

DEVELOPMENT CONTROL AND REGULATORY BOARD**21 JUNE 2012****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP.NO. & DATE:	2012/0271/07 (2012/CM/0093/LCC) – 5 March 2012.
PROPOSAL:	Re-profiling and restoration of infield area using imported pulverised fuel ash (PFA).
LOCATION:	Donington Park Racetrack, Castle Donington, Leicestershire (North West Leicestershire District).
APPLICANT:	Donington Park Racing Limited.
MAIN ISSUES:	Site location, highway safety, landscape impacts, air safety and land drainage.
RECOMMENDATION:	PERMIT subject to conditions as detailed in the appendix to the main report.

Circulation Under Local Issues Alert Procedure

Mrs. L. Pendleton CC

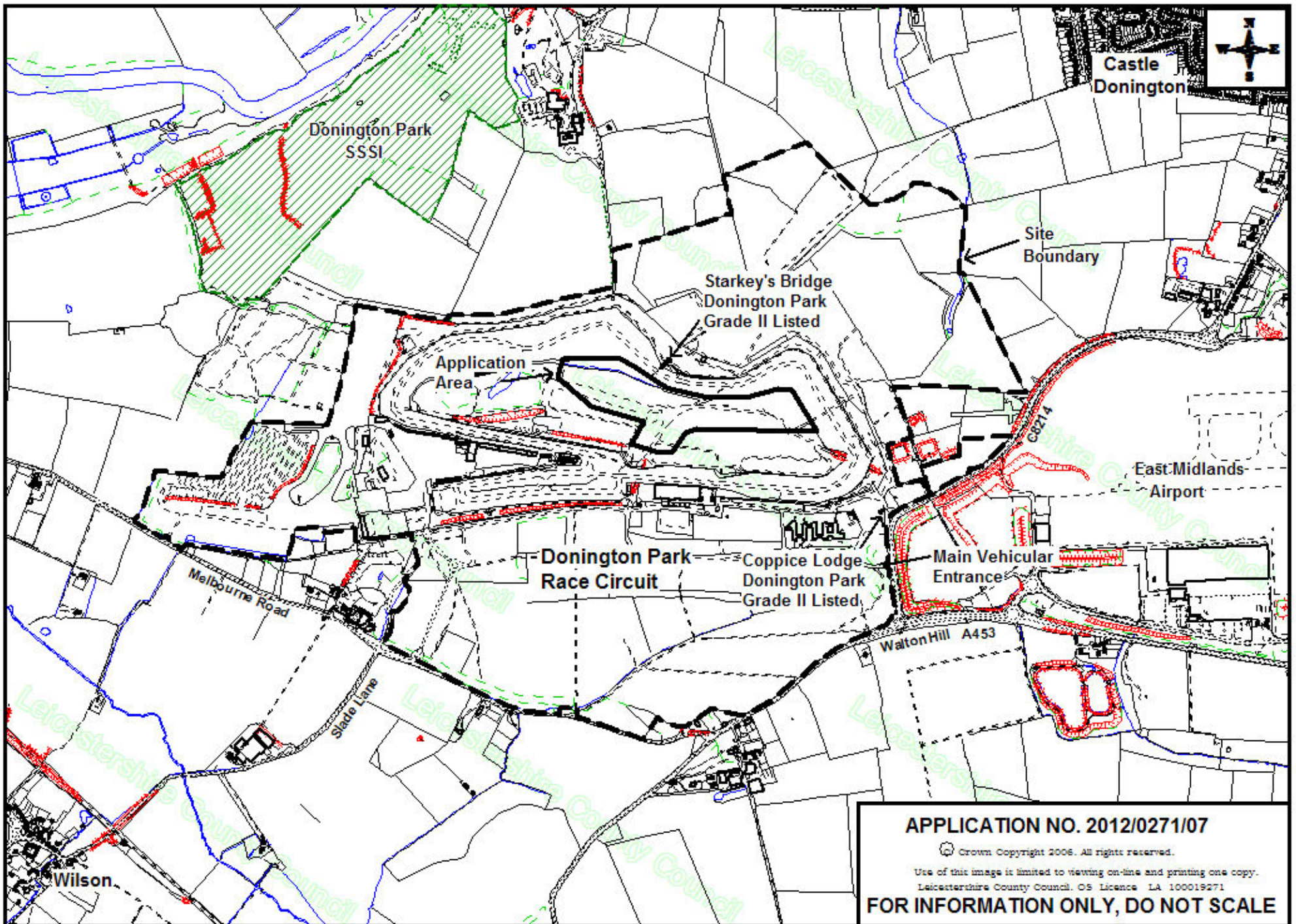
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PART B – MAIN REPORT

Site Location and Setting

1. Set within countryside, the Donington Park Race Circuit is located some 2.5km to the south-west of the village of Castle Donington and 3.7km to the east of the town of Melbourne. The main vehicular access to the site is located off the C8214 while two further entrances to the site are located further east along the road. East Midlands Airport lies close to the site, beyond the C8214 to the east. The site entrance lies within a weight restricted area preventing vehicles over 7.5 tonnes from passing along the C8214 and through Castle Donington (except for access).
2. The southern site boundary is bordered by the A453 and Melbourne Road, from which further access to the site can be gained, Donington Park Farmhouse and the small settlement of Isley Walton are located immediately to the south of the site on Melbourne Road and the A453. Public Footpath L7 runs between the northern boundary of the site and the grounds of Donington Park, within which the Grade II* Listed Donington Hall is set. Much of Donington Park is designated as a Site of Special Scientific Interest. Areas of woodland planting (Thirteen Acre Plantation, All Hooks and Ramsley Wood) are located to the west of the circuit, while the remaining surrounding land is occupied by open countryside and agricultural uses. The River Trent runs in a north-easterly direction approximately 1km to the north of the site.
3. Within the site, the race circuit is centrally located and is largely enclosed by a concrete wall, some 3m in height. The pit and paddock area immediately adjoin the southern extent of the circuit while associated offices and car parking areas are located beyond to the south, together with the Donington Grand Prix Collection museum. Other uses based within the site boundary include an airport parking service, a motorcycle manufacturer and a plant and machinery auction site.
4. The Grade II Listed Starkey's Bridge structure is a feature of the circuit, adjoining a section of its northern extent. A further Grade II Listed building (Coppice Lodge) is located on the eastern boundary of the site adjacent to one of the lesser vehicular entrances, used as an emergency access, off the C8214.
5. The application area is located within the central and eastern parts of the race circuit infield area, covering some 9.6ha. The western part of the infield is covered by hospitality suites (Hollywood suites), with associated car parking, and woodland area (Holly Wood). Historically, the central and eastern infield area was predominantly grassed. However, during previous works to accommodate the now aborted redevelopment of the site to a Formula One circuit, large parts of the infield area were re-profiled and some 250,000 tonnes of soil taken off-site. This has left the much of the infield area significantly disturbed and unusable by spectators.



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Description of Proposal

6. To return the infield area to its previous use and a satisfactory landform required for spectator viewing, the applicant proposes to import approximately 280,000m³ of inert material to compensate for the material moved off-site during the previous Formula One re-profiling works. The imported material would be used to supplement the material remaining within the infield area and the site would be graded to the required profiles. Tipping of the imported material would be mainly confined to the central section of the infield, with the eastern part re-graded using the existing soils.
7. The central section of the infield would be filled and profiled to give a satisfactory alignment and grading between the higher southern extent of the infield (85-86m AOD) with the lower northern end adjacent to Starkey's Bridge (70-71m AOD). From the northern trackside, the land would gradually rise at a gradient of between 1:4 and 1:5 with terracing provided for spectator viewing. The land would then level out at 85m AOD to form a plateau which marries in with the land to the south. The eastern section of the infield is proposed to rise more steeply from the northern trackside (81-87m AOD) to form a slope with maximum gradients of between 1:2 and 1:3 and a larger plateau of land at 96m AOD.
8. Of the 280,000m³ of imported material, approximately 224,000m³ (80%) would comprise pulverised fuel ash (PFA) sourced from Ratcliffe on Soar Power Station which would be used to create the proposed new landform. Some 56,000m³ of clean soils or soil making materials would also be imported from local construction projects and placed to a depth of 300mm to cap the profiled PFA and provide a suitable base for seeding and planting.
9. The proposal would require the delivery of approximately 80 loads of inert material per day. Vehicles delivering the PFA would travel to the site from Ratcliffe on Soar Power Station via the A453 and then would turn onto the C8214, before turning left into the main site entrance. From here, HGVs would utilise the internal road network, travelling around the eastern edge of the circuit and then entering the infield area through an underpass. Having tipped the material, HGVs would exit the site via the same route.
10. A bulldozer would grade out and compact the tipped PFA material, working in a southerly direction to progressively raise levels. Upon completion of the final sub-grade profile, the imported soils would be placed, where possible, in a sequence of parallel strips to the required thickness, with the next strip not commencing until the prior strip is completed to the final restored levels. All soils would only be handled when dry and friable.
11. All restored areas would be seeded to establish a suitable grass sward which would bind the surface and provide a green cover to the landform. The applicant has also indicated the potential to establish some planting to reflect the adjoining parkland setting at Donington Park. However, the level and scope of any planting would be largely dictated by height restrictions placed upon the site by the air safeguarding area at this western end of East Midlands Airport.

12. Completion of the proposed importation and restoration works is anticipated to take approximately 18 months. The applicant proposes to operate between the hours of 7.00am and 7.00pm on weekdays, and 7.00am and 1.00pm on Saturdays. No working is proposed during hours of darkness and so working hours would be shorter during winter months. Additionally, no working is proposed on Sundays or Bank/Public Holidays.

Planning Policy

National Policy Guidance

13. Although specific waste policies are not included in the National Planning Policy Framework (NPPF) and therefore PPS10 remains relevant (see below), decisions on waste applications should have regard to NPPF policies so far as they are relevant. The NPPF states that there is presumption in favour of sustainable development which for development proposals means approving developments that accord with the development plan without delay.
14. Where that development plan is absent, silent or out of date planning permission should be granted unless any adverse impacts in doing so would significantly and demonstratively outweigh the benefit when assessed against the policies in the NPPF taken as a whole. Reference to the development plan is set out below. The Technical Guidance accompanying the NPPF is also relevant in relation to flood risk.
15. *Planning Policy Statement 10: Planning for Sustainable Waste Management (2005) (PPS10)* contains the key policy advice for the role of the land-use planning system in delivering sustainable waste management. It includes advice on material planning considerations, the approach to unallocated sites, local environmental impacts and the use of planning conditions.
16. *PPS10* and its *Companion Guide (2006)*, state that the key tests for planning applications on unallocated sites are consistency with the key planning objectives set out in paragraph 21, and the Waste Planning Authority's core strategy. Paragraph 21 provides criteria for the assessment of sites, and these include: the extent to which PPS10 policies are supported; physical and environmental constraints on development, including existing and proposed neighbouring land uses; the cumulative effect of previous waste disposal facilities; the capacity of existing and potential transport infrastructure; and to give priority to the re-use of previously-developed land.

Development Plan

17. Policy 25 of the Regional Spatial Strategy (RSS8, March 2005) seeks to ensure that new areas of potential for tourism growth are identified which maximise economic benefit whilst minimising adverse impact on the environment and local amenity. Measures should include (inter alia) improvements in the quality of existing facilities and services.

18. *Saved Policy WLP 7 of the Leicestershire, Leicester and Rutland Waste Local Plan (adopted September 2002)* states that the assessment of all proposals for waste management development will take account (inter-alia) of the following factors where appropriate:

- (i) the nature of the material to be managed;
- (ii) the effect on, and relationship to, sensitive nearby land uses by reason of noise, dust, odour, litter, fumes, or any other potential nuisance, including reference to national and local air quality standards;
- (iii) the visual impact on the landscape and the surrounding area;
- (vi) transportation implications including the nature and volume of traffic likely to be generated by the proposed operation;
- (vii) the effect on statutory nature conservation sites and other sites of more local scientific interest;
- (ix) the effect on water resources;
- (x) the effect on public rights of way, sports recreation and tourism facilities
- (xii) the effect on the installations of statutory undertakers;
- (xiv) the contribution that the proposed development makes to the implementation of the waste hierarchy;
- (xviii) the provisions of the development plan and other guidance, being policies and proposals of local planning authorities and any relevant strategies;
- (xix) the benefits of the proposal in terms of employment generation, economic benefit and regeneration of disturbed land; and,
- (xxiv) the siting and visual appearance of the buildings, plant, machinery or operations.

19. *Policy WCS3 of the Leicestershire and Leicester Waste Core Strategy (adopted October 2009)* states that the strategy for non-strategic waste sites is to locate them in the following areas, taking into account the principles set out in *Policy WCS4: Waste Location Principles*:

- (i) in the Broad Locations indicated in the Key Diagram,
- (ii) in or close to the main urban areas of Hinckley or Melton Mowbray;
- (iii) within sustainable urban extensions;
- (iv) within or adjacent to an existing waste facility, where it can be demonstrated that transport, operational and environmental benefits arise from co-location.

Where it can be demonstrated that a more dispersed location outside the above areas is necessary, locations in smaller settlements or rural areas will be considered subject to the principles set out in Policy WCS4.

20. *Policy WCS4* contains the strategy for locating waste sites, including a sequential approach for their location. The policy gives the highest priority to locations on land with an existing waste management use where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities.

21. *Policy WCS8* of the Waste Core Strategy states that planning permission should not be granted for new or extended inert waste landfill sites unless:
- (i) it can be demonstrated that the waste cannot be managed in a more sustainable way;
 - (ii) an environmental benefit is to be secured by the development;
 - (iii) the development would not delay the final restoration of existing waste disposal sites; and
 - (iv) the proposal does not cause unacceptable harm to the environment or communities.
22. *Policy WCS10* states that the strategy for environmental protection is to protect and enhance the natural and built environment of the framework area by ensuring that:
- (i) there are no unacceptable adverse impacts from waste developments on:
 - a) natural resources including water, air and soil;
 - b) the character and quality of the landscape;
 - c) biodiversity, including nationally and internationally important sites and the key habitats and species identified in relevant Biodiversity Action Plans;
 - d) historic and cultural features of acknowledged importance;
 - e) sites of geological interest;
 - f) the distinctive character and setting of settlements within the framework area; and
 - g) residential amenity;
 - (ii) the highest standards of operational practice for the management, working, and where appropriate restoration and aftercare of sites are adopted;
 - (iii) development is designed to a high standard, incorporates sustainable construction principles and includes appropriate landscaping.
23. *Policy WCS14* states that the strategy for the transportation of waste is to locate new waste management developments:
- (i) in close proximity to arisings in order to minimise the need to transport waste;
 - (ii) in close proximity to the County's lorry route network and where road traffic generated by the development can avoid residential areas and minor roads in order to minimise the impact of transporting waste by road; or
 - (iii) where rail/water transport could be secured for movement of waste in order to maximise the potential to use alternative means of transport.
24. *Policy WDC2* states that planning permission will not be granted for waste management development that would have significant adverse effects on sites of national historic importance or on their character, appearance, and/or setting of sites of national importance, including.
- (i) Schedules Ancient Monuments and other nationally important archaeological sites;
 - (ii) historic parks and gardens, battlefields and historic landscapes; and
 - (iii) listed buildings,

unless there are overriding reasons of national importance for development in that location which clearly outweigh the impacts that it is likely to have on the features of interest.

25. *Policy WDC3* of the Waste Core Strategy states that permission for waste management development should not be granted which would have a significant adverse effect on the character appearance ecological, geological or amenity value of Sites of Regional and Local Importance unless there is an overriding need for the development and any impacts can be mitigated or compensated for, such that there is a net gain or improvement to their condition.
26. *Policy WDC5* of the Waste Core Strategy states that planning permission will not be granted for waste management development within the countryside, unless it can be demonstrated that:
- (i). the development is such that it cannot be accommodated within the urban areas;
 - (ii). there is an overriding need for the development; and
 - (iii). the landscape character of the area will not be harmed.
27. *Policy WDC8* of the Waste Core Strategy states that planning permission will not be granted for waste development which is likely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the waste management development.
28. *Policy WDC10* of the Waste Core Strategy states that permission shall not be granted for waste management facilities involving the transport of waste by road where (inter alia):
- (ii) the proposed access arrangements would be unsafe and inappropriate to the proposed development and the impact of the traffic generated would be detrimental to road safety to an unacceptable degree; and
 - (iii) the highway network is unable to accommodate the traffic that would be generated and have an unacceptable impact on the environment of local residents.
29. *Policy WDC5* of the Waste Core Strategy asserts that planning permission will not be granted for waste management development within the countryside, unless it can be demonstrated that:
- (i). the development is such that it cannot be accommodated within the urban areas;
 - (ii). there is an overriding need for the development; and
 - (iii). the landscape character of the area will not be harmed.
30. *Policy WDC8* states that planning permission will not be granted for waste management development which is likely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the waste management development.

31. *Policy WDC10* states that planning permission will not be granted for waste management facilities involving the transport of waste by road where:
- (i) there is a practicable alternative to road transport which would be environmentally preferable;
 - (ii) the proposed access arrangements would be unsafe and inappropriate to the proposed development and the impact of the traffic generated would be detrimental to road safety to an unacceptable degree; and
 - (iii) the highway network is unable to accommodate the traffic that would be generated and have an unacceptable impact on the environment of local residents.
32. *Policy WDC12* seeks to control new waste management development so that it does not have unacceptable impacts upon the quality or flow of groundwater or surface water drainage. It also seeks to ensure such development does not exacerbate flood risk.
33. *Saved Policy E3* of the North West Leicestershire Local Plan (adopted 22 August 2002) seeks to ensure that new development does not have a significantly detrimental effect upon the amenity of existing nearby residential occupiers.
34. *Policy S3* of the Local Plan states that development will be permitted on land outside the Limits to Development, identified on the Proposals Map as Countryside, only where it is for (*inter alia*) recreation, community facilities, or tourism-related purposes, in accordance with the leisure and tourism policies of this Local Plan.
35. *Saved Policy T3* of the Local Plan asserts that development will only be permitted where its highway design and layout make adequate provision for vehicular access and circulation.
36. *Saved Policy T19* of the Local Plan seeks to restrict development within the designated Public Safety Zones associated with East Midlands Airport. While there is a general presumption against new or replacement development within and near to the PSZs certain exemptions are outlined which does not intensify use of the land and involves the presence of people at a low or very low density.
37. *Saved Policy T20* states that development which would adversely affect the operational integrity or safety of East Midlands Airport will not be permitted. A safeguarded area has been established around East Midlands Airport and the outer boundary of this area is shown on the Proposals Map. In the control of development reference will be made to the detailed safeguarding maps supplied by the Civil Aviation Authority. These maps indicate where consultation with the Safeguarding Authority is required on the following proposals:
- all buildings, structures, erections and works that exceed the height specified on the safeguarding map;
 - any proposed development in the vicinity of East Midlands Airport which may have the potential to interfere with the operation of its navigational aids, radio aids and telecommunication systems;

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- the lighting elements of a development which may have the potential to distract or confuse pilots, particularly in the immediate vicinity of the aerodrome and of the aircraft approach paths;
- any proposal for an aviation use within a 13km circle centred on East Midlands Airport;
- any proposal within a 13km circle centred on East Midlands Airport which has the potential to attract large numbers of birds. Such proposals include:
 - (i) significant landscaping or tree planting;
 - (ii) minerals extraction or quarrying;
 - (iii) waste disposal or management;
 - (iv) reservoirs or other significant water bodies;
 - (v) land restoration schemes;
 - (vi) sewage works;
 - (vii) nature reserves; and
 - (viii) bird sanctuaries; and
- any proposal for a wind turbine development within a 30km circle centred on East Midlands Airport.

38. *Saved Policy L20* of the Local Plan states that the development of land within the Donington Park Racetrack limit, which is identified on the Proposals Map and is otherwise subject to the countryside policies of this Local Plan, will be permitted where the proposal:

- (a) Is either essential to the operational needs of, or has a clear functional relationship with, the racetrack;
- (b) Is compatible with the existing character and landscape of the racetrack;
- (c) Is unobtrusive in relation to nearby countryside;
- (d) Makes provision for substantial landscaping, including intensive tree planting where the development adjoins open countryside;
- (e) Demonstrates satisfactory arrangements for vehicular access, which must be via the existing or any replacement main site entrance;
- (f) Would not adversely affect traffic conditions on the local or wider road network, or environmental conditions in nearby settlements, especially Castle Donington; and
- (g) In the case of built development, is sited in association with existing buildings.

Consultations

North West Leicestershire District Council (Planning)

39. Raises no objections, subject to:

- i. all statutory consultees being satisfied that the proposal would not cause significant environmental impacts; and
- ii. the County Council giving full consideration to the objections raised by Castle Donington Parish Council.

North West Leicestershire District Council (Environmental Health Officer)

40. No response received.

Nottinghamshire County Council (Planning)

41. Raises no objections. The Winking Hill site, adjacent to the power station and A453, is used for the tipping of PFA generated at Ratcliffe on Soar. The Winking Hill planning permission anticipates that there may be periodic demands for power station PFA to assist with large scale engineering projects in the surrounding area (it is understood that a significant quantity of material was used in the recent M1 improvements). There is therefore a five year rolling review within the Winking Hill planning permission to review/amend the final restoration contours of Winking Hill as and when PFA is taken off-site. If LCC is satisfied that the PFA is beneficially being used at Donington Park, the loss of this material from Winking Hill would not result in any long-term unacceptable impacts at Winking Hill.

Derbyshire County Council (Planning)

42. No response received.

Castle Donington Parish Council

43. The Parish considers it inappropriate to import ash to the site. The applicant should use materials previously dug out of the site [at the time of the Formula One proposals].

Isley cum Langley Parish Council

44. The Parish shall be making the District Council aware of any concerns raised. However, specifically regarding the effect of the works on a setting of a Grade II listed building, we have no observations to make.

Breedon on the Hill Parish Council

45. No response received.

Local Member

46. I am very concerned about PFA being used in the centre of the track because it is impervious. If it is going to be used, it must have some other vertical infilling to allow the rain water to drain naturally through the area filled. I would suggest a vertical section of PFA and then a vertical section of soil. Many fields are filled with PFA in and around the Lockington, Hemington and Castle Donington area and, at the time, the mineral extraction companies didn't realise that the PFA formed a solid mass, like concrete, that was impervious to water. The flooding in the area increased because of this and it was after then that the mineral extraction companies realised their mistake and filled a stretch with PFA and then a stretch with soil. Otherwise, I have no problem with the proposals.

County Highways Authority

47. The recent application for the auction of construction plant/machinery on Donington Park raised issues with the geometry and street furniture to the adjacent traffic signal controlled junction for larger HGVs complete with large pieces of machinery to negotiate the junction. The same is true of this submission and details of the types of construction plant required and how they access the site should be submitted for approval. If planning permission is granted, it is recommended that conditions are imposed covering routeing, means of access and measures to prevent mud and detritus entering the highway.

Further information provided by the applicant confirms their intention, contrary to the submission, to use the lesser northernmost access on the C8214 instead of the main entrance as originally proposed. This lesser access suffers from poor width, radii and visibility and is poorly surfaced therefore is unacceptable from highway safety point of view considering the type and number of vehicles involved. If they wish to pursue this, they need to provide substantial improvements and carry out speed surveys to determine visibility splay requirements. Signing would be required to the entrance/highway to enforce that all HGVs turn left in and right out only and wheel washing facilities would be needed in the site.

The applicant has also enquired about the potential to use the other access on the CS8214 on the bend adjacent to Coppice Lodge. This access is considered unacceptable and should not be used at all in association with the proposed operations.

East Midlands Airport Safeguarding Team

48. The site lies 1km west of the airport and the proposed development has been examined from an aerodrome safeguarding aspect. Although the proposal conflicts with the safeguarding criteria relating to height restrictions and bird strike risk, no safeguarding objection is raised against the proposal, provided that a planning condition requiring a bird management plan to be submitted and implemented is applied to any consent granted.

Natural England

49. The site does not fall within the boundary of any statutory designated sites. It does however fall within 0.55km of Donington Park SSSI which is located to the north-west. The SSSI comprises a medieval deer park which contains a fine population of ancient oak trees possessing a rich associated invertebrate fauna, including a number of rare and uncommon species. It is unlikely there will be any direct impacts on the SSSI as a result of the proposals.

The works on site are likely to affect any albeit small populations of birds using Holly Wood and the various species of tree due to their proximity to the majority of site works. The effect of the re-profiling works isn't likely to have any lasting impact upon the flora which isn't directly affected on site. Any ruderal flora which

may be present now is likely to move back in if the seeding doesn't take place quickly once works are completed however they will likely be outcompeted by grasses eventually anyway.

It is recommended that there is some proposal to enhance rather than just preserve Holly Wood for instance as part of a Biodiversity Action Plan (BAP) covering areas which are less well used. It is however noted that as in section 6.43 of the planning statement due to the nature of the site and the proximity to East Midlands Airport birds shouldn't be encouraged back more widely.

Although not mentioned within the application, the linking of separate biodiversity areas could be undertaken and could be included as part of some of the landscaping works. There does not appear to be any net loss of biodiversity

As this site is already heavily disturbed the re-grading of areas of existing materials will ensure that the impact of importing any volume of PFA will be minimised. Furthermore, the timely growth and establishment of a grass sward will be less of an eye sore for users of the site and will be a much more amenable environment for birds nesting in Holly Wood to forage.

Environment Agency

50. Raises no objection, subject to the attachment of a condition to any planning permission granted requiring the submission and implementation of a surface water drainage scheme. The Agency also attaches advice in relation to the permitting process for the consideration of the applicant.

Severn Trent Water Limited

51. Raises no objection.

Landscape Advice:

52. It is considered that landscape details can be submitted as a condition of any planning permission. The theme of the landscape proposal should be to recreate the former parkland with planting of individual oak and lime parkland trees (with rabbit and cattle guard protection) and, where appropriate, small areas of native woodland planting of ash/field/maple/oak with a shrub layer of hawthorn and hazel (NVCW8). Where there is terracing of the new landform to provide space for spectators, ornamental shrub planting could be used to improve public safety and provide windbreaks.

It is advised that the landscape submission should include the following:

- locations and numbers of trees and shrubs
- tree and shrub protection;
- plan showing location of grass seeding areas and schedule of grass seed mixes;

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- location of surfaced paths showing construction details and surface treatments;
- arrangements for surface water drainage
- a five year aftercare plan

Archaeological Advice:

53. No response received.

Ecological Advice:

54. The Phase 1 survey of the site notes that the application site is of low ecological value given previous work at the site, but makes certain recommendations which should be followed:

The site should be checked for ground nesting birds prior to commencement of works should works be undertaken during the bird breeding season. Should nesting birds be present on the site, work must be postponed until the young have left the nest.

Whilst the site was assessed as being unsuitable for reptiles, the report details steps to mitigate against harm to reptiles as there are some areas which may be exploited by reptiles within the application site.

This application will not impact any designated sites of ecological importance.

Heritage Advice:

55. The re-profiling of the 'infield', as currently proposed, will not affect the setting and, therefore, significance of the listed Starkey's bridge.

With regard to the proposed landscaping it would seem that presents an opportunity to enhance the setting of the bridge. While it is considered that it would be impossible to recreate the original park layout, it is recommended that the site is landscaped to reflect the historic parkland setting. In this case, no objection is raised to deal with landscaping matters by conditions, but landscape advice should be sought on this, particularly with respect to how the layout and choice of species might impact upon racing and spectators' enjoyment.

Publicity and Representations

56. The application has been advertised by means of a site notice posted on 20th March 2012 and a press notice in the Ashby and Coalville Times. No letters of representation have been received in the timescale prescribed.

Assessment of Proposal

57. This proposal must be determined on its merits, taking account of current relevant Government guidance and advice, the Development Plan, relevant statutory or non-statutory policies and any other material considerations. In this case, such considerations include:
- i. highway safety;
 - ii. landscape and heritage impacts;
 - iii. flood risk;
 - iv. local amenity; and
 - v. air safety.

The Development Plan

58. The proposal is a non-strategic development and therefore Policies WCS3 and WCS4 of the Waste Core Strategy, which outline where such sites should be located, are relevant.
59. As the application proposes to import PFA and waste soils to restore an area of despoiled land, the principal Development Plan policy to be considered is Policy WCS8 of the Waste Core Strategy, which sets out the strategy for inert waste landfill (see paragraph 19 above).
60. PFA is generated as a waste product of the process of pulverising fuel (usually coal) to generate electricity at power stations. Although PFA can be used as an engineering material or as a secondary aggregate (as a cement substitute in concrete), production of PFA exceeds the amount required for such beneficial use and it is not practical or feasible to stockpile large quantities of the material. Therefore, it needs to be appropriately disposed of. The use of surplus PFA for the purposes of site restoration is considered acceptable in that it secures an environmental benefit from an otherwise valueless product.
61. The Eon Ratcliffe on Soar Power Station generates some 450,000m³ of PFA per annum. Where it cannot be reused or disposed of in restoration/re-profiling projects, it is tipped at Eon's Winking Hill Farm site opposite the power station. The planning permission for the Winking Hill tipping site anticipates periodic demand for PFA and therefore has a five year rolling review to amend the restoration contours of the final landform. Therefore, the use of PFA arising at Ratcliffe on Soar for restoration of the Donington Park Race Circuit infield would not delay the final restoration of the site.
62. It is considered that the proposal accords with the principles of Policy WCS14 of the Waste Core Strategy which seeks to ensure that waste management developments are located close to arisings and on routes where associated transport movements can avoid residential areas. As the proposed route between Donington Park Race Circuit and Ratcliffe on Soar Power Station is approximately 12km, this minimises the distance which HGVs associated with the operations have to travel. HGVs would also travel along the A453 for much of the route and would not pass through any minor roads where adverse impacts upon residential amenity could be caused. Consequently, the transport impacts caused by the development are considered to be sustainable when balanced against the

environmental, social and economic benefits which the proposal will bring to a long-established motor racing venue of significant national and arguably international standing.

63. The applicant cannot confirm the exact source of the construction soils proposed for importation due to the unpredictable nature of identifying the future location and volume of such arisings. However, it is likely that the requirement to ensure that the importation of soils is economically viable will dictate that the material is sourced from local construction projects. In any case, the proposed operations are of a temporary nature and involve the use of a relatively small amount of soils which would serve a beneficial restoration use.
64. Given the above, the operations are considered to be sustainable in managing an otherwise unusable waste material to secure environmental benefits and in the location of the waste arisings nearby to the site. Consequently, the proposal accords with Policy WCS8 in this respect.
65. As the proposal lies within the countryside, Policy S3 of the North West Leicestershire Local Plan is applicable. The policy largely prohibits development within the countryside, but makes specific provision for proposals outside the defined settlement limits which relate to recreation, community facilities or tourism uses. As an internationally recognised motor racing circuit, the application site falls within this criteria and also benefits from its own designation under Policy L20 of the Local Plan. The proposal has a clear functional relationship with the race circuit, as required by Policy L20, while the ensuing sections of this report confirm that, subject to the implementation of satisfactory mitigation measures, the proposal would not cause unacceptable impacts upon the local environment or nearby communities. The proposal is therefore considered acceptable within the context of these countryside policies.
66. The proposal is considered to comply with Policy WDC5 of the Waste Core Strategy, which also seeks to prevent inappropriate development with the countryside, as there is an overriding need for restoring this specific sporting venue. Furthermore, the operations are of a temporary nature and would have long-term benefits to the landscape character of the surrounding countryside. To ensure that impacts upon the countryside and local amenity are temporary, it is recommended that the operations are limited by planning condition to a period of two years from the date of commencement.
67. The rationale for importing material in contrast to reprofiling existing material on site has been questioned by Castle Donington Parish Council. The previous Formula One works resulted in the *removal* of some 250,000 tonnes of soils and soil making material off site and this material is no longer available to restore the site. In order to return the site to a satisfactory form with suitable layout and gradients for spectator viewing, the importation of materials is necessary. Furthermore, the landfill and reprofiling works would have the benefit of restoring the infield area to a similar form to that previously found at the site prior to the Formula One works.

Highways

68. Policy WDC10 of the Waste Core Strategy and saved Policy T3 of the North West Leicestershire Local Plan seek to ensure that access arrangements associated with development proposals are safe and that the traffic generated by development does not have a detrimental impact upon the surrounding highway network or local amenity.
69. It is considered that the proposed 80 deliveries of material to the site per day (eight per hour) during the course of the development would not have unacceptable impacts upon the highway network or local amenity. Access would be through the established main entrance which has the capacity to accommodate the additional movements in and out of the site, while the route to the site from Ratcliffe on Soar Power Station via the A453 is also suitable for HGV traffic.
70. However, if permission is granted, planning conditions are recommended to ensure that no traffic associated with the development travels through Castle Donington or other nearby settlements, particularly traffic delivering soils from local construction sites. Such conditions would require the applicant to agree the routing of HGVs with the Waste Planning Authority (WPA) prior to the commencement of development.
71. The submission of routeing details by the applicant would also allow the WPA to control the delivery and removal of all plant and machinery associated with the development. Further specific conditions are recommended requiring the applicant to provide signage which instructs all HGVs to turn right out of, and left into, the main site entrance at Donington Park to ensure that vehicles do not travel through Castle Donington.
72. Although the submitted application proposes to use the main entrance, the applicant has since indicated a preference to use one of the two lesser site access points on the C8214 to minimise conflict between vehicles associated with the proposal and other traffic within the site. However, only the easternmost access of these two entrances on the C8214 would be suitable for use by the development, subject to substantial works to upgrade the access junction. Issues have also arisen with respect to the applicant's right of access over the easternmost entrance and therefore, the applicant has withdrawn any proposal to use any access other than the main entrance. For the avoidance of doubt, it is recommended that a planning condition be imposed requiring all vehicles to access the site through the main entrance.
73. A planning condition is also recommended which ensures that the proposal implements measures to prevent mud and other detritus entering the highway from the site entrance and such measures may include the provision of wheel cleansing facilities for the period of the development.

Landscape and Heritage

74. Policy WDC2 of the Waste Core Strategy seeks to prevent development which is likely to have significant adverse effects upon the setting of listed buildings, while Policy WDC5 of the same document seeks to ensure that development does not cause undue harm to the landscape character of the surrounding area.
75. Due to the presence of woodland areas bordering the site and the topography of the surrounding area, views of the application site would be limited. In any case, as the infield area has been significantly disturbed by the aborted Formula One works, with significant material taken off site, the proposal to restore this area to a satisfactory landform using PFA and soils is considered beneficial to the appearance of the infield both within the site and the surrounding countryside.
76. Restoration of the infield would not have an adverse impact upon the Grade II Listed Starkey's Bridge, which sits immediately north of the infield area and track, and the application gives the opportunity to enhance the setting of the bridge. The proposal is also likely to have a positive impact upon the appearance of the site from the few overlooking points within the surrounding countryside, for example from the Grade II* Listed Donington Hall and the surrounding parkland.
77. Although planting upon the proposed restored landform would be limited to an extent by height restrictions imposed upon the wider site by the proximity of East Midlands Airport, the proposal should seek to create a parkland setting to reflect the historic use of the site and the character of the surrounding landscape as far as possible. If planning permission is granted, it is recommended that the applicant be required by condition to submit details of a landscaping and aftercare scheme to the WPA for approval. The scheme should be based upon the planting of individual oak and lime parkland trees, together with small areas of woodland trees and shrubs.
78. A further condition is recommended requiring the implementation of landscape planting and seeding in the first available planting season following, or coinciding with, completion of any substantial area of the site to the proposed restored levels. This would ensure that the site is restored and planted progressively, thereby minimising the impact of the works and allowing restoration to establish more quickly.
79. The proposed final levels of the site are considered to be acceptable in restoring the land to a similar form and use that it had prior to the Formula One works. With respect to the proposed profiling of the spectator viewing area within the central section of the infield, initial safety concerns were raised in relation to the grading of the terraced areas between 1:4 and 1:5. However, the applicant has consulted the Health and Safety Executive (HSE) which has raised no issue in relation to the development, as long as the profile of the site is designed by a competent person (e.g. a qualified engineer). Furthermore, there is no specific guidance from the HSE on required gradients for safe spectator viewing and therefore the liability for ensuring safe use of the terraced spectator area lies with the applicant. It is understood that other grassed spectator viewing areas around the track (e.g. around the 'Old Hairpin' track corner to the north) are of a similar gradients to those proposed for the infield area within this application.

Flood Risk

80. Concern has been raised in relation to the use of PFA as a fill material. PFA has lower permeability than natural soils and therefore its use has the potential to exacerbate flood risk, especially in high flood risk areas. It is understood that PFA has previously been used as a restoration material on other sites within Castle Donington, Lockington and Hemington and this has potentially increased flood risk in those areas, although these sites are understood to be in areas of higher flood risk (Zones 2 and 3) within the Trent Valley area.
81. The applicant has submitted a Flood Risk Assessment which reviews the development against Planning Policy Statement 25: Development and Flood Risk (the principles of which are now contained within the 'Technical Guidance to the National Planning Policy Framework' document). The assessment demonstrates that the site meets the requirements of the sequential test, as the proposal is located within Flood Zone 1 (lowest risk of flooding). It concludes that the lower permeability of the PFA material would be offset by the capping of the material with natural soils which would provide surface water storage capacity, while surface water run-off would be collected by existing drains running along the northern extent of the infield area.
82. The Environment Agency has raised no objection to the proposal, subject to the submission and implementation of a surface water drainage scheme. This matter could be controlled by planning condition and would ensure that the proposal does not have unacceptable impacts upon surface water drainage in accordance with Policy WDC12 of the Waste Core Strategy.

Amenity

83. The site is remote from sensitive receptors, with the nearest residential properties at Glebe Cottages some 535m to the south of the application site, while the nearest non-residential property to the site lies some 645m to the north at Donington Hall. Site operations also have the potential to cause adverse impacts upon users of Public Footpath L7 which runs along the northern extent of the race circuit site.
84. The submitted noise and air quality assessments accompanying the submitted application conclude that negligible impact would be caused to local amenity by the proposed site restoration operations. However, to ensure that the potential for noise and dust nuisance within the locality is minimised, planning conditions are recommended which seek good practice on site. Further conditions limiting hours of construction operations and preventing working under floodlights would also reduce impacts upon amenity to an acceptable level. Subject to implementation of the development in accordance with these conditions, the proposal complies with Policy WDC8 of the Waste Core Strategy and saved Policy E3 of the North West Leicestershire Local Plan.

Bird Strike (Air Safety)

85. The proposal has the potential to attract birds to the site, particularly during the proposed seeding and landscaping stages, and this would represent a bird strike risk to aircraft using the neighbouring East Midlands Airport. The EMA Safeguarding Team request (i.e. that the applicant submit a bird management plan prior to commencement of the proposed works) could be controlled by planning condition. The race circuit already operates under strict guidelines imposed by the airport on established working and building heights and therefore, no condition is required to control this aspect of the development.

Conclusions

86. Although the development is located within the countryside, it is set within an established motor racing circuit which benefits from its own designation within the Development Plan and is considered to be appropriately located near to the identified waste arisings. Use of the pulverised fuel ash and soils would not have a detrimental impact upon the restoration of other sites within Leicestershire and neighbouring counties and the proposal secures a beneficial use of an otherwise surplus waste product of electricity generation at Ratcliffe on Soar Power Station. The proposal is therefore considered to accord with Policy WCS8 of the Leicestershire and Leicester Waste Core Strategy.

87. The proposal is considered to have positive impacts upon the appearance of a motor racing venue which has an international reputation, both within the site and also within the surrounding countryside. The proposed restoration works would not cause undue harm to the setting of the Grade II Listed Starkey's Bridge and have the potential to enhance its setting through implementation of a satisfactory landscaping and aftercare scheme to be approved by condition. It is considered that the anticipated environmental impacts of the proposed restoration works can be controlled to an acceptable level by planning conditions.

Recommendation

1. PERMIT subject to the conditions as set out in the appendix.
2. To endorse, as required by The Town and Country Planning (Development Management Procedure) Order 2010 (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:

Policies WCS3 (Non-Strategic Waste Sites), WCS4 (Locational Principles), WCS8 (Inert Waste Landfill), WCS10 (Environmental Protection), WCS14 (Transportation of Waste), WDC2 (Sites of National Historic Importance), WDC5 (Development in the Countryside), WDC8 (Health and Amenity) and WDC10 (Transportation of Waste) and WDC12 (The Water Environment) of the Leicestershire and Leicester Waste Core Strategy (adopted October 2009).

Policy 25 (Tourism) of the East Midlands Regional Spatial Strategy (adopted March 2005).

Saved Policy WLP7 (Assessment of Proposals) of the Leicestershire, Leicester and Rutland Waste Local Plan (adopted September 2002).

Saved Policies E3 (Residential Amenities), S3 (Countryside), T3 (Highway Standards), T19 (East Midlands Airport – Public Safety Zones), East Midlands Airport – Airport Safeguarding) and L20 (Donington Park Racing Circuit) of the North West Leicestershire District Local Plan (adopted August 2002).

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

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Conditions

Scope of Development

1. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to other conditions below:
 - a. Drawing No. 10226 – Site Location Plan (scale 1:7500), received by the Waste Planning Authority (WPA) on 14th March 2012.
 - b. Drawing No. 100253/C/705 (Rev. C) – ‘Infield Schematic Plan’ (scale 1:1250 at A1), received by the WPA on 2nd March 2012.
 - c. Drawing No. 100253/C/702 (Rev. C) – ‘Infield Earthworks Cross Sections’ (scale 1:250 and 1:500 at A1), received by the WPA on 2nd March 2012.
 - d. Drawing No. 100253/C/704 (Rev. D) – ‘Infield Earthworks – East Cross Sections’ (scale: 1:250 and 1:500 at A1), received by the WPA on 2nd March 2012.
 - e. Planning Statement (SLR, March 2011), received by the WPA on 2nd March 2012.
2. This permission relates to the importation of pulverised fuel ash (PFA) from Ratcliffe Power Station, Ratcliffe on Soar, Nottinghamshire, NG11 0EE for the purposes of the restoration of the infield area and the importation of inert soils to cap the placed PFA material. No other waste materials shall be brought onto site for the purposes of the operations hereby permitted.
3. The development hereby permitted shall be completed within two years from the date of commencement of the development. The commencement date will be confirmed by notification to the WPA under the requirements of Condition 5 below.

Commencement

4. The development to which this permission relates shall be begun within 3 years of the date of this permission.
5. The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the operations hereby permitted.

Availability of plans

6. 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 set out below.

Hours of operation

7. No vehicle associated with the operations hereby permitted shall enter or leave the site and no working shall take place except between the hours of 7.00am and 7.00pm Mondays to Fridays, and 7.00am to 1.00pm on Saturdays. There shall be no working on Sundays, bank holidays and public holidays. No operations hereby permitted shall be carried out under floodlighting on site and no tipping shall be undertaken when major spectator events are held at the racetrack.

Highways

8. Before any development commences on site, details of measures which ensure that the public highway is kept free of mud, water and debris shall have been submitted to the County Solicitor for approval. The development shall be carried out in accordance with the approved details and the approved measures maintained throughout the period of the development hereby permitted.
9. Before the development commences, details of the routing of construction traffic (including the delivery of plant) associated with the permitted operations shall be submitted to the WPA for approval in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
10. The infield re-profiling works hereby permitted shall be accessed/egressed via the main site entrance from the C8214 only, shown as 'Main Vehicular Entrance' on Plan A attached. Use of 'Access B' and 'Access C', as shown on Plan A attached, for the operations hereby permitted is strictly prohibited.
11. All Heavy Goods Vehicles leaving the site onto the C8214 shall do so by making a right turn at the junction with the highway and no Heavy Goods Vehicles shall make a left turn towards Castle Donington. All Heavy Goods Vehicles entering the site shall do so by making a left turn at the site junction with the highway.
12. Prior to the first use of the access associated with the operations hereby permitted, signage shall be placed at the junction of that access directing HGV drivers away from Castle Donington in accordance with Condition 10 above, the details of which shall have been previously submitted to and agreed in writing by the WPA. The approved signage shall be retained and maintained for the period of the development hereby permitted.

Birdstrike

13. Prior to any development commencing on site, a Bird Management Plan shall be submitted to the WPA for approval in consultation with East Midlands Airport. The operations hereby permitted shall be carried out in accordance with the approved details.

Ecology

14. All site preparation works shall commence outside of the bird breeding season (March to August inclusive). If works are to be undertaken within the bird breeding season, a visual inspection shall be undertaken by a qualified ecologist immediately prior to commencement of the works. If an active bird nest is found in areas to be worked, operations in the surrounding area shall cease immediately and recommence only when the nest is no longer in use.

Surface water drainage

15. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to the WPA for approval in writing. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Subsequently, the scheme shall be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Dust

16. 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.
17. At such times as operations on site give rise to unacceptable levels of dust leaving the site, such as during adverse weather conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as they can be resumed without causing nuisance either by a change in working or weather conditions or by taking other additional measures.

Noise

18. Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance/disturbance in the locality. Such measures shall include:
 - a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
 - b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;

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- c) the minimisation, so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles;
- d) no use of pure tone audible reversing beepers; and
- e) any breakdown or malfunction of silencing equipment 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.

Restoration

19. All soiling works required to achieve restoration of the site shall be carried out in accordance with section 3 (Restoration Treatment) of the submitted Planning Statement (SLR, March 2011) approved under Condition 1 above, received by the WPA on 2nd March 2012.

Landscaping

20. Prior to the commencement of development, a detailed landscaping scheme shall be submitted to the WPA for its approval in writing. The scheme shall accord with the levels shown on drawing No. 100253/C/705 (Rev. C) – 'Infield Schematic Plan' (scale 1:1250 at A1), received by the WPA on 2nd March 2012, and shall aim to recreate a parkland landscape to reflect the previous and surrounding environment. The scheme shall be based around the planting of individual oak and lime parkland trees and, where appropriate, small areas of native woodland planting of ash/field maple/oak; together with a shrub layer of hawthorn and hazel. The submitted scheme shall include the following details:

- a. a landscape plan showing the layout of all planting and seeding within the site;
- b. numbers, species, genetic origin (Field Reproductive Material Zone 402/403 acceptable), density of planting and positions and sizes of all proposed trees and shrubs;
- c. the location of surfaced paths showing construction details and surface treatments;
- d. measures for tree and shrub protection;
- e. a schedule of grass seed mixes for the seeded areas;
- f. arrangements for surface water drainage including where appropriate ditches, French drains, grass swales, retention basins and permanent ponds;

21. All planting and seeding works approved under Condition 20 above shall be carried out in accordance with the approved details. Planting and seeding shall be carried out within the first planting and sowing seasons following, or coinciding with, the completion of any area of soiling works to the levels shown on the plans and cross sections approved under Condition 1. Any trees or shrubs that, within a period of five years after planting, die, are removed or, in the opinion of the WPA, become seriously damaged or diseased, shall be replaced in the first available planting season thereafter.

Aftercare

22. Following completion of the approved restoration and landscaping works, all planted and seeded areas shall be subject to a 5 year period of aftercare. The details of the aftercare management and maintenance of the planted and seeded areas during this 5 year period shall be submitted to the Waste Planning Authority for approval within 3 months of commencement of the restoration operations hereby permitted. The scheme shall include weed control operations, watering (where appropriate), grass cutting operations, pruning and the removal of tree shelters. The aftercare of the site shall be carried out in accordance with the approved details.

Reasons

1. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
2. For the avoidance of doubt and in the interest of amenity and sustainable transport movements (Policies WCS8 and WCS14 of the Leicestershire and Leicester Waste Core Strategy).
3. To ensure the timely restoration of the site and in the interest of local amenity.
4. To comply with Section 91 of the Town and Country Planning Act.
5. To enable the County Planning Authority to monitor compliance with the conditions of the planning process.
6. To ensure that the development is carried in accordance with the application and in a satisfactory manner.
7. For the avoidance of doubt and in the general interests of the amenities of the area (Policy WDC8 of the Leicestershire and Leicester Waste Core Strategy).
8. To reduce the possibility of deleterious material being deposited in the highway and becoming a hazard for road users (Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy and saved Policy T3 of the North West Leicestershire Local Plan).

9. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site (Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy and saved Policy T3 of the North West Leicestershire Local Plan).
10. Other existing accesses serving Donington Park are considered inadequate to cater for the type and level of traffic generated by the proposal (Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy and saved Policy T3 of the North West Leicestershire Local Plan)..
11. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site (Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy and saved Policy T3 of the North West Leicestershire Local Plan)..
12. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site (Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy and saved Policy T3 of the North West Leicestershire Local Plan).
13. To reduce the potential for birdstrike issues arising in the vicinity of East Midlands Airport (saved Policy T20 of the North West Leicestershire Local Plan).
14. In the interest of nature conservation (Policy WCS10 of the Leicestershire and Leicester Waste Core Strategy).
15. To prevent the increased risk of flooding, both on and off site (Policy WDC12 of the Leicestershire and Leicester Waste Core Strategy).
16. To protect the amenities of the locality from the effects of dust arising from the development (Policy WDC8 of the Leicestershire and Leicester Waste Core Strategy and saved Policy E3 of the North West Leicestershire Local Plan).
17. To protect the amenities of the locality from the effects of dust arising from the development (Policy WDC8 of the Leicestershire and Leicester Waste Core Strategy and saved Policy E3 of the North West Leicestershire Local Plan).
18. To minimise the adverse impact of noise generated by the operations on the local community and environment (Policy WDC8 of the Leicestershire and Leicester Waste Core Strategy and saved Policy E3 of the North West Leicestershire Local Plan).
19. To ensure the satisfactory restoration of the site and in the interest of visual amenity (Policies WDC2, WDC5 and WDC8 of the Leicestershire and Leicester Waste Core Strategy).
20. To ensure the satisfactory restoration of the site and in the interest of visual amenity (Policies WDC2, WDC5 and WDC8 of the Leicestershire and Leicester Waste Core Strategy).

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21. To ensure the satisfactory restoration of the site and in the interest of visual amenity (Policies WDC2, WDC5 and WDC8 of the Leicestershire and Leicester Waste Core Strategy).
22. In the interest of visual amenity and to ensure the proper aftercare management of the site (Policies WDC2, WDC5 and WDC8 of the Leicestershire and Leicester Waste Core Strategy).

Notes to Applicant

1. You are advised of the following comments of the East Midlands Airport Safeguarding Team:
 - (a) We would like to remind the applicant that there are a range of agreed maximum working heights on the site and requirements to notify East Midlands Airport when working above these heights.
 - (b) A Bird Management Plan should contain, as a minimum:
 - Identification of potential attractants.
 - Identification of species that might be attracted to these features.
 - Measures for preventing access to the attractant.
 - Methods of control in the event prevention of access fails.
 - Fallback measures – details of control of residual bird populations, preferably by exclusion but where necessary by lethal measures.
2. The Environment Agency request that you are advised of the following guidance:

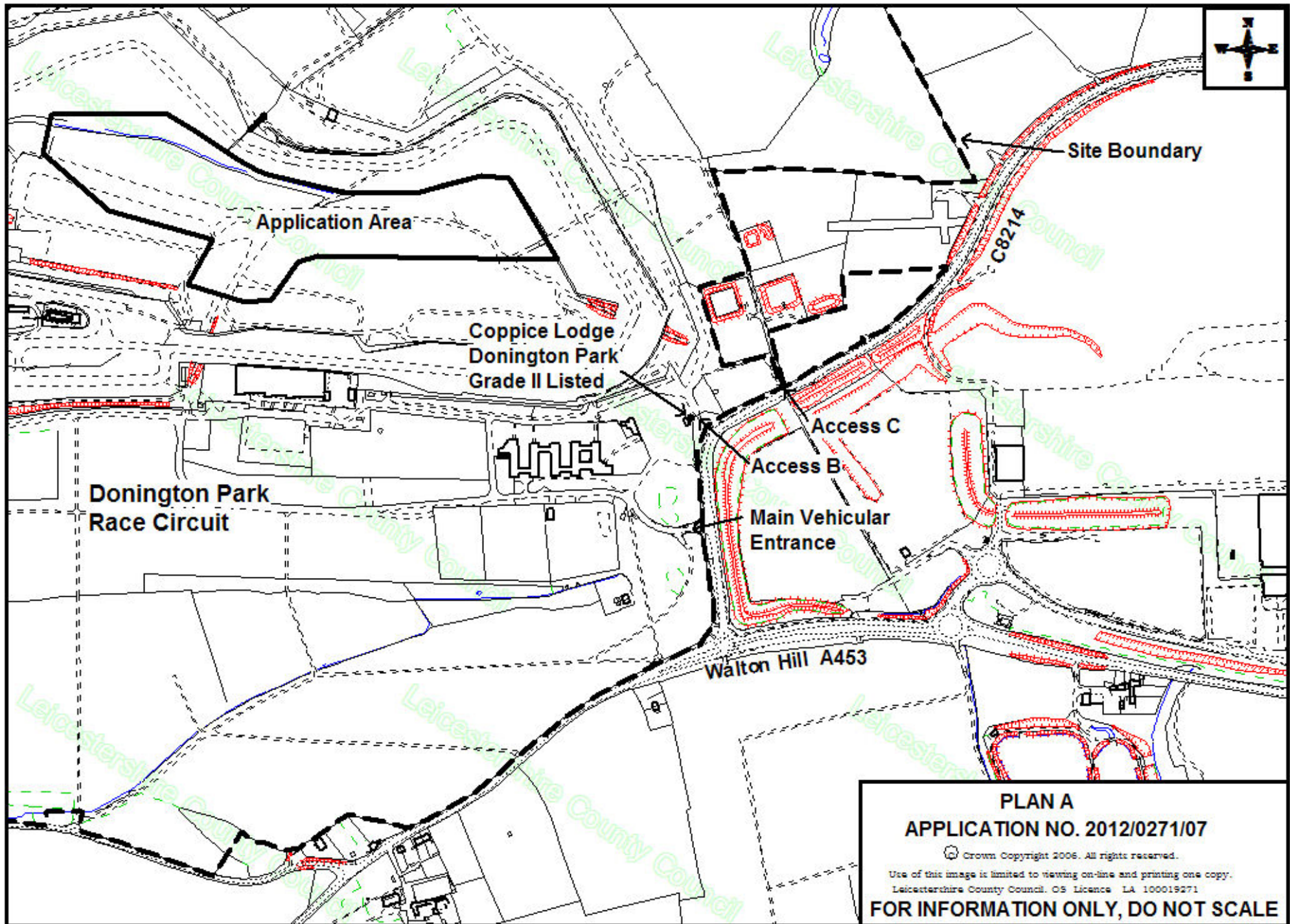
Use of PFA in landscaping schemes should be encouraged where it fits within a specific end of waste quality protocol or interim position.

The Environment Agency's current position on the use of PFA (September 2011) is available at the following web link.

http://www.environment-agency.gov.uk/static/documents/Business/PS_030_PFA_bound_grout_v3_Sep_2011.pdf

The applicant should determine the legal position on the use of PFA at the time PFA is proposed to be used in the landscaping scheme.

If the requirements of the position statement can not be met in full then an Environment Permit will need to be secured prior to the commencement of any waste importation.



PLAN A
APPLICATION NO. 2012/0271/07
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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 Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970, 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.

COMMUNITY SAFETY IMPLICATIONS

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

BACKGROUND PAPERS

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

SECTION 38(6) OF PLANNING AND 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. 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.