

Regulatory Committee

Date: Tuesday, 4 February 2020
Time: 10.30 am
Venue: Committee Room 2, Shire Hall

Membership

Councillor Mark Cargill (Vice-Chair)
Councillor John Cooke
Councillor Bill Gifford
Councillor Bill Olnier (Chair)
Councillor Anne Parry
Councillor David Reilly
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Caroline Phillips
Councillor Adrian Warwick
Councillor Chris Williams

Items on the agenda: -

1. General

(1) Apologies

To receive any apologies from Members of the Committee.

(2) Disclosures of Pecuniary and Non-Pecuniary Interests.

Members are required to register their disclosable pecuniary interests within 28 days of their election or appointment to the Council. A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with (Standing Order 39).
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting Non-pecuniary interests must still be declared in accordance with the Code of Conduct. These should be declared at the commencement of the meeting.

(3) Minutes of the Previous Meeting

2. Delegated Decisions

There are no delegated decisions to note for this meeting.

Planning Applications

- | | | |
|----|---|-----------|
| 3. | Planning application SDC/19CC016; Oversley Hill Farm | 11 - 26 |
| 4. | Planning Application : RBC/18CM017 - Parkfield Road Quarry, Parkfield Road, Rugby | 27 - 74 |
| 5. | New Fire and Rescue Service training centre (Kingsbury Water Park) | 75 - 98 |
| 6. | Change to Directors of Warwickshire Legal Services Ltd | 99 - 100 |
| 7. | Reports Containing Confidential or Exempt Information
“That members of the public be excluded from the meeting for the items below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in Paragraph 2, Schedule 12A of the Local Government Act 1972 as amended” | |
| 8. | Approval of remedy for Ombudsman complaint | 101 - 108 |

Disclaimers

Webcasting and permission to be filmed

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Disclosures of Pecuniary and Non-Pecuniary Interests

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Non-pecuniary interests must still be declared in accordance with the Code of Conduct.

These should be declared at the commencement of the meeting

The public reports referred to are available on the Warwickshire Web

<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least three working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

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Regulatory Committee

Tuesday, 7 January 2020

Minutes

Attendance

Committee Members

Councillor Mark Cargill (Vice-Chair)
Councillor John Cooke
Councillor Bill Gifford
Councillor Bill Olnier (Chair)
Councillor Anne Parry
Councillor David Reilly
Councillor Clive Rickhards
Councillor Kate Rolfe
Councillor Jill Simpson-Vince
Councillor Caroline Phillips
Councillor Adrian Warwick

Officers

Jasbir Kaur, Planning Manager
Helen Barnsley
Ian Grace, Team Leader Planning Control
Ian Marriott, Legal Service Manager
Sally Panayi, Planning Assistant
Scott Tompkins, Assistant Director for Environment Services

Others Present

Alison Doyle – Local Resident (Item 3 only)
Press

1. General

The Chair announced to the Committee that former County Councillor Peter Barnes had passed away. Councillor Barnes was a former Chairman of Warwickshire County Council and had served on and chaired the Regulatory Committee during his time.

Councillor Mark Cargill announced that Councillor Barnes had been a long serving member of planning committees and that he consistently held the interests of residents at heart. He expressed sympathy and extended his thoughts to the late Councillor's family.

Councillor Kate Rolfe stated that Councillor Barnes had been a colleague for many years at Stratford-on-Avon District Council and that he had been extremely helpful and supportive. She praised Councillor Barnes as an excellent Chair of the Regulatory Committee at Warwickshire

County Council and commented that he was a unique character who would be missed by many.

Councillor Anne Parry endorsed these comments and stated that Councillor Barnes had offered her great support, advice and patience since her election to the Council. She praised Councillor Barnes as a great mentor and paid tribute to his record of 30 years as an elected councillor. She extended her thoughts to his family.

The Chair acknowledged these comments adding that, although he had not known Councillor Barnes, the high regard in which he was clearly held by Members demonstrated his great commitment to those he represented. The Committee stood for a minute's silence.

(1) Apologies

Apologies were received from Councillor Chris Williams

(2) Disclosures of Pecuniary and Non-Pecuniary Interests.

Councillor Dave Reilly declared a non-pecuniary interest as the elected member for Coleshill North & Water Orton where High Meadow Infant School is located. He is also working to support residents in relation to Item 3.

(3) Minutes of the Previous Meeting

The Committee agreed that the minutes of the Regulatory Committee meeting held on Tuesday, 3 December 2019 be signed by the Chair as a true and accurate record. There were no matters arising.

2. Delegated Decisions

The Committee noted the delegated decisions made by officers since the last meeting as presented in the report.

3. Planning Application NWB/19CC015; The retention of an existing unauthorised temporary modular classroom in its existing location until April 2020

Ian Grace, Team Leader Planning Control acknowledged to the Committee that this was not a popular, or easy, recommendation for the Committee or the residents to be faced with. Assurances were given that, despite the applicant being Warwickshire County Council, officers did not deal with them any differently to non-council applications; decisions to recommend approval, or not, are made through planning assessments only.

The following three points were given as reasons for the Committee to support the application and grant approval;

- The proposal is only temporary. Any adverse effects will not be forever.
- The impact of the temporary classroom on neighbouring properties is a planning consideration. The application is unfortunate but not unacceptable.

- The operational needs of the school are material considerations that the Committee must take into account. Members must consider only the application presented before them at the meeting.

Sally Panyai, Planning Assistant presented the report, with a photo presentation to the Committee setting out the full context of the application.

The Chair spoke for the Committee in noting frustration that no discussion took place with planning officers before the temporary classroom was put on site.

It was confirmed that work for the permanent classrooms to be put on the site was on schedule to start on 17 February 2020.

Public Speaking

Alison Doyle, local resident, stated that the application was unfair and that she disagreed with the three points made by Ian Grace as to why the application should be approved. It was noted by the Committee that Ms Doyle does not believe that the application is compliant with planning law, or the policies of Warwickshire County Council.

Following a question from Councillor Kate Rolfe, it was confirmed that the noise level from the temporary classroom includes being able to hear children move around the classroom, as well as the movement of furniture in the room. The classroom is normally in use from 8am to 6pm. The noise levels also affect Ms Doyle's work as she works from home in an office at the back of her house.

Councillor Dave Reilly spoke as the councillor representing Coleshill North & Water Orton, the division that the school is in, and in support of the residents. Councillor Reilly acknowledged that this is a difficult application. He stated that the application contravenes the local plan for North Warwickshire Borough Council.

It was confirmed that Councillor Reilly has arranged a meeting for the 22 January 2020 to discuss the application. Local residents, Ian Budd (Assistant Director – Education Services) and Scott Tompkins (Assistant Director – Environment Services) have been invited to attend. It was confirmed that Clare Gibb would also be attending the meeting.

Clare Gibb (Interim Service Manager - Property, Construction & Engineering) spoke in support of the application. The Committee heard that officers recognised the issues with the application. Ms Gibb confirmed that it was unacceptable that work had been completed on site before permission had been granted and apologised to the Committee. The Committee heard that lessons have been learnt by officers and departments involved and that moving forward no work will start on any site until all appropriate regulations have been approved.

In response to a question regarding why the work to move the temporary classroom had not been carried out earlier, for example during the autumn half term, it was confirmed that this had been considered, but due to child safety regulations had not been possible.

The timeline for the work programme was confirmed as follows;

Temporary classroom to be moved from current position by the end of the school Easter holidays in April 2020

Work on the permanent replacement classrooms to start 17 February 2020 with a completion date of December 2020

Complete removal of temporary classrooms scheduled for September 2020

Following a question from the Committee in relation to why the temporary classroom was scheduled to be removed before the completion of the permanent build; it was confirmed that the plan involved a partial handover of two (out of four) classrooms in September 2020 to enable children to move in. If this is not possible the likelihood is that an extension application will be made to the Committee.

Scott Tompkins, Assistant Director – Environment Services acknowledged that the situation was unfortunate for Warwickshire County Council and should not have happened. It was stated that there were no excuses, mistakes had been made; work should have been completed before the temporary classroom was put on site.

In response to the issues and concerns raised it was confirmed that new, regular joint meetings were now in place with education, planning and s106 officers all in attendance. The purpose of these meetings is to engage with members of the Regulatory Committee where appropriate.

Discussions were held regarding the issue of noise reduction and what could be done to help reduce the impact on residents. Consideration was given to the options of sound proofing, acoustic fencing and insulation. Claire Gibb confirmed that following the meeting, she would commission immediate noise reduction work to be started on site and would communicate a timeline of work to the Committee as soon as possible. Members requested that a condition be added to the permission allowing two weeks for this to be done and solutions to be put in place.

Debate

Moving in to debate Councillor Mark Cargill stated that he appreciated the new procedure for joint meetings as outlined by Scott Tompkins.

Councillor Adrian Warwick stated that the Committee and residents now have no confidence in the process and that the Committee should not dismiss what has happened. It was noted that planning officers have presented a very difficult application and the Committee thanked them for their due diligence. The Committee must act in good faith and not respond to the application based on the imposition of conditions alone.

Councillor John Cooke echoed the comments made by his colleagues on the Committee, stating that the Committee must now move forward and decide based on the application presented; strictly in terms of planning merits and along with the material considerations of the educational needs of the children at the school.

Councillor Jill Simpson-Vince stated that any abuse targeted at residents, who were objecting to the application, was completely unacceptable. They are not at fault at all. The Committee agreed that they all wish for relations between residents and the school to be restored.

The recommendation was proposed by Councillor Bill Gifford and was seconded by Councillor Adrian Warwick. A vote was held and there were nine votes in favour of the application with one member abstaining. Councillor Dave Reilly did not take part in the vote.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the retention of the existing unauthorised temporary modular classroom in its existing location until April 2020, High Meadow Infant School, Norton Road, 2 of 18 03 High Meadow Reg 20.01.07 Coleshill, B46 1ES subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities and subject to the addition of two further conditions requiring a noise mitigation scheme to be approved and implemented and for the classroom to be painted grey before it is relocated in April.

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Regulatory Committee - 04 February 2020

**Creation and management of 3 no. wildlife ponds
on farmland as part of the Warwickshire, Coventry
and Solihull great crested newt conservation strategy,
Oversley Hill Farm, Oversley Green,
Alcester, B49 6LR.**

SDC/19CC016

Application No.: SDC/19CC016

Advertised date: 19 December 2019

Applicant(s) Mr Craig Cusack
Warwickshire County Council
Shire Hall
Warwick
CV34 4RL

Agent(s) Ms Clare Gibb
Warwickshire County Council
Strategic Asset Management
Shire Hall
Warwick
CV34 4SX

Registered by: The Strategic Director for Communities on 13 December
2019

Proposal: To create and manage 3 no. wildlife ponds on farmland
as part of the Warwickshire, Coventry and Solihull great
crested newt conservation strategy.

Site & location: Oversley Hill Farm, Oversley Green, Alcester, B49 6LR.
[Grid ref: 411138.256416].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the creation and management of 3 no. wildlife ponds on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy at Oversley Hill Farm, Oversley Green, Alcester, 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 The application seeks planning permission for the creation of three wildlife ponds on farmland to the south of the A46 Stratford Road. The ponds would be created as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy.
- 1.2 The aim of the strategy is to create and increase the amount of high-quality aquatic and terrestrial habitat which would be achieved by creating and or restoring habitat in strategic locations where there are known newt populations; good newt habitat and connectivity, thereby extending the range and amount of good habitat for newts.
- 1.3 The habitats created as part of the strategy are designed to compensate for development impacts on great crested newts in advance of impacts occurring in locations beyond the application site. The new habitats would deliver long-term net gain for the species by securing all habitat enhancements through 30-year agreements.
- 1.4 The three ponds proposed at Oversley Farm are close to known great crested newt populations. The ponds would be surrounded by and linked to good terrestrial habitat for newts, including the extensive area of woodland, hedgerows and meadow grassland which provide good resting; sheltering and foraging habitat for great crested newts. Creation of the ponds would also have the benefit of increasing the biodiversity value of the site for other species including amphibians, invertebrates, birds and reptiles.
- 1.5 It is proposed that the ponds would be excavated by a 360° excavator with the work undertaken during the winter 2019/20. The clay ground would be puddled to eliminate pores and cracks and impede drainage. The ponds would be allowed to fill naturally by rainfall and surface water run-off.
- 1.6 Pond A would be located within an area of some 84 m². The site lies in a narrow strip of scrub habitat between an arable field; the route of Public Right of Way (PRoW) AL37a and the bank and ditch on the eastern edge of Oversley Wood. The pond area would be cleared of existing dense scrub vegetation and the existing hollow area excavated to a depth of 0.3 metre. The pond would be puddled with clay and allowed to fill with rainwater draining from Oversley Wood. The resultant spoil amounting to approximately 20m³ would be used to close off the ends of the hollow to retain the pond and to form a bund to a maximum height of 1.0 metre adjacent to the PRoW (AL137a) which would be seeded with a wildflower mix. No trees would be removed to create the pond. The pond would not extend beneath the canopy area

of nearby trees and for this reason would not have an impact on the roots of those trees.

- 1.7 Pond B would be located approximately 24 metres to the south of the junction of the two PRow (AL37 and AL37a). An area of some 78 m² would be excavated to a depth of up to 0.5 metre. The margins of the pond would have a shallow gradient to maximise the bare muddy margins which would be exposed as water levels recede. There would be a limited amount of spoil created. The excavated soil would be spread on the adjacent arable field covering an area of approximately 122m². The area of the scrape would not be planted but allowed to be naturally colonised by both terrestrial and aquatic species as it settles. Green hay taken from a local species-rich grassland would be spread around the pond margins to create a grassland buffer strip to provide amphibian habitat.
- 1.8 The pond would be slightly down slope from Oversley Wood and would be naturally filled by surface water run-off from the wood and by rainwater. No trees would be felled to create the pond.
- 1.9 The pond would be linked to other ponds in the area by Oversley Wood and the hedgerow between Oversley Wood and Alcock's Arbour, allowing wildlife to move between the different water bodies and to forage and migrate to hibernation areas.
- 1.10 Pond C would be located in an area to the south-east of Oversley Wood. This area was part of a large arable field, set aside during the 1980s and reverted to grassland. The site of the pond is currently poor semi-improved grassland within a clearing in an area of young native trees planted by the owner in 2005. The ground in the clearing is on a gentle slope on the south-western side of a small hill with a natural hollow which would be deepened to create the pond. The pond would be free of tree cover.
- 1.11 The pond would have an area of some 135 m² with gently sloping margins to provide areas of shallow water and a maximum depth of 1.5 metres. The pond would naturally fill with rainwater and with run-off from the adjacent land.
- 1.12 The vegetation would be stripped from an area measuring approximately 91 m² on the north-east side of the pond. Some of the topsoil from the proposed pond would be spread over the stripped area. The remainder of the excavated soil would be used to create a bund no more than 1 metre in height and 1 to 4 metres in width on the south-west side of the pond. The combined area of the pond and the adjacent area of excavated soil would amount to approximately 328 m². Green hay taken from a species-rich grassland or a wildflower seed mix would be spread over the bund and the stripped area to the side of the pond to create wildflower grassland.

- 1.13 The three ponds would be monitored after their construction to ensure they become established and provide the intended habitat. Management of the ponds would be required initially to prevent algal growths or invasion by competitive plants which may colonise new ponds. The ponds are not to be stocked with fish which would predate great crested newts.
- 1.14 The applicant advises that in the longer term, management of the ponds would potentially require thinning of aquatic plants every 5 years and dredging to remove excess leaf litter. This is particularly the case for Pond A which would be partially shaded by trees from Oversley Wood. No trees overhang Pond B or Pond C so the accumulation of leaf litter would be expected to be less. The need for dredging would be reviewed after 10 years and every 10 years thereafter.

2. Consultation

- 2.1 **Stratford District Council – Planning:** No comments received.
- 2.2 **Stratford District Council – Environmental Health:** No comments received.
- 2.3 **Alcester Town Council:** The Town Council is keen to support the creation and restoration of habitats to encourage and enhance biodiversity. It is pleased that the ponds and the surrounding habitats will be managed for their long-term ecological importance, particularly with respect to Great Crested Newts. It understands that this proposal will contribute to the Pond Local Biodiversity Action Plan for Warwickshire, Coventry and Solihull.
- 2.4 **Councillor Mark Cargill:** No comments received by 21 January 2020.
- 2.5 **WCC Flood Risk and Water Management:** No comments received.
- 2.6 **WCC Highways:** No objection.
- 2.7 **WCC Archaeology:** No comment to make.
- 2.8 **WCC Ecology Services:** No objection subject to the attachment of a condition for a Construction and Environmental Management Plan; a condition relating to Biodiversity Net Gain and notes to be attached relating to brown hare, reptiles and amphibians and a general trench note.
- 2.9 **WCC Rights of Way Team:** No objection, subject to a condition requiring a gap of at least 2 metres between the edge of the pond and the edge of the public footpath. In addition it is requested that advisory notes be added to any consent.

2.10 4 site notices posted – 18 December 2019

2.11 Press notice posted on - 19 December 2019

3. Representations

3.1 No comments have been received at the time of writing.

4. Previous Planning History

4.1 There is no previous planning history for the application site.

5. Assessment and Observations

Location

5.1 Oversley Hill Farm lies just over a kilometre to the south-east of Alcester. The farm is bisected by the A46 Stratford Road. The farmhouse and farm yard are located to the north of the A46 while the site for the 3 proposed wildlife ponds are located to the south of the A46. To the west of the application site is the large ancient woodland of Oversley Wood which is owned by the Forestry Commission.

5.2 Public Right of Ways (PRoW) numbered AL37a (The Arden Way) and AL37 run north to south along the eastern edge of the Oversley Wood in the vicinity of the application site. The two footpaths diverge at a point between the location of Pond A and Pond B, with footpath AL37 running west to east along a field boundary before turning north towards the A46.

Planning Policy

The National Planning Policy Framework (NPPF)

5.3 The NPPF February 2019 explains that there is a presumption in favour of sustainable development and that planning applications for development proposals which accord with the development plan should be approved without delay.

5.4 The NPPF states that the planning system has three overarching objectives; economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 5.5 Chapter 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 174 states that plans should protect and enhance biodiversity by the promotion of conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and by identifying and pursuing opportunities for securing measurable net gains for biodiversity. Paragraph 175 (d) continues by stating that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The Development Plan

- 5.6 The Development Plan relevant to the proposal in this case consists of the Stratford-on-Avon District Council Core Strategy (Adopted July 2016). Therefore, the application should be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

Stratford-on-Avon District Council Core Strategy (Adopted July 2016)

- 5.7 **Policy CS.1 Sustainable Development:** requires that all development proposals should contribute towards the character and quality of the District and to the well-being of those who live and work in and visit the District.
- 5.8 **Policy CS.6 Natural Environment:** states that proposals will be expected to minimise impacts on biodiversity and where possible to secure a net gain in biodiversity by safeguarding and, where possible, enhancing existing habitats. In addition proposals should make provision, where appropriate, for measures that will secure the creation and management of additional habitats, to strengthen networks of habitats, to foster landscape scale conservation in line with identified opportunities and priorities, to address the priorities of the Local Biodiversity Action Plan and to support an increase in the local populations of species of principal importance.
- 5.9 **Policy CS.7 Green Infrastructure:** states that
- A) the existing Green Infrastructure network in the District will be promoted through the principles of protection, enhancement, restoration and creation.
 - B) the availability of open spaces, waterways and other green infrastructure features will be maintained and improved as a contribution towards: including - quality of life and attractive communities; biodiversity and the provision of habitats.

- 5.10 **Policy AS.10 Countryside and Villages:** This policy applies to all parts of the District apart from those which lie within the Built-Up Areas Boundaries defined for Stratford-upon-Avon and the Main Rural Centres. In order to help maintain the vitality of rural communities and a strong rural economy, provision will be made for a wide range of activities and development in rural parts of the District. In order to help maintain the vitality of rural communities and a strong rural economy, provision will be made for a wide range of activities and development in rural parts of the District. All proposals will be thoroughly accessed against the principles of sustainable development, including the need to minimise impact on the character of the local landscape, communities and environmental features.

Amenity and Environmental Issues

Visual Impact

- 5.11 The sites of the ponds are currently an area of open field; a scrubby hollow and a grassy hollow. The three ponds would be shallow features with associated raised bunds no more than 1 metre in height. The development would not have an adverse impact on the appearance of the area. There are no residential properties within the vicinity of any of the three ponds that would be impacted by the development.

Highway and Public Right of Way Issues

- 5.12 The application site is accessed via an unclassified rural lane leading from Trench Lane to the north of A46 Stratford Road. The single-track rural lane passes under the A46 and leads to Oversley Wood Car Park and the PRow AL37a also named The Arden Way.
- 5.13 The applicant has indicated that the excavation work required for the creation of the ponds would be carried out with the use of a 360° excavator. There are no materials to be imported to the site. In addition, no excavated material would be removed from the site as excavated soil would be used to create bunds on site or to be spread in the vicinity of the ponds.
- 5.14 The Highway Authority raised no objection to the proposed development.
- 5.15 Pond A and Pond B are both located adjacent to the PRow AL37a and AL37. Pond A is proposed to have a bund along the eastern edge of the pond which would retain water in the pond and create a separation between the pond and the public right of way to ensure there is no adverse impact on the footpath.
- 5.16 Pond B is proposed to be located within the area of the field to the east of PRow AL37a. A line of trees stands along the western edge of the

field separating the footpath and the field. There would be no adverse impact on the footpath following the creation of the pond.

- 5.17 The Warwickshire County Council Rights of Way Team commented that the route of footpath AL37a in the proximity of Pond B appears to have deviated slightly from the route shown on the definitive map, but that the deviation is considered de minimis. The existing track to the west of the line of trees appears to be the route currently in use by walkers and it is not considered necessary to legally divert the public footpath onto the existing track to enable construction of Pond B. The Rights of Way Team confirmed that there is no objection to the proposed pond construction subject to the inclusion of a planning condition requiring a gap of at least 2 metres to be retained between the edge of both Pond A and Pond B and the edge of the footpath.

Ecology

- 5.18 The applicant informed that long-term survival of great crested newts is dependent on the persistence of viable meta-populations (a group of spatially separated populations of the same species which interact at some level). Clusters of ponds in an extensive, well connected landscape are much more important for the long-term viability of the species than larger, but isolated populations. Newt movements are fairly limited with most individuals rarely moving more than a few hundred meters from the breeding pond. Some individual newts do however travel over a kilometre. It is the movement of these individuals that ensures the maintenance of the meta-populations and genetic diversity. For this reason, breeding ponds need to be reasonably close to other ponds which act as 'stepping stones' and allow great crested newt populations to shift around the landscape in terms of both location and over time as ponds change their suitability for both breeding and foraging.
- 5.19 The three wildlife ponds are proposed to be created within an area containing high quality terrestrial habitat for great crested newts, including the extensive area of woodland, semi-improved grassland managed for hay and hedgerows. These habitats provide foraging, shelter and hibernation opportunities for newts throughout the year. They also would provide good connectivity between the proposed ponds and the existing ponds in the area.
- 5.20 The County Ecologist commented that there are records of invertebrates, bats, badger, brown hare, slow worm and grass snake in the area surrounding the sites for the ponds. In addition, there is nesting bird habitat. A planning condition is recommended requiring submission and approval of a Construction and Environmental Management Plan (CEMP). The CEMP should include pre-checks for badger and checks for nesting birds if the works are not undertaken outside the bird nesting season.

- 5.21 A survey would normally be required for slow worm on the site of Pond A, but the site is prone to waterlogging and would not therefore provide suitable hibernation habitat as such species hibernate underground or under cover preferably in warm, well drained and frost-free locations. For this reason, a survey is not required. However, it is recommended that a method statement of works for slow worm is included as part of the CEMP.
- 5.22 There are two existing ponds in the area to the east of the site of Pond C. The County Ecologist has recommended a great crested newt eDNA survey of the ponds be undertaken to determine whether or not great crested newts are present. However, it is considered that as the proposed development is specifically for the creation of habitat for great crested newts and there is known to be suitable habitat in the locality, the eDNA survey would not provide additional information that is necessary to determine this application. It is recommended that the CEMP should include a working method statement for great crested newts to ensure that the protected species is not harmed during the construction of the ponds.
- 5.23 The County Ecologist also recommended a condition to secure the delivery of net biodiversity gain measures and a management and monitoring plan to ensure that the biodiversity net gain measures are maintained for a minimum of 30 years.

Heritage

- 5.24 The Conservation Area and the Listed buildings in the village of Upton are over 1.3 kilometre from the location of pond A. The closest listed buildings; Rollswold Farmhouse and the stable and barn to the south-east of the farmhouse, are located approximately 1 km to the east of the application site. Given the separation distances and the minor scale of the proposed development, there is no impact on heritage assets as a result of the proposed pond creation.

6. Conclusions

- 6.1 The proposed development would create suitable habitat for great crested newts; provide good connectivity between the proposed and existing ponds and enhance biodiversity in the locality. The creation and maintenance of the ponds would compensate for impacts on great crested newts as a result of development elsewhere in the County.
- 6.2 The proposed development is considered to accord with the aims of the NPPF and Policy CS.6 of the Development Plan to increase net biodiversity and for this reason is recommended for approval subject to the recommended conditions.

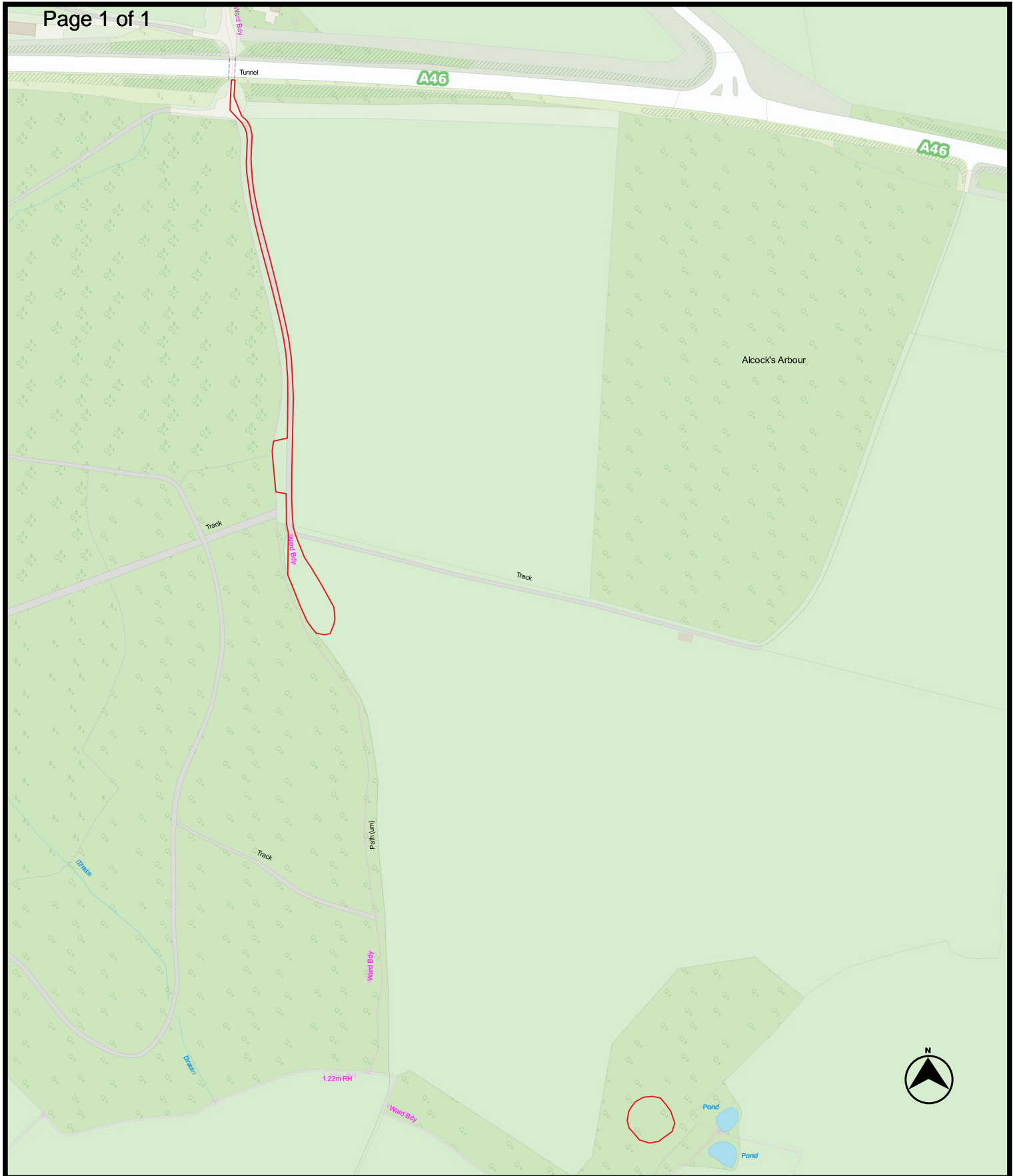
7. Supporting Documents

7.1 Submitted Planning Application – Planning reference SDC/19CC016

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

	Name	Contact Information
Report Author	Sally Panayi	sallypanayi@warwickshire.gov.uk 01926 412692
Assistant Director for Environment Services	Scott Tomkins	scotttomkins@warwickshire.gov.uk
Strategic Director for Communities	Mark Ryder	markryder@warwickshire.gov.uk
Portfolio Holder	Cllr Jeff Clarke	



Application No: SDC/19CC016
Oversley Hill Farm, Oversley Green, Alcester
Creation and management of 3 wildlife ponds
on farmland for great crested newt
conservation strategy

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Regulatory Committee 04 February 2020
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Appendix B

Creation and management of 3 no. wildlife ponds on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy, Oversley Hill Farm, Oversley Green, Alcester, B49 6LR.

SDC/19CC016

Planning Conditions.

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

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

2. The development hereby approved shall be implemented in accordance with the plans and documents numbered:

- LEHE32/01 Rev A - Location Plan
- LEHE32/05 Rev A – Site Plan
- LEHE32/02 Rev A – Detail Pond A
- LEHE32/03 Rev A – Detail Pond B
- LEHE32/04 Rev A – Detail Pond C
- Indicative Sections – Farm Ponds/ Scrape – Oversley Hill Farm

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

Reason: To define the permission and to ensure that the permission is implemented in all respects in accordance with the submitted details.

3. Notwithstanding the details submitted, a separation distance of 2.0 metres shall be provided and maintained between the edge of Pond A and the Public Right of Way AL137a and between the edge of Pond B and the Public Right of Way AL137.

Reason: In order to ensure that the Public Right of Way remains open and accessible.

4. The development hereby approved shall not be commenced until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the County Planning Authority and any pre-commencement measures in the approved plan have been implemented. The Plan shall include a working method statement for slow worm and great crested newts; details of pre-commencement checks for great crested newts, badger 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 Plan shall be implemented in full.

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

Notes

1. Public footpath AL37a and public bridleway AL37 must remain open and available for public use at all times unless closed by legal order, so must not be obstructed by parked vehicles or by materials during works.
2. The applicant must make good any damage to the surface of any public right of way caused during works.
3. If it is proposed to temporarily close public right of way during works then an application for a Traffic Regulation Order must be made to Warwickshire County Council's Rights of Way team well in advance.
4. Any disturbance or alteration to the surface of any public right of way requires the prior authorisation of Warwickshire County Council's Rights of Way team, as does the installation of any new gate or other structure on the public right of way.
5. Brown Hare Note:

In view of the nearby records and suitable habitat, and the nature of the development, care should be taken when clearing the ground prior to development, and if evidence of brown hares are found, work should stop while WCC Ecological Services or Natural England is contacted. The brown hare is a priority species for conservation in the UK and are a Species of Principal Importance under section 41 of the NERC act. Hare numbers are still declining which is largely due loss of habitat diversity in the agricultural landscape and a change in agricultural practices. Although this species has no legal protection they have limited protection during the breeding period (1st March - 31st July) through the Ground Game Act 1880 and the Hares Protection Act (1911). The WCC Ecological Services (tel: 01926 418060) would be pleased to advise further if required.

6. Generic reptile and amphibian note:

In view of the nearby records / ponds care should be taken when clearing the ground prior to development and when storing materials on site. If evidence of specially protected species such as reptiles or amphibians is found (great crested newt, grass snake, common lizard or slow-worm), work should stop while WCC Ecological Services or Natural England is contacted. Reptiles and amphibians are protected to varying degrees under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species under the Conservation of Habitats and Species Regulations 2010.

7. General trench note:

Particular care should be taken when clearing ground prior to development, and if evidence of badger, amphibians or reptiles is found (such as the presence of newts, lizards, snakes, reptile sloughs or badgers, snuffle holes, latrines or established setts) work must stop immediately while WCC Ecological Services or Natural England are contacted. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow animals to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about species licensing and legislation can be obtained from the Species Licensing Service on 01733 455136. Badgers and their setts (communal place of rest) are protected under the Protection of Badgers Act 1992, making it illegal to carry out work that may disturb badgers without a Natural England licence. Reptiles and amphibians are protected to varying degrees under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 and great crested newts are additionally deemed European Protected Species.

Development Plan Policies Relevant to the Decision.

Stratford-on-Avon District Council Core Strategy (Adopted July 2016)

Policy CS.1 Sustainable Development

Policy CS.6 Natural Environment

Policy CS.7 Green Infrastructure

Policy AS.10 Countryside and Villages

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

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework 2019

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Regulatory Committee - 4 February 2020**Parkfield Road Quarry, Rugby
Importation and Deposit of Inert
Restoration Material and Implementation of a
Comprehensive Restoration Scheme****RBC/18CM017**

Application No.: RBC/18CM017

Advertised date: 18 June 2018

Applicant
Cemex UK Operations Ltd
Cemex House
Evreux Way
Rugby. CV21 2DT

Agent
Mr Graham Jenkins
SLR Consulting Ltd
Fumar House
Beignon Close
Ocean Way
Cardiff. CF24 5PB

Registered by: The Strategic Director for Communities on 11 June 2018

Proposal: The importation of inert restoration material by rail to the rail siding along the southern side of Parkfield Quarry, the offloading of the inert material and transportation to the quarry void for backfill restoration, the construction of a temporary hard standing area for the rail offloading and internal vehicle movements, the construction of temporary acoustic screen walls and screen bunds, the implementation of phased backfill restoration programme, and the implementation of a comprehensive restoration scheme with a range of land uses together with the reinstatement of public rights of way.

Site & location: Parkfield Road Quarry
Rugby Cement Works,
Parkfield Road, Rugby CV21 1QJ.
[Grid ref: 449298.275831].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission to allow the importation of inert restoration material by rail to the rail siding along the southern side of Parkfield Quarry, the offloading of the inert material and transportation to the quarry void for backfill restoration, the construction of a temporary hard standing area for the rail offloading and internal vehicle movements, the construction of temporary acoustic screen walls and screen bunds, the implementation of phased backfill restoration programme, and the implementation of a comprehensive restoration scheme with a range of land uses together with the reinstatement of public rights of way subject to the conditions and for the reasons and with the notices and statements contained within Appendix B of the report of the Strategic Director for Communities.

1. Application Details

- 1.1 The application seeks permission to revise the implemented restoration scheme for Parkfield Road Quarry, Rugby by backfilling the quarry void with inert material sourced from the HS2 (high speed rail) construction project.
- 1.2 Parkfield Road Quarry is a former limestone quarry located adjacent to Rugby Cement Works. The quarry has previously been restored to a nature conservation led use. This in essence has resulted in the site being retained in much the form it would have been upon the cessation of mineral working. The site currently takes the form of a deep (around 50 metres) steeply sided former quarry excavation at the base of which lies a large expanse of water.
- 1.3 The proposed development would utilise surplus excavation materials arising from HS2 construction works (tunnelling, cuttings, etc) to backfill the void to approximate original ground levels. The applicant considers that this would allow the introduction of a more sustainable restoration scheme of greater benefit to nature conservation and amenity after uses.
- 1.4 The application site extends to a little under 11 hectares.
- 1.5 It is proposed to deposit 1.9 million m³ of inert spoil within the quarry void.
- 1.6 It is anticipated that it would take around 4.5 years to complete the development.

- 1.7 It is proposed to transport the fill materials to the application site by rail only. The application site is situated alongside a rail siding which would be utilised to bring the waste material to the site by train. Whilst the rail siding has not been used for some years it is understood that the rail tracks remain operational and functional with no substantive refurbishment required to bring them into use as part of the proposed development. This would include the clearance of scrub vegetation from the rail corridor itself and along its margins. Where practicable vegetation along the southern side of the rail siding would be retained in order to retain its landscape and screening value. The sidings comprise of two running lines with cross over points towards either end.
- 1.8 Operationally, it is anticipated that incoming trains would be split and the wagons shunted to an offloading facility at the south western edge of the quarry for unloading. Initial site setup would include the construction of a concrete working pad next to the rail siding in the south western corner of the site from where a ramp would be constructed from the rail siding down to the base of the quarry void. The concrete pad would be used to facilitate the movement of mobile excavators and dump truck loading and vehicular movements.
- 1.9 Initial site setup would also include the provision of acoustic screening measures at various locations around the periphery of the site. This would include:
- A 5m high soil screen bund constructed along the southern edge of the void, parallel to the rail siding;
 - An 8m high acoustic wall extending 40m in length along the southern edge of the rail offloading area;
 - A 5m high acoustic wall along the southern edge of the western area of the rail siding in the rail locomotive crossover area; and,
 - A 5m high acoustic wall along the south eastern edge of the site, between the boundary and Tank Cottages.
- 1.10 Unloading of incoming trains would be undertaken by a grab excavator which would load materials directly into dump trucks which would then transfer the waste materials down the haul road ramp into the quarry void. Trains would be positioned such that 3 wagons could be offloaded at a time. The train would then be shunted to position the next 3 wagons for offloading and this operation would then continue to complete the offloading operation.
- 1.11 Within the quarry void, the material would be placed in layers and rolled/compacted as required to build up the backfill from the base of the void. Initially, this would focus on building up levels to create a level platform parallel to the rail line, with the remainder of the site then profiled to achieve the final restoration contours. A tracked bulldozer would be used to spread and compact the deposited materials.

1.12 The development would be undertaken over a series of nine phases:

- Phase 1 – would comprise of the construction of a 5m high screen bund along the southern edge of the quarry void as an acoustic barrier to the backfill works.
- Phase 2 – would involve the construction of a ramp from the hardstanding area down into the quarry void.
- Phase 3 – creation of a causeway across the middle of the site which would assist with initial water management between two voids either side of the causeway.
- Phases 4 - 6 – would see the void infilled from the current base of 52m AOD up to 89m AOD along the southern boundary of the site with the filled area gently sloping downwards towards the northern boundary of the site.
- Phase 7 – would involve increasing the height of the southern screen bund from 5m to 7m.
- Phase 8 – would progress the backfill restoration towards the final levels, of 86m AOD in the east and 78m AOD in the west, which corresponds with the level at the tunnel entrance through to the Cement Works.
- Phase 9 – would comprise securing the final restoration levels and the establishment of shallow depressions along the central axis of the site which would accommodate the water features to be created as part of the restoration scheme. The area beside the rail siding would be completed to a relatively flat platform level with the rail siding.

1.13 Water levels within the quarry are currently controlled by pumping on an intermittent basis to a consented discharge point to the Sow Brook, which passes through the Cement Works. The quarry would need to be dewatered in order to undertake the proposed infilling. Dewatering would take around six months to complete.

1.14 It is proposed that the hours of work during which trains would be offloaded and materials deposited within the quarry void would be: 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours Saturdays with no train offloading or infilling works taking place on Sunday and Bank Holidays.

1.15 It is anticipated that train movements into and out of the sidings would take place over a longer periods of time, between 0700 hours and 2300 hours, 7 days a week. Train movements between 19:00 hours and 23:00 hours would involve at most one train entering the site, stopping and switching off and one train starting up and leaving the site. There would be no other activity such as unloading during this period and the trains would not be allowed to idle on site.

1.16 It is anticipated that 2 – 3 trains per day on average would access the site. Each train would comprise of 20 wagons, each containing 80 tonnes (40m³). Each train would contain 800m³ of material.

- 1.17 Highway access to the site would be gained via an existing access onto Parkfield Road. The access would be required for initial site set up, delivery of plant and machinery, delivery of acoustic fencing and personnel. In the longer-term access into the application site by personnel would also be gained directly from the Cement Works through an existing tunnel beneath Parkfield Road.
- 1.18 A public footpath (RB5) runs along the eastern, southern and western boundaries of Parkfield Road Quarry. The route of the path runs in close proximity to the proposed main rail offloading operational area. For operational and safety reasons it is proposed to divert the footpath temporarily in order to take pedestrians safely away from the operational area via a short diversion. This would increase the length of the footpath by around 45 metres.
- 1.19 A section of public footpath RB5 which runs along the southern boundary of the site has been temporarily closed for a number of years for safety reasons following a landslip on the southern edge of the quarry void. The proposed development includes provision to reinstate this path along an alternative route upon the completion of infilling works.
- 1.20 The restored site would be engineered to create a landscape which would have a high potential for the creation of valuable wildlife habitats which would include: permanent ponds; ephemeral wetland areas; blocks of woodland; scrub; species rich grassland; open areas for natural colonisation. The restoration proposals seek to strike a balance between landscape enhancement and public access, and the opportunities for habitat creation and extending biodiversity value. The southern areas of the site alongside the rail siding would be restored to largely ground suitable for potential future use. The restored site would result in the creation of shallower slopes around the entirety of the site for safety and stability. The restoration proposals would include provision to replace the currently stopped-up footpath with a new footpath link through the centre of the site.
- 1.21 Detail of the backfilling of the quarry void would be regulated by an Environmental Permit, under the Environmental Permitting (England & Wales) Regulations 2016, administered by the Environment Agency.
- 1.22 This project falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) (EIA) Regulations 2017 for which it may be necessary to accompany a planning application with an Environmental Statement. Due to the nature and scale of the development it was considered appropriate to undertake an EIA and therefore the application includes an Environmental Statement reporting the findings of the EIA. The EIA covered topic areas including: Landscape and Visual Impact; Ecology; Hydrology and Hydrogeology; Noise; Air Quality; and, Traffic.

1.23 Prior to submitting the planning application the applicant undertook a community engagement exercise which included undertaking a public exhibition in March 2018 which was supported by a front page article in the Rugby Observer.

2. Consultation

2.1 **Rugby Borough Council (PIg)** – no objection.

2.2 **Rugby Borough Council (EHO)** – whilst not objecting to the proposed development, initially sought clarification on a number of aspects including noise and air quality. Following the submission of additional information recommends that any planning permission granted includes conditions covering: acoustic barrier installation, hours of operation for the site and train movements, noise control and noise monitoring.

2.3 **WCC Flood Risk Management** – no objection.

2.4 **Councillor Maggie O'Rourke** – no comments received as of 21/01/2020.

2.5 **Councillor Alan Webb** – no comments received as of 21/01/2020.

2.6 **Network Rail** – advise that the main contractor for HS2 has a significant volume of excavated material to move from the tunnels in the London area to a variety of destinations across the UK. This material must leave by rail. Cemex have this large void adjacent to a ready-made rail-head which they are offering as a destination for the material. The 'Materials By Rail' or rail logistics for HS2 is critical to its successful delivery and Network Rail is committed to support this nationally significant project. As a minimum the following works will be required to bring the sidings into operational use: remove vegetation throughout the line, structural assessment of an underbridge and retaining wall and any other retaining structure, assessment of impact upon level crossings.

2.7 **WCC Highways** – no objection.

- 2.8 **WCC Ecology** – initial response acknowledged that the site has no specific nature conservation designation, although it is a pLWS (Potential Local Wildlife Site), and that there is an old record (2000) of a protected species within the application site, namely white-clawed crayfish. In the surrounding area there are records of bats, European hedgehogs, common frog, grass snakes, smooth newt, common lizard and badgers. The County Ecologist initially recommended refusal of the application in the absence of further assessment and information in order to determine the presence of; white-clawed cray fish, reptiles, great crested newts and badgers on the site. A preliminary Biodiversity Impact Assessment (BIA) calculation carried out by the County Ecologist concluded that the development would result in a negative habitat biodiversity score, and therefore required further discussion. Should these matters be resolved the County Ecologist recommended that any planning permission granted include conditions relating to: nesting birds; Construction and Ecological Management Plan; Landscape and Ecological Management Plan; Bat surveys and mitigation; geological exposure protection, lighting; tree protection zones.

Following the submission of further information the County Ecologist confirms the following: a further walkover badger survey revealed negative results – happy with this, but recommend that pre-checks for badger form part of the CEMP; an (Environmental) eDNA crayfish survey revealed negative results – happy with this, no further surveys are required; Great Crested Newt eDNA surveys were carried out which resulted in inconclusive results – satisfied that reasonable attempted were made, and no further surveys are required; surveys revealed a good population of grass snakes and mitigation has been suggested in the form of translocation which is agreed with. A grass snake mitigation strategy can form part of the CEMP.

Following a meeting with the applicant in December 2019, the County Ecologist confirms that enhancements proposed at the nearby Lodge Farm Quarry (also owned by the applicant) are able to offset the losses at Parkfield Road Quarry resulting from the proposed development. Therefore, to ensure a biodiversity net gain it is recommended that a condition is placed on any planning permission granted to secure this gain. It is also agreed that the value of the large water body on the Parkfield Road Quarry site should not be valued as High Distinctiveness, as it had in the original BIA assessment, due to its size and depth.

The County Ecologist therefore withdraws the recommendation for refusal subject to the conditions listed above and an additional condition to secure a scheme to ensure that there is no net biodiversity loss as a result of the development.

- 2.9 **Natural England** – no objection. Based on the plans submitted Natural England considers that the proposed development will not have significant adverse impacts on designated sites. Natural England notes the landscape plan submitted in support of the proposed restoration and supports those measures intended to enhance the biodiversity interest of the site. Natural England suggest that appropriate measures are employed to protect and manage soils in order to prevent degradation of the restored site.
- 2.10 **Environment Agency** – no objection in principle. We consider the proposal to be low risk and trust that the details on imported waste types, contaminant concentrations, operational pollution control, final water level, surface water discharge rates and water quality monitoring will be controlled via the Environmental Permit conditions issued in due course. We understand that three new monitoring wells will be constructed (giving a total of five operational monitoring wells around the perimeter of the site) to provide further evidence/reassurance that there will be no significant adverse effects to ground water quality from this revised restoration scheme.

The proposed development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency.

- 2.11 **WCC Director of Public Health** – no comments received.
- 2.12 **WCC Rights of Way** – no objection in principle to the restoration proposals. The applicant should ensure that they liaise with the Rights of Way Team well in advance of any works directly affecting any public footpaths. Further discussions would be required between the applicant and the Rights of Way Team to agree the final details of the permanent footpath RB5 diversion route. With regard to the temporary public footpath closures and diversions, these would require a Traffic Regulation Order which would also require discussion with the Rights of Way Team.

3. **Representations**

- 3.1 The application was publicised by way of a press notice within the Rugby Advertiser, the nearest residential properties were individually notified and 19 site notices were posted in the immediate vicinity of Parkfield Road Quarry.
- 3.2 Representations have been received from four nearby residents and Warwickshire Wildlife Trust which are summarised below.

3.3 Residents from two of the four Tank Cottages (located adjacent to the eastern end of the application site) raise concern about the effect the development may have on their properties and surroundings.

Concerns raised include:

- the number of trains per day;
- vibrations affecting foundations;
- resident of the property requires daily care so the road to the cottage must remain accessible for carers and doctors;
- there will be interruption to wildlife if their habitat is disrupted;
- a screen fence is proposed how high will it be?;
- how long will the project take and will there be prior warning of commencement?;
- the application makes reference to a Quarry Support group being formed, yet no details are given;
- no account has been given to train noise and lights on the approach to the site running along the side of Tank Cottages. All train lights will shine into our bedroom window , which if they are proposing trains run to 11.00pm is unacceptable. No screen fencing is currently proposed;
- we currently experience flooding around the area – infilling the quarry will exacerbate this as the water will not be able to soak into the quarry;
- the railway siding crosses a regularly used footpath and I am unable to see how this will be addressed. Is this to be closed or a crossing installed?;
- there is a proposed new access to the quarry on the north side, this access is on a road which is used by vehicles to Tank Cottages so does not seem a safe ingress and egress to the site for pedestrians;
- the plans fail to identify the Old Bus which is a residential property located adjacent to the quarry;
- the Quarry is currently a large and expansive natural nature reserve and home to many species and turning this into a public area will destroy the habitat and home for many animals;
- though this is not proposed as a public amenity, from the consultation it does not appear to be something that the public had requested or had need for. There are numerous local green spaces which are already not in use (Newbold Playing field) so this is not a required local amenity – it should be left as a natural feature for nature, quarry sides and avoid disruption;
- I feel that Cemex need to do more public consultation and on a wider perspective to gain a true appreciation of peoples feelings on the site. Properties along the approach train line should also be involved and anyone, especially those with children currently use the footpath to get to Avon Valley School so they are aware of the plans and the impact this will have to them.

3.4 A resident of Izod Road (located to the south of the application site backing onto the railway siding) wishes to object strongly to many aspects of the proposal. Concerns raised include:

- Constant noise and disturbance from large extremely heavy diesel locomotives and equally heavy duty rolling stock movements throughout the day, from early morning to early evening (and likely late into some evenings) which will disturb my young children and other residents for 4 – 5 years;
- Constant noise from the various items of plant and machinery that will be required as well as significant noise, vibration and disturbance from spoil compacting machines;
- Reversing beepers will be a problem – several years ago when the quarry was being modified the constant beeping and frequent sound of horns caused disturbance;
- Railway siding close to rear of property. An eight metre high wall would be unacceptably close to my house. This proposal would drastically affect the amount of daylight to the kitchen/diner as well as greatly over shadowing our back garden;
- How can a structure (screen wall) 8 metres in height over 60 metres long not be considered an adverse visual impact;
- In winter time with floodlights and other site illumination may affect my house and generate unwanted light pollution;
- I also have concerns over the overpowering smell of diesel emissions from all the train movements and shunting required. Will these trains be sat idling for long periods of time thus giving rise to further air pollution and nitrous oxides and diesel particulates flooding into our back gardens and homes. Will there be any short or long term health implications to both children and adults being exposed to these emissions constantly for 4 or 5 years?;
- Where there are large earthworks there is also large amounts of dust/particulate matter generated, has there been any thought given to the effect on short/long term health of local residents from exposure to this particulate matter? There is nothing in the documentation that mentions dust or particulate mitigation. The appearance of the area will suffer in the same way that it does when the Cement Works has an accidental emission;
- All the images in the submitted documents show thick green dense vegetation. Has any consideration been given to the visual amenity through the Autumn and Winter? The quarry and its surroundings look significantly different in the Winter months;
- Motorcycles illegally ridden on the public footpath was a problem prior to its temporary closure. Barriers did not stop this. When the path reopens will this dangerous activity start again?;
- The footpath that is to be closed/rerouted is used frequently by school children. Existing antisocial behaviour likely to get worse.

- 3.5 A Rugby resident who regularly visits the area/quarry to experience the wildlife the site supports as a Nature Reserve comments that, they are absolutely devastated by the proposed plan to fill in this nature reserve site with waste from HS2. They comment that the flooded quarry at Parkfield Road is home to many rare and endangered species of fauna and flora including Peregrines and great crested newts. They state that we need to retain spaces like this for wildlife. The submitted ecology reports demonstrate that we have something very special down in the quarry with many species of conservation importance as well as habitats of high distinctiveness. The invertebrate study recommends that 'although only of District significance we would recommend that the site and its invertebrate interest would benefit most if the present habitats could be retained'. The invertebrate interest of the site, based on the presence of notable species mentioned above and the fact that there are several such similar sites within the wider area, suggests that the site is possibly of District significance for invertebrate interest. How can they fill the quarry without killing thousands of the inhabitants, from invertebrates to reptiles and amphibians, even small animals? They consider that to intentionally disturb, kill or injure many of the protected species resident at the site is in contravention of the Wildlife Act.

The main purpose of the site was to establish a population of endangered English Crayfish, bringing them in from other threatened populations in the country. What is to become of them now and why all the trouble to build this wildlife haven only to destroy it? The site has previously been restored and a Landscape and Habitat Management Plan has been agreed. Why are Cemex allowed to go back on the previous agreement?

Considering the amount of work, effort and expense that went into the restoration of the site and creation of the Nature Reserve in 2012 and the continuous disturbance and disruption to locals at that time, how can they now justify another 5 years or more of misery for these people during this project for very little benefit to them. Policy GP3 (Protection of Amenity) states that planning permission will not be granted for development if there would not be an unacceptable adverse impact on amenity in the area. The area does not have great potential as a recreation area as proposed. The complete plan is to fill in the pit and top it off with grassland, a small pond and trees. Yet this is habitat we have more than enough of in the surrounding area. The quarry habitat is unique and supports unique species. They also have given Peregrines a home, a species they deliberately wanted to attract to the nature reserve. That in itself is invaluable and a great achievement for the town and its birdlife, yet they intend to take it away from us. It's ironic that Cemex newsletters have previously highlighted that retaining the steep faces of the old quarry means that the reserve could become an even more attractive place for peregrine falcons and kestrels. I can only guess the money Cemex stands to make from taking this waste from HS2 is significant and is the driving factor, so significant

that it seems to outweigh everything else. It is a very sad situation for wildlife, the local residents and it's the end of another one of my favourite places in Rugby, probably the only body of water in the county that is undisturbed by humans.

I honestly hope that this project will be abandoned as it seems to be in no ones interests but Cemex's, whom I am sure can find somewhere else to dispose of HS2 waste without the unnecessary destruction and disruption at Parkfield. Locals I have spoken to had no idea of the timescale involved of just how close to the houses the noise and dust will be emanating.

- 3.6 Warwickshire Wildlife Trust comment that, whilst on the whole, the amended restoration plan will eventually provide enhanced habitats for wildlife than the current situation, there are two species in particular which will lose their habitat or potential habitat. These are the peregrine falcons which have in the past nested on the cliffs, and our native white-clawed crayfish for which the site has been considered as a potential Ark site; a site where new populations can be established in safety.

The Environmental Statement states that the site has been discounted as a potential Ark site for white-clawed crayfish but does not give a reason as to why. Further information should be provided to inform decision making; depending on why the site was thought unsuitable there may be scope to include suitable habitat within the current plans. I would also suggest that more information on the other locations that the peregrines have been nesting and whether as compensation for the loss of this site a platform could be funded on an alternative nearby structure?

I also note that the Biodiversity Impact Assessment has not been filled in correctly, as the time to target condition will not be five years – I understand that there will be at least 5 year gap between the destruction of the current habitat until the new habitats can begin to be created, after which woodland for example would take 30+ years to mature.

4. Assessment & Observations

Background & Planning History

- 4.1 Parkfield Road Quarry is a historical quarry from where limestone and clay was excavated for use as a raw material in the manufacture of cement within the adjoining Rugby Cement Works. The result of the quarrying activities left a deep steep sided quarry void with exposed quarry faces and a deep lake at the base of the void.

- 4.2 Parkfield Road Quarry was used during the 1980's and 1990's for the disposal of production wastes arising from the adjoining Rugby Cement Works. These wastes mainly comprised of Cement Kiln Dust (CKD). Although complying with the relevant legislation and best practice of the time waste materials were deposited with no engineered barriers for the containment of potentially polluting leachate. This was not deemed to be a sustainable long term solution, and in September 2010 a planning application was submitted which sought permission to remove the Parkfield Road Quarry waste and transport it to disposal at an engineered landfill cell at Southam Quarry.
- 4.3 Planning permission (RBC/10CM022) was granted in February 2011 to allow removal of the waste material subject to conditions. This included a requirement to submit details of habitat creation and restoration works for Parkfield Road Quarry. The required scheme was submitted and approved as a Habitat Creation and Restoration Scheme accompanied by a Habitat Restoration Plan.
- 4.4 In summary, following the removal of the waste, the objective of the restoration scheme was based upon enhancing the biodiversity value of the site by creating new land and water based habitats and by encouraging natural re-colonisation by a range of UK Biodiversity Action Plan Species. Groundwater was to be allowed to rise in the quarry to a level of circa 70m AOD (around 25 metres below the rim of the quarry) which would then be maintained at that level by pumping. The steep quarry faces above the water level were to be retained.
- 4.5 In practice, whilst the scheme fulfilled the key purpose of removing the previously deposited waste material and achieving some biodiversity enhancement via the restoration works, in practice, the quarry remains as a deep, steep sided void with semi vertical faces some 25 metres high above the water level of the lake, with the lake some 20 metres deep. Some of the faces along the southern edge of the quarry are showing signs of instability, with localised landslips which point to a longer term stability concerns associated with the exposed faces at the quarry. For these and other safety reasons the quarry remains securely fenced around its full perimeter with no public access.
- 4.6 As part of a separate planning permission granted in November 2010 on a nearby site for the development of a 'Climafuel' manufacturing facility to supply solid recovered fuel (Climafuel) to the Rugby Cement Works, Cemex were required to submit a 'Parkfield Road Landscape and Habitat Management Scheme' and to implement the scheme for a period of 20 years from the completion of removal of the waste from the Parkfield Road site for disposal at Southam Quarry.

- 4.7 The required scheme was submitted in 2013 as a 'Landscape and Habitat Management Plan' which included details of land based reed beds, floating reed beds, calcareous grassland habitat around the fringes of the site as butterfly habitat, ground mining bee habitat, exposed cliff faces, and crayfish habitat (albeit no white clawed crayfish had at that time been found on the site). The plan also included management and work schedules designed to maintain the respective habitats for the required 20 year management period, with provision for reviews of the scheme at 5 year intervals.
- 4.8 The restoration scheme and management plan has been implemented, and reflects the current circumstances at the site. However, whilst the site has revegetated, and retained vegetation has continued to mature, the visual amenity value of the site has remained low, and the site does not provide any form of recreational value.
- 4.9 It is also the case that after more than five years post restoration remediation the site does not support such a diverse range of species as envisaged by the 2011 proposals. The Floating Reedbeds have had limited success and the open water which is deep and unvegetated offers limited biodiversity enhancements.
- 4.10 The applicant therefore proposes to revise the restoration scheme by backfilling the void to create, in their view, a more sustainable long term landform and range of restoration land uses.

Site and Surroundings

- 4.11 Parkfield Road Quarry is located adjacent to the Rugby Cement Works approximately 2 kilometres to the west of Rugby town centre. The site is located within an area of mixed residential and industrial uses dissected by transport routes. The London to Birmingham railway runs along the northern boundary of the site and a disused railway line/siding (part of the former Rugby to Leamington railway line) runs along the south-eastern boundary. Parkfield Road adjoins the western boundary of the site and separates the site from the Cement Works.
- 4.12 Beyond the railway to the north lies an industrial unit, sewage treatment works and a scrapyard. Immediately to the east lies redundant allotment land and four properties known as Tank Cottages. Beyond the rail line to the south is located a relatively new residential development, Izod and Follager Road beyond which lies an allotment and the older residential areas of New Bilton. To the west lies the Cement Works
- 4.13 The site is immediately adjoined on all sides by public rights of way, one of which is temporarily closed due to a landslide/instability.

- 4.14 Access to Parkfield Road Quarry is via a tunnel under Parkfield Road from the Cement Works from where access to the public highway network is gained at the main Cement Works access onto the A428 Lawford Road. Parkfield Road Quarry can also be accessed directly via an existing highway access off Parkfield Road.
- 4.15 Parkfield Road Quarry is a very deep steeply sided former limestone and clay quarry with a large expanse of water at its base. The lake at the base of the quarry is some 20m deep with quarry faces at the sides of the void extending to 25m in height above the lake level. There is a small plateau of ground some 10m above the water level situated at the south-western area of the site. A large circular liquid chalk storage tank and associated pumping equipment which forms part of the Cement Works infrastructure is located adjacent to the south-western corner of the site.
- 4.16 Vegetation within the quarry is limited to predominantly self-setting scrub predominantly restricted to the higher levels and rim of the quarry.

Planning Policy Context

- 4.17 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'.
- 4.18 The Development Plan relevant to the proposal consists of the Rugby Borough Local Plan 2011-2031 adopted June 2019, the saved policies of the Minerals Local Plan for Warwickshire adopted 1995, the emerging policies of the replacement Warwickshire Minerals Plan which is at Publication Consultation stage – October 2018 and the adopted Warwickshire Waste Core Strategy Local Plan 2013 – 2028 adopted July 2013.

National Planning Policy

- 4.19 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 also 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. The NPPF makes it clear that significant weight should be placed on the need to support economic growth and productivity.

- 4.20 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 developments: 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 layout and appropriate and effective landscaping; and, is sympathetic to local character and history, including the surrounding built environment and landscape setting. In meeting development needs the NPPF acknowledges the importance of minimising adverse effects on the local and natural environment, including protecting and enhancing sites of biodiversity value. Turning to mineral extraction the NPPF seeks to provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards.
- 4.21 The National Planning Policy for Waste (NPPW) sets out detailed planning policies in respect of waste development. The NPPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource reuse and management, including driving waste management up the waste hierarchy. The policy also reaffirms that waste planning authorities should also work on the assumption that the relevant pollution control regime will be properly applied and enforced. When determining waste planning applications, the NPPW requires waste planning authorities to consider the likely impact on the local environment and on amenity against criteria including; visual impact, traffic and access, air emissions including dust, odours, noise, litter, potential landuse conflict, etc.

Warwickshire Waste Core Strategy

- 4.22 The adopted Waste Core Strategy sets out policies in respect of directing future waste development. The policies contained within this document reflect the national government planning policy of producing less waste, and to reuse it as a resource where possible.
- 4.23 Policy CS1 (Waste Management Capacity) of the Waste Core Strategy seeks to ensure that there is sufficient waste management capacity provided to manage the equivalent of the waste arisings in Warwickshire and, as a minimum, achieve the County's targets for recycling, composting, reuse and landfill diversion. The Council will seek to meet identified capacity gaps for each waste stream where a shortfall is indicated. Where it is demonstrated that there is no identified capacity gap, or where the capacity gap has been exceeded, then any planning application will be assessed against the Core Strategy policies and the principles of proximity and driving waste up the Waste Hierarchy.

- 4.24 The Waste Plan identifies broad locations where waste development will be supported within the County. Policy CS2 (The Spatial Waste Planning Strategy for Warwickshire) states that preference will be given to new waste management facilities within these broad locations, where individual sites are well located to sources of waste and the strategic transport infrastructure. Rugby is identified as a primary settlement within the Plan where such development should be focused. The policy identifies the kinds of sites where new waste developments should be located within these broad locations. This includes: sites operating under an existing waste management use; active mineral sites or landfills; and, previously developed land. The policy also states that proposals should comply with all other relevant Core Strategy and Development Management Policies.
- 4.25 Policy CS7 (Proposals for disposal facilities) states that disposal facilities (meaning facilities primarily consisting of disposal by landfill or incineration) will only be approved where the applicant can demonstrate that the proposed facility is needed and will not prejudice the management of waste further up the Waste Hierarchy. The policy states that proposals for the landfilling of waste will not be acceptable unless it is demonstrated that:
- (i) The waste cannot be managed by alternative methods that are higher up the Waste Hierarchy; and
 - (ii) There is an overriding need for waste to be disposed of through landfilling or landraising; and
 - (iii) Significant environmental benefits would result from the proposal; and
 - (iv) It does not divert significant quantities of material away from the restoration of mineral workings or permitted landfill sites.

Where any landfill or landraise proposals do not clearly meet all four criteria, the proposal will only be permitted if it is demonstrated that landfilling or landraising at that location will deliver overriding community or environmental benefits to justify granting planning permission.

- 4.26 Policy DM1 (Protection of the Natural and Built Environment) seeks new waste development to conserve, and where possible enhance, the natural and built environment by ensuring that there are no unacceptable adverse impacts upon: amongst other things: natural resources (including water, air and soil); biodiversity; the quality and character of the landscape; adjacent land uses or occupiers. Proposals should also maintain or, where possible, enhance biodiversity and recognised sites, species, habitats and heritage assets of sub-regional or local importance. If it is considered that the development is justified against these criteria, proposals will only be permitted where the adverse impacts will be:

- i) Avoided; or,
- ii) Satisfactorily mitigated (where it is demonstrated that adverse impacts have been avoided as far as possible); or
- iii) Adequately compensated or offset as a last resort where any adverse impacts cannot be avoided or satisfactorily mitigated.

- 4.27 Policy DM2 (Managing Health, Economic and Amenity Impacts of Waste Development) states that planning permission will not be granted for waste management proposals which have unacceptable adverse impacts on the local environment, economy or communities through matters including: noise; light/illumination; visual intrusion; vibration; odour; dust; emissions; contamination; water quality; road traffic; and, land instability. Proposals will only be permitted where the adverse impacts will be: avoided; or, satisfactorily mitigated where an adverse impact cannot be avoided or the adverse impacts have been avoided as far as possible.
- 4.28 Policy DM3 (Sustainable Transportation) seek waste management proposals to use alternatives to road transport where feasible.
- 4.29 Policy DM8 (Reinstatement, restoration and aftercare) states that planning permission will not be granted unless satisfactory provision has been made for high quality reinstatement or restoration of the site and the long term management of its after use.

Minerals Local Plan for Warwickshire

- 4.30 The saved policies of the adopted Minerals Local Plan set out specific policies relating to the winning and working of minerals. Policy M9 supports the restoration of mineral workings to a high standard and a beneficial afteruse.

Emerging Warwickshire Minerals Plan

- 4.31 The emerging Warwickshire Minerals Plan similarly seeks to secure high quality restoration and aftercare of sites including the future management of its afteruse (Policy DM9 - Reinstatement, reclamation, restoration and aftercare).

Rugby Borough Local Plan 2011 – 2031 adopted June 2019

- 4.32 The Rugby Borough Local Plan contains policies specific to the area. Policy GP1 (Securing Sustainable Development) reflects the presumption in favour of sustainable development and seeks to secure development that improves the economic, social and environmental conditions in the area. It goes on to state that planning applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

- 4.33 Policy GP2 (Settlement Hierarchy) sets out a settlement hierarchy with Rugby town being the main focus for all development in the Borough.
- 4.34 Policy HS1 (Healthy, Safe & Inclusive Communities) seeks to create healthy, safe and inclusive communities. This includes improving the quality and quantity of green infrastructure networks, including public rights of way to open space. Whilst, policy HS4 (Open Space, Sports Facilities and Recreation) seeks to enhance the quality and accessibility of existing open space whilst avoiding any significant loss of amenity to resident, neighbouring uses or biodiversity.
- 4.35 Policy D1 (Transport) seeks development to prioritise sustainable modes of transport. Whilst, policy HS5 (Traffic Generation & Air Quality, Noise & Vibration) encourages a move towards the use of sustainable transport modes, to minimise the impact on air quality, noise and vibration caused by traffic generation.
- 4.36 Policy NE1 (Protecting Designated Biodiversity & Geodiversity Assets) seeks to protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Development will be expected to deliver a net gain in biodiversity. Planning permission will be refused if significant harm resulting from development affecting biodiversity cannot be: avoided, and where this is not possible; mitigated, and if it cannot be fully mitigated, as a last resort; compensated for. Development likely to result in the loss, deterioration or harm of habitats or species of local importance to biodiversity, geological or geomorphological conservation interest, either directly or indirectly, will not be permitted for Local Wildlife Sites and protected species unless, amongst other things, measures can be provided (and secured through planning conditions or legal agreements). The level of protection and mitigation should be proportionate to the status of the habitat or species and its importance individually and as part of a wider network.
- 4.37 Policy NE2 (Strategic Green and Blue Infrastructure) seeks to support the creation of a comprehensive Borough wide Strategic Green and Blue Infrastructure Network. This will include; protection, restoration and enhancement of existing and potential Green and Blue infrastructure assets.
- 4.38 Policy NE3 (Landscape Protection and Enhancement) seeks development to positively contribute to landscape character. Whilst, policy SDC2 (Landscaping) requires the landscape aspects of a development proposal to form an integral part of the overall design.

- 4.39 Policy SDC1 (Sustainable Design) seeks development to demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that respond to the character of the area in which they are situated. All developments should aim to add to the overall quality of the area in which they are situated.
- 4.40 Policy SDC5 (Flood Risk Management) seeks to minimise flood risk to people and property and manage any residual risk.

Policy Considerations

- 4.41 The aim of the proposed development is two-fold. Firstly, to provide a facility to dispose of waste materials derived from the construction of HS2; and secondly, from the applicants perspective, to provide a long term sustainable restoration scheme for the management of a historical mineral working.
- 4.42 The general theme running through policies contained within the development plan is to achieve high quality development that is sustainable in the long term. In respect of mineral workings and waste sites development proposals are expected to secure high quality site restoration and beneficial afteruses with appropriate management plans. Whilst Parkfield Road Quarry has undergone a previous restoration scheme the site remains a deep steeply sided quarry void. In order to manage water levels within the site so that they do not adversely impact on the adjoining Cement Works it is necessary to pump water out of the site on a regular basis. Additionally, in recent times the steep quarry faces have experienced some localised slippages and stability problems resulting in the need to close an adjacent public footpath. This in itself creates long term management issues. The nature of the quarry void is such that for health and safety reasons the site remains securely fenced with no public access. Furthermore the ecological restoration scheme implemented on the site has, arguably, not been as successful as envisaged in terms of biodiversity gains. The proposed restoration scheme, once complete, would provide a more sustainable restored landform and afteruse of the former mineral working in terms of long term management and biodiversity benefits. This, in general terms, is supported by planning policy.

- 4.43 A key theme of planning for the management of waste is to drive waste management up the 'Waste Hierarchy'. 'Prevention' and the reduction in waste generation are the most effective environmental solution and is at the top of the 'Waste Hierarchy' with 'disposal' very much the least desirable solution at the bottom of the 'Hierarchy'. The applicant considers that the infilling of Parkfield Road Quarry should be considered to be 'other recovery' in the context of the 'Waste Hierarchy'. This is defined as 'waste which can serve a useful purpose by replacing other materials that would otherwise have been used' and in this case the waste would be serving a 'useful purpose' in providing for the restoration of Parkfield Road Quarry. 'Other recovery' is above 'disposal' in the 'Waste Hierarchy' in terms of priority. In essence the applicant is saying that the waste material would be put to a beneficial use in order to secure restoration of Parkfield Road Quarry, avoiding the need to use primary minerals to achieve the same goal, and is thus supported by planning policy. This is a debateable argument as it hinges on whether or not there is an overriding need to infill the quarry void in order to secure a sustainable site restoration in the long term. There are arguments for and against this but, on balance, it is considered that infilling of the quarry void would be beneficial in the long term and is therefore supported in general terms by planning policy.
- 4.44 Excavation waste arising from the construction of HS2 will be low grade materials with limited scope for alternative methods of reuse further up the 'Waste Hierarchy'. Use of these excavation wastes as fill and restoration material is likely to be the most realistic option. Construction of HS2 is expected to generate around 130 million tonnes (65 million cubic metres) of excavation materials. Much of this will be used within the HS2 construction project for engineering and environmental mitigation. There will however be a need to dispose of around 18 million tonnes (9 million cubic metres) of waste excavation materials arising from the construction of HS2. This proposal to infill Parkfield Road Quarry with a proportion of HS2 excavation waste arisings would utilise waste materials arising from a specific national construction project rather than drawing in inert waste materials from the local market. Thus the proposed development would not divert material away from the restoration of active mineral sites within the County.

- 4.45 In the context of Policy CS7 (Proposals for disposal facilities) of the Warwickshire Waste Core Strategy these factors do tend to weigh in favour of the proposed development. Parkfield Road Quarry however is somewhat remote from the main source of the waste materials expected to be utilised to infill the site. Surplus excavation wastes are most likely to be sourced from tunnelling works towards the southern end (London and suburbs) of the HS2 construction project. Thus it would be difficult to say that there is an overriding need to dispose of this waste material in this specific location. That said Parkfield Road Quarry benefits from a rail link, thus enabling the waste materials to be transported to the site by rail. In policy terms this is supported as a sustainable form of transport. Once transport by rail becomes a viable option, it is not unusual for waste can be transported over greater distances for disposal than if transported by road.
- 4.46 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. These matters are discussed below.
- 4.47 The proposed development by its very nature would undoubtedly have environmental effects and impacts during the infilling and restoration of the site. This is inevitable given the nature and scale of the operations which would be involved. Existing habitats and biodiversity within the quarry void would either be destroyed or dramatically altered by the development. Parkfield Road Quarry is located within an urban area in very close proximity to residential properties which are very much sensitive receptors. The activities associated with infilling the quarry void would generate new sources of noise and disturbance to the area. The submitted Environmental Statement concludes that with the implementation of mitigation measures the proposed development could be undertaken without resulting in significant adverse impacts upon the living environment of nearby residents or the biodiversity of the site and surroundings in the long term. Advice and guidance has been sought from various technical consultees on the proposed development. This advice indicates that subject to the mitigation measures proposed and with the use of suitably worded conditions the effects and impacts of the development on the built and natural environment and residential amenity would be controlled to an acceptable level. It is therefore concluded that the proposed development accords with the policies contained within the Development Plan.

Amenity Issues

4.48 Parkfield Road Quarry is located within the urban area of Rugby in very close proximity to residential properties. Residential dwellings are focused around the southern side of the quarry and immediately adjacent to the rail siding. This includes properties at; Tank Cottages, Izod Road, Follager Road, Jubilee Close, Bridle Road and Lawford Bridge Close. Tank Cottages located to the eastern end of the site lie within 15 metres of the rail siding and 18 metres of the quarry void. Properties located within Izod Road and Follager Road located to the south are situated around 15 metres from the rail siding and 40 metres of the quarry void. Dwellings within Avenue Road are situated a little more than 30 metres from the rail siding and 60 metres from the working pad and quarry void. Dwellings located within Jubilee Street are located approximately 80 metres from the rail siding. Dwellings within Bridle Road are located within 30 metres of the rail siding. Properties within Lawford Bridge Close are located within 15 metres of the rail siding.

Noise

- 4.49 Initial site set up, operation of plant and machinery; unloading of trains, the transfer of waste material into the quarry void and the spreading and compacting of deposited material within the site would all be sources of noise. Additionally, and perhaps most significantly for residents living close to the rail siding, the operation and movement of trains into and out of the rail sidings as well as the shunting of wagons and rollingstock during unloading would also be noise generators.
- 4.50 The rail sidings have not been used for many years and similarly no activity has taken place within the quarry void itself since works to remove previously deposited Cement Kiln Dust were completed several years ago. Thus, the proposed development would very much result in the introduction of new sources of noise to the immediate vicinity.
- 4.51 In order to limit any potential adverse impacts, initial site setup would include the provision of acoustic screening measures at various locations around the periphery of the site. This would include:
- A 5m high soil screen bund constructed along the southern edge of the void, parallel to the rail siding;
 - An 8m high acoustic wall extending 40m in length along the southern edge of the rail offloading area;
 - A 5m high acoustic wall along the southern edge of the western area of the rail siding in the rail locomotive crossover area; and,
 - A 5m high acoustic wall along the south eastern edge of the site, between the boundary and Tank Cottages.

- 4.52 The submitted planning application included a noise assessment to; establish baseline noise levels, suggest site noise limits and to test compliance with the noise limits to examine the potential noise impact of the proposals. The assessment acknowledged existing background noise sources within the vicinity, including those generated by the West Coast Main rail line, the Rugby Western Relief Road and Rugby Cement Works. The Assessment also included noise calculations for the proposed development. The calculated noise levels, for both the initial temporary site preparation works and the train unloading and site infilling operations, indicate that the development could be undertaken in compliance with the suggested site noise limits at all of the assessment locations. The assessment therefore concludes that with the use of the acoustic screening measures proposed and the imposition of suitably worded conditions to control hours of operation and limit noise emissions, the proposed development could be carried out without resulting in significant adverse impact upon nearby residents. The applicant proposes to undertake noise monitoring at key stages during the development in order to ensure compliance with noise conditions.
- 4.53 A key concern raised by residents is noise and disturbance resulting from the movement of trains, particularly those extending into the later evenings. The main hours of operation within which the majority of activity would take place on site, including train movements, would be 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays. It is however proposed that train movements would take place over a longer timescale, between 07:00 hours and 23:00 hours, 7 days a week. The applicant advises that this would involve at most one train entering the site, stopping and switching off and one train starting up and leaving the site. There would be no other activity such as unloading during this period and the trains would not be allowed to idle on site. The submitted noise assessment also examined noise from trains and demonstrated that train movements could be undertaken within the proposed noise limits. Whilst such movements would involve heavy slow-moving diesel locomotives, evening and night time movements would be carried out over relatively short time periods thus further reducing overall impact.
- 4.54 The Environmental Health Officer from Rugby Borough Council has reviewed the noise assessment and further supporting details submitted and accepts their conclusions. The EHO recommends that a series of conditions be included within any planning permission granted. This would include for the provision of; acoustic barriers, noise limits, noise monitoring and hours of operation. Suitably worded conditions are proposed.

Air Quality/Dust

- 4.55 The operation and movement of plant, machinery and trains would result in emissions to air. Additionally, the unloading, transport and deposit of waste materials on the site has the potential to generate dust emissions.
- 4.56 The submitted planning application included an air quality assessment. This covered existing air quality conditions in proximity of the application site and assessed the likely effect that dust generated during the restoration works would have on local air quality and amenity of receptors close to the application site.
- 4.57 In order to reduce the potential for dust emissions, handling of waste materials would be kept to a minimum by transferring directly from trains into dump trucks for transfer down into the landfill. The unloading area would be concrete surfaced and water suppression would be used to minimise potential dust emissions. Acoustic screens proposed to be erected along key boundaries would further serve to reduce dust emissions from the site. Site operations close to sensitive receptors where there is a risk of slight adverse effects would be suspended if visible dust emissions cannot be controlled. If required, a water misting system would be installed, alongside the acoustic barriers, if visible dust were to become an issue.
- 4.58 The submitted air quality assessment concludes that, with the designed in mitigation measures, there is a risk of slight effects due to dust deposition at residential receptors close to the southern and eastern site boundary. However, additional dust control measures would be implemented should visible dust occur beyond the application site boundary close to residential receptors, and site operations would be suspended if visible dust emissions cannot be controlled. With these additional dust controls, the air quality assessment concludes that, adverse effects are likely to be negligible. The effect of dust has therefore been determined to be not significant.
- 4.59 A further technical note assessed impacts upon air quality resulting from rail movements and operation of plant and equipment on site in more detail. This concludes that exposure from emissions to air would result in negligible impact and in the case of dust the risk from on-site transportation is considered to be medium after mitigation.

- 4.60 The Environmental Health Officer from Rugby Borough Council has reviewed the air quality assessment and technical note and accepts their conclusions. The EHO accepts that should visible dust emissions occur mitigation measures could be stepped up to tackle various levels of dust emission. The applicant advises that this would be covered in more detail within a Dust Management Plan which would form part of the Environmental Permit. The EHO accepts that continuous particulate monitoring is not considered necessary. However, they remain concerned that the existing background is low, so any increase would be more likely to be noticed and be a cause for complaints. The EHO accepts that visual monitoring may be undertaken initially but in the event of complaints combined with evidence of dust leaving the site/dust deposition on sensitive receptors requires other forms of monitoring.
- 4.61 The proposed Dust Management Plan would form part of the Environmental Permit administered and monitored by the Environment Agency. Planning guidance advises that planning authorities should not concern themselves with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Notwithstanding this, it is accepted that additional dust mitigation measures may be required. In addition, dust has been raised as a concern by nearby residents. In order to ensure that appropriate measures are put in place to control dust emissions it would not be unreasonable to secure a Dust Management Plan via development management procedures. A Dust Management Plan and dust monitoring scheme could be secured by planning conditions. Suitably worded conditions are proposed.
- 4.62 Parkfield Road Quarry is located within a declared Air Quality Management Area, which covers the whole of the urban area of Rugby and beyond. Designation of the AQMA follows a review of air quality in the Borough finding places within the urban area where air quality was likely to be below national quality objectives. Significantly, the AQMA has been declared in respect of nitrogen dioxide resulting from road traffic pollution in the centre of Rugby. The proposed development would not generate significant additional road traffic, with waste materials all transported by rail. Rail freight relies on diesel powered locomotives which clearly generate emissions to air. However, three rail freight deliveries per day would not be a significant number. Nitrogen dioxide concentrations and effects of the number of locomotives proposed are considered to pose no risk of exceeding DEFRA Air Quality Guidance in this respect. The EHO accepts these conclusions.

Landscape & Visual Impact

- 4.63 Parkfield Road Quarry currently appears as a large, deep, steeply sided former quarry. The steep rock faces are partially vegetated with a large deep waterbody at its base. Visually the site very much appears as a former mineral working. However, views of the site are limited and localised. This includes from points on; the West Coast Mainline, Parkfield Road, adjoining footpaths and adjacent residential properties.
- 4.64 The application site is located within the urban area of Rugby with no statutory landscape designation. The surroundings are very much a mixed industrial landscape and residential setting dissected by transport corridors. The immediate vicinity would not be considered to be of high landscape value.
- 4.65 Visual impact of the proposed development needs to be considered in both the short and long term.
- 4.66 In the short term, operations to infill the site, including operation of plant and machinery and movement of trains and shunting of wagons, would all be visible from various points outside of the site. Initial works would involve draining the waterbody from the void and the removal of vegetation cover from the southern boundary of the site and quarry sides, which would potentially open up views into the site. Early works would also involve the construction of a 5 metre high (rising up to 7 metres) noise bund between the quarry void and siding as well as acoustic fencing standing between 5 and 8 metres in height at various points along the boundary of the site. These features would assist with visually screening operations undertaken on site, although clearly, these features would in themselves have a visual impact. The height and proximity of these features to nearby residential properties have been raised by near neighbours as a concern in terms of visual impact.
- 4.67 The operational phase of the development would introduce a period of relatively intense industrial activity to a site which in recent years has been relatively tranquil and visually inactive. The operational phase of the develop would undoubtedly have a visual impact, particularly for the nearest neighbours. Many of whom may consider this to be an unacceptable visual intrusion. However, this needs to be considered in the context of the overall development and aim in terms of restoring the former mineral working. The operational phase of the development would be undertaken over a relatively short timeframe of five years. Although, again near neighbours of the site may disagree that five years is a short timescale. These operations would be carried out within an area where industrial activities and processes take place in close proximity to residential areas. Thus, in this respect industrial activities are not unusual in this location and the proposed development would be seen in this context. Upon completion of the operational phase of the development, the plant and machinery, rail

traffic and screening features would be removed from the site. Thus, the perceived negative impacts would be reversible.

- 4.68 In the long term, the infilling and restoration of the site is itself the primary means of mitigating adverse landscape and visual impacts. The infilled site would be returned to near original ground levels tying into the surrounding topography. The restored site, incorporating native woodland planting, waterbodies, marginal planting and species rich grassland, would result in a more sympathetic natural landform, appropriate to the surrounding landscape. This in time would compensate for the trees and vegetation lost during the operational phase of the development. Whilst the application site is situated within a heavily developed area, green corridors and smaller parcels of green space punctuate the surroundings. The restored site would integrate into this patchwork of green space. In the long term the restoration scheme would enhance the visual and landscape impact of the site in the context of the overall setting and on local receptors. This would be an overall benefit in the long term.

Ecology

- 4.69 Parkfield Road Quarry underwent a restoration and aftercare scheme a number of years ago following the removal of previously deposited Cement Kiln Dust from the site. The previous restoration and aftercare schemes were very much designed around and tailored to the nature of the landform, being a deep steeply sided void with a large expanse of deep water at its base. Vegetation is essentially restricted to the margins of the site. The previous restoration scheme included floating reedbeds and marginal planting. Whilst this scheme has been complete for a number of years the applicant is of the view that it has not been as successful as hoped and as a result does not support such a diverse range of species as envisaged. The floating reedbeds have had limited success and the open waterbody is deep and unvegetated offering limited biodiversity benefit. That said Parkfield Road Quarry is not devoid of wildlife and habitats and both the quarry and the adjoining rail siding have both been identified as potential Local Wildlife Sites.
- 4.70 The submitted planning application included an Ecological Impact Assessment. This included a baseline survey of the ecological conditions of the site and immediate surroundings and identified the ecological features with the potential to be affected by the proposed revised restoration. It assessed the potential impacts that the proposed works could have upon the flora and fauna and considered mitigation measures required to reduce, compensate or avoid these impacts. The assessment identified the potential presence of notable habitats and protected species. In respect of Peregrine Falcon Parkfield Road Quarry has been known to support a breeding pair in the past. However, site surveys carried out in 2017 identified no breeding presence at that time, but that the cliffs provided suitable

habitat. The applicant subsequently undertook further assessment which confirmed negative results for the presence of badger, white clawed crayfish and Great Crested Newts on site. The further surveys revealed a good population of grass snakes on site and suggested mitigation in the form of translocation.

- 4.71 The County Ecologist accepts the findings of the extended surveys and recommended that any planning permission granted should include conditions relating to: nesting birds; Construction and Ecological Management Plan; Landscape and Ecological Management Plan; Bat surveys and mitigation; geological exposure protection, lighting; tree protection zones.
- 4.72 A preliminary Biodiversity Impact Assessment (BIA) calculation carried out by the County Ecologist concluded that the development would result in a negative habitat biodiversity score. Following further discussion with the applicant it was agreed that the nature of the large deep water body within Parkfield Road Quarry was such that its ecological value is not as high as first thought. Thus, potential biodiversity losses would not be as high as first envisaged. Furthermore, the applicant has proposed to make ecological enhancements to the nearby Lodge Farm Quarry (also owned by the applicant) which would be able to offset the losses at Parkfield Road Quarry resulting from the proposed development. Thus, overall biodiversity net gains could be secured which in the long term is positive. The County Ecologist accepts these findings and recommends that a condition is placed on any planning permission granted to secure this gain. It is therefore considered that through the implementation of a comprehensive restoration scheme biodiversity losses can be mitigated and result in gains in the long term.

Transport & Vehicle Movements

- 4.73 All waste materials utilised to infill Parkfield Road Quarry would be delivered to the site by rail to the existing rail siding adjoining the quarry void. This is clearly a significant benefit in terms of reducing potential impacts upon the surrounding highway network. A suitably worded condition is proposed to ensure that all waste materials are delivered to the site by train only.
- 4.74 Highway access to the site would be gained via an existing access onto Parkfield Road. The access would be required for initial site set up, delivery of plant and machinery, delivery of acoustic fencing and personnel. In the longer-term access into the application site by personnel would also be gained directly from the Cement Works, which is accessed off Lawford Road, through an existing tunnel beneath Parkfield Road. Both of these highway accesses are designed and constructed to accommodate the type of traffic the development would generate. In terms of numbers, the level of highway traffic generated

by the development would not be significant. WCC Highways therefore raise no objection to the proposal.

Ground & Surface Water

- 4.75 Parkfield Road Quarry currently contains a large deep waterbody which requires constant management in order to maintain water levels below that of the tunnel access through into the adjacent Cement Works. In order to undertake the proposed development it would be necessary to first de-water the site and continue pumping throughout the infilling works. Pumped waters would be discharged to the Sow Brook as they are currently. The restored site would comprise of a landform gently sloping down into an attenuation pond. In the long term it would be necessary to continue to manage water levels by pumping water from the site to a discharge point at the nearby Sow Brook.
- 4.76 The submitted planning application included an assessment of the hydrological and hydrogeological aspects of the development as well as a Flood Risk Assessment. These assessments conclude that, impacts to groundwater would be negligible during filling phases and post restoration as groundwater would be lower at the site compared to the surrounding area. It is therefore concluded the site is hydraulically contained which would prevent the outward migration of contaminants from the site. The assessment does not anticipate de-watering of the site to result in adverse impacts. The site has historically been de-watered with no adverse impacts. Surface water from the restored site would be managed and pumped to the Sow Brook for discharge as it is currently. Despite the low sensitivity groundwater environment and the fact that the site is hydraulically contained, the applicant proposes to increase the number of groundwater monitoring wells from the current two to five in order to monitor groundwater going forward.
- 4.77 The Environment Agency and Lead Local Flood Authority have been consulted on the planning application and have raised no objection to the proposed development.

Restoration

- 4.78 The previously implemented scheme was focused on habitat creation and advancing the ecology of the site. The implemented scheme was however very much designed around the constraints of the site. As a result, the site remains a deep steeply sided quarry void with a large expanse of water at it's base. The steep quarry faces have experienced some localised stability problems, resulting in the closure of an adjoining public footpath, and for health and safety reasons the site remains securely fenced with no public access. The previously implemented ecological restoration scheme has also not resulted in the envisaged biodiversity gains or variety.

- 4.79 The proposed restoration scheme would result in the site being infilled to near original ground levels, removing the deep void and steep quarry faces. The restored landform would link into the surrounding topography, appearing more natural and integrated. The restoration proposals seek to strike a balance between landscape enhancement, habitat creation and public access, including reinstating a currently stopped-up footpath link. The restored site would include a mosaic of habitats and landscape features which in the long term would be more sympathetic and an enhancement to the surroundings. The restored landform would enhance the landscape character of the site and improve visual amenity for adjacent receptors. The proposed restoration scheme would deliver a more diverse habitat mosaic which would result in wider biodiversity benefits.

Rights of Way

- 4.80 Parkfield Road Quarry is adjoined on practically all boundaries by public rights of way. Public footpath RB5 runs along the eastern, southern and western boundaries of the void. Whilst public footpath RB4 runs along the norther boundary of the site.
- 4.81 The section of public footpath RB5 which runs along the southern boundary of the site has been stopped up for a number of years for reasons of safety following a landslip on the southern edge of the void, in relative proximity to the alignment of the footpath. The restoration proposals include provision to reinstate this path along an alternative route centrally through the site. This would be a benefit in terms of improving connectivity within the local rights of way network and overall public access to green space within the urban area.
- 4.82 The route of public footpath RB5 along the south western boundary of the void runs between an existing footbridge over the rail siding and the Western Relief Road (Parkfield Road) and provides a link from Jubilee Street/the residential area to the south of the rail siding to the Western Relief Road and a pelican crossing at the junction of the footpath with the road. The route of the footpath runs in close proximity to the proposed main rail offloading operational area, and for operational and safety reasons, it is proposed that the footpath be temporarily diverted to the west to take pedestrians safely away from the operational area via a short diversion. It would run in a westerly direction from the northern side of the footbridge west, and then around the eastern edge of the existing circular chalk storage tank which forms part of the cement works infrastructure. It would then reconnect into the existing route of footpath RB5 some 20m south of the relief road where it would continue to run to the existing pelican crossing. This would increase the length of the footpath by around 45m. This would enable the footpath link to be safely maintained between the residential area to the south of the rail siding and Parkfield Road for the duration of the development. The footpath would be reinstated to its existing route

upon completion of the restoration works. This temporary diversion would be acceptable for the duration of the development.

- 4.83 WCC Rights of Way Team have been consulted on the development proposals in respect of impacts on the public rights of way network and raise no objections.

Conclusion

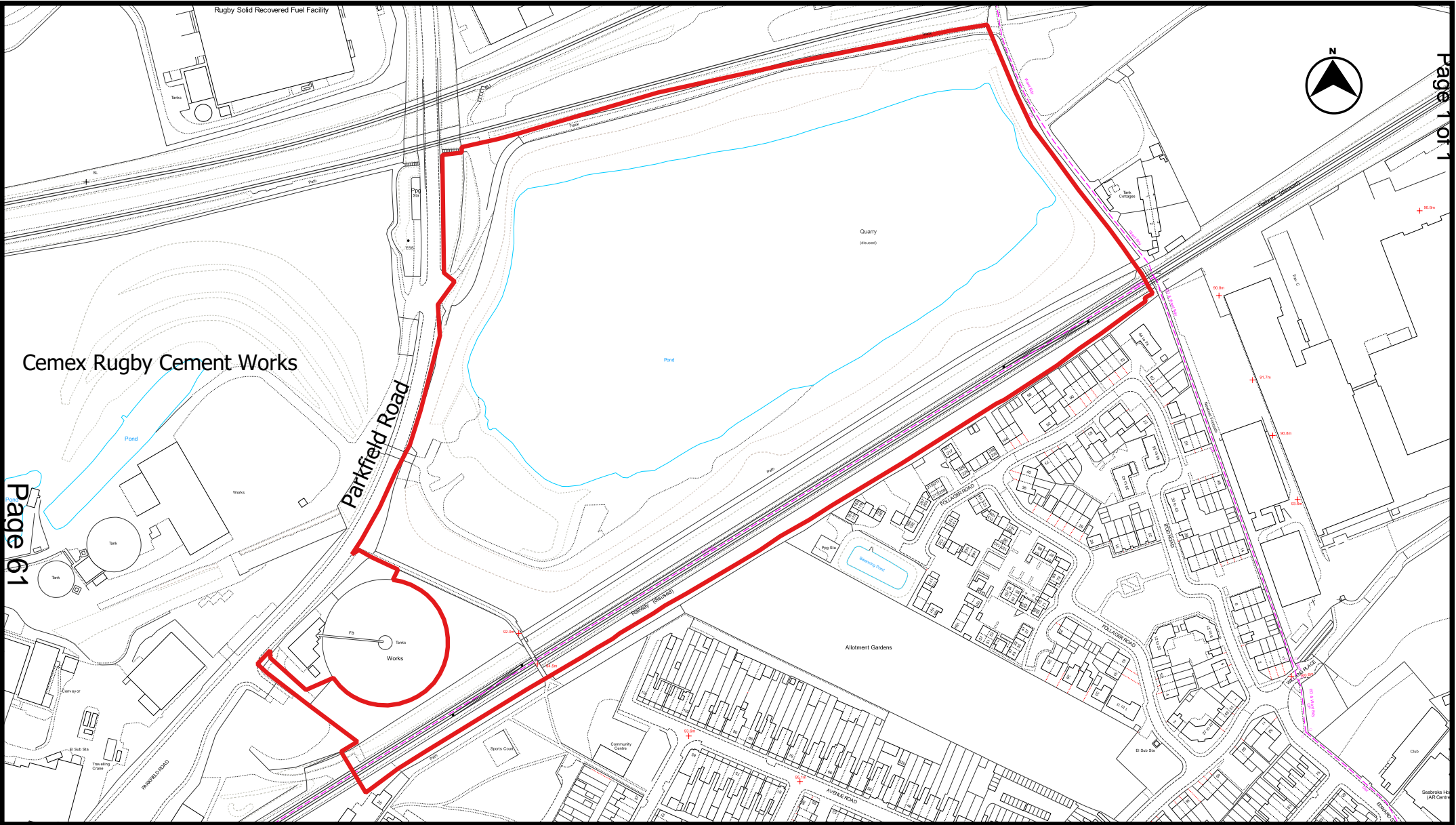
- 4.84 The proposed infilling and restoration of Parkfield Road Quarry would introduce a period of intense activity to a site that has largely remained undisturbed for a number of years. Parkfield Road Quarry is located within an urban area in close proximity to residential properties. Tank Cottages located to the east of the site and dwellings within Izod Road, Follager Road, Jubilee Road, Bridle Road, and Lawford Bridge Close located to the south are situated in very close proximity to the site.
- 4.85 The proposed development by its very nature would undoubtedly have environmental effects and impacts during the infilling and restoration of the site. This would be inevitable given the nature and scale of the operations which would be involved.
- 4.86 Existing habitats and biodiversity within the quarry void would either be destroyed or dramatically altered by the development. The nature of the site, a deep steeply sided quarry void with large expanse of deep water at its base, has resulted in the previously implemented restoration scheme not achieving the biodiversity gains or diversity envisaged. The proposed restoration scheme, along with enhancements made to the nearby Lodge Farm Quarry site, would result in a more ecologically diverse site with enhanced biodiversity gains.
- 4.87 Parkfield Road Quarry is located within an urban area in very close proximity to residential properties which are very much sensitive receptors. The activities associated with infilling the quarry void would generate new sources of noise and disturbance to the area as well as potential sources of dust and emissions to air. However, with the implementation of mitigation measures, including acoustic fencing, and compliance with operating conditions the proposed development could be undertaken without resulting in significant adverse impacts upon the living environment of nearby residents. Impacts upon residential amenity could therefore be controlled to an acceptable level.

- 4.88 The operational phase of the development would introduce a period of relatively intense industrial activity to the site and vicinity. The operational phase of the development would undoubtedly have a visual impact, particularly for the nearest neighbours. Mitigation measures, including the acoustic screen fencing and bund, would assist with visually screening operations on site. These features would however not totally screen the site and operational phase. This is however a mixed use area where heavy industrial activities are not unusual. The operational phase would also be relatively short in timeframe, with the negative impacts reversible. In the long term the infilling and restoration scheme is in itself the primary means of mitigating adverse landscape visual impacts. The restored site would integrate into the surrounding topography and result in a more sympathetic natural landscaped landform. This would be an overall benefit in the long term.
- 4.89 The development proposals would enable a waste product arising from construction of the HS2 rail project to be put to a positive use infilling and restoring a void remaining following mineral extraction, which gains general policy support. Furthermore, the application site benefits from a rail link enabling the fill materials to be transported by rail which which also gains policy support as a sustainable form of transport.
- 4.90 Advice and guidance has been sought from various technical consultees on the proposed development. The advice received indicates that subject to the mitigation measures proposed and with the implementation of suitably worded conditions the effects and impacts of the development on the built and natural environment and residential amenity would be controlled to acceptable level.
- 4.91 It is therefore concluded that the proposed development accords with the policies contained within the Development Plan and on balance is a proposal that can be supported.

5. Background Papers

- 5.1 Submitted Planning Application – Planning reference RBC/18CM017
- 5.2 Appendix A – Map of site and location.
- 5.3 Appendix B – Planning Conditions.

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Portfolio Holder	Cllr Jeff Clarke	



Application No: RBC/18CM017
Parkfield Rd Quarry, Rugby Cement Works
Importation and Deposit of Inert Restoration Material &
Implementation of a Comprehensive Restoration Scheme

Regulatory Committee 04 February 2020
 Scale 1:3000 Drawn by: SP Dept: Communities

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Regulatory Committee – 4 February 2020

**Parkfield Road Quarry, Rugby
Importation and Deposit of Inert
Restoration Material and Implementation of
a Comprehensive Restoration Scheme**

Application No: RBC/18CM017

Commencement Date

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. No development shall take place unless the County Planning Authority has first been informed of the date of commencement.

Reason: In order to secure a timely restoration of the site to protect the amenities of local residents.

3. The delivery of waste materials to the site shall cease no later than five years from the date of commencement.

Reason: In order to secure a timely restoration of the site to protect the amenities of local residents.

4. All physical works associated with the restoration of the site shall be completed no later than six years from the date of commencement.

Reason: In order to secure a timely restoration of the site.

Pre-Commencement

5. The development hereby permitted shall either:
 - a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; or.
 - b.) Not commence until a qualified ecologist has inspected the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

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

6. The development hereby permitted shall not commence until a Construction and Ecological Management Plan has been submitted to and approved in writing by the County Planning Authority. The agreed Construction and Ecological Management Plan shall thereafter be implemented in full.

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

7. The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the County Planning Authority. Such approved measures shall thereafter be implemented in full.

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

9. The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary by the County Planning Authority) has been submitted to and approved in writing by the County Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

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

10. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

Reason: In accordance with NPPF, ODPM Circular 2005/06.

11. No work to start until adequate measures have been taken to protect existing trees during development. A barrier, such as a wire fence, should be erected adjacent to the trees before work starts. This fenced area should include a buffer zone of at least 2-3 metres between the development and the hedgerow/edge of the tree canopy. It is important not to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the tree/hedgerow roots, which may well prove fatal.

Reason: To ensure the protection of existing trees during development.

12. No development shall commence unless a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the County Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:
 1. Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in accordance with Condition [CEMP] of these conditions) and for off-site offsetting;
 2. A methodology for the identification of any receptor site(s) for offsetting measures;
 3. The identification of any such receptor site(s);
 4. Arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
 5. A management and monitoring plan to ensure the provision and maintenance of any offsetting measures in perpetuity.

The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme or any variation so approved shall be implemented in full.

Reason: To ensure that there is no net biodiversity loss as a result of the development.

13. The installation of the acoustic barriers shall be completed prior to any track repairs or the first train arriving at site.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

14. Maintenance work to the disused siding, including vegetation clearing, to allow access and use by locomotives or rolling stock shall only be undertaken within normal daytime working hours.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

15. Except for temporary operations for bund formation activities as detailed in condition [xx below], the free field Equivalent Continuous Noise Level (dB LAeq, 1 hour) at the following measurement locations representative of the nearest noise sensitive properties shall not exceed 55 dB LAeq, 1 hour free field during the hours 07:00-23:00 Monday to Friday and 07:00-13:00 on Saturdays: 1. The Recreation Ground; 2. Allotment Entrance; 3. Tank Cottages. Measurements shall be made no closer than 3.5 metres from any façade or other reflecting surface.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

16. For temporary operations of no more than 8 weeks in any continuous (rolling) 12 month period for bund formation in phase 1, enhancement in phase 7 and removal in phase 9, the free field Equivalent Continuous Noise Level (dB LAeq, 1 hour) at the measurement locations listed in Condition [x above] shall not exceed 70 dB LAeq, 1 hour free field. Measurements shall be made between 1.2 and 1.5 metres above ground and no closer than 3.5 metres from any façade or other reflecting surface.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

17. Noise levels shall be monitored at key stages of development, to be agreed prior to the first importation of soil, in addition to routine monitoring on three monthly intervals at one of each of the three locations of: 1. The Recreation Ground; 2. Allotment Entrance; 3. Tank Cottages from the date of the commencement of the development. Such monitoring shall be in addition to any monitoring as part of a complaint investigation. The monitoring shall be carried out during a period of normal working activities. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The results of monitoring shall be submitted to the County Planning Authority within one month of the survey being carried out.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

18. Train movements in and out of the site will only take place between the hours of 06:30 to 23:00.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

19. No more than one train movement entering and one train movement leaving the site will take place outside the hours 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays. Trains will not be permitted to idle for more than five minutes on the site outside the working hours of 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

20. No vehicle or mobile plant used on site shall be operated unless they have been fitted with a broad band/white noise audible alarm or a non-audible reversing alarm system.

Reason: In order to protect the amenity of local residents.

21. No vehicle, plant, equipment or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

22. The use of horns shall not be permitted as a method of normal communication between vehicle operators.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

23. There shall not be any audible perimeter movement alarms for train shunting.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

24. The development hereby permitted shall be carried out in accordance with drawing numbers: and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the scope of the permission and in the interest of clarity.

25. The development hereby permitted shall not be undertaken except between the following times:

Train movements:

0700 – 2300 Monday to Sunday

All other operations:

0700 – 1900 Monday to Friday

0700 – 1300 Saturdays

No operations, other than train movements, shall be carried out on Sundays and Bank Holidays.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

26. The site access shall be maintained in a good state of repair and kept clean and free of mud and other deleterious material at all times.

Reason: In the interests of highway safety.

27. No mud or deleterious material shall be deposited on the public highway. In the event that material is inadvertently deposited it shall be removed immediately.

Reason: In the interests of highway safety.

28. The development hereby permitted shall not be commenced until a Dust Management Plan has been submitted to the County Planning Authority for approval in writing. Following approval the Dust Management Plan shall be implement throughout the development.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

29. No waste materials shall be delivered to the site other than by rail via the adjacent rail siding.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

30. The development hereby permitted shall not be commenced until full details of the acoustic screen fencing has been submitted to the County Planning Authority for approval. Following approval the acoustic fencing shall be installed and maintained throughout the duration of the development.

Reason: In order to ensure a satisfactory standard of development in the interests of protecting the amenity of local residents.

31. The development hereby permitted shall not be commenced until full details of the diverted route of footpath BB5, including construction details, have been submitted to and approved in writing by the County

Planning Authority. The approved scheme shall be implemented in full as part of the restoration scheme.

Reason: In order to ensure a satisfactory standard of development.

Informative

It should be ensured that any work lighting, floodlighting or vehicle lights are designed to avoid light spill or glare that could affect nearby residential properties.

Use of train horns should be minimised to avoid disturbance to the nearby residential properties.

The period of times when trains are waiting with engines idling at the stop board to enter site, or while trains are waiting to depart, shall be minimised to reduce noise impact to the noise sensitive receptors, particularly the houses at Tank Cottage, along Follager Road and Izod Road

**Parkfield Road Quarry, Rugby
Importation and Deposit of Inert
Restoration Material and Implementation of a
Comprehensive Restoration Scheme**

RBC/18CM017

Warwickshire County Council

Decision

The decision of the Regulatory Committee on 4th February 2020 to grant planning permission allow the importation of inert restoration material by rail to the rail siding along the southern side of Parkfield Quarry, the offloading of the inert material and transportation to the quarry void for backfill restoration, the construction of a temporary hard standing area for the rail offloading and internal vehicle movements, the construction of temporary acoustic screen walls and screen bunds, the implementation of phased backfill restoration programme, and the implementation of a comprehensive restoration scheme with a range of land uses together with the reinstatement of public rights of way on land at Parkfield Road Quarry, Rugby Cement Works, Parkfield Road, Rugby.

Notice of Environmental Information

In accordance with Article 31(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 ("the DMPO") and Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations") notice is hereby given that the County Council in deciding the Application has taken into consideration an environmental statement and other environmental information ("the Environmental Information").

Statement under Regulation 24(1) of the EIA Regulations

**Description of the Main Measure to Avoid, Reduce and Offset
Major Adverse Effects**

The following measures will be secured through planning conditions:-

- (1) Defined timescales to ensure the that development is completed in a timely manner.
- (2) Acoustic bunds and fencing to protect the amenity of near neighbours.
- (3) Noise limits and restrictions upon hours of operation in order to protect the amenity of near neighbours.
- (4) The visual impact of the development would be lessened by the introduction of acoustic bunds and fencing.
- (5) Control of external lighting on site to reduce the potential of light pollution.

- (6) Construction and environmental management plan and Landscape and Ecological Management Plan in order to protect features of recognised conservation importance.
- (7) Measures to secure overall biodiversity gain.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 04 February 2020 (“the Report”) and in the Environmental Information.

Statement Under Regulation 24(1) of the EIA Regulations

Summary Under Article 31(1)(a) of the DMPO

Statement of the Main Reasons and Considerations on Which the Decision is Based and Summary of Reasons for the Grant of Planning Permission

The main considerations on which the decision was based were:-

- The Policies of the development plan summarised below.
- The other material considerations identified in the following reasons and detailed in the Report.

The application seeks permission to allow the infilling and restoration of Parkfield Road Quarry, Rugby. The fill materials would be delivered to the site by rail utilising the adjoining rail siding. The proposals include the implementation of a comprehensive restoration scheme.

The development proposals would enable a waste product arising from construction of the HS2 rail project to be put to a positive use infilling and restoring a void remaining following mineral extraction, which gains general policy support.

An Environmental Impact Assessment of the proposed development included various technical assessments which conclude that the development would not result in any significant adverse environmental effects arising. Furthermore, the infilling of Parkfield Road Quarry would be carried out under conditions set out within an Environmental Permit, issued, monitored and enforced by the Environment. Subject to the imposition of conditions neither the Environment Agency or Environmental Health Officer at Rugby Borough Council disagree with these conclusions.

The proposed scheme would not conflict with the aims of the relevant development plan policies which seek to ensure the sustainable management of waste, including appropriate protection of the environment and amenity of the area and there are no contrary material considerations sufficient to require refusal.

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION

Warwickshire County Council Waste Core Strategy – July 2013

Policy CS1 – Waste Management Capacity, relates to waste capacity requirements within the County.

Policy CS2 – The Spatial Waste Planning Strategy for Warwickshire seeks waste management facilities to be well located in accordance with identified broad locations.

Policy CS3 – Strategy for locating large scale waste sites directs new facilities to within or close proximity to primary or secondary settlements.

Policy CS7 – Proposals for disposal facilities sets out the circumstances when proposals for landfilling of waste will be permitted.

Policy DM1 – Protection of the Natural and Built Environment, requires new development to conserve and where possible enhance the natural and built.

Policy DM2 - Managing Health and Amenity Impacts of Waste Development, relates to environmental controls and requires that waste management proposals will have no significant adverse impacts on the local environment or communities.

Policy DM3 – Sustainable Transportation, seeks waste management facilities to use alternatives to road transport where feasible.

Policy DM8 – Reinstatement, restoration and aftercare seeks high quality reinstatement and restoration of sites and the long term management of its afteruse.

Minerals Local Plan for Warwickshire

Policy M9 supports the restoration of mineral workings to a high standard and a beneficial afteruse.

Emerging Warwickshire Minerals Plan

Policy DM9 - Reinstatement, reclamation, restoration and aftercare, seeks to secure high quality restoration and aftercare of sites including the future management of its afteruse.

Rugby Borough Local Plan 2011 – 2031 adopted June 2019

Policy GP1 (Securing Sustainable Development) reflects the presumption in favour of sustainable development and seeks to secure development that improves the economic, social and environmental conditions in the area.

Policy GP2 (Settlement Hierarchy) sets out a settlement hierarchy with Rugby town being the main focus for all development in the Borough.

Policy HS1 (Healthy, Safe & Inclusive Communities) seeks to create healthy, safe and inclusive communities.

Policy HS4 (Open Space, Sports Facilities and Recreation) seeks to enhance the quality and accessibility of existing open space whilst avoiding any significant loss of amenity to resident, neighbouring uses or biodiversity.

Policy HS5 (Traffic Generation & Air Quality, Noise & Vibration) encourages a move towards the use of sustainable transport modes, to minimise the impact on air quality, noise and vibration caused by traffic generation.

Policy NE1 (Protecting Designated Biodiversity & Geodiversity Assets) seeks to protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Development will be expected to deliver a net gain in biodiversity.

Policy NE2 (Strategic Green and Blue Infrastructure) seeks to support the creation of a comprehensive Borough wide Strategic Green and Blue Infrastructure Network.

Policy NE3 (Landscape Protection and Enhancement) seeks development to positively contribute to landscape character.

Policy SDC1 (Sustainable Design) seeks development to demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that respond to the character of the area in which they are situated. All developments should aim to add to the overall quality of the area in which they are situated.

Policy SDC2 (Landscaping) requires the landscape aspects of a development proposal to form an integral part of the overall design.

Policy SDC5 (Flood Risk Management) seeks to minimise flood risk to people and property and manage any residual risk.

Policy D1 (Transport) seeks not development to prioritise sustainable modes of transport.

Compliance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015.

In considering this application the County Council has complied with paragraphs 186 and 187 contained in the National Planning Policy Framework.

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Regulatory Committee – 04 February 2020

Alterations to outdoor pursuits centre including extension of existing building, new smoke house training simulator, new openings to existing tower, road traffic collision simulator, confined spaces simulator to provide new fire and rescue training centre.

At:

**Kingsbury Water Park Outdoor Education Centre,
Bodmoor Heath Lane, Bodmoor Heath, Kingsbury,
B76 9JB**

NWB/19CC010

Application No.: NWB/19CC010

Advertised date: 12 September 2019

Applicant(s) Ms. Alison Fowler,
Warwickshire County Council
Strategic Assets Governance and Policy
Shire Hall, Market Square
Warwick
CV34 4SA

Agent(s) Mr Daniel Grimley
Corporate Architecture
Venari House
1 Trimbush Way
Rockingham Road
Market Harborough
LE16 7XY

Registered by: The Strategic Director for Communities on 03
September 2019

Proposal: Alterations to outdoor pursuits centre including extension of existing building, new house training simulator, new openings to existing tower, road traffic collision simulator, confined spaces simulator to provide new fire and rescue training centre.

Site & location: Kingsbury Water Park Outdoor Education Centre,
Bodymoor Heath Lane, Bodymoor Heath, Kingsbury,
B76 9JB. [Grid ref: 420214.296650].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for alterations to outdoor pursuits centre including extension of existing building, new house training simulator, new openings to existing tower, road traffic collision simulator and confined spaces simulator to provide new fire and rescue training centre 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 The application proposes the redevelopment of a former outdoor pursuit and education centre that ceased to operate approximately 18 months ago. The provision of appropriate fire and rescue training facilities are required to be provided by Fire Authorities as stipulated by the Fire Services Act 2004, Civil Contingencies Act 2004 and the Health & Safety at Work Act 1974. The government sets out its expectations in the Fire and Rescue Service National Framework for England, with priorities being for Fire Authorities to: Develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse.
- 1.2 In order to achieve their objectives Warwickshire Fire and Rescue Service (WFRS) require high quality and fit for purpose training facilities. Training facilities are currently located in Bedworth and Dunchurch but these sites offer limited ability to provide the full breadth of training services. Whilst the quality of training currently provided is high, the wide reaching requirements of training required by the Fire Service means that not all of the essential training can be provided within Warwickshire. As such WFRS currently have to utilise facilities in other areas of the UK, travelling as far as North Wales in some instances.
- 1.3 There is a single access point to the north of the application site located onto Bodymoor Heath Lane. The access was previously provided to serve the outdoor pursuits centre. The access is to be retained but the existing gates would be relocated to allow a vehicle to pull in off the road when the gate are shut.
- 1.4 The application proposes alterations and an extension of the existing outdoor pursuits training centre building to provide training facilities, changing and welfare facilities for the Fire and Rescue Service. The extension to the existing training centre building would follow the

general form of the existing single storey building and would create a visible entrance area. The existing timber boarding and profiled metal sheeting is proposed to be matched on the extension.

- 1.5 The existing building measures 27.4 x 12.7m, is of single storey nature and has a pitched roof 5.5m in height. The proposed extension element would be located at the northern gable end of the building and would measure 11.4 x 12.7m. The extension would continue the existing pitched roofline and proposes a porch and canopy structure at the entrance to provide some shelter and an obvious entrance point.
- 1.6 The main training centre building would consist of a reception area, control room, computer room, briefing room, 4no. pod rooms, incident command office, 2no. offices, operation policy room, operation instruction room, main lecture room, breakout area with refreshment area, male and female showers, toilets and changing areas.
- 1.7 The training centre would be used for lectures, theoretical training and virtual reality incident command training that is not possible to replicate in real life.
- 1.8 The existing climbing tower occupies a central location within the site and is proposed to be retained, with the addition of 2 new apertures for training purposes. The tower is 5.9m x 3.9m and 16m in height and represents the highest structure proposed on site. The tower would be used for ladder, hose and rescue training purposes.
- 1.9 To the west of the climbing tower it is proposed to site a 2 storey cold smoke house which replicates a typical detached dwelling, and would have a 2 storey training tower attached. The house would be filled with synthetic smoke, similar to that which is used in nightclubs in order to replicate various scenarios that involve entering smoke filled buildings and rescuing people. The smoke is cold, synthetic in nature and dissipates quickly ensuring there is no adverse impact on visual amenity or by way of pollution.
- 1.10 The smoke house would occupy a footprint of 6 x 7.4m (excluding the training tower 2 x 2.5m and 7m in height) and would measure 8.3m to the ridge of its pitched roof. The building has 2 floors, connected by a replica staircase, a roof void and imitation dormer window to allow for realistic training exercises to be performed.
- 1.11 A new tarmacadam surface would be provided from the access up to and surrounding the climbing tower, smoke house and appliance parking area which would accommodate up to 3 fire engines and a telehandler.
- 1.12 The tarmacadam surface would extend further to the west of the smoke house in the form of an imitation two lane highway. This area would be used to simulate road traffic collision (RTC) incidents and provide

extraction training. Further to the west of the replica highway, would be a 1.2m deep ditch, again to simulate incidents where a vehicle has left the highway. The ditch would be filled with water for some training exercises in order to simulate incidents where a vehicle has landed in water and its occupants are trapped.

- 1.13 2 small scale existing timber storage buildings are proposed to be retained on site to house training and associated equipment. 7 existing car parking spaces, including 3 disabled spaces, are to be retained on site in front of the main training centre building. 3 responding officer and 3 general parking spaces are proposed to be provided towards the northern boundary of the site to the east of the entrance. An additional overflow non delineated parking area would be available along the eastern boundary of the site behind the main training building.

2. Consultation

- 2.1 North Warwickshire Borough Council Planning - Strongly objects to the grant of planning permission. The Council considers that the proposal constitutes inappropriate development in the Green Belt and that it causes substantial actual Green Belt harm. Harms are also caused because of the visual and landscape impact as well there being no evidence that it would not harm the bio-diversity of the nature conservation interests site particularly in respect of water pollution, noise and lighting. It was also considered that harm would be caused to the recreational and leisure objectives of the County Council at the Water Park. In the final planning balance the Board considered that there were no considerations at all put forward by the County Council which would clearly outweigh the substantial cumulative harms caused, so as to amount to the very special circumstances needed to support these proposals.
- 2.2 Environmental Health Officer – No objection.
- 2.3 Environment Agency – No comments received at time of writing.
- 2.4 Kingsbury Parish Council – No comments to make.
- 2.5 Councillor Andy Jenns – No comments received at time of writing.
- 2.6 Ramblers Association - Public Footpath T23 lies 100m to the east of the application site and should not be affected by the application. Warwickshire Ramblers therefore have no objection to this application on footpath grounds.
- 2.7 HS2 Limited - Confirm that no part of red line boundary is within land safeguarding for phase 2b of HS2, as such we have no objection.
- 2.8 Flood Risk and Water Management – No objection subject to conditions.

- 2.9 Rights of Way – Public footpaths T3 and T4 are located a short distance to the east of the application site, as shown on the Definitive Map, the legal record of public rights of way. However, there are no recorded public rights of way crossing or immediately abutting the application site. The Rights of Way team therefore has no objection regarding these proposals
- 2.10 Highway Authority – No objection.
- 2.11 Ecology – No objection subject to conditions.
- 2.12 Site notices posted – 12 September 2019
- 2.13 Press notice posted on - 12 September 2019
- 2.14 6 nearest residential properties individually notified on 12 September 2019

3. Representations

- 3.1 No representations have been received from members of the public in relation to this application.

4. Previous Planning History

- 4.1 The application site is a former outdoor pursuits and education centre that has been disused for approximately 18 months. The site is occupied by one main education building, a climbing tower, two small storage buildings and areas of hard standing.

5. Assessment and Observations

Location

- 5.1 The application site is accessed off Bodymoor Heath Lane and is located just to the south of the Kingsbury Waterpark Camping & Caravan Park, surrounded by the wider Kingsbury Water park. Kingsbury Water Park lies upon the River Tame and consists of fifteen lakes situated in over 600 acres of country park, managed by Warwickshire County Council. The M42 motorway is approximately 350m to the east of the site, with the nearest access point being junction 9, approximately 3.4km to the south.
- 5.2 The application site lies in an enclave outside of the surrounding Kingsbury Water park Local Wildlife Site which also includes the caravan park to the north. The site is enclosed by a palisade fence which is hidden by a mature hedge to the northern and western boundaries. The southern boundary and beyond is occupied by mature woodland which falls within the local wildlife site. The eastern boundary

is lined by mature deciduous trees and beyond it lies the residential property 'Moor Ash Barn'. Opposite this dwelling is 'Moorash farm' a Grade II listed building.

- 5.3 The site's surface is currently made up of a mixture of materials including rough grassland, hardstanding and tarmacadam. The site has been disused for approximately 18 months and shows signs of this but is generally in a good condition. The main building is suitable for immediate use and the climbing tower remains in a good condition.
- 5.4 The site is well screened by the existing mature hedge that surrounds it, with only the climbing tower visible from outside the perimeter. The tower would remain the highest structure on site should approval be granted, but the proposed cold smoke house would also be visible from outside the site given its height. All other aspects of the development would be well screened. The site access is proposed to be set back and widened meaning views into the site from the site entrance would be enhanced, but the impact would be limited to directly opposite the entrance.
- 5.5 The established woodland to the south provides further screening and ensures the redevelopment of the site would not have a significant impact upon the wider landscape.

Amenity Issues

- 5.6 The development and its proposed operation poses potential impacts on amenity by way of noise, light and air pollution. As such these impacts must be appropriately assessed. Activities on site would consist of road traffic collision training, search and rescue exercises, hose and ladder training and breathing apparatus training along with associated activities such as vehicle movement and reversing alarms.

Noise

- 5.7 In order to address the potential impact of noise, a noise assessment has been conducted and a report provided to support the application. The assessment focusses on the likely sound levels due to RTC training and hose training activities. These activities have the greatest potential to give rise to significant levels of off-site noise. Other sources such as vehicle movements, breathing apparatus alarms and issuing verbal commands may, at times, be audible at the nearest Noise Sensitive Receptors (NSR), however it is considered these sounds would be very limited in duration and unlikely to give rise to adverse effects.
- 5.8 Training activities could take place on any day of the week, but would tend to occur on Tuesdays, Wednesdays and Thursdays. Training activities would primarily take place during the daytime from 1000 to 1530 hrs, with occasional evening training activities to support on-call

staff occurring from 1900 to 2100 hrs. Scenario-based training may last around two hours and would occur once a month, on average. Hose training sessions typically last 30 minutes. Hose training would occur around 3 to 5 times a year, with around 3 or 4 individual sessions on each day.

- 5.9 The assessment concludes that RTC training is unlikely to result in any significant adverse impacts, but that hose training may give rise to significant adverse impacts at Kingsbury Water Park Camping and Caravanning Club. However, these impacts must be considered in the appropriate context and weighed in the planning balance.
- 5.10 Hose training would be conducted in 30 minute periods up to 4 times a day on a maximum of 5 days per year. This equates to 10 hours a year where the visitors to the caravan park, and its staff, would experience adverse noise impact. Over the period of a calendar year this potential period of disturbance is considered negligible and outweighed by the need to provide effective statutory training for the County's Fire and Rescue Officers. In addition, a response of 'no objection' has been received from the Borough's Environmental Health Officer.

Air Quality

- 5.11 Air quality at the site is good, as is expected in rural areas. Nitrogen Oxide (NO₂) annual mean concentration at the nearest NWBC diffusion tube monitoring site, 0.8km to the south of site is well below the NO₂ annual mean Air Quality Objective (AQO). The diffusion tube monitoring site is located approximately 215 m from the M42 and the application site is located approximately 360m from the M42. It is therefore considered that concentrations monitored at the diffusion tube are representative of concentrations at the site
- 5.12 The training activities to be conducted on site do not include the use of live fires or the generation of real smoke. The smoke proposed to be used in the cold smoke house would be synthetic in nature, similar to that produced by smoke machines in night clubs. The smoke is cold, does not pose a risk to human health if inhaled, and dissipates quickly into the atmosphere without posing a detrimental effect on the environment.
- 5.13 There would be limited vehicle movements associated with the proposed development, and those that would occur would not exceed the number associated with the site's former use as an outdoor education centre.
- 5.14 The two nearest Air Quality Management Areas are in Coleshill and the Birmingham conurbation. There would be no adverse impact upon the AQAs given the proposed activities on site and vehicle movements generated.

Light Pollution

- 5.15 There would be limited evening training exercises conducted on the site which would require after dark illumination. Any external lighting would be subject to a condition approving details to ensure there is no adverse impact upon biodiversity and the rural environment.

Environmental Issues

Ecology

- 5.16 There are no statutory biodiversity sites of international importance within 5km of the site. There are however, six nationally important statutory designated biodiversity sites within 5km of the site boundary, the closest of which is Middleton Pool SSSI, which is located 1.7km north of the site. This site is designated for supporting an important assemblage of breeding birds and migrating waterfowl. Furthermore, there are three non-statutory designated biodiversity sites within 1km of the site boundary, the closest of which is Kingsbury Wetlands potential LWS, which surrounds the application site.
- 5.17 The proposed scheme involves the extension of the main building and hardstanding areas to facilitate the Fire Service's training. The external areas would be used for the fire engine pumps and hose, operation of ladders and road traffic collision training. Concrete sewer pipes would also be installed above ground with spoil from the ground works covering the pipes to create an embankment. The extent of the construction works and the nature of the training activities means that although an increase in the level of noise, light and human disturbance is anticipated, this would not be to a level that it could disturb the breeding and migrating birds that use Middleton Pools SSSI located 1.7km away.
- 5.18 Conversely, in the absence of mitigation, the levels of light, noise and human disturbance are considered to be sufficient to adversely affect the populations of waterfowl and other important assemblages of fauna that occur within the pLWS. As such, it is recommended that a light and noise abatement strategy is prepared and implemented during the construction and operational phases of the development. These provisions would be secured through a CEMP that would be required by planning condition.
- 5.19 Proposed lighting would be required to adhere to the principles of the Institution of Lighting Professionals and Bat Conservation Trust (2018) Bats and artificial lighting in the UK, Bats and the Built Environment series (Guidance Note 08/18). The measures to be included within the abatement strategy would be controlled by the County Planning Authority by way of planning condition.

- 5.20 The site contains species-poor, semi-improved grassland, lines of trees, hedgerows and ruderal habitats, all of which are of some value for nature conservation. However, the proposed development would only result in the loss of approximately 0.08 ha of species-poor, semi-improved grassland which, although it is assessed as having some conservation value, would be a loss sufficiently small that no adverse effects on the potential conservation status of this habitat type within the local area are anticipated. As such, it is considered on site compensation can be provided to ensure there is no net loss to biodiversity. A scheme to ensure the compensation measures are agreed and implemented would be included in the LEMP and secured via planning condition.
- 5.21 A preliminary badger survey has been conducted and it confirmed that there are no setts on-site and only limited foraging habitat, access to which is restricted due the fencing that surrounds the site. The survey extended 30m into the woodland habitat adjoining the site to the south, and no evidence of badgers was present. As such, no further badger survey work is required but a preliminary check would be carried out before commencement of development should Members be minded to grant approval.
- 5.22 Two records of bat roosts (originating from the same location) were identified within 2km of the site. These support brown long-eared and common pipistrelle bats. The limbs of trees bordering the site are deemed not to offer suitable habitat for bats. However, existing structures on the site, including the main building, store buildings and the climbing tower contain cracks and crevices that bats could occupy. These structures have undergone a preliminary assessment and been found not to house any bats at the current time.
- 5.23 There is a small amount of suitable habitat on-site which is likely used by foraging and commuting bats namely; the grassland, hedgerow and ruderal vegetation. The habitat meets the criteria of moderate suitability according to criteria set out by the Bat Conservation Trust on the basis of types of habitat present on-site and that are connected to it. Appropriate mitigation measures would be included in the CEMP required by condition should Members be minded to approve the development.
- 5.24 No records of dormice were identified within the 1km search area and the site does not contain suitable habitat that could support a population of this species. As such no further consideration of the species is deemed to be necessary.
- 2.25 No records of otter were identified on-site, however six records were identified within 1km of the application site boundary. The closest record is c. 400m south-west of the site along the Birmingham and Fazeley canal. The closest point of this water course is c. 185m west of the site and there are further water bodies in between the site and this

canal which may also be used by otter. Although the site does not support habitat suitable for this species, the adjacent woodland habitat provides areas that may be used for resting up and/or may contain holts. It is possible that the proposal could cause disturbance to resting otters, and they may seek to occupy the training ditch proposed as part of the development.

- 5.26 As such it will be necessary for an appropriate mitigation strategy to be provided via the CEMP planning condition. The strategy would be informed by further surveys and monitoring of the site which would form part of any planning condition. If holts or resting places are identified a Natural England Licence would be required to be obtained by the applicant before any work can commence on site.
- 5.27 The Biodiversity Impact Assessment concluded that the development would result in a minor loss of 0.08 to biodiversity. Given the minor loss and the fact that the applicant owns the significant surrounding landholding of Kingsbury Waterpark it has been agreed that suitable compensation can be provided within the area. The parameters of the compensation would be agreed and secured through the LEMP planning condition.

Flood Risk

- 5.28 The majority of the application site is situated within EA Flood Zone 1. A small area of Flood Zone 2 is present along the southern edge of the site. The only parts of the development in Flood Zone 2 are parking areas and car storage and as such are deemed suitable for construction in this location as defined by the NPPF.
- 5.29 An assessment of surface water, groundwater flood risk has shown that the site is at a very low to low risk of flooding from these sources. The site is at negligible risk from tidal or artificial sources of flood risk. The southernmost edge of the site is at risk of surface water flooding, but given the structures which will occupy this area, it is not considered inappropriate development.
- 5.30 The Outline Drainage Strategy prepared by Curtins details how surface water runoff from the site would be controlled and managed via SuDS so as to not increase off-site flood risk, and this would be secured via planning condition. Further details regarding necessary attenuation and discharge rates would be required by planning condition prior to the commencement of development should Members be minded to grant approval.

Visual and Landscape Impact

- 5.31 Given the application site's location in the Green Belt and its proximity to the water park the application has been accompanied by a Landscape and Visual Appraisal. The site is located within the western

part of Kingsbury Water Park Country Park, south of an existing camping and caravan park. At 120ha the surrounding country park is characterised by open bodies of water surrounded by extensive woodland.

- 5.32 The site is an existing area of brownfield land previously used as a children's educational facility. It is well enclosed by dense woodland to the south and east with a 3m+ hedgerow forming the western and northern boundaries. The only feature visible from outside the site is an existing climbing tower which can be seen above the boundary hedgerow. The site is formed by a combination of hardstanding, a single storey pitched building, various climbing structures and timber shelters with an area of amenity grassland to the west. Due to the surrounding vegetation views out of the site aren't available.
- 5.33 It is considered that given the site's previous brownfield land use, and that the additional built elements are contained within the boundary of the site the development would not cause any significant material effects to landscape character. There would be a slight loss of amenity grassland, however this is not a rare landscape element and not of high quality. The valued landscape elements and features that exist within the site, such as trees and hedgerows along the boundaries, would be retained. The enclosed nature of the site ensures very few views of the site are accessible, reducing any impact on the wider landscape.

Heritage

- 5.34 The application site holds no known heritage features and is not covered by any statutory designations. The nearest heritage asset is the Grade II listed 'Moorash Farm' approximately 72m to the east of the application site. The setting of the listed building is unaffected by the proposal given it is some distance from the site and screened by mature trees along the site's eastern boundary and the intervening dwelling Moorash Barn.

Planning Policy

- 5.35 Planning law requires that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Warwickshire Local Plan 2006 and the Core Strategy 2014. As such, the development proposal must be assessed in accordance with the relevant policies.

Local Plan 2006 (Saved Policies)

- 5.36 Core Policy 1 - Social and Economic Regeneration states that *'The Local Plan will support the economic and social regeneration of the area, primarily by seeking to ensure local people have access to a*

range of high quality employment, housing, shopping, leisure, education and other community facilities.' The proposed development includes an element of community use, given that it will be available for visits for educational purposes and as such accords with the policy.

- 5.37 Core Policy 3 - Natural and Historic Environment states *'All development decisions will seek to protect or enhance biodiversity, natural habitats, the historic environment, and existing landscape and townscape character.'* The supporting information submitted has demonstrated that there would not be an adverse impact upon biodiversity given the proposed mitigation and compensation measures that would be secured by way of planning condition.
- 5.38 Core Policy 6 - Local Services & Facilities states *'The Local Plan will protect and support local services and facilities across the Borough and will ensure community involvement in the consideration of the means of achieving this.'* The proposal seeks to ensure the County's fire service has appropriate training facilities in order to be able to adequately protect and serve the local population. In addition, locating the training facility in this location would allow fire fighters to respond to emergencies in the local area and wider county quickly due to the accessible transport network. As such, the proposal is deemed to support a local service.
- 5.39 POLICY ENV2 - GREEN BELT states *'The outer extent of the West Midlands Green Belt in North Warwickshire is shown on the Proposals Map. Within this area, Government Policy Guidance Note 2 Green Belts applies. Areas within Development Boundaries are excluded from the Green Belt.'* Aspects of the development are not considered to constitute 'inappropriate development' for the reasons outlined later in this report. The remaining aspect can be justified as to merit 'very special circumstance' for its location in the Green Belt and as such is in accordance with Green Belt policy.
- 5.40 POLICY ENV3 - NATURE CONSERVATION seeks to protect nationally important ecological sites, regional and locally important sites and rare, endangered and other species of ecological importance. The proposal does not impact upon any national designations such as SSSI or SAC. The site is surrounded by the Kingsbury Water Park which is designated as a Local Wildlife Site. As a result the site has the potential to be utilised by various fauna that reside in the LWS, appropriate surveys have been conducted to assess impact and it has been concluded that any impacts can be mitigated for appropriately through the use of planning conditions. Consequently, the proposal accords with the policy.
- 5.41 POLICY ENV8 - WATER RESOURCES states:
'The water resources of the Borough will be safeguarded and enhanced, and development protected from floodwater by:

- *Preventing the contamination of any watercourse or aquifer, as advised by the Environment Agency.*
- *By applying the sequential test approach, as outlined in table 1 of PPG25, when considering the proposed location of development*
- *Ensuring new development has satisfactory surface and foul water drainage systems by requiring, where feasible the use of Sustainable Drainage Systems (SUDS).*
- *Not permitting development that would prevent maintenance access to watercourses*
- *Requiring remediation measures where pollution has already occurred.'*

5.42 The proposal creates additional hardstanding which would increase surface water run off. An outline drainage strategy has been produced which demonstrates the additional flows can be suitably attenuated within the site and discharged to the existing outfall. Details of necessary SUDs to facilitate the discharge of water from the site would be secured via planning condition. There would be no live fires on site and any car bodies used for training purposes would be fully stripped down. These measures would ensure no contaminants enter the water course when surface water is discharged from site.

5.43 POLICY ENV11 - NEIGHBOUR AMENITIES states:
'Development will not be permitted if the occupiers of nearby properties would suffer significant loss of amenity, including overlooking, loss of privacy, or disturbance due to traffic, offensive smells, noise, light, dust or fumes. Occupiers of the development itself should also enjoy satisfactory standards of these amenities.' Air Quality and Noise Assessments have been conducted to support the application and concluded that there would be no adverse impact on sensitive receptors as a result of the development proposal. The EHO raised no object to the application.

5.44 POLICY ENV13 - BUILDING DESIGN states:
*'New buildings and extensions or alterations to existing buildings will only be permitted where;
The scale, massing, height and appearance of the proposal positively integrates into its surroundings and
The materials and detailing used respect and enhance local distinctiveness.'* The proposed extension is subsidiary in scale and mass to the existing training building and is the same height and retains a complimentary appearance given its linear design and the finish material.

5.45 POLICY ENV14 - ACCESS DESIGN states:
*'The design of access to and within development should demonstrate that priority has been given to pedestrians, cyclists and those using public transport.
Development will only be permitted where vehicular access to the site is safe and the local road network is able to accommodate traffic to and*

from the development without problems of congestion, danger or intimidation caused by the size or number of vehicles, and without adversely affecting the character of the surrounding environment. Development will not be permitted if its layout and design does not provide safe and easy access for all potential users including those with particular access requirements.'

- 5.46 The application proposes to redesign the access to ensure it is suitable for fire service appliances to enter and wait off the public highway should the gates to the site be closed. The proposed development would not create additional vehicle movements that would be detrimental to the highway network. The Highway Authority have raised no objection to the proposal.

Core Strategy 2014

- 5.47 NW1: Sustainable Development – requires planning applications to accord with the policies within the core strategy, and applications should be approved without delay unless material consideration indicate otherwise. As previously discussed, the proposal would not create adverse impacts on amenity or the environment and as such accords with the policies of the core strategy.
- 5.48 NW3: Green Belt – applies the national Green Belt policy as defined by the NPPF which is discussed below. The development is considered to accord with this core strategy policy.
- 5.49 NW10: Development Considerations – states a number of criteria that developments must meet in order to obtain planning permission. The proposal is located on brownfield land, does not lead to unacceptable impacts upon amenity or the environment and incorporates sustainable drainage solutions and protects ground water quality. For these reasons the proposal complies with the policy.
- 5.50 NW13: Natural Environment – requires proposals to protect the natural environment including landscape character, wildlife and to guard against climate change. The proposal would not have a negative impact on landscape character as previously discussed and would not have an adverse impact on the environment due to the proposed mitigation measures to be secured via planning condition.
- 5.51 NW15: Nature Conservation – requires the protect of flora and fauna and their natural habitat as well as sites of national and local importance. As previously discussed, the proposal complies with this policy.
- 5.52 NW21: Transport – requires that opportunities for improvements which could be made, be secured. The proposal includes the alteration and improvement of the site access for the purpose of the development.

National Planning Policy Framework 2019

Green Belt

- 5.53 Given that the application site lies within the West Midlands Green Belt it is necessary to ascertain whether the proposed development constitutes ‘inappropriate development’ as defined by the NPPF and if so, permission should be granted only if the harm to Green Belt policy, and any other harm, is outweighed by ‘very special circumstances’.
- 5.54 Paragraph 145 of the NPPF states that local planning authorities should consider new buildings in the Green Belt as inappropriate development but makes a number of exceptions which include ‘*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*’.
- 5.55 The floor area of the existing training building is approximately 348m² and the proposed extension would create an additional floor area of approximately 145m². It is clear that the proposed extension does not exceed the area of the existing building and is a modest extension that follows the same linear design as the original building thus not significantly altering the mass or appearance of the structure. It would therefore be reasonable to conclude that this aspect of the development does not constitute inappropriate development in the Green Belt.
- 5.56 However, the development also includes the creation of a further area of hard standing and training ditch feature with associated car storage area. It is also necessary to consider whether this aspect of the development constitutes inappropriate development in the Green Belt. Paragraph 146 of the NPPF states that certain forms of development do not constitute inappropriate development, provided they preserve its openness and do not conflict with the purposes of including land within it, and the categories include ‘*engineering operations*’. These works are considered to be engineering operations meeting the test of appropriateness and as such do not represent inappropriate development in the Green Belt.
- 5.57 However, the erection of the cold smoke house would constitute a new building in the Green Belt and represents inappropriate development as defined by the NPPF. As such, it is necessary to consider the purposes which the Green Belt serves:
- to check the unrestricted sprawl of large built-up areas;

- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.58 The site is brownfield in nature and has been vacant for approximately 18 months, as such the proposal seeks to re-use a previously developed site, and does not create significant new structures. As such the proposed change of use and additional structure would not affect the openness or permanence of the Green Belt. In addition, the proposed development would not conflict with any of the purposes of the Green Belt as defined above.
- 5.59 As an existing educational facility, it has numerous benefits and already meets the majority of the specifications that Warwickshire Fire and Rescue require from a training centre. The site and building would require minimum modification to bring it up to the full required specification and by adapting an existing Warwickshire County Council asset, represents an efficient use of public finances.
- 5.60 The site would continue to be used as an educational and training facility with some enhancements to make it fire specific. The elements that already exists on site would remain offering opportunities for Warwickshire Fire & Rescue instructors to carry out some youth engagement as well as fire service training activities.
- 5.61 The proximity to the Lea Marston Environment Agency site (also proposed for fire service training facilities) also offers opportunities for multi-agency / partner training. The application site would have a comprehensive incident command management simulation suite and a multi-agency, multi-use meeting/conference room.
- 5.62 The Lea Marston site is a large off-road site which means the Fire Service could run larger scale command and control exercises at Kingsbury and set up real time exercises on the Lea Marston site at the same time without affecting any of the local road network; this is something that is currently very difficult and complicated to achieve.
- 5.63 These types of training opportunities would/could involve number of other partner agencies for example; neighbouring Fire and Rescue Services, the Environment Agency, Police, and Ambulance Service.

- 5.64 The venue would also be available for local community groups to book and utilise when not in use for fire training purposes. This would ensure that the site is retained as a community asset. Given the above factors it is considered that 'very special circumstances' would exist in this instance and that these outweigh the limited degree of harm caused.

Sustainable Development

- 5.65 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, for decision taking this means approving proposals that accord with an up-to-date development plan, or where no relevant policies exist, in accordance with the NPPF. The proposal accords with the saved policies of the Local Plan and the Core Strategy as well as the relevant sections of the NPPF.

Promoting Healthy and Safe Communities

- 5.66 Paragraph 92 of the NPPF states that to provide services the community needs, planning decisions should: ensure an integrated approach to considering the location of community facilities and services. The location of the fire service training centre at this site would make use of brownfield land in an accessible location within the County allowing fire and rescue officers to respond effectively to emergencies while based on the site.

6. Conclusions

- 6.1 The proposal seeks consent for the provision of a new fire and rescue training centre including main training and incident command centre, climbing tower, cold smoke house and imitation dual carriage way with associated ditch and car storage. The provision of appropriate training facilities for the fire and rescue service is vital in order that they can perform their function adequately, which in turn ensures the safety of Warwickshire residents. Currently the Fire and Rescue Service have to visit numerous sites out of County in order to fulfil the relevant training criteria at significant monetary cost to the Council. It also places additional pressure on the Service in terms of staffing levels when officers are out of the County and puts extra strain on the fire fighters themselves.
- 6.2 The application site is a former outdoor education centre which ceased to operate approximately 18 months ago. The site is brownfield, surrounded by Kingsbury Water Park and within the West Midlands Green Belt. It has been concluded that aspects of the proposal do not constitute inappropriate development in the Green Belt. The cold smoke house element does constitute inappropriate development in the Green Belt as defined by the NPPF. However, the development is nevertheless considered to be justified by 'very special circumstances', and therefore complies with policy.

- 6.3 There would be no significant adverse impact on residential or visual amenity by way of the proposals given the site’s secluded nature and lack of nearby sensitive receptors. Potential impacts on species of interest would be mitigated for via a planning condition, as would any necessary biodiversity compensation measures. A further condition requiring the sustainable drainage of the site would also be required to ensure surface water is discharged appropriately.
- 6.4 The proposed development would provide a vital training facility for the Fire and Rescue Service and accords with planning policy for the reasons previously stated in this report. As such the proposal is recommended for approval subject to the conditions listed below.

7. Background Papers

- 7.1 Submitted Planning Application – Planning reference NWB/19CC010
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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Application No: NWB/19CC010
Former Outdoor Education Centre, Kingsbury Water Park
Redevelopment to provide Fire and Rescue Training Centre

Regulatory Committee 4th March 2020
 Scale 1:2500 Drawn by: TE Dept: Communities



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Appendix B

Alterations to outdoor pursuits centre including extension of existing building, new house training simulator, new openings to existing tower, road traffic collision simulator, confined spaces simulator to provide new fire and rescue training centre.

At:

**Kingsbury Water Park Outdoor Education Centre,
Bodymoor Heath Lane, Bodymoor Heath, Kingsbury,
B76 9JB**

NWB/19CC010

Planning Conditions.

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

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

2. The development hereby approved shall be implemented in accordance with the application forms, Planning Statement, Flood Risk Statement, Noise Assessment, Preliminary Ecological Appraisal, Outline Drainage Strategy, Air Quality Assessment and drawings numbered: 4725/GL/18/001 Rev A, 4725/GL/18/005 Rev J, 4725/GL/18/006 Rev D, 4725/GL/18/003, EN-571-HS2 1/2, EN-571-HS2 2/2 and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to ensure a satisfactory standard of development.

3. The development hereby permitted (including demolition) shall not commence until a further bat survey of Building 4, to include appropriate activity surveys in accordance with BCT Bat Surveys – Good Practice Guidelines, has been carried out and, if deemed necessary by the County Planning Authority in light of that survey, a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

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

4. The development hereby permitted, including site clearance work, shall not commence until further otter surveys at an appropriate time of year have been carried out to establish if an active holt is present, if present a detailed schedule of otter mitigation measures (to include timing of works, protection measures, enhancement details and monitoring) shall be submitted to and approved in writing by the Local Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

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

5. The development hereby permitted, including site clearance work, shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The agreed Construction Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development. In discharging this condition the LPA expect to see details concerning a toolbox talk, pre-commencement checks for badger and breeding birds, lighting strategies for protected species, method statements for reptiles, great crested newts and otters, an invasive species strategy for cotoneaster plus pollution prevention of the waterways and tree and hedgerow protection, and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site.

6. The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such approved measures shall thereafter be implemented in full.

Reason: To ensure a net biodiversity gain in accordance with NPPF. 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 should also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles).

7. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA and Outline Drainage Strategy, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
- Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 2 l/s for the site.
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations shall demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Provide plans and details showing the allowance for exceedance flow and overland flow routing. Overland flow routing shall reduce the impact of an exceedance event.
 - Provide evidence that the proposed outfall is in a sufficient condition to convey flow from the site.

Reason: To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity.

8. No occupation or use of the development shall take place until a detailed maintenance plan is implemented and provided to the Local Planning Authority giving details on how surface water systems shall be maintained and managed for the life time of the development. The name of the party responsible, including contact name and details shall be provided to the Local Planning Authority within the maintenance plan.

Reason: To ensure the future maintenance of the sustainable drainage structures.

Development Plan Policies Relevant to the Decision.

North Warwickshire Borough Local Plan 2006 (Saved Policies)

Core Policy 1 - Social and Economic Regeneration

Core Policy 3 - Natural and Historic Environment

Core Policy 6 - Local Services & Facilities

POLICY ENV2 - GREEN BELT

POLICY ENV3 - NATURE CONSERVATION

POLICY ENV8 - WATER RESOURCES

POLICY ENV11 - NEIGHBOUR AMENITIES

POLICY ENV13 - BUILDING DESIGN

POLICY ENV14 - ACCESS DESIGN

North Warwickshire Borough Core Strategy 2014

NW1: Sustainable Development

NW3: Green Belt

NW10: Development Considerations

NW13: Natural Environment

NW15: Nature Conservation

NW21: Transport

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 2019.

Regulatory Committee

4 February 2020

Change of Director – Warwickshire Legal Services Limited

Recommendation(s)

1. That the Committee notes and approves the resignation of the AD Governance and Policy as a Director of Warwickshire Legal Services Limited (“WLS”) and
2. That the Committee notes and approves the appointment of the Strategy & Commissioning Manager Legal and Democratic as Director of WLS

1.0 Key Issues

- 1.1 WLS is a wholly owned trading company of Warwickshire County Council. Its function is to enable wider trading of our Legal Services to other public sector clients. The Council is the sole shareholder. In line with current delegations, the Shareholder’s Representative is the Strategic Director for Resources.
- 1.2 Due to the changes in structure arising from the Council’s new operating model and now that the company is established and is starting to develop its trading activity it is appropriate to change the directorship of WLS.
- 1.3 The current directors of WLS are Mark Randell (Business Manager Legal Services) and Sarah Duxbury (Assistant Director Governance & Policy).
- 1.4 It is proposed that the Assistant Director Governance & Policy resigns as a director of WLS and is replaced by the Tier 3 Strategy & Commissioning Manager for Legal and Democratic Services. This will ensure that the Director appointed to WLS has sufficient legal operational oversight to be able to fulfil the Directorship duties and will provide better support both to the Council and the Company in furthering the development of the ABS and its client base.
- 1.5 As an Alternative Business Structure (ABS) under Solicitors Regulatory Authority rules, the company must also appoint a Compliance Officer for Legal Practice (COLP) and Compliance Officer Finance and Administration (COFA). Mark Randell is authorised by SRA as COFA. The COLP must be lawyer of sufficient seniority to fulfil the role and meet certain criteria. The Tier 3 Strategy and Commissioning Manager meets the relevant requirements to act as COLP and an application will be made to the SRA for the appointment of the COLP.
- 1.6 The ongoing monitoring and overview of the company’s performance will continue to be undertaken through the Shareholder’s Representative and

reported through the appropriate officer oversight boards and to members through the annual accounts.

2.0 Financial Implications

3.1 None

3.0 Environmental Implications

3.1 None

4.0 Timescales associated with the decision and next steps

4.1 The change of directors will be actioned at Companies House once approved by the Committee

Background papers

1. None.

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The report was circulated to the following members prior to publication:

Local Member(s): n/a

Other members: Cllr Kam Kaur

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