

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

31 October 2022

Report of the Executive Director of Place

- 1 Application for Importation and Stockpiling of 50,000 Tonnes of Pulverised Fuel Ash (PFA) within Existing Clay Stockpiling Area of Waingroves Quarry at Whiteley Road, Ripley, Derbyshire, DE5 3QL
Applicant: Forterra Building Products Ltd
Code No: CM6/0522/5**

6.835.10

1. Introductory Summary

- 1.1 The applicant, Forterra Building Products Ltd, is the owner and operator of Waingroves Quarry (a brick clay quarry near Ripley) and is seeking planning permission to import and stockpile temporarily 50,000 tonnes of Pulverised Fuel Ash (PFA) at the current clay stockpiling area at Waingroves Quarry. The material would be imported over 12 weeks and would be stockpiled. The material would be exported when needed to existing company brickworks for block manufacturing.
- 1.2 The site is located within the Green Belt. Amenity and landscape impacts have been considered and no significant adverse impacts are identified. The proposal is considered to comply with development plan policies in the Amber Valley Borough Local Plan (AVBLP) and the Derby and Derbyshire Minerals Local Plan (DDMLP). The application is recommended for approval subject to planning conditions.

2. Divisions Affected

- 2.1 Ripley East and Codnor.

3. Purpose

- 3.1 To enable the application to be determined by the Regulatory - Planning Committee.

4. Information and Analysis

The Site

- 4.1 The application site is located at Waingroves Quarry, Whiteley Road, Ripley. The quarry site lies approximately 1.5 kilometres (km) south-east of Ripley town centre and is in the Amber Valley Green Belt. The site is bordered on three sides by the residential areas of Greenhillocks and Marehay to the west, Peasehill, Waingroves and Codnor to the north and north-east, and Codnor and Crosshill to the east. The nearest residential properties are approximately 200 metres (m) from the application site. The extraction of clay, to be used for the purposes of brickmaking, has taken place at the site since at least the beginning of the 20th century, pre-dating the current planning system. The quarry complex has a surface area of 68.4 hectares (ha) and comprises three distinct areas of development. These can briefly be described as the western area, which is now restored (Phase 1 of the previously approved working scheme) and which is adjacent to the residential areas of Marehay and Greenhillocks, the southern and eastern areas, which form the existing operational quarry and stockpiling areas (phases 2 and 3 of the approved scheme), and the northern area, which currently comprises a series of agricultural fields, bounded by hedgerows and trees. Clay extraction is currently occurring between phases 4 and 5 of the approved quarry development plans, to the south of Waingroves Hall.
- 4.2 The site is accessed off Whiteley Road and is approximately 2km east of the junction of the A38 and A610. Access to the site crosses the Collins Earthworks site from Whiteley Street which the applicant has a right of access over. The stockpiling area and quarry form two detached areas. The stockpiling area forms a semi-circle bounded by a screening mound, supporting a mature screen of trees and wrapping around the east, south and west boundaries. The stockpiling area is well screened on three sides with an open side to the north dominated by the wide expanse of the Collins Earthworks industrial site.
- 4.3 Approximately 700m to the east of the stockpiling area is Waingroves Hall Wood, an ancient and semi natural woodland, with Waingroves Hall, Cottage and ancillary barns approximately 500m to the east which are Grade II listed and covered by a small conservation area. There is a

series of public rights of way that cross the area, with footpaths running to the northern boundary, heading to the edge of the quarry, and a further footpath to the south and west.

4.4 **Planning History**

- Permitted development prior approval application code no. PD17/6/53 – Works compound, approved 29 October 2015.
- Planning Permission code no. CM6/798/20 – Screen mound approved 1 July 2002.
- Review of Old Planning Permission (ROMP) application code no. R6/0698/6 – approved 1 July 2002.
- Planning Permission code no. CW6/701/44 – Landfilling and restoration refused 5 July 2002.

Proposed Development

- 4.5 This application seeks to use, on a temporary basis, part of the existing clay stockpiling area within the site to import 50,000 tonnes of Pulverised Fuel Ash (PFA) for stockpiling before exporting to brickworks for production of Thermalite blocks. The PFA would be transported from Ratcliffe-on-Soar Power Station which is due to close and provides an opportunity to ensure the ongoing supply of the applicant's brickworks interests by storage of the PFA at the Waingroves Quarry site.
- 4.6 The 50,000 tonnes of PFA would be imported over a 12-week period. The location of the PFA stockpile would be within the established clay stocking areas with the clay stockpiles reduced in scale during its use. The PFA would then be exported on an 'as need' basis to the applicant's Thermalite factories. The PFA would be fully exported by the end of 2024 and, as such, temporary permission is sought for this period.

Consultations

Local Member

- 4.7 Councillor Ashton (Ripley East and Codnor) has been notified and raised no comments.

Amber Valley Borough Council - Planning

- 4.8 Has been notified, no response has been received.

Amber Valley Borough Council - Environmental Health

- 4.9 Has been notified, no response has been received.

Highway Authority

- 4.10 Derbyshire County Council, in its statutory role as Highway Authority, has been notified and raise no objections subject to a planning condition regarding traffic management being imposed.

Public Rights of Way

- 4.11 The Public Rights of Way Team has been consulted and has provided the following response: *“The proposal would affect footpath no. 56 by adding to obstructions that are already on the route, and it would affect footpath no. 55 as vehicles would use this as access. This is already used by lorries and gets extremely muddy. The applicant has applied for a diversion of footpath 56 in conjunction with extinguishment of part of footpath 55, but this has not been progressed pending them obtaining the appropriate permissions regarding the diversion route. If planning permission is to be granted this should be subject to the public path orders being concluded prior to any works starting.”*

Environment Agency

- 4.12 The Environment Agency (EA) has been consulted and has provided the following response:

“Advice to LPA/applicant

This development will likely require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

<https://www.gov.uk/topic/environmental-management/environmental-permits>

In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply, more information on exempt activities can be found here:

<https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

They may also be a regulatory position statement in place for the activity you propose, further information can be found here:

<https://www.gov.uk/government/collections/basic-rules-environmental-permitting-regulatory-positions>

The applicant is advised to contact the national permitting service to discuss the issues arising from the permit application process.

Get advice before you apply for an environmental permit - GOV.UK (www.gov.uk)”

Historic England

- 4.13 Historic England (HE) was consulted but provided no response.

Natural England

- 4.14 Natural England (NE) was consulted, raised no objection and made the following comments “*Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.*”

Publicity

- 4.15 The application has been publicised by site notice on 30 June 2022 on and near to the site, and by notice in the Derbyshire Times. Comments were requested by 22 July 2022.
- 4.16 Three representations have been received raising the following matters:
- clarification of source location of material;
 - clarification of chemical stability of PFA material;
 - clarification whether PFA contains any harmful material;
 - clarification how the PFA will be prevented from blowing about and or washing off and into watercourses;
 - clarification of use and timescales;
 - highway considerations regarding entrance and exit and increase accident risk;
 - clarification regarding quantity and times for lorries regarding delivery and removal of PFA;
 - clarification regarding whether there would be large mobile plant used and their hours of operation;
 - job creation information;
 - clarification regarding responsibility for leaving site environmentally safe if PFA is left on site long term;
 - concern regarding congestion and air pollution; and
 - concern regarding potential disruption created by noise and movement around the site to different stockpiles.

- 4.17 The matters raised, so far as they are material planning considerations, are addressed throughout the report.

Planning Considerations

- 4.18 Section 38(6) Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Planning and Compulsory Purchase Act 2004 defines the Development Plan as the

Development Plan Documents (taken as a whole) which have been adopted or approved in relation to that area.

Development Plans

4.19 The Development Plans comprises saved policies of the:

- Derby and Derbyshire Minerals Local Plan (2002); and
- Amber Valley Borough Local Plan (2006)

4.20 Other material considerations relevant to the determination of this planning application include:

- National Planning Policy Framework (NPPF) (last amended July 2021).
- National Planning Practice Guidance (PPG).
- Emerging Derbyshire and Derby Minerals Plan – Proposed Draft Plan (December 2021).

4.21 Relevant planning policies from the Derby and Derbyshire Minerals Local Plan of 2002 (DDMLP) include:

MP1: The Environmental Impact of Mineral Development.
MP3: Measures to Reduce Environmental Impact.
MP4: Interests of Acknowledged Environmental Importance.
MP5: Transport.
MP10: Reclamation and After-Use.
MP12: Mineral Related Development.
MP24: Secondary and Recycled Materials.

4.22 Relevant policies from the Amber Valley Borough Local Plan of 2006 (AVBLP) include:

LS1: Sustainability.
LS3: Design.
ER11: Design Compatibility.
TP1: Highway Access.
TP2: Public Rights of Way.
EN1: Countryside Safeguarding.
EN2: Green Belt.
EN16: Pollution.
EN17: Pollution Compatibility.

4.23 Relevant paragraphs in the National Planning Policy Framework (amended July 2021) include:

Chapter 2: Sustainable development.
Chapter 6: Building a strong, competitive economy.
Chapter 11: Making effective use of land.
Chapter 12: Achieving well-designed places.
Chapter 13: Protecting green belt land.
Chapter 17: Facilitating the sustainable use of minerals.

4.24 The relevant parts of the Planning Practice Guidance include:

- Air Quality
- Noise
- Minerals
- Green Belt
- Travel Plans, Transport Assessments and Statements

Emerging Derbyshire Minerals Local Plan – Proposed Draft Plan (December 2021)

4.25 The NPPF, at Paragraph 48, states that Mineral Planning Authorities (MPAs) may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to the relevant policies and their degree of consistency with the NPPF. The more robust the relevant policies are in these respects the greater weight they can be given.

4.26 The most recent consultation on the emerging Mineral Local Plan (MLP) has taken place early in 2022 when the Council published its Proposed Draft Plan. The Plan has been prepared in conformity with the latest NPPF. However, it is an informal Regulation 18 consultation and the first iteration of the whole Plan in its entirety and therefore is not considered to be so far advanced to be ‘material’ in assessing and determining planning applications. Having said this, policies and sub-text of relevance to the proposed development refer to the following:

4.27 Waingroves Quarry is listed as a permitted minerals site on figure 2.2 of the emerging PMLP. Permitted reserves are estimated to provide approximately 33 years of production.

4.28 Chapter 6 (paragraph 6.1.1) of the emerging MLP sets out the sustainability case for using secondary aggregates. Use of secondary aggregates reduces the need for primary mineral, helping to conserve this finite resource, and prevents re-usable materials from being disposed to landfill. The emerging MLP recognises the importance of maximising the use of secondary aggregates in order to use resources prudently and sustainably.

- 4.29 Paragraph 6.1.16 states that *‘to ensure the supply of recycled and secondary aggregates, is to include a plan wide criteria-based policy to enable and encourage the development of recycling and secondary aggregate production facilities/operations in appropriate locations in response to the market’*. ‘Appropriate locations’ as set out in paragraph 6.1.17 include, inter alia, operational quarries.
- 4.30 Proposed Policy SP3: The Supply of Recycled and Secondary Aggregates of the emerging MLP, supports the location of facilities/ operations for the production of recycled and secondary aggregates within, inter alia, operational quarries (on a temporary basis).
- 4.31 The key planning considerations for this application are:
- Need for development
 - Location of development
 - Green Belt
 - Amenity and Environmental Impacts
 - Access and Transport.

Need for the Development

- 4.32 The applicant recognises the need to secure long term PFA for its Thermalite block production facilities. At present, PFA is supplied to the applicant’s Thermalite facilities from Ratcliffe-on-Soar Power Station which is due to close. This application seeks to maintain the existing supply of PFA for ongoing Thermalite production by stockpiling the product within Waingroves Quarry, prior to use at the applicant’s Thermalite manufacturing facilities. The closure of the Ratcliffe-on-Soar Power Station does not provide certainty that the exiting supply of PFA will continue post closure.
- 4.33 The proposed development would enable the stockpiling of PFA, a secondary aggregate product, prior to being exported off-site to be used in the production of ‘Thermalite’ which is the brand name for Forterra blocks. The ability to stockpile PFA at the site safeguards the production of Thermalite at the applicant’s facilities by maintaining a steady supply of PFA material. There is therefore an economic need for the proposed development.
- 4.34 The NPPF encourages the use of recycled and secondary aggregates in construction both to reduce the need for material from primary mineral resources and to reduce the amount of waste material that is required to be landfilled. The use of secondary aggregates contributes towards achieving sustainable development.

Location of the Development

- 4.35 As referred to above, the location of the development would be within an existing operational quarry where the mineral is already authorised to be stored. The location within the site is considered appropriate, given that it is already the area set aside for quarried material to be stored/stockpiled. This part of the site is screened by either buildings and/or trees along with interrupted views of a large plant hire/engineering business. Views of this part of the site are available from a nearby housing development which has been built since the quarry has been operational. Views of the stockpile area would be seen in the context of the existing longstanding quarry stockpile area and the existing plant hire/engineering business, which occupies land adjacent to the quarry. The plant hire/engineering business is extensive and is considered a significant visual distraction from the quarry stockpile storage area. Overall, I do not consider that the visual impact of the proposed material to be stockpiled would be detrimental to any residential amenity.
- 4.36 Initially, at this location, there would have been public rights of way (PRoWs) impacted upon but this is being addressed by an application to divert a PRoW. The diverted route(s) would take the PRoW away from the quarry operational area and detailed discussions are taking place with the Council's PRoW officers. Overall, I do not consider that, subject to diversion, the PRoW would be adversely affected by the proposed material to be stockpiled.
- 4.37 The site is located in Green Belt which is discussed further below.

Green Belt

- 4.38 The NPPF identifies that inappropriate development within Green Belt is likely to be harmful and should not be approved except in very special circumstances. Paragraph 150 of the NPPF sets out forms of development that are not considered to be inappropriate, this list includes mineral extraction but not stockpiling or storage. It is considered that the stockpiling of PFA on part of the mineral site should not be regarded as being equivalent to mineral extraction, or other than inappropriate development within Green Belt, in the context of paragraph 150. As such, it is necessary to demonstrate that 'very special circumstances' exist to justify such development. Given the locational, operational and planning policy context of the proposed development, it is considered that 'very special circumstances' are demonstrated. The applicant has included the following commentary:

"Providing they preserve the openness of the Green Belt, development proposals for mineral extraction are not inappropriate in the Green Belt"

(NPPF para. 150). The site forms part of an existing minerals site and, although it does not fall within the scope of mineral extraction, the proposals comprise the importation and stockpiling of a secondary aggregate material. It is not therefore considered that any further assessment is required as the proposal is not inappropriate. However, for reasons of clarity and to provide the MPA with the necessary information to secure a positive outcome, an assessment of the very special circumstances has been undertaken.

The sustainability characteristics of Thermalite are set out below:

- Thermalite is a sustainable building material produced using up to 80% recycled content, including PFA.*
- Thermalite can be fully recycled to create new construction materials.*
- Thermalite's advanced thermal insulation properties help to reduce potential CO₂ emissions attached to the lifetime of a building.*

The proposed development will enable continued production of Thermalite at the applicant's facilities. Due to the sustainability characteristics of Thermalite, and the requirement for large quantities of PFA in the manufacturing process, the proposed development is considered to support the sustainability objectives of the NPPF and the Development Plan through minimising waste, reusing a secondary aggregate and preserving primary mineral resources.

Forterra employ over 1,800 people across 17 manufacturing facilities in the UK. The production of Thermalite is a key business component, and service offered, by the applicant. Waingroves Quarry supplies clay for use in the construction industry, primarily house building. The proposed development will support the applicants' overall operational requirements and does not lead to any adverse environmental impacts.

The essential characteristics of Green Belts, as set out in paragraph 137 of the NPPF, are their openness and their permanence. The proposed development seeks to facilitate the production of Thermalite, a sustainable construction material, through providing an area of PFA stockpiling within the site of an existing permitted quarry. Waingroves Quarry has approximately 33 years of production capacity which involves campaign-based extraction of clay and subsequent stockpiling. The proposed development would be operated on a temporary basis. Therefore, it is not considered that the proposals will have any adverse impact upon the permanence of the Green Belt.

Mineral extraction and stockpiling have taken place at Waingroves Quarry since 1949. The site forms the south-eastern extent of the existing approved clay stockpiling area. Given the existing approved operations at Waingroves Quarry, it is not considered that the proposed development will have any adverse impact upon the openness of the Green Belt in this location.”

- 4.39 PFA is generated by burning coal in power stations and can be used as a building aggregate. It is classed as a secondary aggregate and can reduce CO₂ emissions, as it reduces the amount of clinker used in cement and concrete. Generally, PFA is a versatile material and has been used in a wide range of construction related processes. It has uses as a lightweight fill, as a cement additive, as a mixer blended concrete additive, as a component in lightweight blocks and as a grouting material are well known.
- 4.40 The PFA material is a waste by-product of the electricity manufacturing industry that can be used as an aggregate in block manufacturing. The applicant states that it is considered to be a secondary aggregate material and as such, should be considered a mineral. The use of secondary aggregates has environmental and economic benefits, it helps to reduce the amount of primary minerals that need to be extracted, minimises waste and encourages the efficient use of minerals. There are significant sustainability benefits from the use of secondary aggregates, as the applicant has highlighted in its use in the manufacture of Thermalite blocks. Therefore, despite its technical inappropriateness in the Green Belt with regard to the NPPF, I am satisfied that very special circumstances do exist to justify the grant of planning permission in this case. Furthermore, I see little difference in the storage of the PFA at the quarry compared to the storage of any other quarried material. As such, I do not consider that there would be any harm to the openness of the Green Belt by such temporary storage. AVBLP saved Policy EN2, which predates the NPPF, is also against inappropriate development in the Green Belt. The types of development it specifies as being appropriate for the Green Belt do not include any for minerals or waste development but do include “*essential facilities for outdoor sport and outdoor recreation, cemeteries and other land uses which would preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt*”. I consider the land use proposed under this application is within the scope of such ‘other land uses’, so that it would not conflict with this policy.
- 4.41 Overall, I consider that the location of the temporary storage of PFA material at the stockpiling area of the quarry to be acceptable in the

context of chapter 13 of the NPPF and that it accords with policies MP12 and MP24 of DDMLP and AVBLP policy EN2.

Amenity and Environmental Impacts

- 4.42 The 50,000 tonnes of PFA would be imported from Ratcliffe-on-Soar over a 12-week period. The location of the PFA stockpile would be within the established clay stocking areas with the clay stockpiles reduced in scale during its use. The PFA would then be exported on an 'as need' basis to the applicant's Thermalite factories. The PFA would be fully exported by the end of 2024 and, as such, temporary permission is sought for this period. Any impacts would therefore be temporary.
- 4.43 National Planning Policy and the Development Plan(s) seek to ensure that sustainable development is achieved. The NPPF (2021) and saved Policy LS1 of the AVBLP (2006), set out a presumption in favour of sustainable development. Policies MP1 and MP3 of the DDMLP (2002) and Policy EN16 of AVBLP (2006) seek to ensure that development proposals do not give rise to any unacceptable environmental impacts, and that mitigation measures are established, where necessary, to protect and enhance the environment.
- 4.44 The quarry operates under existing environmental control conditions including a dust monitoring plan, noise limits, vehicle silencers and hours of operation. I am not aware of any amenity issues from quarrying activity. Having said that, it is considered appropriate that, as a standalone development, there are noise, dust and operating hours planning conditions to be considered should the application be approved. Due to the nature of the development and the existing use of the site, the proposal, subject to planning conditions, is not considered likely to result in any material adverse impacts upon the environment.
- 4.45 The proposed development would be set within a long-established setting heavily influenced by industrial buildings and land uses, including the former brickworks, the historic mining sites and the extant excavation of clay for brick making. The former brickworks adjacent to the north have been demolished and the yard, used by Collins Earthworks, to store and maintain HGVs and heavy construction plant. The supporting transport statement for the application, currently with Amber Valley Borough Council, on the adjacent yard for a large portal framed building to store and maintain these vehicles states that they have 50 HGV trips per day.

- 4.46 It is considered that there would be no valued landscape elements or features lost as a result of the proposal. Such elements that exist around the borders of the site, including native trees and hedgerows would be retained.
- 4.47 The combination of existing built forms, landform and vegetation provides enclosure, establishes a degree of complexity and the adjacent yard is associated with busy movements. In combination, this would ensure that the proposed storage of the PFA, at the existing designated stockpiling area for the quarried clay, would be well screened and would not appear out of context.
- 4.48 It is considered the overall character of the existing industrial setting would be unchanged as a result of the proposals.
- 4.49 The NPPF and saved Policy LS1 of the AVBLP, set out a presumption in favour of sustainable development. Policies MP1 and MP3 of the DDMLP and Policy EN16 of the AVBLP is supportive, subject to mitigation measures relating to environmental impacts. In this case the main quarry permission has adequate dust and noise controls in place. However, it is prudent to attach planning conditions controlling such in any decision notice that may be issued.
- 4.50 Overall, it is considered that amenity and environmental controls are capable of being controlled by planning conditions attached to a decision notice if forthcoming. Such control would enable the proposed development to be in compliance with the above mentioned policies in the AVBLP and DDMLP development plans.

Access and Transport

- 4.51 Policy MP5 of the DDMLP and Policy TP1 of the AVBLP seek to ensure that development proposals can demonstrate adequate access, do not generate unacceptable levels of traffic on the local highway network and ensure road safety is maintained. The proposed development would take place using the existing site access which is suitable for HGV movements. The proposal would result in a small and temporary increase of HGV movements to/from the site which can be accommodated on the local highway network and are not considered to give rise to any adverse impacts upon road safety.
- 4.52 The Highway Authority initially sought additional information relating to transport figures and the nature of the PFA to be stored. Following further consideration by the Highway Authority, it is now satisfied the

proposed development is acceptable, subject to a planning condition, and raises no objection.

- 4.53 It is noted that the quarry is not working at its capacity and is not expected to do so in the near future. The applicant states the importation would be completed at a rate of no greater than 4,000 tonnes per week – 16 HGVs per day. For the 12-13 week period of importation, there would be a maximum of 27 HGVs per day. Once stockpiling is completed, the applicant states that PFA export would be at a rate of 2 HGVs per working day, with operations ceasing at the end of 2024. Historically, the quarry has exported up to 300,000 tonnes of clay per annum equating to approximately 46 HGVs per day. The site currently supplies up to 120,000 tonnes of clay to its brickworks at Kirton and Desford at 10 HGVs per day. The transport implications would be of a temporary nature for importation and on a campaign basis when needed to be removed from site. The transport implications of importing and exporting the material are not considered excessive and would be in accordance with Policy MP5 of the DDMLP and Policy TP1 of the AVBLP.

Representations

- 4.54 The representations raised requested clarification, which has been provided by the applicant, and shared with the person making the representations. This person has not made any further comments other than to pass on comments to the Parish Council, which has chosen not to raise any representations regarding the proposed development. I am satisfied that the clarification information provided by the applicant does not raise any issues for the determination of this application. The representations also expressed concerns about congestion, air pollution, disruption caused by noise and movement around the site by plant are referred to above, and these impacts in any event are considered to be controllable sufficiently via planning conditions or through other regulatory bodies, such as the Environment Agency.
- 4.55 Therefore, I do not consider that the concerns raised support a sustainable reason for refusal and am satisfied that the representations made have been appropriately addressed by the applicant.

Conclusion

- 4.56 The proposed development is considered compatible with the approved use of the site for mineral extraction and stockpiling, in accordance with Policy EN17 of AVBLP (2006).

- 4.57 Policy MP24 of the DDMLP (2002) and proposed Policy SP3 of the emerging MLP support the production of secondary aggregates providing there are no unacceptable environmental damages. Use of secondary aggregates for construction materials is supported by the NPPF due to the reduced need for primary mineral sources and a reduced amount of waste material that is required to be landfilled.
- 4.58 Transport implications have raised no objection by the Highway Authority and considered to be in accordance with Policy MP5 of the DDMLP and TP1 of the AVBLP.
- 4.59 The issues raised in the representations received have been addressed by the applicant and/or are capable of control via planning conditions. As such the application is recommended for approval subject to planning conditions.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers File No. 6.835.10

- 6.1 Application documents received from Heaton Planning, acting as Agent for Forterra Building Products Ltd.

Documents

- Application form and certificates;
- Planning Statement;
- Geotechnical Assessment;
- Validation checklist;
- Public Right of Way Diversion Application; and
- Cross-Sections and Ground Levels (Existing and Proposed) Statement.

6.2 Plans

- Drawing no. FOR-012-M-001 entitled: Site Location Plan dated May 2022;
- Drawing no. FOR-012-M-002 entitled PFA Stockpiling Areas May 2022;
- Drawing no. W187/ROW entitled: Public Rights of Way Summary dated March 2016;

- Drawing entitled: January 2019 Survey – Cross Section Location (PFA Zone); and
- Drawing entitled: Survey Generated Cross Section.

6.3 Letters

- From the Environment Agency dated 28 June 2022.
- From Natural England dated 24 June 2022.

6.4 Emails

- From County Highway Authority dated 11 July 2022 and 27 September 2022.
- County Conservation, Heritage and Design dated 6 July 2022 and 7 July 2022.
- PRow dated 5 July 2022.
- Lead Local Flood Authority dated 13 July 2022.

7. Appendices

7.1 Appendix 1 - Implications.

7.2 Appendix 2 – Site Plan.

8. Recommendation

8.1 That the Committee resolves to **grant** planning permission subject to conditions substantially as follows:

Conditions

Commencement

- 1) The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement of development shall be sent to the Mineral Planning Authority within seven days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) A copy of this permission shall be kept available for inspection at the site offices during the prescribed working hours for the duration of the development.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of development.

Duration of Importation

- 3) Importation of Pulverised Fuel Ash (PFA) under this permission shall cease no later than the date which is four months from the date of commencement of development.

Reason: To minimise the impact on local amenity.

Plans and Documents

- 4) The development shall be carried out in accordance with the following plans and documents:

Documents

- Application form and certificates dated 13 May 2022;
- Planning Statement prepared by Heatons Planning dated May 2022;
- Geotechnical Assessment prepared by GWP consultants LLP dated January 2021; and
- Cross-Sections and Ground Levels (Existing and Proposed) Statement.

Plans

- Drawing no. FOR-012-M-001 entitled Site Location Plan dated May 2022;
- Drawing no. FOR-012-M-002 entitled PFA Stockpiling Areas May 2022;
- Drawing no. W187/ROW entitled Public Rights of Way Summary dated March 2016;
- Drawing entitled January 2019 Survey – Cross Section Location (PFA Zone); and
- Drawing entitled Survey Generated Cross Section.

Except so far as any contents of the documents and plans listed above are incompatible with the requirements of the conditions specified below.

Reason: To ensure that the development is carried out in accordance with the details in the submitted planning application.

Hours of Operation and Vehicle Entry

- 5) With the exception of necessary works arising from emergency situations:

- (i) No operations in the site (including movement of waste, recyclable materials, and processed materials, inert waste and equipment and deliveries from vehicles) shall take place other than between the following hours:

0800 hours – 1800 hours Mondays – Fridays,
0800 hours – 1300 hours on Saturdays, and
No operations at any time on Sundays and Bank/public holidays.

- (ii) No vehicles shall enter or leave the site at any time on Sundays and Bank/public holidays or at any time before 0730 hours on Mondays to Saturdays.
- (iii) The engine of any vehicles entering the site between 0730 hours and 0800 hours must be turned off immediately following entry to the site and no tipping activities or deliveries from any vehicle shall start before 0800 hours.

Reason: To protect the amenity of the area.

- 6) Vehicular access to and from the site shall be via the current Waingroves Brickworks entrance on Whiteley Road.

Reason: In the interests of highway safety.

Scope of Development

- 7) Only the PFA material identified in the application, and no other waste, recyclable materials or inert construction and demolition waste, shall be imported to the site.

Reason: To define the scope of the development in the interests of safeguarding the amenity of neighbouring occupiers/residents and for monitoring purposes.

Import Records

- 9) The operator shall keep accurate records of the amount of PFA arriving at the site and made available for inspection by the Mineral Planning Authority upon request.

Reason: In order to monitor compliance with the authorised waste input tonnage.

Highways

- 10) No development shall take place until a Temporary Traffic Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The approved plan shall be adhered to throughout the import and removal of material from site. The plan shall provide for:

- Routes for HGV traffic;
- Hours of operation;
- Method of prevention of debris being carried onto the highway;
- Parking of vehicles of site operatives and visitors;
- Pedestrian and cyclist protection;
- Any proposed temporary traffic restrictions;
- Arrangements for turning vehicles; and
- Temporary signage.

Reason: In the interests of safeguarding the amenity of neighbouring occupiers/residents, highway safety and for the avoidance of any unacceptable impacts on the highway network.

- 11) All loaded vehicles entering or leaving the site shall be fully contained, netted or sheeted.

Reason: To minimise dust and spillage in the interests of amenity and highway safety.

Noise

- 12) Prior to commencement of development, a noise management plan (NMP) to minimise noise emissions, shall be submitted for the written approval of the Mineral Planning Authority. The NMP shall include details of all noise sensitive properties (residential and commercial), noise suppression measures and procedures in place in the event of complaints from the development. The NMP shall be implemented as approved with the approved noise suppression measures being retained for the duration of the development hereby permitted.

Reason: To reduce the impacts of noise disturbance from the development on the local environment.

- 13) All plant and machinery on the site shall be maintained in accordance with the manufacturer's recommendations to maintain optimum performance and reduce noise.

Reason: To control the impact of noise generated by the development in the interests of amenity of the area.

Dust

- 14) Prior to commencement of development a dust scheme, including a dust management plan (DMP) to minimise dust emissions, shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The scheme shall then be implemented as approved with the approved dust suppression measures being retained and for the duration of the development hereby permitted and removal of PFA from the site.

Reason: To reduce the impacts of dust disturbance from the Site on the local environment.

- 15) No mud or debris from this development shall be deposited on the public highway.

Reason: In the interests of highway safety and to help prevent mud and dust from being carried out onto the highway.

**Chris Henning
Executive Director - Place**

Implications

Financial

1.1 The correct fee of £13,806 has been received.

Legal

2.1 I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the report.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 NA.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 Environmental and Health

As indicated in the report.

Site Plan

