

# Regulatory Committee

Date: Tuesday, 3 November 2020  
Time: 10.30 am  
Venue: Committee Room 2, Shire Hall

Note – Planning training will be provided for members before the committee meeting. This will commence at 9:30am via Microsoft Teams

## Membership

Councillor Mark Cargill (Chair)  
Councillor Neil Dirveiks (Vice-Chair)  
Councillor John Cooke  
Councillor Anne Parry  
Councillor Caroline Phillips  
Councillor David Reilly  
Councillor Clive Rickhards  
Councillor Kate Rolfe  
Councillor Jill Simpson-Vince  
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** 5 - 8

**2. Delegated Decisions** 9 - 10

Members are asked to note the applications dealt with under delegated powers since the last meeting.

**Planning Applications**

**3. Planning application RBC/20CM002: Land at Ling Hall Quarry Landfill Site, Coalpit Lane, Lawford Heath, Rugby, CV23 9HH** 11 - 70

Planning Application details, including all documents and plans, can be found via the following link - [Planning Application RBC/20CM002](#)

**4. Planning Application: SDC/20CM008 - Edgehill Quarry, Edgehill** 71 - 96

Planning Application details, including all documents and plans, can be found via the following link [Planning Application SDC/20CM008](#)

**5. SDC/20CC004 for Proposed Development at Stratford Upon Avon High School, Alcester Road, Stratford-upon-Avon, CV3 9DH** 97 - 108

Planning Application details, including all documents and plans, can be found via the following link [Planning Application SDC/20CC004](#)

**Monica Fogarty**  
Chief Executive  
Warwickshire County Council  
Shire Hall, Warwick

## Disclaimers

### Webcasting and permission to be filmed

Please note that this meeting will be filmed for live broadcast on the internet and can be viewed online at [warwickshire.public-i.tv](http://warwickshire.public-i.tv). Generally, the public gallery is not filmed, but by entering the meeting room and using the public seating area you are consenting to being filmed. All recording will be undertaken in accordance with the Council's Standing Orders.

### 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 s/he has a disclosable pecuniary interest must (unless s/he has a dispensation):

- Declare the interest if s/he has not already registered it
- Not participate in any discussion or vote
- Must leave the meeting room until the matter has been dealt with
- 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

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 two 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.

This page is intentionally left blank

# Regulatory Committee

Tuesday, 4 August 2020

## Minutes

### Attendance

#### Committee Members

Councillor Mark Cargill (Chair)  
Councillor Neil Dirveiks (Vice-Chair)  
Councillor John Cooke  
Councillor Bill Gifford  
Councillor Anne Parry  
Councillor David Reilly  
Councillor Clive Rickhards  
Councillor Jill Simpson-Vince  
Councillor Adrian Warwick  
Councillor Dave Shilton

#### Officers

Jasbir Kaur, Planning Manager  
Ian Marriott, Legal Service Manager  
Matthew Williams, Senior Planning Officer  
Paul Wilcox, Senior Planner

### 1. General

The Committee held one minute's silence for Councillor Bob Stevens who sadly passed away on 31 July 2020.

#### (1) Apologies

Apologies were received from Councillor Caroline Phillips, Councillor Kate Rolfe and Councillor Chris Williams. Councillor Dave Shilton replaced Councillor Chris Williams for this meeting.

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

None.

#### (3) Minutes of the Previous Meeting

The minutes of the meeting held on 7 July 2020 were agreed as a true and accurate record. There were no matters arising.

#### **4. Minutes from the meeting on 23 July 2020**

The minutes of the meeting held on 23 July 2020 in relation to the appointment of the Chair and Vice-Chair were agreed as a true and accurate record.

#### **2. Delegated Decisions**

None.

#### **3. Planning Application SDC/20CC003**

Jasbir Kaur, Strategic Planning and Development Manager presented the report to the Committee confirming that the application included the creation of two ponds and a butterfly bank.

The Committee noted that the development would be funded by the Offset Scheme; funds paid by developers after the loss of ecology due to development that are to be used elsewhere to mitigate the loss. It was confirmed that Warwickshire County Council, who manages the offset fund, look for sites close to the original development but that this is not always possible. It was confirmed that the Council maintains a list of willing landowners for offset scheme developments. Following a request from the Committee it was agreed that information in relation to the identification of sites where the fund could be used will be circulated to members of the Committee.

The following points were highlighted to the Committee –

- The topsoil from the creation of the two ponds will be used to form a new community orchard
- The ponds will support the development of a positive environment for great crested newts
- The development is in accordance with Green Belt development
- The site will enhance biodiversity in the area
- The application complies will all planning related policies at Stratford District Council and Warwickshire County Council

Paul Wilcox, Senior Planner (contractor) confirmed that the site would initially be managed by Warwickshire County Council before being handed over to the charity Forrest of Hearts once the establishment period is complete. Following a question from the Chair it was agreed that the long-term action plan for the application site will be circulated to members of the Committee.

Councillor Anne Parry stated that the site was part of her division and that she sat on Snitterfield Parish Council (SPC). SPC feel that the application is positive and welcome the biodiversity that it will bring to the area.

The recommendation was proposed by Councillor John Cooke and was seconded by Councillor Anne Parry. A vote was held, and the Committee voted unanimously in favour of the recommendation to grant planning permission.

**Resolved**

That the Regulatory Committee authorises the grant of planning permission for the creation and management of 2 no. wildlife ponds and butterfly bank on farmland as part of the Warwickshire, Coventry and Solihull great crested newt conservation strategy at Forest of Hearts, Gospel Oak Lane, Pathlow, Stratford upon Avon, subject to the conditions and for the reasons within the Appendix B.

The meeting rose at 11:05am

.....  
Chair

This page is intentionally left blank



## Regulatory Committee – 3 November 2020

### Applications Dealt with Under Delegated Powers between 23 July 2020 - 23 October 2020

#### Recommendation

That the Regulatory Committee notes the content of the report

#### Delegated Powers

<b>C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 23<sup>rd</sup> July 2020 - 23<sup>rd</sup> October 2020</b>		
<b>Application reference &amp; valid date electoral division case officer</b>	<b>Site location &amp; proposal</b>	<b>Decision date</b>
<b><u>SDC/20CM005/SP</u></b> 23/04/2020  <b>Alcester</b>	<b>Alcester Sewage Treatment Works Mill Lane Alcester Stratford on Avon</b> Installation of a Motor Control Centre (MCC) Kiosk.	<b>Approved 28/09/2020</b>
<b><u>SDC/20CM007/PW</u></b> 03/06/2020  <b>Southam Stockton &amp; Napton</b>	<b>Itchen Bank Sewage Treatment Works Welsh Road West Southam</b> Installation of a Motor Control Centre (MCC) Kiosk.	<b>Approved 28/09/2020</b>

This page is intentionally left blank

**Regulatory Committee – 3 November 2020**

**Land at Ling Hall Quarry Landfill Site, Coalpit Lane,  
Lawford Heath, Rugby, CV23 9HH**

**Application seeks permission for the variation of  
condition 53 of planning permission R16/890805 in  
order to extend the life of both the landfill and  
associated waste management facilities for a further  
10 years until 14th May 2031**

**RBC/20CM002**

Application No.: RBC/20CM002

Advertised date: 23 January 2020

Applicant: Mr Foster,  
Veolia ES Landfill Ltd  
The Old Paddocks  
New Works  
Telford  
Shropshire  
UK  
TF6 5BP

Agent: Mr Chris Lowden,  
SLR Consulting Limited  
Aspect House Aspect Business Park  
Bennerley Road  
Nottingham  
Nottinghamshire  
NG6 8WR

Registered by: The Strategic Director for Communities on 06 January  
2020

Proposal: Application seeks permission for the variation of  
condition 53 (Date upon which sand and gravel and  
waste operations must cease – the landfill must cease  
operation by 14th May 2021) of planning permission  
R16/890805 (the extraction of sand and gravel with  
restoration by landfill) in order to extend the life of the  
landfill for a further 10 years, resulting in a revised end  
date of 14th May 2031.

In addition, a number of waste management facilities (Street Sweeping Recycling Facility; Incineration Bottom Ash and an Open Windrow Green Waste Composting Facility) have planning permission to operate within the site, with their use limited to the duration of the landfill operations. These facilities would be retained on site for the extended life of the landfill, until 14th May 2031.

Site & location: Land at Ling Hall Quarry Landfill Site, Coalpit Lane, Lawford Heath, Rugby, CV23 9HH. [Grid ref: 444926.273496].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the variation of condition 53 to extend the life of the landfill and the associated waste management facilities, for a further 10 years until 14th May 2031, 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 Planning permission was granted at Ling Hall Quarry in 1991 for the extraction of sand and gravel and subsequent landfilling and restoration subject to condition 53 requiring the operation to cease by 14 May 2021 (Ref R16/890805). The landfill operation is not yet complete and as a result the current planning application seeks consent for variation of condition 53, to extend the life of the landfill and restoration operation for a further 10 years, until 14 May 2031.
- 1.2 Since the original planning consent for the quarry and landfill operation granted in 1991, planning permissions have also been granted for several additional waste management facilities on the Ling Hall site; a street sweepings recycling facility; Incinerator Bottom Ash processing facility and an open windrow composting of green waste facility. These approved uses are all subject to planning conditions requiring the operations to be removed from the site on the cessation of the landfill operations and restored in accordance with the provisions of the original planning consent R16/890805. The current planning application, if approved, would allow the continuation of those separately approved uses until the extended completion date.

- 1.3 In addition to the waste operations on the site, planning permission has been granted for the installation of and subsequently for the retention of a concrete batching plant and a roadstone coating plant; both located within the Ling Hall Quarry site.

The two plants are operated by Breedon Southern Limited, independently of the applicant. Planning conditions on the two operations require their removal within 5 years of the date of their permissions, therefore by September 2021. The current planning application does not include an extension of time for these two operations.

- 1.4 The applicant has undertaken an Environmental Impact Assessment (EIA) of the proposed extension of the time period for the operation of the landfilling and associated waste management use operations on the Ling Hall Landfill Site. The planning application is accompanied by an Environmental Statement (ES) which has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The ES provides the details of technical assessments set out in chapters relating to:

- Air Quality (including dust and odour);
- Landscape and Visual Impact;
- Transport;
- Noise;
- Water Environment;
- Ecology;
- Cultural Heritage.

## 2. Consultation

- 2.1 **Rugby Borough Council – Planning:** The Local Planning Authority does not have any specific comments to make in relation to this application. It is recommended that Andy Walsh, Environment and Waste Services Senior Contract Officer is also consulted on this application.

- 2.2 **Rugby Borough Council – Environment and Waste Services:** No objection.

- 2.2 **Rugby Borough Council – Environmental Health:**

*In response to the initial consultation a response of no objection was received. At that time (February 2020) it was noted that existing controls are to be maintained with respect to odour, noise, dust, air quality and transport. There is no recent history of complaints and having regard to the documents supplied there are no recommendations for further conditions.*

*Following receipt of objections by WCC, and RBC further consultation with Rugby Borough Council Environmental Health was undertaken, as a result additional responses were received stating:*

Further to my memo of 5th February and 14th August 2020 I have concerns over this application however do not have evidence to support making objections.

Rugby Borough Council has received six complaints during 2020 (to the date of this memo – 18.08.20) that are considered likely to be related to operations at the landfill site, however confirmation of the source remains unconfirmed.

The complaints relate to smells that have been described variously as glue-like or some sort of chemical smell. They do not appear to be related to muck spreading or other similar agricultural activities and notifications of repeated observations of smells have been received since the complaints were first made. The frequency and nature of the odour appears to rule out farming related fertiliser or herbicide treatments. Only one resident has continued to allege the smells were from the landfill site. Officers have attended trying to witness the smell and trace it to the likely source but this has not been successful, particularly due to calls on officer time and redistribution of resources during the covid-19 pandemic.

The odours tend to occur during the late afternoon, early evening or are noted during the late evening / night which has made investigation harder. Weather data indicates a source to the west of Rugby but the variability of details received has not allowed me to back track and confirm the source, having regard to how odours travel, rise and fall (relative to ground level) and change in character over distance. Contact has been made with staff at Ling Hall landfill who deny being the likely source and have confirmed they cease working at 5pm. Residents have also been advised to contact the Environment Agency.

The complaints received are as follow:

Service request number 214465 received 1/5/20 area of Cawston  
Service request number 226450 received 2/7/20 area of Cawston  
Service request number 227322 received 3/7/20 area of Cawston  
Service request number 226969 received 13/7/20 area of Lawford Heath – specifically mentioned Ling Hall landfill site  
Service request number 227204 received 16/7/20 area of Cawston  
Service request number 228479 received 4/8/20 area of Lawford Heath

Having regard to my earlier comments about the noise assessment and now recommend noise limits based upon the site operational noise and relevant guidance. Following consideration of the submitted documents concerning noise, this has addressed areas I would otherwise have put

forward for conditions. If the following document can be accepted and written into the decision notice, this would be acceptable:

*With regard to noise control, the SLR assessment of noise provided as 'Noise' chapter 9, Ling Hall Landfill-Volume 2A, the following should apply. The derived noise limits for the landfill operations identified in table 9-11 should be adhered to (with consideration given to the notes accompanying table 9-12).*

*With regard to fixed plant installations and associated on-site traffic movements these were assessed and data provided in table 9-13 and 9-14. These indicate potential for impact at noise sensitive receptors therefore the General Noise Management recommendations detailed in 9.94 to 9.98 should be followed.*

*Any monitoring undertaken should be in accordance with the relevant methodologies identified in the SLR assessment.*

Notes:

I have noted the Environmental Permit Site Management System (section 11, nuisance management plan) for control of odour and dust generation. I have considered and accept the comments within the Air Quality chapter 6 of the Environmental Statement 'proposed extension of time to 14 May 2031 to allow completion of Landfilling Operations' submitted by Veolia, SLR (Ling Hall Landfill – Volume 2A) ref 402.00156.00215 rev Final, dated December 2019.

- 2.3 **Wolston Parish Council:** No objection subject to relevant and appropriate consultation. Councillors have however received complaints from local residents about quarry traffic coming through the village and wish to raise these concerns, and request that the applicants are reminded that large vehicles should not pass through Wolston village.
- 2.4 **Long Lawford Parish Council:** No comments received.
- 2.5 **Church Lawford Parish Council:** No comments received.
- 2.6 **Thurlaston Parish Council:** No comments received.
- 2.7 **Councillor Heather Timms:** No comments received
- 2.8 **Councillor Howard Roberts:** No comments received.
- 2.9 **Environment Agency:** No objection. The site operates under an Environmental Permit which remains in force until such time as it is surrendered, revoked or ceases to be in force due to the permit holder ceasing to be a legal entity and so will continue to be regulated in this way.

- 2.10 **WCC Equality and Diversity:** No comments received.
- 2.11 **WCC Flood Risk and Water Management:** No objection.
- 2.12 **Warwickshire Fire & Rescue Service:** No objection subject to the inclusion of an advisory note.
- 2.13 **WCC Environmental Landscape Services:** While there may be discrepancies in how the baseline has been determined this does not significantly alter the impact of the proposed development; no new workings or structures are proposed. The greatest visual effects are concentrated on a small number of views from nearby roads, but these views would be mitigated by a combination of existing and proposed vegetation and mounding.  
Since the landscape strategy places complete reliance on the screening that would be achieved by the restored land, vegetation around the site boundaries and the mitigation planting for the solar farm it would be prudent not to disturb any of the restored areas and to undertake the mitigation planting to assist in the screening.
- 2.15 **WCC Highways:** No objection.
- 2.16 **WCC Archaeology:** This site has a significant archaeological potential. Previous archaeological work across the application site in advance of quarrying has identified extensive archaeological features and finds, including Mesolithic flints, Bronze Age burial remains, pit and post hole alignments, Iron Age settlement and associated field systems, and Romano-British features.

New Proposal:

I would agree with Chapter 12 of the Environmental Statement that a programme of archaeological work should be undertaken to mitigate any impacts that the proposed development will have on any archaeological features which survive across the site. I do not, however, consider that an archaeological 'watching brief' will necessarily be appropriate as this may not provide adequate provision for the identifying and recording of any archaeological features present which may be disturbed or destroyed by this scheme.

I would envisage that across the majority of the areas in question (i.e. those which will have not been previously examined and which will be disturbed by this scheme), a programme of stripping of topsoil and subsoil (and/or any more modern layers) under archaeological control and the excavation and recording of any archaeological features present will be appropriate. However, it may be appropriate to vary this strategy across parts of the site dependent on the works proposed across the area in question, the level of past disturbance across that area and its archaeological potential. I would recommend that a condition be attached to any consent granted for this proposal,



securing the implementation of an appropriate programme of archaeological work to mitigate any impacts that this development may have on any archaeological features which survive across this site.

Condition 3 - Consent R16/890805:

I have the following comments on the status of the archaeological condition (3) attached to the original planning consent R16/890805 and this application for the variation of condition 53 attached to that consent. Planning consent R16/890805 for quarrying across the Ling Hall site was subject to a condition securing the implementation of a programme of archaeological work across the site. This read:

‘The development hereby permitted shall not be commenced until details of the funding, excavation and recording of any archaeological remains prior to the extraction of sand and gravel have been submitted to and agreed in writing by the mineral planning authority.

Following agreement, the development shall not take place except in accordance with those details and the operators shall give at least 3 months notice to the Mineral Planning Authority of their intention to commence topsoil or subsoil stripping from each phase of the site’.

In addition, I understand that a programme of archaeological work was also secured by the section 106 agreement made at the time.

A programme of archaeological work was agreed, which included archaeological fieldwork across those parts of the application site which were to be disturbed by the development, the subsequent analysis and reporting, and the deposition of the final archaeological archive. This was to be undertaken by the Warwickshire Museum Archaeology Projects Group (now Archaeology Warwickshire). Whilst the fieldwork component of this programme of work was undertaken across parts of the quarry site, the subsequent post-excavation analysis, reporting and archiving has not been. This is primarily due to the mineral operator not commissioning the later phases of work, despite having been approached on a number of occasions. In addition, it appears that parts of the site have been disturbed without having been subject to the required archaeological work.

As the programme of archaeological work previously agreed has not been completed, planning condition 3 of planning consent R16/890805 has not been satisfied.

I would therefore recommend that any new consent for this site secure the completion of the programme of archaeological work previously secured by condition 3 on planning consent R16/890805.

- 2.17 **WCC Ecology:** Requested a pre-determination BIA be carried out to determine the amount of biodiversity loss resulting from the changes to the original restoration plan so that the appropriate amount of compensation can be applied to an updated restoration plan. Conditions are recommended for a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP).

The CEMP should include pre-checks for badger; pre-checks for nesting bird; a method statement of works for reptiles; method statement for Great Crested Newts; EA Pollution Prevention Guidelines should be followed and should be part of the CEMP and a method statement for removal of New Zealand Pygmyweed. The LEMP should include an updated restoration plan and aftercare scheme.

- 2.18 **Highways England:** No objection.
- 2.19 **Natural England:** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 2.20 **Historic England:** No comments received.
- 2.21 **Secretary of State:** No comments received.
- 2.22 2 site notices were displayed on 20 January 2020, one at the entrance to the landfill site and the second at the playground at The Ryelands.
- 2.23 The application was publicised by way of a press notice in Rugby Advertiser on 23 January 2020.
- 2.24 86 nearest residential and business properties were individually notified on 20 January 2020

### 3. Representations

- 3.1 Nine letters and emails of representation were received in response to public consultation, raising objections to the planning application. The points of concern and objection were raised:
- I understand the original planning agreement was that the site would be available as a public amenity when the landfill finished operations, with the continuous development of the site this is becoming increasingly unlikely.

- I am opposed to the time extension at the quarry. I've lived at Lawford Heath 30 years. We were told the first quarry would be there for a certain time. Years ago, I was led to believe the site would soon be landscaped, like Ryton Pools.
- We have lived as neighbours to the landfill for 22 years and have put up with dust, smells and traffic, because of the expectation of an end date.
- I am not a NIMBY I accept that landfill is necessary but give us a break and use a different quarry.
- The original application was a 'temporary' measure. It has now been 'temporary' for more than 20 years. Over the years it has grown and extended enormously.
- The site does not and never has followed the rules correctly, hurting us directly and indirectly. Over the years we wrote to you about problems a number of times and only once has the WCC ever done anything – on that occasion the site operators simply denied illicit working over the weekend, the WCC effectively did nothing except insult us by implying that we lied. We eventually gave up complaining as it has proved to be an utter waste of time. It became obvious that WCC was not prepared to protect us at all.
- We were told many years ago that the site would 'soon' be turned into parkland, where we would be able to walk ourselves and our dog. Due to the past history of the almost yearly granting of 'creeping' planning applications (extra area, concrete batching, tarmac mixing, time extensions) that have been granted for this site, we are now so disillusioned as to now have absolutely no faith that your request for our representations and our writing to you about the matter is placatory, a political formality, and is a complete waste of time and money on both sides. We ask you to prove us wrong. Every single thing that the site operators ask for is granted, seemingly automatically. Why, is never explained.
- I feel that keeping the site open and the changes you are going to make to it will devalue the price of my property and make it less desirable if I were to sell it.
- I have been a neighbour to them for 12 years and the last 5-6 years have been incredibly unpleasant, costly and disruptive to my business and staff. There's no doubt that we were aware of Veolia's business when we purchased this site however hopefully the information below will give an impression as to how their practice has changed our expectations as neighbours. We were actually looking forward to them completing their work in 2021 so that our business and the health and welfare of our employees could improve.

- I manage the Listers Group business at this site and employ 140 members of staff who all agree that we need to make this representation. It's difficult to put into words how unpleasant they have made the environment here and also the disregard they have for laws and regulations.
- The works have already been extended previously and it is time that the land is rested and made more suitable for residents that have been waiting for this for around a generation.
- I call for the site to operate under the latest guidelines, rules and limits (not historic ones which don't address the up to date issues).

### 3.3 Dust /Air Quality/Odour

- Over the last 6 years that we have lived in this house the air quality around our home has reduced significantly. There was never a smell but now we have a constant smell of the landfill. We used to run around our estate and down Ling Lane, but we are no longer able to do so because of the smell coming from the landfill. At times it makes us gag. When it is hot in the summer, we cannot open our windows as the smell is not tolerable. Even driving past, we have to close the windows in our car and change the air to recirculate on the dashboard. This has impacted our quality of life. Another 10 years of this and possibly getting worse over time would be awful, even detrimental to our health. The council should be asking themselves what impact this has on our health.
- The smell of 'methane' in the past I traced back to specific methane collection 'chimneys' near us. It still hits us from time to time.
- The smell of tar that we have to live with when the wind happens to be blowing in the 'right' direction. We were informed at the time of approval that the system was enclosed, we would never smell it. Not true.
- We thought we would be in our home for many years but who would want to stay in a house near a landfill which has progressively got more and more smelly. Who would want to buy the house knowing that there is another 10 years of landfill activity going on?
- I do not want an incinerator set up on the site, daily having the smoke and smell of burning rubbish drifting over our house not to mention the ash from going all over our property and washing etc.
- During dryer periods the amount of dust that comes over from the site is unacceptable and unhealthy. Within minutes our cars are covered with a coating of dust and staff would be unhappy to work outside as this would result in them inhaling dust from landfill. We were told that

they had water cannons to suppress the dust, but I have never seen them being used (and our CCTV can see them).

- The odour that comes from the landfill is sometimes unbearable. As with many of our issues we totally accept that occasionally this will happen, but we have staff that are affected by the odours that the site produces. The odours have been described as smelling like rotten nappies, fish and vomit and are extremely pungent. We have had customers that visit complain about the smells which is really embarrassing for us, it also can't be healthy.
- The smell within the area from the landfill is getting more excessive during the summer months, which results in us homeowners spending more time in doors to avoid the smell.
- There had been and continues to be periodic discharges of highly offensive odour from the Ling Hall landfill site. Please could the planning authority make conditions that any new permission granted includes conditions to omit odour as well as a requirement to conduct bio aerosol, and any other, air quality testing to ensure the site is not adversely affecting the health of neighbouring residents.
- The operators of the site should be more transparent and make independent monitoring of air quality, bioaerosols and odour available to those residents living within 500m of the site boundary.

### 3.4 Litter

- Lorries either going to or leaving have litter flying off the lorries. Along Lawford Heath Lane, in particular the section between Coalpit Lane Junction and the A45 slip road, we have never seen anyone collecting litter. The litter on that part of the road is shocking, I am sure that at the very minimum Veolia or the council should be conducting weekly litter picks. It feels as though the council turns a blind eye to this community.
- The main problem I have is an environmental one, we are constantly having rubbish strewn along the verges and hedgerows. Recently a plastic bag caught in a tree in our garden which is probably 500 m from the road.
- Veolia do occasionally litter pick around the site but not frequently enough to prevent plastic and other waste being shredded by the weather and being absorbed by the environment.
- The other end of the lane is always filthy, you rarely see litter pickers.
- The council dustbin lorries regularly come up the road with the rubbish they are taking to the site blowing out the top and being deposited on the side of the road.

- No-one has ever done a litter pick along Lawford Heath Lane and it always looks a mess.
- Litter is also blown from the tip regularly into Ling Lane and normally once a month I go and litter pick about half a mile of the lane as no-one from the tip or the council come and litter pick. If I ring them, they do come and pick up the full bags – I don't really have time to do this.
- The amount of toilet paper waste within the trees in the area shows that drivers are using the trees as toilet facilities while staying overnight.
- Although a matter for the Environment Agency, I would seek the planning authority to place conditions on any renewal of planning permission to control litter into the surrounding countryside. (I can't believe the EA have 'no objections' to the application, there has been serious infringements and there should at least be comments lodged that this has occurred and needs addressing.
- No litter should exit the site and if it does the site should have a limit on time needed to address the issue – I really think detail arrangements of litter control (including material being blown off delivery trucks onto the verge) as an official condition.

### 3.5 Traffic / Highway Issues

- The verges and field gateways are being degraded by lorries parking on what was grass either to wait for the site to open or for their statutory breaks, often queuing in the morning is nose to tail from the A45 turn to the site entrance which is very hazardous to other motorists. The verges often smell of urine and worse where lorry drivers relieve themselves.
- The dangerous queue of lorries creating a hazard at the junction of Lawford Heath and Coalpit Lane most weekday mornings just before the site opens at 7:00. This queue sometimes starts the night before.
- The lorries which the site operators 'promised' us never would, travel north on Lawford Lane regularly. I personally came to a council meeting a few years ago with photos as proof of this and was simply ignored by the council and blanked by the operators. The WCC eventually told me that because that promise was never included in the permission, there was nothing that could be done. There was once a big sign, just before exiting the site, informing lorry drivers that they were not to turn left onto Lawford Lane. It has long since been removed, showing us their contempt for their promises.
- People were told that no quarry vehicles would use the lane from Long Lawford end, that isn't enforced.

- The road is nearly always muddy. My uncle lived in Brighton and ran tipper trucks at the site he used they had a wheel wash.
- When we bought our house seven years ago we were told that none of the tipper wagons that go into the site would only be allowed to drive down Lawford Heath Lane and had to go down the new bypass which had just been built. The lorries have total disregard for this rule and daily drive down the road exceeding the speed limit making it extremely dangerous to use the road, I often walk my dogs on the road during the winter making it extremely dangerous.
- It is quite common for the lane approaching the site to be blocked due to the volume of trucks waiting to access it. This causes traffic to drive on the wrong side of the road towards a blind bend which is clearly dangerous.
- The trucks coming and going regularly drop waste as well as cover the road with mud. Occasionally Veolia send out a road sweeper, but this seems to make the road worse. There are never any signs put out indicating that the road is muddy or hazardous.
- The large vehicles in the area are a nuisance with overnight parking on the corner of Coalpit Lane and Lawford Heath Lane, often stretching down the Lawford Heath Lane towards the A45 causing a danger to other motorists as it makes it a single lane, even though there is solid white lines to prevent these obstructions, meaning cars are having to drive on a blind bend. This has been reported to the police on several occasions.
- The debris and mud from the vehicles are left on the lane, causing a great deal of rubbish and mess within the area, including danger again to motorists. Sometimes this is objects in the road to be avoided and the road always has a covering of mud which at times becomes excessive, causing slippery roads and very dirty windscreens. Washing one's car is almost a pointless exercise as it will be immediately filthy upon the first drive.
- Despite signs being put up by the quarry saying do not turn left at the end of the road, HGVs are still coming down Lawford Heath Lane.

#### 3.4 Noise / Hours of operation

- We regularly hear evidence of Sunday working at the site, sometimes we are aware that it is JK Timber, just as often, I know that it is conveyors or mechanical shovels elsewhere on site. As a mechanical engineer, I am able to recognise the different noises.

### 3.5 Asbestos

- There are asbestos disposal cells next door which is acceptable providing they are being managed correctly. There have been a couple of occasions where we have witnessed and recorded them disregarding safety processes regarding this waste. We have reported this to the Environment Agency who did speak to the site regarding their bad practise. Their operators were unloading trucks of red bags (these are supposed to be sealed as they contain harmful asbestos types) and then proceeding to bash them into the cells with diggers which was splitting the bags. These should also be covered quickly with topsoil, but this rarely happened.

The compromise from next door was to move the cells further away from our perimeter but this just meant that we can't see them work on this hazardous material. Several of my staff complained about the potential harm caused by the airborne asbestos particles that they feel could have contaminated our space.

### 3.6 Vermin and Birds

- We are aware that landfill will attract vermin but recently we have had far more mice and rats coming into our building as well as cars and trucks on site. We have had electrical cables nibbled through which is incredible costly to replace as well as dangerous for our staff and customers.
- As with the vermin issue, birds are to be expected near landfill. However, the volume of gulls we've had flying over daily has been incredibly disruptive. They defecate on staff, visitors and the vehicles we have on site causing considerable damage to paintwork which is costly to our business. We've had bones, food and sanitary equipment dropped by the gulls on to staff cars which is disgusting. We have asked Veolia to address this and for a very short period of time they set off bangers and arranged for a bird of prey. This was clearly just to placate us as it stopped shortly after.

### 3.7 Water Management/Flooding

- Ling Hall Quarry and the landfill site continue to discharge large volumes of surface water to the north of the site across Ling Lane. This is both damaging for the highway and is flooding the surrounding agricultural fields and properties. I do not feel there is appropriate site drainage &/or attenuation to cope with the additional water that the site now produces and it desperately needs conditioning. Any extension to planning permission should officially require the adjacent site to manage water effectively and cease discharging excessively high volumes of water inappropriately into 'agricultural' drainage systems which were not intended & cannot deal with these high volumes. The historic outflow of water was to the south, which has been completely



tipped over and has nowhere to go. The landfill operator should either be enforced to provide a suitable onsite drainage system to prevent flooding its neighbours or pay for new drains to be constructed to deal with this problem.

- I think water management is a big issue; when the site was first approved this was on hypotheticals, we now are aware and have evidence of some fundamental rainwater run off problems which should be addressed with planning permission conditions.

#### **4. Background and Planning History**

- 4.1 The application site was formerly the site of RAF Church Lawford and subsequently Church Lawford Aerodrome. Sections of the runway remain within the central area of the application site.
- 4.2 Planning permission for the extraction of sand and gravel with restoration by landfill was granted in 1991 (Ref: R16/890805) subject to 57 conditions including conditions relating to archaeology, the control of hours of operation, noise and dust emissions, access, drainage, landscaping and restoration of the site and aftercare.
- 4.3 Condition 53 of the consent stated: 'No sand and gravel extraction shall take place later than the expiration of the period 25 years beginning with the date of this permission. No waste disposal operations shall take place later than the expiration of the period of 30 years beginning with the date of this permission' (dated 14<sup>th</sup> May 1991). The current consent expires on 14 May 2021.
- 4.4 Sand and gravel excavation began at the quarry in 1993 and was completed in 2009 with restoration of much of the area by landfill being undertaken in a phased operation to the present time. The landfill is divided into a number of cells and sub-cells each being developed separately and sized depending on waste input rates. Each cell is filled to the final levels which take account of the thickness of the capping and restoration materials to be placed together with the need to allow for settlement as the waste within the landfill site degrades. The landfill reached an elevation of 135 m above ordnance data (AOD) in the northern area of the landfill and 130 m AOD in the southern part. After settlement the landfill will reduce by some 4 to 7 metres to give a final level of 128 m in the northern area and 126 m in the southern. There are four cells which remain to be filled.
- 4.5 Restoration details in the restoration scheme agreed in the original planning application are for a wetland type restoration (including woodland planting) in the vicinity of the three ponds on the western boundary with the area of the landfill restored to agriculture.

- 4.6 Planning consent was granted for a concrete batching plant in 2004 (Ref R/03/CM022). The consent was renewed in 2011 (Ref: RBC/10CM017) after mineral extraction was completed in 2009 and renewed again in 2016 (Ref: RBC/16CM007) for a further 5-year period. A roadstone coating plant was granted consent in 2007 (Ref: R/05/CM035), renewed in 2011 (Ref: RBC/10CM018) and for a further 5 years in 2016 (Ref: RBC/16CM008). Both the concrete batching plant and the roadstone coating plant are operated by Breedon Southern Ltd and have consents which expire in 2021. The applicant advises that they will be removed at that time.
- 4.7 A number of planning consents have been granted for variation of conditions relating to hours of operation since the site began operating.
- 4.8 Planning consent was granted in 2014 for a frame mounted solar PV (panels) scheme (Ref: RBC/14CM029). The ground mounted photovoltaic panels are approved to be located in 3 parcels of land located on the northern boundary, south-eastern boundary and the south-western boundary. Work has started on site to implement this development but has not been completed. A landscaping scheme is required by condition to be implemented in the first planting season following the completion of the solar development in order to mitigate the impact of the solar farm. However, the landscaping scheme has not been planted as the solar development has not been completed. The solar installations are required by condition to be removed and the site restored by September 2040.
- 4.9 Additional waste management facilities have been granted planning consent on Ling Hall site. A plant for the processing of road sweepings and gully arisings was approved in January 2012 (Ref: RBC/11CM020) and open windrow composting was approved in April 2018 (Ref: RBC/17CM021). Both of these facilities are currently in operation. Planning consent was granted in 2013 for the installation of plant & equipment to recycle incinerator bottom ash (Ref: RBC/13CM003). This development has been commenced but not completed. The waste management facilities are all conditioned to be removed from the site on cessation of the landfill operations and for the site to be restored in accordance with the provisions of R16/890805 or any subsequently approved restoration scheme.
- 4.10 Provision of a landfill gas electricity generation plant was approved in May 1998 (Ref: R/98CM002) and an extension to the electricity generation plant approved in April 2010 (R/10CM003).

## 5. Assessment and Observations

### Location and Site Description

- 5.1 Ling Hall landfill site is located some 5 km west south-west of Rugby town centre and approximately 13 km south-east of Coventry centre. The red line area of the planning application which covers an area of approximately 155 ha, corresponds to the red line area of the original planning application for the mineral extraction and landfill operation submitted in 1991. Some 35 ha of land within the total red line area was not intended to be developed as part of the original planning permission for mineral extraction or landfill. The land is predominantly outside of the control of the applicant and the applicant has confirmed that it will not be developed.
- 5.2 The triangular site is bounded by Ling Lane to the north; Coalpit Lane to the south-west and Lawford Heath Lane to the south-east. The site is accessed via an entrance off Coalpit Lane.
- 5.3 The area around the application site is predominantly agricultural land with associated farmhouses and farm buildings. To the east of the application site is the adjacent Lawford Heath Industrial Estate. There are residential dwellings close to or adjacent to the application site including those in the residential roads of The Crescent and The Ryelands.
- 5.4 The landfill site occupies an area of some 120 ha of land within the red line area. The area, formerly the Church Lawford airfield has been the site of a sand and gravel quarry. The mineral extraction operation has been completed and the void is being infilled and restored through the operation as a landfill site for household, commercial and industrial waste.
- 5.5 Along the northern boundary of the site landfill cells have been filled and restored by capping and seeding. The current active landfill cell is being developed on the north-eastern side of the landfill.
- 5.6 Completed phases of the landfill located in the southern area of the site form two domed landforms on either side of the former runway. The 'valley' between these two areas of restored landfill is occupied by the concrete batching plant and roadstone coating plant (neither of which are included in this application); the site weighbridge and wheel wash infrastructure. The landfill site offices are also located at the very southern end of the valley feature.
- 5.7 On the former runway are also sited the waste recycling facilities operated by the applicant which are included in this application: the road sweepings recycling plant; the site of the Incineration Bottom Ash Recycling (the construction of which has been started but not completed) and the composting operation. To the south of the road

sweeping plant is the leachate management facility, which comprises a bunded storage tank.

- 5.8 Between the two completed areas of landfill, to the north and south of the site, is the remaining area for the future landfill cells. To the east of the line of the former runway, in the central area of the site, there are a number of waterbodies which have been created following mineral extraction which will become areas for landfill. Some earthworks have been started in the northern part of this central area, but the specific engineering works to create the landfill cells have not yet commenced.
- 5.9 To the west of the former runway is an area with stockpiles and a series of amenity lakes/ponds. Between the stockpile area and ponds is a 'finger' of land not within the applicant's control which is in use as a plant nursery associated with a local garden centre.
- 5.10 In the north-western corner of the site is a small triangular pond and close to the north-eastern corner of the site is a 'tear-shaped' pond. Both ponds serve as part of the surface water drainage for the landfill.
- 5.11 The area immediately surrounding the application site is relatively flat, with ground levels around 110m AOD and generally falling away from the site. The completed landfill cells along the northern boundary of the site range in height between 127 and 130 metres AOD with ground levels dropping away to 112 m AOD along Ling Lane. Ground levels at the entrance to Ling Hall in the south-western area of the site and along the central 'valley' area of the site are approximately at 112 m AOD. The landfilled and restored areas to the west of the valley are some 123 m and to the east of the valley 125 m AOD. The lowest part of the site is approximately 106 m AOD where mineral extraction has been completed and the area not yet landfilled.
- 5.12 The site lies within the Green Belt and is designated as Flood Zone 1 by the Environment Agency.
- 5.13 No public rights of way run across the Ling Hall Quarry site.

### **Planning Legislation and Policy**

5.14 Section 73 application

A planning application submitted under section 73 of the Town and Country Planning Act 1990 allows for the variation of the planning conditions imposed on an existing permission, in this case the original consent granted in 1991 which required the cessation of the mineral extraction and landfill operation and the restoration of the application site by May 2021. A variation under section 73 takes effect as the grant of a new permission with different conditions and, once that new permission is implemented, the new conditions apply to any further development and use of the site.

5.15 The legislation at S73 (2) (a) states that the local planning authority on a section 73 application the local planning authority “shall consider only the question of the conditions subject to which planning permission should be granted” and has three choices:

- (a) grant permission unconditionally;
- (b) grant permission subject to different conditions; and
- (c) refuse the application.

The mineral extraction at the application site has long been completed and, as a result, many of the planning conditions attached to the original consent are no longer relevant. However, a number remain important and continue to meet the tests for the imposition of conditions. Any new planning consent granted would be subject to revised planning conditions, extending the time period as requested, in addition to conditions relevant to the satisfactory completion of the landfill operation and restoration of the site.

#### National Planning Policy

5.16 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’.

5.17 **Paragraph 11** of the National Planning Policy Framework (NPPF) February 2019 explains that there is a presumption in favour of sustainable development and what that means. What the presumption means in relation to a planning application is that:

(a) proposals which accord with an up-to-date development plan should be approved without delay; and

(b) where there are no relevant development plan policies or the policies most important for determining the application are out-of-date, then permission should be granted unless:

- the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- 5.18 **Paragraph 12** goes on to explain that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 5.19 Paragraph 48 explains that authorities may give weight to relevant policies in emerging development plans according to: a) the stage of preparation of the emerging plan; b) the extent to which there are unresolved objections to relevant policies; and c) the degree of consistency of the relevant policies in the emerging plan to this Framework
- 5.20 In this case, there is an up to date development plan comprising the Warwickshire Waste Core Strategy, Adopted Local Plan (2013 – 2028) and the Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019). 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.
- 5.21 The courts have made it clear that for the purposes of section 38(6) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy in the plan. It is a matter of judgement for your Committee whether the proposal accords with the plan, considered as a whole, bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach.

National Planning Policy Framework

- 5.22 The application site is located within the Green Belt. Chapter 13 of the NPPF sets out the Government's Green Belt policies, **paragraph 143** stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. **Paragraph 144** continues that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.23 **Paragraph 146** states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within

it. Such development includes mineral extraction and engineering operations.

- 5.24 **Paragraph 163** states that determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere.
- 5.25 **Chapter 15** of the NPPF relates to conserving and enhancing the natural environment, requiring that planning decisions should contribute to and enhance the natural and local environment by means including ensuring they minimise impacts on and provide net gains for biodiversity and prevent new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.26 **Paragraph 183** states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

#### National Planning Policy for Waste (NPPW)

- 5.27 The Government published the NPPW in 2014 to be read in conjunction with the NPPF. The pivotal role of positive planning is emphasised in delivering the country's waste ambitions towards a more sustainable and efficient approach to resource use and management.
- 5.28 The NPPW expands on Article 13 of the Waste Framework Directive (which waste planning authorities must have regard to under Section 18 of the Waste (England and Wales) Regulations 2011) and requires that in determining planning applications waste planning authorities should:
- Consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B of the NPPW and the locational implications of any advice on health from the relevant health bodies;
  - Ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;
  - Concern themselves with implementing the planning strategy in the Local Plan and not 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;

- Ensure that land raising, or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

In determining planning applications, waste planning authorities should consider the criteria in Appendix B:

- a) Protection of water quality and resources and flood risk management
- b) Land instability
- c) Landscape and visual impacts
- d) Nature conservation
- e) Conserving the historic environment
- f) Traffic and access
- g) Air emissions, including dust
- h) Odours
- i) Vermin and birds
- j) Noise, light and vibration
- k) Litter
- l) Potential land use conflict

Section 18 of the Waste (England and Wales) Regulations 2011 also states that planning authorities must have regard to Article 16(2) and (3) of the Waste Framework Directive, which refers to establishing an integrated and adequate network of waste disposal installations. The network shall be designed to enable member states to aim towards sufficient waste disposal, taking into account geographical circumstances or the need for specialised installations for certain types of waste. It also states that waste should be disposed of or recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies to ensure high level of protection for the environment and public health.

Section 20(1) of The Waste (England and Wales) Regulations 2011 states planning authorities must not grant planning permission or development consent for a landfill unless it has taken into account the various requirements set by Council Directive 1993/31/EC on the Landfill of Waste.

Paragraph 1.1 of Annex I of the Landfill Directive says that the location of a landfill must take into consideration requirements relating to:

- a) The distances from the boundary of the site to residential and recreation areas, waterways, water bodies, and other agricultural or urban sites



- b) The existence of groundwater, coastal water or nature protection zones in the area
- c) The geological and hydrogeological conditions in the area
- d) The risk of flooding subsidence, landslides or avalanches on the site,
- e) The protection of the nature of cultural patrimony in the area

Warwickshire Waste Core Strategy, Adopted Local Plan (2013 – 2028)

- 5.29 The Warwickshire Waste Core Strategy contains policies specific to directing future waste development including general development management policies which apply to all development proposals on waste sites. The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 5.30 **Policy CS1 – Waste Management Capacity:** states that the County Council will seek to ensure that there is sufficient waste management capacity provided to manage the equivalent of waste arisings in Warwickshire and, as a minimum, achieve the County's targets for recycling, composting, reuse and landfill diversion. The supporting text of the policy sets out the Government's requirement for an increasing percentage diversion of waste from landfill to recycled, composted or used for energy recovery over the Plan period, reaching at least 75% of waste diverted from landfill by 2025.
- 5.31 **Policy CS2 – Spatial Waste Planning Strategy for Warwickshire:** states that preference will be given to proposals for waste management facilities on sites listed within the policy including sites operating under an existing waste management use, active mineral sites or landfills and previously developed land.
- 5.32 **Policy CS3 – Strategy for Locating Large Scale Waste Sites:** states that facilities managing 50,000 tonnes of waste per annum or more, will first be located within close proximity to primary settlements, including Rugby.
- 5.33 **Policy CS7 – Proposals for disposal facilities:** requires applicants to demonstrate that proposals for a waste facility will not prejudice the management of waste further up the waste hierarchy. Proposals for 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;
  - (ii) There is an overriding need for waste to be disposed of through landfilling or land raising; 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.
- Extensions to landfill operations will only be granted where criteria (i) – (iv) have been met.

- 5.34 **Policy DM1 – Protection and enhancement of the natural and built environment:** states that new waste development should conserve and where possible enhance the natural and built environment by ensuring that there are no adverse impacts on natural resources, biodiversity, geodiversity, archaeology, heritage and cultural assets and their settings, the quality and character of landscape, adjacent land uses or occupiers and the distinctive character and setting of the County's settlements and that the development satisfies Green Belt policies. Development is justified against the above criteria, proposals will only be permitted where the adverse impacts will be avoided, satisfactorily mitigated or adequately compensated or as a last resort offset.
- 5.35 **Policy DM2 – Managing Health and Amenity Impacts of Waste Development:** requires proposals to demonstrate that they would not result in unacceptable adverse impacts on the local environment, economy or communities through any of the following: noise, lighting/illumination, visual intrusion, vibration, odour, dust, emissions, contamination, water quality, water quantity, road traffic, loss of best and most versatile agricultural land or land instability. Proposals will only be permitted where the adverse impacts will be avoided or satisfactorily mitigated.
- 5.36 **Policy DM3 - Sustainable Transportation:** requires developers to demonstrate that where road is the only viable method of transportation, that there is no unacceptable adverse impact on the safety, capacity and use of the highway network.
- 5.37 **Policy DM6 – Flood Risk and Water Quality:** states that planning permission will not be granted where waste management proposals would be at risk of flooding or would be likely to increase the risk of flooding elsewhere; or where waste management proposals would have a detrimental effect on water quality or achieving the targets of the Water Framework Directive.
- 5.38 **Policy DM7 – Aviation Safeguarding:** states that planning permission will not be granted for waste management proposals where it would cause an unacceptable hazard to aviation.
- 5.39 **Policy DM8 – Reinstatement, restoration and aftercare:** states that planning permissions for waste management uses in the open, and development associated with such uses, 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.

Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019)

5.40 **Policy GP1 – Securing Sustainable Development:** Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.

5.41 **Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets:** The Council will protect designated areas and species of international, national and local importance for biodiversity and geodiversity as set out below.

Development will be expected to deliver a net gain in biodiversity and be in accordance with the mitigation hierarchy below. 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.

5.42 **Policy NE3: Landscape Protection and Enhancement:** New development which positively contributes to landscape character will be permitted.

Requirements of development proposals include that they identify likely visual impacts on the local landscape and townscape and its immediate setting and undertake appropriate landscaping to reduce these impacts.

5.43 **Policy SDC1: Sustainable Design:** All development will 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 responds to the character of the areas in which they are situated. All developments should aim to add to the overall quality of the areas in which they are located.

5.44 **Policy SDC2: Landscaping:** The landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.

5.45 **Policy SDC3: Protecting and Enhancing the Historic Environment:** Requires that development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance.

- 5.46 **Policy SDC5: Flood Risk Management:** Requires submission of a Flood Risk Assessment to assess the flood risk from all sources and identify options to mitigate the flood risk to the development, site users and surrounding area.
- 5.47 **Policy SDC6: Sustainable Drainage:** Sustainable Drainage Systems (SuDS) are required in all major developments and all development in flood zones 2 and 3. An acceptable means of surface water disposal should be provided preferably on-site or, where this is not possible, close to the site, which does not increase the risk of flooding or give rise to environmental problems and improves on the current situation.
- 5.48 **Policy SDC7: Protection of the Water Environment and Water Supply:** States that development will not be permitted where proposals have a negative impact on water quality, either directly through pollution of surface or ground water, or directly through the overloading of Wastewater Treatment Works.
- 5.49 **Policy D1: Transport:** requires that all large-scale developments which result in significant traffic movements, should be supported by a Transport Assessment and where necessary a Travel Plan, to demonstrate practical and effective measures be taken to mitigate the adverse impacts of traffic.

### **Policy Considerations**

#### **Need for the Development**

- 5.50 The original planning consent for Ling Hall was granted in 1991 for the extraction of sand and gravel with landfilling and restoration to be completed by May 2021. The mineral extraction was completed in 2009. Since that time the landfill has been in operation, with restoration works being progressively carried out as landfill cells are completed. While the approved completion date is May 2021, there remain landfill cells that have yet to be engineered, filled and capped. The completion and restoration of those areas could not be completed before the 2021 deadline.
- 5.51 Since the planning consent granted in 1991 there have been significant changes to waste disposal and waste recycling with progress on moving waste higher up the waste hierarchy. The cost of landfill tax has increased; rates of recycling have increased following the Government's introduction of tighter regulations; in addition to the improvements in the separation and recycling of municipal waste, including widespread kerbside recycling schemes which have all resulted in diverting waste away from landfill. Therefore, as a result of less waste is going to landfill, a longer period of time is needed to complete the landfill and restoration works.

- 5.52 At the time of submission of this application, a 4 million cubic metre void space remained at the landfill. The current input rates to the landfill are approximately 400,000 tonnes per annum, therefore requiring an additional 10 years to fill the remaining void and allow for the landfill restoration and profiling to be completed as agreed by the existing planning permission.
- 5.53 In order to minimise the visual impact of the mineral extraction and the landfill operation, the landfill has been designed and operated to ensure that the outside slopes to the north and south were completed and landscaped before the central area of the site was filled. As a result, if the landfill operation were not to be completed and the central area not infilled, an incongruous landform would remain with a large central waterbody which would result in problems with the control of landfill gas and leachate due to water ingress. The effective after-use of the site would be reduced if the landfilling and restoration were left incomplete. In addition, if the operation were not completed as previously approved it would be necessary to redesign areas of the landfill to cap and restore the site in an alternative form. Such works would involve moving significant quantities of the already deposited waste which would lead to problems with landfill gas and leachate control, a visual impact and likely odour impact.
- 5.54 In order to ensure sufficient time for the landfill and restoration operation to be completed in accordance with the original planning permission, the application seeks consent for the variation of condition 53 to extend the time period for completion until 14 May 2031.
- 5.55 Policy CS1 of the Warwickshire Waste Core Strategy seeks to ensure that there is sufficient capacity provided to manage the equivalent of waste arisings in Warwickshire. While Policy CS2 gives preference to sites used for existing waste management use. The applicant advises that Ling Hall is one of the few landfill facilities operating in the wider region of the West Midlands (and also the neighbouring East Midlands). As a result, the Ling Hall site is of strategic importance, performing a regional function in terms of managing residual waste. The continued use of Ling Hall as a landfill site in Warwickshire is in accord with policies CS1 and CS2 of the Waste Core Strategy.

### **Green Belt**

- 5.56 The application site is located in the Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. The NPPF states that certain forms of development, including mineral extraction and engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The original consent for the mineral extraction of sand and gravel from the quarry was granted as a temporary land use which would not be inappropriate in the Green Belt. The quarry

would be progressively restored to predominantly agricultural land by landfilling, which is an engineering operation, and would in the long term not impact on the openness of the Green Belt. The continuing landfill operation albeit for a longer time period, is part of the restoration element of the original planning consent and as such would continue to be regarded as not an inappropriate form of development in the Green Belt.

### **Amenity Issues**

- 5.57 While the application site is located in predominantly agricultural land, there are residential dwellings located close to the site boundary. The closest houses at The Crescent are within 50 metres and at The Ryelands within 200 metres of the perimeter of the application site. There are isolated dwellings and farmhouses bordering the application site including, Lawford Lodge Farm complex some 80 metres to the north; Lawford Heath Farm some 300 metres to the east, Blue Boar Farm approximately 150 metres to the south, South Lodge Farm 200 metres to the south-west, North Lodge Farm some 200 metres to the west and Manor Farm over 300 metres to the west. To the east of the Ling Hall site is the Lawford Heath Industrial Estate which is occupied by several companies and the adjacent Satellite services company both positioned in close proximity to the eastern boundary.

### **Visual/Landscape Impact**

- 5.58 The application site lies within an area characterised by gently rolling farmland with few roads. The site was formerly an airfield prior to the sand and gravel excavation. The surrounding commercial and residential areas together with the current landfill use all contribute to the appearance of the area in contrast to the rural appearance of the surrounding farmland.
- 5.59 The area is within the Green Belt but not within a National Park or an Area of Outstanding Natural Beauty (AONB).
- 5.60 The application site is well established. A restoration scheme was approved in the original planning consent in 1991 and remains to date as the Landscape Masterplan to which the site is being restored. The mineral extraction was completed over 10 years ago and landfilling and restoration has been completed over the peripheral sections of the site. The landfill cells on the northern boundary close to Ling Lane have been restored and seeded. In the southern area of the site the two domed landforms on either side of the runway are also completed phases of the landfill. These areas are now grassland with sheep grazing. These completed elements of the restored site conceal the central area of the site with the current active landfill cells; the area for the further landfill cells which are not yet commenced and the other waste management operations.

- 5.61 There are restricted views into the application site, particularly when viewed from the roads closest to the site boundary and the site entrance. The area of tipping would change over the proposed extended time period as landfill cells are progressively tipped and restored with the result that the limited views into the site would change over time. The active landfill cells would move westwards from the current tipping area and then southwards along the line of the former runway towards the southern section of the application site. The previously restored areas will serve to reduce the visual impact of the landfill operation although not screen it entirely.
- 5.62 If the landfill operation were to cease when the current consent expires in 2021, the restoration of the site would be unfinished, resulting an incongruous landscape which would not conform to the approved scheme and would not be available or suitable for the future use as agricultural land and open space. The steep slopes on the internal flanks of the landfill, would be likely to have stability and containment issues unless additional material were to be buttressed against them and there could be issues with the landfill gas collection and leachate management infrastructure. Steep slopes would also cause issues for surface water drainage, which would require changes to the approved scheme to attenuate flow. Drainage within the central low-lying area would be difficult if left unfilled and would be likely to result in water bodies or wet areas forming. The creation of waterbodies close to the toe of any landfill slope is not advisable as it can cause instability. In order to enable restoration and ensure stability, the import of significant quantities of inert materials would be required.
- 5.63 The completion of the landfill operation and the restoration of the site would see the removal of the central valley area between the two domes of the existing restored area. The landscape of lakes, ponds, woodland and grassland slopes would continue to establish and mature and integrate into the surroundings. This accords with policies of the Development Plan which seek to ensure that developments are well designed to not be incongruous within the landscape and where possible positively contribute to the character of the area. Subject to conditions to secure an updated restoration and planting scheme the proposed extension to the life of the landfill is acceptable in landscape terms.

### **Noise**

- 5.64 The planning application proposes the Ling Hall Landfill and other waste management facilities continuing their current operations, using the same methods and working practices for a further 10 years together with the potential addition of the Incinerator Bottom Ash (IBA) facility which has not yet been built or brought into operation.

- 5.65 A noise assessment was submitted with the planning application. The methodology of the noise survey was agreed with the Rugby Borough Council Environmental Health Officer (RBC EHO). Sound surveys were undertaken at seven noise sensitive receptors around the Ling Hall site. A baseline survey was undertaken on a Sunday daytime when no activities on the site were in operation and an operational survey undertaken when the landfill site and associated facilities were working normally. As the IBA facility is not yet operational, the potential cumulative noise impact from this facility was considered using the noise assessment undertaken for the IBA facility planning application in 2013.
- 5.66 The assessment stated that it had not been possible to measure the noise level being generated by the fixed plant installations and the landfill operations independently, so a cumulative assessment in conjunction with PPG guidance was undertaken which represents a worst-case scenario. The assessment showed that at worst there is a minor impact at the nearest noise sensitive receptors from the cumulative noise being generated by the fixed plant and the landfill operations. The noise assessment states that there is not a history of noise complaints or issues associated with the site and for this reason it is considered that site specific mitigation measures are not necessary, and the site would be able to continue to operate in the current manner. The noise assessment outlines a number of general noise management procedures and actions to reduce the possibility of the site having adverse noise impacts for example limiting the use of noisy plant (not early in the morning), limiting the number of plant items in use at one time; ensuring tailgates are shut and locked before vehicles leave the tipping area; reduce speed of vehicles; avoid reversing where possible; regular and effective maintenance of plant.
- 5.67 Rugby Borough Council have raised no objection to the proposed extension of time for the landfill, subject to a suitably worded noise control condition to tie into the details of noise limits and General Noise Management Measures set out in the Noise Assessment.
- 5.68 Hours of operation for the landfill and other waste management facilities on the Ling Hall site are currently controlled by planning conditions, varied from the original planning consent. The application proposes that the landfill would continue to operate in accordance with the approved hours of 07:00 to 18:00 Monday to Friday, 07:00 to 13:00 Saturday with no operations on Sundays or Public Holidays. No activity is permitted to take place within 200 metres of any residential property before 08:00. A condition is recommended for the existing hours of operation to continue.



### **Air Quality / Dust and Odour**

- 5.69 The operation of the existing landfill and the associated waste management facilities have the potential to generate dust and odours as a result of the tipping of waste; vehicles moving around the site; sorting and handling of materials and operations to restore the site.
- 5.70 The Air Quality Assessment (AQA) submitted as part of the Environmental Statement addresses air quality relating to odour and dust. The assessment of both is made on the impact on 'sensitive receptors', which include any person, location or system that may be susceptible to changes as a consequence of the proposed development. In this case the sensitive receptors are identified as those properties located within 1 km of the application site.

### **Dust**

- 5.71 The AQA assessed the effects of dust on amenity as a result of the continued landfilling and composting, IBA processing and the street sweeping recycling facility over the proposed 10-year period.
- 5.72 The waste operations have the potential to produce both fine and coarse particulates.
- 5.73 The existing fine particle concentrations in the area have been monitored to be acceptable. On the basis that the proposed extension of the operation of the landfill for 10 years would be a continuation of the existing activities, the particle concentrations in the local area would not be expected to increase.
- 5.74 In relation to dust emission and dust soiling by larger particles, the main source would be from the landfill activities, particularly dust generated by vehicle movements within the site; active waste infilling and during the restoration phase.
- 5.75 In relation to the associated waste operations on the site, the compost operation is over 250 m from any offsite receptors and would not result in dust emissions beyond the site. The street sweepings recycling operation is a wet process as the waste material has a high moisture content and would not therefore be a source of dust however, the haulage of the sorted materials within the site could be a potential source of dust. The Incineration Bottom Ash (IBA) recycling facility is not yet in operation. When the facility is completed and in operation, the plant would accept imported bottom ash, graded and stockpiled. The process would be carried out within a building and would not present a source of dust, except for dust caused by haulage within the application site. The street sweeping and IBA facilities are within 250 m of the closest offsite receptors and would be expected to have a minimal impact by potential dust in the absence of any dust mitigation measures.

- 5.76 Dust management and control measures are currently used on site and would continue for the extended period if approved. Dust mitigation measures are set out in the Air Quality chapter of the Environmental Statement (table 6-9) and include the use of water bowsers to spray working areas; waste with a high dust potential is not deposited during windy/dry weather conditions; the landfill is covered daily, and restored areas are seeded/planted. It would be appropriate to ensure that adequate dust control is provided across the site by means of a suitably worded condition.
- 5.77 The landfill activity would continue to include the infilling of asbestos in designated cells on the site. Monitoring is undertaken in accordance with the Environmental Permit, the results of which show the risk of asbestos fibres being present in any dust emissions is negligible. Monitoring is undertaken twice per year, in prescribed upwind and downwind locations. This monitoring would continue throughout the proposed extended 10-year period.
- 5.78 Objections were received in relation to dust and one comment relating to asbestos. In a statement submitted in October 2020 the applicant advised that there had been one complaint reported to Rugby Borough Council regarding dust emissions in the three-year period prior to the preparation of the Environmental Statement. In addition, two complaints had been received by the EA from Lawford Heath Industrial Estate, both during 2019. The first of these was substantiated by the EA, in relation to asbestos waste placement and cover. Veolia advises that suitable operator replacements were subsequently made with additional monitoring and supervision undertaken. The second complaint was unsubstantiated by the EA who identified that the appropriate procedures for asbestos placement were being followed.

### **Odour**

- 5.79 The operations on the site that generate odour emissions include the landfill operation with the delivery and disposal of municipal solid waste and commercial and industrial waste, and the compost operation with the delivery, handling, shredding and turning of green waste. The street sweeping operation is not a significant source of odour as more than 80% of the material produced by the recycling process is mineral (aggregate, sand and silt).
- 5.80 The AQA submitted with the application assessed the potential effects of odour on amenity of continued landfilling and green waste composting over the proposed further 10-year period.

- 5.81 The disposal of non-hazardous waste at the landfill is controlled by the Environmental Permit controlled by the EA. The landfill site operates by the delivery of waste to the site by enclosed waste carrying vehicles to the tipping face where it is emptied into the landfill cell and compacted. The waste is capped either daily with a temporary covering or on completion of the landfill cell a permanent capping is applied. Leachate and landfill gas produced by the landfill is managed and controlled by the requirements of the Environmental Permit. The working methods of receiving waste and the rate of infilling would continue for the further proposed 10-year period in accordance with the Environmental Permit.
- 5.82 The composting operation processes imported green waste, wood and leaves from the road sweeping recycling operation. Green waste is shredded on arrival, stored on site in windrows to compost and screened using a mobile trommel to produce a soil improver for use in the restoration of the Ling Hall site or sold off site as compost. Wood waste is shredded or chopped on arrival and used either onsite for topping the haul routes or is sold offsite. Odour from the composting operation is potentially generated during the delivery and handling of waste; during the composting process or as a result of management of runoff from the compost pad. The Odour Assessment considered as part of the planning application for the composting operation approved in 2017 concluded that the resulting odour exposure would be insignificant. The composting installation is regulated by the Environmental Permit.
- 5.83 The Odour Assessment submitted with the current planning application looked at a worst-case scenario, assuming that the entire area remaining for infilling (cells 11,12 and 13) were in operation simultaneously. The conclusion was for a negligible impact on all sensitive receptors, with the exception of the closest receptor, Lawford Heath Industrial Estate, which was considered to have a slight adverse effect due to the proximity to the eastern boundary of the landfill. Infilling would however in reality continue to be phased, with a smaller area of the site in operation at one time with daily capping and progressive permanent capping to significantly reduce odour potential.
- 5.84 The AQA concluded that the proposed 10-year time extension of the current landfilling operations and associated waste recycling facilities at Ling Hall would result in a negligible effect with regard to odour and dust impacts on local receptors.
- 5.85 Consultation with the Environment Agency (EA), provided a response of no objection. The EA Officer clarified that the site operates under an Environmental Permit which remains in force until such time as it is surrendered, revoked or ceases to be in force due to the permit holder ceasing to be a legal entity. The site would continue to be regulated in this way.

- 5.86 Consultation with Rugby Borough Council Environmental Health Officer (RBC EHO) noted that the existing controls on odour, dust and air quality are to be maintained. The first consultation response from RBC EHO in February 2020 advised that there had been no recent history of complaints and raised no objection to the proposed extension of time for the landfill operation.
- 5.87 Objections were received in response to the consultation on the current planning application from local residents and a neighbouring business on the Lawford Heath Industrial Estate in relation to smell from the landfill site; dust from the site covering cars and washing, and occasional smell from the methane collection chimneys. In addition, a request was made by an objector that planning conditions should be included on any new permission granted to control odour, including a condition requiring air quality testing to ensure the site is not adversely affecting the health of neighbouring residents.
- 5.88 In July 2020 complaints of odours from the landfill site were received by Warwickshire County Council Waste Management and also by Rugby Borough Council Environmental Health and the Environment Agency. Perimeter odour inspections were carried out by the Veolia Manager on site at Ling Hall Landfill. At that time the manager advised there was a faint odour from the tipping area as expected but the area was being progressively covered up as normal practice and the odour was not detected off site. There was some odour detected around the leachate wells in the area currently being restored. Additional sealing was applied to the wells to address the issue; however, this odour was not detected off site in the odour assessment.
- 5.89 In the light of the recent odour complaints, further consultation was carried out with both RBC EHO and the EA.
- 5.90 The EA advised that while there have been an increased number of complaints, only one of these had been substantiated by the applicant. In relation to the remainder, Veolia had stated that no odour was detected. There have been some odour descriptions that would not necessarily point to the landfill for example, a claggy oily smell. There may be other potential sources of odours in the area such as land spreading.
- 5.91 The RBC EHO advised that by August 2020 there had been 6 odour complaints received describing variously a glue-like or chemical smell. The source of the odour had not been confirmed to date. The odour did not appear to be related to agricultural activities, and only one of the complainants maintained that the smells were from the landfill site. The odours tend to occur during the late afternoon or early evening. Staff at Ling Hall landfill had been contacted by RBC EHO who confirmed that they cease work at 5 pm and denied that they were the likely source. In the updated response, the RBC EHO stated they had regard to the existing controls to be maintained with respect to odour, noise, dust, air

quality, transport and the relevant guidance within the NPPF etc concerning use of planning conditions where other regulatory frameworks exist to control operations. There were considered to be insufficient grounds to object to this application.

- 5.92 In October 2020 the applicant submitted a further document in response to the complaints received in relation various issues including odour. The applicant clarified that as part of the day to day management of the landfill site, site personnel carry out (as required by the permit) daily odour checks both internally and externally. In addition, the measures taken to minimise the effects or occurrences of odour include waste brought onto site with noticeable high odour are immediately covered with other waste or soils; phased infilling to minimise exposed areas of waste; waste transferred to tipping face in enclosed vehicles, progressive capping of completed areas; leachate chambers and monitoring points are covered and sealed, landfill gas extraction systems are installed in all capped areas and monitoring of meteorological conditions. In relation to the complaints of odour virtually all have been unsubstantiated, with odours being identified from other sources in the area, mainly associated with agricultural operations and not the landfill. On one occasion this year site management undertook numerous checks and given the wind direction confirmed the source of odour to be piles of manure on a nearby farm.
- 5.93 While it is acknowledged that there have recently been complaints of odour in the vicinity of the application area, they are not confirmed to be as a result of the landfill operation. The relevant authorities are aware of the issues and are investigating. The waste management processes at the site would continue to be controlled by the EA through the Environmental Permit. Neither the EA or RBC EHO have raised an objection to the planning application despite the complaints or recommended additional planning conditions (with the exception of a noise condition to ensure the noise levels comply with the limits and management measures in the Noise Assessment).

### **Litter**

- 5.94 Comments and objections have been received from local residents and businesses raising litter as a problem. In particular there have been a couple of storms during this year which have resulted in waste for example, light plastic, to blow out of the site and across the surrounding countryside. An opinion was expressed that there was adequate time to prepare for the storm and that tipping should have ceased and the active waste area covered to prevent the spread of litter that resulted from the storm.
- 5.95 Litter is controlled by the environmental permit for the landfill site and regulated by the EA. The applicant acknowledged in February this year that there had been problems as a result of Storm Ciara but explained that a team of litter pickers had been dispatched to clean the affected

areas of the site. In October 2020 the further document submitted by applicant clarified that the storm earlier in the year had damaged the site's litter fencing resulting in the release of litter from the site. The company advised that the issue of litter is taken seriously by the operators and results on occasions in the closure of the site. During the storm periods in the earlier part of this year the landfill site was closed for 20 days in January, 17 days in February and for 4 days in March in order to prevent the problem occurring. The EA in their consultation response raised no objection to the continuation of the landfill operation and confirmed that control of the site would continue by means of the Environmental Permit.

### **Transport / Highway Issues**

- 5.96 The Ling Hall Landfill site is accessed via the A45 London Road; the southern section of Lawford Heath Lane and the entrance to the site on Coalpit Lane. The Transport Statement submitted with the application advises that the Landfill currently generates 102 trips (204 movements), the Road Sweepings Facility 11 trips (22 movements), Composting 11 trips (22 movements), Concrete Batching and Roadstone Coating combined 39 trips (78 movements) giving a daily total of 163 operational trips (326 movements). The two facilities on the site which are not yet operating are the IBA facility and the Solar Farm, the former would generate 22 trips (44 movements) and the latter a negligible daily number of trips. The addition of these facilities would bring the daily total of operational movements to 185 trips (370 movements). The level of traffic movements associated with the Ling Hall site is currently lower than the historic level prior to 2009 when the quarry was active.
- 5.97 The application states that the proposals do not seek to increase or alter the patterns of vehicular trip generation of the site and the Transport Statement concludes that the residual impact of the proposed operation of the site would be negligible and would not result in an unacceptable impact on road or junction capacity, driver delay, road safety or amenity and is acceptable in traffic and transport terms. WCC Highways raised no objection to the proposed development on highway grounds. Highways England also raised no objection to the proposed development.
- 5.98 A Section 106 agreement is in place on the Ling Hall Landfill site to control the routing of vehicles to and from the site. Vehicles are permitted to enter the site from Coalpit Lane and to leave only by turning left out of the site onto Coalpit Lane and to travel directly to the junction of the A46/A4071 on the southern stretch of Lawford Heath Lane. Vehicles are not permitted to turn left at the junction of Coalpit Lane and Lawford Heath Lane and travel north-east towards Lawford Heath. A new S106 agreement would be required for any new planning consent on the Ling Hall Landfill site to control vehicle movements for the duration of the use and restoration of the site.

- 5.99 Objections have been received from local residents and businesses stating that vehicles from the landfill operation are travelling along the northern section of Lawford Heath Lane towards Lawford Heath, contrary to the agreed routing for vehicles. The S106 agreement does allow for vehicles carrying waste derived from the local area to be able to travel along this section of Lawford Heath Lane. The route is however used by other companies and vehicle operators in the area and it is likely that some of the vehicles subject of complaint are not associated with the landfill operation. It is considered that the renewed S106 agreement would be appropriate to control the routing of vehicles to and from the site. The S106 agreement does include the requirement for the erection of a sign or signs within the application site notifying drivers of HGV of the requirement to use the approved routes only. *This signage has historically been provided within the site, at the exit onto Coalpit Lane. The current condition of the sign should be reviewed, and the sign replaced / maintained as necessary as part of the S106.*
- 5.100 Objections have been raised to the queuing of trucks on the highway between the A45 junction with Lawford Heath Lane, up to the entrance to the Ling Hall Landfill entrance in Coalpit Lane prior to the site opening at 7:00 am. The result is reduced visibility for other road users; a deterioration of the highway verges and the fouling of the area as a result of the absence of facilities for drivers. This situation is however unfortunately common at waste and mineral sites where HGV's arrive early to a site before it opens. The applicant has advised that many of the HGVs visiting the site are operated by third parties and so not under the control of Veolia or able to take disciplinary action. The company has recognised the problem and tried to address it. Veolia advises that all customers have been written to in order to advise them that HGVs should not arrive at the site before it opens and should not park on the public highway outside the gates. In addition, the company erected 'No Parking' signs in March 2020 on the highway verge adjacent to the landfill site entrance to discourage drivers from parking there.
- 5.101 Objections have also been received relating to mud on the road in the vicinity application site. The Ling Hall Landfill does have an operating wheel wash and road sweepers are used on and around the application site as part of the current operation. There is a distance of over 200 m of hard surfaced internal access road between the wheel wash and the entrance to the site. The applicant advised that a road sweeper is hired to clean the site and the adjacent highway three days per week. Twice each week the road sweeper runs from the weighbridge as far as the A45 (some 750 m). During periods of bad weather, the frequency of road sweeping is increased. Planning conditions are recommended to ensure that the wheel washing facilities are retained and maintained during the extended life of the landfill.

## Ecology

- 5.102 The Ling Hall Landfill has been in operation since the completion of the mineral extraction. The subsequent site restoration has been completed / partially completed across a significant proportion of the application site. The northern area of the site towards Ling Lane and the southern section of the site on either side of the central operational area have both been restored to grassland and are maintained by sheep grazing.
- 5.103 The Landscape Masterplan produced by David Tyldesley and Associates in 1991 (Ref no: 483/14B) was accepted in 1991 to discharge the pre-commencement conditions for the original planning consent relating to restoration levels and landscaping and remains the approved restoration plan currently in use by the applicant.
- 5.104 The Ecological Impact Assessment (EclA) submitted with the application examined the impact of the landfill and restoration activities on the land within the application site that would in the future be subject to extensive works to remove vegetation and engineering works to prepare the area for use as a landfill cell. The EclA did not focus on the areas of the site that have been previously restored; those which have been recently tipped and are awaiting imminent restoration; areas of the site which are currently used for ancillary activities or on the current active operational areas as these areas would not impact ecological interests.
- 5.105 The main area of study for the EclA was the area for future tipping in the southern part of the central area of the application site that has been left largely undisturbed for some ten years and as a result has developed a mosaic of habitats with an ecological interest. There are two lagoons which are operational features which will be removed in the course of the landfill operation. To the south of the lagoons is an undulating area of some 4 hectares of deposited overburden 'tailings' which have been colonised by grassland, young trees and reeds. In addition, there are areas of low-lying land occupied by a semi-permanent pond and ditch with a mixed habitat of willow scrub, reedbed, brambles and grassland. While the adjacent bank adjoining the previous landfill, cell is a habitat of tall ruderal vegetation.
- 5.106 The EclA explains that surveys were undertaken at the application site for amphibians, bats, badgers, reptiles and nesting birds. The surveys did not record the presence of reptiles and the potential for the presence of large or diverse populations of amphibians including great crested newt was considered to be low. Birds were found to use the habitat for nesting, although the number of species of conservation concern recorded was low. A stockpile is in use by sand martins on site. There is habitat potentially for little ringed plover on the margins of the lagoon, although they have not been recorded to be breeding in surveys undertaken in 2014 or 2019. No badgers were recorded to be



present. A small number of bats were found to be active but no buildings or trees with the potential to support bat roosts were recorded. The EclA concluded that habitats valued at a site level of importance have developed in the area of the site for the remaining landfill cells and that the habitat would be lost when landfill activities are completed. To compensate for the loss, the assessment states that the restoration scheme would be revised to ensure that replacement habitats of a greater extent are provided through restoration to ensure a biodiversity increase.

- 5.107 The County Ecologist required a Biodiversity Impact Assessment (BIA) to be undertaken prior to determination of the application in the light of the loss of the two lagoons and other habitat that has established over recent years within the area of future landfill in order that an appropriate amount of compensation can be applied to an updated restoration plan.
- 5.108 The applicant has clarified that had landfilling progressed as originally planned the water features and open mosaic habitat which established as a result of lack of management of the areas, would have been lost. However, in view of the loss of this habitat, enhancements to the restoration scheme have been put forward in the application to provide 6 hectares of higher quality habitats, including the creation of 4 hectares of lowland calcareous grassland and scrub; 1 hectare of reedbed/marsh; 1 hectare of carr woodland (waterlogged woodland of willow and alder) and two sand martin banks, over 50 metres in length. The special habitat proposed to be created in addition to the previously approved restoration masterplan was included in the BIA and demonstrated the revised scheme would give a biodiversity gain of 7.96 units on completion of restoration across the landfill site. The County Ecologist accepted the BIA calculations and recommended conditions to ensure the biodiversity gains are secured at the restored site. In addition, suitably worded conditions are recommended to ensure that species and habitats are protected during working and restoration of the Landfill site.

### **Drainage and Flood Risk**

- 5.109 A Flood Risk Assessment (FRA) was submitted with the planning application, as part of the Environmental Statement supporting the application. The site is located within Flood Zone 1. The risk of flooding from fluvial sources is low.
- 5.110 The topography of the site has been regularly altered as a result of the ongoing landfill and restoration. The FRA advises that in relation to surface water flooding, surface water is managed at the site in line with the Surface Water Management Plan (SWMP) prepared as part of the requirements under the Environmental Permit for the site. Surface water is routed to 5 surface water ponds located across the site. For example, along the northern edge of the Ling Hall site is Swale A which

runs along the line of the restored landfill, parallel with Ling Lane to the north. The swale directs water from west to east channelling surface water to an area of wetland on the eastern side of the site. A pipe links the area of wetland to the large triangular shaped pond 'A'. The water attenuates here and discharges to ground. The ponds across the site have been designed to contain all surface water produced from runoff at the site for up to and including the 1% Annual Exceedance Probability (AEP) allowing for a 40% increase in peak rainfall as a result of climate change. The FRA advises that no surface water is discharged from the site.

- 5.111 The proposal is for the extension of the landfill operation for an additional 10 years during which time the site would continue to be operated, managed and regulated in accordance with the site-specific Environmental Permit which is regulated by the EA.
- 5.112 Objections have been received from a neighbouring landowner stating that large volumes of surface water have discharged from the landfill site, across Ling Lane resulting in damage to the highway and surrounding agricultural land. It is suggested that planning conditions relating to site drainage should be imposed.
- 5.113 At the time of the Officer's site visit in January 2020, Ling Lane did have areas of standing water and the roadside ditches were full of water. However, this was at a time when there had been abnormally high rainfall episodes during the winter of 2019/2020 when large areas of the County and indeed the Country had experienced flooding issues.
- 5.114 In correspondence, the EA advised that during the very wet weather there was some localised flooding on Ling Lane as a result of water from the farm fields and surrounding ditches and not surface water from the landfill, the latter being intercepted by a system of balancing pools. The drainage of the site is controlled by the Environmental Permit for the site (including the approved SWMP) and could be enforced by the EA if problems were to arise. The EA have stated that they have no objection to the planning application for the extension of time for the operation of the landfill site and confirmed that they would take enforcement action if it was required. The Local Lead Flood Authority (LLFA) has no objection to the development proposals in relation to drainage and surface water management.
- 5.115 In October 2020 the applicant submitted a response to the complaints in relation to flooding and surface water drainage. The document reiterated that the surface water management scheme approved by the EA under the Environmental Permit in 2017 has been implemented in full for the developed areas of the landfill site. The high levels of rainfall experienced during the winter of 2019/2020 saw large tracts of land across the UK underwater. Some localised flooding of land to the north of the landfill site occurred. The site management met with a local landowner to discuss the flooding of the land to the north, including

Ling Lane. The water was flowing towards the landfill site from an overtopped agricultural drainage ditch and from the agricultural land. The water level in the landfill drainage swale was at that time lower than the drainage ditch adjacent to the highway and the swale was coping adequately with the surface water flows. The applicant advised that in the spirit of goodwill, an excavator was hired to clean and increase the capacity of the existing road drain along the perimeter hedge to help drain Ling Lane. The applicant states that at that time the landowner also hired an excavator to clear his blocked ditches. There was heavy rainfall in August 2020 and no flooding or complaints were made at that time.

### **Archaeology/Historic Environment**

- 5.116 The Ling Hall site has been in operation since 1993 and was the subject of a programme of ongoing archaeological site investigations from 1992, both prior to and during the development of the quarry. The archaeological investigations in the landfill cells in the northern and southern areas of the site have been completed and the land restored. Archaeological investigations have been undertaken and sand and gravel excavated from the area of landfill cells currently being infilled with the exception of the line of the former runway of RAF Church Lawford.
- 5.117 A Cultural Heritage Assessment submitted with the application detailed that the assessment had studied two areas; an Inner Study Area which comprised all land within the application site boundary and an Outer Study Area which extended up to 2 km beyond the Inner Study Area.
- 5.118 There are no world heritage sites, registered battlefields, registered parks and gardens or conservation areas within the Outer Study Area.
- 5.119 There are seven listed buildings within the vicinity of the application site, the closest being the Grade II listed Lawford Lodge Farm and attached barn 160 metres to the north of the northern edge of the application site; Grade II listed Manor Farmhouse and attached wall a gateway some 400 metres to the west of the application site and Grade II listed Park Farmhouse some 450 metres to the south-west of the application site. The Cultural Heritage Assessment considers the magnitude and significance of the impact on these listed buildings to be nil.
- 5.120 There is a scheduled monument immediately to the south of the application site, Lawford Heath (1020937), a prehistoric pit alignment and associated features. Cropmarks previously showed that the pit alignment extended into parts of the application site and excavations carried out in 1999 and 2000 indicated that settlement extending several time periods had occupied part of the application site. The features excavated from the landfill site have been removed and have an archaeological record. The scheduled monument remains intact.

The landfill is already complete and restored in the area adjacent to the scheduled monument and the continuation of the landfill operation would have no effect on the monument.

- 5.121 The Cultural Heritage Assessment concludes that there are no identified effects upon the setting of designated heritage assets in the Study Areas and that no mitigation measures are required with regard to impacts on setting. *There is the potential for archaeological features to be found beneath the surface of the former RAF Church Lawford runway when it is excavated for the final landfill cells, although any archaeological remains could have been affected by the construction of the runway.* The Assessment concludes that a programme of archaeological watching brief should be required prior to any ground-breaking activities in the area of the former runway in order to identify and record any archaeological remains.
- 5.122 The County Archaeologist agreed with the Cultural Heritage Assessment that a programme of archaeological work should be undertaken to mitigate any impacts that the proposed development would have on any archaeological features which survive across the site, however, recommended that a programme of stripping of topsoil and subsoil (and/or any more modern layers) under archaeological control and the excavation and recording of any archaeological features present would be appropriate rather than a 'watching brief'. It may however be appropriate to vary this strategy across parts of the site dependent on the works proposed across the area in question, the level of past disturbance across that area and its archaeological potential. This is considered appropriate and a suitably worded condition is recommended.
- 5.123 The County Archaeologist also advised that the requirements of condition 3 relating to a programme of archaeological work attached to the original planning consent for Ling Hall Quarry R16/890805 had not been completed. While some of the fieldwork had been undertaken across parts of the quarry site, the subsequent post-excavation analysis, reporting and archiving had not been. It is recommended that any new consent for this site should secure the completion of the programme of archaeological work as secured by condition in the original consent.
- 5.124 It is considered that while the ownership of the Ling Hall Landfill site has changed since the original planning permission for the mineral extraction was granted in 1991, it remains appropriate that the previous requirements for the analysis, reporting and archiving of the archaeological works should be completed by the current site operators. For this reason, a suitably worded condition is recommended to ensure the requirements of condition 3 of R16/890805 are met.

## 6. Conclusions

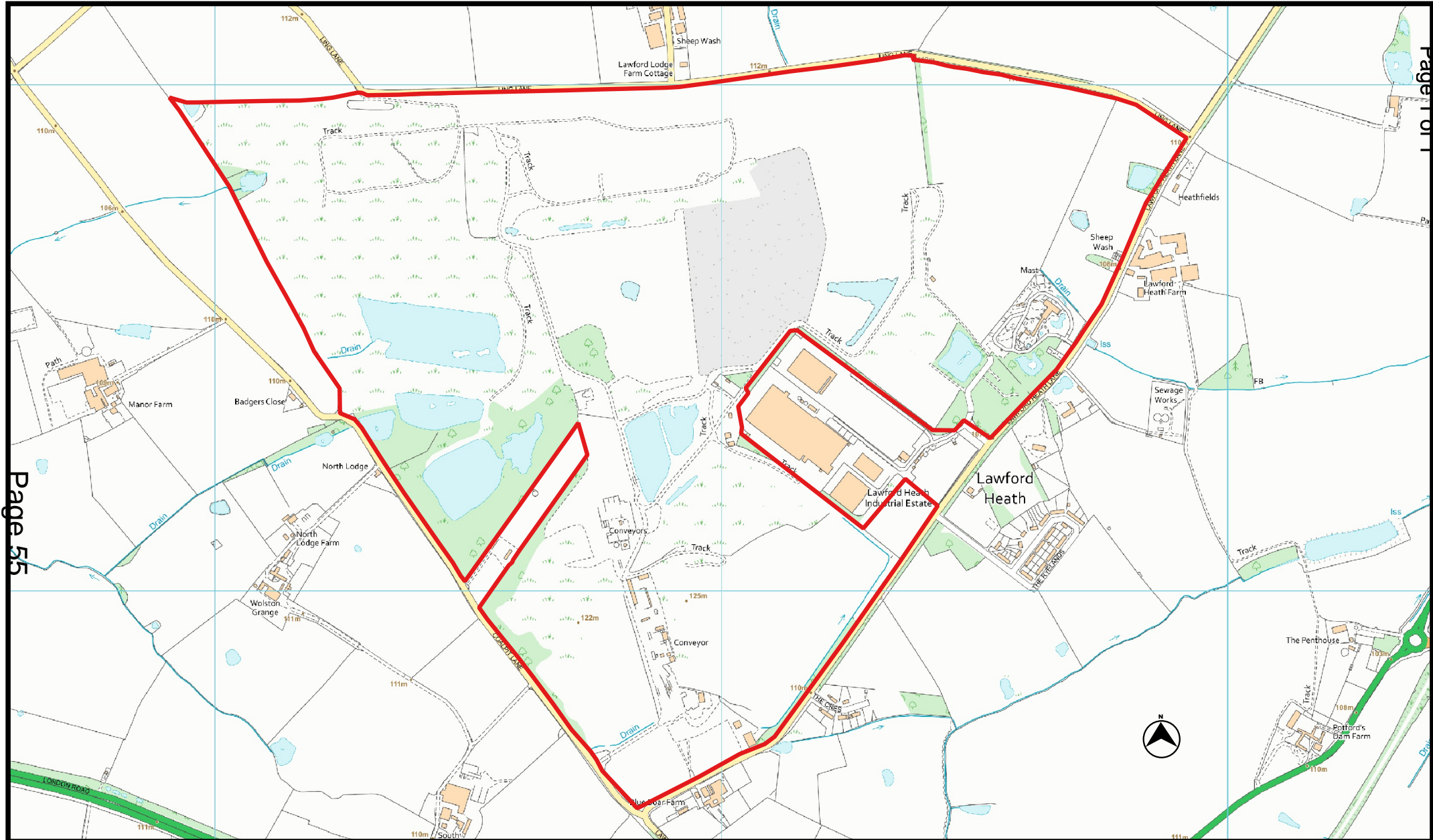
- 6.1 The Ling Hall landfill site is a modern landfill facility of strategic importance, permitted by the Environment Agency to accept a range of non-hazardous waste types, providing Warwickshire and the wider region with facilities to manage residual waste that cannot be managed by other facilities higher up the waste hierarchy.
- 6.2 As a result of a reduction in landfill rates due to increased recycling and to economic changes, there remains a 4 Million cubic metre void space at the Ling Hall Landfill. Given the current input rates of 400,000 tonnes of waste per annum, the planning application is seeking to extend the life of the landfill for an additional 10 years to comply with the landfill restoration and profiling agreed by the original planning consent in 1991. The proposals are considered to accord with the NPPF and the Development Plan in continuing to help meet the waste management needs of Warwickshire at an existing waste management site.
- 6.3 The NPPF and policies of the Development Plan seek to manage the impact of development proposals on the amenity of local residents and to protect the natural and built environment from adverse impacts. The proposed development is an extension of time for the existing landfill operation which would not result in an increase in operating hours or changes to the current operating practices of the waste operations on the Ling Hall site. The site is controlled by an Environmental Permit, which would continue to be monitored by the Environment Agency for the extended life of the operation. Subject to the imposition of suitably worded conditions it is considered that the continued operation of the landfill would be carried out in broad accordance with the aims of the policy framework and would not result in unacceptable impacts on the environment and local amenity. It is, therefore, suggested that the application can be regarded as consistent with the development plan overall.
- 6.4 The application site is located in the Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. Mineral extraction is regarded in the NPPF and at the time of the original planning consent for mineral extraction and restoration by landfilling, by PPG2 (Green Belts), as a not inappropriate form of development in the Green Belt provided that openness is preserved. The development was approved in 1991 on the grounds that the openness of the Green Belt would be preserved following the completion of the temporary mineral extraction and restoration of the site. The proposed extension of time for the landfill would delay the restoration of the site but would not alter the impact on the openness of the Green Belt and for this reason remains acceptable in this Green Belt location in accordance with the Development Plan.

- 6.5 If the landfill operation at the Ling Hall site were to cease in May 2021, in accordance with the currently permitted timetable, the site would not be suitable for agriculture or for access by the public and would not conform to the approved restoration masterplan with ponds, wooded areas and grazing land, but would retain a large central void. Continuation of the landfilling operation to achieve the approved restoration levels and the implementation of a suitably amended restoration scheme would accord with the aims of the Development Plan requiring development to positively contribute to the character of the area and would ensure the creation a well-designed landscape integrated into the surrounding area, to the long-term benefit of the area.
- 6.6 It is considered that the proposed development to extend the operation of the landfill for a further 10 years, when assessed against the policies of the Development Plan and the NPPF would not have an adverse impact that would outweigh the benefits of the completion of the landfilling operation and restoration of the application site. The application is recommended for approval subject to conditions.

## 7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference RBC/20CM002
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

	<b>Name</b>	<b>Contact Information</b>
Report Author	Sally Panayi	sallypanayi@warwickshire.gov.uk 01926 41 2692
Assistant Director for Environment Services	Scott Tompkins	scotttompkins@warwickshire.gov.uk
Strategic Director for Communities	Mark Ryder	markryder@warwickshire.gov.uk
Portfolio Holder	Cllr Jeff Clarke	



**Application No: RBC/20CM002**  
**Ling Hall Quarry Landfill, Coalpit Lane, Lawford Heath, Rugby**  
**Variation of condition 53 - Extend life of the landfill by 10 years until 14 May 2031**

Regulatory Committee 03 Nov 2020  
 Scale 1:10000 Drawn by: SP Dept: Communities

Warwickshire County Council  
 Shire Hall  
 Warwick, CV34 4SA  
 Telephone (01926 410410)  
[www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)



This page is intentionally left blank



## Appendix B

### Land at Ling Hall Quarry Landfill Site, Coalpit Lane, Lawford Heath, Rugby, CV23 9HH

**Application seeks permission for the variation of condition 53 of planning permission R16/890805 in order to extend the life of both the landfill and associated waste management facilities for a further 10 years until 14th May 2031.**

### RBC/20CM002

#### Planning Conditions.

1. The development hereby permitted shall be carried out in accordance with the application forms, Supporting Planning Statement (SLR Ref: 402.00156.00215 FINAL December 2019 Vol 1); Environmental Statement (SLR Ref: 402.00156.00215 FINAL December 2019 Vol 2); Reptile Survey (SLR Ref: 402.00156.00215 Version No: 1 November 2019); Breeding Bird Report 2019 (SLR Ref: 402.00156.00215 Version No: vf November 2019); Bat Survey (SLR Ref: 402.00156.00215 Version: FINAL November 2019); Landscape and Visual Assessment; Flood Risk Assessment (SLR Ref: 402.00156.00215 Version No: 1 November 2019); and drawings:
  - 320\_30Presett\_0506 – Pre-Settlement Contours dated 19.05.06;
  - 320FRC804.PDF – Final Post Settlement Restoration Contours dated August 2004;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.
2. The development to which this permission relates shall cease, all plant and machinery and structures associated with the landfill and the other waste management uses on the site shall be removed and the site shall be fully restored on or before 14 May 2031.

**Reason:** To ensure timely and expeditious restoration of the site.

### **Pre-Commencement**

3. The works associated with the preparation, infilling and restoration of Landfill Cells numbered 11, 12, 13 and 14 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 working method statements for great crested newts, reptiles, badger and nesting birds including pre-commencement checks, and an eradication scheme for New Zealand Pygmy weed, 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

4. The works associated with the preparation, infilling and restoration of Landfill Cells numbered 11, 12, 13 and 14 shall not be commenced until a detailed Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The Plan shall include an updated restoration plan and aftercare scheme and 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 and the location of log piles). The approved Plan shall be implemented in full.

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

### **Access/roads/traffic/vehicles**

5. The access road between the wheel wash and public highway shall be maintained in macadam or other suitable hard bound material for its whole length for the duration of the development.

**Reason:** In the interests of highway safety.

6. The existing wheel wash, or a replacement approved by the County Planning Authority, shall be retained on site in its current location and used by all vehicles exiting the landfill area throughout the duration of the development.

**Reason:** In the interests of highway safety.

7. Before any vehicle leaves the site, it shall be sufficiently clean to prevent it from depositing deleterious material on the public highway.

**Reason:** In the interests of highway safety.

8. Road sweepers shall be used to keep the hard-surfaced internal roads and access areas clean to ensure that no mud or other debris is deposited on the public highway.

**Reason:** In the interests of highway safety.

9. No loaded lorries shall enter or leave the site unless they are sheeted, netted or otherwise appropriately secured. **Reason:** In the interests of highway safety.

### Noise

10. The following measures in the SLR assessment of noise provided as 'Noise' chapter 9, of the Environmental Statement Ling Hall Landfill- Volume 2A shall be implemented and observed:
  - the derived noise limits for the landfill operations identified in table 9-11 (with consideration given to the notes accompanying table 9-12)
  - the General Noise Management recommendations detailed in paragraphs 9.94 to 9.98.

Any monitoring undertaken should be in accordance with the relevant methodologies identified in the SLR assessment.

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

11. 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 to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential amenity.

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

12. 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, equipment or 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.

## Dust

13. At no time during the development shall any operations take place which, despite the use of dust control measures, would give rise to airborne dust levels sufficient to cause nuisance to properties around the site. If measures to prevent dust nuisance prove ineffective to prevent such nuisance, then the operations which cause that nuisance shall temporarily cease until such time as the weather conditions change and dust suppression becomes effective.

**Reason:** To protect the amenity of the area and local residents from dust.

## Environmental Protection

14. Except as may be otherwise agreed in writing by the County Planning Authority, none of the operations or uses authorised or required by this permission:
- i) shall take place except during the following hours:  
07:00 to 18:00 hours Monday to Friday;  
07:00 to 13:00 hours on Saturdays;
  - ii) shall take place within 200 metres of any residential property except during the following hours:  
08:00 to 18:00 hours Monday to Friday,  
08:00 to 13:00 Saturdays.

No operations or uses shall take place on Sundays or public holidays.

## Restoration

15. A detailed restoration scheme for each remaining phase of the infill development shall be submitted to and approved in writing by the County Planning Authority before infilling progresses into the next landfill cell. The submitted scheme shall include details of planting schemes and habitat creation. Following approval, the restoration plans shall be carried out in accordance with the approved timetable for implementation.

**Reason:** In order to ensure satisfactory and timely restoration of the site.

### Aftercare

16. Three months prior to the placement of any top-soil, final soil cover or at the completion of restoration works within each phase, whichever is sooner, a detailed Aftercare Scheme for that area shall be submitted to the County Planning Authority for approval. The Scheme shall specify the steps to be taken and the five-year period in which they are to be taken. The approved Scheme shall be implemented in full.

**Reason:** To ensure the satisfactory and early restoration and aftercare of the site.

### Drainage

17. The development hereby permitted shall be carried out in accordance with the Ling Hall Landfill Site Environmental Statement Vol 2 – Chapter 10 - Water Environment by SLR dated December 2019, except to the extent that the County Planning Authority agrees in writing to any modification.

**Reason:** To ensure that the flood risk and surface water drainage is adequately managed throughout the lifetime of the development.

17. All reasonable steps shall be taken to ensure that drainage from areas adjoining the site is not impaired or rendered less effective by the permitted operations.

**Reason:** In the interest of water management.

18. All reasonable steps shall be taken, including the provision of any necessary works, to prevent damage by erosion, silting or flooding, and to make proper provision for the disposal of all water entering, arising on or leaving the site during the permitted operations.

**Reason:** In the interest of water management.

19. Within 18 months of the date of this decision notice the post-excavation analysis, reporting and archiving in respect of areas where archaeological fieldwork has already taken place at the date of this decision notice shall be completed in accordance with the written scheme of investigation approved under condition 3 of planning permission R16/890805.

**Reason:** To protect and record features of archaeological importance.

20. Within 3 months of the date of this decision notice (or such other date as the County Planning Authority may agree), an updated Written Scheme of Investigation including a programme of further archaeological fieldwork and post-excavation analysis, reporting and archiving shall be submitted to, and agreed in writing with, the County Planning Authority. That programme of archaeological work shall be completed in accordance with the approved Written Scheme of Investigation.

**Reason:** To protect and record features of archaeological importance.

### **Development Plan Policies Relevant to the Decision.**

#### Warwickshire Waste Core Strategy, Adopted Local Plan (2013 – 2028)

- Policy CS1 – Waste Management Capacity
- Policy CS2 – Spatial Waste Planning Strategy for Warwickshire
- Policy CS3 – Strategy for Locating Large Scale Waste Sites
- Policy CS7 – Proposals for disposal facilities
- Policy DM1 – Protection and enhancement of the natural and built environment
- Policy DM2 – Managing Health and Amenity Impacts of Waste Development
- Policy DM3 - Sustainable Transportation
- Policy DM6 – Flood Risk and Water Quality
- Policy DM7 – Aviation Safeguarding
- Policy DM8 – Reinstatement, restoration and aftercare

#### Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019)

- Policy GP1 – Securing Sustainable Development
- Policy NE1: Protecting Designated Biodiversity and Geodiversity Assets
- Policy NE3: Landscape Protection and Enhancement
- Policy SDC1: Sustainable Design
- Policy SDC2: Landscaping
- Policy SDC3: Protecting and Enhancing the Historic Environment:
- Policy SDC5: Flood Risk Management
- Policy SDC6: Sustainable Drainage
- Policy SDC7: Protection of the Water Environment and Water Supply:
- Policy D1: 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 paragraph 38 contained within the National Planning Policy Framework 2019.

### Notes

1. The applicant's attention is drawn to the need for the development to comply with Approved Document B, Volume 2, Section B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc. regarding this can be found at; [www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning](http://www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning)  
Where compliance cannot be met, please provide details of alternative measures you intend to put in place.
2. Please also note The Warwickshire County Council Guide 2001, Transport and Roads for Developments, Section 5.18; Access for Emergency Vehicles.

This page is intentionally left blank



## **Regulatory Committee – 3 November 2020**

**Land at Ling Hall Quarry Landfill Site, Coalpit Lane,  
Lawford Heath, Rugby, CV23 9HH**

**Application seeks permission for the variation of  
condition 53 of planning permission R16/890805 in  
order to extend the life of the landfill and associated  
waste management facilities for a further 10 years  
until 14th May 2031.**

### **RBC/20CM002**

**Warwickshire County Council**

#### **Decision**

The decision of the Regulatory Committee on 8<sup>th</sup> September 2020 to grant planning permission to vary condition 53 of planning permission R16/890805 to extend the life of the landfill for a further 10 years, resulting in a revised end date of 14th May 2031. In addition, the grant of planning permission would retain the Street Sweeping Recycling Facility; Incineration Bottom Ash and the Open Windrow Green Waste Composting Facility for the duration of the extended life of the landfill, until 14th May 2031, subject to conditions pursuant to Application RBC/20CM002 (“the Application”).

#### **Notice of Environmental Information**

In accordance with Article 22(2) of the Town and Country Planning (General Development Procedure) Order 1995 (“the GDPO”) and Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) 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 21(1) of the EIA Regulations**

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

The following measures will be secured through planning conditions: -

- (1) Limit upon the timescale of the development.
- (2) A restriction on the hours of operation of the site.
- (3) Measures to ensure the cleanliness of the highway.
- (4) Measures to control dust.
- (5) Measures to prevent adverse noise impacts.
- (6) Measures to ensure biodiversity net gain.
- (7) Habitat and species protection measures.
- (8) A comprehensive restoration scheme.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 08 September 2020 (“the Report”) and in the Environmental Information.

## **Statement Under Regulation 21(1) of the EIA Regulations**

### **Summary Under Article 22(1)(a) of the GPDO**

### **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 Ling Hall landfill site is a modern landfill facility of strategic importance, permitted by the Environment Agency to accept a range of non-hazardous waste types, providing Warwickshire and the wider region with facilities to manage residual waste that cannot be managed by other facilities higher up the waste hierarchy.

As a result of a reduction in landfill rates due to increased recycling and to economic changes, there remains a 4 Million cubic metre void space at the Ling Hall Landfill. Given the current input rates of 400,000 tonnes of waste per annum, the planning application is seeking to extend the life of the landfill for an additional 10 years to comply with the landfill restoration and profiling agreed by the original planning consent in 1991. The proposals are considered to accord with the NPPF and the Development Plan in continuing to help meet the waste management needs of Warwickshire at an existing waste management site.

The NPPF and policies of the Development Plan seek to manage the impact of development proposals on the amenity of local residents and to protect the natural and built environment from adverse impacts. The proposed development is an extension of time for the existing landfill operation which would not result in an increase in operating hours or changes to the current operating practices of the waste operations on the Ling Hall site. The site is controlled by an Environmental Permit, which would continue to be monitored by the Environment Agency for the extended life of the operation. Subject to the imposition of suitably worded conditions it is considered that the continued operation of the landfill would be carried out in broad accordance with the aims of the policy framework and would not result in unacceptable impacts on the environment and local amenity. It is therefore suggested that the application can be regarded as consistent with the Development Plan overall.

The application site is located in the Green Belt the fundamental aim of which is to maintain openness by not allowing inappropriate forms of development, except in very special circumstances. Mineral extraction is regarded in the NPPF and at the time of the original planning consent for mineral extraction and restoration by landfilling, by PPG2 (Green Belts), as a not inappropriate form of development in the Green Belt provided that openness is preserved. The development was approved in 1991 on the grounds that the openness of the Green Belt would be preserved following the completion of the temporary mineral extraction and restoration of the site. The proposed extension of time for the landfill would delay the restoration of the site but would not alter the impact on the openness of the Green Belt and for this reason remains acceptable in this Green Belt location in accordance with the Development Plan.

If the landfill operation at the Ling Hall site were to cease in May 2021, in accordance with the currently permitted timetable, the site would not be suitable for agriculture or for access by the public and would not conform to the approved restoration masterplan with ponds, wooded areas and grazing land, but would retain a large central void. Continuation of the landfilling operation to achieve the approved restoration levels and the implementation of a suitably amended restoration scheme would accord with the aims of the Development Plan requiring development to positively contribute to the character of the area and would ensure the creation of a well-designed landscape that would integrate into the surrounding area, to the long-term benefit of the area.

It is considered that the proposed development to extend the operation of the landfill for a further 10 years, when assessed against the policies of the Development Plan and the NPPF would not have an adverse impact that would outweigh the benefits of the completion of the landfilling operation and restoration of the application site. The application is recommended for approval subject to conditions.

## **Summary of the Development Plan Policies Relevant to the Decision**

### **Warwickshire Waste Core Strategy, Adopted Local Plan (2013 – 2028)**

- (i) Policy CS1 – Waste Management Capacity. This policy seeks to ensure that there is sufficient waste management capacity provided to manage the equivalent of waste arisings in Warwickshire.
- (ii) Policy CS2 – Spatial Waste Planning Strategy for Warwickshire. This policy gives preference to sites operating under an existing waste management use, active mineral sites or landfills and previously developed land.
- (iii) Policy CS3 – Strategy for Locating Large Scale Waste Sites. This policy states that large facilities (50,000 tonnes of waste per annum or more), will first be located within close proximity to primary settlements, including Rugby.
- (iv) Policy CS7 requires that proposals for landfilling of waste will not prejudice the management of waste further up the waste hierarchy.
- (v) Policy DM1 requires that new waste development should conserve and where possible enhance the natural and built environment.
- (vi) Policy DM2 requires proposals for waste development to demonstrate that they would not result in unacceptable adverse impacts on the local environment, economy or communities.
- (vii) Policy DM3 requires that where road is the only viable method of transportation, that there is no unacceptable adverse impact on the safety, capacity and use of the highway network.
- (viii) Policy DM6 requires that waste management proposals will not be at risk of flooding or increase the likely risk of flooding elsewhere.
- (ix) Policy DM7 permission will not be granted for waste management proposals where it would cause an unacceptable hazard to aviation.
- (x) Policy DM8 requires planning permission for waste management sites and their associated uses to make satisfactory provision for high quality restoration and the long-term management of its after use.

**Rugby Borough Council Local Plan 2011 – 2031 (Adopted June 2019)**

- (i) Policy GP1 – Sustainable Development of the Rugby Local Plan.
- (ii) Policy NE1 – seeks to protect designated areas and deliver a net gain in biodiversity.
- (iii) Policy NE3 – requires development to contribute to landscape character.
- (iv) Policy SDC1 – requires all development to demonstrate high quality, inclusive and sustainable design with the aim to add to the overall quality of the areas in which they are located.
- (v) Policy SDC2 - Requires appropriate hard and soft landscaping to form an integral part of overall design.
- (vi) Policy SDC3 – seeks to protecting and enhance the historic environment.
- (vii) Policy SDC5 - Requires submission of a Flood Risk Assessment
- (viii) Policy SDC6 – requires an acceptable means of surface water disposal which does not increase the risk of flooding or give rise to environmental problems and improves on the current situation.
- (ix) Policy SDC7 - States that development will not be permitted where proposals have a negative impact on water quality
- (x) Policy D1- requires all large-scale developments which result in significant traffic movements, to be supported by a Transport Assessment and take measures to mitigate the adverse impacts of traffic.

This page is intentionally left blank

**Regulatory Committee - 3 November 2020**

**Edgehill Quarry, Edgehill  
Variation of Conditions 2 (Date upon which screening  
and processing operations must cease) and 3 (date  
upon which a restoration scheme must be submitted)  
of Planning Permission SDC/19CM001 in order to  
allow further time to complete processing of existing  
stockpiles of overburden and to submit a detailed  
restoration scheme for approval**

**SDC/20CM008**

Application No.: SDC/20CM008

Advertised date: 18 June 2020

Applicant(s) Mr Andrew Baughan  
Oak Farm  
Priors Hardwick Road  
Upper Boddington  
Daventry  
NN1 6DW

Agent(s) Mr Stephen Rice  
SBRice Ltd  
Treatth  
Trewartha Road  
Praa Sands  
Penzance  
TR20 9ST

Registered by: The Strategic Director for Communities on 12 June 2020

Proposal: Variation of Condition 2 (Date upon which screening and processing operations must cease) and Condition 3 (Date upon which a restoration scheme must be submitted) of Planning Permission SDC/19CM001.

Site & location: Edgehill Quarry, Edgehill, Banbury, OX15 6DH. [Grid ref: 437128.246922].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission to allow the variation of conditions 2 (Date upon which screening and processing operations must cease) and 3 (date upon which a restoration scheme must be submitted) of Planning Permission SDC/19CM001 in order to allow processing of existing stockpiles of overburden to continue until 31<sup>st</sup> March 2021, the removal of processed material from the site to continue until 31<sup>st</sup> November 2021 and the date by which a detailed restoration scheme for the site must be submitted for approval extended to 31<sup>st</sup> November 2021 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 Planning permission (SDC/17CM022) was granted in February 2018 to allow the recovery of secondary aggregate from stockpiles of overburden located within Edgehill Quarry. The planning permission granted was time limited. Screening and processing of the overburden stockpiles should have initially been completed by the February 2019. A subsequent planning permission (SDC/19CM001) was granted in June 2019 to allow this aggregate recovery and recycling operation to continue for an extended period of time until November 2019 with the removal of processed material to be completed by November 2020.
- 1.2 Edgehill Quarry is a former ironstone quarry, which is situated on the edge of the village of Edgehill. The stockpiles of overburden remain following the completion of mineral extraction on site some years ago. The stockpiles contain a significant proportion of recoverable secondary aggregate which can be used in the construction industry. This recovery operation commenced in March 2017 and therefore the permission originally granted was in part retrospective. The aggregate recovery operation has been ongoing since this time.
- 1.3 Condition 2 of planning permission SDC/19CM001 relates to the date upon which screening and processing operations must cease and states that:  
'The screening and processing operations permitted by this planning permission shall cease no later than 20 November 2019 and removal of the processed materials from the site shall be completed no later than 20 November 2020'.
- 1.4 Condition 3 of planning permission SDC/19CM001 relates to the date upon which a restoration scheme must be submitted and states that:  
'If by 20 November 2019 a planning permission has not been approved which includes provision for the restoration of the site, a detailed restoration scheme shall be submitted to and approved in writing by the County Planning Authority.'



The submitted scheme shall include:

- A detailed Landscape and Ecological Management Plan informed by a detailed botanical survey undertaken by a suitably qualified ecologist;
- Provision for the rare notable plant and invertebrate species previously recorded using the site;
- Details of planting and maintenance of all new planting, species used and sourcing of plants.

The plan must also include details of habitat enhancement/creation measures, details of the placement and contouring of existing soils and overburden including final land levels, details of landscape planting including a planting plan, written specifications and schedules of plant species, sizes and proposed numbers/densities and locations. Either a scheme approved by the County Planning Authority pursuant to this condition or a scheme of restoration granted express planning permission shall be implemented in full in the first available planting season upon completion of the overburden reprocessing and export operation.'

1.5 In reality screening and processing of the overburden stockpiles has taken longer than initially thought. In the early stages this was as a result of greater quantities of useable stone being recovered from the overburden stockpiles than initially envisaged. More recently poor weather and the Covid-19 pandemic have had an impact upon the aggregate reprocessing operation. As a result, the processing operation has taken longer to complete than foreseen and remains ongoing. The applicant therefore seeks a further period of time in order to complete screening and reprocessing of the overburden stockpiles.

1.6 The application states:

'Unfortunately, our clients have not been in a position to complete the screening and processing of the secondary aggregate. Weather conditions last autumn and throughout the winter significantly impacted on the screening and processing operation. The excessive amounts of rain which started to fall towards the end of September 2019 and persisted throughout the autumn and winter made processing of the material in order to recover the secondary aggregate impossible. The removal of the processed materials from the site has also been significantly delayed. The extremely wet weather during the winter also delayed export of the material from the site. There were a couple of reasons for this, firstly construction work slowed down during the winter due to the bad weather and secondly our clients tried to avoid exporting material from the site to prevent carrying mud onto the highway. Subsequently the COVID-19 lockdown restrictions have prevented our clients from operating the site and the demand for stone has all but disappeared.

The uncertainty resulting from the COVID-19 pandemic means that our clients are not in a position to determine when the processing and export of material will be completed.

As such the application seeks to vary condition 2 in order to allow a further period for the processing and export of the material’.

- 1.7 The applicant therefore seeks permission to allow processing of existing stockpiles of overburden to continue until 31<sup>st</sup> March 2021, the removal of processed material from the site to continue until 31<sup>st</sup> November 2021 and the date by which a detailed restoration scheme for the site must be submitted for approval extended to 31<sup>st</sup> November 2021
- 1.8 Recovery of the secondary aggregate is being undertaken in advance of restoration of the quarry. A planning application (SDC/20CM009) has been submitted and is currently being considered which includes a restoration scheme. The application proposes the ‘infilling of redundant quarry with inert soils and clays to include temporary soils and aggregate recycling and recovery facility and restoration of quarry to provide 4 No. dwellings and 10 No. Recreational EcoPods’. The proposed 4 No. dwellings have now been deleted from the application. Planning application SDC/20CM009 will be reported to a later meeting of the Regulatory Committee for determination.
- 1.9 The original application stated that the operation has the potential to recover approximately 14,600 tonnes of ironstone from a stockpile of around 36,500 tonnes. The recovered material is being graded into a range of products, ranging from stone suitable for the construction of walls to crushed stone of various grades for use as ballast within the construction industry.
- 1.10 The overburden is processed on site using a mobile screener with materials handled by a wheeled loading shovel.
- 1.11 Graded materials are currently being stockpiled on site, with processed materials being exported from the site for use in the construction industry. Overburden remaining following processing is also being stockpiled with the intention for it to be used in connection with restoration of the quarry void following the submission of the further planning application in this respect.
- 1.12 The quarry extends to 7.8 hectares in area.
- 1.13 The application site is accessed via an existing highway access off Edgehill Lane (C69). Processed materials are exported from the site by HGV. The existing planning permission limits the number of HGVs accessing the site to 10 per day. The planning permission also stipulates the route HGVs may use to access the quarry in order to avoid HGVs travelling through the village of Edgehill.

## 2. Consultation

- 2.1 **Stratford-on-Avon District Council (Plg)** – representation received focuses on planning application SDC/20CM009.
- 2.2 **Stratford-on-Avon District Council (EHO)** – no objection, as long as the current noise limits are continued to be applied.
- 2.3 **Ratley & Upton Parish Council** – raise objection for the following reasons:
- Lorry Movements – despite frequent complaints from residents lorry drivers continue flout road weight restrictions and drive through the village of Edgehill, causing disruption, annoyance and excessive wear and safety hazard. Complaints have never had any satisfactory outcome following the repeated raising of this problem. It would appear that the Authority and the Polive are either not interested, or do nt have the resources to enforce.
  - Noise – the noise levels within the current works are at times excessive.
  - Dust – dust creation occurs during the operation of the works. At these times local residents experience a continuous film of dust on cars.

In conclusion and reflecting carefully on the strong views expressed by local residents who are most greatly impacted by the proposed extension the Parish Council cannot support the further extension of the current works.

- 2.4 **Tysoe Parish Council** – no comments received.
- 2.5 **Radway Parish Council** – raise objection for the following reasons: increase in HGVs, noise, dust, light pollution, duration of the operations and consequent impacts on Edgehill, Ratley and the Cotswold Area of Outstanding Natural Beauty.
- 2.6 **Councillor Chris Williams** – no comments received as of 26/10/2020.
- 2.7 **Environment Agency** – no objection.
- 2.8 **WCC Highways** – no objection.
- 2.9 **WCC Ecology** – no ecological comments other than any ecological surveys and restoration will be addressed in the re-submitted planning application SDC/20CM009 for infilling and restoration of the quarry.

- 2.10 **Cotswold AONB Conservation Board** - further to the Cotswolds Conservation Board's consultation response regarding planning application SDC/20CM009, the Board would like to make the following comments relating to planning application SDC/20CM008.

The Board acknowledges the reasons given for the proposed variations to Condition 2 (Date upon which screening and processing operations must cease) and Condition 3 (Date upon which a restoration scheme must be submitted) of Planning Permission SDC/19CM001. The Board would seek reassurance that, during the proposed 16-month extension to the screening and processing operations, the amount and type of material processed and exported does not exceed the amount and type of material that is currently permitted.

As outlined in our response to planning application SDC/20CM009, we recommend that the site should not be infilled. Instead, we recommend that there should be a biodiversity-led restoration scheme, with the site being primarily restored to lowland calcareous grassland (with some Open Mosaic Habitat on Previously Developed Land). To achieve this, we recommend that the applicant should withdraw planning application SDC/20M009 and should submit a revised restoration scheme, in line with the Board's recommendations, in order to fulfil condition 3 of the current planning permission (SDC19/CM001).

### 3. Representations

- 3.1 Seventeen letters and emails of representation raising objection to the application have been received from local residents. Concerns raised include:
- Numbers of HGV movements
  - Vehicle movements through the village which is a narrow weight restricted road.
  - Noise
  - Dust
  - Disruption and distress to the residents of Edgehill
  - Edgehill is a small historic hamlet.
  - Vibration from vehicles adversely impact buildings in the village.
  - Concerns about the efficacy of the checks and inspections to ensure compliance with the proposed operation.
  - In 2017 residents of Edgehill were subjected to at least two months excessive noise from the site machinery. It took complaints and the intervention of SDC and WCC to enforce action on the operator to address the problem.
  - Hours of operation already excessive. How will this be monitored and enforced?
  - Duration of the development, no assurance that activities will cease by the dates specified.

- Already had 2 years unacceptable environmental noise from crushing.
- Significant road damage from trucks creating potholes.

#### **4. Assessment and Observations**

##### **Background and Planning History**

- 4.1 Edgehill Quarry has been the subject of a number of planning permissions over the years allowing the extraction of stone from the site. The most recent of which (S535/882294) dates back to the late 1980's.
- 4.2 Mineral extraction was carried out most recently by Hornton Masonry Company Limited who also operated a stone masonry yard on a site located to the north of the quarry. Mineral extraction ceased on site in around 2004. The planning permission allowing mineral extraction on site lapsed before a restoration scheme was secured. There has therefore only been limited restoration undertaken within the quarry void to date.
- 4.3 Planning permission (S535/882687) was granted in 1989 to allow the tipping of inert waste into part of the quarry void to return the land to original levels. This planning permission was not implemented and subsequently lapsed. A number of other planning applications have been submitted to Stratford-on-Avon District Council over the years proposing various developments on the site. This includes; creation of a new highway access (06/02293/FUL – approved 2006), conversion of a stone barn situated on the edge of the site to offices (04/03662/FUL – approved Jan 2005), construction of a stone masonry workshop (04/03626/FUL – not determined 2005), lorry storage (06/2730/FUL – refused 2006) and change of use to allow machinery storage, testing and demonstration of crushing and recycling machinery (12/02953/FUL – declined to determine 2013).
- 4.4 Subsequent to mineral extraction ceasing on site the quarry was sold with the site split up into a number of ownerships, although the site is now largely within the ownership of the applicant. Part of the site was restored to pony paddocks and is not included within the current application site. The applicant commenced activities to screen existing stockpiles of overburden to produce secondary aggregate suitable for construction purposes in June 2017. A temporary planning permission (SDC/17CM022) was granted to regularise this activity in February 2018. A subsequent planning permission (SDC/19CM001) was granted in June 2019 to allow this aggregate recovery and recycling operation to continue for an extended period of time until November 2019 with the removal of processed material to be completed by November 2020. A large proportion of the overburden on site has now been processed although a significant quantity of the aggregates produced to date remain to be removed from the site.

- 4.5 A planning application (SDC/20CM009) has been submitted and is currently being considered which includes provision to restore the site. The application proposes the 'infilling of redundant quarry with inert soils and clays to include temporary soils and aggregate recycling and recovery facility and restoration of quarry to provide 4 No. dwellings and 10 No. Recreational EcoPods'. The proposed 4 No. dwellings have now been deleted from the application. Planning application SDC/20CM009 will be reported to a later meeting of the Regulatory Committee for determination.
- 4.6 The quarry site is also the subject of a planning Enforcement Notice issued by the Stratford-on-Avon District Council in 2012. The Notice relates to the unauthorised storage of vehicles, trailers and parts; storage of plant and machinery; storage of skips and storage vessels; storage of construction materials; and stationing of construction materials; and the stationing of caravans and a portable building. This remains an active matter. It is understood that the quarry has also been used in recent years for motorcycle scrambling.

### **Site and Surroundings**

- 4.7 Edgehill Quarry lies immediately to the south/west of the village of Edgehill with residential properties situated very close to the site. The nearest of these dwellings to the quarry are separated by a distance of around 120 metres. A number of individual dwellings lying outside of the village are situated in close proximity to the quarry. Edgecombe House lies around 130 metres to the north-east, White Bottoms Farm is situated directly to the east of the quarry and is separated by a distance of around 30 metres and Grove End lies around 75 metres to the west of the quarry site on the opposite side of Edgehill Lane.
- 4.8 The worked out quarry, which is loosely an L-shaped site, generally has a level quarry floor which lies up to 3-4 metres below the adjoining land levels. The quarry has not been restored and the excavation comprises a mix of bare ground and stockpiles of processed and unprocessed materials. Various items of plant, machinery, vehicles, portacabin style structures and a caravan are located within the quarry. The edges of the quarry range from near vertical rock faces to battered slopes. The boundary of the site is delineated by mature hedgerows, trees and vegetation which restrict views into the site. An old stone barn is situated on the eastern side of the quarry.
- 4.9 The quarry is situated at the top of Edgehill. The surrounding landscape is very much rolling countryside with agriculture the predominant land use. A number of buildings and structures located in the vicinity of the quarry are of historic interest including listed buildings Upton House and Radway Grange (which is also a registered historic park and garden) and a registered battlefield (Battle of Edgehill 1642).

- 4.10 The application site is accessed via an existing highway access off Edgehill Lane (C69).

### **Planning Policy Context**

- 4.11 The Development Plan relevant to the proposal consists of the Stratford-on-Avon District Core Strategy 2011 to 2031 adopted July 2016, the saved policies of the Minerals Local Plan for Warwickshire adopted 1995, the emerging policies of the replacement Warwickshire Minerals Plan which is at the Submission document stage – November 2019 (The emerging Plan has now been submitted to the Planning Inspectorate for assessment and review and is due to be the subject of an Examination in Public in October 2020. Until the new Local Plan is adopted it can only be given limited weight.) and the adopted Warwickshire Waste Core Strategy Local Plan 2013 – 2028 adopted July 2013.

### **National Planning Policy**

- 4.12 At a national level the National Planning Policy Framework (NPPF) seeks to approve applications for sustainable development where possible and states that local planning authorities should look for solutions rather than problems.
- 4.13 The NPPF makes it clear that the Government is committed to securing economic growth in order to create jobs and prosperity. It goes on to state that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The NPPF seeks the planning system to take a positive approach to sustainable new development in rural areas in order to create jobs and prosperity, in order to support the sustainable growth and expansion of all types of business and enterprise in rural areas, and which respect the character of the countryside.
- 4.14 The NPPF states that in meeting development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. The planning system should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 4.15 The NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of the processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

- 4.16 It goes on to state that, planning policies and decisions should; amongst other things, aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce such impacts, including through the use of conditions.
- 4.17 Turning specifically to minerals the NPPF states that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. When determining planning applications, the NPPF seeks to ensure that, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health, unavoidable noise, dust and particle emissions are controlled and mitigated.
- 4.18 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 land use conflict, etc.

### **Local Planning Policies**

#### **Minerals Local Plan for Warwickshire**

- 4.19 The saved policies of the adopted Minerals Local Plan set out specific policies relating to the winning and working of minerals. Policy M5 seeks to secure the winning of proven and potentially workable minerals prior to the implementation of development which would otherwise sterilise them. Policy M7 seeks to ensure that any adverse environmental effects and the implications for residents quality of life are mitigated at all mineral workings. Policy M8 makes it clear that when considering mineral spoil, the County Council will encourage, wherever possible, its use as an alternative to primary aggregates. Policy M9 supports the restoration of mineral workings to a high standard and a beneficial after use.



### **Emerging Warwickshire Minerals Plan**

- 4.20 The emerging Warwickshire Minerals Plan seeks to maximise the use of alternative sources of materials (recycled and secondary materials and mineral wastes) in order to manage more sustainably the supply of land won minerals. The issue regarding recycled and secondary aggregates is ensuring that the maximum amount of this material is reused in the construction process which can then be substituted for primary aggregates. By recycling more aggregate to a standard whereby it can be re-used in new construction projects, it ensures that less primary aggregate is required, and hence fewer quarries are needed. This is more sustainable than relying wholly on primary aggregates. Draft policy MCS 4 states that, proposals for the reception, processing, treatment and distribution of waste materials in order to produce recycled and secondary aggregates will be supported where the proposal will promote the sustainable management of waste in accordance with the principles of the Waste Hierarchy and will facilitate a reduction in the need for primary aggregate.

### **Warwickshire Waste Core Strategy**

- 4.21 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. The Core Strategy seeks to direct such facilities to appropriate locations, which includes within mineral sites. The Core Strategy contains general development control policies which apply to all waste development. This includes policy DM1 – Protection of the Natural and Built Environment; policy DM2- Managing Health and Amenity Impacts of Waste Development, policy DM3 – Sustainable Transportation, policy DM4 – Design of New Waste Management Facilities, and policy DM8 – Reinstatement, restoration and aftercare.

### **Stratford-on-Avon District Core Strategy**

- 4.22 The Stratford-on-Avon District Core Strategy contains general development management policies which all development proposals must be assessed against. Policy CS.1 – Sustainable Development makes it clear that planning to secure a high-quality environment, managed economic growth and social equity are of equal importance. The policy goes on to say 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. Development should be located and designed so that it contributes towards the maintenance of sustainable communities within the district.

- 4.23 Policy CS.4 seeks to protect and improve water quality and minimise flood risk. Policy CS.5 seeks to maintain landscape character and quality of the District by ensuring that development takes place in a manner that minimises and mitigates its impact whilst Policy CS.6 seeks to protect the natural environment.
- 4.24 Policy CS.9 – Design and Distinctiveness seeks to secure high quality sensitive design within development. The policy requires development proposals to be, amongst other things, sensitive to the setting, existing built form and neighbouring uses. The policy seeks to maintain healthy environments with the occupants of neighbouring sites protected from unacceptable levels of noise, contamination and pollution and adverse surroundings.
- 4.25 Policy CS.11 relates specifically to the Cotswolds Area of Outstanding Natural Beauty. The policy states that development proposals within the Cotswold AONB should conserve and enhance the special landscape qualities and scenic beauty of the AONB.
- 4.26 Policy CS.22 relates to economic development and provides for a wide range of business and commercial activity to be promoted in sustainable locations. The policy states that opportunities for development will be provided in the countryside, in accordance with Policy AS.10 Countryside and Villages. Policy AS.10 seeks to maintain the vitality of rural communities and a strong rural economy by providing a wide range of activities and development in rural parts of the District in accordance with the principles of sustainable development. This includes: minimising impact on the character of the local landscape, communities and environmental features; minimising impact on the occupiers and users of existing properties in the area; avoiding a level of increase in traffic on rural roads that would be harmful to the local area; and, prioritising the re-use of brownfield land and existing buildings.

### **Policy Considerations**

- 4.27 Reprocessing of the existing stockpiles of quarry overburden situated within Edgehill Quarry is enabling the production of secondary aggregate suitable for use within the construction industry. The recycling operation allows the reuse of material which would otherwise be disposed of as a waste by-product resulting from the previous quarrying operations. Use of spoil and overburden as an alternative to primary aggregates is encouraged and supported by the saved policies of the adopted Minerals Local Plan, policies contained within the emerging replacement Minerals Plan and the Waste Core Strategy. The development therefore accords with planning policy in this respect.

- 4.28 Edgehill Quarry has had a difficult existence in recent years the consequence of which is that the site remains unrestored. Restoration proposals for the quarry in the form of a full planning application (SDC/20CM009) to infill and restore the site have been submitted and will be reported to a later meeting of this Committee. Reprocessing of the existing overburden and its removal from the site for use as a secondary aggregate prior to the site being restored would prevent the sterilisation of valuable mineral reserves and is more sustainable than relying wholly on primary aggregates. This is also supported by the saved policies of the adopted Minerals Local Plan and policies contained within the emerging replacement Minerals Plan.
- 4.29 Minerals are essential to support sustainable economic growth and quality of life. Recycling of waste overburden contained within Edgehill Quarry enables the production of aggregates suitable for use within the construction industry and sustainable supply of minerals. This is supported by planning policy at a national and local level.
- 4.30 Edgehill Quarry is situated within a rural location the Cotswold Area of Outstanding Natural Beauty. Within the AONB planning policies seek development proposals to conserve and enhance the special landscape qualities and scenic beauty of the area. The site is an existing worked out quarry void so in this respect does not conserve or enhance the quality of the landscape in its current form. Notwithstanding this the quarry is reasonably well screened by existing mature vegetation with the stockpiles of overburden and recycling operations taking place at a lower level than the surrounding ground levels/landscape. As a result, the operations currently being undertaken within the quarry site do not exacerbate visual impact upon the AONB. Continuation of the recycling operation until November 2021 would result in no greater impact upon the AONB and should enable the eventual restoration of the quarry.
- 4.31 The site entrance onto the public highway and the local highway network are suitable for the type and number of vehicles that the proposed development would generate. Vehicle movements associated with the development are routed away from the nearby village thus reducing any adverse impact. Therefore, the proposal accords with planning policy in this respect.
- 4.32 Set against this are a number of policy constraints within the development plan which seek to ensure a satisfactory pattern of development in order to protect the environment and amenity of neighbouring occupiers from any adverse impacts resulting from development. These were assessed when the recycling operation was first considered in connection with planning application SDC/17CM022. At that time, it was concluded that operations to produce secondary aggregate from the stockpiles of waste overburden would not adversely impinge upon the environment or amenity of nearby occupiers and therefore it was considered that the development proposal accorded

with planning policy. Subject to the continued operation of the recycling activities resulting in no greater impact than those previously carried out it is considered the development proposal accords with planning policy. These matters are discussed in more detail below.

### **Residential Amenity**

- 4.33 The activities and equipment involved with reprocessing of the overburden (operation of plant and equipment, movement of machinery and vehicles, etc) by their nature result in a degree of disturbance and potentially adverse impacts locally. Activities undertaken to screen and grade the stockpiles of overburden on site have now been taking place for three years. It is clear that activities undertaken on site in the summer of 2017 did create noise disturbance locally and resulted in complaints from nearby residents. The noise disturbance at that time was attributed to a defect within the screening machinery, which appears to have been resolved following repairs. Screening operations undertaken in more recent time do not appear to have generated noise concerns. The Environmental Health Officer at Stratford-on-Avon District Council has raised no objection to the recycling operation continuing for a further period of time subject to conditions relating to hours of operation and noise being repeated.
- 4.34 Handling and processing of the overburden has the potential to generate dust. Although local residents mention dust problems, the operation has now been ongoing for three years and has not resulted in dust complaint. The enclosed nature of the site is likely to have assisted in this respect. A dust condition relating to dust control was imposed on the previous planning permission and would be repeated on any planning permission granted. If cause for complaint does arise these conditions provide a means to remedy any issues.

### **Visual/Landscape Impact**

- 4.35 Processing of the overburden stockpiles is undertaken on the quarry floor which is several metres below the surrounding ground levels. Combined with the fact that the boundaries of the quarry are delineated with mature hedgerows and vegetation the operations undertaken on site are reasonably well screened from view. Continuation of the recycling operation for a further period would result in the development having no greater impact on the character of the landscape or visual amenity of the area.

### **Highways/Traffic**

- 4.36 Removal of the graded secondary aggregate from the quarry generates vehicle movements. The existing planning permission restricts the numbers of HGVs accessing the quarry to 10 per day and requires that vehicles are routed away from the village of Edgehill. These conditions would be repeated on any planning permission granted.

Although representations received mention vehicles travelling through the village no details have been provided to enable this to be verified. If evidence is available steps can be taken to enforce the relevant condition. Therefore, the proposal accords with planning policy in this respect.

- 4.37 The nature of such developments at quarries which generate HGV traffic using the local road network can adversely impact upon the condition of the highway and consequently on amenity and highway safety. The existing planning permission contains a condition which requires measures to be put in place to ensure mud is not deposited on the highway. This condition would be repeated on any planning permission granted.

### **Ecology**

- 4.38 Prior to works commencing on site to reprocess the overburden stockpiles large parts Edgehill Quarry had remained undisturbed for a number of years. As a result, many areas of the quarry had naturally revegetated with evidence of activity by a number of notable species within the site. As a result the site has been identified as a potential Local Wildlife Site. The works undertaken to date on site over the past three years have resulted in most of the overburden being disturbed and processed with vegetation removed. As all areas of the site have now been disturbed further ecological assessment would not be appropriate at this time in connection with this application. Further ecological assessment has however been undertaken in connection with the preparation of planning application SDC/20CM009 which relates to infilling and restoration of the quarry (to be reported to a later meeting of the Regulatory Committee).

### **Historic Environment**

- 4.39 A number of buildings, structures and landscapes in and around Edgehill Quarry are of historic significance. The closest of which, Radway Grange Grade II\* Registered Park and Garden is located only a short distance to the north of the quarry on the opposite side of Edgehill Lane. The nearest listed building is separated from the quarry by in excess of 300 metres. The recycling and reprocessing operation is being undertaken within the existing quarry void and as a consequence it has no substantial impact on these heritage assets and that impact is temporary and considered to be outweighed by the sustainability benefits and prospect of restoration.

## **Geology**

- 4.40 Edgehill Quarry is designated a Local Geological Site. This designation recognises the presence of representative rock exposures from the Lower Jurassic Marlstone Rock Formation. The remaining rock faces are located around the periphery of the quarry and remain undisturbed by the overburden reprocessing operation. Completion of the recycling operation would therefore not result in any greater adverse impact upon the geological feature.

## **Restoration**

- 4.41 The application states that recovery of secondary aggregate from the site is the precursor to full restoration of the quarry. A restoration scheme, which proposes infilling of the quarry void forms part of planning application SDC/20CM009. Condition 3 of planning permission SDC/19CM001 requires that should an application not be forthcoming, or the applicant's future proposals not be supported an alternative restoration scheme is submitted for approval by November 2019. This application seeks to extend the timescale by which this alternative scheme must be submitted to November 2021. On the basis that a planning application, which includes provision for the infilling and after use of the quarry has been submitted and is currently being assessed, extending the time within which a restoration scheme must be submitted for approval is not unreasonable and a suitably worded condition is suggested.

## **5. Conclusion**

- 5.1 Reprocessing of the existing stockpiles of overburden situated within Edgehill Quarry is enabling the production of secondary aggregate suitable for use within the construction industry. This allows the sustainable use of minerals and resources which is supported by planning policy.
- 5.2 The development has been ongoing for around three years and initially raised concern amongst local residents particularly in respect of noise generation. This problem appears to now be resolved. Continued processing and recycling of the onsite stockpiles of overburden is unlikely to result in any greater impact upon the amenity of local residents.
- 5.4 Subject to the imposition of suitably worded conditions it is considered that the continued screening and reprocessing of the overburden stockpiles for a further nine months would not result in adverse impact upon the environment or the amenity of neighbouring. It is therefore considered that the proposal can be supported.

## 6. Supporting Documents

6.1 Submitted Planning Application – Planning reference [SDC/20CM008](#)

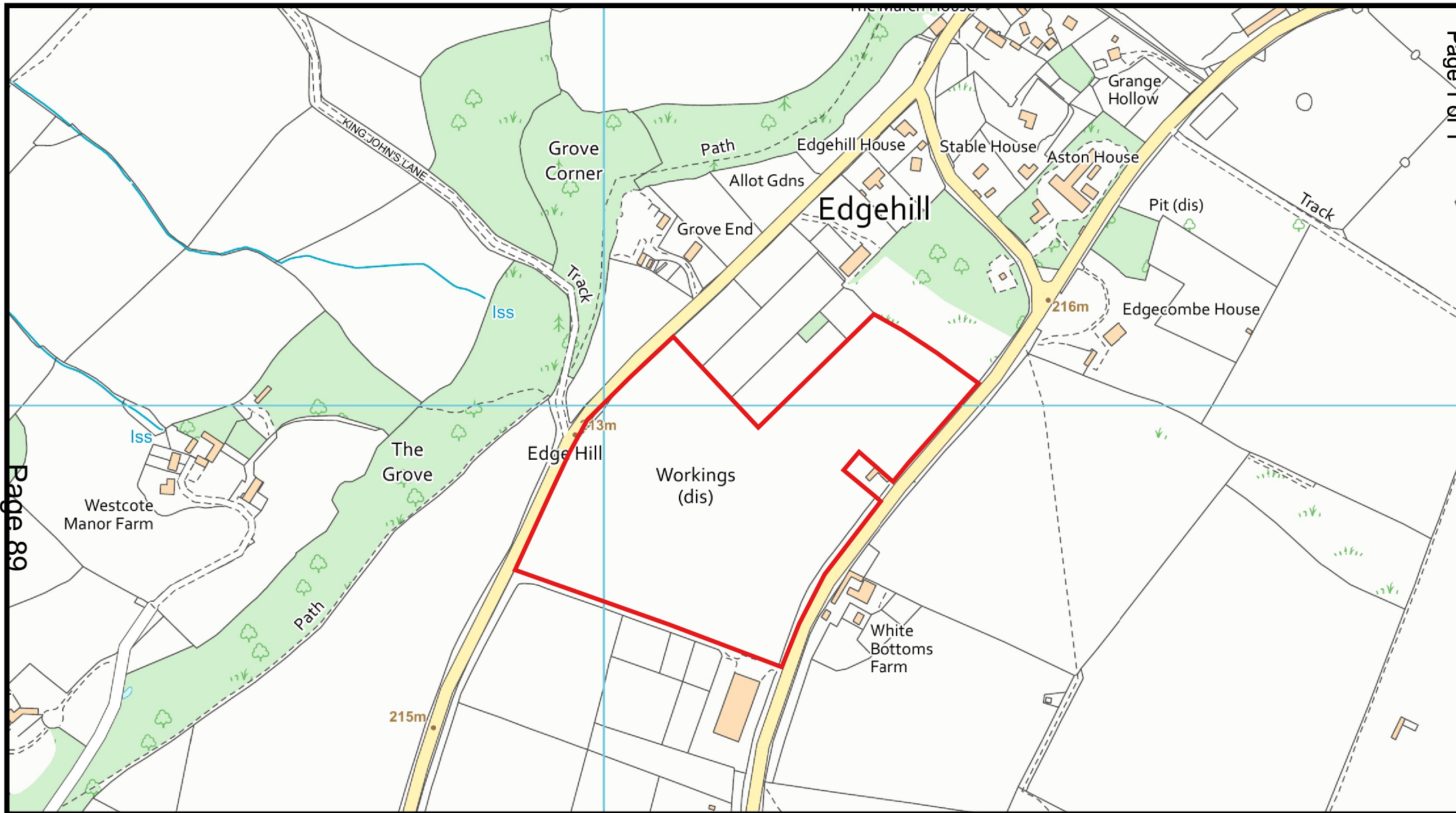
6.2 Appendix A – Map of site and location.

6.3 Appendix B – Planning Conditions.

	<b>Name</b>	<b>Contact Information</b>
Report Author	Matthew Williams	matthewwilliams@warwickshire.gov.uk 01926 41 2822
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	

This page is intentionally left blank





**Application No: SDC/20CM008**  
**Edgehill Quarry, Edgehill, Banbury**  
**Variation of Conditions 2 and 3 of SDC/19CM001**

Regulatory Committee 03 Nov 2020  
 Scale 1:5000 Drawn by: SP Dept: Communities



© Crown Copyright and database right 2018. Ordnance Survey 100019520.

Warwickshire County Council  
 Shire Hall  
 Warwick, CV34 4SA  
 Telephone (01926 410410)  
[www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)



This page is intentionally left blank

## Appendix B

### Regulatory Committee - 3 November 2020

#### Edgehill Quarry, Edgehill Variation of Conditions 2 (Date upon which screening and processing operations must cease) and 3 (date upon which a restoration scheme must be submitted) of Planning Permission SDC/19CM001 in order to allow further time to complete processing of existing stockpiles of overburden and to submit a detailed restoration scheme for approval

#### SDC/20CM008

##### Planning Conditions.

1. The development hereby permitted shall be carried out in accordance with the details submitted with application reference no. SDC/17CM022 and in accordance with the approved plans reference; BAUGEQ-1-5-001 Rev. A, BAUGEQ-1-1-002 Rev. A and details approved in accordance with the conditions attached to this planning permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

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

2. The screening and processing operations permitted by this planning permission shall cease no later than 31<sup>st</sup> March 2021 and removal of the processed materials from the site shall be completed no later than 31st November 2021.

**Reason:** In order to secure the timely and satisfactory development of the site.

3. If by 31st November 2021 a planning permission has not been approved which includes provision for the restoration of the site, a detailed restoration scheme shall be submitted to and approved in writing by the County Planning Authority. The submitted scheme shall include:

- A detailed Landscape and Ecological Management Plan informed by a detailed botanical survey undertaken by a suitably qualified ecologist;
- Provision for the rare notable plant and invertebrate species previously recorded using the site;
- Details of planting and maintenance of all new planting, species used and sourcing of plants.

The plan must also include details of habitat enhancement/creation measures, details of the placement and contouring of existing soils and overburden including final land levels, details of landscape planting including a planting plan, written specifications and schedules of plant species, sizes and proposed numbers/densities and locations. Either a scheme approved by the County Planning Authority pursuant to this condition or a scheme of restoration granted express planning permission shall be implemented in full in the first available planting season upon completion of the overburden reprocessing and export operation.

**Reason:** In order to secure satisfactory restoration of the site.

4. The development hereby approved shall not be carried out except between the following hours:

0800 – 1800 hours Monday to Friday  
0800 – 1300 hours Saturday

There shall be no operations or uses on Sundays and Public and Bank Holidays.

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

5. No vehicle shall enter or leave the site other than via the existing access off the Edgehill Lane (C69).

**Reason:** In the interests of highway safety.

6. No heavy goods vehicles associated with the development shall access (enter or exit) the site unless via Edgehill Lane (C69) from its junction with the A422 and not through the village of Edgehill.

**Reason:** In the interests of highway safety and residential amenity.

7. No more than 10 HGV's shall enter and leave the site (20 movements) per day during the operations hereby permitted.

**Reason:** In the interests of highway safety.

8. Measures detailed within letter dated 05 November 2018 from SB Rice to prevent mud and other deleterious material being deposited on the public highway shall be implemented throughout the development hereby approved.

**Reason:** In the interests of highway safety.

9. No mud or debris shall be carried onto the public highway. To facilitate this the site access road shall be maintained in a clean condition at all times.

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

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

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

11. Throughout the development hereby permitted visibility splays shall be maintained to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 120 metres to the south-west and 160 metres to the north-east, measured to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

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

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

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

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

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

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

14. The noise level from the development hereby permitted including any plant and equipment and operations thereon shall not exceed 46dB LAeq 1 hour at any point 3 metres from the nearest façade of any nearby residential property. Noise shall be measured in accordance with BS7445.

**Reason:** In order to limit the noise impact on nearby residential properties.

15. Machinery and vehicles used on the site shall be maintained and silenced to comply with the best practicable standard and shall be kept and used as far from buildings outside the site as possible.

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

16. No crushing equipment shall be operated on site until an operating plan has been submitted to and approved in writing by the County Planning Authority detailing: the type and specification of the plant to be operated, location within the quarry the plant would be operated and noise attenuation measures to be implemented. The approved plan shall be implemented throughout the development hereby approved.

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

**Note:**

In view of the suitable terrestrial habitat, care should be taken when clearing remaining habitat. If evidence of great crested newts is found during development, work must stop immediately while Natural England are contacted on 02080 261 089 for advice on the best way to proceed. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 the latter of which makes them a European Protected Species. Where newts are present a licence might be necessary to carry out the works.

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

### **Minerals Local Plan for Warwickshire – saved policies (Adopted February 1995)**

Policy M7 – Mitigation of Environmental Implications

Policy M8 – Disposal of Mineral Spoil

Policy M9 – Site Restoration

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

Policy CS.1 – Sustainable Development

Policy CS.4 – Water Quality and Flood Risk

Policy CS.5 – Landscape Character

Policy CS.6 – Natural Environment

Policy CS.9 – High Quality Design

Policy CS.11 – Cotswold Area of Outstanding Natural Beauty

Policy Cs.22 – Economic Development

Policy AS.10 – Countryside and Villages

### **Warwickshire Waste Core Strategy (Adopted July 2013)**

Policy DM1- Protection and enhancement of the Natural and Built Environment.

Policy DM2- Managing Health, Economic and Amenity Impacts of Waste Development.

Policy DM3 - Sustainable Transportation

Policy DM8 – Reinstatement, restoration and aftercare

### **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.

This page is intentionally left blank



**Regulatory Committee - 3 November 2020**

**Extension to form additional dining and kitchen spaces adjacent to existing, associated external works and relocated bin storage at Stratford Upon Avon High School, Alcester Road, Stratford-upon-Avon, CV37 9DH**

**SDC/20CC004**

Application No.: SDC/20CC004

Advertised date: 11 September 2020

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

Agent(s) Ms Liz Eastwood  
YMD Boon Ltd  
6b Anson House, Compass Point  
Market Harborough  
LE16 9HW

Registered by: The Strategic Director for Communities on 09  
September 2020

Proposal: Extension to form additional dining and kitchen spaces adjacent to existing, associated external works and relocated bin storage.

Site & location: Stratford Upon Avon High School,  
Alcester Road, Stratford-upon-Avon, CV37 9DH.  
[Grid ref: 419186.255132].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for an extension to form additional dining and kitchen spaces adjacent to existing, associated external works and relocated bin storage, 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 site is located on the south side of Alcester Road A422, approximately half a mile west of the town centre. Stratford-upon-Avon College is to the East of the site, the main High School buildings are to the South of the site, and the main High School access and car park are to the West of the site. There are residential properties on the opposite side of Alcester Road, and also further West beyond the High School site. There is a strong tree and hedgerow belt within the site alongside Alcester Road.
- 1.2 The existing dining hall and kitchen are inadequate for the current size of the school. The proposal is to extend the existing dining hall and kitchen forwards, to accommodate existing pupils and staff. It would double the size of the existing dining hall, replace the existing bin store, and provide an improved elevation when entering the school site from the main entrance in Alcester Road.
- 1.3 The existing dining hall can be subdivided and used for lessons and other activities. At present the requirement for social distancing during the Covid-19 pandemic adds further to the need for extra space in the dining hall.
- 1.4 The proposed kitchen extension, attached to the side of the proposed dining hall extension, would provide four serveries in addition to the existing three serveries. It would also contain four storerooms in addition to the food preparation area.
- 1.5 A new enclosed bin store is proposed nearby, within the landscaped area nearest Alcester Road. It would not be visible from Alcester Road.
- 1.6 All materials would match the existing materials.

## 1.7 Dimensions would be:

<b>DINING HALL EXTENSION</b>	
Width	19.7 metres
Depth	17.4 metres
External Area	343 square metres
Internal Area	325 square metres
<b>KITCHEN EXTENSION</b>	
Width	6.8 metres
Depth	17.1 metres
External Area	116 square metres
<b>DINING HALL + KITCHEN EXTENSIONS</b>	
Width	26.5 metres
Depth	17.4 metres
External Area	459 square metres
<b>BIN STORE</b>	
Width	7.5 metres
Depth	4.5 Metres
External Area	34 square metres
Height	2.1 metres
<b>TOTAL GROSS FLOOR AREA</b>	
	493 square metres

**2. Consultation**

- 2.1 The Local Highway Authority has No Objection.
- 2.2 The Stratford-on-Avon District Council has No Objection.
- 2.3 The Environment Agency had no comments to make.
- 2.4 No other consultation replies have been received.

**3. Representations**

- 3.1 A site notice was posted outside the main school gate on 10 September 2020.
- 3.2 28 adjacent and nearby properties were individually notified.
- 3.3 There was no requirement for a press notice.
- 3.4 No representations have been received from members of the public.

**4. Previous Planning History**

4.1 None of relevance to this planning application.

**5. Assessment and Observations**

5.1 Any potential concerns are covered in the submitted documents with the planning application, which are referenced in Condition 2 of the recommendation for approval.

5.2 The Replacement Tree Planting Proposal gives the locations and heights when planted of the various tree species, and their aftercare.

5.3 The Preliminary Ecological Appraisal gives mitigation measures.

5.4 The Flood Risk Assessment gives a worst-case surface water flooding response, that would result in a better protected future-proofed school building than existing.

5.5 There would be no traffic increase, and the bin store is located near to the kitchen area thus avoiding the need to cross the car park in front of the school buildings.

5.6 There would be no adverse impact on neighbours. There have been no neighbour representations.

**6. Conclusions**

6.1 The proposal accords with development plan policies, given in Appendix B, and with the National Planning Policy Framework. There have been no consultation objections, and no representations from members of the public.

6.2 It would provide a much-needed and well-designed addition to the school facilities, without having any adverse impacts. As such, the proposal is recommended for approval, subject to the following Conditions.

**7. Supporting Documents**

7.1 Submitted Planning Application – Planning reference SDC/20CC004

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

	<b>Name</b>	<b>Contact Information</b>
Report Author	Peter Anderson	<a href="mailto:peteranderson@warwickshire.gov.uk">peteranderson@warwickshire.gov.uk</a> 01926 41 2645
Head of Service	Scott Tompkins	<a href="mailto:scotttompkins@warwickshire.gov.uk">scotttompkins@warwickshire.gov.uk</a>
Strategic Director	Mark Ryder	<a href="mailto:markryder@warwickshire.gov.uk">markryder@warwickshire.gov.uk</a>
Portfolio Holder	Cllr Jeff Clarke	

## Appendix B

### **Extension to form additional dining and kitchen spaces adjacent to existing, associated external works and relocated bin storage at Stratford Upon Avon High School, Alcester Road, Stratford-upon-Avon, CV37 9DH**

#### **SDC/20CC004**

#### **Planning Conditions**

1. The development hereby approved shall be commenced no later than three 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 form
- Location Plan, Drawing No. J4584-01 dated July 2020
- Proposed Site Plan, Drawing No. J4584-10 Revision D dated 7 September 2020
- Proposed Floor Plan, Drawing No. J4584-30 Revision B dated 30 July 2020
- Proposed Elevations, Drawing No. J4584-51 Revision A dated 29 July 2020
- Proposed Bin Store, Drawing No. J4584-11 dated 3 August 2020
- Design and Access Statement, dated 6 August 2020
- Replacement Tree Planting Proposal, dated September 2020
- Recommendations for Mitigation contained in the Preliminary Ecological Appraisal, dated August 2020
- Conclusions in the Flood Risk Assessment, dated July 2020

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

**Development Plan Policies Relevant to the Decision**

**Stratford-on-Avon District Local Plan (Saved Policies)**

Policy STR.1 – Settlement Hierarchy

Policy DEV.1 – Layout and Design

Policy DEV.2 – Landscaping

Policy DEV.4 – Access

Policy DEV.7 – Drainage

Policy DEV.9 – Access for People with Disabilities

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

Policy CS.1 – Sustainable Development

Policy CS.4 – Water Environment and Flood

Policy CS.6 – Natural Environment

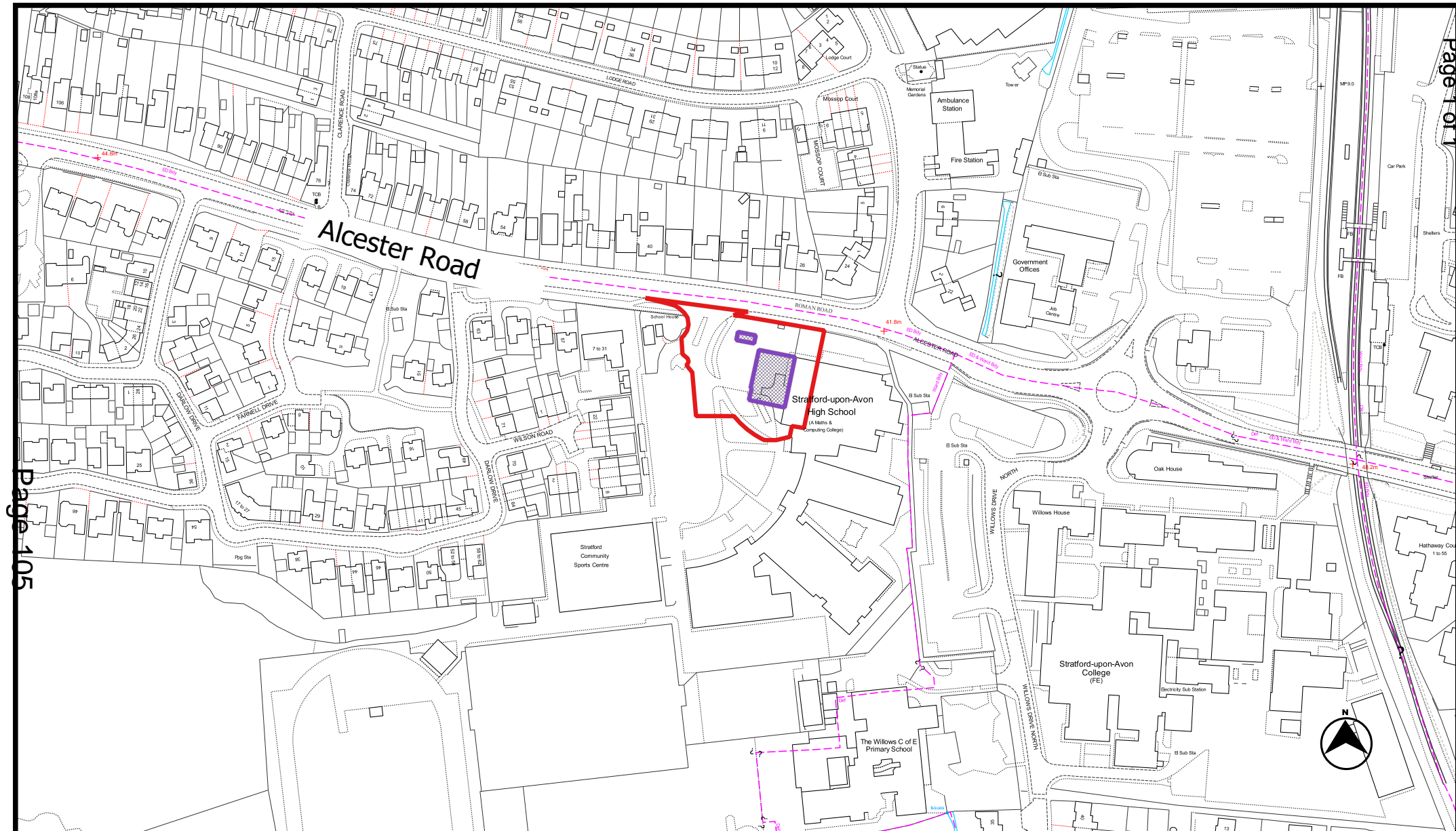
Policy CS.9 – Design and Distinctiveness

**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 (NPPF). All Development Plan Policies accord with the NPPF.

This page is intentionally left blank





**Application No: SDC/20CC004**  
**Stratford on Avon High School, Alcester Road, Stratford on Avon**  
**Extension to form additional dining and kitchen space**

Regulatory Committee 03 November 2020  
 Scale 1:2500 Drawn by: SP Dept: Communities

Warwickshire County Council  
 Shire Hall  
 Warwick, CV34 4SA  
 Telephone (01926 410410)  
[www.warwickshire.gov.uk](http://www.warwickshire.gov.uk)



© Crown Copyright and database right 2018. Ordnance Survey 100019520.

This page is intentionally left blank

## Appendix B

### **Extension to form additional dining and kitchen spaces adjacent to existing, associated external works and relocated bin storage at Stratford Upon Avon High School, Alcester Road, Stratford-upon-Avon, CV37 9DH**

#### **SDC/20CC004**

#### **Planning Conditions**

1. The development hereby approved shall be commenced no later than three 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 form
- Location Plan, Drawing No. J4584-01 dated July 2020
- Proposed Site Plan, Drawing No. J4584-10 Revision D dated 7 September 2020
- Proposed Floor Plan, Drawing No. J4584-30 Revision B dated 30 July 2020
- Proposed Elevations, Drawing No. J4584-51 Revision A dated 29 July 2020
- Proposed Bin Store, Drawing No. J4584-11 dated 3 August 2020
- Design and Access Statement, dated 6 August 2020
- Replacement Tree Planting Proposal, dated September 2020
- Recommendations for Mitigation contained in the Preliminary Ecological Appraisal, dated August 2020
- Conclusions in the Flood Risk Assessment, dated July 2020

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

**Development Plan Policies Relevant to the Decision**

**Stratford-on-Avon District Local Plan (Saved Policies)**

Policy STR.1 – Settlement Hierarchy

Policy DEV.1 – Layout and Design

Policy DEV.2 – Landscaping

Policy DEV.4 – Access

Policy DEV.7 – Drainage

Policy DEV.9 – Access for People with Disabilities

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

Policy CS.1 – Sustainable Development

Policy CS.4 – Water Environment and Flood

Policy CS.6 – Natural Environment

Policy CS.9 – Design and Distinctiveness

**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 (NPPF). All Development Plan Policies accord with the NPPF.