

Regulatory Committee – 4 February 2020

**Parkfield Road Quarry, Rugby
Importation and Deposit of Inert
Restoration Material and Implementation of
a Comprehensive Restoration Scheme**

Application No: RBC/18CM017

Commencement Date

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

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place unless the County Planning Authority has first been informed of the date of commencement.

Reason: In order to secure a timely restoration of the site to protect the amenities of local residents.

3. The delivery of waste materials to the site shall cease no later than five years from the date of commencement.

Reason: In order to secure a timely restoration of the site to protect the amenities of local residents.

4. All physical works associated with the restoration of the site shall be completed no later than six years from the date of commencement.

Reason: In order to secure a timely restoration of the site.

Pre-Commencement

5. The development hereby permitted shall either:
 - a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; or.
 - b.) Not commence until a qualified ecologist has inspected the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.

Reason: To ensure that protected species are not harmed by the development.

6. The development hereby permitted shall not commence until a Construction and Ecological Management Plan has been submitted to and approved in writing by the County Planning Authority. The agreed Construction and Ecological Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development.

7. The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the County Planning Authority. Such approved measures shall thereafter be implemented in full.

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

9. The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary by the County Planning Authority) has been submitted to and approved in writing by the County Planning Authority. Such approved mitigation measures shall thereafter be implemented in full.

Reason: To ensure that protected species are not harmed by the development.

10. The development hereby permitted shall not commence until details of all external light fittings and external light columns have been submitted to and approved by the County Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.

Reason: In accordance with NPPF, ODPM Circular 2005/06.

11. No work to start until adequate measures have been taken to protect existing trees during development. A barrier, such as a wire fence, should be erected adjacent to the trees before work starts. This fenced area should include a buffer zone of at least 2-3 metres between the development and the hedgerow/edge of the tree canopy. It is important not to allow access, or storage of materials within this buffer zone, otherwise soil compaction is likely to occur, with subsequent damage to the tree/hedgerow roots, which may well prove fatal.

Reason: To ensure the protection of existing trees during development.

12. No development shall commence unless a scheme ("the scheme") to ensure that there is no net biodiversity loss as a result of the development has been submitted to and agreed in writing by the County Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity offsetting metric as applied in the area in which the site is situated at the relevant time and the scheme shall include:
 1. Proposals for on-site mitigation (full details of which will be provided in relation to each phase of development in accordance with Condition [CEMP] of these conditions) and for off-site offsetting;
 2. A methodology for the identification of any receptor site(s) for offsetting measures;
 3. The identification of any such receptor site(s);
 4. Arrangements to secure the delivery of any offsetting measures (including a timetable for their delivery); and
 5. A management and monitoring plan to ensure the provision and maintenance of any offsetting measures in perpetuity.

The written approval of the County Planning Authority shall not be issued before the arrangements necessary to secure the delivery of any offsetting measures have been executed. The scheme or any variation so approved shall be implemented in full.

Reason: To ensure that there is no net biodiversity loss as a result of the development.

13. The installation of the acoustic barriers shall be completed prior to any track repairs or the first train arriving at site.

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

14. Maintenance work to the disused siding, including vegetation clearing, to allow access and use by locomotives or rolling stock shall only be undertaken within normal daytime working hours.

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

15. Except for temporary operations for bund formation activities as detailed in condition [xx below], the free field Equivalent Continuous Noise Level (dB LAeq, 1 hour) at the following measurement locations representative of the nearest noise sensitive properties shall not exceed 55 dB LAeq, 1 hour free field during the hours 07:00-23:00 Monday to Friday and 07:00-13:00 on Saturdays: 1. The Recreation Ground; 2. Allotment Entrance; 3. Tank Cottages. Measurements shall be made no closer than 3.5 metres from any façade or other reflecting surface.

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

16. For temporary operations of no more than 8 weeks in any continuous (rolling) 12 month period for bund formation in phase 1, enhancement in phase 7 and removal in phase 9, the free field Equivalent Continuous Noise Level (dB LAeq, 1 hour) at the measurement locations listed in Condition [x above] shall not exceed 70 dB LAeq, 1 hour free field. Measurements shall be made between 1.2 and 1.5 metres above ground and no closer than 3.5 metres from any façade or other reflecting surface.

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

17. Noise levels shall be monitored at key stages of development, to be agreed prior to the first importation of soil, in addition to routine monitoring on three monthly intervals at one of each of the three locations of: 1. The Recreation Ground; 2. Allotment Entrance; 3. Tank Cottages from the date of the commencement of the development. Such monitoring shall be in addition to any monitoring as part of a complaint investigation. The monitoring shall be carried out during a period of normal working activities. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The results of monitoring shall be submitted to the County Planning Authority within one month of the survey being carried out.

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

18. Train movements in and out of the site will only take place between the hours of 06:30 to 23:00.

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

19. No more than one train movement entering and one train movement leaving the site will take place outside the hours 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays. Trains will not be permitted to idle for more than five minutes on the site outside the working hours of 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturdays.

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

20. No vehicle or mobile plant used on site shall be operated unless they have been fitted with a broad band/white noise audible alarm or a non-audible reversing alarm system.

Reason: In order to protect the amenity of local residents.

21. No vehicle, plant, equipment or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times.

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

22. The use of horns shall not be permitted as a method of normal communication between vehicle operators.

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

23. There shall not be any audible perimeter movement alarms for train shunting.

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

24. The development hereby permitted shall be carried out in accordance with drawing numbers: and any samples or details approved in accordance with the conditions attached to this permission, except to the extent that any modification is required or allowed by or pursuant to these conditions.

Reason: In order to define the scope of the permission and in the interest of clarity.

25. The development hereby permitted shall not be undertaken except between the following times:

Train movements:

0700 – 2300 Monday to Sunday

All other operations:

0700 – 1900 Monday to Friday

0700 – 1300 Saturdays

No operations, other than train movements, shall be carried out on Sundays and Bank Holidays.

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

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

28. The development hereby permitted shall not be commenced until a Dust Management Plan has been submitted to the County Planning Authority for approval in writing. Following approval the Dust Management Plan shall be implemented throughout the development.

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

29. No waste materials shall be delivered to the site other than by rail via the adjacent rail siding.

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

30. The development hereby permitted shall not be commenced until full details of the acoustic screen fencing has been submitted to the County Planning Authority for approval. Following approval the acoustic fencing shall be installed and maintained throughout the duration of the development.

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

31. The development hereby permitted shall not be commenced until full details of the diverted route of footpath BB5, including construction details, have been submitted to and approved in writing by the County

Planning Authority. The approved scheme shall be implemented in full as part of the restoration scheme.

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

Informative

It should be ensured that any work lighting, floodlighting or vehicle lights are designed to avoid light spill or glare that could affect nearby residential properties.

Use of train horns should be minimised to avoid disturbance to the nearby residential properties.

The period of times when trains are waiting with engines idling at the stop board to enter site, or while trains are waiting to depart, shall be minimised to reduce noise impact to the noise sensitive receptors, particularly the houses at Tank Cottage, along Follager Road and Izod Road

**Parkfield Road Quarry, Rugby
Importation and Deposit of Inert
Restoration Material and Implementation of a
Comprehensive Restoration Scheme**

RBC/18CM017

Warwickshire County Council

Decision

The decision of the Regulatory Committee on 4th February 2020 to grant planning permission allow the importation of inert restoration material by rail to the rail siding along the southern side of Parkfield Quarry, the offloading of the inert material and transportation to the quarry void for backfill restoration, the construction of a temporary hard standing area for the rail offloading and internal vehicle movements, the construction of temporary acoustic screen walls and screen bunds, the implementation of phased backfill restoration programme, and the implementation of a comprehensive restoration scheme with a range of land uses together with the reinstatement of public rights of way on land at Parkfield Road Quarry, Rugby Cement Works, Parkfield Road, Rugby.

Notice of Environmental Information

In accordance with Article 31(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 ("the DMPO") and Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations") notice is hereby given that the County Council in deciding the Application has taken into consideration an environmental statement and other environmental information ("the Environmental Information").

Statement under Regulation 24(1) of the EIA Regulations

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

The following measures will be secured through planning conditions:-

- (1) Defined timescales to ensure the that development is completed in a timely manner.
- (2) Acoustic bunds and fencing to protect the amenity of near neighbours.
- (3) Noise limits and restrictions upon hours of operation in order to protect the amenity of near neighbours.
- (4) The visual impact of the development would be lessened by the introduction of acoustic bunds and fencing.
- (5) Control of external lighting on site to reduce the potential of light pollution.

- (6) Construction and environmental management plan and Landscape and Ecological Management Plan in order to protect features of recognised conservation importance.
- (7) Measures to secure overall biodiversity gain.

Further details of these measures are given in the written report submitted to the Regulatory Committee at their meeting on 04 February 2020 (“the Report”) and in the Environmental Information.

Statement Under Regulation 24(1) of the EIA Regulations

Summary Under Article 31(1)(a) of the DMPO

Statement of the Main Reasons and Considerations on Which the Decision is Based and Summary of Reasons for the Grant of Planning Permission

The main considerations on which the decision was based were:-

- The Policies of the development plan summarised below.
- The other material considerations identified in the following reasons and detailed in the Report.

The application seeks permission to allow the infilling and restoration of Parkfield Road Quarry, Rugby. The fill materials would be delivered to the site by rail utilising the adjoining rail siding. The proposals include the implementation of a comprehensive restoration scheme.

The development proposals would enable a waste product arising from construction of the HS2 rail project to be put to a positive use infilling and restoring a void remaining following mineral extraction, which gains general policy support.

An Environmental Impact Assessment of the proposed development included various technical assessments which conclude that the development would not result in any significant adverse environmental effects arising. Furthermore, the infilling of Parkfield Road Quarry would be carried out under conditions set out within an Environmental Permit, issued, monitored and enforced by the Environment. Subject to the imposition of conditions neither the Environment Agency or Environmental Health Officer at Rugby Borough Council disagree with these conclusions.

The proposed scheme would not conflict with the aims of the relevant development plan policies which seek to ensure the sustainable management of waste, including appropriate protection of the environment and amenity of the area and there are no contrary material considerations sufficient to require refusal.

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION

Warwickshire County Council Waste Core Strategy – July 2013

Policy CS1 – Waste Management Capacity, relates to waste capacity requirements within the County.

Policy CS2 – The Spatial Waste Planning Strategy for Warwickshire seeks waste management facilities to be well located in accordance with identified broad locations.

Policy CS3 – Strategy for locating large scale waste sites directs new facilities to within or close proximity to primary or secondary settlements.

Policy CS7 – Proposals for disposal facilities sets out the circumstances when proposals for landfilling of waste will be permitted.

Policy DM1 – Protection of the Natural and Built Environment, requires new development to conserve and where possible enhance the natural and built.

Policy DM2 - Managing Health and Amenity Impacts of Waste Development, relates to environmental controls and requires that waste management proposals will have no significant adverse impacts on the local environment or communities.

Policy DM3 – Sustainable Transportation, seeks waste management facilities to use alternatives to road transport where feasible.

Policy DM8 – Reinstatement, restoration and aftercare seeks high quality reinstatement and restoration of sites and the long term management of its afteruse.

Minerals Local Plan for Warwickshire

Policy M9 supports the restoration of mineral workings to a high standard and a beneficial afteruse.

Emerging Warwickshire Minerals Plan

Policy DM9 - Reinstatement, reclamation, restoration and aftercare, seeks to secure high quality restoration and aftercare of sites including the future management of its afteruse.

Rugby Borough Local Plan 2011 – 2031 adopted June 2019

Policy GP1 (Securing Sustainable Development) reflects the presumption in favour of sustainable development and seeks to secure development that improves the economic, social and environmental conditions in the area.

Policy GP2 (Settlement Hierarchy) sets out a settlement hierarchy with Rugby town being the main focus for all development in the Borough.

Policy HS1 (Healthy, Safe & Inclusive Communities) seeks to create healthy, safe and inclusive communities.

Policy HS4 (Open Space, Sports Facilities and Recreation) seeks to enhance the quality and accessibility of existing open space whilst avoiding any significant loss of amenity to resident, neighbouring uses or biodiversity.

Policy HS5 (Traffic Generation & Air Quality, Noise & Vibration) encourages a move towards the use of sustainable transport modes, to minimise the impact on air quality, noise and vibration caused by traffic generation.

Policy NE1 (Protecting Designated Biodiversity & Geodiversity Assets) seeks to protect designated areas and species of international, national and local importance for biodiversity and geodiversity. Development will be expected to deliver a net gain in biodiversity.

Policy NE2 (Strategic Green and Blue Infrastructure) seeks to support the creation of a comprehensive Borough wide Strategic Green and Blue Infrastructure Network.

Policy NE3 (Landscape Protection and Enhancement) seeks development to positively contribute to landscape character.

Policy SDC1 (Sustainable Design) seeks development to demonstrate high quality, inclusive and sustainable design and new development will only be supported where the proposals are of a scale, density and design that respond to the character of the area in which they are situated. All developments should aim to add to the overall quality of the area in which they are situated.

Policy SDC2 (Landscaping) requires the landscape aspects of a development proposal to form an integral part of the overall design.

Policy SDC5 (Flood Risk Management) seeks to minimise flood risk to people and property and manage any residual risk.

Policy D1 (Transport) seeks not development to prioritise sustainable modes of transport.

Compliance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015.

In considering this application the County Council has complied with paragraphs 186 and 187 contained in the National Planning Policy Framework.