

## 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.