leicestershire Minerals Local Plan Policies 5 and 11).
7. To safeguard the adjoining highway (Leicestershire Minerals Local Plan Policy 5).
- 8, 12,
13,46
&47. In the interests of local amenity (Leicestershire Minerals Local Plan Policy 5).
- 10,55,
56,57,
58,62,
63,64,
65,66,
67,68,
69&70 In the interests of satisfactory restoration of the site (Leicestershire Minerals Local Plan Policies 5 and 11).
11. To retain control of these matters which may have an effect on the amenities of the area (Leicestershire Minerals Local Plan Policy 5).
14. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in the interests of amenities in the area (Leicestershire Minerals Local Plan Policies 1 and 5).
15. In the interests of highway safety and the amenities of the area (Leicestershire Minerals Local Plan Policy 5).

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- 16,17 &18 In the interests of highway safety (Leicestershire Minerals Local Plan Policy 5).
- 19,20 &21 In the interest of highway safety and the amenities of the area (Leicestershire Minerals Local Plan Policy 5, Leicestershire, Leicester and Rutland Waste Local Plan Policy WLP 8).
22. In the interests of footpath and bridleway safety and the amenities of the area (Leicestershire Minerals Local Plan Policy 5).
- 23,24 &25 For the avoidance of doubt, and to ensure that the development is carried out in accordance with the approved conditions and in a satisfactory manner in the interests of the amenity of the area (Leicestershire Minerals Local Plan Policies 5 and 11).
26. For the avoidance of doubt, and to ensure the development is carried out in a satisfactory manner in the interests of the amenities of the area (Leicestershire Minerals Local Plan Policy 5).
27. To minimise the adverse impact on the local community generated by operations on the site (Leicestershire Minerals Local Plan Policy 5).
- 28,29, 39&40 To prevent pollution of the water environment. (Leicestershire Minerals Local Plan Policy 5e, Leicestershire, Leicester and Rutland Waste Local Plan Policy WLP 8 and Harborough District Local Plan Policy RM/1).
30. To minimise the adverse impact of noise generated by the operations on the local community (Leicestershire Minerals Local Plan Policy 5, Leicestershire, Leicester and Rutland Waste Local Plan Policy WLP 8).
- 31&32 In the interest of the amenities of the area (Leicestershire Minerals Local Plan Policy 5, Leicestershire, Leicester and Rutland Waste Local Plan Policy WLP 8).
- 33,34 &35. For the avoidance of doubt, to ensure the development is carried out in a satisfactory manner, and to provide for the completion and progressive restoration of the site in the interests of the amenities of the area (Leicestershire Minerals Local Plan Policies 5 and 11).
36. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in the interests of amenities in the area (Leicestershire Minerals Local Plan Policies 1 and 5).
- 37&38. In the interests of the drainage of the area and the avoidance of pollution (Leicestershire Minerals Local Plan Policy 5e and Leicestershire, Leicester and Rutland Waste Local Plan Policy WLP 11).

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- 41,42 & 43 To minimise the adverse impacts on local residents of noise generated by operations on the site (Leicestershire Minerals Local Plan Policy 5).
- 44&45. To protect the amenities of the locality from the effects of dust arising from the development (Leicestershire Minerals Local Plan Policy 5g).
- 48&49 To ensure the site is restored to a condition suitable for long-term beneficial use (Leicestershire Minerals Local Plan Policy 11).
50. To ensure satisfactory archaeological investigation and recording (Leicestershire, Leicester and Rutland Structure Plan Environment Policy 1, Leicestershire Minerals Local Plan Policy 5 and Harborough District Local Plan Policy RM/13).
- 51&52. In the interests of the visual amenity of the area and the use of adjoining agricultural land (Leicestershire Minerals Local Plan Policy 5 and Harborough District Local Plan Policy RM/9).
53. To protect the soil resource and to aid the final restoration of the site; and pursuant to Leicestershire Minerals Local Plan Policy 11).
54. To prevent any harm or disturbance being caused to breeding birds as a result of the development (Leicestershire Minerals Local Plan Policy 5 and Harborough District Local Plan Policy RM/11).
59. In the interests of satisfactory restoration of the site, and to prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and as such do not meet the defined criteria (Leicestershire Minerals Local Plan Policies 5 and 11).
60. To avoid damage to the soils caused by their movement when wet (Leicestershire Minerals Local Plan Policy 11).
61. To prevent the loss or damage of soil, or mixing of soils and overburden, and to aid the final restoration of the site (Leicestershire Minerals Local Plan Policies 5 and 11).
71. To ensure the satisfactory restoration of the site, and in the interests of the visual amenity of the area (Leicestershire Minerals Local Plan Policy 11).
- 72&73. To enable the Mineral Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial afteruse (Leicestershire, Leicester and Rutland Waste Local Plan Policy WLP 13).

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74. To ensure that a suitable regime of agricultural husbandry is pursued to bring the land to the required standard for the approved afteruse (Leicestershire Minerals Local Plan Policy 11).
75. In the interests of satisfactory restoration of the site (Leicestershire Minerals Local Plan Policies 5 and 11).

Informatives

Soil Handling - All soil handling operations should be carried out having regard to the Defra "Good Practice Guide for Handling Soils".

Protection of Public Rights of Way – No works should be started which affect a public right of way without prior consultation with the County Council's Rights of Way Officers.

DEVELOPMENT CONTROL AND REGULATORY BOARD

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

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Young People's Service and the Director of Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970, the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Disability Discrimination Act 1995.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

BACKGROUND PAPERS

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

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

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

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

Any relevant provisions of the development plan (i.e. the Regional Spatial Strategy, Structure Plan or any approved Local Plans) are identified in the individual reports.

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

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