

AGENDA MANAGEMENT SHEET

Name of Committee Regulatory Committee

Date of Committee 12th June 2007

Report Title Mancetter Quarry - Variation of the Hours of Operation Condition to Permit the Operation of the Quarry on 25 Occasions Per Year on Saturdays and Sundays

Summary Variation of the hours of operation condition to permit the operation of the quarry on 25 weekend days per year.

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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Planning application No. NW20/07CM005 submitted on 16/2/07.
Letter from North Warwickshire Borough Council dated 9/3/07.
Letter from Mancetter Parish Council dated 1/3/07.
11 letters of representation from local residents.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

Other Committees

Local Member(s) Councillor R Grant – comments incorporated – see paragraph 2.4.
(With brief comments, if appropriate) Councillor S Tooth – No comments received as at 29/5/07.

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 No objections – see paragraph 2.1.
- Health Authority
- Police
- Other Bodies/Individuals Mancetter Parish Council – objection – See paragraph 2.2.

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 - 12th June 2007

Mancetter Quarry - Variation of the Hours of Operation Condition to Permit the Operation of the Quarry on 25 Occasions Per Year on Saturdays and Sundays

Report of the Strategic Director for Environment and Economy

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the variation of Condition 17 of planning consent NW20/00CM001 dated 13/02/2002 at Mancetter Quarry, to permit the supply of high PSV asphalt on 25 weekends per year for the remaining life of the planning consent between the hours of 0600 and 1700 with the coating plant starting at 0500, in line with the wording of the Inspector's decision ref APP/H/3700/A/05/1178976 dated 28/9/2005, subject to the conditions and for the reasons contained in **Appendix B** of the report of the Strategic Director for Environment and Economy.

Application No: NW20/07CM005

Received by County: 16/2/2007

Advertised Date: 20/2/07

Applicant(s): Tarmac Ltd, Millfields Road, Ettingshall, Wolverhampton,
West Midlands, WV4 6JP.

Agent(s): Mr Graham Fyles - (Tarmac Central Ltd), Tunstead House,
Wormhill, Buxton, Derbyshire, SK17 8TG.

The Proposal: Variation of Condition 17 of planning consent NW20/00CM001
dated 13/2/2002. To permit the supply of high PSV asphalt on
25 weekends per year for the remaining life of the planning
consent between the hours of 0600 and 1700 with the coating
plant starting at 0500 in line with the wording of the Inspector's
decision ref app/H3700/A/05/1178976 dated 28/9/2005.

Site and Location : 76.5 ha of land at Mancetter Quarry, Quarry Lane, Mancetter
[Grid ref: 307.953].

See plan in **Appendix A**.

1. Application Details

1.1 This application seeks permission for the variation of Condition 17 attached to the planning permission reference no. NW20/00CM001 approved on 13th February 2002 which granted planning permission for an extension of quarrying activity at Mancetter Quarry.

1.2 Condition 17 states that:-

“17 Except in emergencies to maintain the safe quarry working (which shall be notified to the Minerals Planning Authority (MPA) as soon as practicable) or unless otherwise agreed in writing by the MPA none of the operations hereby permitted shall take place except between the following hours:-

Mineral extraction, processing, servicing, maintenance or testing of plant and restoration works:-

0700 – 1730 Mondays to Fridays
0700 – 1200 Saturdays

Tip removal, soil stripping and overburden removal:-

0800 – 1730 Mondays to Fridays
0800 – 1200 Saturdays

Blasting operations:-

1000 – 1600 Mondays to Fridays
1000 - 1200 Saturdays

Operation of the coating plant:-

0400 – 1730 Mondays to Fridays
0400 – 1200 Saturdays

Vehicle movements:-

0600 –1730 Mondays to Fridays
0600 - 1200 Saturdays

None of these operations shall be carried out on Sundays, Bank Holidays or Public Holidays.”

1.3 From the information submitted it is anticipated that this proposal would generate approximately five heavy goods vehicle traffic movements per hour during the requested hours of operation.

1.4 Access to and from the quarry is controlled by Conditions 25 and 26 of the existing planning consent. Condition 25 requires empty vehicles to access the

site from the north whilst Condition 26 requires loaded vehicles to turn southwards avoiding Mancetter.

2. Consultations

2.1 **North Warwickshire Borough Council** – Advises that the Borough do not wish to object to this proposal but advises that the Environmental Health Officer has raised concerns about such an early start having an adverse impact upon residential amenity. It is considered that a more suitable time for the start of weekend work would be 0700 to ensure that the variation of the condition complies with Policy ENV 11 of the North Warwickshire Local Plan 2008. The Borough further advises that the noise monitoring of weekend HGV movements has been inconclusive and that there have been no formal complaints made to the Borough since the temporary permission was implemented.

2.2 **Mancetter Parish Council** – State that:-

- (i) The temporary variation of the hours of operation condition granted on appeal has not been used, and if it has they have not been informed.
- (ii) The roads serving the quarry are not suitable for heavy goods vehicle traffic, they are narrow country lanes without pavements or cycleways which are also used by pedestrians, cyclists and horse riders.
- (iii) If consent is granted then it is strongly recommended that danger signs are placed in prominent places such as exit points of bridle ways and where no pavements exist.
- (iv) The Parish Council's previous objections to this development still stand.

2.3 **Ansley Parish Council** – No comments received.

2.4 **Councillor R Grant** – Advises that :- The Quarry Liaison Committee are opposed to any 'out of hours' working. However, there have been no specific problems during the trial period which would justify a total ban. Should permission be granted it will be important not to increase the annual number of occasions specified in the trial period, to ensure that the quarry notify the residents at the earliest opportunity and that they should always act in a reasonable manner when operating the 'out of hours' contracts. The lorry operators delivering and leaving the site must be given clear instructions by the quarry management about lorry routes and appropriate driving and speeds when engaged in this work. The small section of road outside Number 1 – 3 The Green, Mancetter is not an appropriate access to the quarry and should be clearly designated within the conditions as **NOT** being on the approved lorry routes for any contracts relating to the operation of the quarry.

2.5 **Councillor S Tooth** - No comments received as at 29/5/07.

3. Representations

3.1 Nine letters received from local residents objecting to this development on the following grounds:-

- (i) Again we have to fight for our human rights, the right to breathe clean air, the right to try to gain a nights sleep, the right to enjoy the countryside without the fear of meeting a lorry coming at you at 60 mph, the right to enjoy our gardens in the summer without being choked by fumes and dust.
- (ii) We have complained to the quarry about fumes, dust smoke, speeding vehicles and lorries accessing the site out of hours, all of which adversely affect our property. None of these matters are explained or solved and now they expect us to endure them for even longer.
- (iii) I own a rented property on The Green at Mancetter. This proposal will seriously affect my property by, adversely affecting my ability to find future tenants, increase on going maintenance due to structural damage from heavy lorries and adversely affecting the market value of the property.
- (iv) Approval of this application will result in further noise disturbance, light pollution and air borne pollution to local residents.
- (v) We fear that approval of this application will set a precedent whereby the applicants will be able to seek future consents which will result in the quarry working virtually on a continuous basis. During warm weather when windows are left open the early start usually wakes us up (we have complained to previous quarry managers) and the quarry can sometimes be heard inside our house even when the windows are shut so we are concerned that our quality of life will be adversely affected if the plant works longer hours.
- (vi) The applicants were granted a two year trial period. That trail period should take place before any further permissions are granted.
- (vii) The applicants and WCC should investigate the provision of a haul road by passing Mancetter to allow lorries to avoid having to take the long route through Nuneaton to get back to the A5. The planning permission originally granted must be worth in excess of £100 million so the applicants could afford to do it.
- (viii) I strongly object to this application because being woken up at 05.00 is bad enough 6 days a week without having to put up with it all week, particularly in summer when we leave windows open. In addition we have to put up with light pollution and air borne dust pollution, we should not make these matters worse.

- (ix) Lorries turning into Mancetter Green have to straddle the white line on the B4111 to turn into the Green. This happens frequently and is inherently dangerous.
- (x) From Mancetter Green to Ridge Lane, Quarry Lane links to 9 public footpaths / bridle paths. Thus this road is heavily used by pedestrians, horse riders and cyclists. Most of this use occurs at evenings and weekends. Has a survey of this use been carried out? It is dangerous and unpleasant to mix these activities. Walking this route I was passed by 15 Tarmac lorries. Should we be subjected to this on a narrow country lane?
- (xi) Approval of this application may make life more convenient elsewhere but what about the residents of Mancetter?
- (xii) Tarmac suggest that this is the only solution but stone could be quarried, stored and used elsewhere. This has happened in the past. The justification for this application is economic.
- (xiii) There have been complaints about out of hours working and these have been discussed at the Quarry Liaison Group.
- (xiv) This application is inappropriate, unnecessary, unjustifiable antisocial and unfair.

4. Observations

- 4.1 On 13th February 2000 planning permission was granted for the continuation of quarrying at Mancetter Quarry under a new planning permission (application no NW20/00CM001 relates). That permission is subject to a Condition (No.17, detailed in paragraph 1.2 above) restricting the hours which the quarry may operate.
- 4.2 Under the provisions of the first paragraph of Condition 17 (“unless otherwise agreed in writing by the MPA”) the quarry occasionally sought to operate “out of hours” when demand for their coated asphalt roadstone, which needs to be produced only a few hours before it is to be laid, occurred at unusual hours. It is for example increasingly commonplace for construction and road repair contracts to specify that repair or construction works should be carried out at night. In order to meet the demand generated by such contracts it was necessary to obtain the County Councils consent to do so. That consent was granted on an ad hoc basis.
- 4.3 These ad hoc consents gave rise to complaints from local residents that the hours of operation condition was being undermined by the County Council and that the setting aside of the condition would be damaging to local amenity. In response to these concerns the applicants were advised that the County Council could no longer deal with ad hoc requests to vary Condition 17 and the matter could only be resolved on a more formal basis.
- 4.4 In response to this decision the applicants submitted two planning applications:-

- (i) Application NW20/04CM034 which sought permission to vary Condition 17 to allow the quarry to produce coated asphalt roadstone on 25 evenings in any calendar year.
 - (ii) Application NW20/04CM033 which sought planning permission to vary Condition 17 to permit the quarry to produce coated asphalt roadstone on 25 occasions/weekends in any calendar year (with each weekend day counting as one "occasion").
- 4.5 These applications were the subject of significant local opposition with most objections concentrating on the fact that the heavy goods vehicle (HGV) traffic generated by the quarry would cause unacceptable disturbance to local residents during evenings and weekends when they might reasonably expect to enjoy peace and quiet in and around their properties.
- 4.6 Both planning applications were refused planning permission on 27th October 2004 for the following reason:-
- "The proposal would if approved result in significant and unacceptable nuisance to the occupants of properties in Mancetter, Quarry Lane, Pipers Lane and further afield in Hartshill thereby causing unacceptable detriment to their amenities, contrary to the provisions of policy ER.2 of the Warwickshire Structure Plan and policies ENV22(1) and ENV24(1) of the adopted North Warwickshire Local Plan."
- 4.7 Subsequent to that decision the applicants appealed against the refusal of planning permission. On 28th September 2005 the appeal was determined in a manner which was only partially favourable to the County Council's decision.
- 4.8 The Inspector concluded that the HGV traffic generated by the operation of the quarry during the night time and evening time period would have an unacceptable impact upon local residents resulting in unacceptable noise disturbance and nuisance during the early hours.
- 4.9 With regard to weekend working the Inspector recognised that this activity could give rise to nuisance and disturbance but was not convinced that this disturbance would be unacceptable if restricted to 25 weekend "occasions". As he was unsure as to the exact impact of weekend working upon local amenity he granted a two year temporary permission for weekend working as a trial period so that the County Planning Authority and local residents could assess the impact of weekend working.
- 4.10 Thus on 28th September 2005 the Inspector granted planning permission for weekend working on 25 occasions per annum for a temporary period of two years, with the two year period expiring on 28th September 2007.

5. The Need for the Proposed Variation

- 5.1 Mancetter quarry supplies a high quality (high PSV) roadstone which is coated at a coating plant located within the quarry. This stone is a valuable commodity

and is quarried at relatively few locations within the United Kingdom. Once the stone is coated it must be used within three hours of coating, thus it must be used quickly and relatively close to the plant. Most of the coated roadstone is used within 30 miles of Mancetter.

- 5.2 The roadstone is important because it provides a high quality anti-skid road surface in areas where vehicles must be able to stop quickly, such as roundabouts, junctions and sensitive areas such as roads outside schools.
- 5.3 As road works cause severe traffic disruption and result in complaints from the travelling public highway authorities are increasingly requiring road works to be carried out at off peak periods such as evenings and weekends. To support this statement the applicants supplied, with the previous submission, copies of contracts from the Highways Agency, Birmingham City Council, Warwick District Council and Warwickshire County Council requiring evening and weekend working. There is therefore little dispute that this application has been submitted in response to customer demand. However, the level of that demand may be less than that anticipated by the applicants and the Inspector.

6. The Current Application

- 6.1 On 16th February 2007 the current application was submitted to the County Council seeking a permanent permission for the operation of the quarry on 25 weekend occasions per annum.
- 6.2 Since the temporary permission to operate on 25 weekend occasions was granted by the Inspector on 28th September 2005 the quarry has operated on 14 occasions since that date. The operation of the quarry on these occasions has not given rise to formal complaints to the Borough Council's Environmental Health department and has resulted in only two complaints to the County Council which were received on 16th and 20th March respectively.
- 6.3 This low level of complaints and the fact that the Borough Council's Environmental Health Department does not object to this proposal would indicate that this proposal is on balance acceptable.
- 6.4 The Borough Council suggest that an appropriate start time for weekend working would be 7am rather than the 6am requested by the applicants. The later start time would certainly lead to less disturbance to local residents and therefore has considerable merit, however no evidence had been supplied to demonstrate that the 6am start time is actually unacceptable. Without some evidence to support this request it would be difficult to justify insisting upon the later start time.
- 6.5 The planning application was discussed at the Mancetter Quarry Liaison Meeting (a group consisting of representatives of the quarry, the County Council, the Borough Council's Environmental Health Department and local residents) held on Tuesday 3rd April when some local residents suggested that the low level of complaint was due to the fact that local residents saw little point in complaining about an activity that which had been granted planning permission and that as the quarry had operated on only 14 occasions since the consent was

granted then the two year trial period imposed by the Inspector has not been fully tested.

- 6.6 Whilst these points have merit it must also be recognised that there is no substantive evidence which can be relied upon to justify refusing to grant planning permission for this development. In theory it would be possible to grant a further temporary permission on a similar basis to that granted by the Inspector however this option has been suggested to the applicants who have indicated that they are opposed to the suggestion. They conclude that a further temporary permission will not clarify matters any further and will introduce an unacceptable degree of uncertainty into their business planning. They would like the matter resolved.
- 6.7 In view of the applicants position and the fact that there is very little substantive evidence to demonstrate that the continuation of the current occasional use of the quarry during the weekends is causing unacceptable adverse impacts upon local amenity this application is recommended for approval.
- 6.8 It should be noted however that the operation of the quarry over the weekend, particularly on Sunday mornings will have a significant impact on a small number of properties, particularly Quarry Farm located at the entrance to the quarry and a small number of properties located close to the road frontages in Quarry Lane and Mancetter Green. This impact is an inevitable consequence of accepting weekend working but was held to be potentially acceptable by the Secretary of State's Inspector, a fact that the County Planning Authority must now acknowledge and accept.

7. Planning Policy

- 7.1 The structure plan provides county wide guidance for development. Structure Plan policy ER.2 requires that the environmental impact of development is minimised to render development acceptable. Where that is not possible then the development should not be permitted. The impact of traffic associated with quarrying would be mitigated by the suggested condition which continues to restrict traffic movements and hours of operation. Therefore this development is considered to accord to policy ER.2.
- 7.2 Policy M7 of the Minerals Local Plan for Warwickshire, adopted in February 1995, states that the County Council will seek to minimise the impact of mineral extraction operations through, when appropriate, the imposition of relevant planning conditions.
- 7.3 Policy ENV11 of the North Warwickshire Local Plan adopted in 2006 states that occupiers of nearby properties should not suffer an unacceptable loss of amenity due to, inter alia, traffic associated with a development.
- 7.4 Given the decision made by the Secretary of State's Inspector relating to the previously determined appeal and the advice from the Borough Council's Environmental Health Department it is concluded that this proposal accords to the above mentioned planning policies and the provisions of the development plan in general.

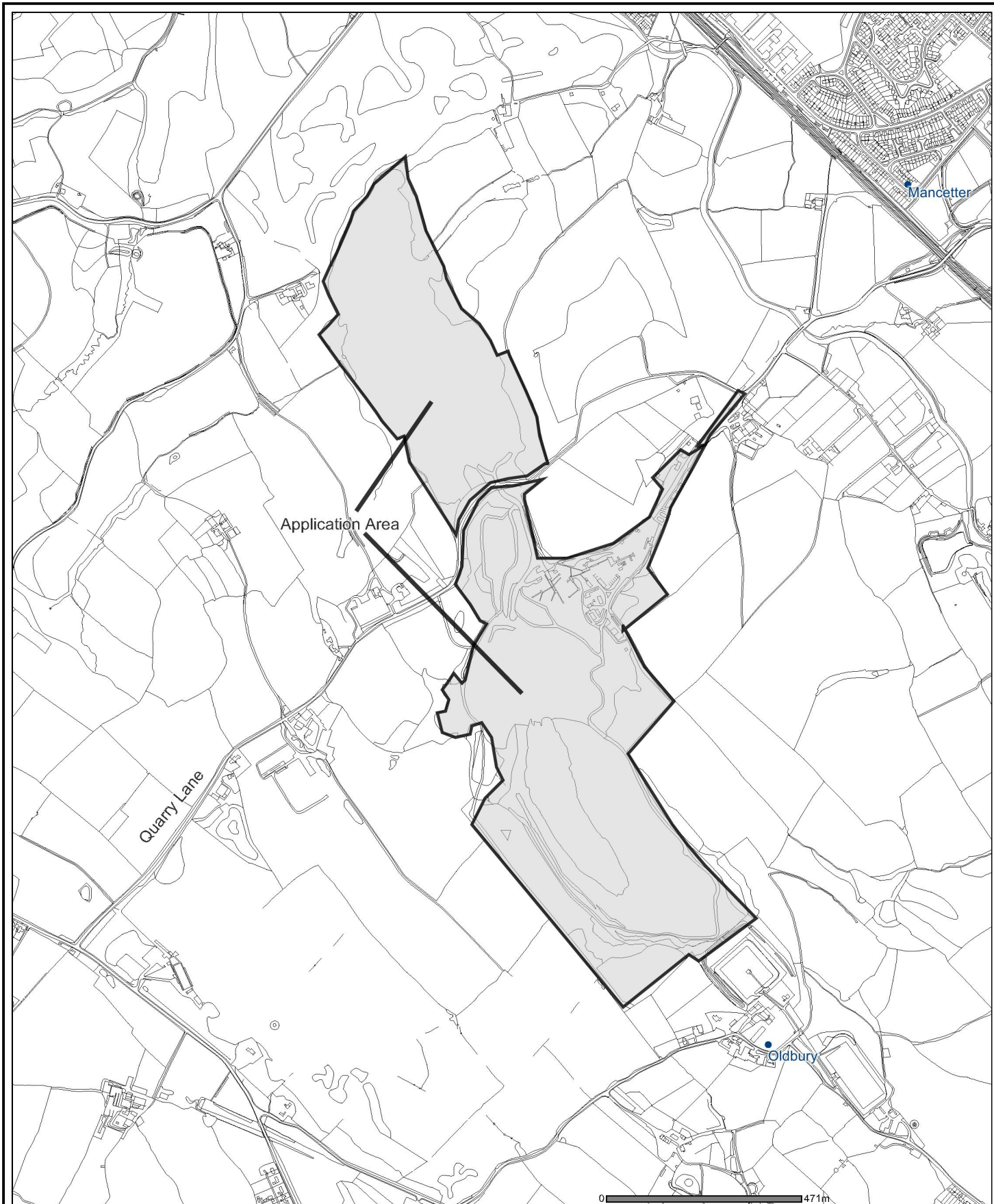
8. Environmental Implications

- 8.1 The approval of this application will result in extra noise disturbance and traffic nuisance affecting residential properties in close vicinity to the Mancetter Quarry mostly as a result of the HGV traffic movements during the early hours of Sunday morning.

JOHN DEEGAN
Strategic Director for Environment and Economy
Shire Hall
Warwick

4th June 2007

APPENDIX A OF AGENDA NO.



Scale 1: 12500

Ref No. NW20/07CM005

Drawn Richard Forbes

Regulatory Committee - 12 June 2007

Subject
Mancetter Quarry



John Deegan
Strategic Director for
Environment and Economy
Shire Hall, Warwick, CV34 4SX

Regulatory Committee - 12th June 2007

**Mancetter Quarry - Variation of the Hours of Operation
Condition to Permit the Operation of the Quarry on 25
Occasions Per Year on Saturdays and Sundays**

Application No: NW20/07CM005

1. Except in emergencies to maintain the safe quarry working (which shall be notified to the Minerals Planning Authority (MPA) as soon as practicable) or unless otherwise agreed in writing by the MPA none of the operations hereby permitted shall take place except between the following hours:-

Mineral extraction, processing, servicing, maintenance or testing of plant and restoration works:-

0700 – 1730 Mondays to Fridays
0700 – 1200 Saturdays

Tip removal, soil stripping and overburden removal:-

0800 – 1730 Mondays to Fridays
0800 – 1200 Saturdays

Blasting operations:-

1000 – 1600 Mondays to Fridays
1000 - 1200 Saturdays

Operation of the coating plant:-

0400 – 1730 Mondays to Fridays
0400 – 1200 Saturdays

Vehicle movements:-

0600 –1730 Mondays to Fridays
0600 - 1200 Saturdays

None of these operations shall be carried out on Sundays, Bank Holidays or Public Holidays except as provided below:-

Subject to prior notification to the MPA, on 25 occasions in each year, the coating plant may operate between 0500 and 1700 on Saturdays and Sundays (each day being a separate occasion) with an average of 5 loads of coated stone per hour leaving the quarry between 0600 and 1700.

Reason – In order to protect the amenities and environmental quality of the locality.

2. The operators shall provide written notification to the MPA specifying the dates of the Saturdays and Sundays on which it is intended to operate the coating plant and allow coated stone lorries to enter and leave the site. Within 48 hours of each of the occasions of weekend working so notified the operator shall provide the MPA with written confirmation of the operations described above.

Reason – In order to enable the MPA to carry out effective monitoring of Condition 1 of this consent.

Development Plan Policies Relevant to this Decision:

Warwickshire Structure Plan 1996 – 2011

Policy ER.2.

The Minerals Local Plan for Warwickshire:

- (i) Policy M7.

North Warwickshire Local Plan – Adopted 2006

- (i) Policy ENV11.

Reasons for the Decision to Grant Permission

The proposed development is in accordance with development plan policies and would not have an unacceptable adverse impact on the amenity of the locality as a whole. It is further considered that the development would not have such an adverse impact on the highway network as to justify the withholding of planning permission.

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.