

Regulatory Committee - 8 October 2019

Extension of sand and gravel working with restoration to agriculture, at:

Land east of the A5, Shawell Quarry, Shawell

RBC/18CM021

Application No.: RBC/18CM021

Advertised date: 09 August 2018

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Registered by: The Strategic Director for Communities on 31 July 2018

Proposal: Extension of sand and gravel working with restoration to
agriculture.

Site & location: Land east of the A5, Shawell Quarry, Shawell. [Grid ref:
453228.280371].

See plan in Appendix A

Recommendation

That the Regulatory Committee authorises the grant of planning permission for the extension of sand and gravel working with restoration to agriculture, following completion of satisfactory planning agreement with Leicestershire County Council, subject to the conditions (with any minor amendments approved by the Assistant Director Governance & Policy) and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

1. Application details

- 1.1 Tarmac Trading Ltd is applying for planning permission to extend the mineral extraction area of Shawell Quarry. The proposed development provides for the extraction of approximately 850,000 tonnes of mineral across a 19ha site. Approximately 100,000 tonnes of mineral would be extracted from within the Warwickshire administrative boundary. The extraction of the mineral and the restoration of the site would take place over a 2.5 year period. The restoration scheme provides for a combination of pre-extraction and low-level restoration, principally to agriculture, using site derived materials only.
- 1.2 The application site traverses the county boundary of Warwickshire and Leicestershire. The vast majority of the application site is within Leicestershire, but a strip of approximately 2.6ha immediately East of the A5 falls under the jurisdiction of Warwickshire. It is this land to which this application is subject. A separate application has been submitted to Leicestershire County Council relating to the predominant portion of the site.
- 1.3 Although separate applications have been submitted to the two Authorities, they are essentially the same application and the proposal cannot be implemented unless an approval is issued from each Authority as the consents would be interdependent.
- 1.4 Extracted sand and gravel would be transferred by dump truck to the existing Shawell plant site located to the south of Gibbet's Lane where it would be processed (washed and graded). HGV access would continue to be achieved via the A5/A426 roundabout and along Gibbet's Lane. No specific changes are proposed to existing levels of output from the site. Mineral output is expected to remain around 600,000 tonnes per annum, although it is entirely governed by market demand.
- 1.5 Hours of working would remain the same as for the existing quarry: 0700-1900 Monday to Friday and 0700 to 1400 Saturday. There would be no working on Sunday or Public Holidays. The permitted duration of the works within the existing quarry site would not be extended beyond 31st December 2044 as per the extant conditions.

- 1.6 The initial working of the site would be commenced in Phases 17A and 17B. Prior to extraction operations commencing, sections of existing hedgerows would be removed (outside of the bird nesting season) to allow the Phase 17 development to commence. This would include the construction of an internal site access road between the plant site and Phase 17. From the existing plant site, it would follow the line of an existing internal site road to the south-west before turning due west across an area of previously worked and restored land to the south of the Monier blockworks. It would then pass over a drainage dyke (which would be culverted) and through a hedge into the Phase 17 working area.
- 1.7 Initial extraction works would commence in phases 17A and 17B. Top soil would be stripped and stored in 3m high bunds between the extraction area and the boundaries of the site. The bunds would provide screening from the A5 and adjacent footpaths. Sand and gravel would be extracted from the working face using a hydraulic excavator which would load dump trucks to transport the mineral to the plant site. Approximately half the area of Phase 17B would be used for temporary overburden storage.
- 1.8 The quarry workings would need to be de-watered in order to maximise reserve recovery. As Phase 17 progresses a quarry sump would be developed in the floor of the workings which would collect any water within the quarry void. This water would be pumped through a pipe to the existing clean water lagoon, which in turn is used to wash the 'as-dug' sand and gravel. From the processing plant the water would be pumped to the existing settlement lagoons located to the south of the plant site before being discharged from the site at the permitted discharge point.
- 1.9 Phase 17A would be restored using in-situ and stored overburden and soils from screening bunds. Mineral extraction would progress northwards. As Phase 17B is worked soils from Phase 18 would be stripped and stored in bunds. Overburden from Phase 18 would be used to restore Phase 17B.
- 1.10 Phase 18 would be progressively restored through the placement of overburden. Soils would be stripped within Phase 19 and stored in 3m high bunds which would be located to provide acoustic and visual screening. The overburden from Phase 19 would be used to progressively restore Phases 18.
- 1.11 At this stage of the works Phase 18 would be largely restored to grassland pasture whilst mineral extraction progresses through Phase 19.

- 1.12 The final restoration of the site would be to a combination of agricultural land and grassland pasture, at a roughly a 50/50 split, with the former occupying the south of the site. The restored landform would be achieved using only site derived materials. No importation of material for restoration purposes is required or proposed. Following extraction, the clay interburden/overburden would be graded to the approximate landform illustrated by the restoration scheme prior to the placement of subsoils and then topsoils from store, to depths similar to those that occurred prior to the development.
- 1.13 Phases 17A, 17B and approximately half of Phase 18 would be restored to pre-extraction levels and returned to an agricultural use. The northern section of Phase 18 and all of Phase 19 would be returned to grassland (for pasture) in the form of a shallow bowl, complete with balancing pond. A pipeline would be positioned between the balancing pond and the southern boundary of the site to maintain groundwater flow. Hedgerows would be replanted using native species in accordance with a specification to be agreed with the Mineral Planning Authority
- 1.14 When reinstatement has been completed on each restoration phase, the land would enter a five-year aftercare programme. The aim of the scheme would be to restore the land to its full potential and to a condition where it does not need to be treated any differently to similar undisturbed land.
- 1.15 In respect of agricultural restoration, the aftercare programme would commence from a date agreed with the Mineral Planning Authority. In those areas where hedgerow planting is proposed, the aftercare period would commence during the year following planting operations. The aftercare programme would be the same as the approved aftercare scheme for the current working areas.

2. Consultation

- 2.1 Rugby Borough Council Planning – No objection.
- 2.2 Rugby Borough Council Environmental Health - No objection subject to conditions relating to monitoring and mitigation measures.
- 2.3 Churchover Parish Council – No comments received at time of writing.
- 2.4 Cllr. Adrian Warwick – No comments received at time of writing.
- 2.5 Planning Policy - The part of this site that is inside the Warwickshire County Council boundary is a proposed allocation (Site 32) in the Warwickshire Minerals Plan Publication 2018 version, which will be submitted shortly to the Secretary of State. It sits alongside the adjacent area of land, west of the A5, which is Site 3 in the Minerals Plan, but which is not part of this application.

It is anticipated that Site 32 will deliver up to 100,000 tonnes of sand and gravel. This figure has been counted as part of the sand and gravel requirement for the Minerals Plan and the site has been through a thorough site assessment process and Sustainability Appraisal, which confirms that the site is acceptable in principle for allocation in the Warwickshire Minerals Plan.

- 2.6 Warwickshire Fire and Rescue – No objection.
- 2.7 Archaeology – Liaised with Leicestershire County Archaeologist, and agreed to them to take the lead.
- 2.8 Ecology – The proposal would result in a biodiversity loss of -1.06 within Warwickshire. However, the County Ecologist is satisfied that offsetting through restoration of the site within Leicestershire will account for the loss in Warwickshire.
- 2.9 Flood Risk and Water Management – No objection.
- 2.10 Highway Authority – No objection.
- 2.11 Environment Agency – No objection, requested condition to secure the safe de-watering of the site prior to commencement of development.
- 2.12 Highways England – No objection.
- 2.13 Natural England – No objection.
- 2.14 Historic England – Historic England has no objection to the application on heritage grounds. The proposals would impact upon the setting of the Tripontium scheduled monument resulting in some harm to its significance. In determining this application the Council should be satisfied that the applicant has provided the justification for this low level of harm, and ensure it is weighed against the public benefits of the scheme, in line with NPPF 194 and 196.
- 2.15 Leicestershire County Council – Resolved to approved application ref: 2018/CM/0147/LCC at the 12th of September Planning Committee.
- 2.16 Site notices posted – 09 August 2018
- 2.17 Press notice posted on - 09 August 2018
- 2.18 15 nearest residential properties individually notified on 09 August 2018

3. Representations

- 3.1 No representation received from member of the public in relation to this application.

4. Previous Planning History

- 4.1 Shawell Quarry has been in operation since the 1960s. In 2004, the quarry and associated operations was the subject of a periodic review of planning conditions under the Environment Act 1995 submitted to Leicestershire County Council (LCC) under reference: 2004/1605/03.
- 4.2 Planning permission was granted by LCC in September 2007 (reference 2006/1565/03) for the extraction of sand and gravel from an area to the west of the previously permitted quarry/landfill. It also included an extension of the landfill operation into the western extension. This permission governs the operation of the processing plant. In 2015 planning permission (reference 2015/0295/03) was granted for a northerly extension to the sand and gravel workings into an area known as Fields Farm.
- 4.3 A further application for the extraction of sand and gravel over 52 hectares (ha) of land to the west of the existing site was submitted to Leicestershire and Warwickshire County Councils in January 2017 which included the land subject to this application and an additional 33 hectares to the west of the A5 (WCC ref: RBC/17CM002) (LCC reference 2017/0117/03). This application remains undetermined pending further assessment work relating to land within Warwickshire. The applicant has submitted this application seeking to secure earlier access to the resource on land to the east of the A5.

5. Assessment and Observations

Location

- 5.1 The Shawell/Cotesbach quarry and landfill site is located north west of the village of Shawell and south of the village of Cotesbach, near Lutterworth. The mineral extraction and landfill area is located north of Gibbet Lane, a road which links Shawell with the A5/A426 junction to the west of the site. The associated minerals processing plant, several silt settlement lagoons, a roof tile works, and the site of a disused concrete block works are located to the south of Gibbet Lane. Mineral is transported from the current extraction area to the processing plant by means of a conveyor which crosses under Gibbet Lane.
- 5.2 An inert waste recovery and recycling facility is also situated south of Gibbet Lane. The nearest nationally designated ecological site is the Cave's Inn Pits SSSI (Site of Special Scientific Interest), approximately 700 metres south east of the application site. The Scheduled Monument of Tripontium lies 500 metres south east of the proposal. The site occupies a rural location and is surrounded by agricultural land. The nearest residential properties are Gibbet House, 50m away and 'Green Acres' which is adjacent to the north eastern boundary.

Amenity Issues

- 5.3 Mineral extraction can give rise to adverse impact upon amenity, predominantly through dust and noise generation and visual intrusion. As such, it is important that these impacts are minimised and mitigated against, especially when operations are being conducted in the vicinity of sensitive receptors.

Dust

- 5.4 Dust would likely be generated by the proposed operations through the movement of vehicles and material during mineral extraction and restoration. To minimise the impact of transient dust the application proposes a number of mitigation measures, including dust suppression and avoidance methods. Should the committee be minded to grant approval, it is proposed to impose a condition to control the generation of dust to ensure there are no adverse impacts on amenity.

Noise

- 5.5 Existing noise levels have been measured at four noise sensitive locations of which the most important are those three to the north west of the site at the nearest residential properties. The predicted noise levels show that normal operations can take place without breaching the 55 dB (A) $L_{Aeq, 1h}$ level set in the Planning Practice Guidance (PPG) at these residential properties. However, during temporary operations, namely soil stripping and bund construction/removal the predictions show that the 70 dB (A) $L_{Aeq, 1h}$ set in the PPG would be exceeded at Green Acres whilst forming and removing the screen mound in proximity to the property.
- 5.6 In order to mitigate this, the applicant proposes either a temporary acoustic fence between the property and the screen bund or a buffer zone of 40 metres between the property and the screen bund. Either of these solutions would allow the development to take place within the noise levels set by the PPG. If an acoustic fence is chosen by the applicant then the details of this need to be agreed in advance of its installation and would be secured via planning condition.
- 5.7 The application also contains other general mitigation measures that would assist in reducing noise levels from the development. Furthermore, the proposed hours of operation of 0700-1900 hours Monday to Friday and 0700-1400 hours on Saturdays would reduce the noise impacts of the development on residential properties. However, notwithstanding this, when operations reach phase 19 of the proposed working plan, the soil stripping and bund construction/removal would be limited to between the hours of 0900-170 Monday to Friday to further protect residential amenity.

Visual Impact

- 5.8 The Landscape and Visual Impact Assessment (LVIA) submitted to support the application concludes that the proposed development would have a limited and short-term adverse effect upon the local landscape and visual resources. Mineral extraction is an acceptable form of development in the countryside provided workings are restored appropriately given that they are a temporary land use.
- 5.9 The most significant visual impact created by the proposal would be upon the dwelling 'Green Acres' to the immediate north west of the site. Operations would be conducted in immediate proximity to the property boundary during the construction of the screening bund. However, these works would be brief in nature and the screening bund is essential to mitigate against noise and visual impact during extraction and restoration operations.
- 5.10 In the long term the site would revert to the existing baseline with the benefit of additional hedgerows, woodland and grassland habitats. It is considered that the conclusions of the LVIA are satisfactory. However, the assessment is based on the existing boundary vegetation being retained and the site being restored to the habitats set out on the restoration concept plan. As such, these matters would be subject to control by planning conditions imposed on any approval Members may be minded to grant.

Environmental Issues

Soils and Agriculture

- 5.11 A soil and agricultural land classification survey has been carried out concluding that the land is sub-grade 3b, agricultural use limited by soil wetness. All soils would be retained within the site and used in the restoration of the land. Subject to the control of soil handling activities by planning condition, it is considered that the issues relating to soils and agricultural land are capable of being satisfactorily resolved.

Ecology

- 5.12 In relation to ecology, there are no designated species or areas present within the site and the land is of minimal wildlife value. The proposed development would result in the loss of 311 metres of species-poor hedgerow and four mature trees that have a low potential to provide bat roosts. To compensate for this loss the restoration scheme proposes 617 metres of new hedgerow, 0.6 hectares of deciduous woodland, 1.6 hectares of lowland meadow and the installation of five bat boxes on land within the wider Shawell Quarry site.

- 5.13 The Cave's Inn Pits SSSI is located approximately 700 metres to the south-east of the application area and the submitted information sets out that this proposal would not have an additional impact on the SSSI; Natural England concur that this proposal would not affect the SSSI.
- 5.14 After reviewing the Biodiversity Impact Assessment the County Ecologist is satisfied that the 1.06 net loss in Warwickshire can be offset by the net gain that would be achieved in the Leicestershire part of the site through the creation of improved habitat, secured by planning conditions.

Flood Risk and Water Environment

- 5.15 An assessment of the potential impacts of the proposal on hydrogeology, hydrology, and flooding has been undertaken. The assessment concludes that the development can operate and be restored without adverse effects on the water environment. However, there is a possibility that there could be an effect on the ability of the adjoining tile works to continue to abstract water.
- 5.16 Measures to address this have been agreed between the tile works and the applicant and the Environment Agency consider these acceptable. This should form the basis of a legal agreement. The Environment Agency has advised that a scheme for the de-watering of the site is required and Leicestershire's Lead Local Flood Authority has advised that a water management scheme during construction and a maintenance scheme for the drainage system are required. This advice is considered germane and the schemes necessary to make the development acceptable. Warwickshire's Flood Risk and Water Management team have raised no objection to the proposal.
- 5.17 It is considered that the water environment as well as all the other matters can be satisfactorily controlled and there is no concern that this proposal would result in unacceptable cumulative impacts on the local community. Therefore, subject to these conditions and the legal agreement as set out above being completed the effect of the proposal on the water environment would be acceptable.

Highways and Access

- 5.18 The mineral from the proposed extension area would be transported upon a new purpose-built haul road to the south of the tile works in to the existing plant site. The applicant states that there would be no changes to the site's output as a result of this application and, therefore, HGV movements should remain similar to those currently prevailing. HGV movements relating to sand and gravel extraction and waste disposal operations are limited by condition 19 of planning permission 2006/1565/03 to 2,244 trips in any week. A similar condition restricting HGV movements would be attached to this proposal in addition to a condition ensuring HGVs do not enter the Highway directly from the extraction area, should members be minded to grant approval.
- 5.19 A ground stability risk assessment has been provided with the application showing that subject to the mineral extraction taking place as presented within the assessment there should be no effect on the A5. However, the assessment does recommend that on the northern boundary the extent of extraction is moved five metres further away from the boundary. Restricting the northern extent of mineral extraction and ensuring slopes are created as shown would be controlled by condition. Subject to these conditions the effects of the development on the Highway are considered acceptable.

Rights of Way

- 5.20 Public footpaths RS4x, R64x and RS4y run to the south west and south of the site, the two former routes run west of the A5 and the later to the east but south of the application site. Given existing hedgerows, the A5 and the proposed screening bunds, it is not expected that mineral extraction operations would have a significant effect on the enjoyment of the public rights of way. Furthermore, the development is temporary in nature, so any impact would only be felt over a limited period of time.

Heritage

Archaeology and Heritage

- 5.21 In order to fully assess the archaeological potential of the site, a geophysical survey was conducted and identified four areas containing settlements dating from the late Iron and/or Roman age. In addition, 75 trial trenches were dug in the areas of anomalies found by the survey. The trenching indicates Roman occupation in the southern part of the site, although with no direct link to Tripontium and Iron Age activity in the north. No additional archaeological investigation is offered but archaeological observation and recording should take place as the development progresses and would be required via planning condition.

- 5.21 The starting point for the assessment of this proposal is the statutory duty under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings and to preserve or enhance the character of conservation areas, respectively, and this is given considerable importance and weight.
- 5.22 Shawell Conservation Area is over 1 kilometre to the north east of this proposal. The nearest listed buildings are the Grade II* Coton House and Grade II* Church of All Saints, also over 1 kilometre from the proposal. It is considered that the distance between these statutorily listed heritage assets and the intervening topography and landscape means that this proposal would not affect the setting of the listed buildings or the Shawell Conservation Area.
- 5.23 The Tripontium Roman Station and the Motte castle and associated earthwork SSW of All Saints Church Scheduled Monuments (SM) are of national significance and thus, their conservation is given great weight. This proposal does not directly affect either of the SMs but, through proximity, could affect their setting. It is considered that this proposal would impact upon the setting of the Tripontium Roman Station resulting in some harm to its significance but this harm is low level and thus less than substantial.
- 5.24 Paragraph 196 of the National Planning Policy Framework sets out that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.'*
- 5.25 The potential harm of this proposal has been assessed as less than substantial and the public benefits of the proposal would be the continued supply of sand and gravel for use in construction and maintenance projects (and by the neighbouring tile works factory) and the continued employment that this brings both directly and indirectly. It is considered that these public benefits outweigh the potential harm that may arise to the setting of the Scheduled Monument near to the proposal. It must also be considered that the harm is temporary (two and a half years) and following successful restoration the harm will cease.

Planning Policy

The Development Plan

- 5.26 The development plan is as follows:
- Warwickshire Minerals Local Plan (1995) (saved policies);
 - Adopted Rugby Borough Local Plan 2011 – 2031

5.27 Emerging Plans

- Warwickshire Minerals Local Plan – 2nd Publication Consultation - October 2018 (the pre-submission plan)

5.28 Other relevant policy documents are:

- National Planning Policy Framework 2019 (NPPF)_

Warwickshire Minerals Local Plan (1995) (saved policies)

5.29 Policy M1 states that proposals for mineral extraction will normally only be given approval within 'Areas of search' and 'Preferred Areas'. The proposed extension to Shawell quarry falls within the 'Area of search' as defined by Proposal Map 1.

5.30 Policy M4 states that the County Planning Authority will consider applications for the winning and working of sand and gravel in the context of an assessed regional demand and the aim to provide and maintain a stock of permitted reserves in accordance with the latest national and regional guidelines through the plan period.

5.31 Clearly the plan period has now lapsed, but the policy goes on to state in the supporting text that the implementation of Policy M4 does not mean that planning permission will automatically be refused when the landbank requirement has been reached.

5.32 The application proposes a relatively small contribution of 100,000 tonnes to the landbank and is associated with a larger contribution with the Leicestershire County area. It is considered pragmatic to permit the extraction of the mineral given the site is allocated within the emerging Minerals Plan and facilitates a wider mineral extraction operation that contributes to Leicestershire's mineral supply obligation.

5.33 Policy G5 states that *'To conserve and improve the environment, all proposals for development will be expected to create an interesting and attractive environment, harmonise with their surroundings and secure the proper management of traffic'*.

5.34 The proposal complies with Policy G5 as the use of screening bunds will limit landscape impact during operation and once restored the land will offer a range of habitat and sit comfortably in the wider landscape. The proposal will not have an adverse impact on the highway network as existing vehicle movements associated with the site are to be maintained for the life of this development.

- 5.35 Policy E4 seeks to ensure proposals do not have an adverse impact upon scheduled ancient monument and to ensure archaeology is excavated or recorded appropriately. As previously discussed in this report, it is considered that there would not be an impact upon the scheduled ancient monument that would warrant the refusal of the application. In addition, a scheme for archaeology survey has been conducted and a programme to ensure recording of any finds is required by condition. As such, the proposal complies with the policy.
- 5.36 Policy M6 states that applications for mineral extraction will be determined in accordance with the provisions of the development plan and their impact on a range of factors including; operational and economic need, physical restraints, transport and policy considerations. These factors have been assessed through this report and it is considered that the proposal is in accordance with the policy.
- 5.37 Policy M7 seeks to ensure there are no adverse environmental effects and the implications for resident's quality of life are mitigated at all mineral workings. The proposal, combined with planning conditions, will ensure that adverse impacts on amenity such as dust, noise and visual impact will be mitigated against appropriately.
- 5.38 Policy M9 seeks to ensure that the restoration of mineral workings is of a high standard and of a beneficial afteruse in accordance with the development plan. The site is proposed to be restored to create a range of habitats including grassland, woodland and water bodies, as well as for agricultural purposes. These afteruses contribute to biodiversity and the rural economy, and as such accord with the development plan.

Warwickshire Minerals Local Plan – 2nd Publication Consultation - October 2018 (the pre-submission plan)

- 5.39 Work on the replacement Minerals Local Plan has been ongoing for a number of years. In 2009 the County Council published its Revised Spatial Options consultation document which included details of all mineral sites put forward by the minerals industry and landowners for consideration including a large number of sand and gravel sites. In December 2013/2014 the county council issued a fresh call for sites but only for those producing sand and gravel. In October 2015 the county council published its Preferred Option and Policies consultation document (the draft plan – Regulation 18).
- 5.40 The draft plan which was accompanied by a number of other supporting and technical documents contained proposals for nine site based allocations for sand and gravel. The draft plan referred to the site as “existing”. Consultation on the Preferred Option and Policies document closed on 4th January 2016. Representations on the consultations were reported to Cabinet in October 2016 when approval was given to consult on the Publication draft (regulation 19).

The Publication draft was consulted upon between December 2016 and February 2017.

- 5.41 Since the first Regulation 19 consultation carried out between December 2016 and February 2017, the plan requirements have significantly changed due to the a fall in the most recent 10 year sales average from the Local Aggregates Assessment (LAA) 2017. The total plan requirement of sand and gravel in the plan period has fallen from 8.022 million tonnes to 6.525 mt since the end of the last consultation, which would have been a large over provision. Consequently, a further consultation of the plan (Publication 2018) based on the lower plan requirement for sand and gravel was agreed at Full Council (July 2017) and consultation undertaken on 31st October and ended on 13th December 2018.
- 5.42 The revised plan (Publication 2018) now has a reduced number of sites (six sites) and a total sand and gravel tonnage of 7.51 over the plan period (2032). The Planning Policy team are in the process of reviewing and uploading comments. The final plan is likely to be submitted to the Secretary of State in autumn/winter with an EIP possibly in spring/summer 2020 and thereafter adoption at spring 2021 depending on the nature and extent of, and the response to the objections received on the plan.
- 5.43 The application site has been referred to in the plan as “Allocated Site 32”. Determination of the planning application should not be delayed on the ground of prematurity since the proposed plan has not yet been submitted for examination and the scale of the proposal is not so substantial as to be capable of undermining the plan-making process.
- 5.44 Provision has been made within the application and will be further secured through the implementation of conditions to ensure the phased working of the site, retention of public rights of way, and appropriate management of heritage assets and so that restoration includes a woodland aspect, in accordance with Policy S3.

Adopted Rugby Borough Local Plan 2011 - 2031

- 5.45 Policy GP1 – Securing Sustainable Development states that the Authority will work with applicants to secure developments which enhance social, economic and environmental sustainability, echoing the requirements of the NPPF.
- 5.46 The proposal meets these requirements given it is an extension to an already well established mineral extraction site benefitting from its own processing plant and associated infrastructure. The proposal would not result in an increase in vehicle movements, would retain the jobs directly and indirectly associated with the operation, and has demonstrated that the site would be restored to achieve a net biodiversity gain.

- 5.47 As such, approval would be seen as a sustainable decision as it negates the need to source the mineral from an alternative location which may not benefit from the established infrastructure and may result in additional vehicle movements associated with processing of mineral.
- 5.48 Policy HS5 –Traffic Generation and Air Quality, Noise and Vibration, seeks to ensure development does not have an adverse impact on amenity by way of the aforementioned and to achieve or exceed air quality neutral standards.
- 5.49 The proposal does not seek to create any additional vehicle movements from the site that do not already occur under its existing operations. As such, there would be no additional adverse impact upon air quality. It can be argued that the extension of the site itself means additional movements. However, on balance the proposal is considered acceptable as if the mineral was not extracted at this location it would be required to be supplied from elsewhere which is likely to give rise to a similar level, if not more vehicle movements.
- 5.50 Impacts upon residential amenity in relation to noise have been assessed through the application process and would be controlled by planning condition including restrictions on hours of operation and the inclusion of screening bunds/fences. As such, the proposal accords with this policy.
- 5.51 Policy NE1 – Protecting Designated Biodiversity and Geodiversity Assets seeks to ensure development protects against and compensates for effects on biodiversity. As previously discussed in this report, conditions would be implemented that would protect biodiversity during operation, and ensure a biodiversity gain once the site is restored. As such, the proposal complies with the policy.
- 5.52 Policy SDC2 – Landscaping requires the inclusion of landscaping aspects to form an integral part of a development’s design, incorporating native species to minimise visual intrusion upon neighbouring uses, and measures to ensure the long term maintenance of such landscaping.
- 5.53 Screening bunds are proposed as a part of this development to mitigate visual intrusion in this rural location. Hedgerows are to be retained where possible and replaced once the site is restored. The aftercare condition will ensure the successful implementation of the landscaping proposed as a part of the site’s restoration. As such, the proposal accords with the policy.

- 5.54 Policy SDC3 – Protecting and Enhancing the Historic Environment states that development will be supported that sustains and enhances the Borough’s heritage assets. As previously discussed, it has been concluded that the proposal would have some harm on a designated heritage asset. However, that harm is considered to be limited and would only be temporary in nature given the development’s limited life of 2.5 years.
- 5.55 In addition, consideration must be given to the benefits of extracting the mineral from this sustainable location, which would ensure a benefit to the economy by way of direct employment and contributing raw resources to the local construction industry. On balance it is considered these benefits outweigh the temporary limited harm that the proposal would have on the designated asset.
- 5.56 Policy SDC7 – Protection of the Water Environment and Water Supply seeks to ensure the protection of drinking water and to prevent adverse impact on water supply and quality. A condition and stipulation in a prospective section 106 agreement would ensure the protection of the water supply to the adjoining tile works. As such the proposal would comply with the requirements of the policy.

National Planning Policy Framework

- 5.57 Paragraph 11 states that decisions should apply a presumption in favour of sustainable development, which means approving proposals that accord with an up to date development plan. Although the Mineral Plan is out of date, the proposal accords with its saved policies and the relevant policies in the Rugby Borough Local Plan.
- 5.58 Paragraph 203 states that *‘It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.’*
- 5.59 The proposal complies with the above policy statement as it seeks to work mineral in a location where extraction operations are already occurring, thus it is pragmatic to extract the remaining resource to utilise existing infrastructure and prevent the need to cause adverse impacts elsewhere.
- 5.60 Paragraph 205 states that *‘When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.’* The paragraph also states that when considering applications mineral planning authorities should consider statutory designations, including those relating to landscape, ecology and heritage, adverse impact on public amenity and the appropriate restoration and aftercare of sites.

It is considered that the application, with the aid of the appended conditions satisfies the requirements of the NPPF for the reasons previously outlined in this report.

6. Conclusions

- 6.1 The proposal represents a relatively modest extension to an existing mineral site that would allow for the extraction of 850,000 tonnes of sand and gravel, approximately 100,000 tonnes to be won within the Warwickshire administrative area, over a 2.5 year period. There have been no statutory objections to the application after further information was provided by the applicant regarding the historic environment, archaeology and ecology.
- 6.2 It is also considered that any potential adverse impact upon amenity by way of noise, dust and visual intrusion can be mitigated to a satisfactory extent through the use of planning conditions. A section 106 legal agreement must be completed between the applicant and Leicestershire CC to ensure the protection of the water supply to the adjoining title works. Given that the borehole in question is within Leicestershire, it is not considered necessary for Warwickshire CC to be a named party on the agreement.
- 6.3 As previously mentioned, the application site traverses the County boundary between Leicestershire and Warwickshire and as such an identical planning application has been submitted to each Mineral Planning Authority. In order to ensure the effective and consistent operation of the site, provided both Authorities are minded to grant approval, both decision certificates and sets of conditions must be in matching terms. As the predominant part of the site, along with processing plant and site access is within Leicestershire, the respective Authority has taken the lead on the application and Members of its Planning Committee resolved to grant planning permission on the 12th of September 2019, subject to conditions.
- 6.4 As such, the conditions presented to Leicestershire's Planning Committee have been appended to this report to ensure consistency. It is possible that the exact wording of the conditions may vary prior to issue, but their principles will remain the same. Officer delegation is sought from the Regulatory Committee to make these minor amendments, if necessary, prior to issuing any consent that Members may resolve to grant.
- 6.5 It is considered that the extension of an existing quarry with associated on site infrastructure and processing plant is a sustainable way of ensuring the continued supply of sand and gravel to the local economy, as required by local and national policy. As such, for the reasons explained in this report, the application is recommended for approval subject to the appended conditions.

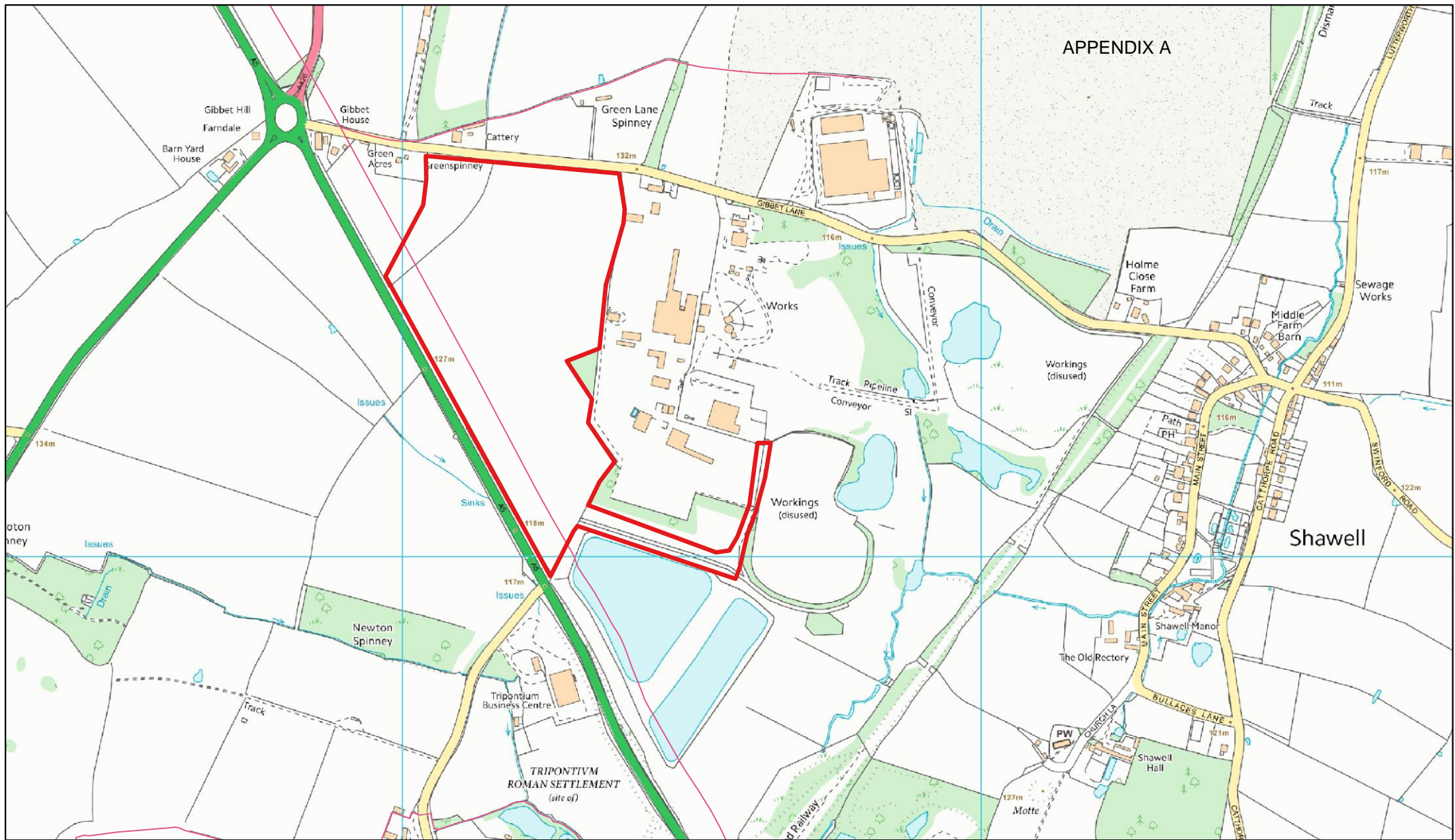
7. Supporting Documents

7.1 Submitted Planning Application – Planning reference RBC/18CM021

7.2 Appendix A – Map of site and location.

7.3 Appendix B – Planning Conditions.

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Application No: RBC/18CM021
Land East of the A5, Shawell Quarry, Shawell, Rugby
Extension of sand and gravel working with restoration to agriculture

Regulatory Committee 8th October 2019



Warwickshire County Council
 Shire Hall
 Warwick, CV34 4SA
 Telephone (01926 410410)
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Appendix B

Extension of sand and gravel working with restoration to agriculture, at:

Land east of the A5, Shawell Quarry, Shawell

RBC/18CM021

Planning Conditions.

Commencement

1. The development hereby permitted shall be commenced within three years from the date of this permission.

Notification of Commencement

2. Written notification of the commencement of:
 - a) soil stripping from within the extension area;
 - b) mineral extraction from within the extension area;

shall be provided to the Mineral Planning Authority within seven days from the date of such commencement.

Duration

3. This permission shall be limited to a period of two and a half years from the commencement of the development, by which time the mineral working operations hereby permitted shall have ceased, all plant and machinery removed and the land reinstated in accordance with the reclamation details approved under condition number 33.

Adherence to Approved Details

4. Unless otherwise required by the conditions attached to this permission the development shall be carried out in accordance with the following details:
 - a) planning application reference RBC/18CM021 and accompanying environmental statement; and
 - b) the Regulation 25 Further Information submission.

Working and Phasing Details

5. The development hereby permitted shall be carried out in accordance with drawing numbers 2366/ES/2 revision D dated MAY 2018, 2366/ES/3 revision D dated MAY 2018, 2366/ES/4 revision D dated MAY 2018, and 2366/ES/5 revision F dated JULY 2018.
6. Notwithstanding the proposed limits of mineral extraction shown on drawing number 2366/ES/2 revision D dated MAY 2018 no mineral extraction shall take place within five metres south of the northern limit of mineral extraction adjacent to Gibbet Lane.
7. No infilling or waste recycling operations shall take place within the site as defined by solid red and blue lines south of Gibbet Lane on drawing number 2366/ES/2 revision D dated MAY 2018.

Hours of Operation

8. No operations (other than water pumping) shall be carried out at the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 except between the following times: 0700 to 1900 hours Monday to Friday; and 0700 to 1400 hours Saturday. There shall be no operations (other than water pumping) on Sundays, Bank Holidays and Public Holidays.

Access

9. There shall be no vehicular access to or from the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 from Gibbet Lane for any purpose in connection with the development hereby permitted.

Archaeology

10. No stripping of soils within the site as defined by a solid red line but outside of the solid blue line on drawing number 2366/ES/2 revision D dated MAY 2018 shall take place unless and until a written scheme of investigation for archaeological observation and recording has been submitted to and agreed in writing with the Mineral Planning Authority. Once approved works shall take place in accordance with the approved scheme.

Dust

11. No operations shall take place in Phase 18 as shown on drawing number 2366/ES/2 revision D dated MAY 2018 unless and until a dust management scheme has been submitted to and approved by the Mineral Planning Authority. The scheme should include a programme for monitoring the dust emissions from the site and set a limit for those dust emissions. Once approved works shall take place in accordance with the approved scheme.

12. The Dust Control Measures set out in Appendix 3 of Appendix 6 dated 12 July 2018 (reference R18.9090/4/DW) of the Environmental Statement dated July 2018 shall be undertaken at all times. Internal roads and dry exposed material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne.

Ecology

13. Within twelve months from the commencement of the development hereby permitted five Schwegler 1FF bat boxes shall be provided within the site as defined by solid red and blue lines on drawing number 2366/ES/1 revision C dated MAY 2018.

Highways

14. The number of HGV movements to or from the land the subject of this permission generated by sand and gravel extraction and waste disposal operations shall not in combination with the number of such movements from the land the subject of permission [2018/1457/03 (2018/CM/0147/LCC)] granted by Leicestershire County Council exceed 2244 in any week (a week beginning on a Monday for the purpose of this condition). A record shall be kept of all heavy goods vehicles accessing and leaving both areas of land. Back records shall be kept for a minimum of 12 months and access to these records shall be afforded to the Mineral Planning Authority on request.

Lights

15. No fixed lights shall be used or installed within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018

Noise

Monitoring Scheme

16. No stripping of soils within the site as defined by a solid red line but outside of the solid blue line on drawing number 2366/ES/2 revision D dated MAY 2018 shall take place unless and until a scheme of noise monitoring has been agreed in writing with the Mineral Planning Authority. The scheme shall include details of:
- a) Noise monitoring at agreed locations to assess whether the limits specified in condition numbers 17 and 18 are being complied with;
 - b) Frequency and duration of monitoring;
 - c) Monitoring equipment to be used;
 - d) Presentation of monitoring results, including details of dates, times, prevailing weather conditions and comments on significant noise sources and details of any ambient noise sources passed out of the measurements;
 - e) Provision of monitoring results to the Mineral Planning Authority; and
 - f) Procedures to be implemented if noise emissions exceed approved levels.

Noise monitoring shall only be undertaken in full accordance with the approved details.

Limits

17. Except for temporary operations defined in condition number 18 noise levels arising from the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 when measured at the residential dwellings 'Green Acres' and/or 'Gibbet House' shall not exceed 55dB(A) $L_{Aeq, 1h}$ (free field).

Temporary Operations

18. Noise levels arising from temporary operations, which for the purpose of this condition are site preparation, overburden removal, soil stripping and replacement, and the construction and removal of soil and overburden mounds, from the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 shall not exceed 70dB(A) $L_{Aeq, 1h}$ (free-field) at either of the residential dwellings 'Green Acres' and 'Gibbet House'. Such activities should not affect any noise sensitive property for more than 8 weeks in any year.

Temporary operations which exceed the normal day to day criterion set out in condition number 17 shall only be carried out in phase 18 as shown on drawing number 2366/ES/2 revision D dated MAY 2018 between the hours of 0800 and 1800 Monday to Friday and the hours of 0800 to 1200 on Saturdays and in phase 19 between the hours of 0900 to 1700 hours Monday to Friday.

Mitigation of Operations

19. During operations involving the formation and removal of screening mounds within Phase 19 of the development as shown on drawing number 2366/ES/2 revision D dated MAY 2018, either temporary acoustic screening or a buffer zone of 40 metres shall be provided between the proposed screening mounds shown on the drawing and the private external amenity space of the residential dwelling identified as Green Acres on the same drawing. Details of the temporary acoustic fence shall be submitted to and approved by the Mineral Planning Authority in advance of its installation.
20. The Noise Mitigation Measures set out in paragraph 6.4.1 of the Noise Assessment dated 11 July 2018 (reference R18.9089/5/AP) shall be undertaken at all times.

Removal and Protection of Trees, Shrubs and Hedgerows

21. Other than Hedgerow 2 and the 11 metres of Hedgerow 4 to facilitate the construction of a haul road (hedgerows shown on Page 22, Appendix A of the Ecological Impact Assessment dated 6 June 2018) and trees T1, T2, T3 and T4 shown on Page 25, Appendix C of the Ecological Impact Assessment dated 6 June 2018 no trees or hedgerows within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 shall be removed.
22. Retained hedgerows shall be managed in accordance with paragraph 6.13 of the Landscape and Visual Impact Assessment dated May 2018.

Soil Handling & Ground Preparation Works

23. All soil handling operations (including soil stripping, storage and replacement) shall be undertaken in accordance with paragraphs 4.5, 4.6 and 4.7 of the Soils and Agricultural Use & Quality report dated 23rd April 2018 (reference 463/4).

24. The Mineral Planning Authority shall be notified in writing at least 5 days before each of the following stages:
 - i. before each phase of soil stripping is due to commence;
 - ii. when overburden has been prepared ready for soil replacement to allow inspection of the area before further restoration is carried out; and
 - iii. completion of topsoil replacement to allow an opportunity to inspect the completed works and assess its suitability for entry into aftercare before the commencement of any cultivation and seeding operations.

25. Overburden shall be replaced and levelled so that:
 - a. after replacement of topsoil and subsoil the contours conform with the 'PROPOSED CONTOURS' shown on drawing number 2366/ES/6 revision F dated JUNE 2018; and
 - b. there is satisfactory site and surface drainage, so that the land is free from ponding and capable of receiving an effective under-drainage system.

26. No soils shall be respread until the upper layers of the prepared surface have been ripped and stones, materials and objects which exceed 200 millimetres in any dimension and occur on the surface of the ripped and loosened ground have been removed from the site or buried at a depth of not less than two metres below the final contours.

27. The respread topsoil shall be loose tipped to enable a single pass at a tine spacing of 500 millimetres maximum to full depth of the topsoil plus 100 millimetres. Any stones, materials and objects which exceed 100 millimetres in any dimension and occur on the surface of the ripped and loosened soils shall be removed from the site or buried at a depth of not less than two metres below the final contours.

28. All undisturbed areas of the site and all topsoil, subsoil and overburden mounds shall be kept free from agricultural weeds such as thistle, dock and ragwort. Cutting, grazing or spraying shall be undertaken, as appropriate, to control plant growth and prevent the production of seed and the subsequent spread of weeds onto adjoining agricultural land.

Water Environment

29. Prior to the commencement of mineral extraction within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 a scheme to secure the safe de-watering of the site shall be submitted to and approved by the Mineral Planning Authority. Once approved works shall take place in accordance with the approved scheme.

30. Prior to the commencement of mineral extraction within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 a surface water drainage scheme shall be submitted to and approved by the Mineral Planning Authority. The scheme should include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return period. Once approved works shall take place in accordance with the approved scheme.
31. Prior to the commencement of mineral extraction within the site as defined by a solid red line on drawing number 2366/ES/2 revision D dated MAY 2018 details of the long-term maintenance of the sustainable surface water drainage system shall be submitted to and approved by the Mineral Planning Authority. Once approved works shall take place in accordance with the approved scheme.

Restoration in the event of early cessation of working

32. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of all the winning and working described in the drawings mentioned in condition 5, and which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 to the Town and Country Planning Act 1990, a revised scheme to include details of reclamation and aftercare shall be submitted to the Mineral Planning Authority for approval within six months of that cessation. The approved scheme shall be fully implemented within 12 months of approval.

Reclamation

33. Within six months of commencement of development, a detailed scheme of final landscaping and restoration of the site shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be based on a phased approach and the restoration concept shown on drawing number S348-00062A dated 08/02/2019. The scheme shall include details of the following:
- a) plant species, sizes, quantities and locations, of all new tree, shrub and hedgerow planting, grass seed mixes;
 - b) enhancement to the rights of way network linking Gibbet Lane to footpath X23;
 - c) new woodland planting along the eastern side of the site from Gibbet Lane through to Phase 17A as shown on drawing 2366/ES/2 revision D dated MAY 2018; and
 - d) hedge laying of the retained part of hedgerow 4 as shown on Page 22 of Appendix A of the Ecological Impact Assessment dated 6 June 2018 located within Phases 17A and 17B as shown on drawing number 2366/ES/2 revision D dated MAY 2018.

Planting and seeding in accordance with the approved scheme shall be carried out, as far as is reasonably practicable, within the first available planting season following the restoration of any substantial part of the site, in accordance with working and phasing details required by condition number 5. All trees, shrubs and hedgerows planted in accordance with the approved scheme shall be maintained for a period of five years following planting and such maintenance shall include the replacement of any plants that may die or be seriously damaged or become seriously diseased.

Aftercare

34. Within six months of commencement of development, a detailed aftercare scheme shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall be in accordance with the restoration details required by condition number 33, and shall provide an outline strategy for the 5 year aftercare period specifying the steps that are to be taken, and the period during which they are to be taken, in order to bring the newly restored land to the required standard for use for agriculture and nature conservation, including the subsequent management of the restored land and vegetation. The steps shall include planting, cultivating, fertilising, watering, draining, and otherwise treating and managing the land. The land shall be treated and managed over a period of 5 years in accordance with the approved scheme, commencing on the date that restoration is completed to the satisfaction of the Minerals Planning Authority.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the development to be monitored to ensure compliance with this permission.
3. To provide for the restoration of the site within an agreed timescale in the interests of the amenities of the area.
4. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.
5. For the avoidance of doubt.
6. In the interests of the highway and highway safety.
7. For the avoidance of doubt.
8. To protect the amenities of local residents.
9. In the interests of the highway and highway safety.
10. To satisfactorily record any archaeological interest found.
11. To protect the amenities of the locality from the effects of dust arising from the development.
12. To protect the amenities of the locality from the effects of dust arising from the development.
13. To minimise the adverse impact of the operations on ecological interests.
14. In the interests of the highway and highway safety.
15. To ensure that lights from the site do not become a source of nuisance to local residents.
16. To provide for a monitoring regime that ensures noise levels are within acceptable levels to protect the amenity of local residents.
17. To ensure that noise arising from the site does not become a source of nuisance to local residents.
18. To ensure that noise arising from the site does not become a source of nuisance to local residents.

19. To ensure that noise arising from the site does not become a source of nuisance to local residents.
20. To ensure that noise arising from the site does not become a source of nuisance to local residents.
21. To ensure that only the identified vegetation is lost as a result of this development and to safeguard the existing vegetation during the course of the development.
22. To limit the visual impact of the development.
23. To minimise structural damage and compaction of the soil and to aid the final restoration of the site.
24. To allow the Mineral Planning Authority sufficient time to inspect the soil handling and restoration works.
25. To ensure adequate surface drainage, to enable an effective under drainage scheme to be installed, to reduce the risk of soil erosion and to allow the use of agricultural machinery following restoration.
26. To ensure the reclaimed land is in an acceptable condition for agricultural after-use, and potential obstacles are removed prior to the replacement of soils.
27. To ensure the reclaimed land is in an acceptable condition for agricultural after-use, and potential obstacles are removed prior to the replacement of soils.
28. To prevent a build-up of harmful weed seeds in soils that are being, or will be used, for agriculture.
29. To ensure that the proposed development and associated dewatering does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.
30. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
31. To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.
32. To ensure reclamation of the site in the event of cessation of mineral working.

33. To ensure satisfactory restoration of the site.
34. To ensure that a suitable regime of husbandry is pursued to bring the land to the required standard for the approved afteruse

Development Plan Policies Relevant to the Decision.

Warwickshire Mineral Plan 1995

Policy M1
Policy M4
Policy M6
Policy M7
Policy M9
Policy G5
Policy E4

Adopted Rugby Borough Local Plan 2011 – 2031

Policy GP1
Policy HS5
Policy NE1
Policy SDC2
Policy SDC3
Policy SDC7

Reasons for the Grant of Planning Permission

Compliance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In considering this application the County Council has complied with paragraph 38 contained in the National Planning Policy Framework.