



**DEVELOPMENT CONTROL AND REGULATORY BOARD**

**13<sup>TH</sup> DECEMBER 2018**

**REPORT OF THE CHIEF EXECUTIVE**

**COUNTY MATTER**

**PART A – SUMMARY REPORT**

<b>APP.NO. &amp; DATE:</b>	2016/CM/0302/LCC (2016/1119/04) – 2 <sup>nd</sup> December 2016
<b>PROPOSAL:</b>	Restoration of the former Barrow Hill Quarry to an agricultural use with inert waste and soils, including inert waste recycling and temporary passing bays on Mill Lane.
<b>LOCATION:</b>	Barrow Hill Quarry, Mill Lane, Earl Shilton
<b>APPLICANT:</b>	Earl Shilton Recycling Limited
<b>MAIN ISSUES:</b>	Restoration, highway impacts, noise and amenity
<b>RECOMMENDATION:</b>	PERMIT, subject to the conditions as set out in Appendix A to the main report and the prior signing of a S106 legal agreement

**Circulation Under the Local Issues Alert Procedure**

Mrs J. Richards CC

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## **PART B – MAIN REPORT**

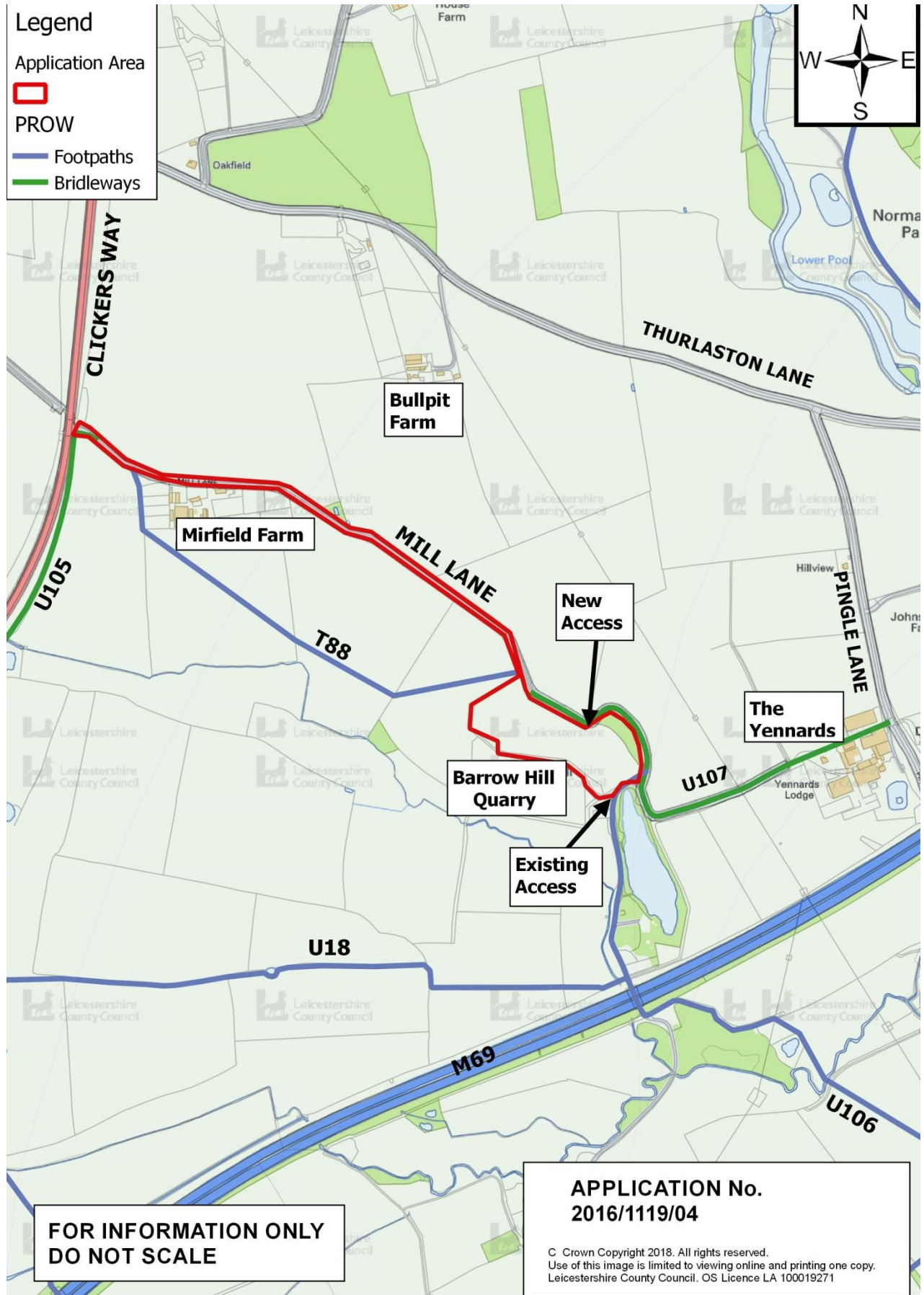
### **Planning History**

1. Ordnance Survey maps indicate that a quarry has been present in this area since before 1886. The northern half of the quarry was historically occupied by Rock Farm and Union Windmill. However, these features were removed between 1938 and 1950 when the quarry appears to have expanded in a northerly direction.
2. An established use certificate (CLEUD) for the 'deposition of damaged concrete pipes and inert spinning slurry' was issued on 24th August 1977 (reference: 1977/0667/04E). A more historic application for the: 'use of land for the controlled tipping of household and trade refuse' was approved on 26th February 1958 (reference: 1958/4215/01).
3. A historic waste disposal licence (reference number: 46/2) relates to the site, and the licence permitted the importation of material (Category A: topsoil, subsoil, clay, excavated rock, stone, sand, gravel, clean brickwork, tile, slate, silica, coal and excavated / weathered tarmacadam and Category B: tarmacadam only) at a combined maximum rate of 200 tonnes per day.
4. The site benefited from a waste licence (ref: YQ1/L/WOM001), which was issued in 1977 and was surrendered in July 2010 (Part 3: Environment Agency Historic Landfill Site Database Results) when tipping ceased. Since the cessation of landfilling at the site the area has become colonised with scrub vegetation and there are a number of spoil heaps within the quarry area.

### **Location and Setting of Proposed Development**

5. Barrow Hill Quarry extends to around 3 hectares in area and is located circa 2km to the south-east of Earl Shilton in the open countryside. Access to this former quarry is gained from the A47 Clickers Way (Earl Shilton by-pass), circa 1km to the west. This route requires vehicles accessing the site to travel along Mill Lane (a single width public road that is metalled between Clickers Way and Mirfield Farm) to reach the quarry. The initial section of Mill Lane from the Earl Shilton by-pass is adopted highway.
6. The former quarry contains two historic extraction areas, with this planning application only relating to the northern part. The southern quarry area has been flooded and it is understood that this area may have provided a source of firefighting water to the Calor Gas site, circa 500m to the south. The flooded southern quarry and an area to the east of the M69 is now owned and used by the Earl Shilton Trial Club for trial bike riding. This activity is consented under planning permission 06/00096/COU from Hinckley and Bosworth Borough Council.
7. The quarry is bounded by a 2m high chain link fence with concrete posts along its boundary with Mill Lane to the east and the flooded quarry to the south. The boundary with the farmland to the north and west is formed by 1m high post and wire fencing. Vehicular access to the quarry is currently provided by a gated entrance on its southern boundary near the junction of Mill Lane and the access track to the trials bike area.
8. The site is reasonably isolated, with the nearest residential properties including Yennards Farm about 380m to the east. Mirfield Farm and stables are located around 580m to the north west of the site and is the only other property accessed off Mill Lane.

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9. A public footpath runs roughly parallel to Mill Lane on the southern side. A second public footpath runs from the southern boundary of the Site, towards the M69 and under the motorway. A third public footpath runs westwards through the fields, from immediately north of the underpass. A public bridleway runs along the eastern edge of the Site (Mill Lane) and then turns eastward to the public highway.

### **Description of Proposal**

10. Barrow Hill Quarry has been previously partially infilled with wastes since the late 1950s. To fully restore the quarry to an agricultural use and to comply with current environmental regulations, it is proposed to import inert waste to return the site to similar pre-quarry ground levels. It would also be necessary to import engineering material to form a liner between the historically tipped areas and proposed inert waste tipping area. In addition, a capping layer to the proposed inert waste would be required prior to the final restoration with appropriate good quality soils.
11. The table below indicates the types and volumes of material to be imported to the site:

<b>Material</b>	<b>Import Volume/m<sup>3</sup></b>	<b>Density/ tonnes/ m<sup>3</sup></b>	<b>Import Tonnage</b>
Inert fill to western end of site (non-waste)	6,120	1.7	10,404
Landscape bund to south east boundary of site	1,160	1.7	1,972
Geological Barrier	6,120	2.0	12,240
Waste fill volume	45,600	1.4	63,840
Capped area (waste fill area only – 0.5m depth)	6,375	2.0	12,750
Restoration material (full site - 1.0m depth)	28,630	1.7	48,671
<b>Totals</b>	<b>94,005</b>		<b>149,877</b>

12. In addition to the above materials the Applicant proposes to recycle and export up to 20% of the imported waste. As such approximately 12,768 tonnes of additional waste material would need to be imported to achieve the proposed restoration levels illustrated on Drawing 2700/1/005 (Proposed Restoration Levels).
13. Therefore, in total, the proposed development would require the importation of c162,645 tonnes of material to fully restore the site over a four year period (three years for the importation of lining and waste material and one year for capping and final restoration).

### **Site Preparation**

14. The initial site preparation would consist of vegetation removal and additional protective fencing would be installed around the area of habitat retention and other vegetation to be retained. A new site access would also be created to the north of the site straight off Mill Lane. Following pre-construction works, ecological surveys and mitigation works, the initial earthworks exercise would be to create the formation levels. This would consist of re-profiling the existing surface material within the quarry void to provide a level base and regular side slopes to receive the lining material.

### Geological Barrier

15. A geological barrier will be required along the base and all the way up the sides to create what will become an inert waste landfill site. The geological barrier would be equivalent to a mineral layer (a minimum of 1 metre thick) with a permeability of no greater than  $1 \times 10^{-7}$  m/s. This would require approximately 6,120m<sup>3</sup> (12,240 tonnes) of suitable engineering material to be imported. In addition, at this stage a bund would be constructed on the south eastern boundary of the site to provide screening to the recycling area and containment to future inert waste tipping.

### Inert Waste Tipping & Recycling

16. The proposed development would be classified as an inert landfill site from an environmental permitting perspective. All imported material used to infill the former quarry void to final restoration levels would be inert in nature and waste would have to meet strict acceptance criteria to be able to be deposited and processed at the site.
17. The Applicant proposes to import approximately 76,608 tonnes of inert waste to restore the site, with approximately 20% of this material being recycled and exported from the site for reuse elsewhere. This waste is likely to include inert demolition, excavation and construction waste from the surrounding area, a proportion of which can be screened to form a useable construction product to be taken offsite.
18. A reception and recycling concrete pad area will be created on the south west corner of the site. HGVs would access the site from the north, skirt the eastern boundary of the site and tip their material on the reception pad. Mobile screening plant would be brought to the site as and when required to screen suitable incoming inert waste streams.
19. The recycling plant would be on site for specific contracts only – the site would not remain open ‘full time’ and screening and filling activities would be intermittent throughout the 3 year filling phase. The plant on site would typically consist of:
  - 1 x D6 bulldozer
  - 1 x 20t excavator
  - 1 x 25t dumptruck
  - 1 x screener unit – Warrior 2100 screener, for example.

### Restoration

20. Restoration will take place in a methodical, phased manner. Once an area has been tipped to its final waste restoration levels it would be capped with appropriate material to a consolidated depth of 0.5m. This would require approximately 6,375m<sup>3</sup> (12,750 tonnes) of material across the site to be imported to limit percolation of surface water through the deposited waste.
21. Once the area of waste filling is capped the site would be restored to final restoration levels with a 1m depth of subsoils and topsoils suitable for agricultural use. This material would be loose tipped and lightly consolidated in layers not exceeding 300mm prior to cultivation in advance of seeding.

Initial restoration would be to agricultural grassland to prevent soil erosion. Once established the cultivation of the area would be incorporated into the wider agricultural production of the adjacent fields.

22. Following completion of restoration works, new hedgerows along the northern and western boundaries of the site would be provided to replace the existing chain link and post and wire fencing respectively. Within the retained habitat area additional scrub planting would be undertaken to complement the areas of vegetation retained as part of an approved restoration scheme. In addition to the retained habitat area, scrub planting and hedgerow planting, a number of bird and bat boxes would be provided on existing trees.

#### Access & Vehicle Numbers

23. The application is accompanied by a Transport Assessment (TA) which states that all HGVs would access the site via Mill Lane and the A47 Earl Shilton bypass to the north. The Mill Lane junction with the A47 is a simple priority controlled arrangement. The TA states that appropriate visibility splays suitable for accessing the A47, which is a single carriageway route operating under national speed limit, are available from Mill Lane (i.e. 2.4m x 215m) in both directions. Mill Lane has a tarmac surface between the Mirfield Farm and equestrian complex and its junction with the A47 Earl Shilton Bypass. The TA notes that the tarmac section of Mill Lane is also narrow at approximately 3.0m – 4.0m and that no passing places are available along the entire stretch. The route does widen to at least 5m for the final 20m approach section up to its junction with the A47 and that radii of approximately 10m are available at the Mill Lane junction with the A47. These radii in conjunction with the 5.0m approach width are capable of allowing for a large rigid vehicle / RCV to wait at the Mill Lane stop-line whilst a similar sized vehicle turns into the junction from the A47.
24. It is proposed that intervisible passing places are installed along Mill Lane and that a new access connection is provided to the application site off Mill Lane, approximately central to the site.
25. There would be a total of approximately 8,773 vehicle deliveries to the site over the entire four-year restoration programme (including material imported for recycling purposes). Assuming that the site is operational 5.5 days per week (including half day working on Saturdays and excluding bank holidays – i.e. 278 days per year), this would equate to an average total of 16 vehicle movements per day (i.e. 8 in + 8 out), or less than 2 vehicle movements per hour. However, it is likely that material would be imported as part of a more concentrated campaign and as such a maximum of 25 HGVs per day (50 movements) associated with the importation of material has been assumed in the TA. On top of the predicted HGV movements it is expected that there would be up to ten private car movements per day.

#### Hours of Operation

26. The proposed operating hours (covering both operations on-site and HGV deliveries) are as follows:
  - Monday to Friday - 0630hrs to 1800hrs;
  - Saturday – 0630hrs to 1700hrs;
  - Sunday – closed.

Landscape

27. The application was supported by a Landscape and Visual Impact Assessment that considers that the development can take place without generating unacceptable impacts on landscape character and that any visual impacts would be localised and temporary.

Flood Risk & Drainage

28. A Flood Risk Assessment (FRA) submitted with the application confirms that all surface water would be drained from the site via a ditch and berm perimeter network, which would direct run-off to a linear detention basin located adjacent to the south-western boundary of the site. The FRA concludes that the proposed development would not increase the risk of flooding both within and beyond the site. Perimeter ditches would direct surface run-off into a detention basin, thereby controlling surface water run-off from the restored Site to the surrounding area. The surface water would be directed from the detention basin via a pipe into a nearby ditch to the south of the site. This pipework, essential for the adequate drainage of the site, is outwith the red line boundary of the planning application. The FRA concludes that the proposed development would not increase flood risk locally.

**Planning Policy**

29. This proposal, like any other application, must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, it is appropriate to consider the following key matters: national policy background; Leicestershire Minerals Development Framework; Leicester & Leicestershire Waste Development Framework, Hinckley and Bosworth local plan policy and emerging policy documents, the nature and need for the development and any economic or other benefits.

National Policy Background

30. When determining planning applications, Paragraph 47 of the National Planning Policy Framework (NPPF - July 2018) states, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.
31. Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
32. Paragraph 204 states that planning policies should (*inter alia*):

- b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials...; and
- h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

National Planning Policy for Waste (October 2014)

33. The National Planning Policy for Waste (October 2014) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. It states that positive planning plays a pivotal role in delivering this country's waste ambitions through, amongst other matters, delivery of sustainable development and resource efficiency by driving waste management up the waste hierarchy; and helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment. It states that when determining waste planning applications, waste planning authorities should ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary.

Development Plan Policies

34. The Development Plan for the application site comprises the Leicestershire Minerals Core Strategy and Development Control Policies (2009), the Leicestershire and Leicester Waste Core Strategy and Development Control Policies (2009) and the Hinckley and Bosworth District Council Local Plan (2006-2026). The principal policy considerations relevant to the current application are set out below.

Leicestershire Minerals Development Framework Core Strategy and Development Control Policies Document

35. Policy MCS11 (*Strategy for environmental protection*) seeks to protect and enhance the natural and built environment of Leicestershire by ensuring that there are no unacceptable adverse impacts from minerals development on natural resources including water, air and soil; the character and quality of the landscape; biodiversity, including nationally and internationally important sites and the key habitats and species identified in relevant Biodiversity Action Plans; sites of geological interest; historic and cultural features of acknowledged importance; the distinctive character and setting of settlements within Leicestershire; and residential amenity; the highest standards of operational practice for the management, working, restoration and aftercare of sites are adopted; development is designed to a high standard, incorporates sustainable construction principles and includes appropriate landscaping.
36. Policy MCS17 (*Strategy for reclamation and future use of mineral sites*) seeks to ensure that land is reclaimed at the earliest opportunity and that high quality restoration and aftercare takes place to an appropriate after-use that enhances and complements the natural and historic environment and that is in keeping with the local area, including its landscape character and with due regard to the setting of historic assets, adding to local distinctiveness and biodiversity having regard to the County's Biodiversity Action Plan, Landscape and



Woodland Strategy, and the National Forest Strategy; industry uses best practice at the time which seeks to minimise future public safety hazards and ground stability problems which can arise from the legacy of mineral workings.

Leicestershire & Leicester Waste Development Framework Core Strategy and Development Control Policies Document

37. Policy WCS3 - the strategy for non-strategic waste sites is to locate them in the following areas, taking into account the principles set out in Policy WCS4: Waste Location Principles:
- (i) in the Broad Locations indicated in the Key Diagram,
  - (ii) in or close to the main urban areas of Hinckley or Melton Mowbray;
  - (iii) within sustainable urban extensions;
  - (iv) within or adjacent to an existing waste facility.
- Where it can be demonstrated that a more dispersed location outside the above areas is necessary, locations in smaller settlements or rural areas will be considered subject to the principles set out in Policy WCS4
38. Policy WCS4 sets out the site-specific strategy for locating waste sites, which should be to locate sites in accordance with the objectives of Policies WCS2 and WCS3 and the following sequential approach:-
- (i) priority one will be given to land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities;
  - (ii) thereafter, priority, in no order of preference, will be given to:
    - a) land forming part of new major development proposals;
    - b) existing industrial/employment land;
    - c) other previously-developed land;
    - d) contaminated or derelict land;
    - e) existing mineral workings;
    - f) unused and under-used agricultural and forestry buildings and their curtilages;
  - (iii) finally, consideration will be given to greenfield sites, providing that there is no unacceptable harm to the environment or communities.
39. Policy WCS5 states that the strategy for reuse, recycling, waste transfer and composting facilities is to allow new waste management development, provided the proposal does not cause unacceptable harm to the environment or communities.
40. Policy WCS8 states that the strategy for inert waste landfill is not to grant planning permission for new or extended inert waste landfill or landraise sites, unless:
- (i) it can be demonstrated that the waste cannot be managed in a more sustainable way;
  - (ii) an environmental benefit is to be secured by the development; the development would not delay the final restoration of existing waste disposal sites; and
  - (iii) the proposal does not cause unacceptable harm to the environment or communities.
41. Policy WCS10 states that the strategy for environmental protection is to protect and enhance the natural and built environment of the framework area by

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ensuring that:

- (i) there are no unacceptable adverse impacts from waste developments on:
    - a) natural resources including water, air and soil;
    - b) the character and quality of the landscape;
    - c) biodiversity, including nationally and internationally important sites and the key habitats and species identified in relevant Biodiversity Action Plans;
    - d) historic and cultural features of acknowledged importance;
    - e) sites of geological interest;
    - f) the distinctive character and setting of settlements within the framework area; and,
    - g) residential amenity.
  - (ii) the highest standards of operational practice for the management, working, and where appropriate restoration and aftercare of sites are adopted;
  - (iii) development is designed to a high standard, incorporates sustainable construction principles and includes appropriate landscaping.
42. Policy WCS14 states that the strategy for the transportation of waste is to locate new waste management developments:
- (i) in close proximity to arisings in order to minimise the need to transport waste;
  - (ii) in close proximity to the County's lorry route network and where road traffic generated by the development can avoid residential areas and minor roads in order to minimise the impact of transporting waste by road; or
  - (iii) where rail/water transport could be secured for movement of waste in order to maximise the potential to use alternative means of transport.
43. Policy WDC5 of the Waste Development Control Policies document states that planning permission will not be granted for waste management development within the countryside, unless it can be demonstrated that:
- (i) the development is such that it cannot be accommodated within the urban areas;
  - (ii) there is an overriding need for the development; and
  - (iii) the landscape character of the area will not be harmed.
44. Policy WDC8 states that planning permission will not be granted for waste management development which is likely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the waste management development.
45. Policy WDC9 states that planning permission will not be granted for waste management development which would result in an unacceptable cumulative impact on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of waste developments occurring either concurrently or successively.
46. Policy WDC10 states that planning permission will not be granted for waste management facilities involving the transport of waste by road where:
- (i) there is a practicable alternative to road transport which would be environmentally preferable;
  - (ii) the proposed access arrangements would be unsafe and inappropriate to the proposed development and the impact of the traffic generated would be detrimental to road safety to an unacceptable degree; and

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- (iii) the highway network is unable to accommodate the traffic that would be generated and have an unacceptable impact on the environment of local residents.
47. Policy WDC11 states that planning permission will not be granted for waste management development that would adversely affect a public right of way, unless satisfactory proposals which are both convenient and safe are made for its diversion or the creation of an alternative route both during operations and following restoration of the site, if applicable. The opportunity will be taken, wherever possible, to secure appropriate, improved access into the countryside.
48. Policy WDC12 states that planning permission will not be granted for waste management development which would;
- (i) have unacceptable impacts on the quality or flow of groundwater or surface water drainage; or
  - (ii) exacerbate flood risk in areas prone to flooding and elsewhere.
49. Policy WDC15 states that for waste management proposals where the development is not for a permanent use, planning permission will not be granted unless satisfactory provision has been made to ensure high quality reclamation of the site, including where appropriate the following matters:
- (i) Details of the proposed landform including pre and post-settlement contours;
  - (ii) Phasing of reclamation works;
  - (iii) Types, quantities and source of soils or soil making materials to be used;
  - (iv) A methodology for management of soils;
  - (v) Removal of all buildings, plant, structures, accesses and hardstandings not required for long term management of the site;
  - (vi) Installation of drainage;
  - (vii) Details of grass seeding and planting of trees, shrubs and hedges;
  - (viii) A programme of aftercare.
50. Policy WDC17 states (*inter alia*) that in granting planning permission for waste management development, conditions will be attached to control the effect of the development on the environment and the local community.
51. Policy WDC18 states (*inter alia*) that planning obligations will be sought where appropriate to achieve suitable control over and to mitigate and/or compensate for the effects of waste management development where such objectives cannot be achieved by planning conditions.

Hinckley and Bosworth District Council Local Plan (2006-2026)

52. Policy DM 1 (Presumption in Favour of Sustainable Development) states that planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Policy DM4 (Safeguarding the Countryside and Settlement Separation) states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided

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- within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation. and: (*inter alia*)
    - i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
    - ii) It does not undermine the physical and perceived separation and open character between settlements; and
    - iii) It does not create or exacerbate ribbon development.
53. Policy DM7 (Preventing Pollution and Flooding) states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that:
- a) It will not adversely impact the water quality, ecological value or drainage function of water bodies in the borough;
  - b) Appropriate containment solutions for oils, fuels and chemicals are provided;
  - c) All reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion;
  - d) It would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity;
  - e) Appropriate remediation of contaminated land in line with minimum national standards is undertaken;
  - f) It will not contribute to poor air quality;
  - g) It will not result in land instability or further intensify existing unstable land; and
  - h) The development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.
54. Policy DM 10 (Development and Design) states that development will be permitted provided that; it would not have a significant adverse effect on the privacy and amenity of nearby occupiers of adjacent buildings; the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site and it complements the character of the surrounding area.
55. Policy DM 17 (Highways and Transportation) states that development proposals will be supported where they:
- Seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services;
  - Seek to ensure that there is convenient and safe access for walking and cycling to services and facilities;
  - Demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant

- movement;
- That the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised;
  - Where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.
  - Where appropriate, improvements will be required to be undertaken to the highways and transportation network to limit any significant impacts arising from the development (taking into account cost effectiveness).
  - All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority.

Leicestershire, Leicester & Rutland Waste Local Plan 1995 – 2006 (Saved Policies)

56. Policy WLP 7 – Assessment of Proposals, sets out a list of criteria that all waste management proposals need to take account of.

Emerging Policies

Leicestershire Minerals and Waste Local Plan Up to 2031

57. In October 2018 the emerging Leicestershire Minerals and Waste Local Plan was the subject of a Public Hearing by an Inspector appointed by the Secretary of State to Examine the Plan for legal compliance and soundness. The Inspector's final report is awaited, but due to the stage of this emerging document, some weight can be attached to its policies.
58. Table 8 in the emerging document illustrates the current and predicted short fall in C&D inert waste landfill capacity over the plan period:

Table 8: Indicative scale (tonnes per annum [tpa]) and number of facilities required for the landfilling of construction & demolition (inert) waste, based on operational capacity.

Year	Gross Requirement (tpa)	Capacity (tpa)	Shortfall/ Surplus (tpa)	New facilities required (no. & tpa)
2020/21	530,000	445,000	-85,000	1 of 100,000
2025/26	530,000	240,000	-290,000	3 of 100,000
2030/31	530,000	90,000	-440,000	4 of 100,000

59. Policy W1: Waste Management Capacity states the County Council will make provision for a sufficient range of waste facilities within the County of Leicestershire to manage the equivalent of the predicted arisings for the County up to and including 2031 and to meet the recycling, composting and recovery targets as a minimum as presented in Tables 5, 6, 7, 8, 9 and 10 at 2020/21, 2025/26 and 2030/31 subject to any new arisings forecasts published in the Council's Annual Monitoring Reports.
60. Policy W4: Non-strategic Waste Facilities states that planning permission will be granted for new non-strategic waste facilities, including extensions to existing waste facilities, within the following areas taking into account the principles set out in Policy W5:
- (i) the Broad Locations for Strategic Waste Facilities, that is, in or close to the urban areas of Loughborough/Shepshed, Hinckley/Burbage and Coalville and close to the urban area of Leicester;

- (ii) in or close to the main urban areas of Melton Mowbray and Market Harborough; and
- (iii) within major growth areas.

Proposals for new waste facilities, including extensions to existing waste facilities, outside the above areas will only be granted where they are:

- (a) facilities for the biological treatment of waste including anaerobic digestion and open-air windrow composting;
- (b) the treatment of waste water and sewage;
- (c) landfilling of waste; or
- (d) facilities that require a more dispersed location to provide a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits subject to the principles set out in Policy W5. Such a proposal must demonstrate there is an overriding need for the development and that this cannot be met within the urban areas set out above in (i) to (iii).

61. Policy W5: Locating Waste Facilities states that planning permission will be granted for waste facilities in accordance with the objectives of Policies W3 and W4 upon the following land:

- (i) on land with an existing waste management use, where transport, operational and environmental benefits can be demonstrated either as a consequence of proximity to the existing waste management uses or the co-location of waste management facilities;
- (ii) on existing or planned industrial/employment land;
- (iii) on previously developed, contaminated and/or derelict land; and
- (iv) on existing mineral working sites.

Land not included in (i)-(iv) above will be considered where there is a clear link between the proposed location and the waste managed which would result in transport, operational and environmental benefits, and there is an overriding need for the development which cannot be met within the urban areas set out in (i)-(iii) of Policy W4.

62. Policy W8: Waste Disposal states that planning permission will be granted for new or extended waste disposal facilities where:

- i) it is demonstrated that the waste cannot be managed in a more sustainable way;
- ii) environmental benefits will be secured by the development;
- iii) there is an overriding need for the development; and
- iv) the development does not delay the final restoration of existing landfill or landraise sites.

The County Council will make provision over the plan period (2015 to 2031) for the disposal of inert waste at the following locations:

- (i) the remaining permitted capacity available at the following existing landfill operations: Brooksby, Ellistown, Huncote, Husbands Bosworth, Lockington, New Albion, Shawell and Slip Inn.
- (ii) the following additional landfill areas as shown on the Policies Map Insets, subject to the requirements set out in Boxes SA1, SA3 and SA7: Brooksby Quarry; Husbands Bosworth Quarry; and Ibstock Quarry.”

63. Policy DM1: Sustainable Development states that when considering proposals for minerals and waste development Leicestershire County Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Proposals should contribute to the three dimensions (economic, environmental and social)

of sustainable development, as well as providing clear evidence of how a proposal would make a positive contribution to reducing its effects on climate change. The County Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the County of Leicestershire. Planning applications that accord with the policies in this Minerals and Waste Local Plan will be approved unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the County Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- (i) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- (ii) Specific policies in the National Planning Policy Framework indicate that development should be restricted.

64. Policy DM2: Local Environment and Community Protection states that planning permission will be granted for minerals and waste development where it is demonstrated that the potential effects from birdstrikes, dust, emissions, flooding, illumination, noise, odour, run-off, traffic, vibration, or visual intrusion to adjoining land uses and users and those in close proximity to the proposal would be acceptable. Where appropriate, separation distances between a development and other land uses will be applied.
65. Policy DM5: Landscape Impact states that planning permission will be granted for minerals and waste development where it is demonstrated that the proposal is well designed, contributes positively to the character and quality of the area in which it is to be located, and (where appropriate) contains sufficient provision for new woodland planting. In granting planning permission for minerals and waste development, screening (including planting in advance of the commencement of the development) will be required, where appropriate.
66. Policy DM9: Transportation by Road states that planning permission will be granted for minerals and waste development involving the transportation of material by road where it is demonstrated that:
  - (i) road transport is the only practicable and environmentally preferable alternative;
  - (ii) the proposed access arrangements would be safe and appropriate to the proposed development and the impact on road safety of the traffic generated would be acceptable;
  - (iii) the highway network is able to accommodate the traffic that would be generated and would have an acceptable impact on the environment of local residents;
  - (iv) the proposal is in close proximity to the County's lorry network and would not result in unnecessary impact on residential areas and minor roads; and
  - (v) in the case of new waste management facilities, the proposal is in close proximity to the waste arisings that would be managed to minimise the transportation of waste.
67. Policy DM10: Public Rights of Way Planning permission will be granted for minerals and waste development where it is demonstrated that the proposal would protect public rights of way. Where disruption of a right of way is unavoidable, convenient and safe diversion or the creation of an alternative route both during operations and following restoration of the site will be required.

The opportunity will be taken, wherever possible, to secure appropriate, improved access into the countryside.

68. Policy DM11: Cumulative Impact states that planning permission will be granted for minerals and waste development where it is demonstrated that cumulative impacts on the environment of an area or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively, are acceptable.
69. Policy DM12: Restoration, Aftercare and After-use states that planning permission will be granted for temporary minerals and waste development where satisfactory provision has been made to ensure high quality, progressive restoration of the site (where practicable) and a minimum five year programme of aftercare. Site restoration shall attain a net gain in biodiversity. Sites of less than 10 hectares shall create a minimum of one of the priority habitats set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan. Sites greater than 10 hectares shall provide for a mosaic of priority habitats set out in the Leicester, Leicestershire and Rutland Biodiversity Action Plan to attain a significant net gain in biodiversity. The priority habitats specified below will be sought as after-uses in the following broad areas of Leicestershire:

- Charnwood Forest (within and adjoining) – Heath grassland and/or native deciduous woodland;
- National Forest – Native deciduous woodland;
- Soar, Wreake and Welland Valleys – Floodplain wetland;
- North East Leicestershire – Calcareous grassland; and
- River Floodplains – Wet woodland.

All opportunities should be taken to provide new Barn Owl and Bat boxes, and Sand Martin colonies. Sites should be restored with consideration to its setting so that opportunities are taken to create, protect and enhance biodiversity, green and blue infrastructure networks, heritage assets, and the restored landscape reflects the local character of the area. Sites in the Leicestershire Vales National Character Area shall be expected to manage retained mature hedgerows in the traditional ‘Midlands-style’ hedge laying technique. Where restoration is to an agricultural use the final landscape and field pattern shall reflect the historic landscape character of the site and its surroundings. Restored sites will be expected to take all possible opportunities to maximise public access and improve the public rights of way network.

### **Consultations**

#### **Hinckley and Bosworth Borough Council - Planning**

70. No objection.

#### **Hinckley and Bosworth Borough Council - Environmental Health**

71. No objection, subject to conditions including reducing the proposed hours of operation.

#### **Earl Shilton Town Council**

72. Neither support or object to the proposal, but the Council is concerned about general impacts on local amenity. If permission is granted the Council wishes to see conditions imposed covering HGV signage, reduced hours of



operation (including no working on Saturdays), no right turn in and out of Mill Lane, wheel wash facilities in place, limits on the size of HGV attending the site and an advisory speed limit on Mill Lane for HGVs.

#### **Leicestershire County Council – Landscape Advice**

73. No objection subject to appropriate conditions and notes that proposed temporary acoustic fencing along Mill Lane close to Mirfield Farm would be acceptable from a visual amenity perspective.

#### **Leicestershire County Council – Ecological Advice**

74. Raises no objection but notes that the development would impact directly on badger setts. Therefore, conditions are recommended covering further badger surveys and mitigation strategies before the commencement of development and the need for certain works to take place outside the bird breeding bird season unless a qualified ecological consultant confirms that there are no breeding birds present.

#### **Leicestershire County Council – Rights of Way**

75. The Rights of Way officer raises strong concerns regarding the current state of the Mill Lane surface and how the proposed development may significantly affect this making it impassable to the general public. Wishes to see conditions imposed to protect rights of way users.

#### **Lead Local Flood Authority (LLFA)**

76. Raises no objection subject to conditions.

#### **Highway Authority (Leicestershire County Council)**

77. The Highway Authority has concerns about the application, but based on the following points and the imposition of appropriate planning conditions and the applicant entering into a planning obligation covering off-site works, raises no objection:
- Hours of operation will be limited / reduced to 0800-1800 Monday to Saturday; this will mean that there is less likelihood of conflict with the leisure uses of Mill Lane;
  - The applicant is willing to accept a condition in the form of a Site Traffic Management Plan requiring their HGV's to turn left on entry/exit from Mill Lane to Clickers Way;
  - A 10mph speed limit will be imposed by the Applicant on all their HGV's accessing the site;
  - A 'before and after' survey will be undertaken by the Developer, with input from the LHA, and any additional damage to the structure of Mill Lane will be rectified / can be rectified under Section 59 of the Highways Act;
  - The Applicant will infill potholes at the time the passing bays are constructed; and,
  - The Applicant will undertake regular inspections and pothole repair [of Mill Lane] for the duration of operations.

#### **Environment Agency**

78. No objection.

**Natural England**

79. No comment.

**National Grid**

80. No objection but notes that there is a main gas pipe and also overhead cables in the vicinity of the site and requests conditions be imposed in this regard.

**Publicity**

81. The planning application has been publicised by a press notice in the Hinckley Times posted on 14<sup>th</sup> December 2016. Site Notices and neighbour notification letters were posted on 9<sup>th</sup> December 2016.

**Representations Received**

82. Five residents, including the owner of the commercial stables at Mirfield Farm, have made representations on this proposal, raising strong concerns in relation to the following:
- Inadequacy of the junction between Mill Lane and the A47 Clickers Way;
  - Lack of acceptable passing bays along Mill Lane;
  - State of Mill Lane means it is unacceptable to take HGVs;
  - Conflict with horses using Mill Lane which is unacceptable and dangerous for horses and riders and may impact upon the viability of the stables at Mirfield Farm;
  - Hours of use are inappropriate for this location; and
  - Noise and impacts on general amenity to local rights of way users and the dwelling and commercial stables at Mirfield Farm.

**Assessment of Proposals**

83. This proposal is to restore Barrow Hill Quarry using imported inert construction and demolition waste and soils with the site being returned to agriculture post restoration. As part of the proposal there would be an element of recycling undertaken so that recyclable material is exported from the site and only material unfit/unviable for reuse is used to infill the site.
84. The site is an old quarry, where extraction ceased decades ago and partial infilling has previously taken place. There are no restoration conditions currently enforceable on the site and therefore the site can be considered to be brownfield land.

**Strategic Policy Assessment**

85. Policy WCS8 sets the strategy for inert waste landfill, which needs to be considered alongside Policies WCS3 and WCS4. It is considered that the proposals would not conflict with Policy WCS8 insofar as the imported waste would be subject to an element of recycling first, there are clear environmental benefits in returning this brownfield site back to agriculture through an appropriate restoration scheme and there are no inert waste landfill sites in close proximity to the site that may be delayed by the proposals. The fourth criterion in WCS8 requires that the proposal does not cause unacceptable harm to the environment or communities and this is considered in more detail below.

86. Policy WCS3 sets the locational priorities for non strategic waste sites. This site fails to meet the four criteria stated in the policy and so it is necessary to consider whether this 'dispersed' locational can be justified. In considering the location it is useful to note Policy WCS4, which seeks to prioritise waste development to existing waste sites, then to other operational/previously developed land and finally to greenfield sites. This site falls within the second level of priority.
87. The isolated and rural nature of the site does not, in principle, lend itself to a waste use. However, it has to be taken into consideration the fact that this is a disused quarry site, the restoration of which is supported by both national and local planning policy. As supported by Policy MCS17, it is considered that the site ought to be restored as early as practicable and, therefore, that a more dispersed location in this instance is demonstrably acceptable. Notwithstanding this, it is important to note that while the temporary recycling operation proposed on the site is considered to be acceptable as part of the landfilling operations, such operations would be in conflict with Policy WCS3 once restoration is complete.
88. Policy DM4 in the Hinckley & Bosworth Local Plan seeks to resist 'unsustainable' development taking place in the countryside. It lists development that would be considered to be sustainable, but this list does not include waste uses. Notwithstanding this, it is considered that, in principle, the restoration of a disused quarry back to agriculture is sustainable development and that the strategic policies in the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies, Leicestershire & Leicester WDF Core Strategy and Development Control Policies and emerging Minerals and Waste Local Plan policies outweigh the potential conflict with the Local Plan in this instance. Overall, it is considered that the proposals have in-principle support, subject to considerations of impacts on the environment and local communities.

### Environmental and Community Impact Considerations

#### *Noise*

89. The applicant submitted a Noise Assessment (NA) with the application that considered the noise impacts likely to arise from site operations and HGVs accessing the site along local roads. The NA concludes that the development can take place without generating significant noise impacts on local sensitive receptors.
90. It is considered that the site is sufficiently distanced from local residential properties to ensure that noise impacts from on-site operations would be minimal. HGVs accessing the site would cause some noise disturbance to the owners of Mirfield Farm along Mill Lane, but it is not considered that such disturbance would be significant. To further mitigate noise impacts from HGVs the Applicant proposes erecting acoustic fencing along Mill Lane close to Mirfield Farm. This would be in the highway and be subject to a S278 agreement with the Highway Authority.
91. The EHO has considered the proposals and raises no objection subject to the imposition of conditions. Subject to conditions, including a limit on the hours of use, it is considered that there would be no significant impacts from noise arising from this proposal and conflict with Policies WCS10 and DM10 in this regard.

#### *Flood Risk and Drainage*

92. A Flood Risk Assessment (FRA) was submitted with the application which has

been considered by the Lead Local Flood Authority (LLFA) and the Environment Agency. The LLFA originally objected to the proposal due to a lack of a post-restoration drainage scheme on land under the control of the Applicant.

93. The Applicant has submitted evidence to demonstrate that an adjacent landowner has given him express permission for the drainage scheme to cross his land. However, the new scheme includes land outside the original 'red line' and cannot be controlled by planning condition. It is considered that a separate planning permission for the off-site drainage works will be necessary to make the current proposal acceptable and that a Grampian style condition and a planning obligation can provide the necessary control over this matter. Therefore, subject to an appropriate condition and planning obligation it is considered that there will be no unacceptable flood risks arising from the development and no conflict with relevant Development Plan policies in this regard.

#### *Ecology*

94. The Applicant commissioned an Ecological Survey (ES) of the site to support the application. The ES comprised a desk-top study, Extended Phase 1 habitat survey and protected species surveys.
95. The County Ecologist has assessed the ES and considers that the development can take place, subject to conditions, without generating unacceptable impacts on ecological interests. Therefore, it is considered there would be no conflict with Policy WCS10.

#### *Landscape and Visual Amenity*

96. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA) that considered both local and wider landscape impacts of the proposal. The Council's Landscape officer has considered the LVIA and, subject to conditions relating to species mixes, agrees with the conclusions of the LVIA and raises no objection.
97. There have been no other objections raised on landscape grounds and, therefore, it is considered that the proposal would be acceptable in this regard and there would be no conflict the Development Plan.

#### *Transport & Rights of Way*

98. Perhaps the biggest concern with this application relates to the need for HGVs to travel along Mill Lane to access Barrow Hill Quarry. Mill Lane is a single track lane with very limited passing opportunities and a surface that is of very poor condition with several large pot holes. It is also used by horse riders and other non-vehicular traffic with no footways. Notwithstanding this, Mill Lane is a public highway maintainable by the Highway Authority (HA) along its entire length from Clickers Way to the proposed new access to Barrow Hill Quarry and therefore this has to be taken into consideration when assessing the impacts of the proposed development.
99. HGV access would be taken from the A47 Clickers Way, along Mill Lane and into the site via a new temporary access along the northern side of the quarry site. The Applicant proposes a daily limit of 50 HGV movements (25 in and 25 out) for a period not exceeding three years.
100. As part of the mitigation proposed, new temporary passing bays would be created by the Applicant at appropriate points along Mill Lane, with such works being the

subject of a S278 legal agreement with the Highway Authority.

101. The HA notes that Mill Lane is a public highway and has assessed the proposals in great detail. It raises no objection in principle subject to conditions including the Applicant infilling potholes before and during the development, a Site Traffic Management Plan and signage. The HA was also asked to consider an alternative access route via The Yennards, to the east of the application site, which would avoid Mill Lane but raised an objection to this because of the impact of HGVs along the route. Therefore, Mill Lane is the only route into the site that the HA would consider acceptable for the purposes of restoring the site via infill.
102. Several representations have been received regarding the impacts the HGVs would have on horses and their riders who regularly use Mill Lane and the potential significant impact the proposed development would have on the commercial stabling facilities provided at Mirfield Farm. The last 50 metres or so of Mill Lane up to the junction with Clickers Way is an official bridleway, as is a section adjacent to the eastern side of the site, but the stretch outside Mirfield Farm is not classified as bridleway.
103. The Rights of Way officer has raised concerns regarding potential conflict with HGVs and other users of local rights of way, and also notes that the state of Mill Lane was 'atrocious' at the time of his visit. The Rights of Way officer also recommends a condition be imposed requiring a Mitigation Plan that seeks to provide safe routes for pedestrians and horse riders.
104. In the light of the fact that Mill Lane is a highway maintainable at the public expense, there would be some public benefit arriving from the Applicant repairing and maintaining the potholes before and during the development, putting in place passing bays and, subject to limits on operational hours, potential conflict with other users of Mill Lane can be reduced.
105. There is no doubt that there would be some impacts on users of Mill Lane and the residents and horse riders associated with the commercial stables at Mirfield Farm. However, the HA considers that the impacts would be less than significant and that, subject to conditions, it would not be possible to support a recommendation of refusal on highway safety and capacity grounds. It is therefore considered that the proposals do not conflict with Policies WDC10 and DM17. The HA does not comment on general amenity impacts arising from the proposed development and these are considered below.

#### *Amenity & Cumulative Impacts*

106. The proposed development will affect Mirfield Farm (and the stables located there) and users of Mill Lane. However, noise impacts arising from on-site operations at the site will be negligible and it is the use of Mill Lane that presents the main concern. Mill Lane is a public highway and HGVs currently have the right to use Mill Lane as do other vehicles albeit there is currently not much reason for them to do so..
107. The impacts would be for a temporary period and importation is unlikely to take place every working day due to the nature of the material being imported. The NA concludes that there would be no unacceptable noise impacts from the HGVs using Mill Lane on the residents at Mirfield Farm and the TS considers the route to be acceptable.

108. Strong concerns have been raised about the impacts on the viability of the commercial stabling facilities at Mirfield Farm due to perceived risks on horses and their riders who regularly use Mill Lane to access bridledways in the locality. It is difficult to quantify such perceived risks and any potential loss of trade for the stables, but such concerns have to be taken into consideration and given some weight. Notwithstanding this, the fact remains that Mill Lane is a public highway, and only a small section of it is a dedicated bridledway, which means that horses will always be in potential conflict with motor vehicles using this road.
109. Turning to consider impacts in combination there is nothing out of the ordinary or unusual about the development which would make otherwise acceptable individual impacts unacceptable in combination. In the light of the above, and subject to conditions, when taken together for the duration of the operation, and beyond in the case of landscaping and ecological benefits, the impacts of the development would not represent a significant adverse environmental impact on the area, nor could be considered to result in an unacceptable cumulative impact taking into account other permitted developments in the local area.

### **Conclusions**

110. The proposal to restore the disused Barrow Hill Quarry back to an agricultural use using imported inert waste with ancillary recycling benefits from significant in principle support from the strategic policies of the Development Plan. The site is a brownfield former quarry site that would benefit from being restored as soon as practicable to a productive use in keeping with its countryside location.
111. The technical assessments submitted with the planning application demonstrate that the development will not have unacceptable individual impacts by way of noise, flood risk and highway safety and there are no objections from statutory consultees.
112. There are concerns over potential impacts of HGVs on other users of Mill Lane, in particular horses and their riders, and also on the commercial stables at Mirfield Farm. However, it has to be noted that Mill Lane is a public highway and it is difficult to quantify the potential for conflict. Overall it is not considered that such concerns outweigh the clear benefits of a temporary operation restoring the site within a proposed four year period.
113. It is considered that on balance planning permission ought to be granted subject to the imposition of the conditions proposed in Appendix A and the prior signing of a planning obligation covering matters including off site highway signage, passing bays, acoustic fencing and highway surfacing improvements and management.

### **Recommendation**

1. PERMIT planning application no. 2016/1119/04 subject to the conditions as set out in Appendix A and the prior signing of a planning obligation covering off site works including drainage, highway improvements and signage.
2. To endorse as required by the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), a summary of how the County Planning Authority has worked with the applicant in a positive and proactive manner:  
In dealing with the application and reaching a decision account has been taken of paragraphs 38 of the National Planning Policy Framework.

**APPENDIX A****Conditions****Scope of Permission**

1. The development hereby permitted shall be commenced within three years from the date of this permission. Written notification of such commencement shall be provided to the County Planning Authority within seven days of the commencement taking place.
2. Unless otherwise required by the following conditions the development hereby permitted shall be carried out in accordance with the following details:
  - Application form dated 23/11/2016;
  - Planning Statement dated November 2016;
  - Drawings Nos: 1866-01-01 – Site Location Plan; 1866-01-02 Rev B – Statutory (Red Line) Plan; 1866-01-04 – Vegetation Removal/Protection Plan; 1866-01-05 Rev A – Access Arrangements; 2700/1/002 Rev B – Proposed Formation Levels; 2700/1/003 Rev B – Top of Liner Levels; 2700/1/004 – Sections; 2700/1/005 Rev E – Proposed Restoration Levels; 2700/1/006 Rev D – Proposed Phasing Plan; 1866-01-03 Rev B – Landscape & Ecological Enhancement Plan;
  - Supporting Statement dated 22/01/2018;
  - Ecological Assessment by Axis Ltd dated 8<sup>th</sup> November 2016;
  - Transport Assessment by Axis Ltd dated November 2016
  - Noise Impact Assessment by NVC Ltd dated 9<sup>th</sup> September 2016;
  - Landscape and Visual Impact Assessment by Axis Ltd dated November 2016;
  - Flood Risk Assessment and Conceptual Surface Water Management Plan dated 16<sup>th</sup> March 2017;
  - Letter from John Hollister of AECOM dated 6<sup>th</sup> February 2018 and accompanying plans ref. 60550671-01 – Passing Bays & 60550671-02 Acoustic Fencing details;
  - Email and attached drawings from John Hollister of AECOM dated 1<sup>st</sup> November 2018
3. A copy of the permission, plans and documents referred to in Condition 2 above, including any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept available on site for the duration of the development.

**Working and Phasing Details**

4. The phasing of restoration operations shall take place in accordance with plan ref. 2700/1/006 Rev D – Proposed Phasing Plan dated 22<sup>nd</sup> November 2016.

**Restriction of Permitted Development Rights**

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as amended):
  - a) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site without the prior approval in writing of the County Planning Authority; and
  - b) no artificial lighting shall be installed or erected at the site unless details of the location, height, design, hours of operation and luminance have been agreed in writing by the County Planning Authority.

Hours of Operation

6. No operations shall be carried out on the site except between the following times:  
07:00 – 18:00 Monday to Friday; and  
07:00 – 13:00 Saturdays.  
No operations shall be carried out anytime on Sundays, Bank Holidays and Public Holidays.
7. Notwithstanding Condition 6 above, no HGVs shall enter the site and no crushing operations shall be undertaken except between the hours of 07:00 and 17:00 Monday to Friday.

Access and Highways

8. The proposed new site access off Mill Lane, as indicated on drawing no. 1866-01-05 Rev A – Access Arrangements shall be the only access point to and from the public highway. No vehicles accessing or leaving the site shall do so by any other access.
9. All vehicles exiting the site shall have their wheels cleaned as may be necessary so that no mud and other debris is deposited on the public highway.
10. The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times and until such time as it is no longer required for these operations.
11. No waste shall be imported to the site until details of the design for the off-site highway works, being a scheme of warning signs on Clickers Way and Mill Lane, have been approved in writing by the County Planning Authority and the approved scheme has been constructed in accordance with the approved details.
12. No waste shall be imported to the site until such time as a site traffic management plan, including; a left in / left out access for all HGV traffic from/to Clickers Way/Mill Lane; wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the County Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
13. No waste shall be imported to the site until the Applicant shall has met with a representative of the Local Highways Authority and undertaken an inspection of Mill Lane, in order to agree the condition of the highway. Immediately prior to completion of the development the Applicant shall meet with a representative of the Local Highways Authority and shall repeat the inspection of Mill Lane in order to agree what (if any) highway works are required as a consequence of the haulage movements. Within 28 days of the completion of the development, the Applicant shall provide the agreed works to the highway to the specification and satisfaction of the Local Highways Authority.
14. There shall be no more than 25 HGV movements in to the site and no more than 25 HGV movements out of the site on any working day. Written records of all HGV movements in to and out of the site shall be maintained for the duration of the development and a record of such movements shall be provided to the County Solicitor within 48 hours of such a request being made.



Drainage (Please also see Notes to Applicant)

15. No development that is the subject of this permission shall take place whatsoever until planning permission has been issued for the proposed off-site drainage works submitted under email from John Hollister dated 1<sup>st</sup> November 2018 and attached drawing no. 60550671-ESH-005 titled 'Restoration Surface Water Management'.
16. No surface water shall be discharged from the site until such time as a surface water drainage scheme for both operational and post-operational phases has been submitted to and approved in writing by the County Planning Authority.
17. Prior to the discharge of any surface water from the site a scheme for the long-term maintenance of the surface water drainage system within the development shall have been submitted to and approved in writing by the County Planning Authority.

Protection of Vegetation

18. All trees, shrubs and hedges planted or retained within or along the boundary of the site shall be protected and maintained throughout the duration of the development and restoration operations hereby permitted. Such maintenance shall include the replacement of any plant that may die or be seriously damaged or become seriously diseased, to the satisfaction of the County Planning Authority.
19. Prior to the importation of waste to the site, a tree survey shall be undertaken by a qualified Arboricultural consultant in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations to ensure that the proposed carriageway widening works do not damage existing trees. In addition it must be demonstrated that the trees will have a clearance of 5.2m over the highway to ensure that construction vehicles and tipper trucks do not damage the lower branches of the trees.

Rights of Way

20. No waste shall be imported to the site until a Traffic Management Plan has been submitted to and approved in writing by the County Planning Authority. The Traffic Management Plan shall include, for example, the steps to be taken in order to:
  - control the speed of HGVs;
  - establish courtesy / safety protocols / priorities for when other users and HGVs need to pass each other; and
  - establish procedures for addressing any complaints, reporting, enforcement and review.

Ecology

21. All development on site must be carried out in accordance with the badger mitigation recommendations in the Ecological Assessment report by Axis Ltd (2016) and any subsequent updates. Badger re-surveys by a competent ecologist and updating of mitigation plans must be done within 6 months prior to the start of each phase of development, and recommended mitigation arising from this must be followed.

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22. Vegetation and site clearance may only take place outside the bird nesting season (March to August inclusive) or within 24 hours of the 'all-clear' from a suitably qualified ecologist following a negative bird-nesting survey.

#### Dust

23. All operations shall be carried out in a manner which minimises the emission of dust from the site. All haul roads and vehicle movement areas shall be compacted. All haul roads, vehicle movement areas and dry exposed material shall be watered as necessary in dry and windy conditions to prevent dust becoming airborne.
24. At such times as operations on site give rise, in the opinion of the County Planning Authority, to unacceptable levels of dust leaving the site, such as during adverse conditions due to strong winds combined with dry weather, such operations shall be temporarily suspended until such time as the operations can be resumed without causing such nuisance, either by a change in working, weather conditions or by taking other additional measures.

#### Amenity Protection

25. Prior to the importation of any waste to the site an Environmental Management Plan shall be submitted to and agreed in writing by the County Planning Authority. The plan shall detail how, during the site preparation and operational phases of the development, impacts on existing residential premises and the environment shall be prevented or mitigated from noise and light. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The development shall not take place except in accordance with the approved Environmental Management Plan.

#### Contaminated Land

26. Prior to the importation of any waste to the site a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the County Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be subsequently implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
27. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the County Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. All remediation works so approved shall be carried out prior to the recommencement of the development.

#### Site Restoration, Planting and Aftercare

28. No later than six months after the commencement of the development the applicant shall submit a detailed restoration and aftercare programme for the

site for the written approval of the County Planning Authority. The site shall not be restored except in accordance with the approved scheme and in accordance with conditions 29 and 30 below.

29. No later than four years from the date of commencement of the development (as notified under Condition 1 above), all plant, machinery and temporary structures shall be removed from the site and the whole of the site shall be restored to the levels indicated on drawing no. 2700/1/005 Rev E and in accordance with a detailed restoration scheme approved under Condition 28 above.
30. Following the final restoration of any part of the site the land shall be treated for a 5 year period in accordance with an aftercare scheme or schemes which shall have been submitted to and approved by the County Planning Authority prior to the completion of restoration in the relevant part of the site. For the avoidance of doubt the aftercare requirements will apply to areas of agriculture, grassland, woodland, reedbeds and wetlands, trees and hedgerows. The submitted schemes shall:
  - a. be submitted for the written approval of the County Planning Authority not later than 6 months prior to the date on which it is first expected that the replacement of topsoil or the formation of a reedbed or wetland, grassland or the planting of a tree or hedgerow shall take place;
  - b. provide an outline strategy for the 5 year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken to return the land to beneficial use and shall provide for annual meetings between the operator, the County Planning Authority and other agencies as appropriate (e.g. Natural England, Environment Agency) in respect of any restored arable land, grassland, reedbed and wetland, hedgerow or trees.
  - c. provide for the submission, annually, and implementation of a detailed annual programme of aftercare works having regard to extant relevant guidance regarding agriculture, forestry, ecology and nature conservation.

### **Reasons**

1. To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to allow the County Planning Authority to monitor development at the site.
2. For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner and in accordance with the details submitted.
3. To ensure that the site operator is fully aware of the conditions and the approved details.
4. To ensure that the development is undertaken in a phased and methodical manner and to ensure that restoration can take place at the earliest opportunity (Policy MCS17 of the Leicestershire Minerals Development Framework Core Strategy).
5. Due to the location of the site there is an exceptional need to secure control over additional plant, machinery and lighting, in the interests of the amenity of

- the area and bearing in mind the degree of discretion otherwise allowed by the GPDO.
- 6&7 To protect the amenities of local residents and to reduce the risk of conflict between HGVs accessing the site and users of Mill Lane and local rights of way.
- 8,9 In the interests of highway safety and local amenity (Policy WDC10 of the  
10, 11 Leicestershire & Leicester Waste Development Framework Core Strategy)  
12, 13  
& 14.
15. The Applicant cannot currently demonstrate an acceptable form of post-restoration surface water drainage and off site drainage is required that is beyond the scope of this planning permission (Policy WDC12 of the Leicestershire & Leicester Waste Development Framework Core Strategy)..
16. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site (Policy WDC12 of the Leicestershire & Leicester Waste Development Framework Core Strategy).
17. 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 surface water drainage system (including sustainable drainage systems) within the proposed development (Policy WDC12 of the Leicestershire & Leicester Waste Development Framework Core Strategy).
- 18&  
19. In the interests of local amenity and to protect existing vegetation in the Locality (Policy WCS10 of the Leicestershire & Leicester Waste Development Framework Core Strategy).
20. In order to reduce the risk of conflict between rights of users and vehicles accessing the site (Policy WDC11 of the Leicestershire & Leicester Waste Development Framework Core Strategy).
- 21 &  
22. To protect ecological interests and protected species (Policy WCS10 of the Leicestershire & Leicester Waste Development Framework Core Strategy).
- 23, 24 In the interests of local amenity (Policies WDC8 and WCS10 of the  
& 25. Leicestershire & Leicester Waste Development Framework Core Strategy).
- 26 &  
27. To minimise the risk of ground contamination (Policies WDC11 and WDC17 of the Leicestershire & Leicester Waste Development Framework Core Strategy).
- 28, 29 To ensure a satisfactory form of restoration that takes place in a timely manner  
& 30. and to ensure that the site is returned to a beneficial use thereafter (Policy WDC15 of the Leicestershire & Leicester Waste Development Framework Core Strategy and DM4 of the Hinckley & Bosworth District Council Local Plan).

**Notes to Applicant**

1. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).
2. A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
3. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
4. The Applicant is advised that while waste recycling operations ancillary to the inert landfilling approved by this permission are considered acceptable, the location of the site is not considered appropriate as a stand alone waste recycling facility.
5. Where there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/Flood-risk-management>. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
6. The Applicant's attention is drawn to the letter from National Grid dated 21<sup>st</sup> December 2016 which is attached to and forms part of this permission.

**Respective condition notes pertinent to conditions 15 – 17 inclusive**

1. The scheme shall include the utilisation of holding sustainable drainage 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. 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.
2. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

3. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system.

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