

DEVELOPMENT CONTROL AND REGULATORY BOARD

21ST AUGUST 2003

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

COUNTY MATTER

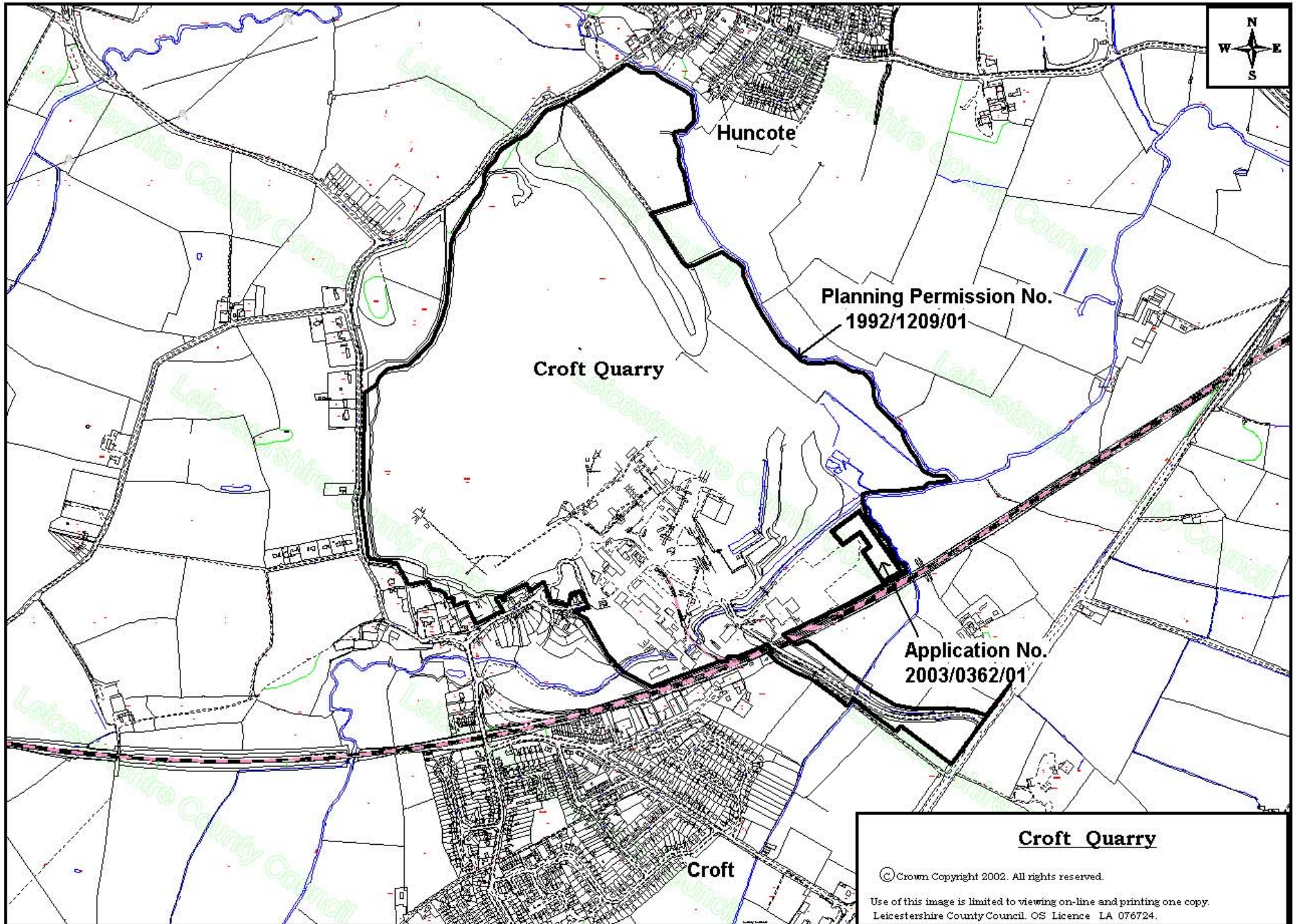
**AGGREGATE INDUSTRIES UK LTD – INSTALLATION OF A MOBILE
CONSTRUCTION AND DEMOLITION MATERIALS RECYCLING PLANT – CROFT
QUARRY, CROFT (BLABY DISTRICT)**

2003/0362/01 – 1ST APRIL 2003

Background

1. The applicant, Aggregate Industries UK Ltd., is the operator of Croft Quarry, one of the largest hard rock quarries in Leicestershire. The company is engaged in the quarrying, manufacture and distribution of primary aggregates, asphalt, ready-mixed concrete, pre-cast concrete products and recycled/secondary aggregates for the use in the construction and civil engineering industry.
2. Croft Quarry has a long history of granite extraction. On 28 February 1995, planning permission was granted under reference 92/1209/1 for the lateral extension and deepening of quarrying operations, the construction of a new access road with related landscape works, and the extension of the existing screening embankment to form a new hill. This permission consolidates the earlier existing planning permissions and is subject to a legal agreement which controls quarrying and related activities.
3. Planning permission 92/1209/1 is subject to 77 conditions relating to general provisions, access and highway matters, construction of the new hill, soil handling, drainage, hours of operation, dust prevention, noise levels, blasting, ecological and landscape matters, footpaths and Public Rights of Way, archaeology, and site restoration.
4. Condition 11 of the permission states that:

“Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, no buildings, plant, structures or machinery (excluding mobile plant and machinery) shall be erected or replaced on any part of the site without the prior approval in writing of the Mineral Planning Authority, given following the submission of



Huncote

Planning Permission No.
1992/1209/01

Croft Quarry

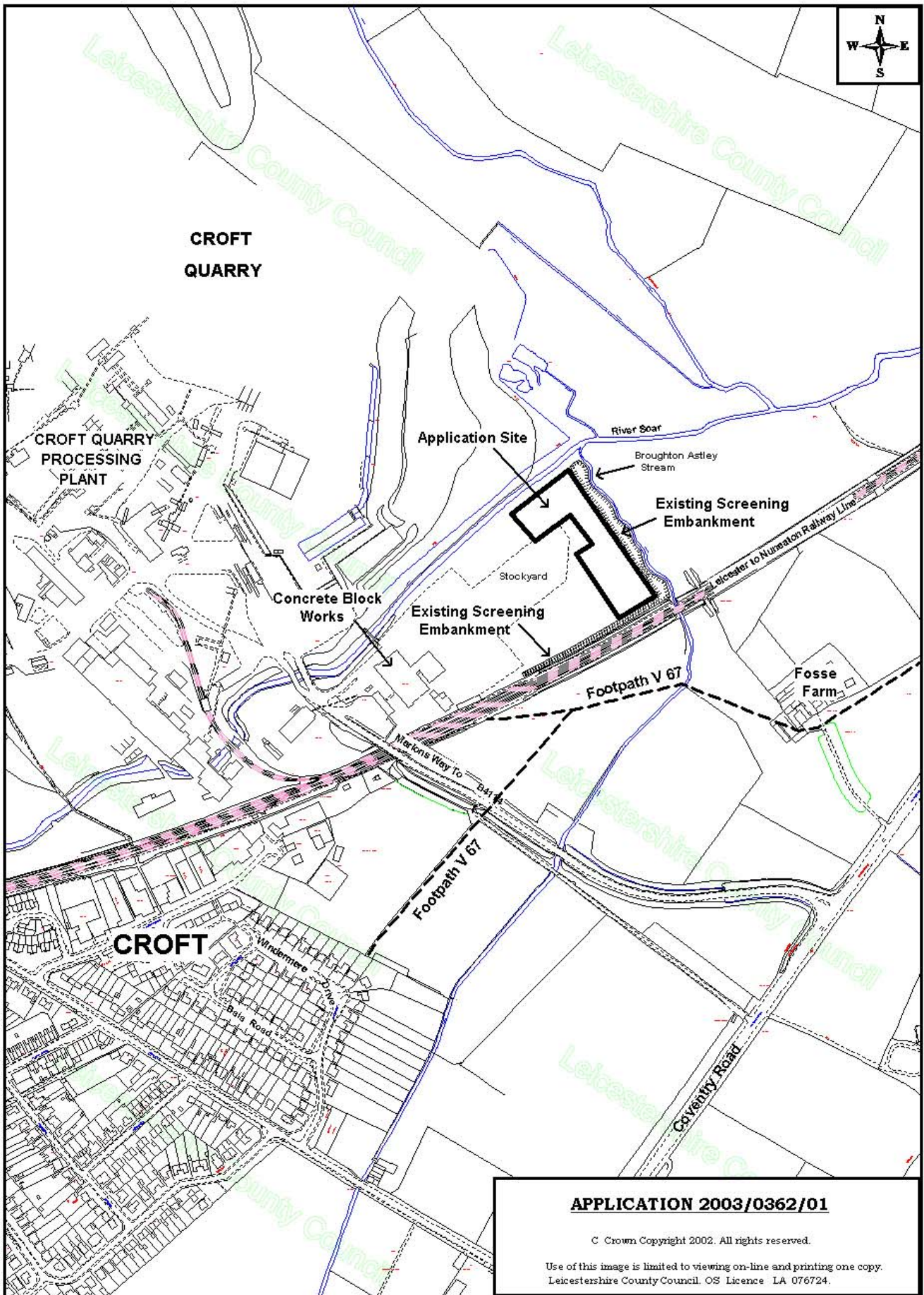
Application No.
2003/0362/01

Croft

Croft Quarry

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APPLICATION 2003/0362/01

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details and plans showing the location and (where appropriate) external appearance of the buildings, plant, structures or machinery to be erected or replaced”.

5. In accordance with this condition the applicant now seeks the Minerals Planning Authority’s approval for the installation of a mobile construction and demolition material recycling plant.

Location of Proposed Development

6. Croft Quarry is located north of the village of Croft and south of the village of Huncote in the District of Blaby, approximately 10km south west of the city of Leicester. The quarry processing plant area is situated south east of the quarry void. The application site is located at the eastern end of the existing concrete block manufacturing facility’s stock yard, which itself lies to the east of the processing plant area. A site location plan is attached.
7. The application site extends over approximately 0.8 hectares and is bounded to the north west by the River Soar and to the north east and south east by an existing 4m high screening bund. Immediately to the east of this bund is Broughton Astley Stream, which feeds into the River Soar. To the south of the screening bund runs the Leicester to Nuneaton/Coventry railway line. To the west of the site lies the stockyard of the existing blockworks.
8. The application site is accessed via Marions Way, the main access road to the quarry, which connects to the B4114 Coventry Road to the south east of the site.
9. The nearest residential property is Fosse Farm, consisting of a farmhouse and a group of farm buildings surrounded by fields and situated approximately 200m to the south east, and properties on Windermere Drive in Croft, approximately 400m to the south west.

Description of Proposal

10. The applicant proposes to install a mobile construction and demolition materials recycling plant within part of the concrete blockworks storage yard. The plant would comprise a track-mounted crusher with conveyor feeding into a wheel-mounted screening unit incorporating 3 conveyors. These would allow screened material to be sorted into separate stockpiles. Following crushing and screening, material would be transferred to a row of 4 purpose-built stock bays which would be located along the north-western site boundary. The proposal also includes the provision of a site office and the installation of a weighbridge at the site entrance.
11. The crusher would be approximately 11.7m long and up to 3.2m high. The wheel-mounted screener would be approximately 18.7m long, 15.2m wide (with conveyors extended) and 5m high. Both the crushing plant and the screening unit would be painted grey. The stock bays would be constructed using steel

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girders with interlocking timber sleeper walls. Each bay would be 20m wide, 13m deep and 3m high. The site office would be a Portakabin-style building with a flat roof and grey plasticised stippled walls.

12. In order to control dust emissions at source, the shredder unit would be equipped with spray bars at the point where materials are introduced and at the head of the conveyor which discharges crushed materials into the adjacent screening unit. The screening unit, which is a separate component, would be fitted with spray bars at the conveyor heads, which would dampen the screened materials as they fall onto the underlying stockpiles. The spray bars fitted to the plant would be connected to the main water supply provided to the site.
13. The crusher unit would be the component of the plant with the greatest potential for generating high noise levels. The applicant advises that the plant would be sited close to an existing screening bund, which extends to a height of 4m. Given that the maximum height of the crusher unit would be 3.2m, the bund would provide a physical barrier which would assist in reducing the noise impact of the plant.
14. The proposed recycling plant would process materials arising from construction and demolition activities into products used in the building and civil engineering industries. Most of the material is likely to arise on various construction sites elsewhere, but it is anticipated that some would originate at the concrete products factories at Croft Quarry.
15. Materials would be delivered to the site in heavy goods vehicles carrying up to 20 tonnes and would be tipped in the south-eastern corner of the site, from where they would be fed into the crushing plant's hopper using a loading shovel. Following crushing and screening, the materials would be collected from beneath the 3 conveyors leading off the screening unit by a loading shovel and would be transferred to one of the four purpose-built stock bays located along the north-western site boundary, from where they would be loaded onto HGVs for transfer off-site.
16. The applicant anticipates that the facility's throughput and resulting vehicle numbers would be subject to a gradual increase. It is expected that approximately 30,000 tonnes per annum (tpa) of material would be brought to the site for recycling in the first year of operation. This figure is anticipated to rise to approximately 50,000 tpa in the second year and to a maximum of 70,000 tpa in year 3 and subsequent years. On the assumption that each vehicle would carry a 20 tonne payload these throughput figures would translate to between 6 and 13 vehicles per day (i.e. up to 26 movements), based on the plant operating on 278 days per year. In order to avoid potential conflict between vehicles accessing the proposed recycling plant and those bound for the blockworks, recycling plant traffic would be physically separated from that visiting the blockworks site by means of an "Armco" type physical barrier along the access to the recycling plant area.

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17. The proposed hours of plant operation and receipt or delivery of materials are 0700 to 1900 Mondays to Fridays and 0700 to 1300 on Saturdays. Other than essential maintenance, no operations would occur on Saturday afternoons, Sundays, Bank Holidays or Public Holidays.

Planning Policy

18. Resource Management Policy 14 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (Written Statement as Proposed to be Adopted, July 2003) states that waste management proposals for the recovery of waste will be permitted, provided that any adverse environmental impacts of the development can be kept to an acceptable level.
19. Leicestershire Minerals Local Plan Review 1995 Policy 33 – *Substitute Materials* states that the County Council will encourage the use of substitutes for naturally occurring minerals and, in particular, seek to use waste materials for its own reclamation schemes, road construction and other works as far as this is technically and economically possible, and environmentally acceptable. The County Council will support initiatives which increase the use of substitutes for naturally occurring materials, provided that the proposals are environmentally acceptable.
20. Leicestershire, Leicester and Rutland Waste Local Plan 1995-2006 Policy WLP2 – *Recycling and Re-use of Waste* contains a presumption in favour of waste management development for the recycling and re-use of all types of waste product, subject to proposals meeting the criteria set out in Waste Local Plan Policy WLP 8 (environmental considerations which are applied in the determination of proposals).
21. Blaby District Local Plan Policy CF5 presumes against development likely to impede the flow of floodwater or affect floodwater retention in the floodplain areas identified on the proposals map, unless satisfactory mitigation measures are agreed.

Consultations

Blaby District Council Chief Planning Officer

22. Consulted on 1 April 2003. No written response has been received in advance of the closing date for this report. However, during informal discussions with Blaby planning officers it was confirmed that in the opinion of the District Council there would be no issues other than those of noise and dust suppression and the requirement for a screening bund. Any written comments received from the District Council in advance of the meeting will be reported verbally at the meeting.

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Blaby District Council Environmental Health Officer

23. Raises no objection subject to conditions covering the submission of a dust suppression plan; the requirement to use wheel cleaning facilities; the provision of a screening bund along the north east and south east site boundaries; and the existing daytime noise limit of 55 dB L_{Aeq} (1 hour), which currently applies to residential properties in the villages of Croft and Huncote, to be applied also to the nearest dwelling to the site, Fosse Farm. In addition, he advises that dust would be further controlled by an authorisation required under Part I of the Environmental Protection Act 1990. As the crushing and screening plant would be mobile, the relevant licence would be granted by the local authority in whose area the operating company's headquarters is based, i.e. in this case North West Leicestershire District Council.

Croft Parish Council

24. Does not object to the proposal, but raises concerns about additional noise and dust generation and the effect of additional traffic movements on an already dangerous road junction.

Huncote Parish Council

25. No objection subject to the development not leading to an increase in noise levels from the site.

Environment Agency

26. Objected initially on flood risk grounds as the northern part of the application site falls within the floodplain, and requested a flood risk assessment to be provided. Withdrew its holding objection following the submission of additional information by the applicant relating to proposed flood mitigation measures. Requests that the floodplain compensation works proposed by the applicant shall be carried out prior to any land raising on the development site.

Leicestershire County Council Highways Department

27. No observations.

Assessment of Proposal

28. The applicant has for some time been evaluating the possibility of erecting a mobile construction and demolition materials recycling plant at Croft quarry. The principle of such a plant has been established in March 2000, when the County Council as Minerals Planning Authority granted planning permission (reference 2000/0007/01) for the installation of a mobile soils and construction/demolition materials recycling plant. That planning permission, however, was not implemented and lapsed in March 2003.

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29. The site for the proposed development was first identified in October 2000. Informal pre-application consultations included a visit to the site by members of the Croft Quarry Liaison Committee.
30. The five main issues arising in relation with the proposed development are:
- the potential for noise generation;
 - the potential for dust generation;
 - traffic impact;
 - visual impact; and
 - part of the site being at risk from flooding.
- Each is addressed in more detail below.

Noise Generation

31. Both Croft Parish Council and Huncote Parish Council have raised concerns about the plant's potential to generate noise. The concerns of the Parish Councils are reflected in the comments by Blaby District Council's Environmental Health Officer, who has asked the applicant to provide operational sound level measurements from an existing comparable plant, and has visited a similar plant to that proposed in order to form a subjective assessment.
32. Fosse Farm, located approximately 200m south east of the application site, is the noise sensitive receptor nearest to the application site. Using noise level data collected at a similar plant to that proposed, and taking into account the noise attenuation properties of the existing screening bund, the applicant has calculated that the resulting noise levels at Fosse Farm would not exceed those at other properties in Croft and Huncote villages, and would be within the limits set by planning permission reference 92/1209/1.

Dust Generation

33. In its consultation response, Croft Parish Council expressed concern about the proposed development's potential for dust generation. The Blaby District Council Environmental Health Officer advises that dust would be controlled by an authorisation required under Part I of the Environmental Protection Act 1990, which would be granted by North West Leicestershire District Council as the local authority in whose area the applicant company's headquarters is based. He does, however, suggest that a dust suppression plan and Site Management Plan are required to ensure adequate control of dust from the planning aspect.

Traffic Impact

34. Concerns were raised by Croft Parish Council about the effect of additional traffic movements on the road junction of Marions Way (the access road to the quarry complex and the application site) and the B4114 Coventry Road. In response to this, the applicant advises that vehicles visiting the proposed recycling plant would not leave the site empty. Instead, all vehicles would take away either finished recycled product from the plant, or primary aggregate from the quarry. This use of "back loading" together with the relatively low number of up to 13 vehicles per day visiting the plant means that the net increase in traffic as the

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result of the development would equate to approximately 4% of the current average number of vehicle movements, and would therefore not be a material increase.

35. In addition, it has to be borne in mind that the site entrance onto the B4114 Coventry Road was constructed only a few years ago as a dedicated site entrance to the quarry complex (the provision of the new entrance being one of the proposals approved in 1995 under planning permission reference 92/1209/1), and has been designed for use by Heavy Goods Vehicles. As such the junction's visibility splays are in accordance with highway safety requirements. Consequently, the County Council's Highways Department advised that it had no comments on this application.
36. Prior to submission of the application it became apparent that traffic visiting the proposed recycling plant had the potential to conflict with traffic accessing the blockworks site. This conflict would have occurred at the entrance to the blockworks, and therefore would not have had an impact on traffic on the public highway. The applicant advises that in order to resolve this a physical barrier would be used to separate the two vehicle streams.

Visual Impact

37. The field immediately to the south of the application site is crossed by Footpath no. V67, which affords views onto the existing screening bund, but not into the application site itself. Whilst the proposed crushing and screening plant would not be visible from the footpath because its highest parts would be lower than the screening bund, the applicant proposes to locate up to 5m high stockpiles of material to be crushed and screened in the south eastern part of the site. Furthermore, information submitted by the applicant's environmental consultant in respect of noise attenuation mentions stockpiles of up to 8m in height. Given the open character of the surrounding landscape, and with the new Croft Hill forming the backdrop of the application site when viewed from Footpath no. V67, it would be undesirable for any material stockpiles to be visible above the screening bund. The height of all stockpiles on the site would therefore be limited by a planning condition in order to protect the visual amenity of the area.

Flood Risk

38. The Environment Agency initially objected to the proposal because part of the application site is identified on the Agency's indicative floodplain map as falling within an area at risk of flooding from the River Soar. In order to address this issue, the applicant provided a topographical survey of the area and a plan showing the extent of the application site thought to be at risk from flooding. The applicant proposes to compensate for the loss of flood storage land by widening the channel of the River Soar further upstream from the application site, adjacent to the blockworks facility, thereby creating a similar amount of flood storage space to that which would be lost as a result of the development. Further to the submission of this information the Agency withdrew its holding objection.

Conclusion

39. Most construction and demolition waste can be recycled to form secondary aggregates for use in construction and civil engineering operations. Using such waste in this way conserves mineral resources and reduces the potential for environmental impact from mineral extraction, and is therefore encouraged in relevant Government guidance (Minerals Planning Guidance Note 6: *Guidelines for Aggregates Provision in England*).
40. The proposal is also in accordance with the Leicestershire Structure Plan, Minerals Local Plan and Waste Local Plan. The plans support proposals for waste management development which incorporate the use of recycled materials, provided the environmental impacts of such development are acceptable, and encourage the use of substitutes for naturally occurring minerals. The Blaby District Local Plan contains a policy presuming against development likely to impede the flow of floodwater or affecting floodwater retention in the floodplain, unless satisfactory mitigation measures are agreed. The mitigation measures proposed by the applicant in relation to the Environment Agency's comments are in accordance with this policy.
41. The processes involved in the recycling of construction and demolition wastes have the potential to generate environmental impacts arising from noise, dust and vehicle movements. However, the application site is well screened and is situated at some distance from residential properties. The screening bund surrounding part of the application site would act as a noise barrier. The implementation of an approved scheme of dust control measures would prevent dust generated by the operation of the plant to become a nuisance to nearby residents. The relatively small number of vehicle movements associated with the development would not present an unacceptable traffic impact. The visual impact of operations on the site would be mitigated by the existing screening bund and by limiting the maximum height of stockpiles. As part of the site falls into an area at risk of flooding from the River Soar, the applicant has agreed to widen the channel of the River Soar further upstream from the application site in order to compensate for the loss of flood storage land.

Recommendation

42. It is recommended that planning permission be granted subject to the following conditions:

Conditions

1. The development to which this permission relates shall be begun not later than the expiration of 5 years beginning with the date of this permission. Written notification of the date of commencement shall be sent to the MPA within 7 days of such commencement.

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2. No operations, other than essential maintenance of the plant, shall be carried out at the site except between the following times:-

0700 hours and 1900 hours Monday to Friday; and
0700 hours and 1300 hours Saturdays;

with no operations at all on Sundays, Bank Holidays or Public Holidays;

3. Noise levels arising from the development shall not exceed 55 dB(L_{Aeq}) (1 hour), freefield at the residential dwelling at Fosse Farm.
4. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.
5. No development shall take place until a scheme and programme of the measures for the suppression of dust has been submitted to and approved by the Director of Community Services. The scheme shall include:
 - (a) the suppression of dust caused by the moving and storage of materials within the site;
 - (b) the fitting of the screening and crushing plant with efficient dust control measures;
 - (c) the provision of dust collection and storage facilities.

Such scheme shall be implemented and complied with at all times.

6. Prior to the commencement of recycling operations on the site, wheel washing facilities shall be installed at the site entrance. All vehicles transporting material to or from the site shall exit the site via the wheelwash.
7. Prior to the commencement of recycling operations on the site, a traffic separation barrier in this location shown on drawing no. 8100/41C.
8. The height of any stockpiles of materials brought to the site for recycling shall not exceed 4 metres.
9. Recycled materials shall be stored in the stock bays and the height of any such stockpile shall not exceed the height of the walls of the bay in which it is to be stored.
10. The floodplain compensation works proposed in the letter from Aggregate Industries dated 26 June 2003 and shown on the accompanying drawing no. 8100/41D shall be carried out prior to any land raising carried out on the development site.

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Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To protect the amenities of local residents.
3. To protect the amenities of local residents.
4. To minimise the adverse impact of noise generated by the operations on the local community.
5. To protect the amenities of the locality from the effects of any dust arising from the development.
6. In the interests of highway safety and to prevent mud and dust being deposited on the highway.
7. To ensure safe manoeuvring of vehicles on the site.
- 8&9. To protect the visual amenity of the area.
10. To remove the risk of flooding to the proposed development and to others.

Policies and Proposals in the Development Plan Relevant to the Decision

Leicestershire, Leicester and Rutland Structure Plan 1996-2016 (Written Statement as Proposed to be Adopted, July 2003): Resource Management Policy 14 – Recovery of Waste
 Leicestershire Minerals Local Plan Review 1995 Policy 33 – Substitute Materials
 Leicestershire, Leicester and Rutland Waste Local Plan 1995-2006 Policy WLP2 – Recycling and Re-use of Waste
 Blaby District Local Plan Policy CF5 – Development likely to impede the flow of floodwater or affecting floodwater retention in the floodplain

Background Papers

Planning Permission 92/1209/01
 Planning Permission 03/0362/01

Circulation Under Sensitive Issues Procedures

Mr. E F White CC
 Mr. P.G. Winkless CC

Officer to Contact

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DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding 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 Education and the Director of Property 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 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

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

BACKGROUND PAPERS

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

SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

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

The circumstances in which the Board is required to "have regard" to the development plan are:

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 (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
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.