



DEVELOPMENT CONTROL AND REGULATORY BOARD

23RD AUGUST 2012

REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT

APP.NO. & DATE:	2012/0637/04 (LCC Ref. 2012/CM/0242/LCC) – 9 th July 2012
PROPOSAL:	Restoration of a borrow pit to grassland using imported waste soils.
LOCATION:	Bradgate Landfill, Bradgate Quarry Leicester Road, Markfield, Leicestershire (Hinckley and Bosworth Borough).
APPLICANT:	FCC Environment (UK) Limited.
MAIN ISSUES:	Surface water drainage and ecology.
RECOMMENDATION:	PERMIT subject to conditions as detailed in the appendix to the main report.

Circulation Under the Local Issues Alert Procedure

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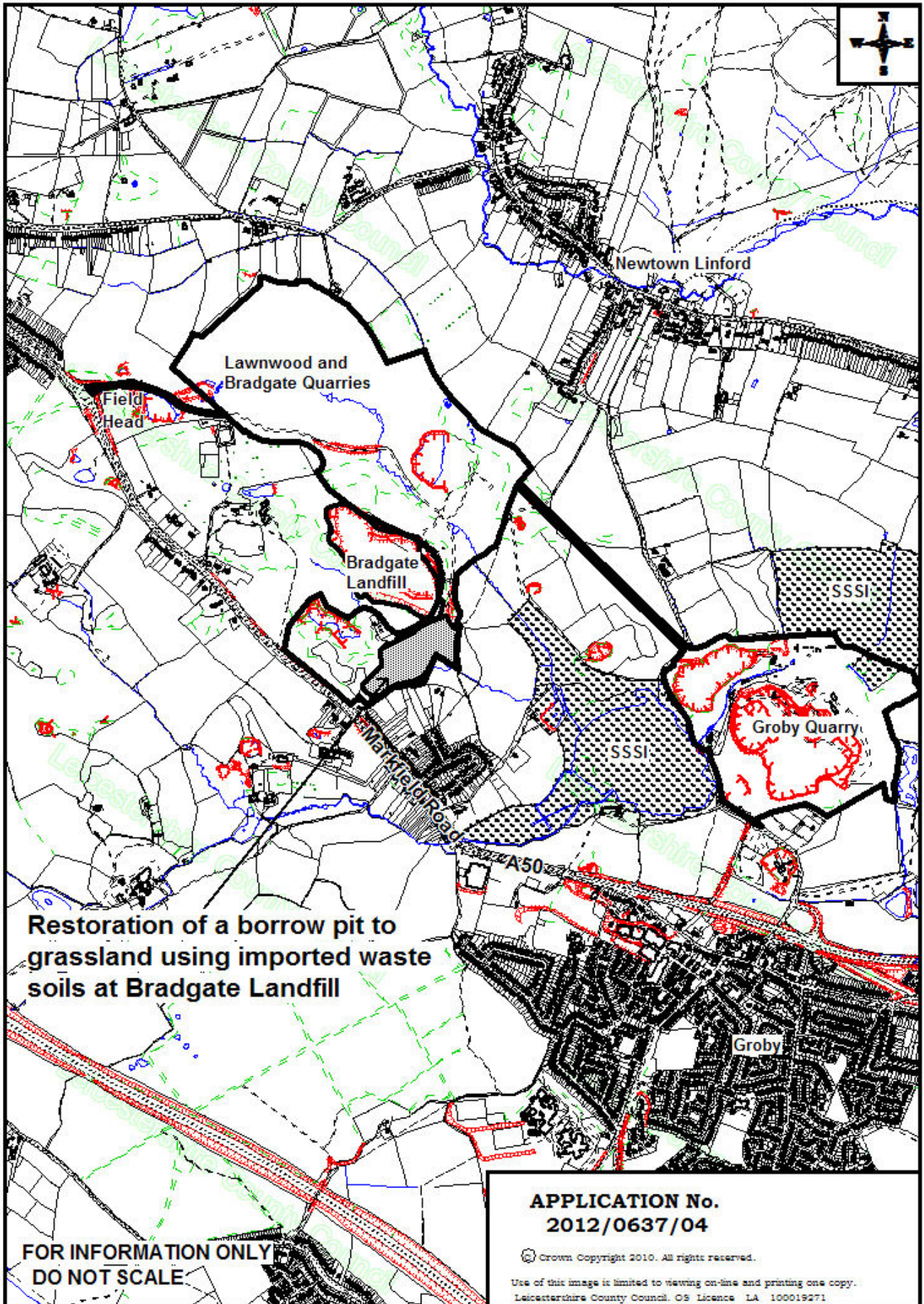
PART B – MAIN REPORT

Site Location and Setting

1. Set within countryside, Bradgate Landfill lies some 9km north-west of Leicester City Centre and approximately 1.5km north-west of the village of Groby. Other nearby settlements include Markfield which lies to the west of the site and Newtown Linford which lies to its north-east. Groby Quarry lies some 900m to the south-east of the site, while the Groby Pool and Woods Site of Special Scientific Interest (SSSI) lies approximately 160m to the east of the site.
2. Vehicular access to the site is gained off Leicester Road (A50) which runs along its south-western boundary. Generally the site is bordered by woodland with agricultural fields beyond to the north and east. The nearest properties to the site are located approximately 50m to the south and south-west along Leicester Road and Lena Drive. Footpath J92, runs parallel with the eastern boundary of the site in a north-south direction.
3. Within the site, a borrow pit area is situated to the south of the closed landfill area. This borrow pit is separated from the landfill by Old Wood, an area of vegetation noted as being of district and parish level ecological importance. Lady Hay Wood, an area of similar ecological importance, lies to the east of the borrow pit area.
4. The borrow pit area comprises a number of landscape features, including bare areas where overburden extraction has taken place; areas of self-established trees and scrub; remnants of the former foundations of quarry workings; a surface water pond, surrounded by established woodland; and vegetated soil embankments adjacent to the site haul road.

Background

5. The application area forms part of a wider permission area covering the Lawnwood, Bradgate and Groby Quarries. Planning Permission 1995/0552/04 (Charnwood Borough Council Permission Ref. 1995/1807/02) amalgamates the three quarries, creating one planning unit for the quarrying of stone and ancillary development. This permission requires a scheme for the restoration of the overall site (including the application area) to be submitted for approval by the Minerals Planning Authority within one year of cessation of extraction and then implemented within an agreed timescale.
6. Planning permission to infill one of the Bradgate Quarries with household and commercial and industrial waste was granted in April 1986. An extension to the quarry landfill and a new restoration scheme was granted permission in 1997. This landfill permission area lies outside the application area and Lawnwood, Bradgate and Groby Quarries planning permission area.
7. Landfill operations at Bradgate ceased in December 2007. The operator has since been progressing with restoration, with the site now having been substantially capped, soiled and seeded.



Restoration of a borrow pit to grassland using imported waste soils at Bradgate Landfill

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**APPLICATION No.
2012/0637/04**

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8. During operation and restoration of the landfill site, the borrow pit area was used for the extraction of clays to assist in the engineering of the landfill. As landfill operations have now ceased at the site and restoration works are nearing completion, the applicant considers it is necessary to restore the borrow pit area.

Description of Proposal

9. Planning permission is sought for the restoration of the borrow pit area through the importation of approximately 90,000m³ of waste soils to the site.
10. This application constitutes a resubmission of a proposal previously granted planning permission by the County Council on 21st December 2010 under Permission 2010/0629/04. Condition 1 of Permission 2010/0629/04 required development to commence within one year of the date of the permission to ensure the timely restoration of the site and for ecological reasons. As ecological surveys identified the presence of great crested newts within the application area, the applicant was required to obtain a protected species license from Natural England to relocate the newts prior to any development commencing. However, delays in the applicant obtaining a license and carrying out the necessary mitigation works have prevented the applicant from commencing development at the site and the planning permission therefore lapsed on 21st December 2011.
11. The proposed development has not been altered since approval of the previous application and the relocation of great crested newts from the application area is now complete, with the applicant having obtained a protected species license for this on 16th September 2011. The applicant has submitted a copy of the license within this application.
12. The imported soils would be used to regrade all areas of the borrow pit to a maximum depth of 2m and create a more uniform gradient across this part of the site. The area would then be seeded and planted with trees in order to complement the surrounding woodland areas.
13. It is proposed that the existing concrete foundations of the former quarry workings would be removed from the application area prior to its restoration. As the current soils have a very low nutrient status and poor soil structure, the imported waste soils are also needed to supplement existing soil stockpiles stored on the landfill site in creating a suitable growing medium for the restoration scheme.
14. Soils would be moved and placed when in a dry, friable condition to prevent compaction during placement by heavy machinery. The soils would also be cross ripped and cultivated to a minimum depth of 400mm to relieve any localised compaction which may have occurred during placement. The land would then be stone picked, harrowed and rolled prior to being seeded with a low maintenance grassland mix. A Paragraph 9 Exemption has been secured from the Environment Agency and would regulate the proposed importation and placement of soils.
15. Approximately 2000 No. trees (60-90cm transplanted saplings) of varying species, including English Oak, Silver Birch and Rowan, would be planted around the periphery of the restored area and would complement the existing woodland

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areas present at the site. As the embankment at the northern edge of the site is considered of high landscape value, it would be retained and enhanced with additional tree planting.

16. With respect to surface water drainage, the land would be engineered to form a drainage ditch running in a north to south direction. This would connect with a surface water lagoon which is proposed to the north, between the application area and closed landfill site. The proposed lagoon does not form part of this application, but rather has been approved within restoration proposals for the landfill site. It therefore falls outside the application area, as detailed within the submitted planning drawings.
17. It was initially proposed within application 2010/0629/04 that the drainage ditch would discharge surface water flows from the proposed lagoon into the existing pond at the lower, south-eastern end of the site. However, following objections from Natural England to this drainage scheme, due to potential adverse impacts upon great crested newts, the previously approved scheme shows that the drainage ditch would be diverted around the pond and discharge directly into a nearby stream.
18. If planning permission is granted, soiling works would be completed by the end of 2013. Seeding and tree planting works would then be undertaken in the next available planting seasons with completion of the overall restoration anticipated to be December 2014. Following its restoration, the site would be subject to a five-year aftercare management period which would ensure the success of the seeded and planted areas.

Planning Policy

National Policy Guidance

19. *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.
20. *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.
21. In previously determining the now expired application 2010/0629/04, the proposal was assessed against relevant guidance relating to ecology within *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS 9)* was considered. Following publication of the National Planning Policy Framework

(NPPF) in March 2012, PPS9 is now redundant. However, associated supporting guidance and *Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory obligations and their impact in the planning system*, are still extant

22. *Circular 06/2005* sets out in detail the practice planning authorities should follow where development is likely to have an impact on ecology. The Circular makes specific reference to protected species and Paragraph 99 states that “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not be addressed”.

23. Where a development affects a species protected under the *Conservation of Habitats and Species Regulations 2010*, a licence from Natural England would be required in order to allow prohibited activities. The following criteria, as set out under Regulation 53 of the Regulations, must be satisfied for such a licence to be granted:

- the purpose of the actions authorised must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;

Where that purpose is met, a licence may only be granted where:

- there is “no satisfactory alternative” to the actions authorised; and
- the actions authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

24. In considering a planning proposal which affects a protected species, local planning authorities must assess whether it can meet the requirements of Regulation 53 and where it cannot planning permission should be refused.

Development Plan

25. *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*.

26. *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.

27. *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.

28. *Policy WCS10* of the Waste Core Strategy seeks to protect and enhance the natural and built environment by ensuring:

- (i) there are no unacceptable adverse impacts from waste developments on (inter alia):
 - (a) natural resources including water, air and soil;
 - (b) the character and quality of the landscape;
 - (c) biodiversity [...]
 - (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.

29. As the application site is located within the National Forest, *Policy WCS11* of the Waste Core Strategy applies. This policy seeks to ensure that developments within the National Forest make provision, where appropriate, for the planting of woodlands, habitat creation, the creation of new leisure and tourism facilities and/or for public access.

30. *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.

31. *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;

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- (ii). there is an overriding need for the development; and
 - (iii). the landscape character of the area will not be harmed.
32. *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.
33. *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.
34. *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.
35. *Saved Policy NE5* of the Hinckley and Bosworth Borough Local Plan (adopted February 2001) states that the countryside will be protected for its own sake. It lists appropriate development and uses for which planning permission should be granted, subject to certain criteria being met.
36. *Saved Policy NE6* of the Local Plan states that notwithstanding exceptional circumstances, planning permission will be refused for proposals which would damage a SSSI. Where planning permission is granted for a proposal within a SSSI, appropriate conditions will be attached to minimise and compensate for any adverse impacts upon ecological interest.
37. *Saved Policy NE7* of the Local Plan seeks to protect sites of county and local nature conservation significance. The Policy asserts that planning permission shall not be given for development which damages such sites, unless there is an overriding national or local need for doing so.
38. *Saved Policy NE14* of the Local Plan seeks to ensure that the quality of groundwater and watercourses is protected and satisfactory measures are implemented for the disposal of foul sewage, trade effluent and surface water.
39. *Saved Policy NE22* of the Local Plan seeks to secure high quality planting schemes for new development within the National Forest which reflect the surrounding area and any physical, ecological or environmental constraints affecting the site.

40. *Saved Policy BE1* of the Local Plan seeks to secure attractive development and to safeguard and enhance the existing local environment, having regard to the character of the surrounding area, including new landscaping, the safety of individuals and property, and adverse affects on the occupiers of neighbouring properties.

Consultations

Hinckley and Bosworth Borough Council – Planning

41. Raises no objection.

Hinckley and Bosworth Borough Council (Environmental Health Officer)

42. Raises no objection.

Groby Parish Council

43. Raises no objection.

Newtown Linford Parish Council

44. Raises no objection.

Markfield Parish Council

45. No response received.

County Highways Authority

46. Raises no objection.

Natural England

47. Natural England originally objected to application 2010/0629/04 due to the potential impact to great crested newts recorded breeding within the pond located within the site boundary. The restoration proposals were amended to ensure that the surface drainage did not flow into this existing pond and Natural England was able to withdraw its objection. Natural England is satisfied that the restoration plan submitted as part of this new planning application continues to ensure that the surface water is directed away from the great crested newt pond.

This application is in close proximity to Groby Pool and Wood SSSI. Measures to ensure that there are no negative impacts through changes in the water quality of the water leaving the proposed development site via the surface water drainage infrastructure have been proposed in the Outline Surface Water Management Plan (April 2011). Further mitigation details will be required at the Environment Agency permitting stage and further details could also be secured through a suitably worded planning condition.

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A number of planning conditions were attached to the original planning permission and Natural England would recommend that the new planning permission includes the same conditions attached to planning permission 2010/0629/04.

Environment Agency

48. Raises no objection.

Landscape Advice:

49. This is an unaltered resubmission of a scheme approved in 2010 and as with that scheme, there are no landscape objections to the proposals.

The planting proposals are acceptable with the proviso that as per the approved scheme for the landfill restoration, plants should be sourced from British native stock and from Forestry Commission Zone 402 or 403 if possible.

Ecological Advice:

50. Great Crested Newts are present in the pond on site (Pond 2 in the SLR Ecology report 2009). As the applicant already has an EPS licence to mitigate the impact on the newts, no comments are raised on the application and its impact on the protected species.

Publicity and Representations

51. The application has been advertised by means of three site notices posted on 26th July 2012 and a press notice in the Hinckley Times. No letters of representation have been received in the timescale prescribed.

Assessment of Proposal

52. The merits of the proposal were previously fully assessed in resolving to grant planning permission 2010/0629/04. Although Planning Policy Statement 9 has been superseded by the NPPF since approval of 2010/0629/04, this has minimal effect upon assessment of this proposal. There have been no changes in Development Plan policy or in the characteristics of the application area which conflict with the previous decision made by the Board on 16th December 2010.

The Development Plan

53. 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. The application site is well located to deal with inert waste arisings and accords with the locational principles set out within Policies WCS3 and WCS4.

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54. As the application proposes to import waste soils to restore an area of despoiled land, the principal Development Plan policy the planning application should be considered against is Policy WCS8 of the Waste Core Strategy, which sets out the strategy for inert waste landfill.
55. 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.
56. The proposed restoration and associated importation of soils would utilise the existing access and site infrastructure of Bradgate Landfill, thereby limiting any potential adverse impacts upon local amenity and the surrounding highway network. The proposal is therefore considered in accordance with Policy WCS8 in this respect.
57. The proposal would secure landscape and visual improvements on the site sooner than could be ensured by relying on the restoration requirements of the extant quarrying permission and therefore on this point also it is in accordance with Policy WCS8. Currently the site would be restored within timescales agreed under the planning permission for the Groby, Lawnwood and Bradgate Quarries (Refs. 95/0552/4 and 95/1807/4), which allows quarrying and ancillary operations to continue until 31st December 2038. A restoration scheme is required within one year of this date or the date of cessation of significant extraction from the site. However, there are currently no further planning constraints upon the site which could secure earlier restoration of the site.
58. Although generally according with Policy WCS8 on the above points, this policy also states that planning permission should only be granted where proposals for inert waste landfill do not have an unacceptable adverse impact upon the environment. The potential of the proposal to cause unacceptable adverse impact upon the surrounding environment is assessed below.

European Protected Species Licence Requirements

59. An ecological survey submitted within the previous application noted the presence of great crested newts within the application area and identified mitigation measures to prevent harm being caused to the protected species. Following approval of the proposal, Natural England issued the applicant with a protected species license on 16th September 2011 and the applicant was then able to commence relocation of the great crested newt population. Clearance of the great crested newts from the site is now complete and, should planning permission be granted, the proposal would therefore be able to proceed without causing unacceptable impacts upon the newt population.

Surface Water Drainage and Ecology

60. In responding to application 2010/0629/04, Natural England highlighted that the application area and adjacent land is recognised as being of at least County importance for amphibians and that the newt population across the site is heavily dependent on a pond in the south-eastern corner of the application area. The applicant therefore agreed to route the proposed drainage ditch away from the pond to avoid causing harm to the protected species. The revised scheme shows the drainage ditch diverted around the pond to discharge directly into a stream to the south of the site.
61. As the site is in the vicinity of Groby Pool and Woods SSSI and the stream adjacent to the site is hydrologically linked to the SSSI, concern was raised within application 2010/0629/04 over the potential adverse impacts that discharge from the proposed drainage ditch could have upon the SSSI. A planning condition was therefore imposed upon the now expired permission 2010/0629/04 requiring the applicant to submit a Surface Water Management Plan demonstrating that the proposal would not have an adverse impact upon water quality or flood risk.
62. The applicant subsequently submitted a Surface Water Management Plan on 15th April 2011 and this was found to be acceptable and approved by the County Council on 19th April 2011. If planning permission is granted, it is recommended that the applicant be required by condition to undertake the development in accordance with the approved surface water management plan.
63. As the drainage ditch would discharge water directly into an existing stream, this would also require a separate discharge consent from the Environment Agency. This provides a further safeguard to ensure protection of the SSSI by addressing potential impacts of surface water drainage from the application site, such as suspended solids; water quality; water composition and water volume, after any planning permission has been granted.
64. Given that the applicant has sufficiently demonstrated that no unacceptable adverse impact would be caused to either protected species or the Groby Pool and Woods SSSI, the proposal therefore accords with Policies WCS8 and WCS10 of the Waste Core Strategy, together with Policy WDC3 which seeks to protect land that is of regional or local importance for the conservation of biodiversity.

Landscape Scheme

65. In addition to concerns over the potential impacts of surface water discharge from the proposed restoration upon ecological interest, Natural England previously raised concerns on the original application that the restoration proposal does not take full advantage of the opportunities available to enhance general biodiversity and could be improved by providing a broader mix of native woodland, scrub and open glades.

66. However, following completion of the proposed restoration and aftercare works, Natural England considers that the application area is likely to be left to naturally evolve and would gradually return to a similar form as is currently present, albeit with a different topography, with species from the surrounding woodland areas colonising the restored land and enhancing biodiversity. Consequently, Natural England is satisfied that the restoration proposals would cause no unacceptable long-term adverse impacts to great crested newt habitat within or adjacent to the application area.
67. As the revised proposals would avoid significant adverse impact upon great crested newts and habitat both within and adjacent to the application site, Natural England does not consider that previously held concerns over the landscaping proposals would warrant refusal of the application.

Other Matters

68. If planning permission is granted for the proposed development, the importation of the waste soils would be regulated by the Environment Agency to ensure that no contaminated soils are brought onto site, while planning conditions could be imposed by the Waste Planning Authority to control operational arrangements for the development and to restrict the amount of soil brought onto site. Further details with respect to planting and seeding schedules, together with the phasing of the restoration scheme and any aftercare scheme, could also be controlled by planning conditions.
69. It is recommended that a planning condition should be attached to any permission granted requiring all restoration and planting works to be completed within two years from the date of commencement of the application. This would ensure that restoration works are completed in a timely manner and that the period of disturbance upon ecology and the surrounding area would be minimised. A condition requiring development to commence within two years of the permission would also ensure that restoration works are completed promptly and that the works are carried out within a satisfactory period of time following the ecological assessment of the site.

Conclusions

70. The proposal to restore the previous borrow pit area adjacent to the Bradgate Landfill site would secure landscape and visual improvements to the site earlier than would be achieved under the permission covering the wider Lawnwood, Bradgate and Groby Quarries and would complement the restoration of the Landfill site which is ongoing.
71. The applicant has demonstrated that the proposed restoration scheme would have no unacceptable adverse impact upon the nearby Groby Pool and Woods SSSI or the great crested newt population within and adjacent to the application site. The proposal is therefore in accordance with the relevant policies set out within the Development Plan.

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), WCS11 (National Forest), WDC3 (Sites of Regional and Local Importance), WDC5 (Development in the Countryside), WDC8 (Health and Amenity) and WDC10 (Transportation of Waste) of the Leicestershire and Leicester Waste Core Strategy (adopted October 2009).

Saved Policies NE5 (Development in the Countryside), NE6 (Sites of Special Scientific Interest), NE6 (Sites of County and Local Nature Conservation Significance), NE22 (Criteria for the Consideration of Development Proposals within the National Forest), BE1 (Design and Siting of Development) of the Hinckley and Bosworth Borough Local Plan (adopted February 2001).

- 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 shall be begun within 2 years from the date of this permission.
2. The development hereby permitted shall only be carried out in accordance with Drawing No. 344R117B (Rev. B) – ‘Proposed Borrow Pit Landscape Scheme’, received by the Waste Planning Authority (WPA) on 9th July 2012, unless amendments are made pursuant to other conditions below.
3. This permission is limited to the importation of waste soils within the application area defined on drawing No. 344R117B (Rev. B) – ‘Proposed Borrow Pit Landscape Scheme’, received by the WPA on 9th July 2012. No other material should be brought onto the site for the purposes of the operations hereby permitted.
4. The 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.

Restoration

5. All soiling works required to achieve restoration of the site as 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 4 above. Soiling works shall be carried out in accordance with section 2.3 (Soiling Works) of the submitted Supporting Statement, received by the WPA on 9th July 2012 and to the final contours shown on drawing 344R117B (Rev. B) also received by the WPA on 9th July 2012.
6. All seeding and planting works detailed within drawing 344R117B (Rev. B) shall be carried out in accordance with the details set out within sections 2.4 (Seeding Works) and 2.5 (Tree Planting Works) of the submitted Supporting Statement, received by the WPA on 9th July 2012 and shall be carried out within the first planting and sowing seasons following, or coinciding with, the completion of soiling works to the levels shown on drawing 344R117B (Rev. B). All planting shall be sourced from British native stock and from Forestry Commission zone 402 or 403.

Hours of Operation

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

07.30 to 17.30 hours Mondays to Fridays;
07.30 to 14.00 hours Saturdays;
No working on any Sunday, Public or Bank Holiday.

Surface Water Drainage

8. The development shall be carried out strictly in accordance with the Outline Surface Water Management Plan (Ref: 405-00197-00611, April 2011, Version 1), submitted to the WPA on 15th April 2011 for the purposes of Condition 6 of expired Permission 2010/0629/04 and approved by the WPA on 19th April 2011, unless otherwise required by the discharge consent controlled by the Environment Agency.

Wheel Cleansing Facilities

9. All vehicles used for the restoration and aftercare operations hereby permitted shall, where necessary, utilise the existing wheel cleansing facilities within the landfill site upon exiting the application site and before entering the highway. Such facilities shall be maintained for the period of the permitted operations to ensure that no mud or other detritus is carried onto the highway.

Noise

10. 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;
 - 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.

Dust

11. 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.
12. 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.

Aftercare

13. Following completion of the approved restoration works, all planted and seeded areas shall be subject to a 5 year period of aftercare. Management and maintenance of the planted and seeded areas during this period shall be carried out in accordance with the measures set out within section 2.6 (Aftercare Management) of the submitted Supporting Statement, received by the Waste Planning Authority on 9th July 2012.

Reasons

1. To ensure that the permitted works are carried out in a timely manner and in accordance with the timescales agreed by other conditions.
- 2& 3. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
4. To enable the County Planning Authority to monitor compliance with the conditions of the planning process.
5. To ensure the timely restoration of the application site and in the interest of local amenity and nature conservation.
6. To ensure the proper restoration of the site in the interest of local amenity.
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 prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these for the restoration.
9. For the avoidance of doubt and in the general interests of highway safety (Policy WDC10 of the Leicestershire and Leicester Waste Core Strategy).
10. To ensure that the restored areas of the site are brought back to a condition suitable for long-term beneficial use in the interests of nature conservation.
11. To minimise the adverse impact of noise generated by the operations on the local community and environment.
- 12& 13. To protect the amenities of the locality from the effects of dust arising from the development.

Notes to Applicant

1. Ecological records show that Lady Hay Wood, immediately to the east, Old Wood, immediately to the north and the waterbody identified as Pond 1 within the submitted ecological survey have been previously evaluated as being of District and Parish Level ecological importance. No surface water run-off from the application site should be allowed to enter these sites, no heavy machinery should be allowed to operate within them and no storage of materials should be allowed there.

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.