

Regulatory Committee

Date: Tuesday 3 August 2021
Time: 10.30 am
Venue: Committee Room 2, Shire Hall

Membership

Councillor John Cooke (Chair)
Councillor Jill Simpson-Vince (Vice-Chair)
Councillor Adrian Warwick
Councillor Judy Falp
Councillor Jeff Clarke
Councillor Sarah Feeney
Councillor Dave Humphreys
Councillor Jack Kennaugh
Councillor Justin Kerridge
Councillor Jan Matecki
Councillor Chris Mills
Councillor Christopher Kettle

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

(3) Minutes of the Previous Meeting

5 - 10

2. Delegated Decisions

11 - 12

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

Planning Applications

- 3. Planning application WDC/21CM005 - Variation of condition 14 (date on which waste disposal operations shall cease) of planning permission WDC/17CM003 (Restoration of Glebe Farm Quarry to original ground level with the importation of inert waste)** 13 - 32

Documents in relation to this application can be found via the following link –

[WDC/21CM005](#)

- 4. Planning Application SDC/21CM004 Ufton Landfill, Ufton Extension of maturation composting pad and associated works** 33 - 52

Documents in relation to this application can be found via the following link –

[SDC/21CM004](#)

5. Confidential Minutes

Minutes Containing Confidential or Exempt Information

To consider passing the following resolution:

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

- 6. Exempt Minutes of the previous meeting** 53 - 54

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 on line at 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 of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

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
- 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 relevant to the agenda 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.

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Regulatory Committee

Tuesday 6 July 2021

Minutes

Attendance

Committee Members

Councillor John Cooke (Chair)
Councillor Jill Simpson-Vince (Vice-Chair)
Councillor Adrian Warwick
Councillor Judy Falp
Councillor Jeff Clarke
Councillor Sarah Feeney
Councillor Dave Humphreys
Councillor Jack Kennaugh
Councillor Justin Kerridge
Councillor Jan Matecki
Councillor Chris Mills
Councillor Christopher Kettle

Officers

John Cole, Democratic Services Officer
Ian Marriott, Legal Service Manager
Sally Panayi, Senior Planning Officer
Matthew Williams, Senior Planning Officer

Others Present

Mr Selwyn Rees – applicant for Item 3

1. General

(1) Apologies

None

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

None

(3) Minutes of the Previous Meeting

The following amendment was made to the minutes of the previous meeting –

Page 5 of the minutes – in relation to the vote held. The minutes should read –

A vote was held and there were 5 votes in favour of the application (with the removal of Saturday working). There were two votes against the proposal and two abstentions.

Following the above amendment, the minutes of the previous meeting were agreed as a true and accurate record.

There were no matters arising.

2. Delegated Decisions

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

3. Planning application RBC/20CM014 Proposed re-grading of agricultural land, Land off Newton Road, Shawell, Rugby, CV23 0EB.

Sally Panayi, Senior Planner, presented the report to the Committee, confirming the location, and size, of the application site, including information in relation to the nearest residential properties.

The following points were confirmed to the Committee –

- The applicant would like the field to return to a more agricultural use.
- There has been little or no restoration at the site up until this application.
- The land would need to be re-graded with topsoil which would mean over 6,500 vehicle movements over 2 years to set up the site.
- Newton Lane; open access would be required to allow HGV's to pass and would be secured by a gate set back from the highway.
- The current access point would need to be widened.
- A turning point would need to be created.
- The existing hedge height would need to be reduced to allow HGV visibility.

The application proposes 26 HGV movements per day, however, the Committee noted that this may increase during dry/summer months. It was noted that there is a condition

recommended to restrict this to a maximum of 40 movements per day to ensure there are not too many vehicles during the summer months.

It was noted that there are no objections to the application from Rugby Borough Council Environment Health Officers, subject to conditions in relation to the control of noise from HGV reverse alarms and that there are no operating hours on Sundays or Bank Holidays.

It was confirmed that the Environment Agency would be required to grant a permit to the operator in relation to the grading of the topsoil.

It is proposed that topsoil would be imported to the application site from a storage yard at The Fisheries located approximately 1.7 km and it was noted that the local Parish Council has raised concerns that there will not be enough at this site. It was noted that there is a condition in place that material only comes from the fisheries to ensure that vehicle movements are limited to the short distance. It was confirmed that Highways England is happy with the conditions proposed following consultation with Warwickshire County Council Officers.

Following a question from Councillor Justin Kerridge, it was confirmed that the application is for agricultural improvement, rather than waste disposal for material from the Fisheries and that the applicant is keen to have the proposed amount on site in order to create a more level surface that can be operated on.

Councillor Kerridge raised concerns about the operating hours and it was confirmed that the proposed hours were standard hours agreed with Rugby Borough Council. The Committee was asked to consider that any reduction in operating hours such as removing Saturday hours, would mean that the operation could take longer than the proposed two years to complete.

Councillor Adrian Warwick raised strong concerns in relation to the HGV movements and the nearby village of Newton. It was confirmed that there is a recommended condition that means vehicles could only come from The Fisheries, meaning that they would avoid Newton.

In relation to a question from Jill Simpson Vince, it was confirmed that the gates may be closed during hours of operation to avoid fly tipping. However, the applicant lives on site and there is adequate off-road parking should vehicles arrive and be unable to enter the site.

Public Speaking

A statement was read to the Committee by Matthew Williams, Senior Planner, from Mr. Ian Davis, Chair of Newton Parish Council who was unable to attend the meeting. Mr. Davis stated that the Parish Council has no objections in principle to the applications but misgivings about the implementation.

In the statement, Mr. Davis asked the Committee to consider the following points –

- Is the depth of the proposed fill justified?
- How much material is available from the Fisheries?
- How would any shortfall of material be met?
- Who is responsible for inspecting the material?
- Does Warwickshire County Council have the resources to do this?

- Does the Council have the resources to carry out any enforcement should it become necessary?

Mr. Selwyn Rees, applicant addressed the Committee stating that he and his family had farmed on the land for many years but that it has been a struggle to crop on the field proposed in the application. Mr. Rees stated that it was his intention to reinstate the field to previous levels to enable it to be cropped. He confirmed to the Committee that the soil would be graded by the Environment Agency. Mr. Rees acknowledged the concerns about the HGV drivers and the issues in Newton, stating that the new signage and proposed conditions would help. He also stated that most of the drivers are local and are very aware of the issues in Newton and will avoid it.

Debate

Councillor Adrian Warwick stated that the key to assessing this application is the conditions recommended by the officer. Councillor Warwick stated that he did not object to the application but would insist that the conditions must be monitored closely and enforced. There must be a guarantee that Warwickshire County Council officers would move quickly and effectively if the applicant fails to keep to the conditions.

Councillor Judy Falp and Councillor Jill Simpson-Vince both stated that they supported the application but did have concerns relating to the Saturday working hours; but as long as the HGVs avoided Newton as per the conditions then the process should be completed as quickly as possible.

Councillor Chris Mills stated that restoring fields to agricultural land can only be a good thing, and that it makes a change from seeing land being used for developments.

The recommendation was proposed by Councillor Chris Mills and was seconded by Councillor Jack Kennaugh.

A vote was held with 11 votes in favour of the application. There was one abstention.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the re-grading of agricultural land on land off Newton Lane, Rugby subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

4. Exclusion of Press and the Public

Resolved

That members of the public be excluded from the meeting for the items mentioned below on the grounds that their presence would involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

5. Planning Enforcement Report

Resolved

That members note the information in the report.

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Regulatory Committee – 3 August 2021

Applications Dealt with Under Delegated Powers between 1 July 2021 – 23 July 2021

Recommendation

That the Regulatory Committee notes the content of the report

Delegated Powers

C. APPLICATIONS DEALT WITH UNDER DELEGATED POWERS BETWEEN 1 July 2021 – 23 July 2021		
Application reference & valid date electoral division case officer	Site location & proposal	Decision date
<u>SDC/21CM006/CS</u> 12/05/2021 Wellesbourne	Wellesbourne Sewage Treatment Works Stratford Road Wellesbourne Variation of Conditions 2 & 3 of Planning Permission - SDC/20CM013 for the installation of 1 no. Motor Control Centre (MCC) Kiosk at Wellesbourne Sewage Treatment Works.	Approval 12/07/2021

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Regulatory Committee – 3 August 2021

**Variation of condition 14 of planning permission
WDC/17CM003 to revise the time limit by which inert
waste disposal operations shall cease to no later than
08 May 2024 and the site shall be restored to no later
than 31 December 2024 at Bubbenhall Quarry, Weston
Lane, Bubbenhall, CV8 3BN**

WDC/21CM005

Application No.: WDC/21CM005

Advertised date: 16 April 2021

Applicant: Smiths Concrete Limited
Enslow
Kidlington
Oxford
OX5 3AY

Agent: Mr Pawel Zlocki
Hanson UK
Ashby Road East
Shepshed
Loughborough
Leicestershire
LE12 9BU

Registered by: The Strategic Director for Communities on 06 April 2021

Proposal: Variation of condition 14 (date on which waste disposal operations shall cease) of planning permission WDC/17CM003 (Restoration of Glebe Farm Quarry to original ground level with the importation of inert waste) to revise the time limit by which inert waste disposal operations shall cease to no later than 8th May 2024 and the site shall be restored to no later than 31st December 2024 or within 6 months of the completion of inert waste disposal operations whichever is the sooner at Bubbenhall Quarry, Weston Lane, Bubbenhall, CV8 3BN

Site & location: Bubbenhall Pit, Weston Lane, Bubbenhall, CV8 3BN.
[Grid ref: 436651.271987].
See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the variation of condition 14 of planning permission WDC/17CM003 to revise the time limit by which inert waste disposal operations shall cease to no later than 8th May 2024 and by which the site shall be restored to no later than 31st December 2024 or within 6 months of the completion of waste disposal operations whichever is sooner subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 and seeks to vary condition 14 of planning approval WDC/17CM003 which stated:

Waste disposal operations shall cease to no later than 8th May 2021 and the date by which the site shall be restored to no later than 31st December 2021 or within 6 months of the completion of waste disposal operations whichever is sooner.

- 1.2 The covering letter submitted with the planning application explains that the land at Glebe Farm, Bubbenhall Quarry has the benefit of two extant planning permissions for inert tipping and restoration until 08 May 2021 (Ref: WDC/11CM009 and WDC/17CM003). The current application seeks planning permission to vary condition 14 of the consent granted in 2017 to extend the currently permitted end date until 08 May 2024, an additional 3-year period.
- 1.3 To the south-west of the application site is the mineral processing plant operated by Smiths Concrete. The site processes extracted mineral to provide a source of aggregates used by the local construction industry. The current application site at Bubbenhall Quarry / Glebe Farm originally supplied the mineral for the processing plant until the extraction operation at the quarry was completed in 2015. The operator now imports mineral from its satellite quarry operation at Wolston Fields Farm, located some 3 miles to the north of Bubbenhall.
- 1.4 Sand and gravels are imported from Wolston Fields to the processing plant by HGV. The mineral is washed and graded to produce saleable aggregates which are stockpiled before exporting from the processing plant site.
- 1.5 Waste materials from the wash process, that is clays and silts, are recovered via a settlement lagoon. The clays and silt are subsequently dredged from the lagoon and transported by tipper lorries to the site subject of the current planning application, where they are tipped progressively into the remaining quarry void. In addition, other inert waste is imported to the Bubbenhall Quarry site to infill the void.

- 1.6 Planning consent (Ref: WDC19CM004) was granted in June 2019 for a variation of condition to enable the continued importation of sand and gravel from Wolston Fields Farm to the Bubbenhall processing plant / wash facility until January 2024, a date which relates to the approved operation completion date for the Wolston Fields Farm Quarry site. Condition 3 of that 2019 consent requires all equipment, plant and machinery for the processing of sand and gravel not required for the completion of the waste operation to be removed from the site within 6 months of the use ceasing and the site restored in accordance with the approved scheme.
- 1.7 The current proposal to vary the planning condition to extend the time for the completion of the infilling by inert waste at Bubbenhall Quarry until 2024 would enable the continued use of the waste products from the processing plant / wash facility to be used for the restoration of the site until that operation's expiry date in 2024.

2. Consultation

- 2.1 **Warwick District Council – Planning:** No comments received.
- 2.2 **Warwick District Council – Environmental Protection:** No objection.
- 2.3 **Bubbenhall Parish Council:** strongly objects to this application.

Bubbenhall Parish Council is dismayed that yet again the time limit to finish restoration of this site is subject to a proposal to delay. Bubbenhall village has been adversely affected by sand and gravel excavation since 1979. The planning application for the current site (W118/891206) aroused great concern in the village and the formation of the Bubbenhall Residents Action Group to oppose it in 1990-1. The granting of planning consent on 9 May 1991 was on condition that mineral extraction followed by restoration of the site would end in 2011. However, in 2011 permission for sand and gravel extraction was extended to 8 May 2016 (WDC/11CM009) and permission to continue waste disposal was extended to 8 May 2021. Sand and gravel extraction was completed at the end of 2015. The current application WDC/21CM005 proposes to extend the deadline for restoration of the site to 2024. This would bring the time to finish the restoration of this agricultural site to 33 years – an increase of 65% on the original timescale.

Meanwhile the miseries associated with waste disposal continue. The Parish Council strongly disagrees with the assertion in the planning application that 'the remaining tipping area is relatively small and well screened...it is not considered therefore that there will be any significant impact arising from this proposal'.

Over the last 30 years Bubbenhall has endured increased HGV traffic on the A445, mud on the road, great quantities of litter, noise, odours,

the blockage of footpaths and on one occasion an explosion. The Parish Council regards it as unacceptable that once again the deadline to complete the work has not been met.

- 2.4 **Weston under Wetherley PC:** No comments received.
- 2.5 **Councillor Wallace Redford:** No comments received by 23 July 2021
- 2.6 **WCC - Planning Strategy:** No comments received.
- 2.7 **Warwickshire Fire & Rescue Service:** No comments received.
- 2.8 **WCC - Rights of Way:** No objection.
- 2.9 **WCC – Highways:** No objection.
- 2.10 **WCC – Ecology:** No comments received.
- 2.11 **Environment Agency:** No comments received.
- 2.12 **Natural England:** No comment to make on the variation of Condition 14.

3. Representations

- 3.1 Three site notices were displayed on 15th April 2021, one at the entrance to the application site off Weston Lane, one at the public footpath access from A445 Leamington Road to the west of the application site and one on the field gate adjacent to the site on Pagets Lane.

A press notice was published on 16 April 2021. The 5 nearest residential properties were individually notified by letter.

Two objections received from local residents (both in Pagets Lane) stating:

- I would like to object to the proposal for the long-time extension to the quarry works as detailed in the above planning reference. The works should have originally been completed in May this year and have already been extended once to December this year. I can see no justification for extending this for an additional three years. I strongly object to this application being approved.
- Smiths Concrete have previously been allowed to extend their tenure of the quarry for various reasons resulting in them being on this site for many years. I have recently moved into this property and one of the reasons for choosing this location is the wonderful woods, lakes and wildlife nearby. I completed

local searches at the time, which included seeing that Smiths Concrete would be exiting the vast majority of the quarry by specific, agreed dates. This timetable should not be allowed to slip further into the future. They still have over 3 years to plan and execute their previously, agreed exit timetable. The quarry will take many years to return to a significantly viable wildlife habitat that compliments the adjacent areas. Any delay to that process, means more disruption, (including to a lovely footpath) noise and loss of any new wildlife habitat, for an even longer period. We also hear constantly from national, regional and local Gov how important the natural environment is, so this is an opportunity for WDC to allow Bubbenhall Wood surroundings to return to their natural, green state as quickly as possible.

4. Previous Planning History

- 4.1 Planning consent was granted at Bubbenhall Quarry, formerly Glebe Farm on 09 May 1991 (Ref: W118/891206) for mineral extraction and restoration of the site using imported inert waste materials. That planning consent was varied in 2011 (Ref: WDC/11CM009) to allow the mineral extraction to continue until 08 May 2016 and for the completion of the waste disposal operation by 08 May 2021.
- 4.2 In April 2010 planning permission (Ref: W118/10CM002) was granted for the restoration of Glebe Farm Quarry to original ground levels with the importation of inert waste. Condition 15 of that consent required the restoration of the site within two years from the completion of the landfilling and in any event within five years of the commencement of landfilling.
- 4.3 In May 2017 an application (Ref WDC/17CM003) was approved for the variation of condition 15 of planning permission W118/10CM002 to 'revise the time limit by which waste disposal operations shall cease to no later than 08 May 2021 and by which the site shall be restored to no later than 31 December 2021 or within 6 months of the completion of waste disposal operations whichever is sooner'. This approval brought the timing for the completion of infilling of the site in line with that approved as a variation in 2011 (WDC11CM009).
- 4.4 Mineral extraction ceased at the quarry in 2015. Much of the site has now been infilled and the land restored to an agricultural use with fields bounded by re-planted hedgerows to accord with the approved landscape and restoration scheme. The remaining quarry void remains as an area used for tipping silt and clays produced as waste from the processing of mineral from Wolston Fields Quarry at the processing facility at Bubbenhall, which has planning consent to operate until October 2024 (Ref: WDC/19CM004).

5. Assessment and Observations

Location

- 5.1 Bubbenhall Quarry at the site of Glebe Farm is an area of some 15 hectares, located in open countryside within the West Midlands Green Belt. The village of Bubbenhall is some 300 metres to the north-west of the application site and north of the A445 Leamington Road which runs to the north of the application site. To the north-east, east and south of the quarry site are the local wildlife sites of Ryton Gravel Pits Country Park, Wood Farm Grassland and Pool and Bubbenhall Wood. Ryton Wood to the east is a Site of Special Scientific Interest (SSSI).
- 5.2 Vehicular access to the site is via an access off Weston Lane which is shared by Smiths Concrete and FCC Environment who operate the neighbouring Bubbenhall Landfill site, located to the south of the current application site.
- 5.3 There are a small number of residential properties in close proximity to the application site. The closest is an isolated property in Pagets Lane positioned approximately 80 metres to the east of the area of the site remaining to be infilled. A further dwelling and a children's nursery are located some 200 metres to the west of the application site and set back from the A445 on a slip road.
- 5.4 A public footpath (W150) crosses Bubbenhall Quarry and runs immediately adjacent to the area of the Glebe Farm site that remains to be infilled. There are views into the application site from the footpath.
- 5.5 The application site is relatively well screened by boundary hedgerows and nearby woodland and given the relatively flat topography of the area is unobtrusive in the landscape.
- 5.6 In the northern area of the application site the infilling and restoration to an agricultural use with fields divided by hedgerows has been completed. The remaining area of the void in the southern section of the application site is in the process of infilling. At the time of the Officer's site visit in April 2021 the area was one of inert waste piles waiting to be distributed across the site and a waterbody which was being tipped with silt and clay from the settlement lagoons at the wash facility.

Planning Legislation and Policy

Section 73 application

- 5.7 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 October 2014. 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.

The legislation at S73 (2) (a) states that the local planning authority on a section 73 application “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 applicant is seeking to vary a condition to extend the timing of the completion of operations for the infill and restoration of the quarry until 2024. Any new consent granted would be subject to revised planning conditions.

5.8 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’.

5.9 **Paragraph 11** of the National Planning Policy Framework (NPPF) 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.

5.10 **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.

- 5.11 **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.
- 5.12 The development plan in this case consists of the Warwickshire Waste Core Strategy Adopted Local Plan (July 2013), the Minerals Local Plan for Warwickshire (Adopted 1995) and the Warwick District Local Plan 2011 – 2019 (Sept 2017).

National Planning Policy Framework (NPPF)

- 5.13 Bubbenhall Quarry / Glebe Farm is located entirely within the Warwickshire Green Belt as defined by the Warwick District Local Plan. Chapter 13 of the NPPF stresses the great importance the Government attaches to Green Belts, the essential characteristics of Green Belts being their openness and their permanence. The guidance sets out five purposes of Green Belts: to check unrestricted sprawl of large built-up areas, to prevent neighbouring towns from merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns, and to assist in urban regeneration.
- 5.14 The NPPF states that mineral extraction is not inappropriate development, provided that the openness of the Green Belt is preserved and the development does not conflict with the purposes of including land in it. The view taken on previous applications was that this development was appropriate development. The infilling and restoration is the completion of the approved development and (there having been no relevant change in Green Belt policy or other circumstances) may also be regarded as appropriate. The NPPF also seeks to ensure the restoration and aftercare of sites at the earliest opportunities to be carried out to high environmental standards. The ongoing landfilling of the quarry enables appropriate sustainable restoration of the site to a high standard and therefore must also be considered to be appropriate development in this Green Belt location.
- 5.15 The NPPF has at its heart a presumption in favour of sustainable development whilst at the same time seeking to minimise pollution and other adverse effects of development on the local and natural environment. Policies contained in the Warwickshire Waste Core Strategy and the Minerals Local Plan for Warwickshire similarly seek to

avoid development having unacceptable adverse impacts on the local environment and communities.

Warwickshire Waste Core Strategy Adopted Local Plan (July 2013)

- 5.16 **Policy DM1 - Protection of the Natural and Built Environment:** requires new development to conserve and where possible enhance the natural and built environment by ensuring that there are no unacceptable adverse impacts upon, amongst other things, natural resources (including water, air and soil), biodiversity, the quality and character of the landscape and adjacent land users and occupiers and the development satisfies Green Belt policies.
- 5.17 **Policy DM2 – Managing Health Economic and Amenity Impacts of Waste Development:** relates to environmental controls and states that waste management proposals will be permitted where it can be demonstrated that the development will have no significant adverse impacts on the local environment or communities through, amongst other things, noise, visual intrusion, odour, dust, emissions, traffic etc. The policy goes on to state that planning permission will only be granted for waste management proposals where adverse impacts will be avoided or satisfactorily mitigated where an adverse impact cannot be avoided, or the adverse impacts have been avoided as far as possible.

Minerals Local Plan for Warwickshire (Saved policies)

- 5.18 **Policy M7 – Mitigation and conditions:** This policy seeks to ensure that any adverse environmental effects on local residents that may arise from mineral workings are mitigated against.
- 5.19 **Policy M9 – Restoration of mineral workings:** requires mineral workings to be restored to a high standard with a beneficial after use

Warwick District Local Plan 2011 – 2019 (Sept 2017)

- 5.20 The Warwick District Local Plan contains general development management policies against which all development proposals must be assessed.
- 5.21 **Policy DS5 – Presumption in Favour of Sustainable Development:** states that planning applications that accord with Local Plan policies will be approved without delay taking into account whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole or specific policies in that Framework indicate that development should be restricted.
- 5.22 **Policy DS18 - Green Belt:** The Council will apply national planning policy to proposals within the Green Belt.

- 5.23 **Policy BE3 – Amenity:** states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby users and residents.
- 5.24 **Policy NE3 Biodiversity:** New development will be permitted provided that it protects, enhances and/or restores habitat biodiversity. Development proposals will be expected to ensure that they lead to no net loss of biodiversity and where possible a net gain and avoid negative impacts on existing biodiversity.

Policy Considerations

- 5.25 The application site is located in the Green Belt as defined by the Warwick District Local Plan where the NPPF states that mineral extraction is not inappropriate development and requires that the restoration and aftercare of sites at the earliest opportunities are to be carried out to high environmental standards. The ongoing landfilling of the quarry is part of the approved restoration and therefore must also be considered to be appropriate development in this Green Belt location. No changes are proposed to be made to the nature of the infilling or physical form of the restoration scheme and would therefore result in no greater impact upon the openness of the Green Belt.

Amenity Issues

- 5.26 The application site is separated from the village of Bubbenhall by the A445 Leamington Road. The closest residential properties are the isolated dwelling on Pagets Lane within 80 metres of the site and a dwelling and children's nursery on Leamington Road, 200 metres to the west of the site.
- 5.27 Extraction of sand and gravel was completed on the application site in 2015. Since that time infilling and restoration has been ongoing with the northern area completed and restored to an agricultural use. Infilling of the remaining quarry void continues with the tipping of silts and clays from the settlement lagoon associated with the processing wash plant to the south, in addition to the inert waste imported to the site.
- 5.28 The NPPF has at its heart a presumption in favour of sustainable development whilst at the same time seeking to minimise pollution and other adverse effects of development on the local and natural environment. Policies contained within the Warwickshire Waste Core Strategy and Minerals Local Plan for Warwickshire similarly seek to avoid development having unacceptable adverse impacts on the local environment and communities. The current planning application seeks to make no changes to the nature of the on-going infilling and restoration of the Bubbenhall Quarry. It seeks to extend until January 2024 the date by which the infilling and restoration of the former quarry

site is completed to tie into the date by which the sand and gravel processing plant on the adjacent site is permitted to operate (WDC/19CM004).

- 5.29 Objections have been received from Bubbenhall Parish Council and local residents with regard to the additional time proposed to complete the site restoration. While it is acknowledged that the operation would continue for an additional three years if the application is approved with the associated disturbance, however, there would be no change to the method of operation and therefore no greater impact on the environment or on the amenity of nearby residents than is currently experienced.
- 5.30 As stated above, the mineral processing plant on the land to the south of the application site has planning consent to operate until 2024. HGVs will continue to deliver minerals to the plant until then whether or not the present application is granted and the waste silts and clay from that process will continue to be produced until 2024. If the current application site were not available for the disposal of those waste materials, there would be a requirement to export them to an alternative waste facility or restoration site resulting in an increase in vehicle movements from the wider Bubbenhall Quarry site which would have an environmental impact.
- 5.31 The existing infilling operation is controlled by an Environmental Permit and by the previously approved planning conditions. No objection has been raised by Warwick District Council Environmental Health Officers.
- 5.32 It is considered that on balance the infilling operation would continue to comply with the policies DM2 and BE3 of the Development Plan to protect the amenity of local residents and the local area. All planning conditions applied on the previous approval to control the hours of operation, measures to control noise from vehicles, dust and mud on the road would be repeated on any new consent granted.

Landscape, Visual Amenity and Restoration of the Site

- 5.33 The NPPF, Warwickshire Waste Core Strategy, Minerals Local Plan for Warwickshire and Warwick District Local Plan all contain guidance and policies which seek to secure good design, development which sits sympathetically within its setting and secures good standards of restoration of mineral workings. The Glebe Farm site is reasonably well screened within the landscape and the ongoing infilling and restoration works have very limited impact upon the character and quality of the area. The current proposal would result in no change to the approved restoration scheme for the quarry which would return the site to agricultural use with a landform and field boundaries similar to that which existed prior to mineral extraction taking place. The proposal is considered to comply with Policy DM1 of the Local Plan.

- 5.34 The previous planning application (Ref: WDC/17CM003) for the infilling and restoration was subject to a planning condition for the submission and approval of a detailed planting and landscaping scheme. The details required were subsequently approved, and that condition discharged. A planning condition is recommended to ensure that the restoration of the site is implemented in accordance with that approved scheme.
- 5.35 If planning consent is not granted for the additional 3 years to complete the infilling and restoration of the Bubbenhall Quarry void, the landscape would remain with the current topography, with an open water body and uneven ground levels unsuited to an agricultural use, contrary to the approved restoration scheme.

Heritage

- 5.36 The nearest listed building to the application site is the Grade II listed Old Rectory some 250 metres to the west on the opposite side of the A445 Leamington Road. Bubbenhall Conservation Area is located to the west of the application site and includes the residential dwelling and the children's nursery 200 metres to the west of the application site.
- 5.37 There is considered to be no adverse impact on the setting of the heritage assets as a result of the extension of time for the completion of the infilling and restoration of the site.

6. Conclusions

- 6.1 The proposed extension of time to complete the infilling and restoration is closely linked to the extended use of the processing plant at Bubbenhall, to the south of the current application site, which has approval to operate until 2024. In addition, the application is linked to the operation at Wolston Fields Farm Quarry, the source of the mineral that provides the silt and clay for the infilling which also has permission to operate until 2024.
- 6.2 Refusal of the current proposal would prevent the restoration of the site in accordance with the previously approved scheme. In addition, a refusal could result in an increase in vehicle movements from the processing/wash facility as the waste clay and silt would be exported to an alternative site for disposal.
- 6.3 Residents will experience the continued operation of the plant and HGV traffic from Wolston Fields for a further three years, but they will experience this in any event as a result of permissions already granted and this proposal will not increase the impact on amenity above the present level. In so far as the granting of this application extends impacts for a longer period, the levels are not considered to be unacceptable and are considered to be outweighed by the benefits of

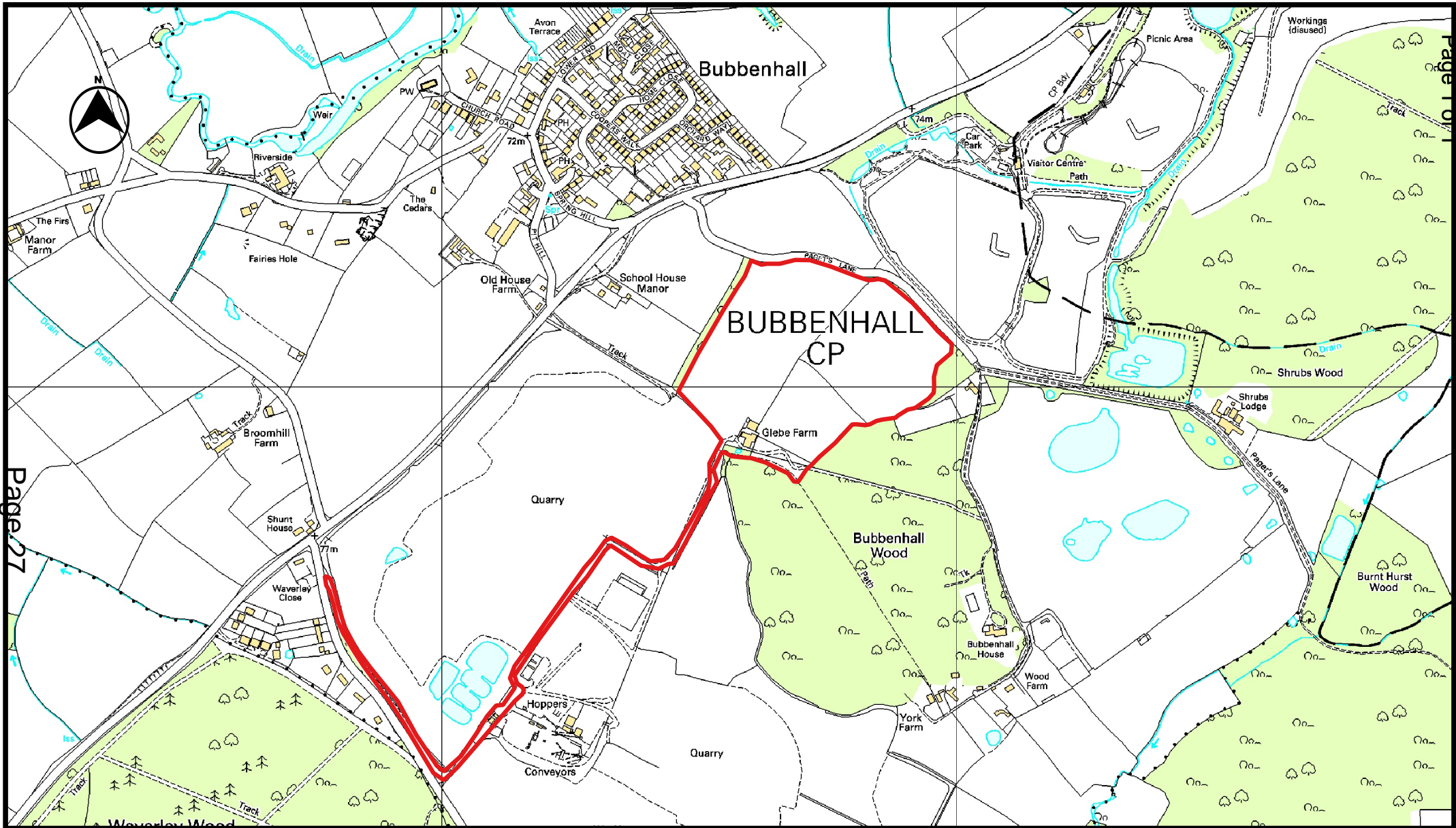
completing the restoration and avoiding the need for waste to be transported from the site for disposal elsewhere. It is also considered that the restoration is appropriate development in the Green Belt and will have no other unacceptable impacts on the environment or people subject to the repeat of the conditions imposed on planning permission WDC/17CM003.

7. Supporting Documents

- 7.1 Submitted Planning Application – Planning reference WDC/21CM005
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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Application No: WDC/21CM005

Bubbenhall Pit, Weston Lane, Bubbenhall, CV8 3BN

Variation of condition to extend time limit for inert waste disposal until 8th May 2024 and restoration by 31 December 2024.

Regulatory Committee 03 August 2021
Scale 1:10000 Drawn by: SP Dept: Communities

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Appendix B

**Variation of condition 14 of planning permission
WDC/17CM003 to revise the time limit by which inert waste
disposal operations shall cease to no later than 08 May
2024 and the site shall be restored to no later than 31
December 2024 at Bubbenhall Quarry, Weston Lane,
Bubbenhall, CV8 3BN
WDC/21CM005**

Planning Conditions.

1. The development hereby permitted shall be implemented fully in accordance with the Planting and Landscaping Details Plan prepared by Smiths Concrete numbered B116m/214a and dated January 2017 or any variation submitted to and agreed in writing by the County Planning Authority.

Reason: In order to ensure the satisfactory appearance of the completed development.

2. The landscaping scheme approved pursuant to Condition 1 of this consent shall be implemented in the first planting season following completion of the development hereby approved and, unless otherwise agreed in writing by the County Planning Authority, should any trees or shrubs planted as part of the landscaping scheme die, be removed or become damaged or seriously diseased within five years of the initial planting they shall be replaced in the next planting season with others of a similar size and species.

Reason: In order to ensure the satisfactory appearance of the completed development.

3. The development hereby permitted (including restoration of the site) shall be carried out in accordance with planning application Reference No. W118/10CM002 and in accordance with approved plans reference No.(s) B116/194a, B116/198d and Restoration Masterplan BH827-D1c and any other 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 exact details of the planning permission granted and to secure satisfactory standard of development in the locality.

4. The site hereby approved shall only accept inert and non-hazardous infill materials.

Reason: In this condition the terms “inert” and “non-hazardous” have the meanings assigned to them by Article 2 of the Council Directive 1991/31/EC of 26 April 1999 on landfill of waste or in any provision equivalent to that Article in any Directive replacing that Directive.

5. Unless otherwise agreed in writing by the County Planning Authority, no operations, deliveries or uses shall be carried out except between the following times:

0800 – 1800 Mondays – Fridays

0800 – 1300 Saturdays

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

Reason: In the interests of the amenities of nearby residents.

6. All vehicles, plant and machinery on the site shall be fitted with effective silencers and engine baffles and properly maintained.

Reason: To avoid undue disturbance to nearby properties.

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

Reason: To safeguard the amenities of nearby residents.

8. Unless otherwise agreed in writing by the County Planning Authority all pumps operated on site shall be electrically powered.

Reason: To safeguard the amenities of nearby residents.

9. No access shall be used by vehicles entering and leaving the site for purposes connected with the development hereby approved except from the existing access onto Weston Lane.

Reason: In the interest of highway safety and residential amenity.

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

Reason: In the interest of highway safety.

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

Reason: In the interest of highway safety.

12. The wheel wash which is installed at the site shall be maintained in a clean and functional condition at all time and shall be used as necessary by all lorries leaving the site.

Reason: In the interest of highway safety.

13. No loaded lorries shall enter or leave the site unless they are sheeted or the load is otherwise adequately secured.

Reason: In the interest of highway safety.

14. Waste disposal operations shall cease no later than 8th May 2024 and the site shall be restored by no later than 31st December 2024 or within 6 months of the completion of waste disposal operations whichever is sooner.

Reason: to ensure satisfactory restoration.

15. All operations involving soil replacement and treatments shall be carried out when the full volume of soil is in a suitable dry and friable condition to minimise soil damage.

Reason: To ensure integrity of soils.

16. All reasonable precautions shall be taken so as to prevent the mixture of topsoils and subsoils with other materials.

Reason: To ensure integrity of soils.

17. Three months prior to the replacement of any topsoils, final cover or the completion of restoration works, whichever is the sooner, a detailed aftercare scheme for the area shall be submitted to the County Planning Authority for approval in writing. The scheme shall specify the steps to be taken and the five-year period in which they are to be taken. Following approval in writing by the County Planning Authority the scheme shall be implemented accordingly.

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

18. At least once each year during the five-year aftercare period relating to the restoration a formal annual review shall be held to consider the operations which have taken place on the site during the previous year and the programme of management to be adopted during the ensuing year. At least four weeks prior to the date of each annual review, the site operator shall provide the County Planning Authority with a record of the management and operations carried out on the restored land during the period covered by the review.

Reason: To ensure satisfactory restoration and after care of the site.

Development Plan Policies Relevant to the Decision.

Warwickshire County Council Waste Core Strategy – July 2013

Policy DM1 – Protection of the Natural and Built Environment.

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

Minerals Local Plan for Warwickshire

Policy M7 – Mitigation of adverse environmental effects.

Policy M9 – Restoration of workings.

Warwick District Local Plan 2011 – 2019 (Sept 2017)

Policy DS5 - Presumption in Favour of Sustainable Development

Policy DS18 - Green Belt

Policy BE3 - Amenity

Policy NE3 - Biodiversity

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.

Regulatory Committee – 3 August 2021

Amendment to site layout to increase size of the compost maturation pad – Ufton Hill Landfill Site, Southam Road, Ufton, CV33 9PP

SDC/21CM004

Application No.: SDC/21CM004

Advertised date: 15th April 2021

Applicant(s) Mr Mike Harty
Biffa Waste Services Ltd.
Junction Works
Bickershaw Lane
Wigan

Registered by: The Strategic Director for Communities on 25 March
2021

Proposal: Amendment to existing site layout to increase size of the
compost maturation pad and associated works.

Site & location: Ufton Hill Landfill Site, Southam Road, Ufton, CV33
9PP.
[Grid ref: 439289.261246].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the amendment to the existing site layout to increase the size of the compost maturation pad and associated works, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application Details

- 1.1 This application relates to an existing In-Vessel Composting Facility (IVC) located at Ufton Landfill Site. In-Vessel Composting is a treatment process used when green / garden waste contains an element of food waste. IVC is generally a two-stage process. The first stage involves treating the waste material within an enclosed environment or building which allows for accurate temperature control and testing. The second stage involves further composting or maturation of the material in the open air on a concrete pad.
- 1.2 The planning application seeks consent to amend the site layout (within the existing planning boundary) to increase the available area of the maturation pad located adjacent to the Ufton In-Vessel Composting (IVC) Facility. The maturation pad is used to mature/complete the composting of materials that have previously been composted/sanitised within the IVC facility. The application also seeks to improve health and safety measures through the provision of containment walls, fencing and lighting. The existing collection vehicle operatives welfare facilities and shelter and the storage container would also be relocated in close proximity to the weighbridge. A replacement subterranean Klargestor tank would also be provided.
- 1.3 The additional concreted area would be approximately 4,275m². The containment walls would measure 3.5m in height. The fencing and double access gate would be weld mesh moss green measuring 3.6m in height. The personnel walkway would measure 1.2m in width.
- 1.4 The existing and new areas would link together to form a generally rectangular maturation pad.
- 1.5 In support of the proposal the application states that the extension of the maturation pad would further maximise the site's ability to produce PAS100 compost. PAS100 standard compost requires a longer maturation period and therefore a larger area to produce this is necessary. All compost produced at the site needs to be of PAS100 quality in order to achieve targets following the nearby landfill restoration.

2. Consultation

- 2.1 **Stratford on Avon District Council – Planning:** No objections.
- 2.2 **Stratford on Avon District Council - Environmental Health:** Initial comments were received from Stratford Environmental Health which had concerns regarding odour, flies and lighting.

'We have periodically received complaints regarding odour and flies from the facility. I would also recommend that the Environment Agency are consulted on this proposal as they are regulator for this facility.

Odour

I am unclear as to how the proposals will increase the amount of compost at the facility and I am unsure as to how this will increase the odour impacts at nearby receptors. I would therefore request that an odour impact assessment is undertaken for the facility considering the increase in odour from the proposal.

Flies

I would like some more information on fly management for the site.

Lighting

I could not find the Lux plan as stated in the planning statement. I would like some more information on off site Lux levels as well as luminaire choice to reduce upward light as much as possible. The institute of lighting professionals guidance document guidelines for obtrusive light give some design criteria.

Further information from the applicant was then received relating to lighting, odour and flies, including lighting details and mitigation measures relating to odour and flies including the Environmental Permit which is monitored by the Environment Agency, the Operational Working Plan and an Odour Management Plan.

The Environmental Health Officer then responded with the below:

‘Odour,

As the tonnage is not increasing- no further comments on this aspect. I would note that I am concerned that they are not aware of complaints as we have certainly signposted residents to the EA and to Biffa- however this is a matter external to this process.

Flies,

No further comments

Lighting

No further comments

- 2.3 **Harbury Parish Council:** No comments received.
- 2.4 **Long Itchington Parish Council:** No comments received.
- 2.5 **Ufton Parish Council:** Raised objection on account of odour and flies from the site.

‘The ongoing issues of flies and repulsive smells from this site have never been addressed since the site came into being.’

- 2.6 **Councillor Christopher Kettle:** *'I can see no reason to object to this as long as the HGV volume remains below the current thresholds. However, I note that the plant will now be producing a non-waste product which will in itself generate HGV movements transferring on the treated materials to customers. Historically all products from the plant had been incorporated into waste soils brought onto the site to improve the restoration of the neighbouring land tip site.*

It also changes the site from a temporary although long term waste receiving site into a permanent green waste processing facility.

It may therefore mean that the existing routings for a time limited facility might not be appropriate for a permanent one and, if there have been any challenges arising from the HGV routing that these are now considered and mitigated for. I am aware of specific complaints from residents about waste carrying HGVs using Bush Heath Road and Butt Lane in Harbury.

My second concern relates to lighting.

This is very rural setting and lighting needs to be limited to the very minimum required to enable safety compliant and not "comfortable" working. Further the lighting must be designed to minimise the reflection of wet impermeable surfaces, concrete etc so that there is no lighting halo over the site in winter. Current lighting energy efficient lighting systems, whilst directionally are very prone to creating reflective halos.'

The applicant responded to Councillor Kettle's queries with the below:

'The site remains a time limited facility as per condition 1 of the extant planning consent ref. S1751/08CM021 dated 08th October 2008 and as such the Planning Authority retain control of this aspect. For the avoidance of doubt condition 1 states:

"The development hereby approved shall cease to operate no later than 15 years from the date of first operation, and in any event within 18 years from the date of this permission."

A subsequent planning consent ref. SDC/13CM034 dated 30th January 2014 did not supersede the time limit restriction and the facility remains a temporary facility, as such I hope this provides suitable clarity.

In relation to queries regarding HGV movements, the 2013 planning application (approved in 2014) included the then future need to export all of the PAS100 compost following the completion of the landfill restoration.

The original 2008 planning consent included the provision of two Material Recycling Facilities (MRFs) in addition to the IVC (In Vessel Composting) facility and as such the site was assessed against and approved in accordance with the significantly higher vehicle movements associated with that development within the same timeframe for the development as per condition 1 of the planning consent.

Furthermore, significantly greater HGV movements were associated with the importation of soils to the Ufton facility when the 2014 consent was approved as the compost was blended with those soils as part of the site's restoration. Indeed at the peak of soil imports there were up to 125 loads per day into the site and these have now ceased and therefore HGV movements to and from the site will therefore actually be significantly fewer than previously experienced. The need to export all the compost product upon the successful completion of the landfill restoration scheme was previously approved as it was considered that the composting facility operates at substantially lower HGV movements than have previously been approved at Biffa's Ufton Facility and this remains the case.

Regardless of the reduced HGV movements connected with the site all vehicles will continue to adhere to the routing arrangements required by the Section 106 Agreement dated 8th October 2008.

The lighting scheme we have provided includes a lux level plan to demonstrate that it is appropriately designed to provide a suitably safe working environment and I can provide further reassurance that the lighting would only be utilised during the operational site hours (as required during the darker hours of those times) which are controlled by condition 10 of planning consent S1751/08CM021 which for the avoidance of doubt are:

*"0600 – 2200 Mondays to Fridays
0730 – 1600 Saturdays
0900 – 1600 Sundays and Bank/Public Holidays."*

Biffa appointed a specialist lighting contractor to design the lighting scheme to ensure we maintain a safe working environment for our operatives whilst ensuring that the lighting provision is a minimalist amount and that light spill is therefore avoided.'

Councillor Kettle: *'I would be interested in a site visit so that would be great if you could pass that on.*

I am assuming you are comfortable with the time limits comments. If the time limit is 8/10/08 plus 18 years, then that takes to 2026. Is there a requirement to reinstate after the end of that period? Or will the facility and concrete areas still remain but just be redundant?

About lighting, my understanding of current UK lighting standards is that they are focused on delivering adequate and cost-effective lighting. What

is clear is that UK standards, focusing around LED technology, may take into account light spill, LED's can be very focused, but not the impact of reflection of wet surfaces which cannot be directional and with the power of LEDs can be a significant cause of light pollution.

In urban areas this might not be a problem but in very rural areas such as this site can be. I would encourage the light engineers to think outside the box and look at alternatives to standard LED technology. I have seen on council business in China, some very effective LED solutions that deliver a very different and environmentally friendly lighting solution to the problems I have raised.

Do the working days have to go through to 10.00 pm? Does the site really work that late on a consistent basis?

The applicant's response:

The site is covered by a restoration requirement as per the 2008 consent.

The hours have been approved similarly as per the 2008 consent but perhaps I can give some clarification as those hours are the times the site is operational but the hours of HGV movements are subject to separate hours. In reality on site operations will be fairly minimal shortly after final loads. Composting is also very seasonal so during the summer months when everyone is cutting the hedges and lawns etc then obviously there is more site activity than in winter months which usefully obviously correlates to the longer days and therefore less need for lighting.

*Delivery of Waste to and Removal of Processed Material from the Site:
0700 – 1800 Mondays – Fridays 0730 – 1400 Saturdays 0900 – 1600
Bank/Public Holidays No delivery of waste or removal of processed material shall take place on Sundays, Christmas Day or New Year's Day.*

I'm assuming the lighting details have not received any adverse comments from the technical consultees and as such considered acceptable in accordance with the details submitted.'

- 2.7 **Warwickshire County Council – Highways:** No objections.
- 2.8 **Environment Agency:** No objections.
- 2.9 **Warwickshire County Council – Flood Risk Management:** Provided all permits are in place, and the Environment Agency has no objections, no further comments.

3. Representations

- 3.1 2 Site notices posted – 15th April 2021
- 3.2 9 nearest residential properties individually notified on 15th April 2021
- 3.3 No representations received.

4. Previous Planning History

- 4.1 Planning permission (S1751/08CM021) was granted in 2008 to allow the development of two material recovery facilities (MRFs) (one for household, commercial and industrial wastes and one for construction and demolition waste) and an In-Vessel Composting (IVC) Facility (for the treatment of pre-segregated household and commercial/industrial organic wastes and green waste) within a compound on land at Ufton Landfill Site. To date only the IVC building, along with a single storey office building, has been constructed within the compound area. The IVC has been in operation since 2009.
- 4.2 Further planning permission (SDC/13CM034) was granted in 2014, which allowed for an increase in the area of the concrete pad for further maturation of compost.
- 4.3 The landfill has ceased accepting waste and is currently undergoing restoration which is due to be completed by 2024.

5. Assessment and Observations

Location

- 5.1 Ufton Hill Landfill Site is located 1.11km south-east of Ufton village. The village of Southam is 2.5km away to the east. The site extends to 0.9 hectares in area.
- 5.2 The site is located on the east side of the B4452 in a rural setting. The nearest listed building is 1.4km away, and there are a handful of listed buildings located in Ufton village. The most notable being Church of St Michael which is grade II*.
- 5.3 The nearest residential property at Monkey Barn Farm is over 150m away to the east of the application site. Ufton Hill Farm is approximately 300m to the south and uses the same access road as the IVC.
- 5.4 Ufton Fields Local Nature Reserve is approximately 250m to the west of the application site, on the western side of the B4452.
- 5.5 The landfill is generally bounded on all sides by agricultural land, and the farm buildings for Ufton Hill Farm and Monkey Barn Farm are just

west of the site. Aside from these properties there are no other residential properties within 500m of the site. There are some commercial units at Lower Farm House to the north of the landfill. The proposed route of HS2 would run to the north of the landfill site should it be constructed.

Planning Policy

The National Planning Policy Framework

5.6 **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.

5.7 **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.

5.8 **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.

- 5.9 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.
- 5.10 In this case, there are development plans in place, the Stratford-on-Avon District Core Strategy (2011 – 2029) adopted in September 2017, and the Warwickshire Waste Core Strategy, which have relevant policies that are considered to be up to date so far as they relate to this proposal. The application should therefore 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.

**5.11 The Development Plan
Stratford-on-Avon District Core Strategy 2011-2013**

The following policies of the Local Plan are considered to be of particular relevance for this proposal.

- 5.12 **CS.1 Sustainable Development:** states that the planning authority will support planning that secures high quality environment, managed economic growth and social equity. All development proposals should improve the economic, social and environmental conditions in the area.
- 5.13 **CS.1 Climate Change and Sustainable Construction:** requires development to demonstrate that measures are included that mitigate and adapt to the impacts of climate change.
- 5.14 **CS.3 Sustainable Energy:** requires that provision for renewable energy and low carbon generation within the District to maximise environmental, social and economic benefits whilst minimising any adverse local impacts.
- 5.15 **CS.5 Landscape:** requires that development will maintain the landscape character and quality, ensuring that development takes place in a manner that minimises and mitigates impact.

Warwickshire Waste Core Strategy 2013-2028

- 5.16 **DM1 – Protection and enhancement of the natural and built environment:** development should conserve, and where possible enhance, the natural and built environment by ensuring that there are no adverse impacts upon:
- Natural resources (including water, air and soil);
 - Biodiversity;
 - Geodiversity;
 - Archaeology;

- Heritage and cultural assets and their settings;
- The quality and character of the landscape;
- Adjacent land uses or occupiers; and
- The distinctive character and setting of the County's settlements

5.17 **DM2 – Managing Health, Economic and Amenity Impacts of Waste Development:** Planning permission will not be granted for waste management proposals which have 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
- Land instability

5.18 **The Waste (England and Wales) Regulations 2011:** Regulation 18 of the Regulations requires that planning authorities shall have regard to certain provisions in Articles 13 and 16 of the EU Waste Framework Directive when exercising their planning functions. This requirement continues to apply notwithstanding the departure of the United Kingdom from the European Union. Article 13 concerns the protection of human health and the environment. Article 16 sets the objective of establishing an adequate and integrated network of installations which enable waste to be disposed of or recovered in one of the nearest appropriate installations, by means of one of the most appropriate methods and technologies, to ensure high level of protection for the environment and public health.

To help deliver these objectives, the Government published the National Planning Policy Framework (NPPW) in 2014 to be read in conjunction with the NPPF and the Waste Management Plan for England. Its Introduction explains that it is the Government's ambition to work towards a more sustainable and efficient approach to resource use and management and that positive planning has a pivotal role in delivering these ambitions.

The NPPW requires that in determining planning applications waste planning authorities should:

- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan;
- 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;
- 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.

The criteria in Appendix B of the NPPW are:

- 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.

Analysis

5.19 Amenity and Environmental Issues

- 5.20 The site is located in a rural location approximately 1km away from Ufton village.
- 5.21 The maturation pad is effectively the second stage of the composting process, following the In-Vessel stage. The material is left on the pad for a period of approximately six to ten weeks to mature to an appropriate quality before being screened and prepared ready for export and sale. In order to meet requirements of the Animal By-products Regulations the process is repeated a second time. To meet PAS100 standards, stockpiles need to be traceable to their point of origin. It is therefore necessary to have a series of separate windrows which means the whole maturation pad area cannot be used and therefore it is necessary to extend the pad to allow for space for the windrows.
- 5.22 The further extended compost maturation pad would be located entirely within the compound previously approved for the development of waste facilities. The pad would be developed in place of the two approved MRF buildings and as such would result in greatly reduced visual and landscape impact. The extended pad would allow greater quantities of compost to be stored on site at any time. However, this would not result in significantly greater visual impact than the compost currently stored on the existing maturation pad. Relocation of the buildings plus the addition of the concrete walls would not result in greater visual impact on the surrounding buildings.
- 5.23 The containment walls are within the planning boundary and provide protection to the existing infrastructure, whilst ensuring vehicle movements can be safely maintained and protecting people by providing a physical barrier to the pad operations.

Highways and Traffic

- 5.24 Vehicular movements to the site are now greatly reduced due to the landfill ceasing operation. Current levels of traffic are acceptable in highway terms and will not increase as a result of the extension.

Odour and Noise

- 5.25 Operations undertaken on compost pads, including handling and turning of materials and screening of compost, are noise generating activities. The facility is remote from sensitive receptors and existing activities have not resulted in noise complaint. The extended pad would largely be used for storage only and is therefore unlikely to result in significantly greater noise impact than the existing operation.

- 5.26 Composting facilities by their nature can generate odour and impact upon air quality as materials breakdown via the composting process. Odour has on occasion been a cause for complaint at the facility, as noted by the Environmental Health Officer. This has in part been attributed to materials being removed from the pad and therefore disturbed before they are fully matured. These proposals will assist with any odour issues as the materials will be left longer to compost on the new pad. We are not aware of any recent odour complaints, although Ufton Parish Council comment that flies and odour have been an ongoing problem and have never been addressed. The facility operates under the provisions of an Environmental Permit administered by the Environment Agency which includes measures to control odour and flies. The EHO and the EA have not raised any concerns in this respect.
- 5.27 The extended compost pad would not result in an increase in the overall quantity of material processed on site and therefore should not result in any greater potential odour impact.
- 5.28 The extended pad would be located within the confines of the existing approved waste facility which comprises of land disturbed by previous developments on site. Extension of the maturation pad into this area would therefore result in no significant impact in terms of ecology and archaeology.

External Lighting

- 5.29 Operation of the IVC Facility requires the use of external lighting within the operational hours of the site during the winter months. This has been raised as a potential concern given the rural location of the site. The initial planning permission included a condition requiring the external lighting to be approved prior to first being used on site. The Facility has been operational for a number of years with external lighting which is not believed to have resulted in adverse impact or complaint. The current proposals include additional / amended external lighting on the site, details of which have been provided. The Environmental Health Officer at Stratford-on-Avon District Council has reviewed the submitted lighting proposals and has raised no objection.

Policy Considerations

- 5.30 The National Planning Policy Framework (NPPF) has at its heart a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan making and decision taking.
- 5.31 The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. The NPPW states that planning plays a pivotal role in delivering this country's

waste ambitions through, amongst other things; delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste up the waste hierarchy.

- 5.32 When determining planning applications, waste authorities should, amongst other things; consider the likely impact on the local environment and on amenity (see Appendix B of the NPPW) and 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.
- 5.33 The proposed development is in line with policy CS.1 of the Stratford-on-Avon Core Strategy which takes a positive approach to sustainable development.
- 5.34 The proposed development is located within the confines of an approved waste facility which is situated within one of the broad locations where the Warwickshire Waste Core Strategy directs new waste developments. Policy CS2 of the Waste Core Strategy states that within the broad locations new waste developments should be located to, amongst other locations, sites operating under an existing waste management use. The proposed development therefore receives in principle policy support.
- 5.35 Policy CS.3 of the Stratford-on-Avon Core Strategy and policy DM2 of the Waste Core Strategy seek to manage the potential adverse impacts, including noise and odour, arising from waste development. The extended pad would provide greater space to enable compost to be fully matured which should address potential odour problems. The proposal therefore generally accords with these policies.
- 5.36 The extended maturation pad would result in no greater visual impact than the existing facility and therefore would accord with policy CS.5 of the Stratford-on-Avon District Local Plan and policy DM1 of the Waste Core Strategy which to protect the quality and character of the landscape.

6. Conclusions

- 6.1 In conclusion the development accords with relevant planning policy and is considered to be acceptable in landscape and amenity terms. The proposed development is controlled under permits which will mitigate impacts and is positive in sustainability terms. Therefore, this development is recommended for approval subject to the recommended planning conditions.

7. Supporting Documents

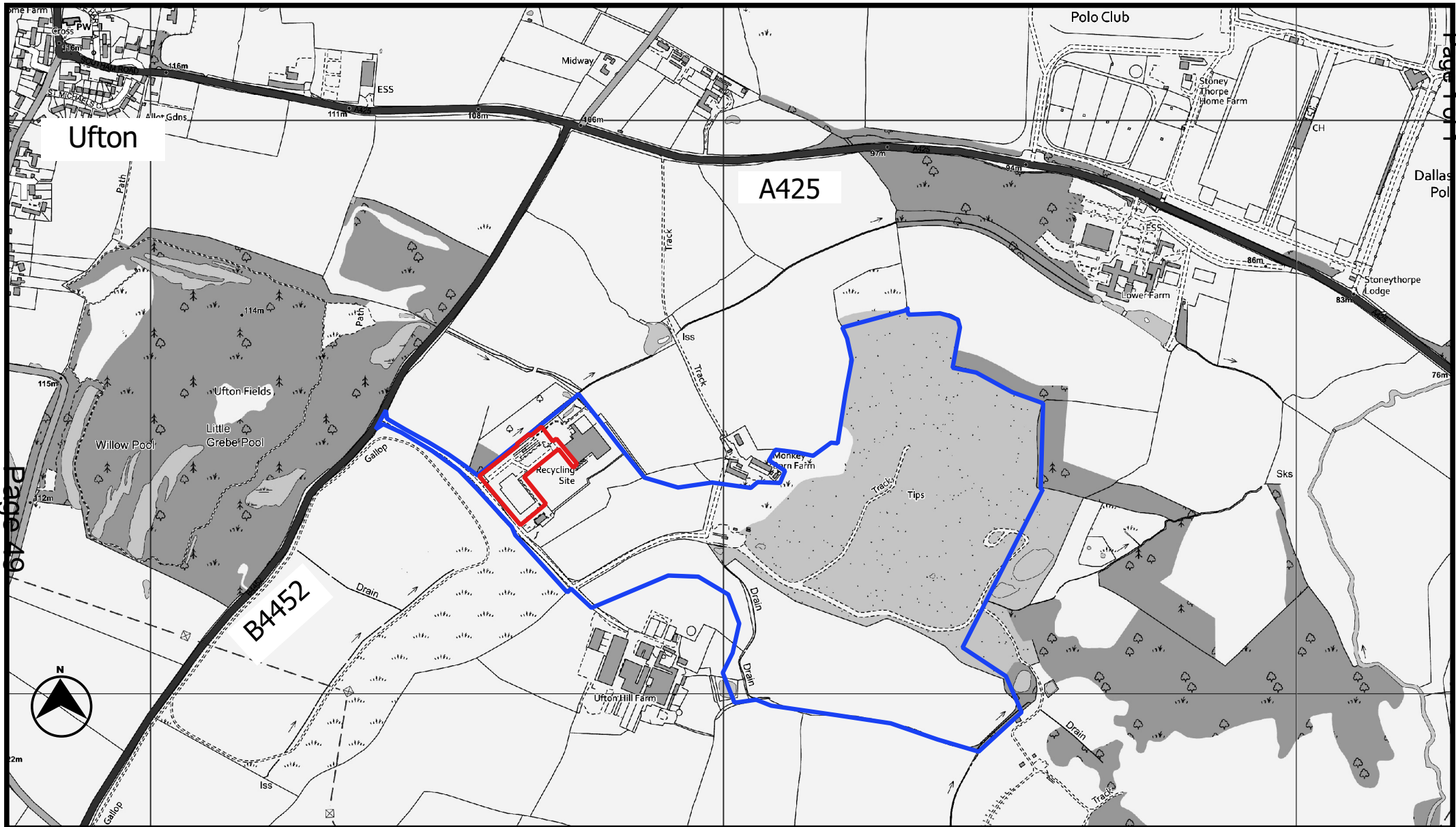
7.1 Submitted Planning Application – Planning reference SDC/21CM004

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

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Page 19

Application No: SDC/21CM004
Ufton Hill Landfill Site, Ufton, CV33 9PP
Extension to maturation pad

Regulatory Committee 03 August 202
 Scale 1:9000 Drawn by: CS Dept: Communities

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Appendix B

Amendment to site layout to increase size of the compost maturation pad – Ufton Hill Landfill Site, Southam Road, Ufton, CV33 9PP

SDC/21CM004

Planning Conditions.

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the submitted plan reference no. 1 ref. U5030700, 2 ref. U5030800, 3 ref. U5030900, 4 ref. U5031000 and the details submitted to support this planning application and any 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 exact details of the planning permission granted and to secure a satisfactory standard of development in the locality.

3. The development hereby approved shall cease to operate no later than the end date specified within planning permission S1751/08CM021 and the site restored in accordance with the restoration scheme approved by condition 23 of planning permission S1751/08CM021.

Reason: To ensure satisfactory restoration of the site.

Development Plan Policies Relevant to the Decision.

Stratford on Avon District Core Strategy 2011 - 2031

Policy CS.1 – Sustainable Development

Policy CS.2 - Proposals for development will be required to demonstrate that, dependent on their scale, use and location, measures are included that mitigate and adapt to the impacts of climate change.

Policy CS.3: Provision will be made for a range of renewable energy and low carbon generation within the District to maximise environmental, social and economic benefits whilst minimising any adverse local impacts.

Policy CS.5: The landscape character and quality of the District will be maintained by ensuring that development takes place in a manner that minimises and mitigates its impact and, where possible, incorporates measures to enhance the landscape. The cumulative impact of development proposals on the quality of the landscape will be taken into account.

Policy CS.6: Development will be expected to contribute towards a resilient ecological network throughout the District that supports ecosystems and provides ecological security for wildlife, people, the economy and tourism.

Policy CS.9: High quality design innovation will be encouraged where it reflects and complements the immediate local environment and maximises sustainability benefits.

Warwickshire County Council Waste Core Strategy – Adopted July 2013

Policy CS1 - Waste Management Capacity.

Policy CS2 – The Spatial Waste Management Strategy for Warwickshire.

Policy CS5 – Proposals for re-use, recycling, waste transfer/storage and compositing will be encouraged provided that the proposal accords with all other relevant policies.

Policy DM1 – Protection of the Natural and Built Environment.

Policy DM2 – Managing Health and Amenity Impacts of Waste Development – sets out general environmental considerations developments will be required to accord with.

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.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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