

**AGENDA MANAGEMENT SHEET**

<b>Name of Committee</b>	<b>Regulatory Committee</b>
<b>Date of Committee</b>	<b>15th November 2005</b>
<b>Report Title</b>	<b>Southam Cement Works - Variation of Condition 1</b>
<b>Summary</b>	<p>The application proposes the variation of Condition 1 of Planning Permission S956/03CM026 to extend the time period within which Cement Kiln Dust (CKD) may be deposited on land at Southam Cement Works, Long Itchington from 30th June 2004 to 31st December 2006.</p> <p>The application was deferred at the 8th March 2005 meeting of the Regulatory Committee in order to allow an independent and authoritative assessment of the proposal to be obtained. The applicant has now commissioned a report entitled 'Nuisance and Human Health Risk Assessment – Southam Landfill', the findings of which are detailed in this report.</p>
<b>For further information please contact</b>	<p>Matthew Williams            Planning Officer            Tel. 01926 412822            matthewwilliams@warwickshire.gov.uk</p>
<b>Would the recommended decision be contrary to the Budget and Policy Framework?</b>	Yes/No
<b>Background Papers</b>	<p>Submitted application, received 17/5/2004.            Report entitled 'Nuisance and Human Health Risk Assessment – Southam Landfill, received 5/9/2005.            Letters from RMC/Cemex, dated 18/11/2005 and 27/10/2005.            Letters from Stratford on Avon District Council, dated 24/5/2004, 14/6/2005 and 5/10/2005.            Email from Long Itchington Parish Council, dated 8/6/2005.            Letters from the Environment Agency, dated 27/5/2004, 12/3/2004, 17/1/2005.            Letter from Southam Town Council, dated 25/6/2005.            Letters from South Warwickshire Primary Care Trust, dated 29/9/2005 and 14/10/2005.</p>

**CONSULTATION ALREADY UNDERTAKEN:-**

*Details to be specified*

- Other Committees  Regulatory Committee – 22nd June 2004, 18th January 2005, 8th March 2005.
- Local Member(s)  Councillor J R Appleton – no comments received.  
(With brief comments, if appropriate) Councillor R A Stevens – see comments at 2.5.
- Other Elected Members  .....
- Cabinet Member  .....  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive  .....
- Legal  I Marriott – comments incorporated.
- Finance  .....
- Other Chief Officers  .....
- District Councils  Stratford on Avon District Council – see comments at paragraph 2.1.
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  Environment Agency, South Warwickshire Primary Care Trust.

**FINAL DECISION**

**YES/NO**

*(If 'No' complete Suggested Next Steps)*

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  .....
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

**Regulatory Committee – 15th November 2005**

**Southam Cement Works - Variation of Condition 1**

**Report of the Director of Planning, Transport and  
Economic Strategy**

**Recommendation**

That the Regulatory Committee authorises the grant of planning permission to vary Condition 1 of planning permission S965/03CM026 to allow the importation of Cement Kiln Dust, spillage materials, road sweepings, laboratory samples and kiln bricks from New Rugby Works for a further temporary period until 31st December 2006 on land at Southam Cement Works, Long Itchington, subject to the conditions contained in **Appendix B** of the report of the Director of Planning, Transport and Economic Strategy.

APPLICATION NO: S965/04CM025

RECEIVED BY COUNTY: 17/5/2004

ADVERTISED DATE: 21/5/2005

APPLICANT: Rugby Cement, RMC House, Evreux Way, Rugby, Warwickshire, CV21 2DT.

AGENT: M C Jepp, Senior Planning Officer, RMC Aggregates (UK) Ltd, RMC House, Coldharbour Lane, Thorpe, Egham, Surrey, TW20 8TD.

THE PROPOSAL: Variation of Condition 1 of planning permission S965/03CM026 to read 31st December 2006 from 30th June 2004.

SITE & LOCATION: Land at Southam Cement Works, Long Itchington, Rugby, Warwickshire  
[Grid ref: 418.631]

See plan in **Appendix A**.

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## 1. Application Details

- 1.1 The application proposes the variation of Condition 1 of planning permission S965/03CM026 in order to extend the date upon which the deposit of CKD must cease on land at Southam Cement Works from 31st June 2004 to 31st December 2006.

## 2. Consultations

**(In respect of report entitled 'Nuisance and Human Health Risk Assessment – Southam Landfill' produced by Bureau Veritas Consulting Limited)**

- 2.1 **Stratford on Avon District Council (Environmental Health Department) –** The report (Nuisance and Health Risk Assessment) demonstrates that there is no evidence to show that the existing landfill operation, for which the extension of planning permission is sought, is causing nuisance or risks to human health. The Environmental Health Department have no records to contradict the reports conclusions and as such have no objection to the application.
- 2.2 **Environment Agency –** Having reviewed the report submitted, we can confirm that it details all mitigation measures currently in place at the site, as specified in the Waste Management Licence and Working Plan and does not raise any issues of particular concern to the Agency. The Agency wishes to maintain its current position with regard to the proposed development. We have no objections in principle to the proposed extension of time in which to deposit cement kiln dust. I refer you to our letter of the 17th January 2005 our reference SV/2004/002786-2/1 for full details of our response.
- 2.3 **South Warwickshire Primary Care Trust –** In general the advice is that if the site is well-managed and complies with domestic and European legislation, there should be a low risk to humans. However, the main problem is likely to be fugitive dust, and there are some specific concerns in this regard. Six deposition samplers ('Frisbees') were located around the southern and western perimeter, and were found to give dust samples well below the trigger deposition rates. No samplers were located to the north and east, which is the direction most likely to be affected given prevailing winds from the south-west. In addition it was commented that these instruments will not collect data suitable for comparison with the National Air Quality Strategy (NAQS) standard. It is therefore advised that further measures be conducted on the northern and eastern perimeter, preferably with a particulate gravimetric sampler or continuous particulate sampler with European EN12341 equivalence.
- 2.4 **Councillor J Appleton –** no comments received.
- 2.5 **Councillor R A Stevens –** report seems acceptable although seeks some clarification of the term 'low risk'.

### **3. Observations**

- 3.1 This application has previously been reported to the 22nd June 2004, 18th January 2005 and 8th March 2005 meetings of the Regulatory Committee. The Committee deferred making a decision on the application at its 8th March 2005 meeting in order to allow an independent and authoritative assessment of the proposal to be obtained by the applicant.
- 3.2 The applicant has now submitted a report entitled 'Nuisance and Human Health Risk Assessment – Southam Landfill' produced by Bureau Veritas Consulting Limited.
- 3.3 The Assessment investigated six key hazards: noise and vibration; odour; particulate matter; litter; birds, vermin and insects, and; mud on the road. The report concludes that, due to the low rate of use of the landfill, the design of the landfill and the mitigation measures implemented at the site that the landfilling of CKD poses only a low risk of impact on potentially sensitive receptors in the vicinity of the landfill.
- 3.4 In respect of particulate matter the report states that the applicant monitors dust deposited around the site in accordance with Environment Agency Guidance. Analysis of Frisbee gauges located inside the boundary of the landfill site demonstrates that the quantity of water-insoluble particulate matter deposited on the gauges is significantly below the limits set within Environment Agency Technical Guidance Document M17 – Monitoring of Particulate Matter in Ambient Air Around Waste Facilities.
- 3.5 A copy of the 'Nuisance and Human Health Risk Assessment – Southam Landfill' report has been forwarded to the Environmental Health Department of Stratford on Avon District Council, The Environment Agency and South Warwickshire Primary Care Trust for comment. All three bodies broadly agree with the findings of the report. However, the Primary Care Trust suggests that further measures be conducted to monitor particulate matter on the northern and eastern perimeter of the site. This could be the subject of a condition.
- 3.6 Temporary planning permission was originally granted in August 2001 to allow CKD, a by product of the manufacture of cement at the Rugby Works, to be deposited at Southam Quarry. This permission has subsequently been renewed on a number of occasions and is now the subject of this application.
- 3.7 The applicants originally sought a temporary planning permission to deposit CKD at Southam whilst they secured a Pollution Prevention and Control (PPC) Permit for their preferred site known as Parkfield Road Landfill (situated adjacent to the Rugby Works). An application for a PPC Permit at Parkfield Road Landfill was refused by the Environment Agency in May 2004 and is now the subject of an appeal. Planning consent would also be required to recommence the deposit of CKD at this site.
- 3.8 Since the take over of RMC Group, Rugby Limited's parent company, by Cemex a strategic review of the requirements for landfilling associated with operations at the Rugby Cement Works has been undertaken. Cemex have now

commissioned consultants to advise them on a long term solution with a view to progressing both planning and new PPC applications for a permanent landfill. No final decisions have yet been made on the proposed location or locations of a permanent landfill site.

- 3.9 Cemex anticipate submitting a PPC application by the end of 2005 for the preferred site and a planning application by the end of March 2006 with a view to securing planning permission and PPC Permit by the end of 2006. They therefore seek the temporary permission to be extended until 31st December 2006.
- 3.10 Notwithstanding this Cemex state that they continue to minimise the amount of CKD that requires disposal by optimising raw materials to remove the requirement to take CKD out of the system for quality reasons and by addition of CKD to lower specification cements. Cemex's long-term objective is zero CKD to landfill, but in the medium term landfill remains an essential contingency.

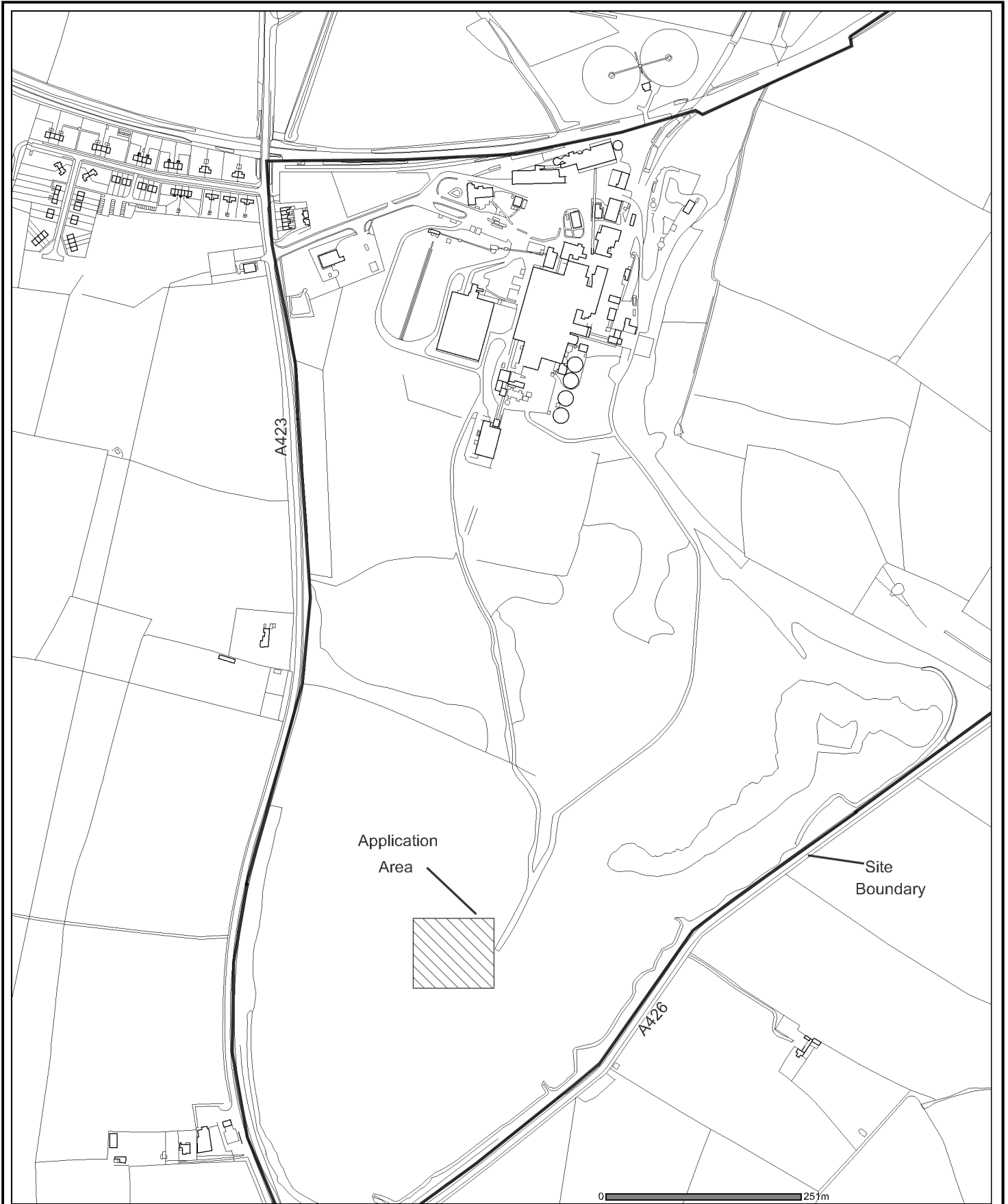
### **Conclusions**

- 3.11 The Nuisance and Human Health Risk Assessment demonstrates that the landfilling of CKD at the site poses only a low risk of impact on potential receptors. Variation of condition 1 to allow the deposit of CKD at the site until 31st December 2006 is therefore considered acceptable whilst a long term solution is sought.

JOHN DEEGAN  
Director of Planning, Transport and Economic Strategy  
Shire Hall  
Warwick

2nd November 2005

# APPENDIX A OF AGENDA NO.



Scale 1: 6670

Ref No. S965/04CM025

Drawn Matthew Williams

Regulatory Committee - 15th November 2005

Subject  
**Southam Cement Works - Variation of Condition 1**



John Deegan  
Director of Planning, Transport  
and Economic Strategy  
Shire Hall, Warwick, CV34 4SX

Regulatory Committee – 15th November 2005

Southam Cement Works - Variation of Condition 1

Application No : S965/04CM025

1. The development hereby permitted shall cease no later than 31st December 2006.

**Reason:** In order to allow the County Planning Authority to review the situation at the end of the stated period in order to avoid prejudicing the long term redevelopment of the site.

2. Throughout the development particulate matter monitoring shall be undertaken with equipment and at locations and frequency to be agreed in writing with the County Planning Authority. Should monitoring identify particulate matter deposits in excess of the 'custom and practice' limit for England and Wales of 200 mg/m<sup>2</sup>/day (Environment Agency (2004): Technical Guidance Document (Monitoring) M17: Monitoring of Particulate Matter in Ambient Air Around Waste Facilities) operations shall cease until measures have been put in place to ensure compliance.

**Reason:** In the interests of the amenity of local residents.

3. The development hereby permitted shall not be carried out other than in accordance with the submitted application ref. S965/00CM005 submitted plans ref EST/149/S, SOUTH9709/EXC02, SOUTH9707/EXC06 and SOUTH9707/EXC07 and the letter submitted by the applicant dated 10th April 2000.

**Reason:** To ensure satisfactory development of the site.

4. Unless otherwise agreed in writing with the County Planning Authority noise from the development and associated operations hereby approved when measured "free field" (that is at least 3.5 m but no more than 10 m from the relevant residential façade) at a height of 1.2 m at the nearest noise sensitive properties shall not exceed the following levels:-

Time Period	Noise Limit
0700-1900	50 dB Laeq (1 hour)
1900-2200	47 dB Laeq (1 hour)
2200-0700	37 dB Laeq (1 hour)

**Reason:** In the interests of the amenities of local residents.



5. No waste other than Cement Kiln Dust, spillage materials, road sweepings, laboratory test samples and kiln bricks resulting from the Rugby Cement Works, Lawford Road, Rugby, shall be imported to the site.

**Reason:** To ensure satisfactory development of the site.

### **Development Plan Policies Relevant to this Decision**

Warwickshire Structure Plan 1996-2011 – Policies ER1, ER2.

The Waste Local Plan for Warwickshire – Policies 1 & 3.

Stratford on Avon District Local Plan 1996-2011 – (Revised Deposit Draft – January 2003) – Policy PR8.

### **Reason for the Decision to Grant Permission**

The proposal is acceptable in land use terms, however it is important not to prejudice the proper comprehensive redevelopment of this site which should be progressed through the Development Framework process rather than the grant of individual planning permissions.

### **Note**

The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the application report and minutes of the Regulatory Committee.