

Regulatory Committee – 11 July 2023

Revised design of Bishops Bowl Fishery utilising the importation of inert material and soils Bishops Bowl Lakes, Bishops Itchington, Southam, CV47 2SR

SDC/22CM003

Application No.: SDC/22CM003

Advertised date: 25 August 2022

Applicant: Mr Shaun Smart,
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Southam
CV47 2SR

Agent: Mr John Gough,
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Registered by: The Strategic Director for Communities on 09 August
2022

Proposal: Revised design of Bishops Bowl Fishery utilising the
importation of inert material and soils

Site & location: Bishops Bowl Lakes, Bishops Itchington, Southam,
CV47 2SR. [Grid ref: 438375.259039].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the revised design of Bishops Bowl Fishery utilising the importation of inert material and soils subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 This planning application seeks consent for the revision of the previously approved design for the lakes at Bishops Bowl Fisheries (Ref: SDC/18CM019) approved in October 2018.
- 1.2 The site known as Greenhill Lake complex includes Greenhill Lake, Belles Lake and Rush Glen Lake, located within the Bishops Bowl Lakes Fishery, Bishops Itchington. The Fishery comprises of a series of waterbodies, some of which are quite deep, situated within former mineral workings. The previous consent approved the remodelling and partial infilling of a lake to reduce the depth of the waterbody.
- 1.3 The Planning Statement submitted to support the current application advises that the works approved in 2018 commenced in April 2020 with the import of suitable inert material to create marginal reedbed areas and to establish additional 'shallows' within the larger waterbodies to complement existing habitats elsewhere within the site.
- 1.4 The easternmost waterbody within the 2018 planning application site area, Greenhill Lake, has been infilled with shallows formed and an island created. However, the levels are inconsistent with the 2018 approved drawings as a result of a setting out error. The waterbody has been overfilled with imported waste.
- 1.5 In addition, the previously approved configuration of Greenhill Lake has been amended to provide a new throughfare across the waterbody as an alternative long term access route to the waterbodies. The waterbody is now divided into Greenhill Lake North and Greenhill Lake South. This application also seeks consent to retain this central access route as constructed.
- 1.6 As a result of the errors and alterations in implementing the approved scheme, an additional volume of inert waste is required to be imported to the site, to complete the project.
- 1.7 The applicant states that importation of an additional 140,000 m³ of material would be required to complete the recontouring of the central waterbody, Belles Lake and Rush Glen Lake located within the western area of the application site. The two waterbodies would be reduced in depth from some 6 to 8 metres to between 1.8 to 2.4 m in order to improve fishing habitats and management of the waterbodies; to reduce potential long-term erosion issues and improve safety.
- 1.8 Following a response from Natural England and a subsequent site meeting regarding access to the geological SSSI positioned to the north of Greenhill Lake, an amended plan was submitted. A gated access route is proposed along the northern shoreline of Greenhill Lake North to provide occasional access to the SSSI for research and education purposes when required.

- 1.9 The engineering works would be undertaken in a generally westerly direction across the site via the access causeway between the north and south Greenhill Lakes. A new temporary dam would be constructed to allow Belles Lake to be dewatered, re-profiled then re-flooded. Rush Glen Lake would be the last water body to be de-watered and re-profiled prior to re-flooding.
- 1.10 Materials used to infill the site would be inert spoils and soils derived from construction and development sites. The material would be imported to the site under an Environmental permit from the Environment Agency or under an amended CL:AIRE MMP (Contaminated Land: Applications in Real Environments Materials Management Plan).
- 1.11 It is envisaged that up to 50,000 m³ of inert waste material would be imported to the site per annum. The proposed works would be expected to be completed within 3 years.
- 1.12 Access to the site would remain as permitted via Gaydon Road (B4451). The Transport Statement submitted with the application indicates that the proposal would result in an average of 25 HGV deliveries (50 movements) of infill material to the site per day with a maximum generation of 50 loads per day (100 movements).
- 1.13 A planning condition was imposed on the 2018 planning consent to restrict the hours of delivery of materials to the site. The proposal seeks consent for the hours to continue as previously approved with deliveries to the site between 07:00 and 18:00 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays with no operations on Sundays or Public or Bank Holidays.
- 1.14 During the winter months some additional artificial floodlighting may be required on site.
- 1.15 An HGV routing plan was submitted to support the application indicating a dedicated route to and from the site. The routing plan (BBF-22/4 Rev A) details vehicles travelling south to the site via the A425 to the B4452 towards Harbury, turning left after the railway bridge and continuing on the B4452, then turning right onto the B4451 towards Bishop's Itchington and right into the application site. Vehicles travelling from the M40 would access the site via the B4451 through Bishop's Itchington, turning left into the application site.

2. Consultation

2.1 Stratford on Avon District Council - Planning: No objection.

2.2 Stratford on Avon District Council – Environmental Health: Please replicate conditions 12, 15, 16, 17, 18 and 19 from decision SDC/18CM019.

2.3 Cllr Christopher Kettle: I do not have any concerns about the continued importation of inert waste to this site but would like consideration as to the agreed access route to the site. Currently the HGV access proposal is through the middle of the village of Bishops Itchington and past the two bus stops, where school children and others queue and cross the road.

I believe the designated route should be limited to the A423 from the South and the A425 coming from the north and routing along the B4452 past the Ufton landfill site, to Harbury and then the B4451 from Deppers Bridge.

This route avoids going through the middle of Bishops Itchington and avoids using the Bush Heath Road past Harbury.

In response to Cllr Kettle's suggested alternative HGV route the applicant stated: having given the matter careful consideration this is not a viable option. The route suggested effectively takes HGV's out of the County (towards Banbury and Oxfordshire) and away from the primary source of suitable material to import to the site. The existing route south from the site along Gaydon Road (B4451) does not have a weight limit imposed and is less than 3 miles to the M40 which allows ready access to the strategic highway network. To our knowledge there have not been any historic problems with HGV's serving the site travelling through Bishop Itchington and of course your own Highways Division have not raised objection to the proposal for the continued use of this route.

2.4 Harbury Parish Council: No objection.

Initial delegated objection withdrawn having received further information from the planning officer regarding the drafting of the legal agreement. No objection subject to the inclusion of a planning condition to ensure a legal agreement is made to route site traffic along the B roads.

2.5 Bishops Itchington Parish Council: Objection.

The parish council's objection is based upon the transport statement which indicates a significant number of vehicle movements, potentially a vehicle every six minutes over three years that will be travelling directly through the centre of Bishop's Itchington. The main road through Bishop's Itchington has traffic calming measures in the form of speed bumps and when this route was initially used previously, before

being changed, a large number of complaints were received regarding noise when empty vehicles clattered over the speed bumps. The route through the village is not appropriate as it is through the centre of the village and it is a principle route for school access and bus route. As well as speed bumps, there are two zebra crossings that are used frequently, particularly by children/young people at school times.

The parish council suggests an alternative route keeping on the 'A' roads via Southam which are high-capacity roads:
From M40 northbound, exit at junction 11, A423 into Southam then A425 out of Southam followed by B4451.

From M40 southbound down the M40, exit at junction 14 then take the A452 then A4100, up the Fosse Way and then in.
The suggestion is a route that takes them to the A425 then down the A425 followed by the B4452. There are approximately eight houses in Harbury that the vehicles would pass and none of them have a speed bump located outside them. The suggestion is they will go along get to Deppers Bridge using the A4452 which means they only just nick into the very north-eastern corner of Harbury by the railway cutting where there are no traffic calming in terms of speed bumps that are causing the noise which is the primary issue and other than that they are routed on 'A' roads.

In the last application, there was a condition that the vehicles would not come through Bishop's Itchington but had to come into the site from the Harbury end or through Deppers Bridge, and as a parish council we request that this previous condition is replicated and made robust. At a pre-planning meeting we were assured that the vehicles would not be going through the centre of Bishop's Itchington.

We would also request that it is conditioned that the roads are swept at least within the urban areas.

(NOTE: The previous planning consent did not prevent HGV from travelling through Bishops Itchington but included condition 11 stating that no more than 25 HGVs per day shall turn right from the site so as to travel in a southerly direction on the B4451 Reason: In order to reduce the impact of HGVs through the village of Bishops Itchington).

- 2.6 **WCC Flood Risk and Water Management:** No comments received.
- 2.7 **WCC Highways:** No objection subject to the imposition of conditions 9 – 13 as imposed on previous planning permission SDC/18CM019. In addition, a condition is recommended to require installation of suitable measures to ensure mud and debris will not be deposited on the highway as a result of traffic leaving the site.

2.8 **WCC Ecology Services:** More information requested from the applicant as to whether and to what extent the Habitat Management Plan (E3P, May 2019) has been implemented.

The four ecological reports submitted with the application were formally submitted to discharge planning conditions on the previous planning consent SDC/19CM019. Given that these reports are now 3 years old and the habitats will have changed in that time, an updated ecological walkover survey is required of the current habitats and suitability for protected/notable species to be impacted by the works.

The submitted Landscape Plan (Plan BBF-22/3 dated 01/08/2022) is very similar to the previously approved Landscape Plan (Plan BBF-18/3 dated 12/06/2018). However, we note that the plans for Greenhill Lake have changed (presumably due to proposed changes to include the construction of the causeway), and series of four ponds within the grassland margins have been omitted. We would recommend confirmation is sought from the applicant if it is still possible to create the ponds within the amended scheme, as these are which are valuable habitats for a variety of species. We would encourage the ponds to be included if possible, within the updated landscaping plans.

We recommend that the Biodiversity Impact Assessment should also be updated prior to determination, to demonstrate that a biodiversity net gain is still achievable within the amended landscape design. Should a net loss be calculated, revised landscape plans may be required in order to include further habitat creation/enhancement within the landownership of the applicant, to demonstrate a biodiversity net gain as a result of the proposed works in line with the NPPF. Given the area of the blue line boundary within the applicant's landownership, it is expected that there is scope for biodiversity net gain.

Depending on the results of the updated ecological walkover survey and Biodiversity Impact Assessment, we would consider that an updated Habitat Management Plan, Habitat Restoration Scheme, and Environmental Protection and Protected Species Plan could be submitted via conditions of any approval, similar to the previous planning approval. The plans are in order to ensure protected/notable species and protected sites and notable habitats are not harmed during the works and secure a revised long-term habitat management plan for the site.

In June 2023 updated and amended versions of the Habitat Management Plan, Habitat Restoration Scheme provided by the applicant in May were agreed by the County Ecologist subject to conditions for the works to be implemented in accordance with those plans.

2.9 **WCC Planning Policy Team:** No response received.

2.10 **Natural England:** No objection.

The final response from NE following a meeting on site and submission of a revised plan indicating the provision of future access to the Geological SSSI stated:

Based on the revised plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on Harbury Quarries Site of Special Scientific Interest (SSSI) and has no objection.

We welcome the revision to the northern shoreline of Greenhill Lake to establish an area of grassland adjacent to the SSSI to allow future access for educational and research study as well as management purposes of this important national geological designation.

We also welcome the enthusiasm and interest by the owner to develop the interpretation and environmental education interest at the site.

The initial response from Natural England raised a number of queries:

As submitted the application could have potential significant effects on Harbury Quarries Site of Special Scientific Interest (SSSI). A summary of the basis upon which the application states that there is no impact to features of geological significance is required.

The Landscape and Visual Assessment document states the following in Section 3.4.2 (page 19): "Designated Assets Harbury Quarries SSSI: The Harbury Quarries SSSI is designated due to its geological importance and as such has a high sensitivity to change from certain types of development. Natural England considers that active management to maintain exposure of the important geological features and such management usually involves periodic clearance of vegetation and rock debris. Vegetation growth is a particular problem for geological conservation in many inland disused quarries. It is understood that the proposals will not reduce or obscure the rock face, however proposals will reduce the depth of water, which may enable greater access to the rock face, which would be of benefit to its ongoing management.

Current use of land - Whilst the SSSI designation washes over the peripheral quarry faces, the internal landscape has a weak structure, in part due to its ongoing regeneration as a commercial fishery. There is however, scope from improvement and management of vegetation for optimum ecological benefits."

We have the following queries based on the above:

- The proposal seems to have reedbed and swamp adjacent to the SSSI. If the water level of this will be at or above the ground surface, we don't see how this gives greater access to the rock face as per the statement under 'Designated Assets' copied*

above (NB the SSSI interest is the soft sediment above the bedrock).

(Applicant's response - The current scheme repeats the locations of the reed and swamp areas and gives no more access to the SSSI than the current consented scheme does. Regrettably, there is no safe path or walkway at the base of the SSSI exposure that can safely be used.)

- *It is unclear how much inert material is being brought in, and therefore what the impact is on the SSSI. We note that the map at the end of the habitat management plan shows cross sections A-A and B-B, a copy of these would be helpful in illustrating the relationship between the SSSI, the infill and the resulting habitats adjacent to the SSSI.*

(Applicant's response - The application makes clear the additional volume of inert fill to be brought in (i.e. 140,000m³). The revised cross-sections were provided as an application drawing (BBF-22/6.)

- *The 'Current Use of Land' statement (copied above) could be read to imply some form of vegetation management which might impact the SSSI. We think it is referring to the fishing lakes as the SSSI is outside the red line for the planning application (but within the blue line for the land holding). However, this needs to be clarified.*

(Applicant's response - There is no vegetation management being proposed and I'm advised never undertaken along the cliff face adjacent to the application boundary due to the dangerous nature of the ground.)

- *Are there any plans for interpreting the SSSI?*

(Applicant's response - There are no plans for interpreting the SSSI due to the dangerous nature of the surrounding ground with no means of safe access.)

2.11 **Environment Agency:** No comments received.

2.12 **Western Power Distribution:** No comments received.

2.13 **Warwickshire Wildlife Trust:** No comments received

2.14 A press notice was published in the Stratford Herald on 25th August 2022. Site notices were displayed at the entrance to the site on Gaydon Road and on Parish Council notice boards in Harbury and Bishops Itchington on 24th August. Consultation letters were sent to 75

residential and commercial premises in proximity to the boundary of the application site.

3. Representations

- 3.1 Comments and objections have been received from 12 local residents in response to the public consultation. The points and issues raised in the responses are set out below.

Highway Safety / Impact of HGV / Routing of HGV:

- 3.2 Unacceptable HGV traffic past our house on B4452. The proposed 50 HGV per day will negatively affect noise levels at our home and risk subsidence at our house due to previous history.
- 3.3 Site access should only be allowed on Monday to Friday, not at weekends or Bank Holidays. Many residents in Harbury and Bishops Itchington live on the B4452 and B4451. Disturbance from the heavy vehicles should be minimised by preventing movements at the times when working people are most likely to be at home enjoying their leisure time.
- 3.4 We object on the grounds of noise and pollution and increased traffic on this road.
- 3.5 I live in an old farmhouse on Station Road and I know from the HS2 and British Rail works that vibrations from the road can be heard in my house. HS2 will hopefully move away and no longer be a problem but what is proposed is an open book with no timescales. The heavy lorries are damaging the pointing in my house.
- 3.6 The other concern that I have is that the corner on the B4452 by my house is not satisfactory for an increase in the frequency of large heavy lorries. At times we see from my house queues of several vehicles waiting while lorries wait for clearance before being able to turn the corner as a similar lorry is approaching the corner from the opposite direction. I recognise that the Council can develop the corner to eliminate the problem but the Council's history in making changes is not in my eyes good. For example, the proposed lights at Bendigo crossing - always promised but no action. I think that the application should be refused.
- 3.7 The previous planning application SDC /18CM019 stated in its highway report that the additional HGV traffic would not have an adverse impact on the local highway. This unfortunately has not been the case. We monitored HGV movements transferring inert waste over to the Bishop Bowl Fisheries on many occasions. At peak times there can be up to 100 trips per day short cutting to and from the Fosse Way and travelling along the unclassified roads of Bush Heath Road and Butt Lane in Harbury. These conveyances have presented real safety

concerns to vulnerable road users. These concerns were fed back to the planning officer at WCC, and to Harbury Parish Council, Stratford District Council and Warwick County Council on numerous occasions. The planning officer visited the site and asked the owner to request that HGVs use the B4451 and B4452. Nothing changed; the HGVs continued to short cut down Bush Heath Road. Mr Smart admitted that he had no control over the HGVs once they left the site.

- 3.8 Bush Heath Road currently has a 60-mph speed limit, with no footpath along its length. People use this road to access the numerous footpaths and roads on Thwaites Farm which is a local beauty attraction for pedestrians and cyclists. Unfortunately, the HGVs short cutting down Bush Heath Road have created real safety concerns to pedestrians and cyclists, who are classified as vulnerable road users. There are three stables located on the road and the horse riders currently must ride out onto a 60-mph road, meeting the HGVs conveying waste to Bishop Bowl quarries. Residents in Percival Drive turning right onto Bush Heath Road have also raised safety concerns, as the roundel indicating a speed reduction to 40 mph from 60 mph is located too close to the entrance to Percival Drive. Vehicles have been documented by the local police driving along Bush Heath Road and Butt Lane (inside the village boundary) at speeds well in excess of 40 mph. Some HGVs only reduce their speed once passing the 40-mph speed roundel, which means that drivers turning right out of Percival Drive have insufficient time to manoeuvre.
- 3.9 Recent changes to the Highway Code state that pedestrians should be given precedence over vehicles. This has not been Harbury villagers' experience. When walking along Bush Heath Road, HGVs conveying the inert waste have not always given way to pedestrians when there is oncoming traffic. They make no allowances for pedestrians. I have personally experienced an incident where an HGV forced me to jump onto the verge as it did not stop when there was oncoming traffic. It just drove at me.
- 3.10 Residents park cars on Butt Lane. There was an incident last year when one of the HGVs travelling to the Bishops Bowl site overtook a parked caravan when there was a car coming in the opposite direction. The HGV driver just got around the caravan but lost control of his vehicle which then bounced off the kerb. Luckily, the driver in the other car was not hit. Villagers have reported huge back drafts from these passing HGVs which are enough to unbalance vulnerable pedestrians along these roads.
- 3.11 Due to the current safety concerns involved Bush Heath Road and Butt Lane, residents campaigned to get the speed limits reduced along these roads. A 30-mph speed limit inside the village boundary was requested together with a speed reduction along the section of Bush Heath Road outside the village boundary. A compromise was agreed and WCC have agreed to reduce the speed to 40 mph along the entire

length of Bush Heath Road. As yet this has not been implemented or scheduled, although Harbury Parish Council has agreed to pay for the requisite Traffic Road Order and speed roundels, and so the safety concerns are still current.

- 3.12 Unfortunately, Harbury residents were oblivious to the fact that a planning application had been submitted and subsequently approved in October 2018. We received no letters at that time from WCC, and no planning application notices were placed in the vicinity. The approval came as a complete shock to residents when we realised belatedly what was happening at the Bishops Bowl site.
- 3.13 The HGVs have not only created genuine safety concerns for residents, but they have also created a real nuisance. They travel in groups of 2-3 on route to the quarries loaded at the same time as 2-3 are travelling back empty. The effects of 6 heavy vehicles passing each other creates significant nuisance to residents in the form of noise and vibration. We can feel vibrations in our house and can no longer use our garden when the contractors are operating due to the noise emanating from the HGVs. When the weather is warm, we cannot open our windows due to the noise.
- 3.14 Residents have done their utmost by contacting the contract hauliers involved to request that they use A and B roads to access the site but with no effect. The hauliers have stated explicitly that they will continue to travel down Bush Heath Road and Butt Lane because it is the shortest route to and from the site, thus minimising their fuel costs, and because they have "every right to do so." Because the previous planning application was approved without the residents' knowledge, our voices have fallen on deaf ears, as there was no dedicated route plan in place and no legal agreement to enforce it.
- 3.15 Therefore, unless the WCC can legally enforce the proposed dedicated route plan, and such enforcement extends down to the contracted and sub-contracted hauliers involved, we have no option but to object on safety grounds. If there is no enforcement, the route plan will not be adhered to by the numerous haulage companies involved. We have been told that most of the HGVs will be coming from the Bishops Tachbrook area. Instead of using the A and B roads the drivers will travel along Harbury Lane, cross the Fosse Way to access the Bishops Bowl site via the unclassified roads of Bush Heath Road and Butt Lane. GPS will show the drivers that this is the shortest route and so will cut down their journey time and fuel consumption.
- 3.16 The Transport Statement states at section 1.8 'there will be no further impact on the highway network as a result of the proposal to extend the site.' This is not true; there has been a significant impact on vulnerable road users already from the previous applications.

- 3.17 Section 1.6 states there have been no accidents at the site entrance junction or in the immediate vicinity. This is a misleading statement. The local community police officer is not always available at Southam Police Station. Incidents are hard to report due to limited police resources and presence in the area.
- 3.18 Residents along Bush Heath Road and Butt Lane have been trying to set up a speed watch group for these roads but have found it difficult to set one up due to communication difficulties with the local community police officers, who are continually changing and moving to other roles.
- 3.19 Much of the traffic for the previous infill came south and returned north (estimate > 95%). So in reality we saw and felt all movements i.e. in and out. Please advise typical journeys and works that will be serviced/associated to facilitate the new infills. There must be a reasonable idea from where 140,000m³ of soil will become available within 3 years. If 50% of this came from South of the site then 50% would come through Bishops Itchington (BI). Apologies to the people of BI as I do not wish this upon you, only to understand if we can expect more or less of the same.

Enforcement of HGV routing plan:

- 3.20 In addition to giving strong legal status to the HGV routing plan, there should be a legal limit on the number of vehicle movements. The limit should be set in terms of movements per hour not per day as this is much more straightforward to monitor.
- 3.21 The routing of HGVs does not look to be enforceable. Approval of this application could therefore facilitate HGV movements through Bush Heath Road / Butt Lane in Harbury causing traffic, nuisance and safety issues for other road users.
- 3.22 The work to date has caused excess nuisance to local residents and this should not be allowed to continue unless WCC takes the full legal powers required to prevent lorries using Bush Heath Road/Butt Lane.
- 3.23 The wording of section 3.3 of the Transport Statement is misleading and ambiguous. At first glance the inclusion of a dedicated transport route is a step in the right direction. Many readers may believe when reading this statement that 'this can be secured through a legal agreement with the Warwickshire County Council' that the routing plan will be followed and enforced. After recent liaison with the planning office, it transpires that the legal agreement will not be drafted or executed before the application is considered and would only be put in place after it was approved. Therefore, there is no guarantee that a legal agreement will ever be made by WCC and no guarantee that such agreement will then be enforced not only against the applicant but against the contracted hauliers.

Road condition:

- 3.24 Impact on the roads local to the site. The B4451 local to the site and adjacent to Portland Lodge, in particular at times of bad weather, usually in a dirty condition. We know that a mobile sweeper was used almost on a daily basis, we witnessed it. However, despite this the road suffered from wet mud in adverse conditions and often hard pack mud in the early and later seasons. In the summer we had to contend with dust which the sweeper generally managed well when combined with damping. Our building has whitewalls that were covered in mud on numerous occasions and needing to be jet washed when the weather eased. The problems arise, in the case of arriving trucks, many not using the pull over sheets available to them and on braking with full loads shedding large lumps (generally clay) onto the road and local verges. In the case of departing vehicles, clay being shed from the wheels and underbelly that had accumulated at site. Photographs were taken. On two separate occasions I complained at the site the vehicle washer was not working on either occasion but I was advised scheduled for repair.
- 3.25 I would like to request that the roads to be used in the traffic plan are fully restored to a safe and useable condition after the operations are completed. We have already had many lorry movements along the B4552 and B4551 into the Bishops Bowl site with spoil and soil material over the last 2 or 3 years and the roads have been left with damaged verges, damaged road surfaces and damaged pavements which have been covered in mud resulting in weeds and grass growing together with dangerous slippery conditions underfoot during winter especially.
- 3.26 The damage is caused by the lorries being too big and when passing other large vehicles this results in them having to drive in to the verges especially along the B4552 and extremely close to the edge of the road which has resulted in damage to the verges and the edge of the road surfaces, creating ruts between the edge of the tarmac and the verges. Simply sending a road sweeper along the roads from time to time does not solve these problems, this has what has been done in the past and the only other action that has been taken is for the pavement along B4552 between Deppers Bridge and Harbury being cleaned of mud and weeds although not resurfaced or damage repaired. Further operations will only result in further damage and I urge the Council as part of the conditions of granting Permission to insist on making good the damage. The Annex 3 Transport Assessment claims the surrounding roads are in good condition, this is not true as they have not been repaired since the last series of lorry movements into the site via B4551 and B4552, both these roads still show severe signs of damage to verges and paving as described above.

Hours of operation/Access to site

- 3.27 Site access should only be allowed on Monday to Friday, between restricted hours of 09:00 – 16:00, and not at weekends or Bank Holidays. Many residents in Harbury and Bishops Itchington live on the B4452 and B4451. Disturbance from the heavy vehicles should be minimised by preventing movements at the times when working people are most likely to be at home enjoying their leisure time or asleep.
- 3.28 The site should not be allowed to work on Saturdays, and there should be a maximum of two heavy vehicles such as a dozer and an excavator situated on the site at any one time.

Non-compliance with previous planning permission:

- 3.29 The works should be subject to enforcement of the profiles and levels in the current planning permission. In paragraph 1.3 of the Supporting Statement, there is an admission that the applicant's contractor made a "regrettable error" in setting out. Unless an independent environmental body such as Warwickshire Wildlife Trust reports that the current situation is of benefit to wildlife, the Council should require the applicant to rectify this error, and not allow a large additional volume of material to be brought to the site.
- 3.30 Likewise, the temporary thoroughfare across Greenhill Lake should not be permitted to remain unless the environmental group reports it is beneficial to wildlife. If it is not, it should not be regularised because it would allow yet more material to be imported.
- 3.31 The 'regrettable setting out error' is convenient for the contractor to overcome his errors but what about the environmental issues of pollution and local impact associated with the overfill and the subsequent additional fill.

Noise:

- 3.32 The site should not be allowed to work on Saturdays, and there should be a maximum of two heavy vehicles such as a dozer and an excavator situated on the site at any one time. Noise levels should be monitored for Meadow Farm. Meadow Farm is just a little further from the site than Model Farm, approximately 400 metres from Rush Glen Lake. We have read the sound engineer's report and note that the sound levels at our property are unlikely to reach an actionable level based on one machine working at any one time. However, this is only an estimate, and noise from the site depends critically on the direction and strength of the wind. This is a quiet country area, so we will find even low levels of continuous noise from heavy machinery annoying. If noise does turn out to be a nuisance, we need WCC to have the powers to impose appropriate controls and mitigation measures.

- 3.33 This planning application refers to the infill of parts of the lakes with inert soils and likely we can expect similar operations, noise and disturbances, that concluded a year or so back but operated for a considerable period (not logged by us but probably more than 2 years).
- 3.34 The Noise Assessment - I would politely request to the survey authors that the site in our opinion must include the entrance and exit to the site (B4451) and the roads south or north for at least a couple of hundred metres. Portland Lodge entrance is a maximum 50 metres from the site entrance. What they have not disclosed or perhaps not measured is the noise and vibration emanating from one and often two together, trucks arriving and braking with full loads (from the North = downhill section) immediately outside Portland Lodge. Later heading North, the empty vehicles are climbing uphill from the site past Portland Lodge using a reasonable amount of engine power. We concur with the authors that the noise at the operations part of the site is minimal and not an issue. Most vehicles normally passing are maintaining speed and their disruption is minimal. Please share the noise assessment that has been undertaken at the site entrance and local to our property or please request that this becomes a supplement to survey (with appropriate vehicles and loads) and that this is added to the report.

Amenity:

- 3.35 Importantly we are not objecting to this proposed planning, providing we can have assurances that the operations can be monitored and continue to be monitored for the duration. We have good reason to raise these points, we are the nearest property and likely will be most affected of any property associated.
- 3.36 The published documents seem to make reference that this kind of works have been undertaken previously and without complaint or objection and on this basis is reasonable and proper to continue a second phase. We anticipated that these works were finished, now the planning application provides for three more years, perhaps more after that. Some people choose to tolerate such planning with a view for the common good, that it improves the biodiversity at Bishops Bowl Lakes, creates jobs perhaps and allows people to go about their business in a manner that suits them. We are of this type, but we hoped that the planning was finite, not open ended and that there is an end. Another 3 years of similar movements that we faced in Phase 1 is not reasonable.
- 3.37 So in summary this is not an objection to planning. This is an opportunity for the developers and contractors to manage better with us and pay due diligence and answer the questions above. In particular the noise and vibration local to our house and the cleanliness (and safety for cyclists/motorcyclists) of the road immediately local to the site entrance. We look forward to some positive proposals from them.

Monitoring:

- 3.38 The environmental plans should be monitored at least annually by an independent environmental body such as Warwickshire Wildlife Trust, and progress reported to WCC. Given that the contractor's track record includes a major error leading to a request for a large amount of additional material to be imported to the site, we are very worried about the monitoring of the works generally, and in particular the status of the environmental plans. The applicant says that the plans to enhance the wildlife amenity of the site are a major benefit of the work. We acknowledge this but believe that progress on these plans should be monitored and reported to the Council. The submission does say that Warwickshire Wildlife Trust may be consulted, but this should be made a requirement.

4. Background and Planning History

- 4.1 Bishops Bowl Lakes (located on the western side of the B4451) are a series of water bodies of varying sizes formed within abandoned former mineral workings associated with the former Harbury Cement Works (located on the eastern side of the B4451). The Cement Works and quarry ceased operation in 1970. The quarry site, much of which now forms the Bishops Bowl Lakes Fishery, was not formally restored upon the completion of mineral working. The site largely took on its current appearance through natural rebound of water levels and colonisation by vegetation and wildlife.
- 4.2 Planning permission was originally granted to allow use of the site as a commercial fishery in 1982. Since this time various planning permissions have been granted on the site. These include for: a clubhouse and shop, erection of 21 fishing lodges, erection of a two-storey manager's dwelling, water sports activities, etc. Since 2009 the current site owners have undertaken works to improve and upgrade the site to establish a viable fishery, introducing a range of fish stocks including, Carp, Tench, Rudd, Roach, Bream and Pike. Their aim is to provide a high-quality venue in Warwickshire for anglers, whilst preserving and respecting the surrounding wildlife, and maintaining the unique environment of the site.
- 4.3 Planning permission (SDC/14CM002) was granted in 2014 which allowed the remodelling and partial infilling of two lakes within Bishops Bowl Fishery. This included partial infilling of one lake (Mitre Lake) and stabilising and making safe the banks at one end of Greenhill Lake, which is the subject of the current application. These works are complete, and Mitre Lake has successfully re-established as a fishing lake.
- 4.4 Further planning permission was granted in October 2018 (SDC/18CM019) for the extended ecological enhancement of the lakes by further importation of suitable inert material. The approved works

were required to be completed and restored within 4 years of the date of commencement. The infilling commenced in April 2020 and ceased when the approved volume had been imported.

- 4.5 Construction of residential development with the erection of 80 dwellings and associated public open space on the site of the former cement works located to the east of the application site and east of B4451 Gaydon Road has been substantially completed and properties occupied. At the time of the planning application approved in 2018, construction of the residential development had only recently commenced.

5. Assessment and Observations

Site and Surroundings

- 5.1 Bishops Bowl Lakes is located around 1 km to the north of Bishops Itchington and around 1 km to the south-west of Harbury. The Lakes site extends to approximately 37 hectares in total and lies to the west of and is accessed from the B4451 Gaydon Road.
- 5.2 The abandoned quarry workings now take the form of a series of lakes and water bodies. The site is operated by the applicant as a commercial fishery. As the name of the fishing facility suggests the site occupies a low-lying area of land, partially resulting from previous mineral extraction, which is effectively in a valley or bowl. The site is well screened by mature vegetation.
- 5.3 Whilst the Bishops Bowl Lakes Fishery site extends to 37 hectares in total the application site is limited to a little under 9 hectares of the site which incorporates the lakes complex where infilling works have been partially completed; the lakes where the previously approved infilling has not been completed; the site entrance and the access road into the site.
- 5.4 The abandoned quarry workings contain attractive stone faces and representative geological exposures. Two areas within the site are designated as geological Sites of Special Scientific Interest (SSSI) (Harbury Quarries SSSI Ref 15WP5). The designated exposures extend to an area of around 2.5 hectares of the overall Bishops Bowl Lakes site. The SSSIs do not fall within the red line area of the current application site.
- 5.5 Residential properties in the immediate vicinity of the site are limited in number and are clustered in small groups or as individual isolated dwellings with the exception of the recently constructed housing at Blue Pool Vale and Lias Crescent, located to the east of the B4451 and south-east of the access to the application site. The closest of the new houses are some 70 metres to the south-east of the site access and around 600 metres from the proposed infilling of Belles Lake and Rush

Glen Lake. Portland Lodge is situated around 50 metres to the north of the site entrance and around 600 metres away from the proposed infilling. A group of properties centred around Greenhill Farm and fronting onto Gaydon Road are located some 300 metres to north of the site. Immediately adjoining the southern boundary of the Lakes site is Walworth Farm. The modern farm buildings are situated in an elevated position above the site and screen the farmhouse, which is located at a lower level, from the Lakes site. Walworth Farmhouse itself is separated from the proposed infilling works by around 300 metres. Around 1 kilometre to the west of the site are situated two further farms (Hurdiss Farm and Model Farm). The applicant's residential property, The Lodge, is located centrally within the Lakes site.

- 5.6 The site is accessed via a long private roadway which extends to around 300 metres in length. The entrance onto the highway was upgraded and improved in connection with the lake shallowing and recontouring works approved in 2014 (Ref: SDC/14CM002). The initial access into the site comprises of a long section of concrete roadway, beyond which roadways are constructed of unbound materials.
- 5.7 An electricity substation is located on land to the south of the access road into the site and Mitre Pool. An electricity pylon stands adjacent to the substation with overhead power lines running northwards over the haul road.

Planning Policy Context

- 5.8 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:
 - (c) 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
 - (d) 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.

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.

- 5.9 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.
- 5.10 In this case, the Development Plan consists of the Stratford-on-Avon District Core Strategy 2011 to 2031, the Warwickshire County Council Waste Core Strategy adopted July 2013 and the Mineral Local Plan for Warwickshire adopted July 2022. The application should therefore be determined (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004) in accordance with those policies unless material considerations indicate otherwise.

National Planning Policy

National Planning Policy Framework

- 5.11 The National Planning Policy Framework (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.
- 5.12 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.
- 5.13 **Paragraph 81** of the NPPF makes it clear that the Government is committed to securing economic growth requiring that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the

need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 5.14 **Paragraph 84** of the NPPF seeks to support the sustainable growth and expansion of all types of businesses and enterprise in rural areas and support sustainable rural tourism and leisure developments which respect the character of the countryside.
- 5.15 **Paragraph 97** of the NPPF states that planning decisions should promote public safety including anticipating and addressing possible natural hazards.
- 5.16 **Chapter 15** of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and geological conservation interests; minimising impacts on and providing net gains for biodiversity. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 5.17 The NPPF requires that planning decisions ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 5.18 The NPPF makes it clear that the focus of planning policies and decisions should be 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.

National Planning Policy for Waste (NPPW)

- 5.19 The NPPW seeks to promote sustainable development and resource efficiency by driving waste management up the waste hierarchy. Planning should seek to ensure that waste is managed close to source without endangering human health and without harming the environment.
- 5.20 The NPPW states that when determining waste planning applications, waste planning authorities should, 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.

- 5.21 The NPPW seeks to ensure that waste management facilities in themselves are well-designed, so as they contribute positively to the character and quality of the area in which they are located. Turning specifically to land raising and landfill proposals the guidance seeks to ensure that sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards.
- 5.22 The NPPW states that when determining planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity. Appendix B of the NPPW sets out a list of criteria, including; protection of water quality and resources and flood risk management, landscape and visual impacts, nature conservation, traffic and access, air quality and noise impacts, which should be considered and assessed when determining applications.

Local Planning Policies

Stratford-on-Avon District Core Strategy 2011 to 2031

- 5.23 Stratford-on-Avon District Core Strategy contains general development management policies which all development proposals must be assessed against. This includes policies specific to the local area which seek to protect the character of the area and amenity of local residents.
- 5.24 **Policy CS.1 – Sustainable Development:** makes it clear that planning to secure a high-quality environment, managed economic growth and social equity are of equal importance. The policy goes on to say that all development proposals should contribute towards the character and quality of District and to the well-being of those who live and work in and visit the District. Development should be located and designed so that it contributes towards the maintenance of sustainable communities within the district.
- 5.25 **Policy CS.5 – Landscape:** seeks to maintain character and quality by ensuring that development takes place in a manner that minimises and mitigates its impact.
- 5.26 **Policy CS.6 – Natural Environment:** expects development to contribute towards a resilient ecological network throughout the District.
- 5.27 **Policy CS.9 – Design and Distinctiveness:** seeks to secure high quality sensitive design within development. The policy requires development proposals to be, amongst other things, sensitive to the setting, existing built form and neighbouring uses. The policy seeks to maintain healthy environments with the occupants of neighbouring sites protected from unacceptable levels of noise, contamination and pollution and adverse surroundings.

- 5.28 **Policy CS.22 - Economic Development:** states that development that provides for a wide range of business and commercial activity to be promoted in sustainable locations. The policy states that opportunities for development will be provided in the countryside, in accordance with Policy AS.10.
- 5.29 **Policy AS.10 Countryside and Villages:** seeks to maintain the vitality of rural communities and a strong rural economy by providing a wide range of activities and development in rural parts of the District in accordance with the principles of sustainable development. This includes: minimising impact on the character of the local landscape, communities and environmental features; minimising impact on the occupiers and users of existing properties in the area; and, avoiding a level of increase in traffic on rural roads that would be harmful to the local area.
- 5.30 **Policy CS.24 – Tourism and Leisure Development:** supports the growth and improvement of existing attractions in order to support the local economy.
- 5.31 Stratford-on Avon District Council produced the ‘Harbury Cement Works Masterplan’ in 2007 relating to land on either side of Gaydon Road. The document has the status of a Supplementary Planning Document. The masterplan seeks to provide a broad framework for the ultimate redevelopment of the former cement works and associated quarries which include the Bishops Bowl Fishery.

Warwickshire Waste Core Strategy Adopted Local Plan (2013-2028)

- 5.32 The adopted Waste Core Strategy sets out policies in respect of directing future waste development. The policies contained within this document reflect the national government planning policy of producing less waste, and to re-use it as a resource where possible.
- 5.33 **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.
- 5.34 **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 is located within close proximity (within 5km) to Southam which is a secondary settlement and one of the broad locations identified for new waste facilities), where individual sites are well located to sources of waste, are well located to the strategic transport infrastructure and do not have significant adverse environmental impacts. Within the broad locations the policy states that new waste developments will be supported in, amongst other locations, previously developed land and contaminated or derelict land.

5.35 **Policy CS7 – Proposals for disposal facilities:** (meaning facilities primarily consisting of disposal by landfill or incineration) states that disposal facilities will only be approved where the applicant can demonstrate that the proposed facility is needed and will not prejudice the management of waste further up the Waste Hierarchy. Proposals for the landfilling of waste or land raising will not be acceptable unless it is demonstrated that:

- i. the waste cannot be managed by alternative methods that are higher up the Waste Hierarchy; and
- ii. there is an overriding need for waste to be disposed of through landfilling and land raising; and
- iii. significant environmental benefits would result from the disposal; and
- iv. it does not divert significant quantities of material away from the restoration of mineral workings or permitted landfill sites.

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

5.36 **Policy DM1 – Protection of the Natural and Built Environment:** requires new development to conserve and where possible enhance the natural and built environment by ensuring that there are no unacceptable adverse impacts upon, amongst other things, natural resources (including water, air and soil), the quality and character of the landscape and adjacent land users and occupiers and that the development satisfies Green Belt policies.

5.37 **Policy DM2- Managing Health and Amenity Impacts of Waste Development:** relates to environmental controls and states that waste management proposals will be permitted where it can be demonstrated that the development will have no significant adverse impacts on the local environment or communities through, amongst other things, noise, visual intrusion, odour, dust, emissions, traffic, etc. The policy goes on to state that planning permission will not be granted for waste management proposals whereby reason of the collective impact of different proposals or by reason of a number of impacts for the same development, the proposal has an unacceptable cumulative impact.

5.38 **Policy DM3 – Sustainable Transportation:** requires waste management proposals to use alternatives to sustainable transport where feasible. Developers must demonstrate that the proposal facilitates sustainable transportation by: minimising transportation distances, minimising the production of carbon emissions; and where road is the only viable method of transportation, demonstrating that

there is no unacceptable adverse impact on the safety, capacity and use of the highway network.

- 5.39 **Policy DM6 – Flood Risk and Water Quality:** makes it clear 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.

Warwickshire Minerals Local Plan (2018-2032) (Adopted July 2022)

- 5.40 Policy DM9 of the Minerals Plan seeks to ensure mineral sites are restored to a high standard once extraction has ceased. The Plan states that restoration of mineral extraction sites may provide improvements to biodiversity, nature conservation and recreational uses.

Policy Considerations

- 5.41 Bishops Bowl Lakes is an existing commercial fishery and local leisure visitor attraction. The facility evolved from the water filled mineral workings which were abandoned following mineral extraction on the site, rather than being designed and engineered as fishing lakes. As a result of their origin, the lakes were deep water bodies with steeply sloping banks which presented concerns in terms of safe access to and use of the site by patrons. Works have been undertaken with the partial infilling of some of the waterbodies to encourage and sustain the development of fish stocks and to provide a habitat suitable to sustain the site as a fishery and visitor attraction.
- 5.42 The waterbodies that have not yet been partially infilled remain as deep lakes with steeply sloping banks which are unstable and subject to subsidence in places. The nature of these deep lakes and the risk of instability are of concern in terms of safe access to the site and use of the site by patrons; maintaining the integrity of the site infrastructure and preventing damage resulting from bank subsidence and slippage; and providing a habitat suitable to sustain the site as a fishery and visitor attraction. The proposed works would complete the previously approved infilling to stabilise the integrity of the Greenhill Lake complex making it safe for patrons in the long term.
- 5.43 The continued improvement of the facility would assist with the development of a sustainable rural business and leisure facility in the long-term which is supported by national planning policy and policies of the Stratford on Avon District Core Strategy.
- 5.44 Whilst the Bishops Bowl Lakes site as a whole is of ecological value, the remaining deep-water bodies with steep banks are of limited ecological value. The shallower waters resulting from the partial infilling of the lake bodies results in the establishment of reed beds and improvements to the water environment for fish as well as other

benefits to the ecology and biodiversity of the wider site, as evidenced by the completion of the infilling of Mitre Pool and the subsequent restoration and establishment of an increased flora and fauna. The long-term benefits are supported by national and local policy.

- 5.45 Landfilling of waste materials is now the last resort in terms of waste management. However, it is acknowledged that not all materials are suitable for reuse or recycling and that there will always be a need for landfill to some degree. Furthermore, the Waste Core Strategy makes provision for landfill proposals where significant environmental benefits would result from the proposal and, where it does not meet all criteria within policy CS7 (Proposals for disposal facilities), where it is demonstrated that landfilling or land raising at that location will deliver overriding community or environmental benefits to justify the granting of planning permission. Although the site has both naturally regenerated over the years since mineral extraction ceased and areas of the waterbodies have been partially infilled following the previous planning approvals, there remain areas of the site with unsatisfactory and unsafe landforms which continue to adversely impact upon applicants' ability to fully utilise the site as a commercial fishery and leisure facility. In this respect the proposal for the further import and deposit of inert waste materials to complete the previously approved partial infilling of the remaining waterbodies would assist with securing satisfactory restoration of the site and sustainable after use of the site in the long-term which is supported by the policies of both the Waste Core Strategy and Warwickshire Minerals Local Plan.
- 5.46 Subject to the proposed development not resulting in adverse impact on ecology, geology, the amenity of nearby residents, landscape character, or highway safety, the proposal can be supported in planning policy terms.

Amenity and Environmental Issues

Ecology

- 5.47 The Bishops Bowl Lakes site and adjacent former cement works site are of ecological value and are designated as Bishops Hill and Bishops Bowl Local Wildlife Site. Habitat within the site includes woodland, calcareous grassland, dense and scattered scrub, shrubs and ground vegetation and marginal vegetation. Local Wildlife Sites are important in County terms and receive protection through local development plan policies.
- 5.48 The site as a whole has regenerated and those water bodies that to date have been partially filled are of increased ecological value resulting from the shallow water and the introduction of reedbeds and greater variety of habitat. The further infilling of the remaining deep waterbodies and the alteration to the design of Greenhill Lake to incorporate a new central landscaped access corridor dividing the

water body would provide additional habitat and habitat corridors. The proposed development would be phased and would involve the de-watering and re-profiling of Belles Lake and Rush Glen Lake.

- 5.49 The submitted application was supported by the detailed ecological reports which had been submitted and approved in 2019 to discharge the planning conditions attached to the 2018 planning approval. Given the age of those reports the County Ecologist required an updated ecological walkover survey be provided prior to determination. The updated walkover survey submitted was considered to be acceptable by the County Ecologist who raised no objection to the application subject to a recommendation for planning conditions relating to mitigation measures and updating of the Habitat Management Plan and Habitat Restoration Scheme to be attached to any consent granted. Updated and amended versions of the Habitat management Plan and the Habitat Restoration Plan were subsequently submitted and agreed by the County Ecologist who recommended conditions be attached to any consent granted for implementation of the scheme to be in accordance with those reports.

Geology

- 5.50 There are two areas within the Bishops Bowl Lakes site which are designated as geological Sites of Special Scientific Interest (SSSI) (Harbury Quarries SSSI Ref 15WP5). The SSSI on the northern side of Greenhill Lake North is positioned close to the water's edge beyond / adjacent to the red line boundary of the application site. This northern SSSI provides an exposure of glacial and glacio-lacustrine sediments attributed to the Wolstonian glaciation overlying a Middle Pleistocene land surface. The SSSI is currently overgrown and inaccessible for study due to the proximity to the lake and the unstable nature of the exposure.
- 5.51 Natural England in their consultation response questioned the impact of the proposed development and in particular water levels and the increase in fill on the SSSI. In addition, Natural England advised that it would be useful to establish whether the middle unit of the SSSI north of Greenhill Lake North could be enhanced with the creation of access at the eastern end of the SSSI for science, interpretation and management purposes, by using some infill material.
- 5.52 Following a meeting and discussions on site between the landowner/applicant, Natural England and Planning Officer, a plan was submitted to amend the detail of the restoration along the northern bank of Greenhill Lake North to provide a narrow strip of land, wide enough to enable access to and occasional clearance of a section of the SSSI for research and educational purposes. The final consultation response from Natural England stated no objection to the proposed development detailed in the revised plans and confirmed that the development would not have a significant adverse impact on the SSSI.

Noise

- 5.53 The proposed development would involve the use of plant and equipment traditionally found operating within quarries and landfills which by their nature generate noise. The operations would however be low key and limited in timescale to 3 years. In addition, the site is located within a hollow or bowl some distance from the nearest residential property. The infilling works would be separated from the nearest dwellings by some 250 metres. The noise assessment submitted with the application concludes that the development would not result in adverse noise impacts arising from noise emissions. Subject to the imposition of the same conditions controlling noise emissions and the hours of operation of the site as were previously imposed on the planning approval granted in 2018 (SDC/18CM019), it is considered that the development could be undertaken without adversely impacting upon neighbours and the surroundings by virtue of noise.
- 5.54 An objection received from a local resident requested that the noise assessment include noise from the entrance to the application site to monitor the noise of loaded vehicles arriving at the site and empty lorries as they accelerate up the hill when leaving the site. The noise assessment included monitoring locations surrounding the site at Model Farm, Greenhill Farm, Walworth Farm and at the houses to the east of the B4451 but not the site entrance. The location at the entrance to the site as suggested would not be considered appropriate as a noise monitoring location given the proximity to the public highway (B4451) as it would not be possible to differentiate between vehicles accessing the application site or other vehicles travelling passed the site.
- 5.55 The Environmental Health Officer at Stratford District Council raised no objection to the proposed development subject to the previous conditions controlling the hours of operation and noise limits being re-applied to any consent granted.

Dust

- 5.56 Operation of plant and equipment and the deposit and handling of soils and spoils can generate dust. The application states that the operator would apply a proactive approach to the management of dust by adopting a Dust Action Plan to include the provision of a pressurised water bowser and road sweeper, along with high standards of housekeeping, including damping down of haul roads and sheeting of vehicles, to minimise track-out and windblown dust. The enclosed nature of the site and distance separation from sensitive receptors (250 metres to the nearest residential property) is such that dust is unlikely to be a cause of complaint.

- 5.57 The proposed development would be identical to the previously approved lake reprofiling works in terms of its potential to generate dust and adverse air quality impacts. While the works previously undertaken on site did not result in complaints relating to dust, one objection to the current planning application cited dust from the highway as an issue in the summer when unsheeted lorries have on occasions arrived at the site, shedding material onto the road or lorries departing the site which have not been cleaned as a result of failure of the wheel wash.
- 5.58 The EHO at Stratford District Council raised no objection to the proposed development subject to the previously recommended planning conditions being imposed again. Conditions requiring all loaded lorries entering the site to be sheeted and means to minimise the generation of dust are recommended in addition to a condition for wheel wash facilities to ensure mud and debris is not deposited onto the highway.

Visual/Landscape Impact

- 5.59 In visual terms there would be short term impacts related to the infilling works and long-term visual impacts in respect of the restored site upon completion of the works.
- 5.60 The Bishops Bowl Lakes site is very much enclosed and screened from view by virtue of its low-lying position within the landscape and existence of established vegetation within and around the site. The infilling works would be undertaken at locations within the site where it would be largely screened from view. The infilling works themselves would therefore result in minimal visual impact beyond the boundaries of the Bishops Bowl Lakes site.
- 5.61 Upon completion of the infilling works water levels within the Greenhill Lakes complex would be allowed to return to their existing surface levels. Apart from the introduction of reed beds to the water bodies and marginal planting around the lakes there would be little overall change to the visual appearance of the site. The restoration scheme proposed would break up the expanse of water and soften the appearance of the lakes. Therefore, in the long term it is considered that the proposed development would enhance the site in visual and landscape terms. While a Habitat Restoration Scheme was approved to discharge the planning condition imposed on the previous planning approval, there is a requirement to update that Scheme therefore a condition is recommended to secure the updated restoration scheme (condition 7).

Lighting

- 5.62 The majority of the site operations would be undertaken during daylight hours. However, during the winter months artificial lighting may be required. Type and location of lighting could be controlled by condition to prevent adverse impact. A suitably worded condition is proposed (condition 16).

Access & Highways

- 5.63 The proposed development would generate HGV vehicle movements in order to import fill materials to the site. The development would be accessed via the existing entrance into the Bishops Bowl Lakes site off the B4451 Gaydon Road. A Transport Assessment submitted with the application concludes that the development would generate an average of 25 loads (50 vehicle movements) per day.
- 5.64 The site access has been constructed to a standard suitable to accommodate HGV traffic generated by the infilling operation. The width of the access is above that which would be required for the day-to-day operation of the fishing lakes. The previous planning permission for infilling imposed a planning condition requiring the remodelling of the access upon completion of the infilling works in order to reduce the overall width and radii of the access in order to ensure its safe operation in the long term. A planning condition is again proposed to secure the reduction of the access width upon completion of the development.
- 5.65 Fill materials would be derived from development sites in the local area as and when they arise. Therefore, traffic distribution would to some degree be dependent on the source of material. A Transport Statement submitted with the application assessed the potential impact of the HGV's accessing the site from the north as well as the south travelling through Bishops Itchington and concludes that the temporary additional traffic generated by the proposals would not result in any material adverse impact on the local highway network.
- 5.66 A number of objections have been received from local residents in Harbury stating that HGV travelling to and from the application site following the previous planning consent granted used a route along Bush Heath Road and Butt Lane (D60530). Residents are concerned that this route should not be used in the future for HGV travelling to and from the site. Doubt has been expressed as to whether a routeing agreement would be successful or enforceable.
- 5.67 Bishops Itchington Parish Council have objected to the current planning application stating that the route through the village is not appropriate as it is through the centre of the village and is the principal route for school access and bus route. The main road through Bishop's Itchington has traffic calming measures in the form of speed bumps and when this route was

initially used previously, before being changed, a large number of complaints were received regarding noise when empty vehicles clattered over the speed bumps. In addition to speed bumps, there are two zebra crossings that are used frequently. The Parish Council suggested an alternative route on 'A' roads for northbound vehicles on the M40 via Banbury and Southam to avoid Bishops Tachbrook.

- 5.68 The B4451 and B4452 provide a link between the M40 and Southam, travelling through Bishops Itchington, which is used as a through route by HGVs. There is no restriction preventing the use of either the B4451 or B4452 by HGV traffic. HGVs accessing the Bishops Bowl Lakes site in connection with the previously approved and the proposed development are likely to be only a small proportion of the total number of HGVs travelling through Bishops Itchington. A total prohibition of HGVs accessing the proposed development from the south through Bishops Itchington would therefore appear to be unreasonable.
- 5.69 The planning application is supported by an HGV route map Plan BBF-22/4 Rev A to define the route to be used by HGV to travel to and from the site. The Route Map indicates use of the B4451 to travel north from the M40 to the site via Bishops Itchington and to travel south from areas located north of the application site via the B4452. A section 106 agreement in the form of Unilateral Undertaking (UU) to control vehicle routing has been provided by the Applicant's solicitor and agreed by WCC officers prior to presentation of the application to Regulatory Committee for determination. The UU includes an obligation stating that if a vehicle takes the wrong route a written warning would be issued to the owner/operator on the first and second occasion with their right to access the site terminated on the third occasion.
- 5.70 Whilst the local highway network is generally suitable for the type and level of traffic, when the first planning application (SDC/14CM002) for import of infill material was determined it was considered appropriate to restrict vehicle movements through Bishops Itchington. A condition was imposed limiting right hand turns out of the site (towards Bishops Itchington) to 25 per day. This condition was repeated on the 2018 application (SDC/18CM019) and is recommended by the Highway Authority to be repeated on the current application. To be able to monitor compliance with the recommended condition, a further condition is recommended requiring the installation of CCTV at the site access to enable the number of vehicles turning right to be monitored/recorded and for a record of CCTV to be retained by the operator for a period of three months to be available for inspection in case of complaints (condition 13).
- 5.71 The operation of sites of the nature proposed can result in mud and debris being tracked onto the road network as vehicles re-enter the public highway having deposited their loads and travelled over unmade ground. This can adversely impact upon the cleanliness of the immediate road network and highway safety. However, the internal access road into the Bishops Bowl Lakes site is quite long, in excess of

300 metres, and predominantly hard surfaced, combined with the use of a wheel wash and the use of a road sweeper as necessary the deposition of mud and debris on the highway is minimised.

- 5.72 As stated in the section on dust above, a comment/objection has been received in response to the current application indicating that there have been instances during the previously approved infilling works of mud and debris being deposited on the highway as a result of the breakdown of the wheel wash facility and as a result of loaded vehicles arriving unsheeted. However, the Highway Authority raised no objection to the proposed development subject to the conditions on the previous planning consent being repeated which include the provision of wheel wash facilities and the requirement for loaded HGV to be sheeted.

Residential Amenity

- 5.73 The enclosed nature of the site and distance from residential properties is such that the proposed development would not result in adverse impact upon the visual amenity of nearby residents in the short or long term.
- 5.74 Objections have been received from local residents stating that the development would result in noise and disturbance to the local area as a result of HGV movements. Suggestions have been made that the site should only operate during the week, Monday to Friday and not at weekends or bank holidays and hours of operation should be reduced to 09:00 to 16:00.
- 5.75 The operator has indicated in the Planning Statement that material would be imported at a rate of 50,000 m³ per annum, generating 25 loads per day. At the rate indicated and operating between the hours of 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays with no working on Sundays or bank holidays as previously approved, the proposed infilling would be completed within 3 years.
- 5.76 It would be possible to reduce the hours and number of days per week for the site to operate for the import of infill material. The suggested reduction in hours would halve the weekly operating hours from the previously approved 71 hours to 35 hours per week. However, the result of reduced operating hours would be an extension of the time for the works to be completed, potentially doubling the required time from 3 years to 6 years. The proposal is a temporary operation which is considered better on balance to be completed within a shorter time period, that is within a three-year period as proposed.
- 5.77 Planning conditions are recommended to be repeated from the previous planning consent to control the hours of operation, noise and dust emissions, measures to prevent the deposit of mud on the highway and satisfactory restoration of the site, being imposed on any

planning permission granted. It is considered that subject to those conditions the proposed development would result in no adverse impact on residential amenity to a degree that would warrant refusal of the proposal.

Environmental Permit

- 5.78 Materials utilised to infill the site would be inert waste spoils and soils derived from construction and development sites. The development would require an Environmental Permit administered by the Environment Agency. The Permit would control procedures for the acceptance of the imported inert material and how the site would be operated on a day-to-day basis.
- 5.79 An objection has been made in relation to non-compliance with the previous planning permission and it has been suggested that the operator should be required to comply with the earlier permission and this application should be refused. A failure to comply with a planning permission cannot be a reason to refuse a subsequent application and each application has to be judged on its merits and determined in accordance with the development plan and national planning policy.

Restoration

- 5.80 On completion of the infilling works the area of the site impacted by the proposed development would once again be incorporated into the fishery facility. With the implementation of a habitat restoration scheme the site would appear little different to its current form, apart from a reduction or softening of the existing open expanses of water. In addition the proposed scheme would secure the sustainable long term use of the site as a commercial fishing facility and local leisure attraction. Conditions are proposed to secure satisfactory restoration of the site.

6. Conclusion

- 6.1 The Bishops Bowl Lakes site is an established commercial fishery and leisure facility. The history of the site is such that the series of lakes established over time as the former mineral workings flooded and naturally regenerated, rather being designed and engineered as part of a formal restoration scheme. The lakes that resulted were deep water bodies with steeply sloping sides and unstable lake edges and rock faces resulting in problems for the fishery operator in producing a safe environment for visitors and creating a suitable habitat to maintain fish stocks and attract clients to fish at the facility.
- 6.2 Previous works approved in 2014 have completed the partial infilling of the eastern lake body, Mitre Lake providing significant environmental and ecological benefits. While a setting out error resulted in the lake body being filled to a greater depth than approved in 2018 and

therefore not being carried out in accordance with the approved scheme there have however been environmental and ecological benefits. The proposed development seeks to import the volume of infill material required to complete the partial infilling of the remaining lake body. The proposed works would improve the quality of the water environment for fish and enhance the attractiveness of the site for visitors and secure the sustainable use and management of the site in the long-term.

- 6.3 A routing agreement for HGV to travel to and from the application site via the B4451 and B4452 is to be secured by a section 106 agreement. The draft agreement has been agreed in principle by WCC Legal team. If the application is approved by Regulatory Committee as recommended, the draft agreement would be signed and completed before the permission is issued.
- 6.4 While the proposed development to complete the partial infill of the remaining lake body would result in a degree of detrimental impact to the amenity of the area as a result of HCV deliveries of inert materials and soils to the site; the movement of machinery to position those materials, and the associated noise and disturbance, it is considered the ecological and environmental benefits would on balance outweigh those detrimental impacts during the three-year temporary period required to complete the operation, subject to the recommended planning conditions to control and mitigate those impacts.
- 6.5 It is considered that the development accords with the NPPF, policies of the Development Plan and Harbury Cement Works Master Plan. It is therefore considered that, subject to the imposition of suitable worded planning conditions, the proposal is recommended for approval.

7. Supporting Papers

- 7.1 Submitted Planning Application – Planning reference SDC/22CM003
- 7.2 Appendix A – Map of site and location.
- 7.3 Appendix B – Planning Conditions.

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