

DEVELOPMENT CONTROL AND REGULATORY BOARD**21ST MARCH 2013****REPORT OF THE CHIEF EXECUTIVE****COUNTY MATTER****PART A – SUMMARY REPORT**

APP. NO. & DATE:	2012/1487/03 (2012/CM/0343/LCC) – 21 st September 2012
PROPOSAL:	Application for a separation operation including semi-mobile screening, washing and ancillary equipment
LOCATION:	Shawell Quarry, Gibbet Lane, Shawell, Lutterworth (Harborough District)
APPLICANT:	Lafarge Aggregates Ltd.
MAIN ISSUES:	Inert waste recycling, production of secondary aggregates, vehicle movements.
RECOMMENDATION:	PERMIT subject to conditions relating to hours of operation, vehicle movements and environmental protection.

Circulation under the Local Issues Alert Procedure

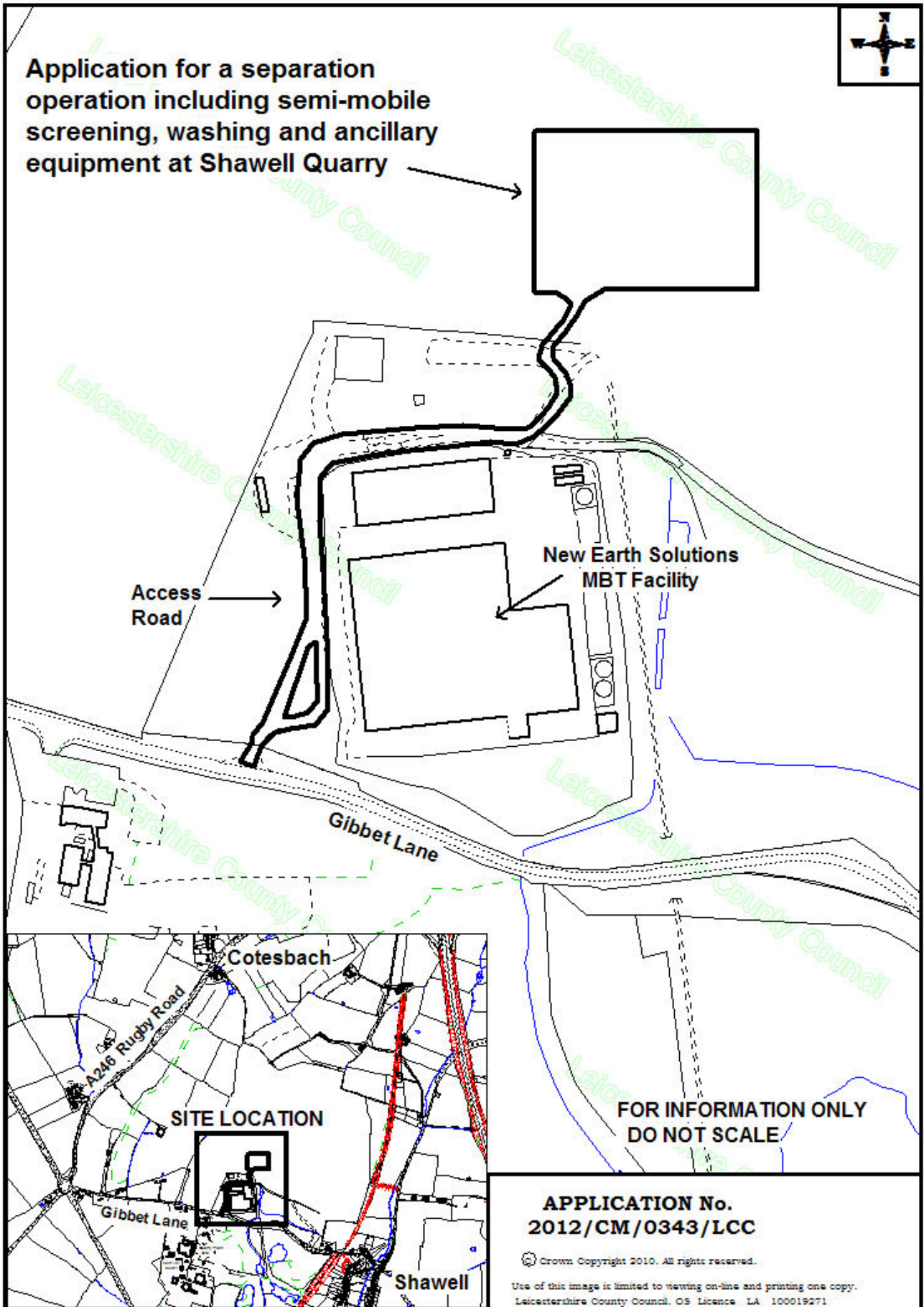
Mr. G. A. Hart CC

Officer to Contact

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PART B – MAIN REPORT**Site Location and Planning History**

1. The Shawell Quarry/Cotesbach quarry and landfill site is located north west of the village of Shawell and south of the village of Cotesbach, near Lutterworth. The mineral extraction and landfill area is located north of Gibbet Lane, a road which links Shawell with the A5/A426 junction to the west of the site. The associated minerals processing plant, a number of silt settlement lagoons, a roof tile works and the site of a (now disused) concrete blockworks are located to the south of the road. Mineral is transported from the extraction area to the processing plant by means of a conveyor which crosses under Gibbet Lane. An inert waste recovery and recycling facility is also situated south of Gibbet Lane. There is also a mechanical/biological treatment (MBT) facility associated with the landfill site. This is located on the north side of Gibbet Lane adjacent to the entrance to the landfill site and treats municipal wastes.
2. The nearest property in Cotesbach is Town End Farm, which is located 90-110m north of the quarry boundary and about 900 metres from the proposed development. The southern edge of Lutterworth is about 2km north of the site boundary. To the south west, Greenacres on Gibbet Lane near the A5/A426 roundabout is located at the south western corner of the site, about 650 metres west of the site entrance and 750 m from the proposed development. The two properties in Shawell which are closest to the site are Holme Close Farm (currently unoccupied) and Littledene, about 580-620 metres east-southeast of the site entrance and 570-610 m from the proposed development. Other properties in Shawell are located about 150 metres further to the east and south-east. The area to the north of the quarry and east of Cotesbach comprises grassland, agricultural fields and smaller areas of woodland. Two semi-detached properties, Keepers Cottage and West Cottage, are situated adjacent to the quarry boundary, to the northeast of the mineral extraction and landfill area.
3. Shawell Quarry has been in operation since the late 1950s. The first planning permission for sand and gravel extraction dates back to January 1958. In the late 1970s, extraction operations took place on land near Hill Farm, to the west of the A426 Rugby Road. Since then, a number of planning permissions have been granted for mineral extraction, the erection of plant, landfilling of waste and other operational works.
4. The quarry and associated mineral planning permissions have been the subject of a periodic review of planning conditions under the Environment Act 1995. An updated schedule of planning conditions for the mineral planning permissions at Shawell Quarry was approved by the Development Control and Regulatory Board in April 2005.



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5. A more recent mineral planning permission was granted in September 2007 (reference 2006/1565/03) and covers the extraction of sand and gravel from an area to the west of the previously permitted quarry/landfill. It also includes a revision of the permitted scheme of working and extends the existing landfill operation into the new western extension. A further permission to extend the mineral extraction operation into an adjacent field was granted in January 2013 under reference 2011/0369/03.
6. In 1999, planning permission reference 1999/0476/03 was granted for an inert waste recycling operation located in the minerals storage area adjacent to the processing plant on the south side of Gibbet Lane. Inert materials such as construction and demolition wastes are imported to and stored at the site. Once a sufficient amount has accumulated, the material is crushed (if necessary) and screened in order to provide recycled material.
7. In September 2008, planning permission was granted under reference 2008/0789/03 for a fully enclosed composting facility for the processing of up to 50,000 tonnes of waste per annum, and ancillary development (now referred to as an MBT). The facility is operated by New Earth Solutions Limited (NES) and receives household waste from kerbside collections which is being subjected to mechanical and biological treatment. The facility commenced operations on 1st October 2010.
8. A number of Public Rights of Way are located within and near the site. The original route of Footpath X26 traverses the consented mineral extraction/landfill area from Cotesbach to the north of the quarry to Gibbet Lane in the south. This footpath is currently the subject of a temporary diversion for the duration of quarrying and landfill operations. The original route of Footpath X26 is to be reinstated following the final restoration of the site. Bridleway X27 also links the unnamed lane to the north of the quarry with Gibbet Lane in the south. The route of this bridleway has been diverted temporarily along the western edge of the quarry and will also be reinstated following site reclamation.

Proposed Development

9. Cotesbach Landfill currently accepts between 30,000 and 50,000 tonnes per year of waste arisings from utility works. This material consists of soils, brick, stone and concrete rubble and is currently being stocked in an area away from the active landfill tipping face. On receipt, the waste is being passed over a mechanical screen and is segregated into three fractions: Stone, brick and concrete greater than 100mm across, for use in the maintenance of the site's haul roads; medium sized material (28-100mm) for use in maintaining an acceptable surface on which vehicles can travel within the landfill area; and material of less than 28mm in size, which can be used as daily cover on the landfill.

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10. The quarry/landfill operator, Lafarge Aggregates Limited, intends to establish a separation and recovery operation which would allow the waste material from utility works to be screened and processed into saleable aggregates including sand, 5-10mm coarse aggregate, 10-20mm coarse aggregate and 20-40mm coarse aggregate. Any material which is not recovered to aggregates in this process would continue to be used within the landfill in the manner detailed above. The applicant anticipates that up to 50% of inputs may not be recoverable.
11. The proposed separation operation would take place in an area measuring 115m by 80m and located to the north of the New Earth Solutions mechanical/biological treatment facility and south of the currently active landfill cells. The single screen currently on site would be replaced by a larger screening/washing apparatus incorporating three mechanical screens, a log washer, a compact sand washing plant and a "Siltmaster" silt separator.
12. The inert waste would pass over the mechanical screening units, which pass the material over a series of metal grids to divide it into sized fractions. The log washer uses water and two slow moving counter rotating screws to clean the stone. The compact sand washing plant separates sand from silt via the use of a cyclone. The silt separator separates the fine silt particles from the water using a chemical additive and very slow stirring of a tank before the water is re-used.
13. In addition, a water tank, a generator with associated fuel tank and a control room cabin would be installed adjacent to the screening and washing equipment. The generator would be a diesel powered unit with the fuel supplied from the adjacent tank. At a maximum, the generator would be 5.3m long, 1.9m wide and 2.2m high, however, the exact size would depend on the specific model. The control room cabin would consist of a shipping container measuring 6.1m long x 2.5m wide x 2.5m high.
14. It is anticipated that the screening unit would be fed at a rate of 40-50 tonnes per hour, although the exact rate would depend on a number of factors, specifically the composition of the material to be screened.
15. Following screening, washing and grading, the materials processed would be transferred into a group of three silt drying bays adjacent to the screening/washing plant, each about 15m deep and 8m wide with a maximum wall height of 3m. The applicant advises that push walls of this height would be constructed of concrete railway sleepers. However, it is possible that the push-walls would be lower than 3m, in which case they would be constructed of pre-cast concrete elements.

Hours of Operation

16. The hours of operation of the facility would be governed by the permitted hours of operation of Shawell Quarry/Cotesbach Landfill. Planning permission reference 2006/1565/03 (the main mineral extraction and landfilling permission) limits the operation of the quarry/landfill to the hours of 0700 to 1900 hours

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Mondays to Fridays and 0700 to 1400 hours on Saturdays, with no operations (other than water pumping) permitted on Sundays or Public or Bank Holidays (with the exception of Good Friday).

17. The processing screening and washing equipment would not be required to operate all day, every day within the permitted hours of landfill operation in order to manage the projected annual throughput of up to 50,000 tonnes. Depending upon a number of factors, including the prevailing weather, operational conditions and material composition, Lafarge Aggregates Limited would select whether the equipment is operated for a small number of hours each day, the full hours on several days a week or be run on a campaign basis. For this reason Lafarge wishes to retain flexibility over the operation of the plant.

Reclamation

18. The area in which the separation operation would take place is covered by the approved restoration scheme for the quarry and landfill site. The main mineral extraction and landfill permission (reference 2006/1565/03) requires the winning and working of mineral and the import and deposition of waste to cease no later than 31st December 2044 and the reclamation of the site to have been completed 12 months thereafter. Consequently, the screen, materials, loading bays and other equipment which are the subject of this proposal would have to be removed and the area restored in accordance with this timescale and the restoration requirements imposed by planning permission 2006/1565/03.

Planning Policy

National Planning Policy Framework

19. The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. It replaces previous government guidance and policy contained in Planning Policy Statements (PPSs) except Planning Policy Statement 10 (PPS10) *Planning for Sustainable Waste Management*. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF lists three dimensions to sustainable development: an economic role, a social role and an environmental role.
20. Amongst the core planning principles of the NPPF are the move to proactively drive and support sustainable economic development; to support the transition to a low carbon future in a changing climate; and to encourage the use of previously developed land. Furthermore, local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area.

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21. The NPPF does not contain specific waste policies because national waste planning policy will be published as part of the National Waste Management Plan for England and in the meantime PPS10 remains in place.
22. The NPPF confirms that the planning system is plan-led. The Development Plan remains the starting point for the determination of applications. Whilst the NPPF is a material consideration, it does not change the statutory status of the Development Plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date Development Plan should be refused unless other material considerations indicate otherwise. The Leicestershire and Leicester Waste Development Framework (WDF) was adopted in accordance with the Planning and Compulsory Purchase Act 2004, its policies may be given full weight, even if there is a limited degree of conflict with the NPPF.

Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management

23. *PPS10* provides advice about how the land use planning system should contribute to sustainable waste management through the provision of the required waste management facilities in England. It continues to promote sustainable development and the waste hierarchy of reduction, re-use, recycling and composting and energy recovery, with disposal as the last option. It also explains the relationship between the planning and pollution control regimes. PPS10 was revised in March 2011 and now seeks to increase the use of waste as a resource (e.g. for fuel) and to place greater emphasis on the prevention and recycling of waste, while protecting human health and the environment.

The Development Plan

24. The Development Plan in this instance comprises the East Midlands Regional Plan, the Leicestershire Minerals Development Framework (Core Strategy and Development Control Policies), the Leicestershire and Leicester Waste Development Framework (Core Strategy and Development Control Policies), and the Harborough Local Development Framework. The policies relevant to this application are listed below.

The Leicestershire Minerals Development Framework

25. The aim of the Leicestershire Minerals Development Framework is to balance the working of mineral resources with the need to protect and enhance the environment. The Core Strategy supports the recycling of construction and demolition and mineral wastes.
26. *Policy MCS10* of the Leicestershire Minerals Development Framework – Core Strategy and Development Control Policies sets out the strategy for resource management, which is to reduce the demand for primary minerals by encouraging the use of mineral waste, power station ash and construction and demolition wastes before primary minerals and supporting recycling initiatives, and by supporting recycling activities.

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27. The strategy for environmental protection, contained in *Policy MCS11*, aims to protect and enhance the natural and built environment of Leicestershire by ensuring that there are no unacceptable adverse impacts from minerals development on natural resources, the character and quality of the landscape, biodiversity, sites of geological interest, historic and cultural features of acknowledged importance, the distinctive character and setting of settlements within Leicestershire, and residential amenity. The strategy also requires that the highest standards of operational practice for the management, working, restoration and aftercare of sites are adopted and that development is designed to a high standard and incorporates sustainable construction principles and appropriate landscaping.
28. *Policy MDC22* states that planning permission will be granted for aggregate recycling facilities and for development involving production of secondary and recycled aggregates at existing mineral sites, provided that they are located close to the source of materials, have good infrastructure links and will not cause unacceptable harm to the environment or communities.

The Leicestershire and Leicester Waste Development Framework

29. The aim of the Leicestershire and Leicester Waste Development Framework is to facilitate waste management in a sustainable manner which addresses the need to produce less waste, to significantly increase levels of reuse and recovery of the waste that is generated and to move away from reliance on landfill as a means of disposal.
30. *Policy WCS1* of the Leicestershire and Leicester Waste Development Framework – Core Strategy and Development Control Policies sets out the strategy for waste management capacity, which is to provide sufficient waste management capacity to manage the equivalent of the waste arising in the framework area and as a minimum achieve the targets for recycling, composting, reuse and landfill diversion set in the Regional Plan and the Leicestershire Municipal Waste Strategy.
31. *Policy WCS3* 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 on 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*.

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32. *Policy WCS4* states that the strategy for locating waste sites is to locate waste sites in accordance with the objectives of Policies WCS2 and WCS3 and the following sequential approach:-
- (i) priority one will be given to 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;
 - (ii) thereafter, priority, in no order of preference, will be given to:
 - a) land forming part of new major development proposals;
 - b) existing industrial/employment land;
 - c) other previously-developed land;
 - d) contaminated or derelict land;
 - e) existing mineral workings;
 - f) unused and under-used agricultural and forestry buildings and their curtilages;
 - (iii) finally, consideration will be given to greenfield sites, providing that there is no unacceptable harm to the environment or communities.
33. *Policy WCS5* states that the strategy for re-use, recycling, waste transfer and composting facilities is to allow new waste management development, provided the proposal does not cause unacceptable harm to the environment or communities.
34. *Policy WCS10* sets out the strategy for environmental protection, which aims to protect the natural and built environment by ensuring that there are no unacceptable impacts from waste developments on natural resources, the character and quality of the landscape, biodiversity, historic and cultural features of acknowledged importance, sites of geological interest, the character of settlements, and on residential amenity.
35. *Policy WCS14* states that the strategy for the transportation of waste is to locate new waste developments in close proximity to arisings in order to minimise the need to transport waste, in close proximity to the County's lorry route network, and in locations where rail or water transport could be secured for the movement of waste in order to maximise the potential to use alternative transport.
36. *Policy WDC1* requires proposals for waste management development to demonstrate that they have been designed to ensure impact on the environment is minimised by appropriate measures to
- (i) reduce greenhouse gas emissions and other forms of pollution;
 - (ii) minimise levels of energy and water consumption;
 - (iii) minimise production of waste during construction and operation;
 - (iv) maximise the re-use or recycling of materials; and
 - (v) protect and contribute positively to the character and quality of an area.

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37. *Policy WDC5* 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.
38. *Policy WDC8* presumes against waste management development which is likely to generate significant adverse impacts 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.
39. *Policy WDC9* presumes against waste management development which would result in an unacceptable cumulative impact on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of waste developments occurring either concurrently or successively.
40. *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.

Consultations**Harborough District Council (Planning Officer)**

41. Comments that the proposal's principal impacts are likely to relate to the character of the local area and the wider countryside, including any environmental effects, highway safety and the living conditions of nearby residents. Harborough District Council would have no objections to the current proposals provided that no objections are raised by the relevant statutory consultees.

Harborough District Council (Environmental Health Officer)

42. Comments that the noise levels of the proposed washing plant are lower than the existing noise levels on the site but that it would depend on factors such as hours of use and the location of the equipment whether or not a nuisance is likely to arise. Notwithstanding this, the Environmental Health Officer does not anticipate a significant noise impact.

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Shawell Parish Meeting

43. No response received.

Cotesbach Parish Council

44. No response received.

Highway Authority

45. The Highway Authority raises no objection to the proposal and states:
"The supporting statement notes that the access and vehicle movements are governed by conditions in the main planning permission for the quarry (reference 2006/1565/03) and it is not proposed to alter these. The supporting statement goes on to state that no additional HGV movements are anticipated as a result of this operation, as it will utilise the existing waste stream onto the site and primary aggregate extraction will be proportionally reduced. The proposal would also provide an opportunity to back haul (fill lorries on return trips which otherwise would travel empty). On this basis the Highway Authority has no comments to make on the application."

Environment Agency

46. Has no objections to the proposed development.

County Landscape Architect

47. Has no landscape objections to this proposal and advises that there would be no requirement for any landscape conditions.

Publicity

48. The application has been advertised in October 2012 by means of site notices on Gibbet Lane and in Shawell. In addition, neighbour notification letters were sent 56 properties in Shawell. No representations have been received within the prescribed period.
49. The local Member, Mr. G. A. Hart CC, was notified of the application in October 2012. No comments were received.

Assessment of Proposal

50. This planning application, like any other application, must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the East Midlands Regional Plan, the Leicestershire Minerals Development Framework (Core Strategy and Development Control Policies), the Leicestershire and Leicester

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Waste Development Framework (Core Strategy and Development Control Policies), and the Harborough Local Development Framework. Other important material considerations to take into account are the NPPF and PPS10.

51. In light of the above, it is considered that the key development plan policies relevant in this case are Leicestershire Minerals Development Framework – Core Strategy and Development Control Policies MCS10 and MDC22 and Leicestershire Waste Development Framework – Core Strategy and Development Control Policies WCS3, WCS4, WCS5, WCS14 and WDC10 and the key issues (which are dealt with below) to be addressed are the provision of recycled aggregates, the location of the operation, transport implications, and the potential noise impacts of the operation.

Provision of recycled aggregates

52. The Minerals Development Framework supports the use of recycled and secondary aggregates in construction projects. The practice of recycling construction and demolition and minerals wastes is supported in appropriate cases by the Core Strategy, subject to their economic and environmental acceptability. The East Midlands region is expected to provide 95 million tonnes of alternative materials during the period of 2001 to 2016. The proposal would assist in providing recycled aggregates for construction projects and thereby reduce the demand for primary minerals and would therefore be in accordance with MDF Policy MCS10.

Site Location

53. The proposal to process between 30,000 and 50,000 tonnes per annum of waste arisings from utility construction projects into recycled aggregate materials is not considered sufficient to make the facility strategic in its own right and the proposal should therefore be assessed against the non-strategic waste locational principles set out in WDF Policies WCS3 and WCS4. The order of preference (as set out in Policy WCS3) is to locate such sites in, or close to, built up areas, ideally within the Broad Locations indicated on the WDF key diagram; in or close to the main urban areas of Hinckley or Melton Mowbray; within sustainable urban extensions; or within or adjacent to an existing waste facility where it can be demonstrated that transport, operational and environmental benefits arise from co-location. The proposed operation would be located adjacent to an existing waste facility (Cotesbach Landfill site) and has some benefits arising from its co-location with that facility.
54. Policy WCS4 contains a sequential approach for the location of waste management development. The facility falls into the first priority, i.e. land with an existing waste management use where some transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities.

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55. The Minerals Development Framework states that existing minerals sites are potentially suitable locations for aggregate recycling facilities, provided that they are located close to the source of materials, have good infrastructure links and will not cause unacceptable harm to the environment or communities. The applicant advises that the potential catchment area for the works could extend to a 25km (15 mile) radius, but that historically the majority of inputs of suitable material has been delivered from construction projects at closer distances. The location of the recycling operation within the boundary of the existing quarry/landfill site is such that the closest residential properties are located at distances of more than 500 metres from the proposed operation. It is therefore considered that the proposal is unlikely to have an adverse impact on the environment or communities and therefore would be in accordance with MDF Policy MDC22.

Transport implications

56. The proposed development relates to the recycling of construction and demolition waste which already forms part of the existing waste stream being delivered to Cotesbach Landfill. The import of waste materials would therefore not result in an increase in HGV movements. It is proposed to export the recycled aggregate produced by the operation, however, the applicant anticipates that the recycled aggregate would replace a corresponding amount of primary aggregate produced at Shawell Quarry and would therefore not result in a net increase in HGV movements. The Highway Authority raises no objection to the proposal on highway grounds. It is considered that the proposal would not result in unacceptable adverse traffic impacts and therefore would be in accordance with MDF Policy MDC22 and WDF Policies WCS5, WCS14, WDC8 and WDC10.

Noise

57. The equipment proposed to be installed has peak noise ratings ranging from 85dB to 95dB adjacent to the equipment. The existing screen (which has been on site for approximately 5 years) has a noise rating of 92dB which drops to 80dB at a distance of 7 metres. By way of comparison the applicant advises that the existing waste compactor on the landfill is the noisiest piece of equipment with a peak rating of 112dB. This has been in operation on site for more than 6 years, during which time there have been no noise complaints.
58. The Environmental Health Officer comments that the noise levels of the proposed washing plant are lower than the existing noise levels on the site but comments that the likelihood of a noise nuisance would depend on factors such as hours of use and the location of the equipment. Notwithstanding this, the Environmental Health Officer does not anticipate a significant noise impact from the proposed operation. Consequently the proposal would not be contrary to WDF Policies WCS5 and WDC9.

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Relationship with existing inert waste recycling operation

59. The applicant advises that the proposed inert waste recovery operation would handle a different waste stream than the existing inert waste recycling operation located on the south side of Gibbet Lane (permission reference 1999/0476/03). Furthermore, the two operations would have different requirements in terms of processing equipment and would therefore be carried out as two separate operations.

Conclusion

60. The proposed development would involve the recycling of construction and demolition wastes into secondary aggregates. It would assist in providing recycled aggregates for construction projects and thereby reduce the demand for primary minerals. It would be located adjacent to an existing waste facility (Cotesbach Landfill site) and therefore have some benefits arising from its co-location with that facility. Its location at distances of more than 500 metres from the nearest residential properties means that the operation is unlikely to have an adverse impact on the environment or communities.
61. As the proposal would involve the recycling of material which already forms part of the existing waste stream into Cotesbach Landfill and the exported recycled material would replace a corresponding amount of primary aggregate, the proposal would not result in a net increase in HGV movements. Consequently there are no highway objections to the proposal.
62. The operation would be located in the vicinity of an existing quarrying and landfill operation and at considerable distance from residential properties and therefore it is not anticipated that it would give rise to a significant adverse noise impact.
63. It is considered that the proposal is in accordance with the relevant policies of the Development Plan and consequently permission should be granted, subject to the conditions set out in the appendix to this report.

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Recommendation

1. Permit, subject to the conditions set out in the appendix.
2. To endorse, as required by the Town and Country Planning (Development Management Procedure) (England) 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 reasons for refusal as set out above:

Leicestershire Minerals Development Framework
Policies MCS10, MCS11 and MDC22

Leicestershire and Leicester Waste Development Framework
Policies WCS1, WCS3, WCS4, WCS5, WCS10, WCS14, WDC1, WDC5, WDC8, WDC9 and WDC10

- b. Reasons for the grant of planning permission, as set out in the conclusion and recommendation above.
- c. How Leicestershire County Council has worked with the applicant in a positive and proactive manner:

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

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Conditions

General Provisions

1. The development to which this permission relates shall commence no later than 3 years from the date of this permission. Written notification of
 - a) commencement of site construction works;
 - b) commencement of import of material for processing at the site
 shall be sent to the County Planning Authority within 7 days of each commencement.

2. This permission is limited to the period expiring on the date one year after the permanent cessation of landfilling operations at Shawell Quarry/Cotesbach Landfill. The importation of waste shall cease on the day of the permanent cessation of landfilling operations at Shawell Quarry/Cotesbach Landfill. All buildings, plant, equipment, machinery and materials shall be removed and the site restored within 12 months of the cessation of landfilling operations in accordance with the approved scheme of clearance and restoration submitted pursuant to the requirements of planning permission reference 2006/1565/03.

Adherence to Approved Details

3. Unless otherwise required by conditions attached to this planning permission, the development hereby permitted shall not be carried out except in accordance with the details contained in planning application reference 2012/1487/03 dated 19th September 2012 and the accompanying Supporting Statement and accompanying information comprising
 - drawing no. 2159/PA1 – Site Location (dated September 2012);
 - drawing no. 2159/PA2 – Application Site (dated September 2012);
 - drawing no. 2159/PA3 – Existing Conditions (dated September 2012);
 - and
 - drawing no. 2159/PA4 – Indicative Proposed Development (dated September 2012),

as amplified and amended by the e-mails dated 31st October 2012, 12th November 2012 and 3rd December 2012 from David Jarvis Associates and the information contained therein.

Scope of the Planning Permission

4. This permission shall only relate to the importation and processing of inert construction and demolition waste and the export of the resulting recycled secondary aggregate.

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Restriction of Permitted Development Rights

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended):
 - a) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site; and
 - b) no pole-mounted floodlights shall be installed or erected at the site.

Maximum Waste Throughput

6. The amount of waste to be imported and treated at the facility shall not exceed 50,000 tonnes per annum.

Hours of Operation

7. Except in emergencies to maintain safe working conditions (which shall be notified to the County Planning Authority as soon as practicable), no operations or waste deliveries shall take place except between the following times:

0700 hours and 1900 hours Monday to Friday; and
0700 hours and 1400 hours Saturday.

and not at all on Sundays or Public or Bank Holidays with the exception of Good Friday.

Access and Traffic

8. The development hereby permitted shall not result in an increase in heavy goods vehicle movements generated by sand and gravel extraction, the export of recycled secondary aggregates, the import of waste for recycling and waste disposal operations at Shawell Quarry/Cotesbach Landfill over and above the existing limit of 2244 vehicle movements in any week as permitted by planning permission reference 2006/1565/03. The operator shall keep a record of all heavy goods vehicles accessing and leaving the quarry/landfill site. Back records shall be kept for a minimum of 12 months and access to these records shall be afforded to the County Planning Authority on request.
9. All heavy goods vehicles associated with the development hereby permitted shall only use the existing quarry/landfill access on the north side of Gibbet Lane. All vehicles shall enter the site by turning left from Gibbet Lane, and all vehicles leaving the site shall turn right onto Gibbet Lane. No vehicles associated with the development hereby permitted shall use that stretch of Gibbet Lane to the east of the quarry/landfill entrance, except for the purposes of local deliveries or local waste collection.

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10. All heavy goods vehicles entering or leaving the site shall be sheeted or netted or carry their load in an otherwise enclosed load space.
11. No heavy goods vehicles shall enter the public highway from the site unless their wheels and chassis have been cleaned as necessary using the existing wheel cleaning facilities to ensure that no mud or detritus is carried onto the highway by vehicles leaving the site.

Operational Matters

12. All vehicles, plant and machinery operated at the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and shall be dealt with immediately. Where a repair cannot be effected within a reasonable period, the equipment affected shall be taken out of service.

Environmental Protection

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessel overflow pipe outlets shall be detailed to discharge downwards into the bund.
14. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Noise

15. The approved noise monitoring scheme submitted pursuant to condition 41 of planning permission 2006/1565/03 shall be amended to include measurements of any noise generated by the operations hereby permitted. The noise thresholds set for the locations specified in the approved noise monitoring scheme shall also apply to any noise generated by the development hereby permitted.

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16. All audible warning devices fitted to mobile plant, vehicles and fixed plant and machinery, whilst affording suitable safety, shall as far as is reasonably practicable be of a design that does not cause unreasonable noise intrusion to residential properties.

Reasons

1. In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended), and to enable the development to be monitored to ensure compliance with this permission. (Leicestershire and Leicester Waste Development Framework Policy WDC17)
2. For the avoidance of doubt, because of the relationship between the proposed use and existing activities at Shawell Quarry/Cotesbach Landfill, and to provide for the restoration of the site within an agreed timescale. (Leicestershire and Leicester Waste Development Framework Policies WDC15 and WDC17)
- 3,4
&6 To ensure the development is implemented in all respects in accordance with the submitted details, in the interest of the amenities of the locality and for the avoidance of doubt. (Leicestershire and Leicester Waste Development Framework Policies WCS10, WDC8 and WDC17)
5. To retain control of these matters, in order to ensure no unacceptable impact on the amenities of the locality. (Leicestershire and Leicester Waste Development Framework Policies WCS10, WDC8 and WDC17)
- 7&12 In the interest of the amenities of the area. (Leicestershire and Leicester Waste Development Framework Policies WCS10, WDC8 and WDC17)
- 8,9,
10&
11. In the interest of highway safety and the amenities of the area. (Leicestershire and Leicester Waste Development Framework Policies WCS10, WDC8, WDC10 and WDC17)
- 13&14 To prevent pollution of the water environment. (Leicestershire and Leicester Waste Development Framework Policy WDC17)
- 15&16 To minimise the adverse impacts on local residents of noise generated by operations on the site. (Leicestershire and Leicester Waste Development Framework Policies WDC8 and WDC17)

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 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984 and to the Equality Act 2010. You are advised to contact the County Council's Human Resources Department 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 COMPULSORY 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.