

Regulatory Committee

Addendum

Date: Tuesday 7 June 2022

Time: 10.30 am

Venue: Council Chamber, Shire Hall

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Planning Applications

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Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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Regulatory Committee

07 June 2022

Retrospective Application for Buildings, Plant and Equipment, Hartshill Quarry, Nuneaton Road, Nuneaton

NWB/20CM015

Application No.: NWB/20CM015

Advertised date: 06 January 2021

Applicant(s) Mr Kashan Aslam
Crown Aggregates
Hartshill Quarry
Nuneaton Road
Nuneaton
CV10 0RT

Agent(s) Mr Simon Greaves
Castellum Consulting
Marymead
Lower Woodside Road
Wootton Bridge
PO33 4JT

Registered by: The Strategic Director for Communities on 18 December 2020

Proposal: Retrospective permission for structures, use and plant outwith the main quarry permission area.

Site & location: Hartshill Quarry,
Nuneaton Road, Nuneaton, CV10 0RT
[Grid ref: 433267.294539].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of retrospective planning permission for buildings, structures, plant and equipment on land adjoining, but outside of, the main quarry permission area at Hartshill Quarry, Nuneaton Road, Nuneaton subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application Details

- 1.1 This application relates to Hartshill Quarry (formerly known as Jeas and Boons Quarry) which is located between the village of Hartshill and suburbs of Nuneaton. Hartshill Quarry is accessed off the B4111 Nuneaton Road which links Nuneaton to Mancetter / Atherstone and the A5.
- 1.2 The application seeks retrospective planning permission in order to regularise a number of buildings, structures, plant and items of equipment which have been erected in recent time on land adjoining, but outside of, the main quarry permission area at Hartshill Quarry.
- 1.3 The new buildings and plant have been constructed and erected on land adjoining the main quarry, immediately through the site entrance, which has historically been the location of minerals processing plant and equipment used to process minerals extracted from Hartshill Quarry.
- 1.4 The application site extends to 3.8 hectares. The main working / extraction area of Hartshill Quarry is located on the western side of the B4111 and extends to around 80 hectares. The wider quarry site includes land on the eastern side of the B4111, with the site in total extending to around 135 hectares.
- 1.5 The developments the application seeks to regularise comprise:
 - Hard surfaced access roads, vehicle manoeuvring and parking areas.
 - Vehicle weighbridge.
 - Two storey office / weighbridge building.
 - Vehicle cleaning facilities – comprising a 100 metre long wheel bath, an automated mechanical wheel wash and a wheel bath with rumble strips.
 - Aggregates washing plant.
 - Aggregates storage bays.The application also seeks planning permission for a surface water drainage attenuation pond which has yet to be constructed.
- 1.6 The application states that the hard surfaced access roads, manoeuvring and parking areas are to a large degree refurbishment

and improvement of existing hard surfaced areas. The hard surfaces are largely concrete, with some tarmac, and drain to a soakaway.

- 1.7 The vehicle weighbridge is located to the side of the site offices, which is understood to be the same location as a weighbridge previously located on site. The weighbridge serves both inbound and outbound traffic.
- 1.8 The site office / weighbridge building has been constructed on the same footprint as a building formerly located on the site. The two storey building is of brick construction and flat roofed with windows and doors to each facade. The building measures 18 metres by 5.5 metres by approximately 6 metres in height. The building accommodates a site office, quarry managers office, weighbridge office, accounts room and training room facilities for site and office staff.
- 1.9 The vehicle wheel cleaning facility comprises three elements; a 100 metre long wheel bath, followed by an automated wheel wash which includes water jets sprayed under pressure and finally a wheel bath with rumble strips. Water is provided to each element of the system from a mains source, and each is emptied by a silt extraction tanker as a minimum once a week. The extracted suspended silt water is then put through the settling tanks associated with the adjoining wash plant. The application states that use of the wheel washing facility is mandatory for all HGVs leaving the site, and this is controlled by a traffic management plan. The application states that the combined three stage wheel washing system has proved highly effective in use, and is a major contribution to reducing mud on the road beyond the quarry boundary which has previously been a problem.
- 1.10 The existing aggregates washing facility comprises of; a feed hopper, conveyors, a barrel wash where primary materials are broken down, rinsing deck where aggregates are washed and screens which grade materials into varying product sizes, from silt / sands through to graded stone of differing sizes. Graded and separated materials exit the wash facility at various points by conveyors which deposit aggregates in storage bays prior to export off site. The washing facility also includes water storage tanks and a filter press for dewatering silt. Materials are handled and transferred around the site by wheeled loader and off-road dump trucks. The water for the existing washing plant is supplied from both a lagoon to the west of the wash plant and from runoff water from the quarry roads and hard surfaced areas. The washing facility has a water management system that reuses all water within the system, constantly recycling it.
- 1.11 Stone extracted from Hartshill Quarry, and contained within an on-site overburden mound which is currently being reprocessed, can contain high silt and clay contents (approximately 15-18%). The wash plant enables the quarry to produce a refined quality and broader range of aggregate products to the market.

- 1.12 The existing wash plant can process up to 150 tonnes of material per hour.
- 1.13 A number of structures and features remain on site from the historic mineral processing activities and have been incorporated into the current operations on site. The most notable of these features are a series of storage bays, where unprocessed and finished products are stored, which the applicant refers to as the 'Toast Rack'.
- 1.14 The surface water drainage attenuation pond, which has yet to be constructed, would measure around 33 metres by 33 metres by 3 metres in depth.
- 1.15 The application states that the level of traffic associated with activities at the quarry are unaffected by this development. The applicant considers that the generation of traffic is regulated by the overarching quarry consent, with the area covered by the application being a route for that traffic, with the facilities this application seeks to regularise, weighing, cleaning, and administration, providing management of it, but does not change the volume of it. The applicant considers that the development has no impact upon external highway movements generated by the site. As such the applicant therefore considers that no assessment of transport movements is required. The application states that there can be between 60 to 100 HGVs arriving and departing from the quarry per day (120 to 200 vehicle movements). During peak times the applicant advises that there could be 20 HGVs per hour (40 vehicle movements). The applicant also advises that vehicle numbers at the quarry average 40 per day (80 vehicle movements). The planning consent permitting mineral extraction at Hartshill Quarry places no formal limit on the number of vehicles accessing the site daily. In addition there is no limit on the output of minerals from the site.
- 1.16 This is one of three current planning applications relating to Hartshill Quarry which have been submitted to WCC in recent time for determination. The other two are:
- NWB/20CM016 : Proposed aggregates washing plant and ancillary plant. (Also on this Agenda).
 - NWB/20CM017 : Variation of Condition 1 of main quarry consent NW126/01CM013 to allow earlier removal of spoil for reprocessing. (To be reported to a later meeting of the Regulatory Committee).

2. Consultation

2.1 North Warwickshire Borough Council (Plg) – no objection subject to the imposition of conditions in respect of working hours being the same as those for the main quarry operations.

2.2 North Warwickshire Borough Council (EHO) – comments as follows:

Dust - Measures described in the planning application appear largely suitable and I welcome the proactive approach to the control of dust, subject to appropriate measures being put in place to control dust. I recommend:

- No visible particulate matter should be emitted beyond the installation boundary;
- A daily visual site inspection should be carried out by a designated person and results of the inspection shall be kept in a log book on site. Records shall be kept for at least 24 months and made available upon request;
- All relevant staff should receive training in dust control with a record kept on site to be made available for inspection upon request;
- Materials storage shall be subject to suppression and management techniques to minimise dust emissions;
- Storage of materials shall be kept below the level of bunker walls; and
- The wheel wash shall be maintained and used when necessary to prevent tracking of mud onto the highway.

Noise - I agree with the conclusion of the environmental noise assessment that the total aggregate environmental noise impact arising from the existing operations at the Hartshill Quarry site results in a 'low impact' at the worst affected noise sensitive receptors. If work is carried out within the hours of operation contained within the planning permission controlling mineral extraction there should not be significant adverse impact from noise from existing operations described in the application.

The EHO goes on to suggest that more detailed information should be provided for traffic flows which will provide the basis for determining appropriate air quality mitigation. Possible mitigation measures suggested for a development of this nature / scale include; use reasonable endeavours to use / require vehicle use complying with the latest European Emission Standard; and, provide a fleet emission reduction strategy / Low Emission Strategy, including low emission fuels and technologies, including ultra low emission service vehicles. The EHO recommends that clarification of the development scale in terms of air quality and a suitable low emission strategy are provided.

2.3 Councillor Margaret Bell – no comments received as of 27/05/2022.

- 2.4 **Hartshill Parish Council** – wish to know why the planning applications for Hartshill Quarry are always retrospective as opposed to a normal planning application.
- 2.5 **Environment Agency** – no comments received.
- 2.6 **Canal & River Trust** – in terms of potential impacts on the Coventry Canal from the proposed attenuation pond, the application site lies to the south of the Coventry Canal, with the main site entrance located close to Anchor Bridge (Br 29) which crosses the canal. The canal sits in a cutting at this point and ground levels on the site are appreciably higher than the canal.

The proposed attenuation pond is located about 10 metres from the canal, at a low lying part of the site close to the existing canal cutting and will be approximately 33 metres by 33 metres and about 2 metres deep. Given the proximity of the cutting slope, we consider that it is important to see details of the pond's construction and management. It will be important to ensure that any risk of damage to the liner of the pond is minimised to avoid localised water ingress into the adjacent cutting slope and subsequent potential instability of the cutting.

The attenuation pond is proposed to discharge to the Coventry Canal. We therefore consider that details of the operation and management of the pond should be secured to ensure that any risks of adverse impacts on the canal and on water quality in the canal can be appropriately addressed.

The Flood Risk Assessment indicates that the new pond would receive overland flows in the event that the existing on-site drainage system is overwhelmed. It is further indicated that overflow from the existing soakaway would be redirected to the attenuation pond. It is not clear how these would be directed to the pond or how it is proposed to minimise risk of contaminants entering the pond and canal. This information is necessary to demonstrate that there would be no risk of adverse off-site impacts.

Our records indicate that there have been a number of pollution incidents and issues with sediment inputs coming into the canal from the existing drainage arrangements at the quarry. The current catch pit does not appear to have been very effective at limiting sediment discharges with higher rainfall events and we have evidence of high suspended solids discharge from specific events. It may be appropriate to consider the inclusion of aquatic vegetation in the pond as a means of preliminary treatment and further adhesion of solids. The pond alone would provide some settlement but the addition of managed aquatic vegetation would provide further water quality improvements.

We consider that management of the pond to ensure its effective operation is key to minimising adverse impacts on the canal. In particular there needs to be routine litter and debris removal, regular inlet and outlet clearing and maintenance, vegetation management and proper routine sediment monitoring and removal. Use of this Sustainable Drainage System technique is only as effective as its management and we would recommend regular water quality monitoring. We ask that a suitably detailed management plan is secured.

The Trust suggest that conditions are imposed to secure:

- full details of the arrangements for directing overland flows into the attenuation pond, together with details of measures to minimise contaminants entering the pond and Coventry Canal;
- a detailed design for the pond and construction methodology, including full details of the design / specification of the pond liner and measures to minimise risk of adversely affecting the stability of the canal cutting slope; and,
- a detailed management and maintenance plan for the pond.

The Trust notes that the proposed attenuation pond is intended to discharge to the Coventry Canal. The Flood Risk Assessment appears to indicate that no further consent is necessary to allow this discharge. It also suggests that existing discharges to the canal have no limitations on quality or volume. The Trust as owner and operator of the canal, does not consider that this is correct. The Trust considers that the Applicant will require consent from the Trust for any further discharge to the canal. Any discharges to the canal would need to be discussed with the Trust through its application process. The Trust requests that an informative is attached to any planning permission granted to this effect.

2.7 **Natural England** – based on the plans submitted, considers that the proposed development will not have significant adverse impacts on statutorily protected mature conservation sites or landscapes.

2.8 **Historic England** – do not wish to offer any comments.

2.9 **WCC Highways** – initially responded as follows:

The machinery that has changed should hopefully be more efficient than the machinery it replaced. Extraction is valid until 2042. It is unclear if the replacement machinery would increase output from the quarry over this period?

It is not clear if the multipurpose block (office / weighbridge building) is an increase in floor space?

The concern is that the application will result in more vehicle movements associated with the site. Visibility splays from the vehicular

access to the site do not accord with guidance. The number of recent and historic recorded collisions fronting the site and within the required visibility splays are very worrying. It is imperative that the proposals do not result in a significant increase in vehicle movements associated with the site.

Therefore the Highway Authority's response is one of objection on the grounds that insufficient information has been provided to determine the effect of the development on the public highway network.

Following the submission of further information the Highway Authority commented as follows:

Neither the number of vehicle movements or tonnages are restricted by condition, and the development is not intended to intensify the use of the site.

Complaints persist about material transfer from the site and how it is cleaned up. The site has been visited twice since this office was consulted. On the first occasion there were clear tracks from the site access going towards Atherstone and Nuneaton. Travelling towards Nuneaton the transfer could clearly be seen for a distance of over a kilometre. On the second occasion a road sweeper was stationary on the hill on a left hand bend a short distance from the site entrance, resulting in vehicles having to overtake without suitable forward visibility (whether or not this vehicle was associated with the quarry is unclear). Other vehicles have been and were seen to be leaving the site without sheeting over the loads.

The further information states that the new plant and offices were required because of how the previous operator left the site. They are like for like replacements. As such, the proposals may not result in an intensification of the use of the access.

The further information continues saying how much the applicant is investing in equipment that will improve highway safety, with wheel baths, a wheelwash and equipment to clean the highway fronting the site. All are required as whenever the site has been visited there has been significant transfer from the site on to the road fronting the site. As stated previously, vehicles have been witnessed leaving the site without any sheeting covering the load. Wheel baths and wheelwashes will not stop transfer occurring if the load is not covered. And the more time road sweepers are on the road cleaning the transfer the more likely they are going to be involved in a collision. Slow moving vehicles on a high speed road with limited visibility in places is not a good combination. As such, the Highway Authority would like a condition to ensure all vehicles are covered, if there is not already a condition in place.

Therefore, the Highway Authority's response is one of no objection subject to a condition to vehicles leaving the site have been cleaned in a wheelwash and the load is suitably covered.

- 2.10 **WCC Ecology** – the latest version of the Ecological Constraints Assessment (BMD 24th March 2022 has addressed most issues highlighted when reviewing the previous version.

An updated survey of the site was undertaken on 3rd February 2022. A desk study was undertaken and the Warwickshire Biological Records Centre (WBRC) was approached for up-to-date local information. A Phase 1 map of the application site has not been added to the report, but photographs included and aerial photography clearly show the site is dominated by bare ground.

The recommendations set out in Section 5 'Mitigation' are appropriate but should be amended to be enforceable throughout so the measures can fulfil a CEMP (Construction and Environmental Management Plan) condition. A separate CEMP could be produced, should any further construction works be required, based on the measures that would happen, rather than what should happen.

The Ecological Constraints Assessment states that a LEMP (Landscape and Ecological Management Plan) is not feasible for this area of the wider Site and the current scheme includes no significant landscape areas of proposed attenuation features. Submitted plans include an attenuation pond. The proposed pond close to Coventry Canal appears to have sufficient space in surrounding areas to include some appropriate native species planting, which would satisfy the LEMP condition. Additionally, street view photography (Google Imagery September 2021) appears to show a gappy hedgerow along the B4111, between the site entrance and the canal. The hedge could also be enhanced. Proposals can be shown on a landscape drawing with a species list and a brief management plan. A LEMP would be required to show some gains for biodiversity which is a requirement of NPPF (2021) and for the planting around the proposed attenuation pond. A Landscape Drawing should be produced showing the species list and proposed locations. On this occasion a BIA (Biodiversity Impact Assessment) will not be required.

- 2.11 **WCC Flood Risk Management** – no objection to the development with regards to the drainage and surface water management.
- 2.12 **WCC Planning Policy** - whilst there is general accord with minerals and waste policies, the 3 applications currently lack any details of lorry movement and total production figures for crushed rock and recycling excavation spoil.

Without knowing the existing lorry movements nor the amount of crushed rock being produced on site per annum, it is impossible to

assess whether this application will lead to increase in production and whether it is just a recycling operation for excavation waste under the guise of crushed rock processing. It is not clear if the recycling is primarily for extracting the crushed rock or for mainly recycling the overburden. It is also not clear whether, once the spoil heap is removed, further processing will be undertaken from imported wastes, which would require a further planning permission. Given the investment in new equipment this would appear to be the likely future aim.

The production figure appears to be 700 tonnes per day which could potentially be approximately 35000 tonnes per annum. But how much is crushed rock production and how much is going to be recycled aggregate? Is this additional to the crushed rock quarried elsewhere on site? These figures need to be made clear. As the process is already being undertaken it should be possible to provide these figures.

Warwickshire County Council have a duty to monitor production from mineral sites in the county. The Council relies on the goodwill of mineral operators to be able to provide production figures and reserves. Figures are collected in Warwickshire to produce evidence for our Minerals and Waste Local Plans and we also work partnership with other Mineral Planning Authorities in the region with the West Midlands Aggregate Working Party, so that we can inform the regional picture on aggregates. This helps the Council plan for how much aggregate production we need in the future in the Minerals Plan and also helps inform the regional production figures which are reported back to the Central Government.

Unfortunately, in the case of Hartshill Quarry, the operator has never cooperated with the Council in providing such figures and therefore we have never had any monitoring returns. This will hinder plan making in the future and will make monitoring in conjunction with our regional partners more difficult. I should also state that the operator at Hartshill Quarry is the only operator in the county that fails to provide such figures.

In policy terms, whilst the development accords with national and local minerals and waste policies, I would ask that the application is held in abeyance until sales figures dating back to when the quarry reopened are provided, and that detailed figures are given in terms and divided between lorry movements in regard to the crushed rock production and that for recycled aggregates. I would suggest that a condition is added to ensure that no recycled wastes are imported on to the site.

3. Representations

- 3.1 The application was publicised by way of a press notice, site notices in the surrounding area and direct notification of the nearest properties to the site entrance.

- 3.2 No representations have been received from existing residents.
- 3.3 Representations have been made on behalf of the owner (Tarmac Trading Limited) of an adjoining parcel of land (which previously formed part of the quarry landholding and is in part covered by planning consent NW126/01CM013) which is currently the subject of a planning application to North Warwickshire Borough Council. The land is the subject of an allocation for residential development in the North Warwickshire Local Plan. The application (ref. PAP/2018/0140) seeks outline planning permission for mixed use development comprising the erection of 382 residential dwellings together with a local centre providing sales area with ancillary parking, associated access off Castle Road and Camphill Road, open space, landscaping and related infrastructure works, including sheltered bungalows and starter homes. This application has yet to be determined by NWBC.
- 3.4 Whilst, focused mainly on planning application NWB/20CM017 (Variation of Condition 1 of main quarry consent NW126/01CM013 to allow earlier removal of spoil for reprocessing) the representations made on behalf of Tarmac Trading Limited reference all three of the current planning applications relating to Hartshill Quarry. They state that, for the avoidance of doubt our comments are relevant to all three applications currently awaiting determination as we do not consider each can be addressed in isolation.
- 3.5 The initial representation received stated that, Tarmac has no objection in principle to the proposals but feel all parties would benefit from a more detailed and specific proposed timetable of works and that the amenity impacts should be considered in full.
- 3.6 The response further notes that the applicant sought pre application advice from the Mineral Planning Authority, specifically in relation to the planning application for the erection of new plant at the quarry (NWB/20CM016), which provides detailed context for the applications and the environment within which the application site sits.
- 3.7 The pre-application advice clearly sets out what matters the applicant needs to consider as part of any planning application and also what matters the MPA will consider when determining any planning application. The pre-application advice notes that the proposed residential development land needs to be considered as part of the planning application process and it is noted that the applicant has recognised the residential development site as a sensitive receptor in terms of potential noise impact; this should remain the case when considering all potential amenity impacts of the proposals and the cumulative impact of the mineral working operations.

- 3.8 The representation notes that the noise impact assessment does not consider there will be any adverse impact on residential amenity as a result of the development set out in the planning application.

4. Assessment and Observations

Background and Planning History

- 4.1 Hartshill Quarry (formerly known as Jeas and Boons Quarry) is a hard rock quarry. Rock is extracted by various means, including the use of excavators and blasting. Extracted mineral is crushed, washed and graded to produce a range of aggregates for use in the construction industry.
- 4.2 Mineral extraction has taken place at what is now known as Hartshill Quarry for a significant period of time and certainly predates the planning system (so prior to 1947) . The site historically operated as two separate quarries, Jeas and Boons, until becoming one operating unit some years ago. The quarry has a significant planning history which includes extensions to the area of extraction and for the provision of buildings, structures and equipment associated with the processing of mineral and production of products such as coated road stone.
- 4.3 The application site itself has been used for many years as a processing area for mineral extracted at Hartshill. Historically there would have been plant, buildings and structures on the site, although most were removed in the 1990's and early 2000's during a period when the quarry was not operating. The replacement buildings and structures this application seeks to regularise have been developed / constructed on the site in the last four years or so as the quarry has reactivated.
- 4.4 Hartshill Quarry was mothballed for around 20 years from the mid 1990s, with no activity taking place on site during this period. At this time the quarry was under the control / ownership of Midland Quarry Products Limited (MQPL), a joint venture company owned by Tarmac and Hanson. At some point during this period Tarmac sold their interest in MQPL, and the majority of the land at Hartshill Quarry, to Hanson. Subsequent to this Hartshill Quarry changed ownership again in around 2016, coming under the control of the current applicant and operator of the site, Crown Aggregates Limited. Hartshill Quarry reopened as a functioning quarry producing aggregates in late 2016, with blasting recommencing in early 2018.
- 4.5 Hartshill Quarry operates under a set of planning conditions determined by way of an Environment Act Review undertaken in 2001 (ref. NW126/01CM013). This process, known as a Review of Old Minerals Permissions (ROMP), is a 15 year rolling cycle. So active sites should be reviewed every 15 years unless a further extended period is agreed

because it is considered that the existing conditions are adequate or perhaps that it would serve no purpose at that time. A ROMP allows the County Planning Authority to update older mineral planning permissions by imposing modern operating, restoration and aftercare conditions upon a site.

- 4.6 The ROMP consent (ref. NW126/01CM013) contains 43 conditions relating to the operation and working of the quarry. This includes a condition (Condition 2) which allows the winning and working of mineral and the deposit of mineral waste and colliery spoil to continue at Hartshill Quarry until February 2042.
- 4.7 Shortly before Hartshill Quarry changed ownership, WCC agreed to an extension of time (until 2031) for a further ROMP to be undertaken. This decision was based on the information given at the time, by the then owner MQPL, that the site was going to remain mothballed for many years to come.
- 4.8 Whilst the current application site has historically been used to process and prepare for sale mineral extracted at Hartshill, and is the entrance into Hartshill Quarry, it actually falls outside of the area covered by the main quarry planning permission. Thus, the conditions contained within the ROMP consent (ref. NW126/01CM013) do not apply to this parcel of land.
- 4.9 In March 2019 WCC issued a Certificate of Lawful Use (CLU) (NWB/18CM030) which confirmed / accepted that the use of this parcel of land (the current application site) for the processing of excavated and quarried materials from Jeas and Boons Quarry (now known as Hartshill Quarry) had continued uninterrupted (or without abandonment) for a period in excess of ten years. The CLU relates use of the land prior to the current applicant taking ownership / control of the site. Therefore, the use of this land to process mineral extracted from Hartshill Quarry is accepted to be lawful.

Site and Surroundings

- 4.10 Hartshill Quarry is situated between the village of Hartshill, which is located to the west, and the residential suburbs of Nuneaton, located to the south and east of the quarry. The quarry can best be described as being situated in an edge of urban area location. To the south and west of the quarry are some relatively densely populated residential areas. Whilst to the north and east of the site the landscape opens up into relatively open flat countryside with agriculture the predominant land use and where residential properties are sparse. A number of dwellings in Hartshill literally adjoin the quarry whilst those to the south and east have a degree of separation from the working area of the site.
- 4.11 The site is accessed off Anchor Hill, the B4111 Nuneaton Road which links Nuneaton to Mancetter / Atherstone and the A5.

- 4.12 Hartshill Quarry is an extensive site. The main working / extraction area of Hartshill Quarry is located on the western side of the B4111 and extends to around 80 hectares. The wider quarry site includes land on the eastern side of the B4111, with the site in total extending to around 135 hectares.
- 4.13 The Coventry Canal adjoins the quarry to the north, with the West Coast Mainline railway to the north-east of the site.
- 4.14 The quarry is in essence situated on the hillside. The main working / extraction area of the site is very much a working quarry with a deep excavation void with steep rock faces. The working area of the quarry comprises of a mix of bare ground, stockpiles of processed and unprocessed materials, overburden mounds and areas of vegetation. Part of a rock formation within the site is designated as a Site of Special Scientific Interest (SSSI). As an active quarry there is now also a significant amount of plant and machinery, both mobile and fixed, operating on the site. Vegetation around the peripheries of the quarry restrict views into the site, although visually it is very much evident that this is a working quarry.
- 4.15 The application site itself relates to a 3.8 hectare area of land immediately through the site entrance. The sloping site runs alongside the Nuneaton Road, although it is relatively well screened by roadside vegetation. The site very much takes the form of an active mineral processing area and includes; buildings, plant, machinery and stockpiles of processed and unprocessed mineral.
- 4.16 The nearest residential property to the application site is the Anchor Inn pub which is located a little more than 30 metres to the north on the opposite side of the B4111 and Coventry Canal. Hartshill Grange is located just over 350 metres to the west. Whilst the nearest dwellings in Hartshill are approaching a distance of 600 metres from the application site. Properties on the edge of Nuneaton would be in excess of 600 metres from the site. A number of schools in the area are all separated from the application site by around 800 metres. The proposed new residential development, on the edge of Hartshill / Nuneaton, is situated around 550 metres from the application site at its closest point.
- 4.17 A number of businesses including an aggregates bagging plant, timber yard and HGV transport yard are located close to the site entrance into Hartshill Quarry.

Planning Policy Context

- 4.18 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the

provisions of the Development Plan ‘unless material considerations indicate otherwise’.

- 4.19 Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
 - (b) there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development propose; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 4.20 Paragraph 12 goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with the up-to-date development plan (including and neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.21 Paragraph 48 explains that authorities may give weight to relevant policies in emerging development plans according to : a) the stage of preparation of the emerging plan; b)the extent to which there are unresolved objections to relevant policies; and c)the degree of consistency of the relevant policies in the emerging plan to this framework.
- 4.22 The courts have made it clear that for the purposes of section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy of the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent or compliance or breach.

- 4.23 The development plan relevant to the proposals consists of, the saved policies of the Minerals Plan for Warwickshire adopted 1995, and the emerging Warwickshire Minerals Plan 2018 – Proposed Modifications (which whilst not yet adopted has been through an Examination in Public and has been subject to consultation on modifications and should be given considerable weight) and the North Warwickshire Local Plan (September 2021).

National Planning Policy

- 4.24 The National Planning Policy Framework (NPPF) confirms that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The document makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development. When making decisions the NPPF states that local planning authorities should look for solutions rather than problems.
- 4.25 The NPPF makes it clear that significant weight should be placed on the need to support economic growth and productivity. It goes on to state that policies and decisions should recognise and address the specific locational requirements of different sectors as well as enabling the sustainable growth and expansion of all types of business in rural areas.
- 4.26 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and,
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 4.27 Paragraph 111 makes it clear that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.28 Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement

or transport assessment so that the likely impacts of the proposal can be assessed.

- 4.29 The NPPF states that, planning decisions should, amongst other things, ensure that development: will function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development; is visually attractive as a result of the layout and appropriate and effective landscaping; and, is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 4.30 The NPPF makes it clear that minerals are essential to support sustainable economic growth and our quality of life. It is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy, and goods that the country needs. The NPPF requires existing sites used for processing of minerals to be safeguarded. When determining planning applications for mineral extraction, local planning authorities should: give great weight to the benefits of the mineral extraction, including to the economy; and ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health including the cumulative effect of multiple impacts; and ensure that noise and dust impacts are controlled, etc. It also seeks to provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards. In considering proposals for mineral extraction, minerals planning authorities should, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas.

Minerals Local Plan for Warwickshire 1995 (Saved Policies)

- 4.31 The saved policies of the Minerals Local Plan set out specific policies in respect of minerals development. The saved policies relevant to this development are:
- 4.32 Policy M6 (Considerations and Constraints), requires the proposal to be assessed for impact on a range of factors including operational and economic need, physical restraints such as impact on biodiversity, heritage and landscape character and other considerations such as transport and against policy considerations such as designated green belt.
- 4.33 Policy M7 (Mitigation and Conditions) seeks to ensure that any adverse environmental effects on residents that may arise from mineral workings are mitigated against using planning conditions and legal agreements. Paragraph d) says that proposals for operations ancillary or secondary will normally be expected to be sited adjacent to primary plant. The use of plant, machinery and buildings will be restricted to processes principally using minerals produced from the site. Where

appropriate, conditions may be imposed, or agreements sought to control the life span of operations ancillary or secondary to mineral extraction.

- 4.34 Policy M9 (Restoration of Mineral Workings), requires mineral workings to be restored to a high standard and a beneficial after use.

Emerging Warwickshire Minerals Plan (Main Modifications 2021)

- 4.35 The latest version of the emerging Minerals Plan is now at the final Main Modifications stage; the Inspector's Report is expected to be produced shortly. The plan and policies reflect the very latest planning policy guidance and the NPPF revisions. Although not yet adopted the plan holds considerable weight as it is at the final stage prior to adoption and as the relevant principles are consistent with the NPPF and are not proposed to be modified in any significant respects before adoption.
- 4.36 There are a number of Core Strategy and Development Management policies in the emerging plan which are considered to be relevant.
- 4.37 Policy MCS 1 (Supply of Minerals and Materials) sets out the Council's policy on the supply of all economic minerals in the County by maintaining supplies and landbanks. It also states that any planning application for mineral development will be treated on its merits and assessed against all other relevant Development Plan policies.
- 4.38 Policy MCS3 (Crushed Rock) sets out the future supply strategy for crushed rock requirements which includes ensuring a steady and adequate supply, achieving an annual production rate with existing permitted reserves and new sites, and maintaining an adequate landbank. The supporting text to the policy outlines that there is a regionally important resource of hard rock which is restricted to a narrow outcrop which extends from Bedworth to Nuneaton and Atherstone. The rocks are known to have a high polished stone value (PSV) content and are used mainly for road stone and rail ballast. Hartshill Quarry is one of only two hard rock quarries (the other being Mancetter Quarry) remaining in operation in the County
- 4.39 Policy DM1 (Protection and Enhancement of Environmental Assets and Landscapes) says that mineral development should protect, conserve, and where possible enhance, environmental assets and landscapes by ensuring there are no unacceptable adverse impacts upon the quality and character of the landscape, natural resources, biodiversity, and geodiversity. Policy DM2 (Historic Environment and Heritage Assets), says that mineral development should seek to conserve, and where appropriate, enhance the significance of affected heritage assets and their settings.

- 4.40 Policy DM4 (Health, Economy and Amenity – Minimising the Impacts of Mineral Development), says that planning permission will not be granted which will have unacceptable adverse impacts on local communities or their environment or on the economy either individually or cumulatively with other existing or proposed developments. The policy lists a number of factors to be considered including noise, lighting, dust, vibration/blast vibration, road traffic and flooding. The supporting text to the policy states that, several mineral developments on a site, or several in close proximity to one another, can result in an unacceptable total adverse impact on the environment, the cumulative impacts of all developments in the locality must be taken into account. In the case of Noise, Air Quality and Dust and Visual Intrusion the reasoned justification for the policy requires appropriate assessments to be submitted. In terms of noise, dust, and visual intrusion all these impacts need to be mitigated to an acceptable level.
- 4.41 Policy DM5 (Sustainable Transportation), requires developers to demonstrate that a proposal facilitates sustainable transportation by considering alternatives to road transport, minimising transportation distances, minimising the production of carbon emissions and where road transport is the only viable method of transportation to demonstrate that there is no unacceptable adverse impact on the safety, capacity and use of the highway network. The policy states that, where appropriate, applications for mineral development will need to be accompanied by a Transport Assessment which demonstrates that, amongst other things, the highway network is able and suitable to accommodate the additional number of movements, the proposal (either alone, or in combination with other developments) will not result in unacceptable detrimental impact on road safety and the proposed access arrangements are safe and convenient for users.
- 4.42 Policy DM7 (Flood Risk and Water Supply) addresses flooding and water quality and requires that the development will not increase the risk of flooding and that ancillary activities such as for processing are not located in the functional floodplain. The policy also requires site specific flood risk assessments to be submitted in support of certain proposals such as this proposal. Proposals which have an unacceptable adverse impact on water quality will not be permitted.
- 4.43 Policy DM9 (Reinstatement, Reclamation, Restoration and Aftercare) seeks to secure satisfactory provision for high quality restoration and that the site will be reclaimed at the earliest.
- 4.44 Policy DM12 (Overall Assessment of Proposals), requires proposals to clearly demonstrate that any adverse impacts have been considered under the following mitigation hierarchy: Level 1 - avoided; or Level 2 - satisfactorily mitigated where all avoidance has been implemented as far as possible; or Level 3 – adequately compensated for either onsite or offsite (as a last resort where any adverse impacts cannot be

avoided or satisfactorily mitigated). All opportunities to satisfy Level 1 and Level 2 should be exhausted before proceeding to the next stage.

North Warwickshire Local Plan 2021

- 4.45 The North Warwickshire Local Plan contains development management policies relating to the local area which all development proposals must be assessed against.
- 4.46 Policy LP1 (Sustainable Development), states that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 4.47 Policy LP11 (Economic Regeneration), seeks to support the delivery of employment generating uses. The policy states that, support and encouragement will be given to established / lawful rural businesses to expand where this has no significant and demonstrable harm in particular on the character of the area.
- 4.48 Policy LP14 (Landscape), states that new development should, as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies with appropriate protection from construction where necessary and strengthen visual amenity and biodiversity through further hard and soft landscaping. The Council will seek replacement or enhancement to such natural features where there loss results from proposed development.
- 4.49 Policy LP15 (Historic Environment), requires that the quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced.
- 4.50 Policy LP16 (Natural Environment), states that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of the development proposed.
- 4.51 Policy LP23 (Transport Assessments), states that Transport Assessment appropriate to the scale of the development proposed, will be required to accompany development proposals. These assessments should, amongst other things, address impacts on the local highway network and be bespoke to the nature of the development proposals. They should also ensure that proposals provide appropriate infrastructure measures to mitigate the adverse impacts of development traffic and other environmental and safety impacts either individually or cumulatively.
- 5.52 Policy LP29 (Development Considerations), sets out the Borough Council's development considerations, which include: targeting development at brownfield land in appropriate locations reflecting the

settlement hierarchy; provide safe and suitable access to the site for all users; to avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; protect and enhance the historic and natural environment; protect the quality and hydrology of ground and surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere and seek to maximise opportunities to encourage re-use and recycling of waste materials, both in construction and operation.

- 4.53 Policy LP37 (Housing Allocations) allocates sites for housing and includes Site H9 : Land between Church Road and Nuneaton Road, Hartshill (which lies immediately to the south-west of Hartshill Quarry). The site extends to 30.4 hectares and allocates the site for up to 4000 dwellings.

Policy Considerations

- 4.54 Hartshill Quarry is an operational hard rock quarry with significant reserves of mineral remaining to be extracted (understood to be around 20 million tonnes). The current planning consent allows mineral extraction to continue until 2042. Hartshill Quarry is referred to in the emerging Minerals Plan, being one of only two operational hard rock quarries in the County. The quarry contributes towards the existing landbank of permitted crushed rock reserves and the reserves relied upon in the emerging Minerals Plan. With or without this development, mineral extraction and associated operations are going to continue at Hartshill Quarry for some years to come.
- 4.55 Hartshill Quarry is clearly producing crushed rock and associated mineral products to the local construction market and as such makes a contribution to the local economy, as well as providing some direct employment at the site. This is supported in general terms by planning policy.
- 4.56 Policy M7 d) in the 1995 Minerals Plan says that “Proposals for operations ancillary or secondary to mineral extraction will normally be expected to be sited adjacent to primary plant. The use of plant, machinery and buildings will be restricted to processes principally using minerals produced from the site. Where appropriate, conditions may be imposed, or agreements sought to control the life span of operations ancillary or secondary to mineral extraction.” The plant, equipment and buildings this application seeks to regularise can be considered to be either ancillary or secondary to mineral extraction. A weighbridge, wheel wash and site office are essential components to operation of the site and therefore primary plant. The wash plant and associated infrastructure is ancillary or secondary plant and equipment required to process and prepare mineral extracted at the quarry for sale. In addition the recently installed plant and equipment is sited in the same location as processing plant historically operated at Hartshill Quarry. The existing plant processes minerals extracted from Hartshill Quarry

only. The applicant has confirmed that no minerals are imported to the site for processing and this is not the intention going forward. In this respect the proposals are in conformity with the policy and should be afforded some weight.

- 4.57 The general theme running through policies contained within the development plan is to achieve high quality development that is sustainable in the long term. The form the plant, equipment and buildings this application seeks to regularise take, very much reflects their function. They are what you find in a quarry. That said, they are modern, well maintained and relatively unobtrusive. In addition the application site is relatively well screened by existing vegetation. Therefore, in general terms, the development accords with planning policy.
- 4.58 Set against this are a number of wider policy constraints within the development plan which seek to ensure a satisfactory pattern of development in order to protect the natural and built environment and amenity of neighbouring occupiers from any adverse impacts resulting from development. All developments, including those associated with mineral extraction and the processing of minerals, have potential environmental effects and impacts. Subject to such effects and impacts being appropriately mitigated and managed the proposed development would accord with the policies contained within each of the relevant Development Plans and NPPF. These matters are discussed below.

Amenity and Environmental Issues

Highways

- 4.59 Hartshill Quarry is accessed off the B4111 Nuneaton Road at Anchor Hill. This entrance has been used to gain access into the quarry site for many years. The visibility splays from the vehicular access to the site do not accord with current guidance. The nature of the highway at this location is such that it is not possible to secure improvements to the access or visibility splays.
- 4.60 The applicant states that the development this application seeks to regularise does not in itself increase vehicle numbers at the quarry. The wheel washing facilities provided improve the ability to maintain the cleanliness of the highway. With or without this application the quarry has permission to produce crushed rock for many years to come with no restriction placed upon the quantity of material produced or the number of vehicle movements at the site. The washing plant allows an improved quality product to be produced to the local market and this does not necessarily mean an increase in the volume of production and hence vehicle movements (there will be a return on investment from the higher value of the product even without an increase in volume). It

is possible that improved facilities and a wider range of products will lead to an increase in overall production but this is speculative.

- 4.61 It is fair to say that vehicle movements from the site since the quarry reopened have been one of the key areas of concern raised. This has primarily been as a result of mud and debris being tracked out of the site onto the highway. The wheel washing facilities provided appear to have made a positive impact on this situation, in the main. It would however be wrong to say that there have been no problems or complaints in recent times. However, that may be a management issue rather than the facilities provided not being adequate.
- 4.62 WCC Highways note that the applicant says that the facilities provided on site are not designed to result in an intensification in activities and vehicle movements at the quarry, and that this could occur with or without this development. Therefore, the Highway Authority's response is one of no objection subject to a condition to ensure that vehicles leaving the site have been cleaned in a wheelwash and the load is suitably covered. Appropriately worded conditions are suggested to ensure that this is secured.

Noise

- 4.63 Activities undertaken at quarries, particularly a hard rock quarry, can be inherently noisy. Blasting and the operation of plant and equipment in order to crush rock and prepare it for sale are all sources of noise.
- 4.64 Since Hartshill Quarry reactivated in 2016 noise has also been a cause of complaint. This was most significant in the early days of mineral extraction recommencing on site and generally, but not solely, linked to blasting activities at the quarry. Complaints about noise from the quarry have reduced over time, although again it would be wrong to say that there have been no complaints in recent time. That said, the plant site and existing wash plant are some distance from residential areas and screened by the topography of the quarry site. Noise complaints do not appear to have resulted from activities undertaken within the plant site or from operation of the existing wash plant.
- 4.65 The submitted application was supported by a noise assessment which assessed noise impact at nearby sensitive receptors. The assessment concludes that total, aggregate environmental noise impact arising from the existing development at Hartshill Quarry site this application seeks planning permission for results in 'low impact' at the worst affected noise sensitive receptors.
- 4.66 The Environmental Health Officer at North Warwickshire Borough Council agrees with this conclusion and states that if work is carried out within the hours of operation contained within the planning permission controlling mineral extraction there should not be significant adverse impact from noise from existing operations described in the application.

Air Quality / Dust

- 4.67 The operation and movement of plant, machinery and HGV's as well as the activities associated with processing minerals can result in emissions to air. However, the plant and equipment this application seeks to regularise, wheel wash facilities and a wash plant, by their nature incorporate water into their operation and are a wet activity.
- 4.68 The application states that a dust management scheme has been prepared which reflects current good practice which ensures that dust generated by the development is kept under control. It is stated that dust suppression is built into the processing equipment, and the machinery washes the aggregates being processed, and as such the materials are kept damp at all times. The application concludes that with the implementation of the measures already implemented on site, the impacts of dust upon receptors will be negligible.
- 4.69 The Environmental Health Officer at North Warwickshire Borough Council agrees that the measures described in the planning application appear largely suitable and welcomes the proactive approach to the control of dust, subject to appropriate measures being put in place to control dust. Dust control measures could be formalised by condition. A suitably worded condition is proposed.
- 4.70 The EHO suggests that more detailed information should be provided for traffic flows which will provide the basis for determining appropriate air quality mitigation. Possible mitigation measures suggested for a development of this nature / scale include; use reasonable endeavours to use / require vehicle use complying with the latest European Emission Standard; and, provide a fleet emission reduction strategy / Low Emission Strategy, including low emission fuels and technologies, including ultra low emission service vehicles. Operation of Hartshill Quarry takes place under the provisions of an existing planning consent, which places no restriction upon vehicle numbers at the site. Those vehicle movements would continue to take place with or without this development, which in itself, we are advised, does not increase vehicle numbers. In addition many of the vehicles accessing the site would be third party hauliers that the applicant has no control over. Therefore, there is no mechanism to pursue this matter via this application.

Landscape and Visual Impact

- 4.71 Hartshill Quarry is very much an active mineral site in appearance within the landscape. The quarry is situated within an area that has been shaped by extensive historic and continuing hard rock quarrying. The application site forms part of this operation and the nature and function of the plant and equipment on site is reflected in its form and appearance. It is however removed from residential areas and the

topography of the site and existing vegetation limits visual and landscape impact.

- 4.72 The development is sited in close proximity to other commercial land uses and does not lie within an area with any protective designation. The application advises that the site was chosen for the development of these facilities because it was an existing level area sufficiently large to accommodate the wash plant and is afforded substantial screening by the adjacent spoil heaps and quarry sides. Given the operational constraints of the quarry it is considered to be a location which minimises landscape and visual impact.
- 4.73 The submitted application included a full landscape and visual appraisal of the development. The appraisal states that the facilities are not significantly more visible than the original structures on site and so will have a negligible impact on the visual amenity of road users. The facilities are not visible from the wider landscape due to the screening effect of the existing quarry to the north, west and south and tree cover on the western slopes of the Anker Valley. The facilities lie below the tree line and the density of cover is sufficient to screen the facilities from view in winter. The facilities are not visible from nearby heritage assets and do not affect their setting. The appraisal concludes that the development for which consent is sought has a negligible adverse impact on landscape character and visual amenity, particularly if judged in relation to the original facilities at that location. No objections have been received to the development on landscape and visual grounds and the conclusions of the landscape and visual appraisal are agreed with in general terms.

Ecology

- 4.74 The application is retrospective and relates to a working quarry plant site / mineral processing area. Existing vegetation and potential habitats are restricted to the boundaries of the site.
- 4.75 The submitted application included an Ecological Constraints Assessment and was followed up by further assessments. This included an assessment of the site for its potential to support protected species. The assessment found the site to be predominantly bare ground, access roads and various quarry infrastructure. Small areas of the site remain vegetated with scrub species. Due to the high level of activity on site it was considered unlikely to support notable species.
- 4.76 The County Ecologist considers that mitigation measures proposed in respect of further works are appropriate and should be secured via a CEMP (Construction and Environmental Management Plan) condition. The County Ecologist also considers that additional native species planting could be secured via a LEMP (Landscape and Ecological Management Plan) around the attenuation pond close to Coventry Canal and along the existing highway hedgerow. A LEMP could be

required to show some gains for biodiversity which is a requirement of NPPF (2021). Suitably worded conditions are proposed.

Flood Risk, Drainage & Water Quality

- 4.77 The submitted planning application was supported by a Flood Risk Assessment. The site includes existing drainage arrangements and the application proposes the construction of an attenuation pond to provide enhanced water management. The proposed pond would attenuate water flow prior to discharge into the Coventry Canal. The Lead Local Flood Authority have been consulted and raise no objection to the development with regards to the drainage and surface water management.
- 4.78 The Canal and River Trust, who own and manage the Coventry Canal, raise some concerns about the construction and management of the proposed attenuation pond. They therefore wish to see details of the pond's construction and management in order to ensure that any risks of adverse impacts on the canal and on water quality in the Canal can be appropriately addressed. This could be secured by condition and appropriately worded conditions are suggested.

Historic Environment

- 4.79 The nearest historical asset close to the application site is Hartshill Grange (Grade II*) an early 16th century timber framed house with several brick-built Grade II stables, barns and a Gazebo (C18/C19) located around 350 metres to the west. Hartshill Grange occupies an elevated position on the northern edge of the quarry, and is screened from the application site by the topography of the site and vegetation. The development does not adversely impact this heritage asset.

Tarmac Representation

- 4.80 The representations made on behalf of Tarmac in respect of their adjoining land allocation and current residential planning application focus primarily on planning application NWB/20CM017 (Variation of Condition 1 of main quarry consent NW126/01CM013 to allow earlier removal of spoil for reprocessing). The argument is made that the application opens up the reconsideration of all the conditions on the existing planning permission (NW126/01CM013), in essence that all the conditions should be reviewed. However, that argument relates specifically to the variation of condition application which is not before the Committee. The application which is the subject of this report and the application NWB/20CM016 (Proposed aggregates washing plant and ancillary plant) are referred to only in passing and there is no in principle objection to any of the applications. It is clear, though, that Tarmac would wish regard to be had to any impacts on the amenity of its proposed residential development when considering conditions. It is considered that these two applications can be practically and properly

determined separately from the variation of condition application and, in addition, that any consideration of conditions should focus on managing the impacts of the facilities and infrastructure proposed in those two applications rather than opening into a general review of the conditions relating to the main quarry site.

5. Conclusion

- 5.1 The application seeks retrospective planning permission in order to regularise a number of buildings, structures, plant and items of equipment which have been erected in recent time on land adjoining, but outside of, the main quarry permission area at Hartshill Quarry.
- 5.2 The new buildings and plant have been constructed and erected on land which has historically been the location of minerals processing plant and equipment used to process minerals extracted from Hartshill Quarry.
- 5.3 The development provides essential facilities associated with operation of the quarry along with an aggregates wash plant. The applicant states that the wash plant is required in order to produce an improved product and in itself does not result in an intensification of operations on site. The plant and equipment the application seeks to regularise has now been on site and in operation for a number of years.
- 5.4 The environmental assessments of the development submitted with the application have concluded that there are no significant unacceptable effects. Consultation with statutory consultees agrees with these conclusions subject to appropriate controls and conditions being imposed.
- 5.5 Hartshill Quarry benefits from a planning permission for the long term extraction of rock and associated aggregates. With or without this development, mineral extraction is likely to continue at the site for some time.
- 5.6 Hartshill Quarry contributes to the local economy and supplies a required resource to the construction industry. The wash plant is a sustainable development that improves the quality and saleability of the natural resource. The wheel wash facilities allow the quarry to operate with reduced adverse impact.
- 5.7 It is therefore concluded that the development accords with the policies contained within the relevant Development Plans and therefore can be supported.

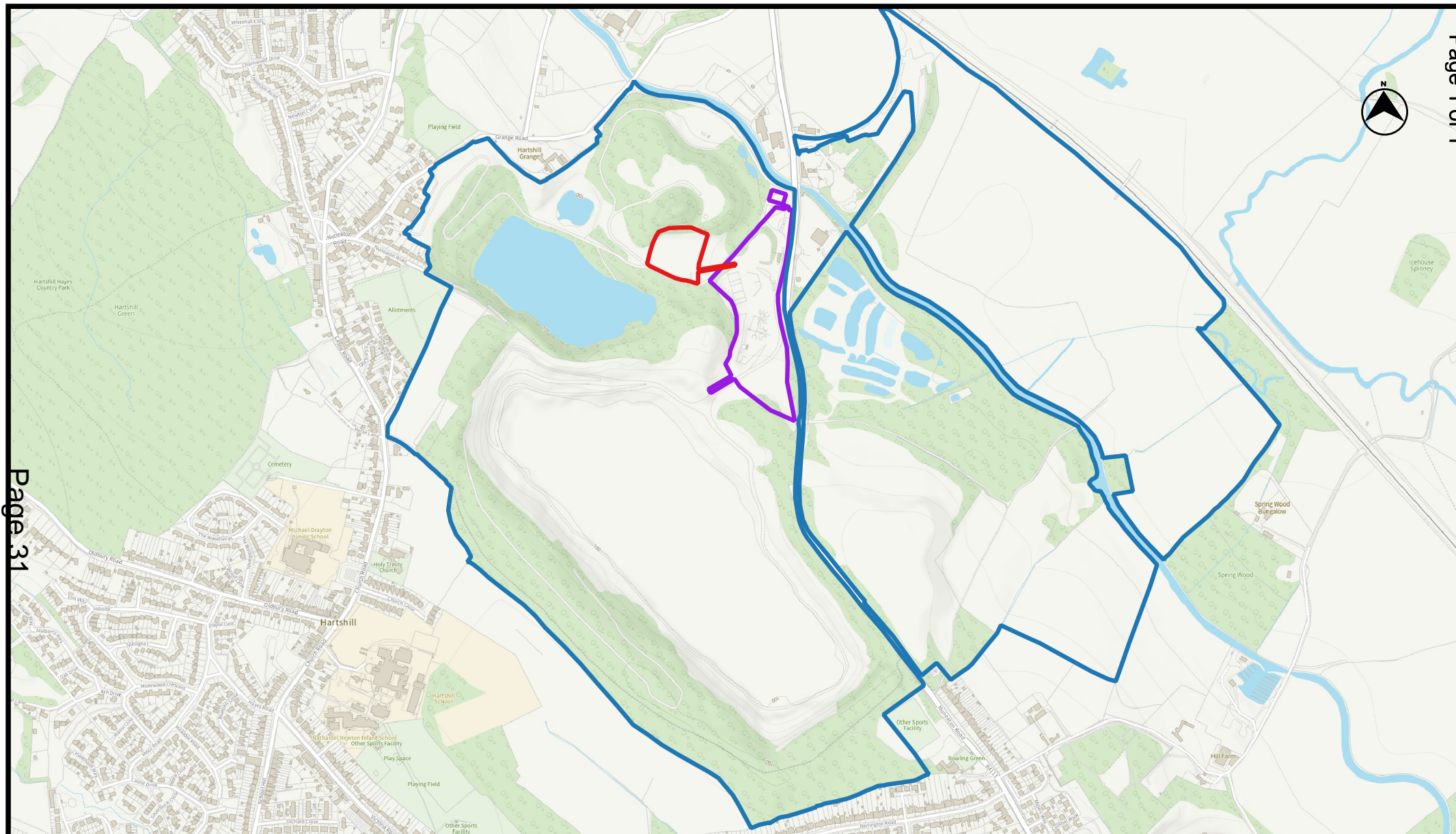
6. Background Papers

6.1 Submitted Planning Application – Planning reference NWB/20CM015

6.2 Appendix A – Map of site and location.

6.3 Appendix B – Planning Conditions.

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Application Nos: NWB/20CM015 (red) and NWB/20CM016 (purple)
Hartshill Quarry

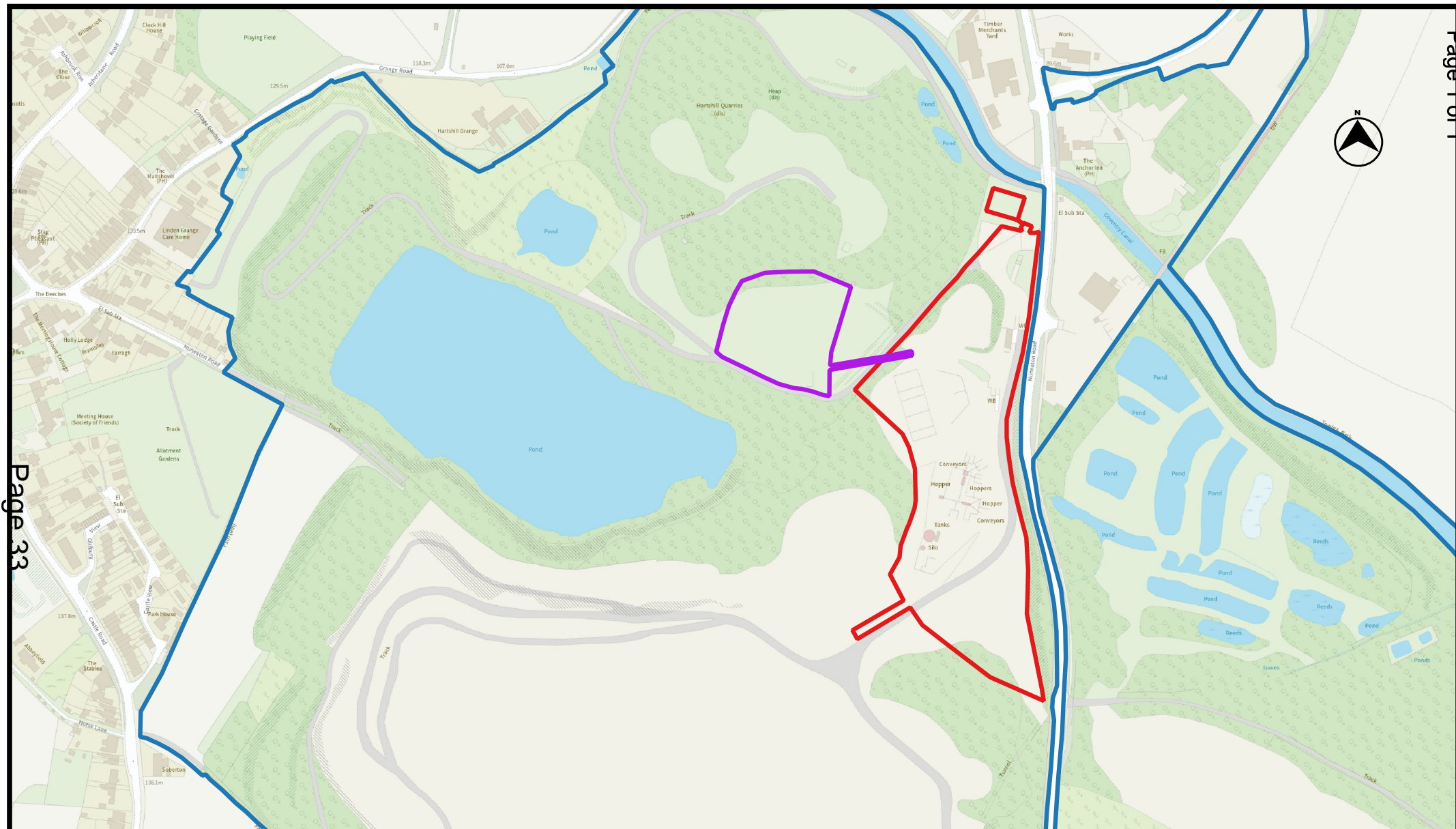
Regulatory Committee 07 June 2022
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Application No: NWB/20CM015
Retrospective consent for structures within plant site, Hartshill Quarry,
Nuneaton Road, Nuneaton

Regulatory Committee 07 June 2022
 Scale 1:4500 Drawn by: SP Dept: Communities

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Appendix B.

Regulatory Committee - 07 June 2022

Retrospective Application for Buildings, Plant and Equipment Hartshill Quarry, Nuneaton Road, Nuneaton

NWB/20CM015

Planning Conditions.

1. The development to which this permission relates shall cease and the site shall be fully restored on or before the 21st February 2042.

Reason: To ensure the proper and expeditious restoration of the site.

GENERAL OPERATIONS

1. The development hereby permitted shall be carried out in accordance with the details submitted with application ref. NWB/20CM015 and in accordance with drawing numbers:

- S2-14-20-21 Site Location Plan;
- S2-14-20-22 Site Plan;
- S2-14-20-23 Site Layout Plan;
- S2-14-20-24 Existing Survey;
- S2-14-20-25 Context Plan

and any other details or samples approved in accordance with the conditions attached to this planning permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

2. None of the operations or uses authorised by this permission (including the maintenance of vehicles and plant) shall be carried out other than during the following times:

- 0700 – 1800 hours Mondays to Fridays
- 0800 – 1300 hours Saturday

No operations or uses shall be carried out on Sundays or Bank or Public Holidays.

Reason: In order to protect the amenity of residents

4. No mud or debris shall be carried onto the public highway. To facilitate this the site access road shall be maintained in a clean condition at all times. In the event that material is inadvertently deposited it shall be removed immediately.

Reason: In order to protect the amenity of the area.

5. All loaded lorries entering and leaving the site shall be sheeted or netted as appropriate.

Reason: In order to protect the amenity of the area.

6. No further development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority and that LEMP shall be so submitted within three months of the date of this permission. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan shall also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement for protected and notable species. It shall also include arrangements for the maintenance and management or provision of habitat for notable invertebrates including retention of some bare patches of ground, and maintenance of the new water bodies. The approved CEMP shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF.

7. No further development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority and that CEMP shall be so submitted within three months of the date of this permission. The submitted CEMP shall include details concerning pre-commencement checks for badger, reptiles and breeding birds and appropriate working practices and safeguards for wildlife that are to be

employed whilst works are taking place on site. The approved CEMP shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development.

8. Within three months of the date of this permission a detailed dust management plan shall be submitted to the County Planning Authority for approval in writing. The approved dust management plan shall be implemented in full for the duration of the development.

Reason: To minimise the impacts, relating to the generation of dust, on the amenities of the area.

9. In order to minimise the raising of dust, the following steps shall be taken:
- an operational bowser shall be available on site at all times;
 - all haul roads within the site shall be laid out with hardcore or other similar suitable material and maintained and shall be damped down as necessary during dry conditions;
 - stockpiles and the working area shall be damped down as necessary during dry conditions;
 - atomisers shall be used on plant at all feed and discharge points; and
 - drop heights from plant shall be kept to the minimum height.

Reason: To minimise the impacts, relating to the generation of dust, on the amenities of the area.

10. At no time during operations undertaken on site for the purpose of carrying out or using the development hereby approved shall any operations take place which, despite the use of the dust control measures, would give rise to airborne dust levels sufficient to cause nuisance to habitable properties located within the vicinity of the site.

Reason: In order to protect the amenity of the area and nearby residents.

11. No external lighting shall be installed unless details have first been submitted to and approved in writing by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details and no alterations or replacements shall be made without prior written approval from the County Planning Authority.

Reason: To ensure that protected species are not harmed by the development and in accordance with NPPF and PPS9 circular 2005/06

12. Plant and machinery shall not be used at the site unless it is silenced at all times in accordance with the manufacturer's specification and is fitted with effective silencers.

Reason: In order to safeguard the amenities of residents.

13. Reversing alarms shall not be used unless they are of a bell tone type or are of the directional type or are capable of adjusting their noise level automatically to 5dB(A) above the ambient noise level or are of a type otherwise approved in writing by the County Planning Authority.

Reason: In order to safeguard the amenities of residents.

14. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order), no plant, machinery, buildings or structures other than those authorised by this permission shall be placed or erected on the site.

Reason: To protect the amenity of the locality and avoid harm to the Green Belt.

15. The proposed attenuation pond at the northern end of the application site shall not be constructed until full details of the arrangements for directing overland flows into it, together with details of measures to minimise contaminants entering the pond and/or entering the Coventry Canal, have first been submitted to and agreed in writing by the County Planning Authority. The pond shall thereafter only be constructed and operated in accordance with the agreed details.

Reason: To minimise the risk of adverse impacts on water quality in the adjacent Coventry Canal that could occur from carrying contaminants into the Coventry Canal via the attenuation pond.

16. No works to construct the proposed attenuation pond at the northern end of the application site shall take place until a detailed design for the pond and a construction methodology have first been submitted to and agreed in writing by the County Planning Authority. The submitted details shall include full details of the design/specification of the pond liner and consideration of measures during construction operations to minimise any risk of adversely affecting the stability of the adjacent canal cutting slope. The pond shall thereafter only be constructed in accordance with the agreed details.

Reason: To minimise the risk of adverse impacts on the stability of the adjacent Coventry Canal cutting slope resulting from either water ingress from the pond or from damage during construction operations.

17. The proposed attenuation pond at the northern end of the application site shall not be brought into use until a detailed management and

maintenance plan for the pond has first been submitted to and agreed in writing by the County Planning Authority. The plan shall include details of arrangements for routine litter and debris removal, regular inlet and outlet clearing and maintenance, vegetation management, and routine sediment monitoring and removal. The pond shall thereafter only be operated in accordance with the agreed management plan.

Reason: To minimise the risk of adverse impacts on water quality in the adjacent Coventry Canal that could occur if the pond is not adequately managed and maintained.

18. No material shall be imported to the site to be processed through the aggregates washing plant and ancillary plant.

Reason: In the interests of highway safety and to protect the amenity of the area.

NOTES

The applicant is advised to contact the Canal & River Trust to discuss discharges to the Coventry Canal and to ensure that any such discharges have the benefit of the appropriate licences/consents. Please contact Joanna Bryan, Senior Utilities Surveyor, at joanna.bryan@canalrivertrust.org.uk or on 07825 975550 in the first instance.

Development Plan Policies Relevant to the Decision.

Warwickshire Mineral Plan 1995

Policy M1
Policy M6
Policy M7
Policy M9

Adopted North Warwickshire Local Plan

Policy oOo

Emerging Plan – Warwickshire Minerals Plan 2018

Policy MCS 1
Policy MCS 2
Policy DM1
Policy DM2
Policy DM4
Policy DM5
Policy DM6
Policy DM7
Policy DM8

Policy DM9
Policy DM11
Policy DM12

Reasons for the Grant of Planning Permission

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework.

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Regulatory Committee

07 June 2022

Proposed Aggregates Washing Plant and Ancillary Machinery Hartshill Quarry, Nuneaton Road, Nuneaton

NWB/20CM016

Application No.: NWB/20CM016

Advertised date: 06 January 2021

Applicant(s) Mr Kashan Aslam
Crown Aggregates
Hartshill Quarry, Nuneaton Road
Nuneaton
CV10 0RT

Agent(s) Mr Simon Greaves
Castellum Consulting
Marymead
Lower Woodside Road
Wootton Bridge
PO33 4JT

Registered by: The Strategic Director for Communities on 18 December 2020

Proposal: Proposed Aggregates washing plant and ancillary plant.

Site & location: Hartshill Quarry, Nuneaton Road, Nuneaton, CV10 0RT
[Grid ref: 433267.294539].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the development of an aggregates washing plant and ancillary machinery on land at Hartshill Quarry, Nuneaton Road, Nuneaton subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application Details

- 1.1 This application relates to Hartshill Quarry (formerly known as Jeas and Boons Quarry) which is located between the village of Hartshill and suburbs of Nuneaton.
- 1.2 The application proposes the development of an aggregate washing facility and associated machinery on land at Hartshill Quarry.
- 1.3 The application site extends to 0.8 hectares, which the application considers to be previously developed land within the quarry. The quarry working extraction area extends to around 80 hectares. Whilst the wider quarry land holding extends to around 135 hectares.
- 1.4 The proposed plant would process up to 700 tonnes of aggregate per day.
- 1.5 The application states that the material to be processed is already being processed and exported from the site, the proposed washing plant would improve the quality and specification of the materials that the quarry is able to produce. It is stated that the processing plant would not change the volumes of material exported from the site, and therefore would not affect traffic. It is stated that the purpose of the development is to take materials already extracted at the quarry and to wash and separate them, processing them into different grades of aggregates to supply the HS2 project and other construction activities. The application further states that proposed plant would allow the preparation of aggregates and sands that are higher value in both commercial and engineering terms than is currently possible with the equipment on site.
- 1.6 The proposed development would see minerals extracted from the quarry deposited in the existing storage bays located near to the existing wash plant. These materials would then be transferred to the proposed new wash plant by a new conveyor. Finished product would then be returned to the storage bays via conveyor before export off site.
- 1.7 The wash plant would occupy a concrete pad, which the application describes as existing, measuring approximately 100 metres by 75 metres. The proposed wash plant would be similar in nature to the existing wash plant on site, although smaller in design throughput and structural dimensions.
- 1.8 The wash plant itself would stand up to 7 metres in height, although the bulk of the equipment would be under 5 metres in height. A water tank, which would be mounted on legs would stand just under 13 metres in height. The various elements which would make up the overall plant would be grouped into two principal clusters, one approximately 50

metres by 15 metres, and another of approximately 50 metres by 40 metres. Both would sit within the area of the existing concrete pad, which would be refurbished over an area of 75 metres by 60 metres. A 5m high acoustic bund would be constructed to the west of the site to reduce the noise impact.

- 1.9 The proposed plant would be modular in design and consist of:
- Filter Press,
 - Dewatering Screen,
 - Washers,
 - Screens,
 - Sand Treatment Washing System,
 - Sand Recovery Unit,
 - Silt Homogeniser Tank,
 - Water Storage Tanks,
 - Conveyors.
- 1.10 The proposed plant would be self-contained in water management terms, not requiring use of silt lagoons for settling out residues.
- 1.11 The refurbished concrete pad would include a drainage system around the perimeter which would collect any runoff for reuse. The plant would be designed to retain 100% of the water used in processing, as there would be an in built water cleaning system (and a 150,000 litre storage tank. There would be no increase in runoff water associated with the development proposals.
- 1.12 The materials to be processed through the washing plant would be a by-product of the existing hard rock quarrying activities. The materials would be brought from the quarry working area to the existing storage bays by off road dumper.
- 1.13 The application states that no additional materials / minerals would be accepted from outside of the site to process within the wash plant. It is designed solely for the purpose of processing materials sourced from within the quarry.
- 1.14 Movement of materials to the wash plant, washing of aggregates and there subsequent export from the site would take place between the hours of 0700 -1600 hours Monday to Friday and 0700 – 1300 hours on Saturdays. It is envisaged that on a normal working day a maximum of 8 hours processing would take place.
- 1.15 This is one of three planning applications relating to Hartshill Quarry currently with WCC for determination. The other two are:
- NWB/20CM015 : Retrospective permission for structures, use and plant outwith the main quarry permission area. (Also on this Agenda)

- NWB/20CM017 : Variation of Condition 1 of main quarry consent NW126/01CM013 to allow earlier removal of spoil for reprocessing. (To be reported to a later meeting of the Regulatory Committee.

2. Consultation

2.1 North Warwickshire Borough Council (Plg) – no objection subject to

2.2 North Warwickshire Borough Council (EHO) – comments as follows:

Dust - Measures described in the planning application appear largely suitable and I welcome the proactive approach to the control of dust, subject to appropriate measures being put in place to control dust. I recommend:

- No visible particulate matter should be emitted beyond the installation boundary;
- A daily visual site inspection should be carried out by a designated person and results of the inspection shall be kept in a log book on site. Records shall be kept for at least 24 months and made available upon request;
- All relevant staff should receive training in dust control with a record kept on site to be made available for inspection upon request;
- Materials storage shall be subject to suppression and management techniques to minimise dust emissions;
- Storage of materials shall be kept below the level of bunker walls; and
- The wheel wash shall be maintained and used when necessary to prevent tracking of mud onto the highway.

Noise – I agree with the conclusion that a finalised noise mitigation strategy should be provided as described in the submitted Environmental Noise Impact Assessment.

The EHO goes on to suggest that more detailed information should be provided for traffic flows which will provide the basis for determining appropriate air quality mitigation. Possible mitigation measures suggested for a development of this nature / scale include; use reasonable endeavours to use / require vehicle use complying with the latest European Emission Standard; and, provide a fleet emission reduction strategy / Low Emission Strategy, including low emission fuels and technologies, including ultra low emission service vehicles. Recommends that clarification of the development scale in terms of air quality and a suitable low emission strategy are provided.

2.3 Councillor Margaret Bell – no comments received as of 27/05/2022.

- 2.4 **Hartshill Parish Council** – wish to know why the planning applications for Hartshill Quarry are always retrospective as opposed to a normal planning application.
- 2.5 **Environment Agency** – no comments received.
- 2.6 **Canal & River Trust** – the proposed aggregates washing plant is located some distance from the Coventry Canal. However, we note that it is intended to use recycled water from existing run-off collected in the immediate vicinity of the plant and also pumped water from the lagoon. The Flood Risk Assessment states that if this system becomes overwhelmed surface water will run overland down to the new attenuation pond proposed at the site entrance. This pond is then proposed to discharge to the Coventry Canal. It is not clear how these flows will be directed to the pond, nor how it is proposed to minimise the risk of these flows resulting in contaminants entering the pond (and then the canal). We consider that the full details of the arrangements for directing such flows to the pond need to be provided. This information is necessary to demonstrate that there will be no risk of adverse off-site impacts (ie. on water quality in the canal) as stated in the Flood Risk Assessment. We consider that provision of this information could be secured via a planning condition.
- 2.7 **Natural England** – based on the plans submitted, considers that the proposed development will not have significant adverse impacts on statutorily protected mature conservation sites or landscapes.
- 2.8 **Historic England** – do not wish to offer any comments.
- 2.9 **WCC Highways** – initially responded as follows:

It appears from the details submitted that the wash plant is required to improve the quality of material being processed, therefore increasing the value of the product.

The submitted Planning Statement makes it clear that 700 tonnes of material would be processed per day, with material extracted from the site. And that 700 tonnes per day are allowed to be extracted and delivered per day. If the figures are correct no more vehicle movements should be generated.

The application implies that 700 tonnes of other materials could be brought into the site for processing per day.

The concern is that the application will result in more vehicle movements associated with the site. Visibility splays from the vehicular access to the site do not accord with guidance. The number of recent and historic recorded collisions fronting the site and within the required visibility splays are very worrying. It is imperative that the proposals do

not result in a significant increase in vehicle movements associated with the site.

Therefore the Highway Authority's response is one of objection on the grounds that, insufficient information has been provided to determine the effect of the development on the public highway network.

Following the submission of further supporting information the Highway Authority comments as follows:

The extra information provided makes it clear that no material will be imported for processing. The statement also makes it clear that there are no restrictions on the amount of material that can be excavated or removed from site. The applicant is willing to accept a condition to prevent any material being imported to the site for processing. The Highway Authority would recommend that a condition is included.

The proposed process is new to the site. No material will be delivered to the site for processing. Only material on-site will be processed. There is an argument that the material that will be processed is currently not being processed. So, the new process will increase vehicle movements, as the material is currently not moving off site. However, there are also arguments that the material will leave site, but not in such a good quality, or could be moved to somewhere where there is a machine to process it properly. That cannot be restricted. So, the use of the process may not increase vehicle movements.

Therefore, the Highway Authority's response is one of no objection subject a condition to prevent material from being imported to the site to be processed through the proposed aggregates washing plant and ancillary plant.

- 2.10 **WCC Ecology** – the latest version of the Ecological Constraints Assessment (BMD 3rd March 2022) has addressed the issues highlighted when reviewing the previous version. An updated Phase 1 survey of the site was undertaken on 3rd February 2022. A desk study was undertaken and the Warwickshire Biological Records Centre (WBRC) was approached for up to date local information. A Phase 1 map of the application site has been included in the report.

The report recommends Ecological supervision during site clearance works with regard to low risk of reptile, common amphibian, hedgehog and to ensure measures for nesting birds are implemented appropriately. The recommendations set out in Section 5 'Mitigation' are appropriate and should be followed in full. To secure this we recommend that this is secured by condition.

- 2.11 **WCC Flood Risk Management** – no objection to the development proposals with regards to the drainage and surface water management.

- 2.12 **WCC Planning Policy** - whilst there is general accordance with minerals and waste policies, the 3 applications currently lack any details of lorry movement and total production figures for crushed rock and recycling excavation spoil.

Without knowing the existing lorry movements nor the amount of crushed rock being produced on site per annum, it is impossible to assess whether this application will lead to increase in production and whether it is just a recycling operation for excavation waste under the guise of crushed rock processing. It is not clear if the recycling is primarily for extracting the crushed rock or for mainly recycling the overburden. It is also not clear whether, once the spoil heap is removed, further processing will be undertaken from imported wastes, which would require a further planning permission. Given the investment in new equipment this would appear to be the likely future aim.

The production figure appears to be 700 tonnes per day which I could potentially be approximately 35000 tonnes per annum. But how much is crushed rock production and how much is going to be recycled aggregate? Is this additional to the crushed rock quarried elsewhere on site? These figures need to be made clear. As the process is already being undertaken it should be possible to provide these figures.

Warwickshire County Council have a duty to monitor production from mineral sites in the county. The Council relies on the goodwill of mineral operators to be able to provide production figures and reserves. Figures are collected in Warwickshire to produce evidence for our Minerals and Waste Local Plans and we also work partnership with other Mineral Planning Authorities in the region with the West Midlands Aggregate Working Party, so that we can inform the regional picture on aggregates. This helps the Council plan for how much aggregate production we need in the future in the Minerals Plan and also helps inform the regional production figures which are reported back to the Central Government.

Unfortunately, in the case of Hartshill Quarry, the operator has never cooperated with the Council in providing such figures and therefore we have never had any monitoring returns. This will hinder plan making in the future and will make monitoring in conjunction with our regional partners more difficult. I should also state that the operator at Hartshill Quarry is the only operator in the county that fails to provide such figures.

In policy terms, whilst the development accords with national and local minerals and waste policies, I would ask that the application is held in abeyance until sales figures dating back to when the quarry reopened are provided, and that detailed figures are given in terms and divided between lorry movements in regard to the crushed rock production and

that for recycled aggregates. I would suggest that a condition is added to ensure that no recycled wastes are imported on to the site.

The application states that:

“The material to be processed is already being processed and exported off site; this process will simply improve the quality and specification of the materials that the site is able to produce. It will not change the volumes exported by the site, and therefore will not affect traffic.”

Depending whether this is all for recycled aggregate production or partly crushed rock being exported off site, that could make a major difference to the number of overall lorry movements. If it is crushed rock, there may be no difference in lorry movements but if this is mainly all recycled aggregate presumably the recycled aggregate will be transported in different lorries to the crushed rock ones. The application has made a general estimate as to how much might be put through the wash plant per day, so therefore I would expect the applicant to be able to provide a per annum production figure for the whole site, (crushed rock and recycled aggregate).

The application has quoted crushed rock figures regarding the amount of the permitted reserves and the overall landbank to support this application. These figures have been produced from the County's Local Aggregate Assessment and are based on figures provided by the previous owners of Hartshill Quarry. In order for all operators to be able to rely on such figures in the future it is imperative that full accurate figures are provided for every planning application.

3. Representations

- 3.1 The application was publicised by way of a press notice, site notices in the surrounding area and direct notification of the nearest properties to the site entrance.
- 3.2 No representations have been received from existing residents.
- 3.3 Representations have been made on behalf of the owner (Tarmac Trading Limited) of an adjoining parcel of land (which previously formed part of the quarry landholding and is in part covered by planning consent NW126/01CM013) which is currently the subject of a planning application to North Warwickshire Borough Council. The land is the subject of an allocation for residential development in the North Warwickshire Local Plan. The application (ref. PAP/2018/0140) seeks outline planning permission for mixed use development comprising the erection of 382 residential dwellings together with a local centre providing sales area with ancillary parking associated access off Castle Road and Camphill Road, open space, landscaping and related infrastructure works, including sheltered bungalows and starter homes. This application has yet to be determined by NWBC.

- 3.4 Whilst, focused mainly on planning application NWB/20CM017 (Variation of Condition 1 of main quarry consent NW126/01CM013 to allow earlier removal of spoil for reprocessing) the representations made on behalf of Tarmac Trading Limited reference all three of the current planning applications relating to Hartshill Quarry. They state that, for the avoidance of doubt our comments are relevant to all three applications currently awaiting determination as we do not consider each can be addressed in isolation.
- 3.5 The initial representation received stated that, Tarmac has no objection in principle to the proposals but feel all parties would benefit from a more detailed and specific proposed timetable of works and that the amenity impacts should be considered in full.
- 3.6 The response further notes that the applicant sought pre application advice from the Mineral Planning Authority, specifically in relation to the planning application for the erection of new plant at the quarry (NWB/20CM016), which provides detailed context for the applications and the environment within which the application site sits.
- 3.7 The pre-application advice clearly sets out what matters the applicant needs to consider as part of any planning application and also what matters the MPA will consider when determining any planning application. The pre application advice notes that the proposed residential development land needs to be considered as part of the planning application process and it is noted that the applicant has recognised the residential development site as a sensitive receptor in terms of potential noise impact; this should remain the case when considering all potential amenity impacts of the proposals and the cumulative impact of the mineral working operations
- 3.8 The representation notes that the noise impact assessment does not consider there will be any adverse impact on residential amenity as a result of the development set out in the planning application.

4. Assessment and Observations

Background and Planning History

- 4.1 Hartshill Quarry (formerly known as Jeas and Boons Quarry) is a hard rock quarry. Rock is extracted by various means, including the use of excavators and blasting. Extracted mineral is crushed, washed and graded to produce a range of aggregates for use in the construction industry.
- 4.2 Mineral extraction has taken place at what is now known as Hartshill Quarry for a significant period of time and certainly predates the planning system (so prior to 1947) . The site historically operated as two separate quarries, Jeas and Boons, until becoming one operating unit some years ago. The quarry has a significant planning history

which includes extensions to the area of extraction and for the provision of buildings, structures and equipment associated with the processing of mineral and production of products such as coated road stone.

- 4.3 Hartshill Quarry was mothballed for around 20 years from the mid 1990s, with no activity taking place on site during this period. At this time the quarry was under the control / ownership of Midland Quarry Products Limited (MQPL), a joint venture company owned by Tarmac and Hanson. At some point during this period Tarmac sold their interest in MQPL, and the majority of the land at Hartshill Quarry, to Hanson. Subsequent to this Hartshill Quarry changed ownership again in around 2016, coming under the control of the current applicant and operator of the site, Crown Aggregates Limited. Hartshill Quarry reopened as a functioning quarry producing aggregates in late 2016, with blasting recommencing in early 2018.
- 4.4 Hartshill Quarry operates under a set of planning conditions determined by way of an Environment Act Review undertaken in 2001 (ref. NW126/01CM013). This process, known as a Review of Old Minerals Permissions (ROMP), is a 15 year rolling cycle. So active sites should be reviewed every 15 years unless a further extended period is agreed because it is considered that the existing conditions are adequate or perhaps that it would serve no purpose at that time. A ROMP allows the County Planning Authority to update older mineral planning permissions by imposing modern operating, restoration and aftercare conditions upon a site.
- 4.5 The ROMP consent (ref. NW126/01CM013) contains 43 conditions relating to the operation and working of the quarry. This includes a condition (Condition 2) which allows the winning and working of mineral and the deposit of mineral waste and colliery spoil to continue at Hartshill Quarry until February 2042.
- 4.6 Shortly before Hartshill Quarry changed ownership, WCC agreed to an extension of time (until 2031) for a further ROMP to be undertaken. This decision was based on the information given at the time, by the then owner MQPL, that the site was going to remain mothballed for many years to come.
- 4.7 Access into Hartshill Quarry is taken through a plant site area which has historically been the site of plant, buildings and structures used to process and prepare for sale mineral extracted from the quarry. This area falls outside of the area covered by the main quarry planning consent (ref. NW126/01CM013).
- 4.8 In March 2019 WCC issued a Certificate of Lawful Use (NWB/18CM030) which confirmed / accepted that the use of this parcel of land for the processing of excavated and quarried materials from Jeas and Boons Quarry (now known as Hartshill Quarry) had continued

uninterrupted (or without abandonment) for a period in excess of ten years. Therefore, the use of this land to process mineral extracted from Hartshill Quarry is accepted to be lawful.

- 4.9 The plant site area is itself the subject of a planning application (NWB/20CM015), also on this Agenda, which seeks to regularise replacement plant, buildings and structures which have been developed / constructed on the site in the last four years or so as the quarry has reactivated.
- 4.10 The current application site is located a short distance from the existing plant site. This area falls within the area covered by the main quarry planning consent (ref. NW126/01CM013). It is believed that this area has also historically been the site of plant and structures, now long since removed, used in association with mineral extraction at Hartshill.

Site and Surroundings

- 4.11 Hartshill Quarry is situated between the village of Hartshill, which is located to the west, and the residential suburbs of Nuneaton, located to the south and east of the quarry. The quarry can best be described as being situated in an edge of urban area location. To the south and west of the quarry are some relatively densely populated residential areas. Whilst to the north and east of the site the landscape opens up into relatively open flat countryside with agriculture the predominant land use and where residential properties are sparse. A number of dwellings in Hartshill literally adjoin the quarry whilst those to the south and east have a degree of separation from the working area of the site.
- 4.12 The site is accessed off Anchor Hill, the B4111 Nuneaton Road which links Nuneaton to Mancetter / Atherstone and the A5.
- 4.13 Hartshill Quarry is an extensive site. The main working / extraction area of Hartshill Quarry is located on the western side of the B4111 and extends to around 80 hectares. The wider quarry site includes land on the eastern side of the B4111, with the site in total extending to around 135 hectares.
- 4.14 The Coventry Canal adjoins the quarry to the north, with the West Coast Mainline railway to the north-east of the site.
- 4.15 The quarry is in essence situated on the hillside. The main working / extraction area of the site is very much a working quarry with a deep excavation void with steep rock faces. The working area of the quarry comprises of a mix of bare ground, stockpiles of processed and unprocessed materials, overburden mounds and areas of vegetation. Part of a rock formation within the site is designated as a Site of Special Scientific Interest (SSSI). As an active quarry there is now also a significant amount of plant and machinery, both mobile and fixed, operating on the site. Vegetation around the peripheries of the quarry

restrict views into the site, although visually it is very much evident that this is a working quarry.

- 4.16 The application site itself relates to a 0.8 hectare area of land located a short distance into the quarry from the site entrance and close to the existing plant site. The site is relatively level, is very much disturbed ground and is believed to have been the site of historic plant and machinery, now long since removed from the site. The topography of the quarry site and vegetation is that the site is well screened from view.
- 4.17 The nearest residential properties to the application site are the Anchor Inn pub and Hartshill Grange which are located around 250 metres to the east and west respectively. Whilst the nearest dwellings in Hartshill are located a little over 400 metres from the application site. Properties on the edge of Nuneaton would be in excess of 800 metres from the site. A number of schools in the area are all separated from the application site by around 800 metres. The proposed new residential development, on the edge of Hartshill / Nuneaton, is situated around 550 metres from the application site at its closest point.
- 4.18 A number of businesses including an aggregates bagging plant, timber yard and HGV transport yard are located close to the site entrance into Hartshill Quarry.

Planning Policy Context

- 4.19 Section 38(6) of the 2004 Planning and Compensation Act requires that planning applications are determined in accordance with the provisions of the Development Plan 'unless material considerations indicate otherwise'.
- 4.20 Paragraph 11 of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:
- (a) proposals which accord with an up-to-date development plan should be approved without delay; and
 - (b) there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development propose; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Where the presumption in (b) applies, it is often referred to as the “tilted balance” in favour of the application.

- 4.21 Paragraph 12 goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with the up-to-date development plan (including and neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 4.22 Paragraph 48 explains that authorities may give weight to relevant policies in emerging development plans according to : a) the stage of preparation of the emerging plan; b)the extent to which there are unresolved objections to relevant policies; and c)the degree of consistency of the relevant policies in the emerging plan to this framework.
- 4.23 The courts have made it clear that for the purposes of section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy of the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent or compliance or breach.
- 4.24 The development plan relevant to the proposals consists of, the saved policies of the Minerals Plan for Warwickshire adopted 1995, and the emerging Warwickshire Minerals Plan 2018 – Proposed Modifications (which whilst not yet adopted has been through an Examination in Public and has been subject to consultation on modifications and should be given considerable weight) and the North Warwickshire Local Plan (September 2021).

National Planning Policy

- 4.25 The National Planning Policy Framework (NPPF) confirms that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The document makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development. When making decisions the NPPF states

that local planning authorities should look for solutions rather than problems.

- 4.26 The NPPF makes it clear the significant weight should be placed on the need to support economic growth and productivity. . It goes on to state that policies and decisions should recognise and address the specific locational requirements of different sectors as well as enabling the sustainable growth and expansion of all types of business in rural areas.
- 4.27 When considering the transport aspects of a development proposal the NPPF seeks to promote the use of sustainable transport modes where appropriate. Planning decisions should, amongst other things, ensure that development: will function well and ad to the overall quality of the area, not just in the short term but over the lifetime of the development; is visually attractive as a result of the layout and appropriate and effective landscaping; and, is sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 4.28 The NPPF makes it clear that minerals are essential to support sustainable economic growth and our quality of life. It is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy, and goods that the country needs. The NPPF requires existing sites used for processing of minerals to be safeguarded. When determining planning applications for mineral extraction, local planning authorities should: give great weight to the benefits of the mineral extraction, including to the economy; and ensure that there are no unacceptable adverse impacts on the natural and historic environment and human health including the cumulative effect of multiple impacts; and ensure that noise and dust impacts are controlled, etc. It also seeks to provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards. In considering proposals for mineral extraction, minerals planning authorities should, as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas.

Minerals Local Plan for Warwickshire 1995 (Saved Policies)

- 4.29 The saved policies of the Minerals Local Plan set out specific policies in respect of minerals development. The saved policies relevant to this development are:
- 4.30 Policy M6 (Considerations and Constraints), requires the proposal to be assessed for impact on a range of factors including operational and economic need, physical restraints such as impact on biodiversity, heritage and landscape character and other considerations such as

transport and against policy considerations such as designated green belt.

- 4.31 Policy M7 (Mitigation and Conditions) seeks to ensure that any adverse environmental effects on residents that may arise from mineral workings are mitigated against using planning conditions and legal agreements. Paragraph d) says that proposals for operations ancillary or secondary will normally be expected to be sited adjacent to primary plant. The use of plant, machinery and buildings will be restricted to processes principally using minerals produced from the site. Where appropriate, conditions may be imposed, or agreements sought to control the life span of operations ancillary or secondary to mineral extraction.
- 4.32 Policy M9 (Restoration of Mineral Workings), requires mineral workings to be restored to a high standard and a beneficial after use.

Emerging Warwickshire Minerals Plan (Main Modifications 2021)

- 4.33 The latest version of the emerging Minerals Plan is now at the final Main Modifications stage; the Inspector's Report is expected to be produced shortly. The plan and policies reflect the very latest planning policy guidance and the NPPF revisions. Although not yet adopted the plan holds considerable weight as it is at the final stage prior to adoption and as the relevant principles are consistent with the NPPF and are not proposed to be modified in any significant respects before adoption.
- 4.34 There are a number of Core Strategy and Development Management policies in the emerging plan which are considered to be relevant.
- 4.35 Policy MCS 1 (Supply of Minerals and Materials) sets out the Council's policy on the supply of all economic minerals in the County by maintaining supplies and landbanks. It also states that any planning application for mineral development will be treated on its merits and assessed against all other relevant Development Plan policies.
- 5.36 Policy MCS3 (Crushed Rock) sets out the future supply strategy for crushed rock requirements which includes ensuring a steady and adequate supply, achieving an annual production rate with existing permitted reserves and new sites, and maintaining an adequate landbank. The supporting text to the policy outlines that there is a regionally important resource of hard rock which is restricted to a narrow outcrop which extends from Bedworth to Nuneaton and Atherstone. The rocks are known to have a high polished stone value (PSV) content and are used mainly for road stone and rail ballast. Hartshill Quarry is one of only two hard rock quarries (the other being Mancetter Quarry) remaining in operation in the County

- 5.37 Policy DM1 (Protection and Enhancement of Environmental Assets and Landscapes) says that mineral development should protect, conserve, and where possible enhance, environmental assets and landscapes by ensuring there are no unacceptable adverse impacts upon the quality and character of the landscape, natural resources, biodiversity, and geodiversity. Policy DM2 (Historic Environment and Heritage Assets), says that mineral development should seek to conserve, and where appropriate, enhance the significance of affected heritage assets and their settings.
- 4.38 Policy DM4 (Health, Economy and Amenity – Minimising the Impacts of Mineral Development), says that planning permission will not be granted which will have unacceptable adverse impacts on local communities or their environment or on the economy either individually or cumulatively with other existing or proposed developments. The policy lists a number of factors to be considered including noise, lighting, dust, vibration/blast vibration, road traffic and flooding. The supporting text to the policy states that, several mineral developments on a site, or several in close proximity to one another, can result in an unacceptable total adverse impact on the environment, the cumulative impacts of all developments in the locality must be taken into account. In the case of Noise, Air Quality and Dust and Visual Intrusion the reasoned justification for the policy requires appropriate assessments to be submitted. In terms of noise, dust, and visual intrusion all these impacts need to be mitigated to an acceptable level.
- 4.39 Policy DM5 (Sustainable Transportation), requires developers to demonstrate that a proposal facilitates sustainable transportation by considering alternatives to road transport, minimising transportation distances, minimising the production of carbon emissions and where road transport is the only viable method of transportation to demonstrate that there is no unacceptable adverse impact on the safety, capacity and use of the highway network. The policy states that, where appropriate, applications for mineral development will need to be accompanied by a Transport Assessment which demonstrates that, amongst other things, the highway network is able and suitable to accommodate the additional number of movements, the proposal (either alone, or in combination with other developments) will not result in unacceptable detrimental impact on road safety and the proposed access arrangements are safe and convenient for users.
- 4.40 Policy DM7 (Flood Risk and Water Supply) addresses flooding and water quality and requires that the development will not increase the risk of flooding and that ancillary activities such as for processing are not located in the functional floodplain. The policy also requires site specific flood risk assessments to be submitted in support of certain proposals such as this proposal. Proposals which have an unacceptable adverse impact on water quality will not be permitted.

- 4.41 Policy DM9 (Reinstatement, Reclamation, Restoration and Aftercare) seeks to secure satisfactory provision for high quality restoration and that the site will be reclaimed at the earliest.
- 4.42 Policy DM12 (Overall Assessment of Proposals), requires proposals to clearly demonstrate that any adverse impacts have been considered under the following mitigation hierarchy: Level 1 - avoided; or Level 2 - satisfactorily mitigated where all avoidance has been implemented as far as possible; or Level 3 – adequately compensated for either onsite or offsite (as a last resort where any adverse impacts cannot be avoided or satisfactorily mitigated). All opportunities to satisfy Level 1 and Level 2 should be exhausted before proceeding to the next stage.

North Warwickshire Local Plan 2021

- 4.43 The North Warwickshire Local Plan contains development management policies relating to the local area which all development proposals must be assessed against.
- 4.44 Policy LP1 (Sustainable Development), states that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 4.45 Policy LP11 (Economic Regeneration), seeks to support the delivery of employment generating uses. The policy states that, support and encouragement will be given to established / lawful rural businesses to expand where this has no significant and demonstrable harm in particular on the character of the area.
- 4.46 Policy LP14 (Landscape), states that new development should, as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies with appropriate protection from construction where necessary and strengthen visual amenity and biodiversity through further hard and soft landscaping. The Council will seek replacement or enhancement to such natural features where there loss results from proposed development.
- 4.47 Policy LP15 (Historic Environment), requires that the quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced.
- 4.48 Policy LP16 (Natural Environment), states that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of the development proposed.
- 4.49 Policy LP23 (Transport Assessments), states that Transport Assessment appropriate to the scale of the development proposed, will be required to accompany development proposals. These

assessments should, amongst other things, address impacts on the local highway network and be bespoke to the nature of the development proposals. They should also ensure that proposals provide appropriate infrastructure measures to mitigate the adverse impacts of development traffic and other environmental and safety impacts either individually or cumulatively.

- 4.50 Policy LP29 (Development Considerations), sets out the Borough Council's development considerations, which include: targeting development at brownfield land in appropriate locations reflecting the settlement hierarchy; provide safe and suitable access to the site for all users; to avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; protect and enhance the historic and natural environment; protect the quality and hydrology of ground and surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere and seek to maximise opportunities to encourage re-use and recycling of waste materials, both in construction and operation.
- 4.51 Policy LP37 (Housing Allocations) allocates sites for housing and includes Site H9 : Land between Church Road and Nuneaton Road, Hartshill (which lies immediately to the south-west of Hartshill Quarry). The site extends to 30.4 hectares and allocates that site for up to 4000 dwellings.

Policy Considerations

- 4.52 Hartshill Quarry is an operational hard rock quarry with significant reserves of mineral remaining to be extracted (understood to be around 20 million tonnes). The current planning consent allows mineral extraction to continue until 2042. Hartshill Quarry is referred to in the emerging Minerals Plan, being one of only two operational hard rock quarries in the County. The quarry contributes towards the existing landbank of permitted crushed rock reserves and the reserves relied upon in the emerging Minerals Plan. With or without this development, mineral extraction and associated operations are going to continue at Hartshill Quarry for some years to come.
- 4.53 Hartshill Quarry is clearly producing crushed rock and associated mineral products to the local construction market and as such makes a contribution to the local economy, as well as providing some direct employment at the site. This is supported in general terms by planning policy.
- 4.54 Policy M7 d) in the 1995 Minerals Plan says that "Proposals for operations ancillary or secondary to mineral extraction will normally be expected to be sited adjacent to primary plant. The use of plant, machinery and buildings will be restricted to processes principally using minerals produced from the site. Where appropriate, conditions may be imposed, or agreements sought to control the life span of operations

ancillary or secondary to mineral extraction.” The proposed wash plant would be located close to the existing quarry plant site and wash plant. In addition, it is understood that the application site was previously occupied by processing plant historically operated at Hartshill Quarry. The proposed plant would process minerals extracted from Hartshill Quarry only. The applicant has confirmed that no minerals are imported to the site for processing and this is not the intention going forward. In this respect the proposals are in conformity with the policy and should be afforded some weight.

- 4.55 The general theme running through policies contained within the development plan is to achieve high quality development that is sustainable in the long term. The design of the proposed wash plant is reflective of its function and very much what you find within a quarry setting. The design and scale of the proposed wash plant is comparatively unobtrusive. In addition the application site is relatively well screened by the topography of the site and existing vegetation. Therefore, in general terms, the development accords with planning policy.
- 4.56 Set against this are a number of wider policy constraints within the development plan which seek to ensure a satisfactory pattern of development in order to protect the natural and built environment and amenity of neighbouring occupiers from any adverse impacts resulting from development. All developments, including those associated with mineral extraction and the processing of minerals, have potential environmental effects and impacts. Subject to such effects and impacts being appropriately mitigated and managed the proposed development would accord with the policies contained within each of the relevant Development Plans and NPPF. These matters are discussed below.

Amenity and Environmental Issues

Highways

- 4.57 Hartshill Quarry is accessed off the B4111 Nuneaton Road at Anchor Hill. This entrance has been used to gain access into the quarry site for many years. The visibility splays from the vehicular access to the site do not accord with current guidance. The nature of the highway at this location is such that it is not possible to secure improvements to the access or visibility splays.
- 4.58 The applicant states that the proposed aggregates wash plant would not in itself increase vehicle numbers at the quarry. The washing plant would allow an improved quality product to be produced to the local market. With or without this application the quarry has permission to produce crushed rock for many years to come with no restriction placed upon the quantity of material produced or the number of vehicle movements at the site. The washing plant would allow an improved

quality product to be produced to the local market and this does not necessarily mean an increase in the volume of production and hence vehicle movements (there will be a return on investment from the higher value of the product even without an increase in volume). It is possible that improved facilities and a wider range of products will lead to an increase in overall production but this is speculative.

- 4.59 It is fair to say that vehicle movements from the site since the quarry reopened have been one of the key areas of concern raised. This has primarily been as a result of mud and debris being tracked out of the site onto the highway. The wheel washing facilities provided (detailed in application NWB/20CM015) appear to have made a positive impact on this situation, in the main. It would however be wrong to say that there have been no problems or complaints in recent times. However, that may be a management issue rather than the facilities provided not being adequate.
- 4.60 WCC Highways accept that the proposed aggregates wash plant may not result in an intensification in activities and vehicle movements at the quarry, and that this could occur with or without this development. Therefore, the Highway Authority's response is one of no objection subject to a condition to prevent material from being imported to the site to be processed through the proposed aggregates washing plant and ancillary plant. A suitably worded condition is suggested.

Noise

- 4.61 Activities undertaken at quarries, particularly a hard rock quarry, can be inherently noisy. Blasting and the operation of plant and equipment in order to crush rock and prepare it for sale are all sources of noise.
- 4.62 Since Hartshill Quarry reactivated in 2016 noise has also been a cause of complaint. This was most significant in the early days of mineral extraction recommencing on site and generally, but not solely, linked to blasting activities at the quarry. Complaints about noise from the quarry have reduced over time, although again it would be wrong to say that there have been no complaints in recent time. That said, the plant site and existing wash plant are some distance from residential areas and screened by the topography of the quarry site. Noise complaints do not appear to have resulted from activities undertaken within the plant site or from operation of the existing wash plant.
- 4.63 The proposed new aggregates wash plant would be similar in design and operation to the existing wash plant, albeit smaller in capacity. It would also be sited close to the existing wash plant, away from residential areas.
- 1.64 The submitted application was supported by a noise assessment which assessed noise impact at nearby sensitive receptors. The assessment and environmental noise modelling concludes that total, aggregate

environmental noise impact arising from the proposed operation of the new wash plant at Hartshill Quarry would result in 'low impact' at the worst affected noise sensitive receptors.

- 4.65 The Environmental Health Officer at North Warwickshire Borough Council agrees with this conclusion and that a finalised noise mitigation strategy should be provided as described in the submitted Environmental Noise Impact Assessment. This could be secured by condition.

Air Quality / Dust

- 4.66 The operation and movement of plant, machinery and HGV's as well as the activities associated with processing minerals can result in emissions to air. However, aggregate wash plants, by their nature incorporate water into their operation and are a wet activity.
- 4.67 The application states that in line with good practice a dust management scheme would be prepared to ensure that dust generated by the development is kept under control. It is stated that dust suppression is built into the processing equipment, and the machinery washes the aggregates being processed, and as such the materials are kept damp at all times. The application concludes that with the implementation of the measures suggested, it is anticipated that the impacts of dust upon receptors will be negligible.
- 4.68 The Environmental Health Officer at North Warwickshire Borough Council agrees that the measures described in the planning application appear largely suitable and welcomes the proactive approach to the control of dust, subject to appropriate measures being put in place to control dust. Dust control measures could be formalised by condition. A suitably worded condition is proposed.
- 4.69 The EHO suggests that more detailed information should be provided for traffic flows which will provide the basis for determining appropriate air quality mitigation. Possible mitigation measures suggested for a development of this nature / scale include; use reasonable endeavours to use / require vehicle use complying with the latest European Emission Standard; and, provide a fleet emission reduction strategy / Low Emission Strategy, including low emission fuels and technologies, including ultra low emission service vehicles. Operation of Hartshill Quarry takes place under the provisions of an existing planning consent, which places no restriction upon vehicle numbers at the site. Those vehicle movements would continue to take place with or without this development, which in itself, we are advised, does not increase vehicle numbers. In addition many of the vehicles accessing the site would be third party hauliers that the applicant has no control over. Therefore, there is no mechanism to pursue this matter via this application.

Landscape and Visual Impact

- 4.70 Hartshill Quarry is very much an active mineral site in appearance within the landscape. The quarry is situated within an area that has been shaped by extensive historic and continuing hard rock quarrying. The application site is located within the operational quarry, close to the established plant site and existing aggregates wash plant. The application site is a generally level area that has been used for ad hoc storage of materials and machinery in recent times. The site is removed from residential areas and the topography of the site and exiting vegetation limits visual and landscape impact.
- 4.71 The development is sited in close proximity to other commercial land uses and does not lie within an area with any protective designation. The application states that the site was chosen because it is an existing area sufficiently large to accommodate the washer and is afforded substantial screening by the adjacent spoil heaps and quarry sides. It goes on to state that, the tallest element, the water tank, would be located close to an existing spoil heap in order to minimise its visual impact. It also states that, given the operational constraints of the quarry this is considered to be a location which would minimise landscape and visual impact.
- 4.72 The proposed wash plant would be relatively compact and low level. The conveyors and washing system would be under 7.5 m high and the water tank would be elevated on supports to 12.8 m in height.
- 4.73 The submitted application included a full landscape and visual appraisal of the development. The appraisal sets out that the site does not lie within a landscape subject to a protective designation. The quarry lies within the Industrial Arden Landscape Character Type which recognises the extensive historic and modern rock quarrying in the area. It considers that the washer would be entirely in keeping with the landscape character of the working quarry and would have limited influence on the remainder of the Industrial Arden Landscape Character Type. It goes on to state that, the washer would not change the perception of the landscape character of surrounding landscape character areas or types. There are only a few areas where it would be possible to see the washer, and these would be typically glimpsed views through leafless vegetation in winter. Close views would be confined to a short section of the Nuneaton Road and would be seen in the context of the existing quarry infrastructure around the entrance. The water tank would be the highest part of the development, but would have no significant adverse effect on visual amenity. The appraisal concludes that, the proposed location of the washer is the most suitable to minimise adverse landscape and visual effects, taking into account the functionality of the quarry process and that the residual landscape and visual impacts would on the whole be Negligible. No objections have been received to the development on landscape and

visual grounds and the conclusions of the landscape and visual appraisal are agreed with in general terms.

Ecology

- 4.74 The application is located within a working quarry site and is largely devoid of vegetation. Although within the quarry and surrounding the site are significant areas of woodland and vegetation.
- 4.75 The submitted application included an Ecological Constraints Assessment and was followed up by further assessments. This included an assessment of the site for its potential to support protected species. The assessment found the site to be predominantly an existing works area with various piles of materials. As such the ground is currently disturbed other than a narrow strip of vegetation on a slope on the site and other sparse vegetation. In its current form, the site does not support priority or notable habitats due to recent disturbances and currently active areas. In conclusion the Assessment identified a low risk of species such as reptile, common amphibian and hedgehog being present in the locality and on undisturbed peripheries of the site. Common nesting birds and protected bird species were also identified as potential constraints. The assessment recommends ecological supervision during site clearance.
- 4.76 The County Ecologist accepts the findings of the ecological assessment and agrees that ecological supervision should be required during site clearance works. A suitably worded condition is proposed.

Flood Risk, Drainage & Water Quality

- 4.77 The submitted planning application was supported by a Flood Risk Assessment. The proposed plant would be self-contained in water management terms. The refurbished concrete pad would include a drainage system around the perimeter which would collect any runoff for reuse. The plant would be designed to retain 100% of the water used in processing. The application states that there would be no increase in runoff water associated with the development proposals. Should the system become overwhelmed, surface waters would be directed to the attenuation pond (proposed within planning application NWB/20CM015). The pond would attenuate water flow prior to discharge into the Coventry Canal. The Lead Local Flood Authority have been consulted and raise no objection to the development with regards to the drainage and surface water management.
- 4.78 The Canal and River Trust, who own and manage the Coventry Canal, raise some concerns about how water flows from the proposed plant would be directed to the attenuation pond and how it is proposed to minimise the risk of these flows resulting in contaminants entering the pond (and then the canal). They seek full details of the arrangements for directing such flows to the pond to be provided. This information is

necessary to demonstrate that there will be no risk of adverse off-site impacts (ie. on water quality in the canal). This could be secured by condition. A suitably worded condition is proposed.

Historic Environment

- 4.79 The nearest historical asset close to the application site is Hartshill Grange (Grade II*) an early 16th century timber framed house with several brick-built Grade II stables, barns and a Gazebo (C18/C19) located around 250 metres to the west. Hartshill Grange occupies an elevated position on the northern edge of the quarry, and is screened from the application site by the topography of the site and vegetation. The development does not adversely impact this heritage asset.
- 4.80 Part of Hartshill Quarry (within the Boons quarry void) is designated a Site of Special Scientific Interest (SSSI) which preserves and protects a representative rock exposure. This is located in excess of 200 metres of the application site and would not be impacted upon by the development.

Tarmac Representation

- 4.81 The representations made on behalf of Tarmac in respect of their adjoining land allocation and current residential planning application focus primarily on planning application NWB/20CM017 (Variation of Condition 1 of main quarry consent NW126/01CM013 to allow earlier removal of spoil for reprocessing). The argument is made that the application opens up the reconsideration of all the conditions on the existing planning permission (NW126/01CM013), in essence that all the conditions should be reviewed. However, that argument relates specifically to the variation of condition application which is not before the Committee. The application which is the subject of this report and the application NWB/20CM015 (Retrospective Application for Buildings, Plant and Equipment) are referred to only in passing and there is no in principle objection to any of the applications. It is clear, though, that Tarmac would wish regard to be had to any impacts on the amenity of its proposed residential development when considering conditions. It is considered that these two applications can be practically and properly determined separately from the variation of condition application and, in addition, that any consideration of conditions should focus on managing the impacts of the facilities and infrastructure proposed in those two applications rather than opening into a general review of the conditions relating to the main quarry site.

5. Conclusion

- 5.1 The application seeks planning permission for a new aggregates washing plant, close to an existing washing plant, on land at Hartshill Quarry.

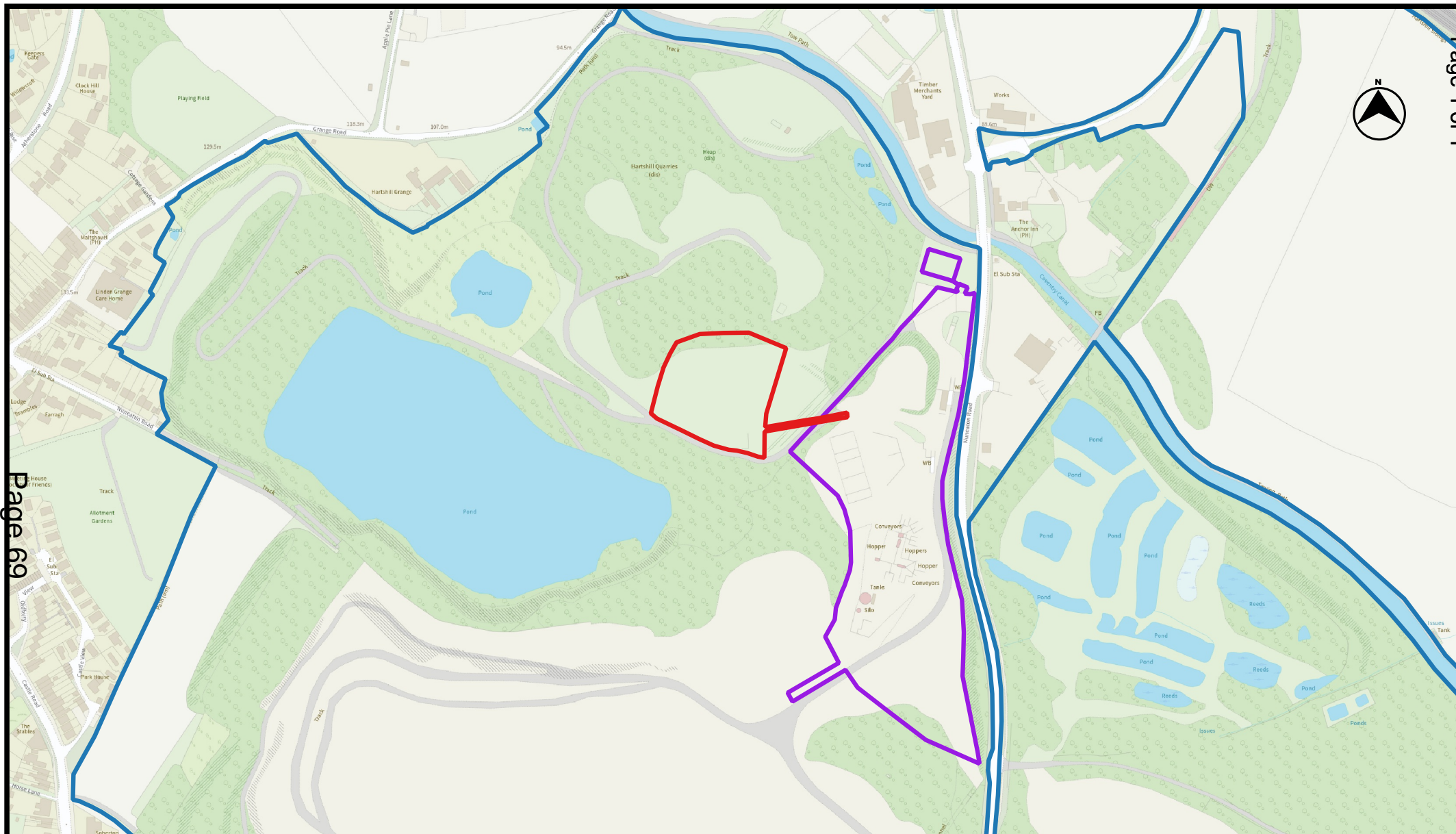
- 5.2 The new wash plant would be located within the operational quarry on land that is understood to have historically been the location of minerals processing plant and equipment used to process minerals extracted from Hartshill Quarry.
- 5.3 The applicant states that the wash plant is required in order to produce an improved product and higher value aggregate and in itself does not result in an intensification of operations on site.
- 5.4 The environmental assessments of the development submitted with the application have concluded that the proposed development would result in no significant unacceptable effects. Consultation with statutory consultees agrees with these conclusions subject to appropriate controls and conditions being imposed.
- 5.5 Hartshill Quarry benefits from a planning permission for the long term extraction of rock and associated aggregates. With or without this development, mineral extraction is likely to continue at the site for some time.
- 5.6 Hartshill Quarry contributes to the local economy and supplies a required resource to the construction industry. The wash plant is a sustainable development that improves the quality and saleability of the natural resource.
- 5.7 It is therefore concluded that the development accords with the policies contained within the relevant Development Plans and therefore can be supported.

6. Background Papers

- 6.1 Submitted Planning Application – Planning reference NWB/20CM016
- 6.2 Appendix A – Map of site and location.
- 6.3 Appendix B – Planning Conditions.

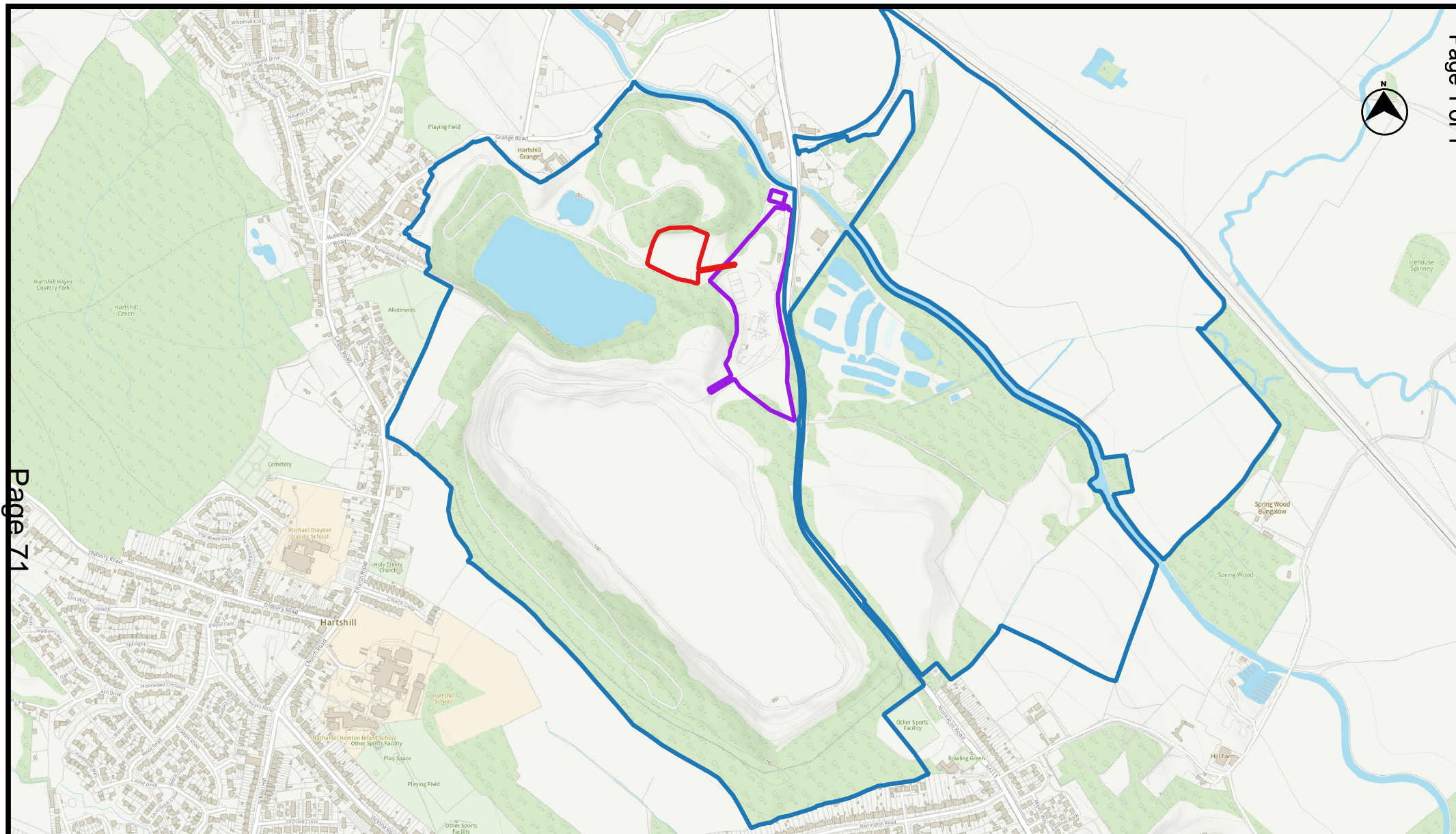
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Warwickshire
County Council

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Application Nos: NWB/20CM015 (red) and NWB/20CM016 (purple)
Hartshill Quarry

Regulatory Committee 07 June 2022
 Scale 1:10000 Drawn by: SP Dept: Communities

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Appendix B.

Regulatory Committee – 07 June 2022

Proposed Aggregates Washing Plant and Ancillary Machinery Hartshill Quarry, Nuneaton Road, Nuneaton

NWB/20CM016

Planning Conditions.

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development to which this permission relates shall cease and the site shall be fully restored on or before the 21st February 2042.

Reason: To ensure the proper and expeditious restoration of the site.

3. The development hereby permitted shall be carried out in accordance with the details submitted with application ref. NWB/20CM015 and in accordance with drawing numbers:

- S2-14-20-01 Site Location Plan;
- S2-14-20-02 Site Plan;
- S2-14-20-03 Site Layout Plan;
- S2-14-20-04 Conveyor cross section;
- S2-14-20-05 1965 Historic Plan
- S2-14-20-06 Topography
- S2-14-20-07 Context
- 001_20200119.2_00_01_D-General view
- 001_20200119.2_00_02_D-Plan view Washing system
- 001_20200119.2_00_03_D-Frontal view Washing system
- 001_20200119.2_00_04_D-Lateral view Washing system
- 001_20200119.2_00_05_D-Plan view Filterpress
- 001_20200119.2_00_06_D-Lateral view Filterpress

and any other details or samples approved in accordance with the conditions attached to this planning permission, except to the extent

that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

4. None of the operations or uses authorised by this permission (including the maintenance of vehicles and plant) shall be carried out other than during the following times:

- 0700 – 1800 hours Mondays to Fridays
- 0800 – 1300 hours Saturday

No operations or uses shall be carried out on Sundays or Bank or Public Holidays.

Reason: In order to protect the amenity of residents

5. No mud or debris shall be carried onto the public highway. To facilitate this the site access road shall be maintained in a clean condition at all times. In the event that material is inadvertently deposited it shall be removed immediately.

Reason: In order to protect the amenity of the area.

6. All loaded lorries entering and leaving the site shall be sheeted or netted as appropriate.

Reason: In order to protect the amenity of the area.

7. The development hereby permitted shall be carried out in full accordance with the recommendations contained in the Ecological Constraints Assessment by Bradley Murphy Design Ltd report, dated 3rd March 2022.

Reason: To ensure that protected species are not harmed by the development.

8. The development hereby permitted shall not be commenced until a detailed dust management plan has been submitted to the County Planning Authority for approval in writing. The approved dust management plan shall be implemented in full for the duration of the development.

Reason: To minimise the impacts, relating to the generation of dust, on the amenities of the area.

9. In order to minimise the raising of dust, the following steps shall be taken:

- an operational bowser shall be available on site at all times;
- all haul roads within the site shall be laid out with hardcore or other similar suitable material and maintained and shall be damped down as necessary during dry conditions;
- stockpiles and the working area shall be damped down as necessary during dry conditions;
- atomisers shall be used on plant at all feed and discharge points; and
- drop heights from plant shall be kept to the minimum height.

Reason: To minimise the impacts, relating to the generation of dust, on the amenities of the area.

10. At no time during operations undertaken on site for the purpose of carrying out or using the development hereby approved shall any operations take place which, despite the use of the dust control measures, would give rise to airborne dust levels sufficient to cause nuisance to habitable properties located within the vicinity of the site.

Reason: In order to protect the amenity of the area and nearby residents.

11. No external lighting shall be installed unless details have first been submitted to and approved in writing by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details and no alterations or replacements shall be made without prior written approval from the County Planning Authority.

Reason: To ensure that protected species are not harmed by the development and in accordance with NPPF and PPS9 circular 2005/06

12. Plant and machinery shall not be used at the site unless it is silenced at all times in accordance with the manufacturer's specification and is fitted with effective silencers.

Reason: In order to safeguard the amenities of residents.

13. Reversing alarms shall not be used unless they are of a bell tone type or are of the directional type or are capable of adjusting their noise level automatically to 5dB(A) above the ambient noise level or are of a type otherwise approved in writing by the County Planning Authority.

Reason: In order to safeguard the amenities of residents.

14. Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order), no plant, machinery, buildings or structures other than those authorised by this permission shall be placed or erected on the site.

Reason: To protect the amenity of the locality and avoid harm to the Green Belt.

15. The development hereby permitted shall not be commenced until full details of the arrangements for directing excess overland flows from it in the event that the existing drainage system is overwhelmed, to the attenuation pond at the northern end of the site, together with details of measures to minimise contaminants entering the pond and/or entering the Coventry Canal, have first been submitted to and agreed in writing by the County Planning Authority. The pond shall thereafter only be constructed and operated in accordance with the agreed details.

Reason: To minimise the risk of adverse impacts on water quality in the adjacent Coventry Canal that could occur from excess overland flows from the washing plant carrying contaminants into the Coventry Canal via the attenuation pond.

16. No material shall be imported to the site to be processed through the aggregates washing plant and ancillary plant.

Reason: In the interests of highway safety and to protect the amenity of the area.

NOTES

The applicant is advised to contact the Canal & River Trust to discuss discharges to the Coventry Canal and to ensure that any such discharges have the benefit of the appropriate licences/consents. Please contact Joanna Bryan, Senior Utilities Surveyor, at joanna.bryan@canalrivertrust.org.uk or on 07825 975550 in the first instance.

Development Plan Policies Relevant to the Decision.

Warwickshire Mineral Plan 1995

Policy M1
Policy M6
Policy M7
Policy M9

Adopted North Warwickshire Borough Council Local Plan

Policy oOo

Emerging Plan – Warwickshire Minerals Plan 2018

Policy MCS 1
Policy MCS 2
Policy DM1

Policy DM2
Policy DM4
Policy DM5
Policy DM6
Policy DM7
Policy DM8
Policy DM9
Policy DM11
Policy DM12

Reasons for the Grant of Planning Permission

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework.