

# Regulatory Committee

Date: Tuesday 5 April 2022  
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 - 12
2. **Delegated Decisions**  
There are no delegated decisions to note.
3. **Planning applications NWB/21CM013, NWB/21CM014, NWB/21CM015 and NWB/21CM016 each to vary planning conditions on previous planning consents to require completion of site restoration by 31 December 2031 at KSD Recycling, Lichfield Road, Curdworth, B76 0BB.** 13 - 58
4. **Diversion of Public Footpath RB5 in Rugby** 59 - 66
5. **Outside Bodies - Update** 67 - 70

**6. Reports Containing Exempt or Confidential 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 6a of Part 1 of Schedule 12A of the Local Government Act 1972.’

**7. Enforcement Report**

71 - 80

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

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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.

### COVID-19 Pandemic

Any member or officer of the Council or any person attending this meeting must inform Democratic Services if within a week of the meeting they discover they have COVID-19 or have been in close proximity to anyone found to have COVID-19.

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# Regulatory Committee

Tuesday 2 November 2021

## Minutes

### Attendance

#### Committee Members

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

#### Officers

Ian Marriott, Delivery Lead - Commercial and Regulatory, Governance & Policy  
Isabelle Moorhouse, Democratic Services Officer  
Sally Panayi, Senior Planning Officer  
Matthew Williams, Senior Planning Officer  
Clare Saint, Planning Assistant  
Paul Spencer, Senior Democratic Services Officer  
Scott Tompkins, Assistant Director, Environment Services

#### Others Present (for Item3)

Councillor Andy Thomas, Chair of Budbrooke Parish Council.  
Tim Satchell, local resident  
William Knighton, Agent for Chiltern Railways, Stakeholder & Integrated Transport Manager  
Rob Cronk, Agent, Planning Development Management Ltd  
Nick Treby, Spectrum Acoustic Consultants, Principal Consultant

### 1. General

#### (1) Apologies

None.

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

Councillor Jan Matecki reported that the station was located within his electoral division. He

had attended the parish council meeting, but not participated in the discussion of this item and had an open mind on the application. Councillors Falp and Cooke declared non-pecuniary interests as Members and portfolio holders at Warwick District Council. Councillor Kettle reported that he used the station. None of the matters disclosed resulted in a disqualification from speaking and voting.

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

The Minutes of the meeting held on 5 October 2021 were agreed as a true and accurate record. In response to a question from Councillor Feeney about appointments to external organisations considered at this meeting, it was confirmed that Councillor Simpson-Vince was receiving invites to the Rugby Community Safety Partnership.

## **2. Delegated Decisions**

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

### **3. Planning Application WDC/21CC005 Warwick Parkway Railway Station, Warwick - Variation of condition 17 to allow use of PA system.**

This item was introduced by Sally Panayi, Senior Planning Officer. The application sought to vary condition 17 of planning permission W/97/CC023, which stated “No amplified public address (PA) system shall be installed and used at the station without the prior written consent of the County Planning Authority”. The proposal sought planning permission to use and operate the existing PA system as installed, for general travel updates, security announcements and for use in emergency situations, during the operating hours of the station.

Consultation had taken place on the application with the report detailing the responses received and the 14 representations from local residents objecting to the proposal and stating 58 grounds under the headings of:

- Quality of noise assessment
- Impact of noise on local area
- Requirement for a PA system
- Community involvement.

The report outlined the previous planning history, including the call in for determination by the Secretary of State in 1998 and condition 17, stating that there should be no amplified PA system without the prior consent of the County Planning Authority. The PA system had been installed and there was annual testing to ensure the system remained in working order. To the extent that the system was used for testing, this application was in part retrospective. Permission was sought to vary condition 17 in 2012, but this was refused by the Regulatory Committee and the grounds for refusal were set out in the report.

Next, the report provided assessment and observations referring to the station’s location, the need for a PA system, access and inclusion. Environmental and amenity issues were raised particularly those related to noise.

The report set out the relevant planning legislation and policy, comprising the Section 73 application for the variation of the planning conditions imposed on an existing permission, the Development Plan provisions, the National Planning Policy Framework (NPPF) and Warwick District Local Plan 2011-2029.

In summary, Ms Panayi said that, the application was in furtherance of the objectives of the Equality Act 2010, ensuring that all users of the station had access to information. The PA system would enable information and warnings to be given to all train users. The application was considered to comply with the policies of the NPPF and the policies within the Development Plan. In terms of noise, the noise impact assessment concluded that there was a low probability of the operation of the system having an adverse impact on health and quality of life.

Ms Panayi concluded that operating the PA system was acceptable when the benefits in terms of safety and passenger convenience, and the advantages to those with disabilities and all other users, and the desirability of encouraging sustainable travel, were balanced against the impact of the noise on local residents, with the mitigations proposed in place. Accordingly, permission was recommended for approval, subject to the conditions contained within the report.

The Chair invited members to submit technical questions. The following points were raised and answers provided:

- There had been no appeal to the planning application refused in 2012.
- Presently people could book assistance to board or depart from a train at this station.
- Data was provided on the reported accident rates at this station, which were higher than for other comparable stations. Context was sought on the cause of the nine reported accidents and whether this was linked to a passenger being visually impaired or another reason. Officers did not have this information, but the applicant may.
- The number of trains per hour stopping or passing through the station, to give an indication of the number of announcements and noise impact for residents. The number of trains could fluctuate and had reduced due to the Covid-19 pandemic. It was estimated there were 200 trains per day passing through the station, with 69 passenger trains stopping, 37 fast trains not stopping and the remainder being freight or empty trains. Comment about the number of announcements for each train, dependent on whether it was stopping; the sound was directed to the platform and findings from the noise assessment were reported.
- The equalities legislation in place at the time of the original application would have been the Disability Discrimination Act. There had been no changes to material planning considerations since 2012.
- The ability for the PA system to be used in an emergency situation. It was understood the system had not been used in an emergency and its wiring was only connected for the purpose of annual testing.
- The number of accidents occurring when passengers boarded the train or when they left it. A view that those with a visual impairment were more likely to struggle when stepping out of the train. This would make announcements on the platform of less use.
- Concerns about the frequency of security messages.
- The application included use of the PA system at weekends; a resident had objected requesting no use at weekends or between 7pm and 7am. A related question on the ability for emergency announcements still to be made at other times.
- Confirmation that a PA system was provided at the Hatton Station

- The impact of the prevailing south westerly wind direction reducing noise from the station. Reference to the environmental health noise assessments, which were based on noise levels indoors with windows closed. It was noted that the noise levels reported in this application were taken outside of the properties.
- Regarding the condition of the PA noise level being a maximum of one decibel above ambient noise levels, context was sought on how loud this would be. Officers were guided by environmental health and the applicant had brought a noise expert to this meeting.
- A point about the safety of people on the platform outside the operating times for the PA system. If this was deemed safe, why was the PA required at all other times?
- The current usage of the station was 682,000 people each year and it was expected this would increase over time.
- A question on the amount of usage at different times of the day. This data wasn't available.
- Reference to an email suggesting the delay of the noise survey on the grounds of weather conditions. Further information was sought and this would be better directed to the applicant's noise expert.

## **PUBLIC SPEAKING**

Councillor Andy Thomas, Chair of Budbrooke Parish Council outlined issues raised previously with the applicant. There was concern about the lack of proper notification of the noise tests, reference to the local feedback received via social media and regarding the location chosen for one of the noise tests. PA announcements would need to be louder than trains, which were already heard in the village. The concerns about the gap between platform and train were a design fault and accidents could still occur. The volume of passengers was much reduced since the pandemic and there was no evidence of the increased passenger numbers stated.

Tim Satchell, confirmed the lack of notification of the noise tests and questioned the choice of Locke Cottage as the location for one of the noise tests, given its proximity to the A46 and the background noise from this road.

William Knighton addressed members on behalf of the applicant, speaking of the passenger numbers and saying that it was the only station Chiltern Railways had without a PA system. He summarised the reasons for the PA system to provide safety warnings, especially for trains passing through the station at high speed. He made reference to a recent report following a serious incident elsewhere, recommending strongly the provision of advance warnings of non-stopping trains approaching. With respect to safety warnings to 'mind the gap', he said that audible warnings were effective. There had been a higher number of incidents at this station. With respect to Equality Act compliance, people with a visual impairment were not able to use the live information boards at the station and without audible notification were disadvantaged. From the customer experience perspective, the audible announcements provided useful passenger information. The applicant understood local residents' concerns on the noise aspects. There had been close liaison between the noise expert and environmental health officers, to ensure the test results were valid and the conclusion was there would be a negligible impact for local residents. Questions to speakers were invited, with responses provided as indicated:

- Reference to the excessive step from platform to trains and whether this was unique to the station or occurred elsewhere. The characteristics of each station varied, and some were located on bends like Warwick Parkway station.



- Reference to the higher accident data at this station compared to others. Context was sought on the number of accidents when compared to passenger numbers at each station. Data was provided for three broadly comparable stations at Gerrards Cross, Dorridge and Aylesbury, on the number of incidents per 100,000 passengers at each station and it was significantly higher at Warwick Parkway. There was no breakdown on the proportion of incidents for passengers joining or leaving the train.
- A question on the proportion of incidents related to the passenger having a visual impairment or those due to other causes. Mr Knighton responded on the broader safety point for all passengers. There was an identified safety issue which the PA system would address, whilst giving other benefits as outlined during his earlier address. The specific information was not available.
- A point that most passengers prepared for their journey and knew their destination, platform and departure time, which was acknowledged.
- It was questioned if the other stations used for comparison on safety data were comparable in terms of passenger interface, or whether this was due to the design of Warwick Parkway causing the issue. The point was acknowledged by Mr Knighton and showed the need for the PA system to give additional audible warnings. The member asked how a PA system would assist those who were less physically able and there was perhaps a need to make the passenger interface safer.
- A comment and example to show how noise experiences could be subjective and could be more noticeable when pointed out.
- Scott Tompkins reiterated a point from the introduction of this item on the importance for visually impaired passengers to receive audible alerts and warnings.
- A point that this was a newer station, with better design standards and had been designed in the knowledge of having no PA system.
- A question about the weather conditions chosen for the noise survey, also referring to the graphs from the survey. Mr Treby explained that noise surveys were not undertaken in wet weather conditions, or when it was windy/gusting as there would be more ambient noise, reducing the additional noise from the PA system. The relevant guidance had been followed in taking the noise samples. Mr Treby provided more information on the graphs and the method used to record the precise times of announcements and compare the noise data to periods immediately before and/or after each announcement. The data recorded was clear of other noise sources such as trains or road vehicles.
- A question if the PA system had caused any noticeable increase in noise levels and what the one decibel limit in the condition equated to. Mr Treby advised that for the vast majority of samples, the PA could not be heard, and the measureable change was so small it may have been as result of PA or perhaps another source. The exception was at Stanks Farm in the late night where the PA became more audible but was still within the one decibel limit in the condition. Mr Treby provided further context on the noise level change before most people would usually be able to detect it and the strict condition being applied to be protective of residents, whilst providing a clear limit to be able to monitor in the future. In responding to a follow up question, Mr Treby confirmed that late in the night at Stanks Farm, it was just possible to hear the PA, which was why the time restrictions had been included.
- Regarding condition 4, further information was sought about the usage of the PA for different message types. This information was not available but could be provided.
- It was questioned why the PA system was necessary. Reference to the typical numbers of people needing assistance and type of support requested. The PA would not be of

additional benefit in many of the cases reported. It was acknowledged that support was sought for a variety of reasons. For visually impaired people the PA would give more independence and the safety aspects for all passengers were reiterated.

## **DEBATE**

Councillor Adrian Warwick reminded the meeting that the condition would have been imposed only if it was considered necessary to the grant of permission, and of the request for removal of that condition in 2012 which had been refused and was not appealed. There had been ample opportunity for the applicant to appeal on two occasions. The PA system did have advantages, but he did not know whether it would change the accident rate at the station. Having regard to the information provided, the one decibel noise limit seemed to be a way forward. A temporary permission could be granted to enable a trial, giving local people the opportunity to provide feedback and the applicant to provide data on accident rates. He proposed a trial of 12 months to gather feedback, the data and then review this application. This was seconded by Councillor Justin Kerridge.

Councillor Jill Simpson-Vince spoke of the benefits of a PA system for parents with small children and reliance on the messaging provided. She noted the points about a temporary consent, but this may require another lengthy debate in a year. She was mindful of the safety aspects and considered the report to be balanced. On safety grounds she would move approval of the recommendation.

Councillor Sarah Feeney was minded to support Councillor Warwick's proposal, which was sensible and would enable data to be gathered on the noise aspects. There was a need to understand more about usage, demands and the accident statistics.

Councillor Jack Kennaugh spoke of the benefits of the PA system, changes in customer service expectations and the PA system would benefit all users of the station. He did not favour the temporary approval and could not see a material consideration to refuse the application. It could only benefit train users.

Councillor Jan Matecki stated that refusal was possible on the same grounds as in 2012 and he had heard no new evidence, other than a longer noise survey. He could not see any reason to change the earlier decisions. More data was needed on the causes of accidents. He was minded not to accept the report recommendation. Having regard to Councillor Warwick's proposal he suggested restricted hours of operation to have regard to the health and wellbeing of local residents. To this end he suggested use of the PA system between 7am and 7pm with monitoring of the number of accidents at all times to assess the effectiveness of the PA in reducing accidents. The Chair reminded the Committee that members could only consider the application before them.

Councillor Christopher Kettle was sceptical that ambient noise would mask that from the PA given the variable nature of both. He spoke of the impact for residents especially in the summer when windows may be open at night time. He referred to the previous refusal by the Committee and the sound survey. The accident data was viewed as critical evidence to support the application, but that provided was not clear enough to substantiate the case for the PA. In determining the application, both the Planning Inspector and Secretary of State had made the condition that there should be no PA system, which was reiterated by the Committee in 2012. He spoke of the small sample size for accident data at other stations. Councillor Kettle could not support the application.

He referred to the information available via mobile telephone applications, also acknowledging the safety concerns and needs for different user groups including parents with young children. He considered the revised proposal for a trial was reasonable but should include a condition to limit the hours of use to a shorter period, to reduce the impact to residents.

Councillor Judy Falp was supportive of granting a temporary permission for one to two years, but also had regard to the advice from officers at the Warwick District Council. She was not as sure about restricting the hours of operation.

Councillor Jeff Clarke drew comparison to another station within his electoral division, which was larger and yet attracted no complaints from residents about the PA system. He was mindful that this station was in a rural area, but also the noise limit of one decibel above ambient noise. Given the safety aspects, the potential for distractions and accidents, he was supportive of the application either in full, or possibly for a trial period of 12-24 months to secure data. He was not supportive of restricting the hours of operation.

Councillor Adrian Warwick was not supportive of reducing the hours of operation as this would distort the data. He summarised the options available. The trial would provide data and give the option for residents to provide feedback, which would assist in making an informed decision.

Councillor Chris Mills was inclined to support the officer recommendation commenting on the potential implications for the committee if it refused the application and there was a serious accident.

Councillor Jan Matecki asked if the temporary approval was granted, that Chiltern Railways keep a detailed record of any accidents and their circumstances, including whether they occurred as people were getting on or off the train, to enable members to look at the results meaningfully. Councillor Warwick was agreeable to this suggestion.

Ian Marriott confirmed that the amendment before members was for a 12 month temporary permission with no further restrictions to the proposed hours of operation and a condition regarding the recording of accidents. He explained the governance process to be followed to consider the current amendment and any subsequent proposals.

The Chair commented that this was a very balanced report, which had attracted a lot of questions. The Committee had to determine applications on planning matters. He was concerned about safety, whilst having some sympathy with the points raised by several members.

The amendment was put to a vote and carried. This became the substantive motion which was also carried.

## **Resolved**

That the Regulatory Committee authorises the grant of planning permission for the variation of Condition 17 of planning permission W/97/CC023 to allow the use of the public address system at Warwick Parkway Railway Station subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities and subject to additional conditions (to be drafted by officers) limiting the permission to a period of 12 months and requiring that Chiltern Railways keep a detailed record of any accidents and their circumstances.

.....  
Councillor John Cooke, Chair

The meeting closed at 12:40pm

## Regulatory Committee

5 April 2022

**NWB/21CM013: S73 application for the variation of condition 2 of Planning Consent NWB/11CM029 for the completion of extraction of sand and gravel; the continued processing of recycled aggregates and the completion of restoration;**

**NWB/21CM014: S73 application for the variation of condition 3 of Planning Consent NWB/15CM001 for the retention of the concrete batching plant and ancillary structures utilising both recycled and imported materials for the production of ready mixed concrete;**

**NWB/21CM015: S73 application for the variation of condition 2 of Planning Consent NWB/18CM001 for the retention of the steel portal frame workshop, storage and lean-to;**

**NWB/21CM016: S73 application for the variation of condition 3 of Planning Consent NWB/15CM008 to retain the temporary stocking area for processed aggregates 5m high, with surrounding 4m high screening bund and associated planting;**

**Each variation of condition is to extend the time limit on a previous planning consent for 10 years until 31 December 2031 at Dunton Recycling Centre, Lichfield Road, Curdworth, Warwickshire, B76 0BB**

Application Nos.: NWB/21CM013  
NWB/21CM014  
NWB/21CM015  
NWB/21CM016

Advertised date: 13 January 2022

Applicant: Mr B Dosanjh  
KSD Aggregates Limited  
Lichfield Road  
Curdworth  
B76 0BB

Agent: Mr Ian Briggs  
Landesign  
22 Parklands Drive  
Loughborough  
LE11 2TB

Registered by: The Strategic Director for Communities on 21 December 2021

Proposal: Four S73 applications to vary a planning condition on each of the four previous planning approvals, to extend the date for the completion of extraction of sand and gravel, the continued processing of recycled aggregates and the completion of restoration; the retention of the concrete batching plant; workshop and storage building; and the temporary stocking area, all until 31 December 2031 at Dunton Recycling Centre, Lichfield Road, Curdworth, Warwickshire, B76 0BB

Site & location: K S D Recycled Aggregates, Lichfield Road, Curdworth, B76 0BB. [Grid ref: 418961.293317].

**See plan in Appendix A**

## **Recommendation**

That the Regulatory Committee authorises the grant of planning permission for the variation of the relevant planning condition on each of the four planning applications the subjects of this report, to extend the date for operation of facilities at KSD Recycled Aggregates until 31 December 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 The operations and facilities at the Dunton Recycling Centre, Lichfield Road, Curdworth consist of plant and equipment for the processing of recycled aggregates, a stocking area, workshop, and a concrete batching plant using both recycled and imported materials for the production of ready mixed concrete.

- 1.2 There are four extant planning permissions relating to the operations on the site which each require the cessation of those operations by 31 December 2021. The four current planning applications have been submitted to vary the planning condition relating to the permitted date for the cessation of operations on those previous permissions.
- 1.3 One planning statement has been submitted to support all four current planning applications. The Statement advises that the applicant KSD Recycling, wishes to continue business at the Dunton site for a further 10 years. Planning consent is sought under Section 73 of the Town and Country Planning Act 1990 for the planning condition referencing the time limit for the cessation of operations for each of the four submitted planning applications to be amended to 31 December 2031. The proposed re-wording of each of the relevant planning conditions is set out below.
- 1.4 Planning consent NWB/11CM029 consolidated the previous planning approvals at the site under one consent to allow processing of recycled aggregates and the extraction of sand and gravel from the site. Planning application **NWB/21CM013** seeks consent to vary condition 2 of NWB/11CM029 which stated:

*The development hereby permitted shall cease and the site be fully restored on or before the 31 December 2021.*

The planning condition is proposed to be varied to state:

*The development hereby permitted shall cease and the site be fully restored on or before 31 December 2031.*

- 1.5 Planning consent NWB/15CM001 relates to the concrete batching plant. Planning application **NWB/21CM014** seeks consent to vary condition 3 of NWB/15CM001 which stated:  
  
*The development hereby approved shall cease on the 31 December 2021 and all associated buildings, structures, plant and materials shall be removed from the site within 6 months of that date.*

The planning condition is proposed to be varied to state:

*The development hereby approved shall cease on the 31 December 2031 and all associated buildings, structures, plant and materials shall be removed from the site within 6 months of that date.*

- 1.6 Planning consent NWB/18CM001 relates to the workshop, storage and lean-to on the site. Planning application **NWB/21CM015** seeks consent to vary condition 2 of NWB/18CM001 which stated:

*The building hereby permitted shall be removed on or before the 31 December 2021 and the site shall be fully restored in accordance with a scheme which shall first have been submitted to and approved by the County Planning Authority before that date.*

The planning condition is proposed to be varied to state:

*The building hereby permitted shall be removed on or before the 31 December 2031 and the site shall be fully restored in accordance with a scheme which shall first have been submitted to and approved by the County Planning Authority before that date.*

- 1.7 Planning consent NWB/15CM008 relates to the northern extension of the KSD site to provide a temporary stocking area. Planning application **NWB/21CM016** seeks to vary condition 3 of NWB/15CM008 which stated:

*The development hereby permitted shall cease and the site shall be fully restored on or before the 31st of December 2021.*

The planning condition is proposed to be varied to state:

*The development hereby permitted shall cease and the site shall be fully restored on or before the 31st of December 2031.*

- 1.8 The applicant advises that the red line area for the application NWB/21CM013, includes an area in the south-eastern corner of the site that is unworked for sand and gravel as it has sat beneath the existing processed material stock-piles. The consent granted under NWB/11CM029 allows for the extraction of this area of the site. It is the applicant's intention that the remaining sand and gravel reserve which amounts to approximately 100,000 tonnes would be extracted within the extended time period.
- 1.9 The majority of the waste activities on site operate under the consolidating consent (NWB/11CM029) with output levels currently of between 200,000 to 250,000 tonnes per annum. At peak operations during the last 20 years the output from the site has been as high as 400,000 tonnes per annum.
- 1.10 The site produces crushed and graded stone and sands from reprocessed materials. In addition, the site also recovers glass as an aggregate and recycles Incinerator Bottom Ash (IBA) to create graded sands and recovered metal. Recovered metal is removed from site to a specialist metal recovery company while any waste that cannot be treated on site is collected and removed to appropriately licensed facilities elsewhere.



- 1.11 The planning statement advises that while the concrete batching plant has a permitted limit of 50,000 m<sup>3</sup> per annum, the current operations have not achieved that level of activity.
- 1.12 Operations on the site are controlled by existing planning conditions and an EA permit. The EA permit allows the combined total quantity of waste accepted at the site to be a maximum of 500,000 tonnes per year, with 100,000 tonnes of that total permitted to be Incinerator Bottom Ash. No new operational development or uses are proposed as part of any of the four planning applications submitted.
- 1.13 The planning statement supporting the planning applications sets out the case for very special circumstances for the Dunton site in the Green Belt (*see details in section 5 Green Belt below*).

## 2. Consultation

- 2.1 **North Warwickshire Borough Council – Planning:** No objection but asked that if any fresh permissions are granted, the County Council review the need to control the heights of buildings and stockpiles and at the end of any extended period of operations, the site is restored and landscaped.
- 2.2 **North Warwickshire Borough Council – Environmental Health:** No objection. The site is situated in a location of high background noise and I would not expect there to be significant impact on identified noise receptors. I have checked our records and cannot find any complaints about noise for the premises.
- 2.3 **Curdworth Parish Council:** Raised no objection. Councillors wished to ensure that pre-existing conditions were retained and monitored by Enforcement Officers. It was noted there was still a lot of spillage on the main roads with debris from the site.
- 2.4 **Lea Marston Parish Council:** Objection, on the grounds:
  1. The site is in in the Green Belt and has an impact on openness and the rural character of the local area. The application site represents a continued impact of urban sprawl impact on a rural character and openness.
  2. Previous planning permissions, granted as late as 2018, were all temporary and required restoration by 31 December 2021. This restoration has not been completed or indeed commenced. The KSD site is there operating without planning consent.
  3. From a Lea Marston and Marston resident community aspect the site has a continued detrimental impact on the rural character of the local area. The site is over-bearing and out of character with its immediate rural landscape and has a direct adverse visual impact on the local landscape.

4. Failure to comply with planning conditions 4 and 5 of NWB/15CM008. Failure to submit a restoration plan by 31st December 2020, one year prior to the completion of the development in December 2022.
5. Failure to comply with condition 8 of permission NWB/15CM008. There are breaches of the 4m high restriction on stockpile levels and 4m high bunds.
6. There are additional ongoing breaches with the heights of stored materials exceed 110 metres above ordinance datum.
7. The footpath M16 should be restored to its original route.

In line with the conditions of planning permissions: NWB/11CM029, NWB15CM001, NWB15CM008, and NWB/18CM001, the parish council requires the restoration of the site. The permissions granted were for temporary structures and functions.

While Lea Marston Parish Council's position is currently one of objection, the Parish Council is aware of the importance of the aggregates and minerals recycling function of this site to The Regional Spatial Strategy, WCCs Waste Local Plan for Warwickshire, the draft WCC Minerals Strategy, WCC's commitment to the Climate Emergency, and NWBC Local Plan Policy LP29.

With a constructive hope of being able to support WCC's and NWBC's strategic ambitions the Parish Council requests a meeting with the applicant and site owner to discuss options to mitigate the impact of this development on our community.

*The parish council note the intention to list these applications for consideration by Regulatory Committee on 8th March 2022. We ask that this application be carried forward to a future meeting to enable the Parish Council's meeting with the applicant first. The Parish Council will be looking to exercise its right to address Committee.*

*I have attached Google Maps images from all four boundaries of the site. These demonstrate its impact on the openness of the Green Belt and the height of bunds and material stockpiles.*

## 2.5 **WCC - Planning Strategy:** No objection.

When assessed together the four applications constitute inappropriate development in the Green Belt, as there would be some harm to the openness of the Green Belt from elements of the proposals. However, any harm to the openness of the Green Belt is outweighed by a number of very special circumstances. These can be summarised as:

- Para 211 of the NPPF gives great weight to the benefits of minerals extraction including to the economy.

- The site has operated without apparent adverse environmental impacts over many years and the proposal does not seek to add any new elements to the built form or create new landforms which could erode the openness of the site.
- The site's location being an island within a sea of large infrastructure minimises the loss of openness.
- The proposal is greatly contributing to meeting the national waste recycling targets for C&D waste and is moving waste up the waste hierarchy in accordance with national waste policy and targets.
- The site contributes to the permitted reserves of aggregates and these are needed to maintain the County's aggregate landbank.
- Recycling operations on the site will contribute to less primary aggregates being extracted in the county.
- Restoration benefits through biodiversity and landscape improvements should be implemented as soon as possible and not all at the end of the development.
- The proposal is in accordance with national and local minerals and waste planning policies.

- 2.6 **WCC - Flood Risk and Water Management:** No objections to any of the applications to extend the time of the operations.
- 2.7 **WCC – Highways:** No objection. The modelled future growth for vehicle movements along the A446 corridor already include the movements associated with the proposal, and as such, are considered to be part of the baseline figure. Therefore, there would be no material increase in traffic flows.
- 2.8 **WCC – Archaeology:** No Archaeological comments to make on any of the applications.
- 2.9 **WCC - Ecology:** No objection. It is recommended that the same wording be used as conditions 21 and 22 of the planning approval NWB/11CM029 to secure the habitat restoration plan and aftercare scheme. In addition, as the planting on the northern extension bund has not been completed a condition is recommended requiring the planting of the species and sizes of tree in line with the previously approved plan (Drwg No LD70-DN-001), approved through discharge of Condition 14 of planning permission NWB/15CC008.
- 2.10 **WCC – Rights of Way:** No objection in principle to the proposed variation of conditions.

- 2.11 **National Highways (Highways England):** No objections on any of the applications.
- 2.12 **Environment Agency:** No comments received.
- 2.13 **HS2:** No comments received.

### **3. Representations**

- 3.1 Two site notices were posted on 11 January 2022, one on the entrance to the application site and a second at the entrance to Dunton Hall off Kingsbury Road to the north of the application site.
- 3.2 A press notice was posted in the Tamworth Herald on 13 January 2022. Neighbour notification letters were sent by post to the 2 nearest residential on 13 January 2022.
- 3.3 No neighbour responses have been received in response to the consultation on the four planning applications.

### **4. Previous Planning History**

- 4.1 Sand and gravel extraction took place from the 1950s with the quarry void being later infilled with inert waste materials, creating a domed landform across the site area.
- 4.2 In October 2002 planning permission was granted to allow the re-profiling of the landfill by recycling the previously deposited inert materials. In May 2012 planning consent (NWB/11CM029) was granted which consolidated the previous planning consents into one permission to allow the continued processing of recycled aggregates, including both those historically deposited as landfill and imported waste (including construction and demolition wastes and Incinerator Bottom Ash). The permission also allowed for the extraction of the remaining reserve of sand and gravel at the site. The recycling of the previously deposited inert materials on the site has been completed.
- 4.3 Planning approval (NWB/15CM001) was granted in 2015 for the installation of a concrete batching plant and associated structures using both recycled and imported materials. The concrete batching plant operates under a permit from North Warwickshire Environmental Health Officers under Part B of the Environmental Permitting Regulations 2010 (as amended).
- 4.4 In 2015 planning consent (NWB/15CM008) was granted for the northern extension to the site to provide a temporary stocking area with a 4 m high bund to the north.

- 4.5 In 2018 retrospective planning consent (NWB/18CM001) was granted for a workshop and storage building.
- 4.6 The waste processing/recycling operations at the site are controlled by the Environment Agency under permit.
- 4.7 Each of the four planning applications granted since 2011 are subject to planning conditions requiring the operations to cease and for the site to be restored by 31 December 2021.

## **5. Assessment and Observations**

### **Location and Site Description**

- 5.1 KSD Recycling is located approximately 1 km to the east of the village of Curdworth and 1.4 km west of the village of Lea Marston. Coleshill is some 3 km to the south and Water Orton over 2 km to the south-west. Hams Hall Industrial area is located approximately 1.2 km to the south-east.
- 5.2 The roundabout serving junction 9 of the M42 and the M6 Toll Road is located within 0.2 km to the north of the site. The wide highway corridor of the M6 toll road and the M42 runs between the site and the settlement of Curdworth.
- 5.3 The route of the HS2 rail line, which will sit in a cutting, runs to the east of the KSD site. Construction has commenced on the HS2 site and is expected to continue for years, resulting in major changes to the landscape.
- 5.4 Immediately to the north of the northern extension to the application site is a complex of buildings. Dunton Hall, the barn 20 metres south-east of Dunton Hall and the pigeon house 30 metres west of Dunton Hall are all Grade II Listed buildings. To the south of the application site is a residential property, 1 Newlands Cottage which the applicant advises has been purchased by HS2.
- 5.5 The National Grid substation is located some 45 m to the south-east of the application site with a network of high-level power lines and tall pylons radiating out across the landscape.
- 5.6 The application site is accessed from the southbound carriageway of the Lichfield Road dual carriageway (A446). The site sits at a higher ground level than the surrounding area. As a result of the topography and the location of the bunds surrounding the site, there are no views into the site from either the highway network or from surrounding viewpoints.

- 5.7 The bund on the northern, western and eastern boundaries of the northern extension is 4 m in height. The bund located internally within the site (marking the former northern extent of the site) has an opening to allow access between the main site and the northern extension. Bunds ranging in height between 5 m and 15 m surround the application site.
- 5.8 The central area of the site is a level, hardsurfaced working area following the completion of the excavation and processing of historic landfill materials in that area. Facilities within the site include the Portacabins located to the north of the site access which provide site office and staff welfare facilities. The wheel wash, weighbridge and vehicle parking area are sited close to the site office. A range of fixed and mobile plant for crushing, washing and screening operations; the concrete batching plant and facilities for plant maintenance are located across the site. There are various stockpiles of imported and processed materials in addition to remaining areas of infill materials that are being excavated and reprocessed to create aggregate materials for use in construction.

## **Planning Legislation and Policy**

### Section 73 application

- 5.9 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. 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”. In cases where the effect of the application is to extend a time limit on the duration of development, that may involve consideration of the overall planning impacts and benefits of the development. Section 73 gives a decision-maker 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 on each of the four planning applications to extend the timing of the cessation of operations and restoration of the site until 2031. Any new consents granted would be subject to revised planning conditions.

- 5.10 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’.
- 5.11 **Paragraph 11** of the National Planning Policy Framework (NPPF) July 2021 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.

- 5.12 **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.
- 5.13 **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.
- 5.14 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.

- 5.15 The development plan relevant to the proposals consists of the Warwickshire Waste Core Strategy Adopted Local Plan 2013-2028 (July 2013), the 'saved policies' of the Minerals Local Plan for Warwickshire (Feb 1995), the emerging Warwickshire Minerals Plan 2018 – Proposed Modifications (which while not yet adopted has been examined in public and is currently subject to consultation on modifications and should be given considerable weight) and the North Warwickshire Adopted Local Plan (Sept 2021).

National Planning Policy Framework (NPPF)

- 5.16 The National Planning Policy Framework (NPPF) (July 2021) has at its heart a presumption in favour of sustainable development to be achieved by three interdependent objectives; economic, social and environmental, to build a strong competitive economy, vibrant healthy communities while enhancing the natural, built and historic environment.
- 5.17 The NPPF makes it clear that the Government is committed to securing economic growth and productivity in order to create jobs and prosperity. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area as well as enabling the sustainable growth and expansion of all types of business in rural areas.
- 5.18 KSD Dunton Recycling is located within the West Midlands Green Belt, as defined by the North Warwickshire Local Plan. The NPPF stresses the importance the Government attaches to Green Belts. Green Belt serves a number of purposes including safeguarding the countryside from encroachment. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 harms resulting from the proposal, is clearly outweighed by other considerations.
- 5.19 The NPPF identifies forms of development that are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. This includes mineral extraction and engineering operations.
- 5.20 The NPPF states that the focus of planning 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.

- 5.21 The NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Planning Authorities are required to take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously.
- 5.22 The NPPF also requires planning policies to safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material.
- 5.23 Paragraph 211 of the NPPF focuses on considerations for determining applications including a) the maintenance of landbanks of non-energy minerals; b) ensuring there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, taking into account the cumulative effect of multiple impacts from an individual site or from a number of sites in a locality; c) ensuring that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establishing appropriate noise limits for extraction in proximity to noise sensitive properties; e) providing for restoration and aftercare at the earliest opportunity.

#### Waste Management Plan for England

- 5.24 Regulation 18 of the Waste (England and Wales) Regulations 2011 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 Waste Management Plan for England (WMPE) published January 2021 states that the construction and demolition sector is the largest contributing sector to the total waste generation. This generated 120.3 million tonnes of waste in 2016, accounting for almost two-thirds (64%) of total waste generated. The WMPE details that the UK is committed to meeting its target of recovering at least 70% by weight of non-hazardous construction and demolition waste by 2020. This target is reflected in the policies of the adopted Waste Plan.

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

5.25 The NPPW 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.

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.

Warwickshire Waste Core Strategy Adopted Local Plan (July 2013)

- 5.26 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.
- 5.27 **Policy CS1 – Waste Management Capacity:** states that sufficient waste management capacity will be 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.
- 5.28 **Policy CS2 – The Spatial Waste Planning Strategy for Warwickshire:** seeks waste management facilities to be well located in accordance with identified broad locations (the application site falls within close proximity to Coleshill which is one of the broad locations identified), where individual sites are well located to sources of waste, well located to the strategic transport infrastructure and do not have significant adverse environmental impacts. Particular preference is shown to: sites operating under an existing waste management use, active mineral sites or landfills and previously developed land.
- 5.29 **Policy CS3 – Strategy for Locating Large Scale Waste Sites:** (facilities managing 50,000 tonnes of waste per annum or more), directs such development to the main settlements within the County, where it is demonstrated that the development provides environmental benefits. Coleshill is identified as one such settlement.
- 5.30 **Policy CS5 – Proposals for reuse, recycling, waste transfer/storage and composting:** Proposals for re-use, recycling, waste transfer/storage and composting will be encouraged provided that the proposal accords with all other relevant policies.
- 5.31 **Policy DM1 – Protection and Enhancement of the Natural and Built Environment:** states that development should conserve and where possible enhance, the natural and built environment by ensuring that there are no unacceptable adverse impacts upon natural resources, biodiversity, geodiversity, archaeology, heritage assets and their setting, the quality and character of the landscape, adjacent land uses or occupiers and that the development satisfies Green Belt policy.
- 5.32 **Policy DM2 – Managing Health, Economic and Amenity Impacts of Waste Development:** states that planning permission will not be granted for waste management proposals which have unacceptable adverse impacts on the local environment, economy or communities as a result of impacts including noise; lighting; visual intrusion; vibration; odour; dust; emissions; contamination; water quality or quantity and road traffic, either individually or cumulatively with existing or proposed

developments. Proposals will only be permitted where the adverse impacts will be avoided or satisfactorily mitigated.

- 5.33 **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
- 5.34 **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.
- 5.35 **Policy DM8 – Reinstatement, restoration and aftercare:** states that planning permission 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.

Minerals Local Plan for Warwickshire 1995 (saved policies)

- 5.36 The saved policies of the Minerals Local Plan set out specific policies in respect of minerals development. While the plan is very old and has been overtaken to some degree by the NPPF, the policies in relation to sand and gravel, demand and supply, mitigation and restoration are still valid. The relevant saved policies are considered to be:
- 5.37 **Policy M4 – Sand and Gravel Extraction:** States that planning permission for the working of sand and gravel will be considered in the context of an assessed regional demand.
- 5.38 **Policy M6 – Considerations and Constraints:** States that applications for extraction of minerals will be considered on the basis of the provisions of the development plan and their likely overall impact on operational and economic needs, physical restraints and other considerations.
- 5.39 **Policy M7 – Mitigation and conditions:** states that in seeking to ensure that any adverse environmental effects and the implications for residents' quality of life are mitigated at all mineral workings:
  - (d) Proposals for operations ancillary or secondary to mineral extraction will normally be expected to be sited adjacent to primary plant. The use of plant, machinery and buildings will be restricted to processes principally using minerals produced from the site. Where appropriate, conditions may be imposed or agreements sought to control the life-span of operations ancillary or secondary to mineral extraction.
- 5.40 **Policy M9 – Restoration of mineral workings:** states that restoration of workings to a high standard and a beneficial after use will be

required in accordance with the development plan. Satisfactory arrangements for after care will also be sought.

Emerging Warwickshire Minerals Plan (Main Modifications 2021)

- 5.41 The latest version of the emerging Minerals Plan is now at the final Main Modifications stage; the Inspector's Report is expected to be produced shortly. The plan and policies reflect the very latest planning policy guidance and NPPF revisions. Although not yet adopted the plan holds considerable weight as it is at the final stage prior to adoption and as the relevant principles in the policies are consistent with the NPPF and are not proposed to be modified in any significant respects before adoption. The main policies relevant to the current applications are considered to be:
- 5.42 **Policy S0 – Mineral Sites to be Allocated:** To meet the demand for sand and gravel in the County during and up to the end of the plan period (2032) of 6.525 million tonnes, sites are allocated for mineral development, including a site of 48 hectares at Lea Marston (site 9).
- 5.43 **Policy MCS1 – Supply of Minerals and Materials:** states that the Minerals Planning Authority (MPA) will support the supply of materials from substitute or secondary and recycled materials and mineral waste.
- 5.44 **Policy MCS2 – Sand and Gravel:** states that the MPA will ensure that there is a steady and adequate supply of sand and gravel and throughout the plan period maintain at least a 7 year landbank of permitted reserves.
- 5.45 **Policy MCS4 – Secondary and Recycled Aggregates:** 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 aggregates. (*Dunton Quarry is cited in the justification text as a major facility providing materials to the local and regional construction industry.*)
- 5.46 **Policy MCS5 – Safeguarding of Minerals and Minerals Infrastructure:** States that Warwickshire's sand and gravel, crushed rock, brick-making clay resources, cement raw materials, shallow coal and building stone and existing mineral sites or existing and future mineral infrastructure will be safeguarded against needless sterilisation by non-minerals development. In addition, minerals infrastructure safeguarded in Warwickshire comprises: permitted and allocated minerals sites; concrete batching plants; mortar plant; asphalt plants; concrete products plant; and recycled and secondary aggregates sites.

- 5.47 **Policy MCS11 – Ancillary Mineral Development within Mineral Sites:** states that ancillary minerals development will be permitted subject to criteria including, where it can be demonstrated that the development will not result in unacceptable adverse impacts; not delay the restoration of the mineral site, will be temporary and restricted to the life of the mineral site; restored and managed in accord with an approved scheme and will contribute to the local economy and secure continued employment on the site.
- 5.48 **Policy DM 1 – Protection and enhancement of environmental assets and landscapes:** Mineral development proposals should protect, conserve, and where possible enhance, environmental assets and landscapes (the natural environment) by ensuring that there are no unacceptable adverse impacts upon the quality of landscape; natural resources (including water, air and soil resources); biodiversity; geodiversity.
- 5.49 **Policy DM2 – Warwickshire’s Historic Environment & Heritage Assets:**  
States that to safeguard the importance of Warwickshire’s historic environment, mineral development should seek to conserve, and enhance the significance of heritage assets and their setting.
- 5.50 **Policy DM3 – Green Infrastructure:** states that proposals for minerals development will only be granted which do not compromise the integrity of strategic and local green infrastructure assets including locations of natural and cultural heritage, green spaces, or biodiversity or other environmental interest in urban and rural areas. The restoration of existing mineral sites should take account of opportunities to create, maintain and enhance green infrastructure.
- 5.51 **Policy DM4 – Health, Economy and Amenity – Minimising the Impacts of Mineral Development:** states that planning permission will not be granted for mineral development proposals which will have unacceptable adverse impacts on local communities (including adjacent land uses or occupiers) or their environment, or on the economy, either individually or cumulatively with other existing or proposed developments through any of the following: noise; lighting, vibration; visual intrusion; public health; dust; emissions to air and odours; contamination of land; water pollution; road traffic; loss of best and most versatile agricultural land; land instability; flood risk and drainage.
- 5.52 **Policy DM5 – Sustainable Transportation:** States that where road is the only viable method of transportation developers must demonstrate that there is no unacceptable adverse impact on the safety, capacity and use of the highway network.
- 5.53 **Policy DM6 – Public Rights of Way and Recreational Highways:** states that mineral development proposals will only be granted where it

is demonstrated that there is no unacceptable adverse impact upon rights of way, unless suitable permanent diversions or alternative routes are provided.

- 5.54 **Policy DM7 – Flood Risk and Water Quality:** states that planning permission will not be granted unless it can be demonstrated that the development will not increase the risk of flooding elsewhere throughout the lifetime of the development. Planning permission will not be granted where mineral development proposals would have an unacceptable adverse impact on water quality or achieving the targets of the Water Framework Directive.
- 5.55 **Policy DM9 – Reinstatement, reclamation, restoration and aftercare:** states that planning permission for mineral development will not be granted unless satisfactory provision has been made for: high quality restoration and aftercare of the site; the future management of its after use, including securing and making as safe as possible the site when minerals operations cease and it has been demonstrated that the site will be reclaimed at the earliest opportunity.
- 5.56 **Policy DM11 – Climate Change - Carbon Emissions and Resource Efficiency:** states that mineral development that reduces overall carbon emissions and improves resource efficiency during construction, operation and restoration will be supported subject to compliance with other policies in the development plan.
- 5.57 **Policy DM12 – Overall Assessment of Proposals:** Proposals should clearly demonstrate that any adverse impacts have been considered under the following mitigation hierarchy: Level 1 avoided; or Level 2 satisfactorily mitigated where all avoidance has been implemented as far as possible; or Level 3 adequately compensated for either onsite or offsite (as a last resort where any adverse impacts cannot be avoided or satisfactorily mitigated). All opportunities to satisfy Level 1 and Level 2 should be exhausted before proceeding to the next stage.

North Warwickshire Adopted Local Plan (Sept 2021)

- 5.58 The following policies of the North Warwickshire Local Plan are considered to be relevant to the determination of the applications.
- 5.59 **Policy LP1 – Sustainable Development:** states that planning applications that accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 5.60 **Policy LP3 – Green Belt:** The extent of the Green Belt in North Warwickshire is detailed on the Policies Map while policy LP3 outlines considerations for development in the Green Belt in addition to the NPPF.

- 5.61 **Policy LP11 – Economic Regeneration:** states that support and encouragement will be given to established / lawful rural businesses to expand where this has no significant and demonstrable harm in particular on the character of the area.
- 5.62 **Policy LP14 – Landscape:** states that new development should, as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies with appropriate protection from construction where necessary and strengthen visual amenity and bio-diversity through further hard and soft landscaping. The Council will seek replacement or enhancement to such natural features where their loss results from proposed development.
- 5.63 **Policy LP15 – Historic Environment:** requires that the quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced.
- 5.64 **Policy LP16 – Natural Environment:** States that the quality, character, diversity and local distinctiveness of the natural environment will be protected and enhanced as appropriate relative to the nature of development proposed.
- 5.65 **Policy LP29 – Development Considerations:** Sets out the Borough Council’s development considerations, which include: targeting development at brownfield land in appropriate locations reflecting the settlement hierarchy; provide safe and suitable access to the site for all users; to avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; protect and enhance the historic and natural environment; protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere and seek to maximise opportunities to encourage re-use and recycling of waste materials, both in construction and operation.

## **Policy Considerations**

### **Waste Policies**

- 5.66 The site is defined as a “Large scale” waste site in terms of the Adopted Waste Local Plan Policy CS3 (ii) as it manages more than 50,000 tonnes per annum. The proposals for the continued operation of the waste recycling facilities accord with the thrust of the policies in the Plan. The site plays a major part in contributing to the construction and demolition waste recycling targets set out in the Waste Local Plan and hence would be compliant with Policy CS1 in terms of contributing significantly to the county’s waste management capacity, moving waste up the waste hierarchy and reducing the reliance on the use of primary aggregates.



- 5.67 In terms of the type of main locations where waste facilities will be given preference, active mineral sites are specified under Policy CS2. In locational terms the site is situated in “close proximity”, that is within 5 km of a Secondary Settlement as defined in the plan (Coleshill). In such cases, the applicant must demonstrate that there are “significant transport, operational and environmental benefits” in proposing a site in such areas. By virtue of the current activities the site appears to already provide significant transport and operational benefits given the proximity to the major road network. The principle for the retention of the recycling facility is supported by Policy CS5.

### **Mineral Policies**

- 5.68 In the adopted Minerals Plan an allocated site (Preferred Area PA2 Lea Marston) is situated directly to the south and east of the existing quarry at Dunton. While that site has not been taken forward to date, the Emerging Minerals Plan includes a modified area of the Lea Marston site (Site 9). The resubmitted site has a slightly different configuration and a reduced site area of 48 hectares. The Lea Marston site is in accord with the Spatial Strategy which seeks to allocate sand and gravel sites which are in close proximity to urban areas along major road transport routes to support growth and infrastructure in main settlements and markets. Locationally, the mineral remaining to be extracted at Dunton Quarry would fit in with the plan strategy.
- 5.69 Dunton Quarry has been included in the landbank calculation and the final Plan calculation, as it has permitted reserves of 108,000 tonnes. This confirms the need for the minerals at the application site, and it will contribute to meeting the demand of 6.525 million tonnes until near the end of the plan period in 2032 and enable a steady and adequate supply of aggregates both from primary and secondary materials.

### **Green Belt**

- 5.70 The site is located within the West Midlands Green Belt as defined by the North Warwickshire Local Plan. National policy is reflected in both the adopted and emerging Council’s Local Plans. The NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.
- 5.71 Whilst minerals development may not be inappropriate development in the Green Belt, the cumulative extent of all the individual developments on the application site, including the waste recycling activities, the concrete plant and high stockpiles would suggest that the overall development is inappropriate development in the Green Belt.
- 5.72 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.

- 5.73 The applicant has set out the case for very special circumstances at the Dunton site in the planning statement submitted in support of the four applications:
- i. Paragraph 213 of the NPPF requires minerals planning authorities to plan for a steady and adequate supply of aggregates by means including preparing an annual Local Aggregate Assessment (LAA) to forecast future demand, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options, including secondary and recycled sources. The 2017 LAA for Warwickshire shows that construction and demolition waste recycling makes a major contribution to aggregates in Warwickshire with KSD's site providing a significant proportion of the total. Given the amount of development being undertaken in the Midlands with housing development and HS2 the applicants put forward the need for the retention of their recycling facility as a very special circumstance.
  - ii. The applicant states that the site is a well-established element in the steady and adequate supply of aggregates. While the new mineral plan is close to adoption, there will be a long period of time before any of the mineral allocations identified in the plan will become operational. The loss of the Dunton site would have an adverse effect on the local supply of aggregates and would exacerbate the County's reliance on importing aggregates from neighbouring counties. Relying on importation instead of recycling indigenous waste does not meet with the aims of sustainable development.
  - iii. The area surrounding the site is heavily developed with major motorways; distribution parks and national grid infrastructure which are all extremely obvious in the landscape. The existing appearance of the area is not an open landscape that would become visually enclosed by the retention of the existing facilities at Dunton.
  - iv. The major HS2 development works on land adjacent to the Dunton site adds to the very special circumstances in favour of retaining the site, as HS2 works are already generating construction waste that needs to be managed and generates a need for aggregates and concrete.
  - v. As the proposal is temporary in nature the purposes and openness of the Green Belt would not be undermined in the long term.
  - vi. The operations have all been previously assessed by the Planning Authority on multiple occasions as not inappropriate in the Green

Belt. This accords with the NPPF paragraph 149 (g) (partial redevelopment of previously developed land whether redundant or in continuing use) and 150 (a) (mineral extraction) and (b) (engineering operations).

- vii. The applicant has made the case that the company has worked hard to improve the environmental performance of the site which historically had a poor record. During the time KSD has operated the site the company has improved screening, planted trees, recovered and removed massive quantities of excess waste, improved the site's appearance, completely re-engineered the site and improved traffic and highway cleanliness. The company has also invested heavily in newer, cleaner and quieter processing plant.

- 5.74 The proposal does not involve the construction of any new development or structures on the site and so it could be argued there would no further impact on the Green Belt than existing.

#### **Need for the retention of the facility**

- 5.75 The site has been established for some 50 years with KSD operating for over 20 years. The site produces a full range of recycled aggregate products from the waste stream.
- 5.76 The applicant puts forward the case that the volume of development being undertaken and planned in the vicinity of the Dunton site will increase the demand for waste management and aggregate resources for a number of years. Closure of the Dunton recycling facility would exacerbate an already strained and under-provided market.
- 5.77 The site provides employment both directly and indirectly. The site currently employs 45 people on site, in the office and in haulier roles. In addition, the aggregate site supports indirect service jobs including for example vehicle and plant maintenance roles and roles in the construction sector. Closure of the site would potentially result in the loss of those jobs.
- 5.78 Although Dunton has only a temporary planning permission, the importance of the site for the recycling of aggregates should not be underestimated. The annual Aggregate Working Party (AWP) survey of recycled aggregates shows that of the nine main sites in the county Dunton is the largest by a substantial margin. The site is well positioned to take recycled aggregates from both within the county and in particular from adjacent urban areas of Coventry and Birmingham and further afield. In the response to the objection from Lea Marston Parish Council, the applicant advised that closure of the site would result in an annual gap in productive capacity in the county of between 200,000 and 400,000 tonnes. While the nearby Minerals Plan allocation (Site 9) at Lea Marston may partially absorb the gap in

supply, there would remain a requirement for an alternative large recycling site in the northern part of the county to meet need. The applicant also stated that while closing the site would overcome the Parish Council's objection, there remains currently a very high demand for aggregate locally as a result of HS2, therefore the issue would be transferred to somewhere else in the vicinity.

- 5.79 The applicant has made the case that identification of an alternative site beyond the Green Belt would require waste traffic from the West Midlands to travel greater distances through the green belt to that site, thereby increasing the carbon impact of waste operations.

## **Amenity and Environmental Issues**

### **Access and Traffic**

- 5.80 The site is located in very close proximity to the strategic road network with the Lichfield Road roundabout providing access to the M6 Toll Road, M42, and the A446. The existing site access onto the southbound carriageway of the A446 would continue to serve the site.
- 5.81 Within the site, internal haul roads are concreted with wheel wash facilities including a double wheel bath, shaker strip and high pressure body and wheel spray to ensure vehicles are able to leave the site in an appropriate condition.
- 5.82 There are no changes proposed to the capacity and output of the operation at the site. The recycling operation has at peak times produced up to some 400,000 tonnes of per annum with current operations running at approximately half that level. In addition, the concrete batching plant could produce some 50,000 m<sup>3</sup> per annum but has not yet achieved that level of output.
- 5.83 County Highways raised no objection to the proposed retention of the existing operations on the site following confirmation that the traffic generation figures for the site are included in the modelling for future vehicle growth along the A446 corridor and show no material change in traffic flows.

### **Noise**

- 5.84 The site is surrounded by screening bunds that contain the noise from the site. The local background noise is dominated by traffic noise from the M42, M6 Toll and the A446. The construction and operation of HS2 in close proximity is likely to increase background noise levels further.
- 5.85 The noise assessment submitted to support the 2011 planning consent (NWB/11CM029) assessed the background noise levels at Curdworth Village, Dunton Hall and Newlands Cottages in 2010. Planning condition 18 of that consent requires that the development shall not

result in any increase in background noise levels, measured as a 1 hour L(A)eq at the nearest dwellings, in order to protect the amenity of the area and nearby residents. The wording of that planning condition is proposed to be repeated for any new consent granted. The existing KSD recycling operations are not to be changed as a result of the proposed extension of time.

- 5.86 The Environmental Health Officer stated there is no objection to the application and confirmed that as the location is one of high background noise there would be no significant impact on identified noise receptors.

### **Ecology and Visual Impact**

- 5.87 The application site is surrounded by bunds which provide a screen to prevent views into the site from the surrounding area. The outline of the screen bunds and possibly the stockpiles are partially visible from the skyline in some locations such as Church Lane near Lea Marston. Although the site is several metres higher than the village of Lea Marston, in general there is limited visual impact and no harm to the general amenity because of the other infrastructure surrounding the site; the intervening distance between the site and any sensitive receptors and some woodland and hedgerow features between the village and the site. The site does not impact on Cudworth which is 1km away to the west of the M42 and A446.
- 5.88 The construction has commenced for the HS2 rail line with a deep cutting immediately to the east of the application site. The application site is effectively contained both spatially and visually between the HS2 development and the substantial road network to the north and west of the site.
- 5.89 Planning conditions imposed on the previous approvals restrict the height of the stockpiles within the northern extension site to 4 metres as measured from the base of the site. For the remainder of the site covered by consent NWB/11CM029 conditions restrict the height of stockpiles to no more than 10 m or 110 m above ordnance datum (aOD) and for crushing and screening plant to be located within the site on ground no higher than 100 m aOD. The concrete batching plant is the tallest structure on the site with a maximum height of 10m. The height of the bunds as approved in the 2011 permission range from 102 m aOD to 115 m aOD. Information submitted in the planning statement, informed by a topographic survey dated 2018 indicates the bunds have been implemented generally in accordance with the approved heights.
- 5.90 The objection from Lea Marston Parish Council states that the bunds surrounding the site exceed the permitted heights and that the site has an overbearing visual impact. While it is acknowledged that the bunds are of significant height and are not a natural feature in the landscape,

they do largely comply with the approved plan and are covered in vegetation to varying degrees, giving some screening. It is considered that undertaking any works to reduce the height of the bunds as implied to be necessary by the Parish Council's objection, would be counter productive. It would be necessary to remove existing established vegetation with the disbenefit of reducing biodiversity and resulting in an adverse impact on visual amenity. In response to the photographic images submitted by Lea Marston Parish Council to support their objection, the applicant responded by stating that in most of the images the ground between the photographer and the site is to be the subject of massive changes as part of the HS2 development, there being a 30 m deep and wide cutting along the eastern side of the site. In the very near future the site will be left surrounded by motorways and HS2.

- 5.91 The previous consents were subject to conditions for approval of landscaping schemes. A landscaping scheme was approved to discharge a condition on the 2012 permission (NWB/11CM029). A scheme to ensure no net loss of biodiversity was also approved as a condition for the northern extension to the KSD site granted in March 2016 (NWB15CM008). That approved scheme required the planting of over 1000 trees and shrubs on the northern bund. While a proportion of the planting on this later scheme has been undertaken it has not been completed and some planting has not been successful. The applicant informed that implementation of the complete planting scheme was impacted by the Covid pandemic, then subsequently delayed awaiting the outcome of determination of the current planning applications. The County Ecologist raised no objection to the planning applications but recommended that the approved scheme should be fully implemented.
- 5.92 While planting has been undertaken to reduce the appearance of the bunds in the landscape, it is considered that more could be done to improve and naturalise the appearance of the site. Mitigation measures such as additional planting would reduce the impact of the appearance of the site when viewed from surrounding areas by softening the boundaries. It is recommended that in addition to ensuring the planting scheme on the most northern bund is fully implemented, an additional planning condition be imposed requiring the submission for approval of a further landscaping plan for additional planting within those areas of the site subject of planning application NWB/21CM013 within 3 months of the date of decision.

#### **Hours of operation**

- 5.93 The site currently operates with various operating hours depending on the planning consent. The permission granted in 2012 (NWB/11CM029) allows working between 07:30 and 17:30 Monday to Friday and 07:30 to 13:00 on Saturdays and with no working on Sundays or public holidays. That consent does however allow for the

delivery of waste materials outside of those specified hours with no processing allowed.

- 5.94 The planning consent granted for the concrete batching plant (NWB/15CM001) and the northern extension to the site (NWB/15CM008) have different operating hours which allow vehicle entry to the site and operations between the hours of 07:00 to 19:00 Monday to Friday, 07:00 to 13:00 on Saturday with no operations on Sundays or public holidays.
- 5.95 The applicant has indicated that in practice the operations on the site conform to the hours of the 2012 consent. It is recommended that the planning condition relating to the operating hours on both the concrete batching consent and the northern extension be rephrased on any new planning decision to conform with the hours for the wider consent of 07:30 to 17:30 Monday to Friday and 07:30 to 13:00 on Saturdays with no working on Sundays and public holidays.

### **Restoration**

- 5.96 While operations at the site have been undertaken for a number of years, the consents under which they operate are temporary, with planning conditions imposed requiring the site to be restored. The previously approved restoration scheme would see the site restored to an agricultural use. Restoration of the site is required to comply with the NPPF and policies DM9 of the Mineral Plan and Policy DM8 of the Waste Core Strategy. Approval of the proposed 10 year extension of time for the remaining mineral extraction, waste recycling and concrete batching operations at the site would delay the restoration and would not comply with policy requirements for reclamation at the earliest opportunity, however, it is considered that the delay in this case is outweighed by the benefits of recycling and the substitution for the extraction of primary aggregates. It is also considered that the visual impact of the site could be improved prior to the final restoration of the site through landscaping and biodiversity improvements, as recommended above by the planting of additional landscaping.
- 5.97 The proposals are for the temporary extension of the existing operations. The requirement remains as previously conditioned, for the site to be restored and landscaped at the end of the 10 year period.

### **Heritage**

- 5.98 The site is well established with historic minerals operations that have removed the original ground surface with the result that there is no impact on archaeological remains. The County Archaeologist has advised that there are no comments to make and or objections to the proposed retention of the recycling facility.

- 5.99 Immediately to the north of the application site is a complex of Grade II Listed buildings which include Dunton Hall, a barn 20 metres south-east of Dunton Hall and the pigeon house 30 metres west of Dunton Hall. The bund along the northern boundary of the site screens views of the site and plant within the site from the listed buildings. When planning consent was granted in 2016 for the northern extension to the KSD site, the northern bund was not considered to pose a significant change in the landscape character of the area and therefore not to adversely affect the setting of the listed buildings any further than had previously occurred. There have been considerable changes to the setting of those buildings given the developments that have occurred in the past 30 years or more with the construction of the M42, M6 Toll Road and the A446 which are permanent. There are no alterations proposed to the operations at the application site and their retention for a further temporary period is not considered to have any greater impact on the setting of the listed buildings.

### **Flood and Drainage**

- 5.100 The application site is in an elevated located within Flood Zone 1, over 1.0 km north of the nearest area of Flood Zone 2 around the River Tame. The application site is served by below ground attenuation tanks located adjacent to the southern boundary of the site, which store surface water runoff from across the site in order to prevent discharge of surface water beyond the site. The stored water is used within the processing plants on the site in addition to use during dry weather conditions to suppress dust. The site is operated under an EA permit and subject to a planning condition requiring that there is no discharge of foul or contaminated drainage from the site.
- 5.101 In determining the previous planning application for the workshop and storage building on the site (NWB/18CM001) a planning condition was imposed requiring the specification of the tanks to be submitted to the Lead Local Flood Authority (LLFA) to ensure sufficient capacity to accommodate the additional run-off as a result of the workshop development. It is recommended that the condition be imposed on a new planning consent as while works have been undertaken to increase surface water storage capacity, the details have not been formally submitted for the discharge of that previous planning condition. The LLFA has stated there is no objection to the proposed extension of time.

## **6. Conclusions**

- 6.1 The four applications seek to vary the planning conditions requiring the cessation of operations by December 2021 of approved the mineral extraction; recycling of waste materials; operation of the concrete batching plant; the retention of the northern extension as a storage area and the workshop and store at the KSD Recycling site. It is



proposed that the applications are each subject to a revised planning condition requiring cessation of operations and restoration of the site by December 2031.

- 6.2 The site is located in the Green Belt where policy seeks to resist inappropriate development and maintain openness, except where very special circumstances are demonstrated which outweigh inappropriateness or any other harm as a result of the development.
- 6.3 It is considered that there are Very Special Circumstances which outweigh the harm to the Green Belt. The site is in a very good sustainable location for minerals and waste development, as the site also serves major local markets for recycling and the materials can be transported in and out of the site on the strategic road network and other major roads where there is no nuisance to residents. It would be extremely difficult to replace this site with a new site without causing large environmental impacts to communities.
- 6.4 The recycling facility contributes significantly to the total of recycled aggregates and recovered aggregates in the West Midlands and north Warwickshire. In addition, the remaining mineral to be extracted on site contributes to the Warwickshire Landbank calculation and as such complies with the need requirement of Policy S0 and the supply policies MCS1 (aggregates), MCS2 (sand and gravel) and MCS4 (Secondary and Recycled Aggregates) of the Emerging Minerals Plan.
- 6.5 Activities on the application site are well screened by the bunds surrounding the site, ensuring no adverse visual impact or detrimental effect on nearby listed buildings. The site is seen in the context of the substantial road network infrastructure, the large National Grid substation facility and the construction works for HS2. While objection has been received from Lea Marston Parish Council to the visual impact of the bunds, it is considered that additional planting would mitigate their appearance in the landscape. The proposals are considered to satisfy policies DM1, DM3 and DM4 of the Emerging Minerals Plan and the relevant sections of Paragraph 211 of the NPPF.
- 6.6 The operation of the site is considered to comply with Policy DM5 (Sustainable Transportation) of the Emerging Minerals Plan given the location in close proximity to the strategic road network with no unacceptable impact on the safety, capacity and use of the highway.
- 6.7 The proposals comply with the development plan overall except to the extent that they are inappropriate in the Green Belt. The very special circumstances put forward by the applicant are considered to outweigh the inappropriateness and therefore it is considered that the four applications may be supported and recommended for approval subject to the following planning conditions.

## 7. Supporting Documents

### 7.1 Submitted Planning Applications – Planning references:

- NWB/21CM013
- NWB/21CM014
- NWB/21CM015
- NWB/21CM016

### 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	<a href="mailto:sallypanayi@warwickshire.gov.uk">sallypanayi@warwickshire.gov.uk</a> 01926 41 2692
Assistant Director for Environment Services	Scott Tompkins	<a href="mailto:scotttompkins@warwickshire.gov.uk">scotttompkins@warwickshire.gov.uk</a>
Strategy Director for Communities	Mark Ryder	<a href="mailto:markryder@warwickshire.gov.uk">markryder@warwickshire.gov.uk</a>
Portfolio Holder	Cllr Wallace Redford	<a href="mailto:cllrredford@warwickshire.gov.uk">cllrredford@warwickshire.gov.uk</a>



**Application No: NWB/21CM013, 014, 015 and 016**  
**KSD Recycled Aggregates, Lichfield Rd, Curdworth, B76 0BB**  
**Four applications to vary conditions to extend uses for further 10 years until 2031**

Regulatory Committee 05 April 2022  
 Scale 1:10000 Drawn by: SP Dept: Communities

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



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## Appendix B.

**S73 application for the variation of condition 2 of Planning Consent NWB/11CM029 to extend the date for the completion of extraction of sand and gravel; the continued processing of recycled aggregates and the completion of restoration until 31 December 2031 at Dunton Recycling Centre, Lichfield Road, Curdworth, Warwickshire, B76 0BB**

### **NWB/21CM013**

#### **Planning Conditions.**

1. The development hereby permitted shall be carried out in accordance with the details submitted with application reference no. NWB/11CM029 and in accordance with the approved plans reference:
  - KSD/DL/11/1 Location Plan,
  - KSD/DL/11/3A Layout Plan,
  - KSD/DL/11/4 Proposed Operational Contours,
  - KSD/DL/11/5A Landscape Planand 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 development hereby permitted shall cease and the site shall be fully restored on or before 31 December 2031.

**Reason:** In order to secure satisfactory restoration of the site and to protect openness of the Green Belt.

3. The contouring of perimeter bunds shall be maintained in accordance with the levels contained on plan reference KSD/DL/11/4.

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

4. The existing wheel wash, or a replacement approved by the County Planning Authority, shall be retained on the site and maintained in working order for the duration of operations on site.

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

5. The development hereby permitted shall be implemented and maintained fully in accordance with drawing number KSD/DL/11/5A dated August 2012 approved on 07 September 2012 for the discharge of condition 6 of planning consent NWB/11CM029 or any variation submitted to and agreed in writing by the County Planning Authority.

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

6. Within three months of the date of this permission a detailed landscaping scheme identifying additional landscape planting, where appropriate, shall be submitted to the County Planning Authority for approval in writing. Such a scheme shall include a planting scheme, written specifications, schedules of plant species, sizes and proposed numbers/densities where appropriate. The approved landscaping scheme shall be implemented in the first available planting season.

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

7. Stockpile heights on site shall not exceed 110m above ordnance datum.

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

8. Crushing and screening equipment used at the site shall be located no higher than 100m above ordnance datum.

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

9. Except for the delivery of waste materials to the site from works specifically required to be undertaken outside of the hours specified below, none of the operations hereby permitted shall take place except between the following hours:

0730 – 1730 hours Monday to Friday

0730 – 1300 hours on Saturdays

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

The delivery of waste materials outside of the hours specified above shall be restricted to the deposit of material only with no processing.

Upon request the operator shall supply the County Planning Authority with details or instances, times, vehicle numbers and quantities of material delivered outside of the hours specified above.

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

10. No mud or debris shall be carried onto the public highway. To facilitate this the weighbridge, the site road between the wheel shaker and the exit, and the bell mouth shall be maintained in a clean condition at all times.

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

11. 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.

12. Immediately following the deposit of each load of waste it shall be checked to ensure that no litter which could become airborne is present. Should any such material be found it shall be removed from the waste and suitably disposed of. Should litter blow from the working area it shall be collected at once and disposed of.

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

13. There shall be no discharge of foul or contaminated drainage (including trade effluent) from the site into either groundwater or any surface water, either direct or via soakaways.

**Reason:** In order to protect the water environment.

14. There shall be no fires on site.

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

15. 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 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.

16. At no time during the development shall any operations take place which, despite the use of the dust control measures specified in condition 14, would give rise to airborne dust levels sufficient to cause nuisance to properties around the site.

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

17. Machinery and vehicles used on the site shall be maintained and silenced to comply with the best practicable standard and shall be located as far from nearby properties as possible.

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

18. The development hereby permitted shall not result in any increase in background noise levels, measured as a 1 hour L(A)eq. at the nearest dwellings.

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

19. Throughout the working of the site the boundary hedgerows shall be protected, maintained and allowed to grow in order to enhance the screening of the workings.

**Reason:** In order to minimise visual intrusion.

20. 1 year prior to completion of the development a detailed restoration and landscaping scheme shall be submitted to the County Planning Authority for approval. The scheme shall include:

- Planting proposals (based on the Arden guidelines), including the locations, numbers, groupings, species and sizes.
- Landscaping measures, including soil cover and preparation.
- Proposals for improving the nature conservation value of the site.
- Proposals for re-routing of Footpath 16 across the site.

Following written approval the scheme shall be implemented accordingly.

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

21. Three months prior to the completion of restoration works an aftercare scheme setting out the steps necessary to maintain the planting scheme required by Condition 19 shall be submitted to the County Planning Authority for approval. Following approval the scheme shall be implemented accordingly.

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



## NWB/21CM014

### **S73 application for the variation of condition 3 of Planning Consent NWB/15CM001 for the retention of the concrete batching plant and ancillary structures utilising both recycled and imported materials for the production of ready mixed concrete, until 31 December 2031 at KSD Recycled Aggregates, Lichfield Road, Curdworth, B76 0BB**

1. The development hereby permitted shall be carried out in accordance with the details submitted with application reference nos. NWB/21CM014 and NWB/15CM001 and in accordance with the application forms, the Planning Statements, Landscape Appraisal and approved plans, reference no:
  - LD162/DN/001 Location and Landholding Plan,
  - LD030/DN/002 Site Layout,
  - LD030/DN/003 Plant Layout and Sections,
  - LD030/DN/004 Site Layout Detail,
  - LD030/DN/005 Landscape Appraisal Plan,
  - LD030/DN/006 Viewpoint Sections of Proposed Plant,and any samples or 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 is made pursuant to these conditions.

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

2. The development hereby approved shall cease on 31 December 2031 and all associated buildings, structures, plant and materials shall be removed from site within 6 months of that date.

**Reason:** In the interest of site restoration and the preservation of the Green Belt.

3. Operations authorised by this permission including vehicles entering or leaving the site, shall be restricted to the following periods:

07.00 to 19.00 Monday to Friday  
07.00 to 13.00 Saturday

and shall not take place on Sundays or Bank or Public Holidays, unless otherwise agreed in writing by the County Planning Authority.

**Reason:** In the interest of residential amenity.

4. No more than 50,000 cubic metres of concrete shall be produced by the plant in each calendar year.

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

5. The development hereby permitted shall not continue unless measures are in place to prevent the spread of extraneous material onto the public highway by the wheels of vehicles using the site and to clean the public highway of such material and such measures shall be kept in place and used in respect of all vehicles leaving the site until the use hereby approved has ceased and all associated buildings, structures, plant and materials have been removed from the site.

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

### **Advisory Notes**

1. Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

## NWB/21CM015

### **S73 application for the variation of condition 2 of Planning Consent NWB/18CM001 for the retention, until 31 December 2031, of the steel portal frame workshop, storage and lean-to at KSD Recycled Aggregates, Lichfield road, Curdworth, B76 0BB**

1. The development hereby permitted shall be carried out in accordance with the details submitted with application reference nos. NWB/21CM015 and NWB/18CM001 and in accordance with the application forms, Planning Application Joint Statement (December 2021), Planning Application Statement (October 2017), and approved plans, reference nos:

- LD162/DN/001 Location and Landholding Plan,
- LD097/DN/002 Site Layout,
- LD097/DN/003 Layout and Elevations,

and any samples or 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 is made pursuant to these conditions.

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

2. The building hereby permitted shall be removed on or before 31 December 2031 and the site shall be fully restored in accordance with a scheme which shall first have been submitted to and approved by the County Planning Authority before that date.

**Reason:** In order to secure satisfactory restoration of the site and to protect the openness of the Green Belt.

3. Within 3 months of the date of this permission details shall be submitted to the County Planning Authority demonstrating:
  - i. How the on-site water re-use tanks have been sized and if they have sufficient capacity to accommodate any additional run-off as a result of the development.
  - ii. Provide an overland/exceedance flow routing plan for the site to demonstrate that any flows do not impact the safety of site users.

Should this work demonstrate the need for extra water storage capacity on site or the need for extra flow attenuation works then these shall be installed on site

within six months of the date of this consent, all in accordance with a scheme which shall first be submitted to and approved by the County Planning Authority before they are installed on site.

**Reason:** To prevent the increased risk of flooding and ensure the safety of site users.

### **Note to Applicant/LPA**

1. Warwickshire County Council as the Lead Local Flood Authority does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.
2. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

## NWB/21CM016

### **S73 application for the variation of condition 3 of Planning Consent NWB/15CM008 to retain the temporary stocking area for processed aggregates 5m high, with surrounding 4m high screening bund and associated planting until 31 December 2031 at KSD Recycled Aggregates, Lichfield Road, Curdworth, B76 0BB**

1. The development hereby permitted shall be carried out in accordance with the details submitted with application reference nos. NWB/21CM016 and NWB/15CM008 and in accordance with the application forms, Planning Application Joint Statement (December 2021), Planning Application Statement (June 2015), and approved plans, reference nos:
  - LD162/DN/001 location and Landholding Plan,
  - LD041/DN/002a Site Layout – Northern Extension,
  - LD041/DN/003 Site Layout – Northern Extension,and any samples or 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 is made pursuant to these conditions.

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

2. The development hereby permitted shall cease and the site shall be fully restored on or before the 31 December 2031.

**Reason:** In order to secure satisfactory restoration of the site and to protect the openness of the Green Belt.

3. 1 year prior to the completion of the development a detailed restoration and landscaping scheme shall be submitted to the County Planning Authority for approval. The scheme shall include: -
  - i) Planting proposals (based on Arden guidelines), including the locations, numbers, grouping, species and sizes.
  - ii) Landscaping measures, including soil cover and preparation.
  - iii) Proposals for improving the nature conservation value of the site.
  - iv) A scheme for gas and ground water monitoring when required by the Environmental Health Authority.

Following written approval, the scheme shall be implemented accordingly.

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

4. Three months prior to the completion of restoration works an aftercare scheme setting out the steps necessary to maintain the planting scheme required by Condition 3 shall be submitted to the County Planning Authority for approval. Following approval, the scheme shall be implemented accordingly.

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

5. Operations within the northern stocking area extension shall be undertaken in compliance with the dust management procedures outlined in the Dust Scheme dated August 2016, as approved in County Planning Authority's letter to discharge condition dated 25 January 2017.

**Reason:** In the interest of residential amenity.

6. The site shall be used solely for the purposes of stocking processed aggregates and there shall be no screening or crushing operations carried out upon it.

**Reason:** In the interest of residential amenity.

7. The height of all stockpiles shall be restricted to 4m as measured from the base of the site.

**Reason:** In the interest of residential amenity.

8. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.

**Reason:** In the interest of residential amenity.

9. Operations on site shall be restricted to within the hours of:

07:30 to 17:30 Monday to Friday  
07:30 to 13:00 on a Saturday.

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

**Reason:** In the interest of residential amenity.

10. Any increased surface water runoff from the proposed northern stocking area shall be attenuated within the site boundary.

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

11. Upon completion of the works and during the subsequent decommissioning of the site, the northern temporary stocking area shall be restored to the original unexcavated landform topography.

**Reason:** To reinstate the current green field runoff risk characteristics.

12. No removal of hedgerows, trees or shrubs (including bramble) shall take place between 01 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed or that appropriate measures are in place to protect nesting bird interest on the site. Any such written confirmation shall be submitted to the County Planning Authority.

**Reason:** To ensure that breeding birds are protected from harm during construction. All birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981 (as amended).

13. The operation of the northern stocking area extension shall be carried out in accordance with the details of the Summary of Ecological Reports and Revised Biodiversity Offsetting Calculation Report Version 3 dated 25 January 2017, prepared by CBE Consulting as approved in County Planning Authority's letter to discharge condition dated 25 January 2017, or any variation so approved.

**Reason:** To ensure a biodiversity net gain and to protect features of recognised nature conservation and protected species.

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

### Warwickshire Waste Core Strategy Adopted Local Plan (July 2013)

Policy CS1 – Waste Management Capacity  
Policy CS2 – The Spatial Waste Planning Strategy for Warwickshire  
Policy CS3 – Strategy for Locating Large Scale Waste Sites  
Policy CS5 – Proposals for reuse, recycling, waste transfer/storage and composting  
Policy DM1 – Protection and Enhancement of the Natural and Built Environment  
Policy DM2 – Managing Health, Economic and Amenity Impacts of Waste Development  
Policy DM6 – Flood Risk and Water Quality  
Policy DM7 – Aviation Safeguarding  
Policy DM8 – Reinstatement, restoration and aftercare

### Minerals Local Plan for Warwickshire 1995 (saved policies)

Policy M4 – Sand and Gravel Extraction  
Policy M6 – Considerations and Constraints  
Policy M7 – Mitigation and conditions  
Policy M9 – Restoration of mineral workings

### Emerging Warwickshire Minerals Plan (2018 – Proposed Modifications)

Policy S0 – Mineral Sites to be Allocated  
Policy MCS 1 – Supply of Minerals and Materials  
Policy MCS 2 – Sand and Gravel  
Policy MCS 4 – Secondary and Recycled Aggregates  
Policy MCS 5 – Safeguarding of Minerals and Minerals Infrastructure  
Policy MCS 11 – Ancillary Mineral Development within Mineral Sites  
Policy DM 1 – Protection and enhancement of environmental assets and landscapes  
Policy DM 2 – Warwickshire’s Historic Environment & Heritage Assets  
Policy DM 3 - Green Infrastructure  
Policy DM 4 – Health, Economy and Amenity – Minimising the Impacts of Mineral Development  
Policy DM 5 – Sustainable Transportation  
Policy DM 6 – Public Rights of Way and Recreational Highways  
Policy DM 7 – Flood Risk  
Policy DM 9 – Reinstatement, reclamation, restoration and aftercare  
Policy DM 11 – Carbon Emissions and Resource Efficiency  
Policy DM12 – Overall Assessment of Proposals

### North Warwickshire Adopted Local Plan (Sept 2021)

Policy LP1 – Sustainable Development  
Policy LP3 – Green Belt  
Policy LP11 – Economic Regeneration  
Policy LP14 – Landscape  
Policy LP15 – Historic Environment  
Policy LP16 – Natural Environment



Policy LP29 – Development Considerations

**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 2021.

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## Regulatory Committee

### Diversion of Public Footpath RB5 in Rugby

5 April 2022

#### 1. Recommendations

1. That a Diversion Order is made to divert Public Footpath RB30 under the Town and Country Planning Act 1990, Section 257.
2. That the Committee authorises the Strategic Director for Communities or nominee (with any minor modifications considered appropriate) to:
  - Confirm the Order in the event that no representations or objections are duly made or if any so made are withdrawn; or
  - Following consultation with the Chair of the Committee, submit the Order to the Secretary of State for confirmation in the event that any representations or objections are duly made and not withdrawn.

#### 2. Executive Summary

- 2.1. On 18th March 2021, Warwickshire County Council granted planning permission (ref. RBC/18CM017) for the restoration of Parkfield Road Quarry through the importation and deposit of inert restoration material by rail. In addition to the requirement to submit details in order to discharge a number of pre-commencement planning conditions, the Applicant is required to make an application to the Council to divert footpath no. 333/RB5/1 from Points A-B to Points A-C-B [Grid ref: 449298.275831], herein called 'the Diversion'. The general location is circled on **Appendix 1**.
- 2.2. CEMEX requires a diversion of the footpath to allow it to carry out the operations permitted by the Planning Permission which are limited by condition to five years from the commencement of development. The diversion of the route is necessary, as part of the conditions of the Planning Permission which requires the diversion. Because the diversion to the footpath is so minor, Cemex would like to apply for a permanent diversion.
- 2.3. The key issues are:
  - Is an Order for diversion necessary to enable restoration of the Quarry in accordance with the planning permission?
  - Is it expedient to make the Order balancing the benefits to the developer, against any negative impacts on the public and adjoining landowners?

### 3. Application

- 3.1 The proposed route from point A will gently curve generally south to point C, before continuing generally northeast to point B **on Appendix 2.**
- 3.2 The diverted route will have a width fence to fence of 3m, the path itself 2m wide. The surface will be rolled/compacted planings. The fence of choice will be a 3m high green palisade fence.

### 5. Financial Implications

- 5.1 This will be funded and constructed by the applicants, Cemex.

### 6. Consultations

The statutory consultees<sup>1</sup> have been informally consulted on the proposal. This includes the Ramblers<sup>2</sup>.

- 6.1 The Ramblers have no objections.
- 6.2 Utility companies – no objections.
- 6.3 No other responses were received.

Before the Order is confirmed the formal consultation procedure specified by the Act will be followed and public notice given.

### 7. Environmental Implications

- 7.1 The Natural Environment and Rural Communities Act 2006 s.40 requires that every public authority must, in exercising its functions, have regard, so far as its consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 7.2 The Countryside Act 1968 s.11 requires that in the exercise of their functions relating to land under any enactment every Minister, government department and public body shall have regard to the desirability of conserving the natural beauty and amenity of the countryside.

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<sup>1</sup> Town and Country Planning Regulations 1993, Section 3.

<sup>2</sup> Formerly the Ramblers' Association.

## **8. Other Applicable Legislation**

- 8.1 The Equalities Act 2010 protects people from discrimination in the workplace and in wider society. Public bodies should have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 8.2 No discrimination has been identified. The Diversion will be suitable for use by the public regardless of age, disability, gender reassignment, pregnancy, race, religion or belief, sex or sexual orientation. The diverted route will have a fence-to-fence width of 3 metres and will be free of any gates or stiles.
- 8.3 No issues have been raised as a consequence of the proposed diversion. The land crossed by the current and proposed path is not listed or designated. For example, it is not a Site of Special Scientific Interest, Local Nature Reserve, Scheduled Ancient Monument, Area of Outstanding Natural Beauty or any other known listing for nature, conservation or amenity. Nor does the change in location bring the path closer to any of these listings. The diversion (by itself) is not likely to affect biodiversity and the diversion is not likely to increase the number of people using the path.

## **9. Supporting Information**

- 9.1 The diversion is necessary for the land to be restored. No adverse impacts on the public or adjoining landowners have been identified to outweigh the benefits to the developer. A permanent diversion order is recommended as detailed in Section 1.

## **5. Timescales associated with the decision and next steps**

- 5.1 See appendix 3

### **Appendices**

1. Appendix 1
2. Appendix 2
3. Appendix 3

### **Background Papers**

None

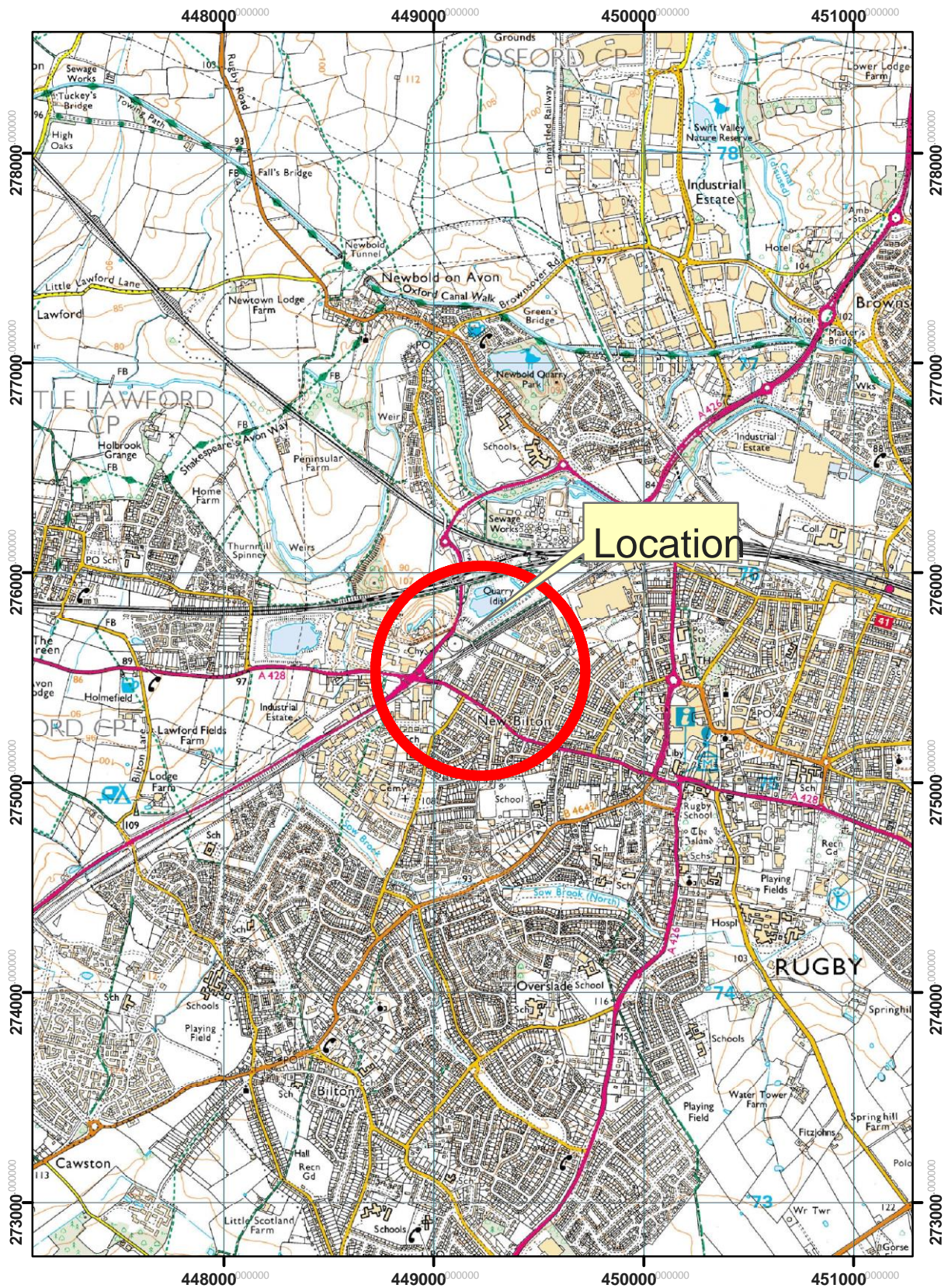
	<b>Name</b>	<b>Contact Information</b>
Report Author	Sonu Copson, Rights of Way Definitive Map Officer for Legal Orders	<a href="mailto:sonucopson@warwickshire.gov.uk">sonucopson@warwickshire.gov.uk</a> Tel: 07795236869
Assistant Director	Scott Tompkins	<a href="mailto:scotttompkins@warwickshire.gov.uk">scotttompkins@warwickshire.gov.uk</a>
Strategic Director	Mark Ryder	<a href="mailto:markryder@warwickshire.gov.uk">markryder@warwickshire.gov.uk</a>
Portfolio Holder	Councillor Wallace Redford	<a href="mailto:cllrredford@warwickshire.gov.uk">cllrredford@warwickshire.gov.uk</a>

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

Local Member(s): Councillor Sarah Feeney

Other members: None

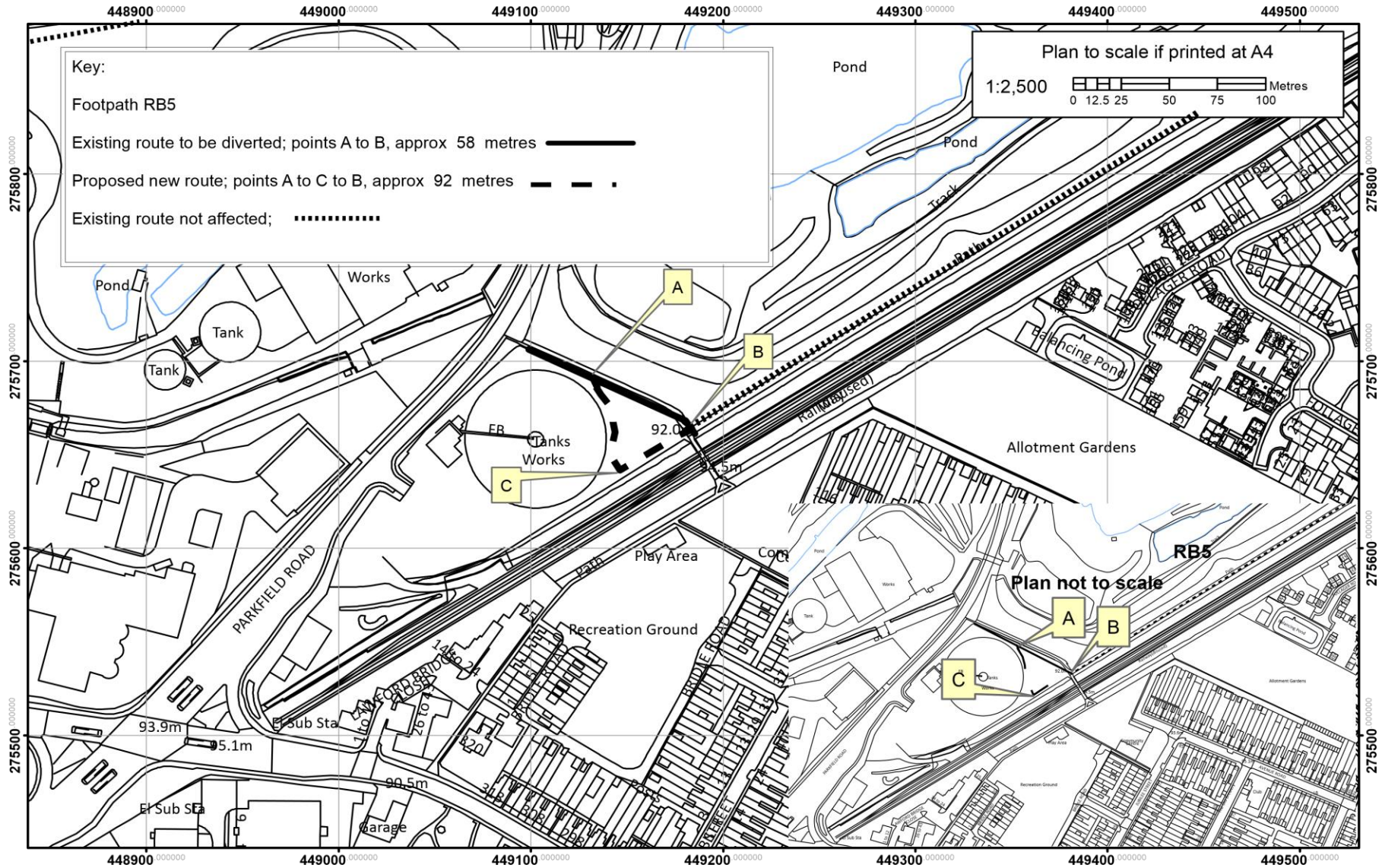
Appendix 1



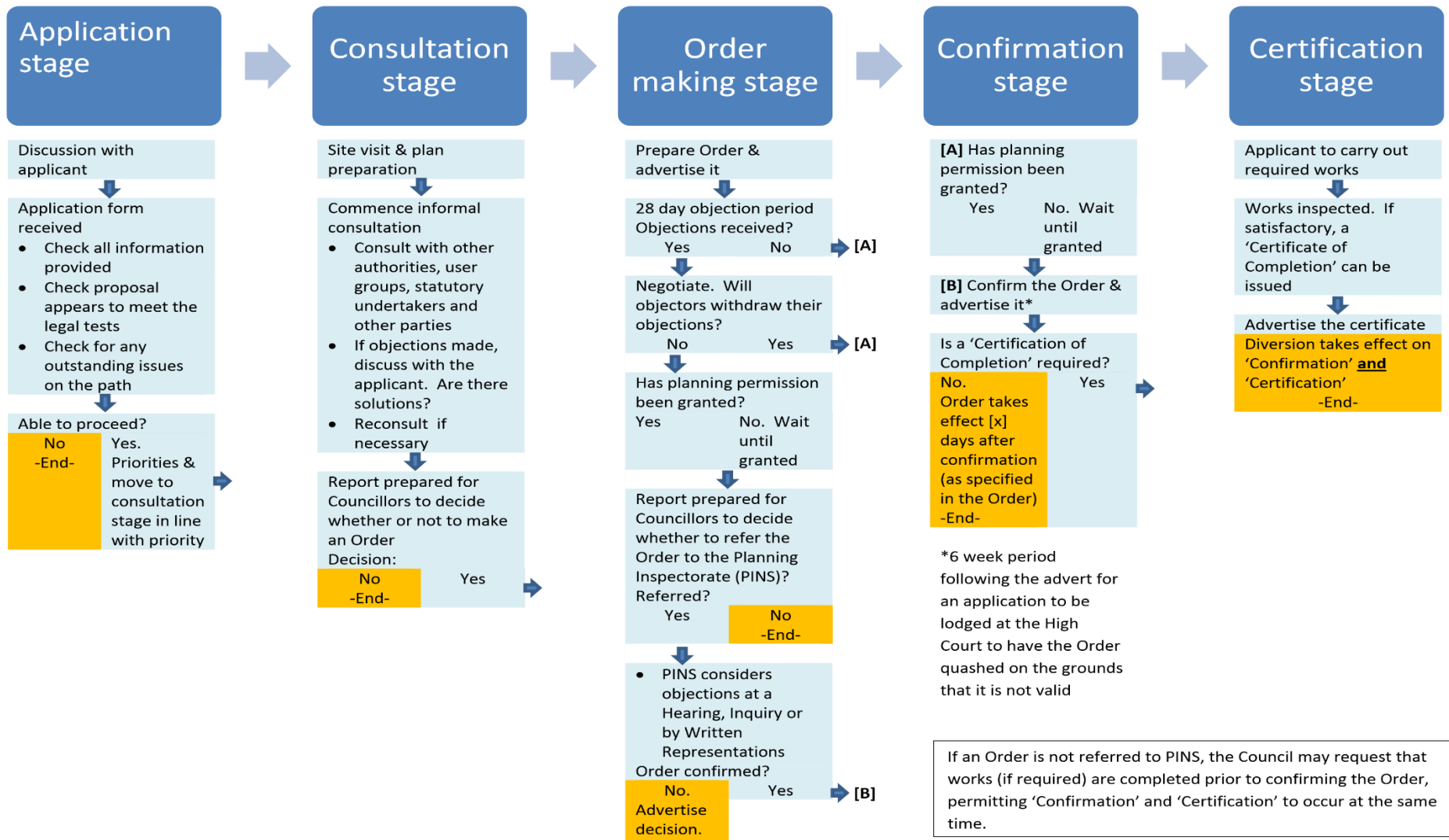




Appendix 2



Appendix 3.



## Regulatory Committee

5 April 2022

### Appointments to External Bodies - Update

#### Recommendation

That the Regulatory Committee approves:

1. The appointment of Councillor Marian Humphreys to the Warwickshire Corporate Parents Association (AKA Tiffin Club).
2. The nomination of Mrs Ruth Challis to the Long Itchington Education Foundation.

#### 1. Purpose of the report and context

- 1.1 On 5 October 2021, Regulatory Committee considered a report concerning Warwickshire County Council appointments to external bodies. The committee agreed all of the proposed appointments presented to it. Subsequent to the 5 October meeting of the committee two further requests for appointments/nominations have been received. In order to formalise these, it is necessary to obtain the approval of the Regulatory Committee.

#### 2. The Warwickshire Corporate Parents Association (AKA Tiffin Club)

- 2.1 The Warwickshire Corporate Parents Association (AKA Tiffin Club) was set up as a charity by officers and retired officers of Warwickshire County Council to support Children Looked After and Care Leavers, supporting things that fall outside the local authority statutory duties. Below are the charity's objectives as set out in its constitution adopted in Sept 2012, which were confirmed when the Tiffin Club was registered with the Charity Commission on 26th March 2013. (CRN 1151383).
- 2.2 "The Association promotes the education and development of Children Looked After (pupils of the Warwickshire Virtual School) enhancing their life skills including both personal and social development, so that they reach a positive destination on leaving the care system. This includes assisting the transition to independent working life for those who have recently left care. We achieve this by pursuing the following objects:

- Supporting Schools who offer 1:1 tuition for Children in Care and Unaccompanied Asylum Seekers.
- Mentors that support Children and Young People in Care, Foster Carers and the Social Workers, focusing on Personal Education Plans – supporting progress through school and into a positive destination.
- Work experience for Young People in Care in the public sector, recognising that this is their ‘family firm’.
- Pursuit of apprenticeships in the Public Sector for Young People in Care.
- Initiatives which assist in the transition from care to independent working life.
- Incentives which reward personal excellence, helping Children in Care to their next level of attainment.”

### 2.3 Board of Trustees

Currently the trustees comprise the following former senior officers of WCC:-

- John Scouller (Honorary Chair)
- Dave Clarke (Honorary Treasurer)
- Greta Needham (appointed at the AGM in July 2017)
- Sue Evans (appointed April 2019)

2.4 The Tiffin Club is not a large charity but has raised just over £160k over the last decade to support Children Looked After and Care Leavers.

2.5 Until his death in 2020 Councillor Chris Williams had been a trustee nominated by the Council and representing Warwickshire Corporate Parents. There was a need to replace Councillor Chris Williams on the Board.

2.6 Councillor Marian Humphreys has volunteered her services to sit on the Board of Trustees as the elected member representative.

## 3. Long Itchington Education Foundation

3.1 Long Itchington Education Foundation (LIEF) is a registered charity (Charity No. 528694) that aims to support young, local people in their education and training. It can trace its history and the source of its funds back to the Will of John Bosworth in 1674 that established the Bosworth Educational Foundation. LIEF now also incorporates the Elizabeth and Edmund Tompkins Foundations of 1825 and, more recently, the ‘School Foundation’.

- 3.2 Each year LIEF awards grants to Long Itchington young people and village organisations to help support education, training and personal development. This is generally achieved by:
- grants to students in higher education or vocational training;
  - financial support through local schools for particular children to help with the cost of activities, for example, educational trips or additional tuition.
  - equipment for Long Itchington CofE Academy;
  - donations via other charities to help educational and vocational needs of local young people; and
  - grants to meet any other needs that fall within the objectives of the LIEF Charity Scheme.
- 3.3 In 2020, LIEF made 19 grants to students from the Parish, helped with the costs of a primary school residential trip and paid for two computer tablets to support home learning. A total of approximately £4400 was distributed.
- 3.4 LIEF is administered by five Trustees, four of which are appointed by the Parish Council and one by Warwickshire County Council. The Trustees meet periodically to consider applications for grants. The main deadline for applications from individuals is approximately the end of September each year as students are about to begin their studies in the new academic year.
- 3.5 Until his death in 2020 Councillor Bob Stevens was the Council's nominated representative on the LIEF. The foundation's scheme states that the Council's representative has only to be a nominee of the Council. They do not have to be an elected member. The LIEF made enquiries of the Council and within the community of Long Itchington to find a replacement for Councillor Stevens. A local resident, Ruth Challis was identified and agreed to take up the role. (Mrs Challis has lived in Long Itchington for a number of years and has two school age children). This met with the approval of the trustees of the LIEF and also has the agreement of the Leader of the Council.
- 3.6 The Regulatory Committee is asked to agree to the nomination of Mrs Challis to the Board of Trustees of the LIEF.

## **4. Environmental Implications**

- 4.1 The only potential environmental implications resulting from this report and the decisions that Regulatory Committee is being asked to make relate to travel. If, post-COVID, meetings are to be held in person then there will be a need to

travel. However, the continuing use of remote meeting technology suggests that this may be less of an issue than it would have been previously.

## 5. Financial Implication

If Councillor Humphreys is required to travel to meetings of the Tiffin Club this will carry a cost in terms of mileage expenses. However, this presents the same scenario as her predecessor on the Tiffin Club. It is not a new cost and will be covered by existing budgets. No expenses would be due to Mrs Challis for fulfilling her role with the LIEF.

## 6. Background Papers

None

	<b>Name</b>	<b>Contact Information</b>
Report Author	Paul Williams	<a href="mailto:paulwilliamscl@warwickshire.gov.uk">paulwilliamscl@warwickshire.gov.uk</a>
Assistant Director	Sarah Duxbury	<a href="mailto:sarahduxbury@warwickshire.gov.uk">sarahduxbury@warwickshire.gov.uk</a>
Strategic Director	Rob Powell	<a href="mailto:robpowell@warwickshire.gov.uk">robpowell@warwickshire.gov.uk</a>
Portfolio Holder	Councillor Andy Jenns	<a href="mailto:andyjenns@warwickshire.gov.uk">andyjenns@warwickshire.gov.uk</a>

This report was not circulated to elected members prior to publication.

By virtue of paragraph(s) 3, 6a of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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