LING HALL QUARRY, WARWICKSHIRE

Planning Applications pursuant to Section 73 of the Town and Country Planning Act 1990 to retain the concrete batching plant and roadstone coating plant for a period of five years

PLANNING STATEMENT

March 2016
SLR Ref: 403.03523.00025

Breedon Aggregates England Limited
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Appendix A  Noise Assessment
The following applications are being made to Warwickshire County Council:

1) Planning application to continue the operation of a concrete batching plant at Ling Hall Quarry without complying with condition 2 of planning permission RBC/10CM017 to allow its retention for a period of five years from 12 April 2011.

2) Planning application to continue the operation of a roadstone coating plant at Ling Hall Quarry without complying with condition 6 of planning permission RBC/10CM018 to allow its retention for a period of five years from 21 April 2011.
1. INTRODUCTION

Overview

1.1 This document comprises a ‘Planning Statement’ and has been prepared by SLR Consulting Limited (‘SLR’) on behalf of Breedon Aggregates England Limited (‘the applicant’). The statement is part of the submission being formally made to Warwickshire County Council (as Mineral Planning Authority, ‘MPA’) in support of two planning applications at Ling Hall Quarry, Warwickshire. The two planning applications being submitted to the MPA seek to ‘vary’ existing planning conditions that limit the duration of operations for the concrete batching plant and roadstone coating (also known as an ‘asphalt’) plant.

1.2 As such the submission comprises:

- Application forms for planning applications under the Town and Country Planning Act 1990;
- A Planning Statement (this document) addressing the two planning applications in a holistic fashion;
- Plans (contained in this statement) illustrating the location and extent of the land occupied by the concrete batching plant and roadstone coating plant.

The Site

1.3 Ling Hall Quarry is operated by the applicant and has been a significant supplier of sand and gravel, concrete and coated roadstone to the Warwickshire and Midlands market for a number of years. Remaining permitted reserves at the quarry are now exhausted, although the County Council resolved to grant permission for a major north-eastern extension to the quarry. This application was withdrawn following land ownership issues.

1.4 The worked out parts of the quarry are being filled with non-hazardous waste by Veolia, a major international waste management company.

1.5 The existing planning permission for mineral extraction requires sand and gravel extraction to cease by the 14th May 2016 with landfilling ending by 14th May 2021.

1.6 A concrete batching plant and roadstone coating plant are located in a well screened location within the quarry, with restored areas of landfilling located on either side of the plants. The planning permission for landfilling extends over the land occupied by the concrete and roadstone coating plants, but this landfilling will not commence for at least 5 years.

1.7 Both the concrete and roadstone coating plants are of a modern design, and have been in operation at Ling Hall Quarry for approximately 10 years. Separate planning permissions exist for each of the plants. The concrete plant was originally permitted under permitted development rights and had a condition limiting the source of aggregate raw material to that from Ling Hall.
Quarry, and a condition limiting the life of the plant to that of the quarry. In August 2010 a planning application was lodged for the retention of the concrete batching plant for a period of five years; this is regulated through condition 2 of the planning permission issued by the MPA which requires the removal by 12 April 2016.

1.8 The planning permission for the roadstone coating plant includes a condition (Condition 6) requiring the removal of the plant within 5 years of the date of the planning permission (21 April 2011) and the site restored within a year of its removal.

1.9 This submission relates solely to the two plants located at the quarry which together cover some 0.8 hectares.

Statutory Basis of the Submission

1.10 The applicant wishes to retain both the concrete and roadstone coating plants for a further period of 5 years, with the plants operating on imported aggregate. The planning application is submitted pursuant to section 73 of the Town and Country Planning Act 1990 to permit the continued operation of each plant beyond the current expiry dates of 12 April 2016 (for the concrete plant) and 21 April 2016 (for the roadstone coating plant).

1.11 Whilst a noise assessment accompanied the previous planning application, a new noise assessment has been undertaken to reflect the change in guidance that has occurred during the intervening period.

1.12 Vehicle movements for the operation of the concrete and roadstone coating plants using imported aggregate would be significantly lower than when the sand and gravel quarry was fully operational, and landfilling operations would continue during the proposed extended period of operation for the concrete and coating plants.

1.13 Section 3 below provides further information on the development of the two plants.

Environmental Impact Assessment

1.14 The Environmental Impact Assessment Directive1 (the “EIA Directive”) requires that, before granting “development consent” for projects, including development proposals, authorities should carry out a procedure known as environmental impact assessment (or “EIA”) of any project which is likely to have significant effects on the environment. The aim of the EIA Directive is to ensure that the authority giving consent for a project makes its decision in the knowledge of any likely significant effects on the environment. The first EIA Directive (85/337/EEC) came into force in 1988 and has been amended on three separate occasions in 1997, 2003 and 2009. The initial Directive of 1985 and its three amendments have been codified by Directive 2011/92/EU.

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of 13th December 2011. As a result of a review process, on 26th October 2012, the Commission adopted a proposal for a revised Directive. The newly amended EIA Directive (2014/52/EU) came into force on 15th May 2014 to simplify the rules for assessing the potential effects of projects on the environment. It is unlikely that the revisions to the EIA Directive will be in place before the planning applications for the retention of the two plants at Ling Hall are determined.

1.15 The current EIA Directive has been implemented by regulations for development proposals under the Town and Country Planning Act 1990 (the 1990 Act).

1.16 Since 1988, EIA has been applied to relevant proposals for new development through a number of regulations made under the Town and Country Planning Acts (including the 1990 Act). Most recently, in August 2011, the regulations were replaced by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations), which implements the Codified European Directive within England.

1.17 The EIA Regulations specify the types of development for which an EIA is mandatory (Schedule 1 Projects) and categories of development where an EIA may be required (Schedule 2 Projects). Neither of the plants (individually or cumulatively) would fall within Schedule 1 to the EIA Regulations.

1.18 The procedure used to determine whether a proposed project is likely to have significant effects on the environment is known as “Screening”. Whilst the “extractive industry” is referred to under Class 2 in Schedule 2 (and both the concrete and roadstone coating plants would process aggregates), the proposed development is more aligned to Class 5 (“mineral industry”).

1.19 When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way.

1.20 The government advises that only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment. It is also possible to provide an indication of the sort of development for which an assessment is unlikely to be necessary. In this respect, government guidance indicates that for the extractive industry, EIA is likely to be needed for “All new open cast mines and underground mines. Clay, sand and gravel workings, quarries covering more than 15 hectares or involve the extraction

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2 http://ec.europa.eu/environment/eia/review.htm
4 SI 2011 No. 1824
of more than 30,000 tonnes of mineral per year.” It then adds that “The likelihood of significant effects will tend to depend on the scale and duration of the works, and the likely consequent impact of noise, dust, discharges to water and visual intrusion”. As such the guidance is not overly useful for considering the retention of the two existing plants.

1.21 Under Class 5, the Schedule indicates that EIA would be applicable in cases where “The area of new floorspace exceeds 1,000 square metres”. Moreover, guidance in the PPG in relation to industrial and manufacturing development (which includes mineral industry) provides:

“New manufacturing or industrial plants of the types listed in the Regulations may well require EIA if the operation development covers a site of more than 10 hectares. Smaller developments are more likely to require EIA if they are expected to give rise to significant discharges of waste, emission of pollutants or operational noise.

1.22 Among the factors to be taken into account in assessing the significance of such effects are:

- whether the development involves a process designated as a 'scheduled process' for the purpose of air pollution control;
- whether the process involves discharges to water which require the consent of the Environment Agency;
- whether the installation would give rise to the presence of environmentally significant quantities of potentially hazardous or polluting substances; whether the process would give rise to radioactive or other hazardous waste;
- whether the development would fall under Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances (COMAH).”

1.23 The guidance also clearly states:

“it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.”

1.24 Referring to government guidance the issue turns on the likelihood of 'significant environmental effects'. This is illustrated in the flow diagram within the Planning Practise Guidance. In considering whether significant environmental effects would arise, consideration needs to be given to the receiving environment, and in particular, whether the development is located within a ‘Sensitive Area’; these are defined as:

- Sites of Special Scientific Interest;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments.
1.25 It is important to stress that the proposals are not for the erection of any new buildings, plant or machinery, but seek to retain the existing plants for a temporary period of five years.

The Applicant

1.26 The planning application is submitted on behalf of Breedon Aggregates England Limited.

1.27 Breedon Aggregates is the largest independent operator in the UK aggregates sector after the five global majors, with 53 quarries, 26 asphalt plants and 61 ready-mixed concrete plants in England and Scotland. The group has strong market positions in Scotland, the Midlands and Eastern England and nearly 500 million tonnes of mineral reserves and resources.

1.28 The group's English operations employ around 500 people, with headquarters at Breedon-on-the Hill near East Midlands Airport.

1.29 As a member of the business community, Breedon Aggregates recognise the corporate social responsibility commitments in the various roles, which include producer, investor, employer and consumer. Breedon Aggregates are committed to ensuring that the business is conducted in all respects according to rigorous ethical, professional and legal standards. Breedon Aggregates recognises that its activities and operations have a significant impact on the wider social, environmental and economic well-being of the areas in which the company operates.

Project Team

1.30 The planning submissions and Planning Statement has been prepared on behalf of the applicant by SLR Consulting Limited (SLR). SLR is a multi-disciplinary environmental consultant to inter alia the minerals and mining sector, and also provides advice to local authorities and the Environment Agency on strategic issues. SLR has been a registered Environmental Impact Assessor Member of the Institute of Environmental Management and Assessment (IEMA), and attained IEMAs EIA Quality Mark.

Publication

1.31 Paper copies of the submission can be obtained from SLR Consulting Ltd at the following address:

Aspects House
Aspect Business Park
Bennerley Road
Nottingham
NG6 8WR

1.32 This statement is available in both paper and CD-ROM format, for which a charge of £50 and £25 is applicable respectively. In addition, the application

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Further details regarding SLR Consulting Limited can be found on its website www.slrconsulting.com
documents will also be available to download from the Warwickshire County Council website
2. THE SITE

Introduction

2.1 This chapter of the statement briefly describes the existing physical and environmental characteristics of the land associated with the two plants.

Location

2.2 Ling Hall Quarry is located approximately 2 kilometres to the south west of the outskirts of Rugby in relatively open countryside. The A45 Trunk Road is located around 500m to the south of the quarry, and this road joins with the M45 around 1.5 kilometres to the south-east of the quarry. There are a number of villages in the general vicinity of the quarry although none are located within 2 kilometres of the quarry boundary. Thurlaston is located around 2.5 kilometres to the south east; Stretton-on-Dunsmore is around 3 kilometres to the west; Wolston is around 3 kilometres to the north west; and Church Lawford and Long Lawford are located around 2.5 kilometres to the north and north-east respectively. Figure 2-1 below illustrates the location of the quarry, being an extract from Drawing LH 2/1.

Figure 2-1: Location of Ling Hall Quarry
2.3 In terms of local governance, the mine is situated within the Rugby Borough and the County of Warwickshire.

Site Description and Setting

2.4 Ling Hall Quarry is an established sand and gravel quarry that is now exhausted of mineral reserves. The site is based on a former airfield, with much of the main site infrastructure located on the remnants of what was once the main runway running roughly north-south through the site. Sand and gravel extraction has taken place at the site for around 17 years. Access to the site is off Coalpit Lane, with all vehicles reaching this access from the junction with Lawford Heath Lane. From this junction relatively direct access can be obtained to the A45(T) London Road.

2.5 Mineral extraction at the existing quarry has ceased following exhaustion of the reserves. The worked out areas of the quarry are being progressively landfilled with non-hazardous waste by Veolia.

2.6 At the southern end of the site the worked out areas contain two separate areas of restored landfill. In the ‘valley’ between the two landfill areas lie the quarry and landfill offices, together with the concrete plant and roadstone coating plant. The concrete and coating plants are located at a level of around 110m AOD. The landfilled area to the east of the plants has a maximum height of around 125m AOD, whilst the landfilled area to the east has a maximum height of 120m AOD.

2.7 The aggregate processing plant and associated stockpiles were located to the north of the concrete and roadstone coating plants.

2.8 Figure 2-2 below illustrates the context of the southern part of the quarry, including the location of the two plants based on aerial imagery provided by Google Earth. Drawing LH 2/2 illustrates the extent of the application site for the concrete plant (edged in red) and Drawing LH 2/3 the extent of the application site for the coating plant.
2.9 Figures 2-3 and 2-4 provide photographs of the two plants.

**Figure 2-3: The Concrete Batching Plant**
The Surrounding Area

Topography

2.10 The area immediately surrounding the quarry is relatively flat lying, with elevations typically of around 110m AOD. To the north-east, between Lawford Heath Lane and the A4071 the topography falls away slightly to 100m AOD. Similarly, to the north and west the topography falls away to around 80m AOD.

Land Use

2.11 The land use in the vicinity of the quarry is predominantly rural, with fields bounded by fences or hedgerows, some of which contain hedgerow trees.

2.12 To the south of the quarry there are a number of properties located along Lawford Heath Lane. The closest of these properties to the concrete and coating plants is Blue Boar Farm which lies over 270m from the concrete plant and around 330m from the roadstone coating plant. Further to the east lies a group of properties on a road known as ‘The Crescent. These properties are a minimum of around 290m from the concrete plant and around 335m from the Coating Plant. They are screened from the operations of both plants by the intervening restored landfill.
2.13 To the east of the existing plants there is a second group of properties at ‘The Rylands’. These lie at least 650m from the plants and are completely screened from them by the restored sections of the landfill. To the northeast, at a minimum distance of around 350m, there is the Lawford Heath Industrial Estate.

2.14 Set back off Coalpit Lane, to the southwest of the site, lies South Lodge Farm. This is over 450m from the concrete and coating plants, and is separated from the plants by the restored landfill. The farm lies 220m from Coalpit Lane. A small group of properties are located further to the north off Coalpit Lane. These properties, which include a cattery and North Lodge, are a minimum of 550m from the plants.

2.15 None of the properties are located on the access route into the Quarry from the A45 and A4071. Blue Boar Farm, at over 100m, is the closest to the access route. No other properties are located along the access route between the quarry and the A45.

Sensitive Receptors

2.16 A review of data held on the DEFRA’s (Department for Environment, Food and Rural Affairs) MAGIC database shows that there are no significant ecological designations within the application site. This includes:

- Special Areas of Conservation (SAC);
- Special Protection Areas (SPA);
- Ramsar Sites;
- National Nature Reserves (NNR);
- Local Nature Reserves (LNR);
- Site is Special Scientific Interest (SSSI);
- Scheduled Monument;
- Listed building.

2.17 Within a radius of 2km to the application site the following designations exist:

- Draycote Meadows Site is Special Scientific Interest (around 1800m to the south);
- Scheduled Monument – prehistoric pit alignment and associated features on Lawford Heath, adjacent to the northernmost Blue Boar Farm (100m to the south);
- Listed Buildings;
  - Manor Farmhouse and attached wall and gateway (1km to the northwest)
  - Park Farmhouse (650m to the southwest)
  - Cawston Farm House (1.9km to the east)
  - Lawford Lodge Farm and attached barn (1.1km to the north)

2.18 Finally the application site, in common with the rest of the quarry, is located in the green belt (Rugby Borough Council Core Strategy Development Plan Document refers).
Employment

2.19 The concrete and roadstone coating plants supports the employment of 7 personnel directly associated with the manufacturing processes and drivers employed by Breedon Aggregates. In addition the site supports 5 additional hauliers who are self-employed.

Planning History

2.20 The operation of Ling Hall Quarry takes place in accordance with a single, conditional planning permission granted in May 1991. The permission provided for the extraction of sand and gravel to be followed by landfilling with imported waste materials in accordance with a restoration scheme. The planning consent included a condition (condition 53) which limits its duration. as follows:

“No sand and gravel extraction shall take place later than the expiration of the period of 25 years beginning with the date of this permission. No waste disposal operations shall take place later than the expiration of the period of 30 years beginning with the date of this permission”.

2.21 At the time of the grant of the planning permission an Agreement under Section 106 of the Town and Country Planning Act 1990 was completed between the County Council, the operators, and those with either a freehold or leasehold interest in the site. Among other matters, the Agreement introduced a scheme which restricted the point of access to the site, and the routes taken by vehicles associated with the minerals and landfill activities. The restrictions apply for the duration of the operations at the site.

2.22 Therefore, mineral and waste disposal operations at the site are currently permitted to continue until 2016 and 2021, respectively.

2.23 Permission for the operation of the concrete plant was originally issued under Part 19 of the Town and Country Planning (General Permitted Development) Order 1995 on the 22 July 2005 subject to 8 planning conditions. Conditions 3 and 6 states that:

3. The Concrete Batching Plant shall be removed from site within 24 months of the cessation of mineral extraction at the Quarry.

6. The batching plant shall be used for the manufacture of concrete from aggregate excavated from Ling Hall Quarry only.

2.24 In August 2010 a full planning application was lodged for the retention of the concrete batching plant for a period of five years, allowing for the importation of aggregates for the manufacture of concrete. Condition 2 of the planning permission issued by the MPA (ref. RBC/10CM017 dated 12 April 2011) requires the removal of the plant by 12 April 2016.

2.25 The planning permission for the roadstone coating plant was issued in February 2007 with 11 conditions. Condition 6 states that:
6. All buildings, plant, equipment and hardstanding hereby approved shall be removed from site within 6 months of the completion of mineral extraction at Ling Hall Quarry and the site shall be restored within 1 year of such removal in accordance with a scheme submitted to and approved by the Mineral Planning Authority within 6 months of such removal.

2.26 In August 2010 a planning application was also submitted by the applicant under section 73 of the Town and Country Planning Act 1990 to retain the roadstone coating plant for a period of five years. Condition 6 of the permission issued by the MPA (ref. RBC/10CM018 dated 21 April 2011) requires the removal of all buildings, plant and machinery within five years of the date of the planning permission and the site restored within a year of its removal. The temporary retention of the roadstone coating plant also allows the use of imported material, and incorporated an extension of the hours of operation for the roadstone coating plant for a period of 12 months following the grant of planning permission.
3. DEVELOPMENT PROPOSALS

Introduction

3.1 The planning applications seeks permission to retain the existing concrete plant and roadstone coating plant, located at Ling Hall Quarry, for a period of five years from the 12 April 2016 and 21 April 2016 respectively.

3.2 As noted in Chapter 1, two planning applications have been submitted: one to vary a planning condition on the planning permission for the concrete batching plant, and a separate application to retain the roadstone coating plant by varying a planning condition attached to that permission.

The Concrete Batching Plant

3.3 Historically, the concrete plant was operated by virtue of Permitted Development Rights. With the exhaustion of the reserves at the quarry, Permitted Development Rights were no longer applicable and a full planning application was submitted in August 2010. As noted in Chapter 2, planning permission was issued on 12 April 2011 subject to 4 conditions. Condition 2 of the planning permission provides that:

“The concrete batching plant shall be removed from the site within 5 years of the date of this planning permission”

3.4 The reason for imposing the condition is stated as being “to secure a satisfactory standard of development at the site”.

3.5 No changes are proposed to the capacity or throughput of the concrete plant, although it would continue to be supplied with aggregate from offsite sources unless further planning permissions for mineral extraction are granted at Ling Hall. Similarly no changes are proposed to the hours of operation of the concrete plant.

The Roadstone Coating Plant.

3.6 Condition 6 of the existing permission for the roadstone coating plant requires the removal of the plant within 5 years of the date of the planning permission, i.e. by 21 April 2016. This planning application seeks to vary this planning condition to enable the retention of the coating plant for a further temporary period of 5 years. Eventually the site of the coating plant would be the subject of permitted landfill operations.

Vehicle Movements

3.7 Ling Hall Quarry has typically produced around 250,000 tonnes of aggregate per annum. Based on an average load of 20 tonnes and a working week of 5.5 days this would have generated around 45 lorry movements each day with aggregate leaving the quarry (90 two way trips).
The planning application for the operation of the roadstone coating plant assumed that the plant would operate at an annual output level of around 75,000 tonnes per annum. It was also calculated that this would generate a maximum of 5-6 vehicles per day, with imported materials primarily being transported on a backhaul basis. The table below is taken from the planning application for the roadstone coating and sets out the vehicle movements associated with the plant.

<table>
<thead>
<tr>
<th>Material</th>
<th>Tonnes per annum</th>
<th>Vehicles In</th>
<th>Vehicles Out</th>
<th>Additional Movements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sand</td>
<td>14700</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bitumen</td>
<td>3750</td>
<td>3 tanker loads per week</td>
<td>3 tanker loads per week</td>
<td>6 vehicles per week</td>
</tr>
<tr>
<td>Hardstone</td>
<td>7,500</td>
<td>1 to 2 trucks per day mainly on a back haul basis</td>
<td>Included below</td>
<td>Included below</td>
</tr>
<tr>
<td>Gravel/Limestone coarse aggregates</td>
<td>36,000</td>
<td>Up to 7 trucks per day mainly on a back haul basis</td>
<td>2 trucks per day</td>
<td>4 trucks per day</td>
</tr>
<tr>
<td>Filler</td>
<td>up to 1200</td>
<td>1 vehicle per week</td>
<td>1 vehicle per week</td>
<td>1 vehicle per week</td>
</tr>
</tbody>
</table>

The concrete plant produces an average of around 15,000 cubic metres per annum which requires 30,000 tonnes of aggregate. Based on a 5.5 day working week, and an average load of 15 tonnes this equates to an average of 7-8 loaded lorries leaving the site each day.

Based on the above figures it is possible to calculate the total vehicle movements that were generated when the quarry, concrete plant and coating plant were all operational. In these figures it has been assumed that the quarry would supply all the raw material for the concrete and coating plants in order to minimise the total number of vehicle movements, and so provide a worst case comparison with the stand alone concrete and coating plant option. In practise a significant volume of hardstone and other aggregate has always been imported for the coating plant although much of this was done on a backhaul basis. The figures also do not take account of cement, bitumen and filler imports.

Landfilling operations at Ling Hall Quarry are not controlled by the applicant but would continue throughout the proposed temporary periods for the
retention of the concrete and roadstone coating plants. The level of traffic associated with the landfill operation is typically of a greater magnitude to that generated by the quarry, concrete and coating plants together, and has at times been substantially greater.

Table 3-1
Estimated vehicle movements with quarry operational

<table>
<thead>
<tr>
<th>Product</th>
<th>Tonnage</th>
<th>Average Load</th>
<th>Vehicle Movements Out</th>
<th>Vehicle Movements (in and out)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry sand and Gravel</td>
<td>145,000</td>
<td>20</td>
<td>27</td>
<td>54</td>
</tr>
<tr>
<td>Concrete</td>
<td>30,000</td>
<td>15</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Coated Stone</td>
<td>75,000</td>
<td>20</td>
<td>14</td>
<td>28</td>
</tr>
<tr>
<td>TOTAL</td>
<td>250,000</td>
<td>49</td>
<td></td>
<td>98</td>
</tr>
</tbody>
</table>

Table 3-2
Estimated Vehicle Movements without Quarry

<table>
<thead>
<tr>
<th>Product</th>
<th>Tonnage</th>
<th>Average Load</th>
<th>Vehicle Movements Out</th>
<th>Vehicle Movements (in and out)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate/consumable imports</td>
<td>105,000</td>
<td>20</td>
<td>19</td>
<td>38</td>
</tr>
<tr>
<td>Concrete</td>
<td>30,000</td>
<td>15</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Coated Stone</td>
<td>75,000</td>
<td>20</td>
<td>14</td>
<td>28</td>
</tr>
<tr>
<td>TOTAL</td>
<td>41</td>
<td></td>
<td></td>
<td>82</td>
</tr>
</tbody>
</table>

3.12 From the above tables it can be seen that the continued operation of the concrete and coating plants utilising imported aggregate generates less overall traffic than when the quarry was operational. In this respect there is almost a 20% reduction in lorry traffic compared with the situation when the quarry was operational.

3.13 It should be noted that every opportunity is taken to back haul aggregate to the concrete and coating plants as it reduces vehicle movements and is commercially attractive. This backhauling would continue in the case of the proposed developments.

3.14 The existing quarry operations including the roadstone coating plant are covered by a Section 106 legal agreement that prohibits lorries from using Lawford Heath Lane except for limited local deliveries. It is anticipated that the restrictions would continue to apply to the proposed development, ensuring that the majority of vehicles have direct access to the main highway network without passing any residential properties.
4 ENVIRONMENTAL CONSIDERATIONS

Introduction

4.1 This chapter provides an overview of the environmental considerations associated with the continued operation of the two plants.

4.2 Consideration needs to be given to the receiving environment, and in particular, whether the development is located within a ‘Sensitive Area’; these are defined as:

- Sites of Special Scientific Interest;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and Scheduled Monuments.

4.3 As noted from Chapter 2 the two plants are not located in a particularly environmentally sensitive or vulnerable location, with none of the features listed above being directly affected. Indeed, with the exception of a single Scheduled Monument, none of the environmental assets are in close proximity. The nearest environmental asset is:

- Scheduled Monument lying to the south of the application site.

4.4 The nearest residential receptors are located to the south of the site along Lawford Heath Lane. The closest of these properties to the concrete and coating plants is Blue Boar Farm which lies over 270m from the concrete plant and around 330m from the roadstone coating plant.

4.5 The proposals do not seek to change either of the two plants in any way or form and as such there would be no new land take or increase in area of hardstanding. The following paragraphs set out the main environmental considerations.

Air Quality

4.6 The manufacture of concrete is a wet process involving the mixing of cement and aggregates with water in an enclosed environment. Cement is delivered to the plant in bulk powder tankers, and transferred to the cement silos. The process does not involve any emissions from the process, and the enclosed nature restricts the likelihood of dust emissions. The process is covered under Section 3.1 part B(b) to Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2010; in this respect Rugby Borough Council issued a permit on 19 February 2013 (Permit Ref. 60/EPR/3.1).

4.7 The manufacture of coated roadstone involves heating the aggregate to drive off water before adding bitumen. As such, the plant has a stack with the main emission being water vapour. The process is covered under Section 3.5 part B(e) to Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2010; in this respect Rugby Borough Council issued a permit on 13 February 2013 (Permit Ref. 71/EPR/3.5).
4.8 In view of this it is not necessary for the planning process to concern itself with the emissions from the stack. As with the concrete plant, the enclosed nature of the process, coupled with covered storage bays, means that the likelihood of dust emissions are minimal.

**Landscape**

4.9 The concrete and coating plants are located on a disused former runway within a quarry that is undergoing restoration by landfill. Although current permitted aggregate reserves have been exhausted the landfilling operations will continue at site well beyond the five year period proposed for the retention of the concrete and coating plants. The landfill offices are located to the south of the concrete and roadstone coating plants.

4.10 The concrete and roadstone coating plants are located in the final phase of the landfill and therefore ultimately the site of the plants would be infilled to a depth of around 15m with non-hazardous wastes. Landfilling has already taken place to the east and the west of plants to a height of between 10m and 15m above original ground level. The permitted restoration scheme shows landfilling in the valley between the two infilled areas to produce a single dome. The outer faces of the existing landfill have been restored to grassland and form an effective visual screen to the concrete and coating plants. The screening is supplemented by overgrown hedgerows located around the boundary of the quarry and small blocks of woodland located to the south of the site. The following photograph (Figure 4-1) illustrates the view from the entrance to the quarry with the boundary vegetation and the restored and grassed landfill providing a screen to almost all of the coating plant and most of the concrete plant. It should be noted that this is a fleeting view at the site entrance as peripheral hedges that front the road restrict visibility of the site.

![Figure 4-1: View from Site Entrance](image-url)
4.11 The plants are very well screened from all public viewpoints with no views possible from many properties and viewpoints in the close vicinity of the site. To the north west of the plants no views are possible from Wolston Grange, North Lodge and adjacent properties. The view from a location close to South Lodge Farm is shown below with views of the plant limited to filtered views of the concrete plant silos and the uppermost part of the coating plant stack visible.

![View from South Lodge Farm](image1.jpg)

**Figure 4-2: View from South Lodge Farm**

4.12 From Blue Boar Farm to the south of the site the plants are largely screened by overgrown hedgerows, a line of trees aligned along the old runway, and trees in the front garden of the property. A photograph taken from adjacent to the property and facing towards the concrete and coating plants is shown below in Figure 4-3.

![View from Blue Boar Farm](image2.jpg)

**Figure 4-3: View from Blue Boar Farm**

4.13 The closest group of properties to the application site are located on the Crescent to the south east of the site. These properties are completely
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screened from views of the plants by hedgerows and hedgerow trees on the boundary of the site, and by the restored parts of the landfill.

Figure 4-4: View from the Crescent

4.14 More distant views of the upper levels of the concrete and coating plant can be obtained from the A4071 to the south east of the site. Although the upper most parts of the concrete plant and coating plant stack are visible the equipment is partially obscured by mature and semi-mature trees.

Figure 4-5: View from the A4071 to the South East

Noise

4.15 A noise assessment has been undertaken which measured background noise levels measured at the nearest noise-sensitive properties over periods representative of the proposed working hours of the plant. To enable the noise
emissions to be modelled accurately an on-site survey was undertaken to measure actual noise levels from the asphalt and concrete plant.

4.16 A copy of the noise assessment is reproduced as Appendix A to this document.

4.17 The concrete and coating plants have already operated for several years during the daytime and Saturday morning period without causing noise complaints.

4.18 The assessment is based on baseline levels measured at the nearest noise-sensitive properties in February 2015 which included both daytime and night-time measurements and on-site measurements of the operational plant in April 2010, it is not considered that operational noise levels would have changed in the intervening period.

4.19 The BS4142:2014 assessment has found that:

- The predicted daytime rating levels are below the prevailing background levels and therefore an adverse impact is unlikely.

4.20 The BS8233:2014 assessment has found that:

- The predicted operational noise levels of the concrete and asphalt plants would not exceed the internal guideline noise levels at any time.

4.21 The assessment has also shown that the predicted operational noise levels would not exceed the 42dB $L_{Aeq,1hr}$ night-time noise limit recommended in the National Planning Policy Framework.

4.22 Based on the results of the more recent monitoring data and the assessments within this report, noise should not pose a material constraint for extending the time period for use of the plant as requested by the applicant.

**Traffic**

4.23 The location of the concrete and coating plant on the main internal access to the quarry and landfill enables them to take advantage of the quarry and landfill access road and access to the public highway. This is a high standard access road. The location also enables the plants to take advantage of the quarry weighbridge and the quarry aggregate reserves when available.

4.24 As set out in Chapter 3 above the level of vehicle movement associated with the temporary retention of the concrete and coating plants would be less than that which occurred when the quarry was operational, and these lorry movements would be indiscernible from the lorry movements associated with the ongoing landfill operation.

4.25 The majority of vehicles transporting materials to and from the concrete and coating plants would be under the direct control of the applicant, and are therefore capable of being directly and effectively controlled.
5. PLANNING POLICY

Introduction

5.1 It is clear from national legislation and the National Planning Policy Framework (NPPF) that the Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) confers a presumption in favour of development proposals which accord with the Development Plan, unless material considerations indicate otherwise. This is re-iterated in the NPPF. Sub Section 5 of Section 38 also states that, "if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)".

5.2 This principle has been developed and clarified by case law, which has confirmed that a particular proposal does not need to accord with each and every policy in a development plan; the key issue is that it accords with the overall thrust of development plan policies taken as a whole.

5.3 At the national level, planning policy is set out in the NPPF (and associated web based Planning Practice Guidance). This addresses general principles and policies together with providing guidance on minerals, and forms a material consideration to the consideration of a planning application. National guidance is translated into more detailed policy through the Development Plan, but will take precedence where the Development Plan is out of step with national policy.

5.4 As such national planning policies are a material consideration in determining any planning application.

National Policy

NPPF

5.5 The government published the NPPF on 27 March 2012 and, with the publishing of the web based Planning Practice Guidance (March 2014), has replaced all of the Planning Policy Statements (PPS), Planning Policy Guidance Notes (PPG), Minerals Policy Statements (MPS) and Minerals Planning Guidance (MPG) notes. This includes the cancellation of MPS1 (Planning and Minerals 2006); MPS2 (Controlling and Mitigating the Environmental Effects of Mineral Extraction in England – Annexe 1 Dust and Annexe 2 Noise 2005); and MPG7 (Reclamation of Mineral Workings 1996).

5.6 There has been no material change to technical national policy advice relating to mineral extraction: it has simply been redrafted and re-presented in a different format.

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* Paragraph 2, NPPF.
5.7 At the heart of the NPPF is a presumption in favour of sustainable development\(^9\), which for decision making means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

5.8 In terms of sustainable development, the NPPF identifies three dimensions\(^10\) which require the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.9 These roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system\(^11\).

5.10 In this context the two plants at Ling Hall Quarry are an important supplier of concrete and coated roadstone products; key materials for the construction sector. The plants support the employment of 7 personnel, together with providing indirect employment opportunities through supporting local businesses, such as maintenance and haulage. At the same time, environmental studies undertaken have not identified any significant adverse impact, and thus it is not necessary to consider the balance between the benefits of the scheme and potential harm.

5.11 By reference to the Rugby Borough Local Plan/Core Strategy (see below) the application site is located within the Green Belt. Relevant guidance in the

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\(^9\) Paragraph 14, NPPF
\(^10\) Paragraph 7, NPPF
\(^11\) Paragraph 8, NPPF
NPPF can be found in Section 9, paragraphs 79 to 92. The purpose of green belts is set out in paragraph 80, being:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.12 Paragraph 81 states that “Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land”.

5.13 This reflects previous guidance in PPG2\(^2\) which the NPPF replaces.

5.14 Paragraph 87 refers to previous guidance, commenting that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 88 then adds:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

5.15 However, of note to the proposed development is paragraph 90 which defines other forms of development that are not inappropriate in green belt provided they preserve the openness of the green belt and do not conflict with the purposes of including land in green belt. Included in the list is mineral extraction, which reflects earlier guidance\(^3\).

5.16 The concrete plant utilised aggregate from the adjacent quarry, and the roadstone coating plant used an element of mineral from the quarry, although a significant proportion of the aggregate has always been imported to the site. In the committee report for the coating plant the planning officer noted that paragraph 3.12 of PPG2 – Green Belts advises that engineering operations, such as the installation of plant, may be inappropriate development in the Green Belt if they harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt. He went on to state that…

As this plant is inconspicuously sited on a working quarry and will only be seen in the context of the existing quarry and equipment, it is considered that the development will not compromise the openness of the Green Belt. Furthermore the development will not conflict with the purposes of

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\(^2\) Paragraphs 1.5 and 1.6, PPG2
\(^3\) Paragraph 3.11, PPG2
including land in the Green Belt as defined by paragraph 1.5 of PPG2. The development is therefore considered to be appropriate development as defined by PPG2.

5.17 The mineral permission authorises the infilling of the mineral workings with waste. This landfilling operation is ongoing with the concrete and coating plants located in the final cell. Therefore the concrete and coating plants will be removed before the infilling and restoration of the final cell. The site is therefore considered to be an active mineral site, and the above comments from the planning officer remain valid. On this basis the coating plant and, by inference, the concrete plant remain appropriate development.

5.18 The retention of the plants would be for a temporary period of five years, and it is recognised that the plants are very well screened and benefit from excellent access to the strategic highway network. The continued operation of the concrete and roadstone coating plants using solely imported mineral will result in fewer overall vehicle movements than when the quarry was operational.

5.19 This application seeks to retain the plant until late 2021 i.e. within the period of the restoration (landfill operations) authorised by the current mineral permission.

The Development Plan

5.20 The PCPA 2004 reformed the development plan system, replacing Local Plans with a requirement to produce a Local Development Framework (LDF). The LDF would comprise a portfolio of Development Plan Documents (DPDs). With the introduction of the Localism Act 2011, the LDF is to be replaced by Local Plans.

5.21 To maintain continuity in the Development Plan system during transition to the LDFs (and now Local Plans), arrangements were put in place for the existing adopted Structure Plan and the Minerals, Waste and District Local Plan policies to be ‘saved’. Of importance to the planning application is the Secretary of State’s saving direction where seven Minerals Local Plan policies were saved until replaced by new adopted policies.

5.22 The West Midlands Regional Spatial Strategy (RSS) was formally revoked by Statutory Order SI 2013/933. This was laid in Parliament on 24th April 2013 and came into effect on 20th May 2013. The same order also revoked any remaining saved policies in the structure plans within the region.

5.23 The Development Plan for the area within which the Mining Site is situated comprises the “Saved Policies” of the:

- Warwickshire Minerals Local Plan (adopted February 1995); and

5.24 Allied to this Warwickshire County Council is in the process of replacing the 1995 Minerals Local Plan with a new plan; the council issued a “Preferred
Option and Policies” in October 2015 which contains a number of draft policies. As this plan has not been examined in public then the weight to the attached to it has to be moderated.

5.25 The Borough Local Plan Core Strategy (adopted June 2011 and covering the period to 2028) covers all matters involving the development or other use of land, with the exceptions of minerals and waste developments which by virtue of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 fall to be considered against the Minerals Local Plan and Waste Local Plan respectively. The main considerations therefore relate to the general policies, and those aimed at safeguarding the environment.

Warwickshire Minerals Local Plan

5.26 As noted above, seven policies were saved beyond 2007. Of note to this planning application is **Policy M7**, which makes it clear that proposals for operations ancillary or secondary to mineral extraction will normally be expected to be sited adjacent to primary plant. It was on this basis that the coating plant and concrete plant were permitted. The policy states that the use of such plant will be restricted to processes principally using minerals produced from the site, and that conditions may be imposed to control the lifespan of ancillary and secondary operations.

5.27 The roadstone coating plant was permitted on the basis that a substantial amount of aggregate could be imported, and there is no specific requirement in the planning permission to use aggregate from the quarry. There is the potential for additional mineral reserves to be permitted at Ling Hall Quarry. In either case the existing quarry processing plant would be reactivated and the plant would supply aggregate to the Coating and Concrete Plants.

Emerging Minerals Development Framework

5.28 Warwickshire County Council consulted on its Revised Spatial Options document as part of the Warwickshire County Council Minerals Development Framework. The consultation ran from the 19th February 2009 to 8th May 2009. The consultation included details of suggested future mineral extraction sites, and included a proposed northwest extension to Ling Hall Quarry. Two other sites located close to Ling Hall Quarry, and included in the existing Minerals Local Plan, were also included in the consultation.

5.29 The county council also consulted on its Preferred Option and Policies Consultation document towards the end of 2015. Within this document, two allocations are included close to Ling Hall Quarry: Bourton on Dunsmore and Lawford Heath. For the latter, the plan (at paragraph 7.16) indicates that consideration should be given “to work the site back to Ling Hall processing plant”.

5.30 The 2015 Option and Policies Consultation also contains a number of draft “Development Management” policies. Of note are:
• **Policy DM1** which addresses the protection and enhancement of the natural and built environment and in the context of the planning application is relevant to landscape and heritage considerations. As noted above, the plants have minimal impact upon local landscape by virtue of screening afforded by topography and vegetation. In addition, in relation to the setting of the Scheduled Monument, the plants are already in existence. Had the impact been considered significant then planning permission would not have been granted previously. Policy DM1 also refers to the green belt. The supporting text recognises that large tracts of Warwickshire are affected by such designations. The text also refers to protecting the openness of the greenbelt. It is important to note that the proposals are not for the erection of new plant, but the retention of plant that is already in existence. The plant is small in scale, occupying 0.8ha of land. As such, the potential impact upon the green belt is minimal. Whilst mineral extraction at Ling Hall has ceased, the site is being restored by landfill. Allied to this, reserves are being allocated nearby which could be worked through the plant at Ling Hall. It therefore seems premature to remove the plants from the site.

• **Policy DM2** addresses health, economic and amenity impacts and thus aimed at *inter alia* protecting local residents. The plants have been operating for several years without giving rise to complaints. As such the proposals to retain the plants for a further five years would not run contrary to this policy.

• **Policy DM3** considers transportation. As noted above the volume of traffic generated by the two plants, despite the need to import raw materials, is lower than when the quarry was fully operational. The site has good access and is a short distance from the main road network (A45).

**Rugby Borough Local Plan Core Strategy**

5.31 The Rugby Borough Local Plan was adopted in July 2006, and on the proposals map the application site is shown to be within the designated Green Belt. No other specific designations apply to the application site, although the industrial operation to the east of the quarry is identified as a major developed site in the green belt and the A45(T) is identified as a transport corridor. Since Green Belt policy in relation to the proposed development has been considered earlier no further comment is made here.

5.32 The adopted Rugby Borough Local Plan Core Strategy similarly does not contain any policies relevant to mineral developments. As such, relevant policies are those aimed at safeguarding the environment. In the context of the Green Belt, **Policy CS1** (Development Strategy) seeks to restrict new development in the Green Belt unless it complies with national policy.
6 CONCLUSIONS

6.1 Two planning applications are being submitted to Warwickshire County Council as Mineral Planning Authority to ‘vary’ the existing planning conditions that limit the duration of operations for the concrete batching plant and roadstone coating (also known as an ‘asphalt’) plant at Ling Hall Quarry.

6.2 Ling Hall Quarry is located approximately 2 kilometres to the south west of the outskirts of Rugby. There are a number of villages in the general vicinity of the quarry although none are located within 2 kilometres of the quarry boundary.

6.3 The concrete batching plant and roadstone coating plant are located in a well screened location within the quarry, with restored areas of landfilling located on either side of the plants. The planning permission for landfilling extends over the land occupied by the two plants, but this landfilling will not commence for at least 5 years.

6.4 Both the concrete and roadstone coating plants are of a modern design, and have been in operation at Ling Hall Quarry for approximately 10 years. Separate planning permissions exist for each of the plants. The concrete plant was originally permitted under permitted development rights and had a condition limiting the source of aggregate raw material to that from Ling Hall Quarry, and a condition limiting the life of the plant to that of the quarry. In August 2010 a planning application was lodged for the retention of the concrete batching plant for a period of five years; this is regulated through condition 2 of the planning permission issued by the MPA which requires the removal by 12 April 2016.

6.5 The planning permission for the roadstone coating plant includes a condition (Condition 6) requiring the removal of the plant within 5 years of the date of the planning permission (21 April 2011) and the site restored within a year of its removal.

6.6 The planning applications seek permission to retain the existing concrete plant and roadstone coating plant for a period of five years from the 12 April 2016 and 21 April 2016 respectively.

6.7 The proposals to continue the operation of the plants would not give rise to any significant adverse impacts on the environment or amenity of local residents and would not contravene polices in the Development Plan or National Planning Policy Framework. It is therefore considered that the proposals strike the correct planning balance.

6.8 Accordingly, the applicant respectfully asks that planning permission be granted.