

Item No. 19**SCHEDULE D**

APPLICATION NUMBER	BC/CM/2008/27
LOCATION	STONE LANE QUARRY, WOBURN ROAD, HEATH AND REACH
PROPOSAL	RESTORATION OF THE FORMER QUARRY TO PRE-EXTRACTION LEVELS THROUGH THE IMPORTATION OF INERT WASTE.
PARISH	Heath & Reach Parish Council
WARD & COUNCILLORS	Plantation – Cllr Shadbolt & Cllr Rawcliffe
CASE OFFICER	Anita Taylor
DATE REGISTERED	5 th September 2008
EXPIRY DATE	26 th December 2008
APPLICANT	Arnold White Estates
AGENT	Hives Planning Ltd
REASON FOR COMMITTEE TO DETERMINE	SIGNIFICANT OBJECTIONS & DEVELOPMENT IN THE GREEN BELT
RECOMMENDED DECISION	APPROVE SUBJECT TO S106 AGREEMENT AND PLANNING CONDITIONS

Site Location:

Stone Lane Quarry is situated to the north of Heath and Reach village in Leighton Buzzard. The Quarry is located approximately 400 metres to the north of the village and is accessed off Woburn Road which leads out of the village to the A5. The site extends to an area of approximately 13 hectares and sits within the South Bedfordshire Green Belt.

It is bounded to the north by Woburn Road, to the west by a restored area of the quarry (now playing fields), to the south by Bryants Lane, and to the east by a field currently used as grazing land. On the opposite side of Woburn Road are King's and Baker's Wood & Heaths, designated Sites of Special Scientific Interest (SSSI).

The Application:

The application, including submission of an Environmental Statement, is for the infilling of the quarry void with imported inert waste, to include soils comprising predominately sands, clays, silts, gravels and chalk as well as brick and concrete rubble. The infilling will enable the site to be put back to pre-extraction levels. It is estimated that 1.25 million m³ of material would be needed to fill the void at a rate of 150,000 m³ per annum. At this throughput it is anticipated that the infilling operation would take between 8 to 10 years to complete involving seven working phases.

It is proposed that a maximum of 110 HGV movements¹ enter and exit the site per working day. The applicants will upgrade the access to allow for the appropriate visibility into and out of the site entrance to be maintained.

During infilling operations a site compound will be established adjacent to the entrance of the site which will include car parking, wheel cleaning facilities, weighbridge, staff facilities, and plant and material storage area. The hours of operation would be from 07:00 to 18:00 Monday to Friday with no operations taking place on Saturdays, Sundays, or Public Holidays.

Once infilling operations cease and the site has been restored it would be returned to a mix of agriculture (energy crop) and meadow grassland with public access. The applicant proposes a rights of way programme which will involve a mixture of permissive footpaths, bridleways and footpaths that will become public rights of way, and open access to part of the site for a minimum period of 20 years.

In addition to information provided within the application further information / amendments have been submitted by the Applicant on 31st October 2009, 4th December 2008, 9th April 2009, and 11th August 2009.

RELEVANT POLICIES:

National Policies (PPG & PPS)

Planning Policy Guidance 2: Green Belts
Planning Policy Statement 10: Planning for Sustainable Waste Management

Regional Spatial Strategy

East of England Plan (May 2008)

Bedfordshire and Luton Minerals and Waste Local Plan (January 2005)

W1	Key principles
W21	Inert waste landfill
GE1	Matters to be addressed in planning applications
GE3	Environmental improvement of the Greensand Trust area
GE5	Protection of Green Belt land
GE9	Landscape Protection and landscaping
GE11	Protection of sites of national nature conservation importance
GE14	Archaeology
GE18	Disturbance
GE20	Water Resources
GE21	Public rights of way
GE23	Transport: suitability of local road network
GE26	Restoration
GE27	Aftercare

¹ A vehicle entering the site and then exiting the site is classed as 2 movements.

South Bedfordshire Local Plan Review Adopted 2004 (SBLPR)

Planning History

Extraction of sand from Stone Lane dates back to the 1940s. Stone Lane quarry was worked in 2 phases. Phase 1 was granted planning permission for restoration using imported inert waste material in 1997 (planning permission no. 13/1996). An extension of time was granted in 2000 to allow infilling operations and restoration to continue for a further year. Phase 1 has been restored to playing fields and a small community woodland and mountain bike area.

The current approved restoration scheme is for a low level restoration of the site to grass seeded slopes and bare open ground at the base of the pit to allow natural regeneration. Mineral operations have continued at the site and are expected to cease this summer. The slopes at the quarry are steep and unstable in places. Slips have occurred on the northern and southern slopes of the quarry and remedial action has been necessary.

IDO: 1480 13/1996	Winning and working of sand. Consolidation of earlier planning permissions for sand extraction and the restoration of part of the site with inert waste.
3/2000	Extension of time of 13/1996 permission for one year
10/2007	Change of use of part of restored community woodland to a mountain bike area for local community use.

Representations: (Parish & Neighbours)

Responses were made in connection with initial consultation on the application and also following consultation of further information submitted by the Applicant on 9th April 2009.

Heath and Reach Parish Council

Was initially in favour of infilling this particular quarry in principle, provided that its conditions area met on the grounds that the quarry is too dangerous to remain as it is and because of the requirement to restore FP10 not only to its original line but also to a safe and manageable profile. Further to the submission of additional information by the Applicant the Parish Council strongly objected to the proposals as stating that their concerns had not been addressed The Council expresses concerns regarding;

- There is no material benefit to the local community beyond the restoration of landscape and original line of FP10. Consideration should be given to providing full public access to the whole site, the ceding of the

sports ground car park to the Council, the provision of a separate area for sports ground parking, the provision of additional formal sports ground space and onsite facilities, and the sports field and woodland be made freehold.

- Consideration given to alternative plans for the site, i.e alternative profile requiring less material and therefore less than 8-10 years to complete, which would shorten the impact to the community.
- Detailed planning regarding the highways works that are required and consideration of the downgrading of Woburn Road to the C194.
- The potential timescales and more detailed planning regarding anticipated impacts.
- The establishment of three permanent rights of way and improvements to the diverted FP10 during infilling.
- The quantity of material to be taken in per annum and the potential for more material to be taken in. There would need to be assurance that no other material would be introduced and defined schemes in the event that material has not been available so the 10 year period is not exceeded.
- Impacts of the development in terms of increased surface water run-off in particular relation to the adjacent sports pitches, noise and vibration, dust, hours of operations, mud on the highway.
- Further clarification on how the agricultural activities would be managed and in relation to access from adjacent roads.
- Funds to be paid on an annual basis to ensure two extra gulley cleaning exercises are completed each year, the upgrading of the road to the A5, and a resolution of the current surface water drainage issues at the adjacent sports pitches.
- The access slip road needs to provide for vehicles in “convoy” as it could lead to HGV’s using Brickhill Road as a turning circle. The information should be reviewed. There are concerns regarding safety in relation to the access.
- A lack of parking facilities will not encourage users to the restored site.

Representations

Two letters were received as a result of publicity which was carried out in the form of site notices, neighbour notifications, and a local newspaper advertisement. In

principle both support the application but raise the following issues and concerns;

- Benefits to the community are somewhat limited and little is offered to compensate for the additional 8-10 years of disruption. The applicant should help the community to achieve some of the goals in the Parish Plan 2007-2020.
- Restoration of Footpath 10 is a legal obligation.
- The applicant could meet social obligation to the community by ceding to the Parish Council, or selling for a token amount, the land on which the sports ground and temporary building stand, and the land now use for the car park.
- Consideration given to infilling to a lower level.
- The strengthening of the landscaping, restoration, aftercare and management schemes through open access, additional rights of way, planting more trees, additional measures.
- The installation of CCTV to monitor the road conditions.
- The proposed timeframe should be made legally binding.
- The type of waste which will be tipped at the site should be stringently controlled.
- Permission should not be granted for both Stone Lane and Reach Lane, priority should be given to this application.

Consultations/Publicity responses:

GO EAST

Note the contents of the application

**East of England
Development
Agency**

Comment that the proposal is not considered to be of a strategic nature and therefore the Agency has no comments in relation to the application.

**The Leighton
Buzzard Society**

Comment that whilst accepting quarry restoration is on-going, thought and care is needed. Urge that consultation is carried out with Heath and Reach Parish Council.

**Campaign to Protect
Rural England**

State that there is no need for this landfill and the application should be refused, raising the following concerns;

- much of the waste stream is ideal for recycling as

aggregate,

- Waste recycling is the main priority under the Government's Waste Strategy,
- 'inert waste' that cannot be recycled would need on-going and thorough inspection of each load,
- there are already an adequate number of sites licensed for the small arisings of generally inert waste which cannot be recycled

Comment that Stone Lane is a substantial site. If this were licensed the rate of input of suitable material would be such that any restoration date would not only be indeterminable but also very long term.

**Ramblers
Association
Bedfordshire Rights
of Way Association**

Do not object to the proposal and welcome the eventual return of footpath 10.

The restoration scheme would bring the original line of footpath 10 back into use by infilling the quarry with inert material. It is estimated that 1.25 million cubic metres of material be disposed, at around 150,000 cubic metres per annum. This would take over 8 years to complete resulting in the original line being unusable for over 16 years. State that the circular path is welcome and ask that a S106 agreement to dedicate the temporary diversion route as a public footpath is made a condition for the grant of permission.

Natural England

Comment that the application is adjacent to Kings and Bakers Wood and Heaths SSSI, and potential impacts include noise, dust and loss of supporting habitat. The site and its surround are also thought to have potential for protected or notable species. Natural England do not object to the proposal and are satisfied that these issues are adequately addressed within the application and that provided the mitigation measures included at section 8.7 of the ES are carried out in full it is not thought that this application will result in any additional impact upon the SSSI. The restoration scheme is broadly supported and a valuable addition to the green infrastructure. Restoration of the original footpath is supported.

Add that further detail is needed as to the final species of the grassland and the scheme should aim to be ambitious in terms of the amount of species-rich grassland it can establish. The applicant should source mixes from local bodies and areas left to generate naturally are supported.

In terms of soils and agriculture Natural England comments that use of soils from the waste stream to achieve beneficial after-uses is commended, but it should be ensured that the growth of crops is not compromised by compaction and that soil forming materials are suitable. Advise that the applicant

should adopt the best practices identified in the “Good Practice Guide for Handling Soils” (MAFF, 2000).

Environment Agency Initially objected to the application and recommended refusal of the application on the basis that the Flood Risk Assessment (FRA) did not comply with requirements as set out in Planning Policy Statement 25. The FRA failed to adequately consider; how run-off will be restricted to the Greenfield rate; pre extraction conditions would have allowed surface water to infiltrated but the proposed clay cap will prevent infiltration; further work to demonstrate no increase in run-off.

This objection was withdrawn following conformation by the Applicant that restoration levels closely replicate the original ground levels.

The Agency comments that information regarding mitigation and enhancement is insufficient. Restoration should include a long term management plan, more public access, provision for education and recreation, and enhancement of habitats for wildlife.

Advisory comments are afforded to the Applicant regarding the need for an Environmental Permit.

Greensand Trust The Trust object to the application as there is insufficient detail on the final restoration of the site. The Trust also states that the issue of routing of lorries in relation to the village needs to be resolved. Comment that the proposal is only justified if the long term future of the site as public open space can be secured. This does not preclude the inclusion of other after uses such as agriculture and forestry operations but could create habitats and provide a significant local recreation facility.

Add that the inert fill should be prior screened for recycling, and the diversion of FP10 and the permissive path through the Stone Lane Community Woodland should be dedicated to permanent rights of way before infilling, in addition to the reinstatement of FP10.

**Central Bedfordshire Council
Environmental
Health Officer** Does not object to the proposed operations. States that planning conditions should be applied to control noise emissions particularly at noise sensitive properties with noise limits set and a scheme for compliance noise monitoring. The applicant should ensure that any material bought onto the land is verified so as not to cause the land to be determined contaminated.

**Central Bedfordshire Council
Archaeologist** Comments that archaeological remains within the quarry have been removed but there are a series of well preserved earthworks to the south east. Has concerns regarding the protection of the earthworks and would like a condition placed on any grant of permission to secure a method

statement for their protection.

**Central Bedfordshire
Council Landscape
Officer**

Does not object in principle to the scheme but does not feel that the landscape structure proposed is in scale with the site and more internal planting is needed. More information is needed on the long term aftercare of the site.

**Central Bedfordshire
Council Highways
Officer**

Initially requested that further information be provided pertaining to traffic generation, and the improved access, and expressed concern that the provision of the visibility splay to the right of the access would require substantial re-grading of the highway verge and adjacent land with subsequent implications.

Having reviewed the additional information has no objection on highway grounds. Requires a visibility splay of 2.4 metres by 90 metres, a wheel wash, and that the gates be open during operational hours.

**Central Bedfordshire
Council Rights of
Way Officer**

Has the following comments to make;

- It is disappointing to note that the routes being offered around the perimeter are shown as 'permitted' paths. The paths should be dedicated as formal rights of way.
- Considerable public access will not be provided until the short rotation crop has established. This could be 10 years before fencing is removed and access allowed.
- The application refers to the original application which required Footpath 10 to be reinstated on its original line, unfortunately with the post extraction levels this could only be achieved through a series of steps. This would now be unacceptable as due consideration must be given to the Disability Discrimination Act and a large flight of steps would make it unusable to the majority of local residents.
- The circular path around the inner edges of the site is welcome but it is not clear whether this is to be permissive path or dedicated as a public right of way.

A section 106 agreement to dedicate this perimeter route as a Public Footpath should be made a condition of any permission given. Footpath 10 has been diverted for 20 years and this proposal would keep the path closed for a further 7 to 10 years. A condition could be made to ensure that by restoration year 5 (or sooner if possible) the public access being offered in this scheme is laid out on the ground and open to public use, and that Footpath 10 is fully reinstated on its original route.

Determining Issues

The main considerations of the application are:

1. Green Belt
2. Environmental Considerations – Disturbance and Pollution Control
3. Highways and Transportation
4. Restoration
5. Rights of Way

Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan is the adopted Regional Spatial Strategy (East of England Plan) (May 2008) and the emerging Minerals and Waste Development Framework. During this transitional period the saved policies of the Bedfordshire and Luton Minerals and Waste Local Plan (adopted January 2005) (MWLP) form the local policy framework against which applications should be determined. Relevant national guidance is Planning Policy Guidance 2 (PPG2): *Green Belts*, Planning Policy Statement 10 (2005): *Planning for Sustainable Waste Management* (PPS10), and the Waste Strategy for England (2007), Circular 05/2005, *Planning Obligations*.

Policy GE1 of the MWLP, *matters to be addressed in planning applications*, sets out the information required for the planning authority to fully consider issues in order to safeguard the environment whilst making an appropriate level of contribution to local and regional need for minerals and waste facilities. The Applicant has provided sufficient information, including a full Environmental Statement, a transport assessment, a flood risk assessment and planning statement. As such the relevant development plan policies are assessed below.

Policy W1 of the MWLP, *key principles*, states that planning permission for waste management proposals will only be granted if the proposal; contributes to meeting the strategic aim of the Plan to reduce the amount of waste which goes to landfill, takes account of the waste hierarchy, should not significantly impede development options further up the hierarchy, and conform with the proximity principle. The proximity principle seeks to ensure that waste is disposed of as close to the source of origin as possible.

Stone Lane Quarry sits in the south-east of Bedfordshire with adjoining local authorities being Aylesbury Vale and Milton Keynes. The area is identified as a key growth area (*Milton Keynes and South Midlands Sub-Regional Strategy*) and as such will attract a large amount of development in order to meet the targets for the creation of new homes and jobs in the region. Stone Lane would provide an inert waste disposal facility for Central Bedfordshire in addition to the Milton Keynes and Aylesbury Vale districts. Its location would accord with the proximity principle in respect of wastes arising from the above

areas. The Applicant expects that there will be an equal portion of waste arising from within Bedfordshire as outside of the County boundary. It is not considered that the granting of permission for inert landfill at Stone Lane will impede upon development options further up the waste hierarchy. For reasons set out above, the proposal accords with Policy W1 of the MWLP.

The proposal is to restore Stone Lane Quarry through the importation of inert waste. Policy W21 of the MWLP, *inert waste landfill*, states that the Minerals Planning Authority will not grant planning permission for landfill or other disposal to land of inert wastes except where proposals contribute to the restoration of old mineral workings or provide a demonstrated environmental benefit. Stone Lane Quarry has been worked for mineral in two phases dating back to the 1940's. Phase one of the mineral working was filled with inert waste to pre-extraction levels. The approved restoration scheme for Phase 2 is currently low level with a mixture of grassland and bare ground to allow for natural regeneration. Mineral operations are expected to cease this summer leaving a large void with steep sandstone and sand slopes. By filling the existing void with inert waste it is proposed to restore the land to pre-extraction levels. As such the proposal accords with policy W21.

Green Belt

There is a presumption against inappropriate development which is harmful to the Green Belt. Planning Policy Guidance 2 (PPG2): *Green Belts* lists the five purposes of including land in Green Belts as:

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

The purpose most relevant to this proposal is safeguarding the countryside from encroachment. The impact upon the openness of the Green Belt is assessed below.

PPG2 states that the Applicant should show why permission for inappropriate development should be granted. It goes on to state that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This means that the inappropriate nature of the development needs to be outweighed by other considerations in order to justify development in the Green Belt.

Policy GE5, *Green Belt*, of the MWLP states that for waste development planning permission will only be granted where very special circumstances can be demonstrated that justify the proposal. For all minerals and waste related development the proposal should preserve the openness of the Green Belt and minimise conflict with the purposes of its designations, and for waste

development very special circumstances can be demonstrated that justify the proposal.

It is recognised that mineral extraction is a type of development which may be permitted within the Green Belt providing that the development does not conflict with the purposes of including land in the Green Belt and that high environmental standards are maintained and the site is well restored. As this policy sits alongside policy W21 it must follow that in certain instances the filling of these former quarries with inert material is accepted within the Green Belt. The application does not propose to raise ground levels beyond original levels and as such it is not considered that once restored that site will impact upon the openness of the Green Belt to such a degree as to warrant refusal of the application on those grounds. As such, and in terms of policy set out within PPG2, the proposal does not constitute inappropriate development within the Green Belt.

Nevertheless, policy GE5 of the MWLP requires demonstration that very special circumstances apply to justify the proposal. Since approval of the extant restoration scheme at Stone Lane it has become apparent that the slopes are unstable and there have been recent slippages of material. The lack of overburden on site to enable a safe restoration of these slopes means that some amount of material will need to be imported to the site to restore Stone Lane effectively. In addition to contributing to the restoration of old mineral workings the Applicants are willing to enter into agreement with the Council to create public access to the site once restoration has been completed. The restoration of the site to pre-extraction levels will enable the reinstatement of Footpath 10 to its original line (having been diverted around the perimeter of the site to allow for quarrying to take place).

When considered against the surrounding land use the proposal will have little impact upon the openness of the Green Belt and will not conflict with the other purposes of including land within the Green Belt. It is considered that the benefits of the proposal constitute the very special circumstances required to comply with Policy GE5 of the MWLP.

Environmental Considerations – Disturbance and Pollution Control

Policy GE18, *disturbance*, of the MWLP states that planning permission for mineral and waste development proposals which are likely to generate disturbance from noise, vibration, dust, mud on the highway, fumes, gases, odour, illumination, litter, birds and pests will only be granted where the impact of the anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal. Furthermore, policy BE8 of the SBLPR advises that proposals likely to generate disturbance and other pollution emissions must ensure that they do not unacceptably disturb or otherwise affect adjoining properties and uses. Due to the nature of inert waste it is unlikely that the proposal will result in added disturbance from fumes, gases, birds, and pests.

The nearest residential properties to the site are Red Lodge 150 metres to the north-east, properties at Overend Green 190 metres to the south-east, the

north end of Heath and Reach village 200 metres to the south-west, and properties along Brickhill Road 120 metres to the north-west. A Site of Special Scientific Interest (SSSI), Kings & Bakers Wood & Heath, lies 350 metres to the north.

Chapter 11 of the Environmental Statement assesses the effects of noise and vibration associated with the proposed restoration. The base of the quarry sits between 18 metres (west) and 40 metres (east) below the surrounding ground levels. As such the quarry will provide a noise barrier whilst filling progresses through the initial phases. Once filling has commenced in phase 5 it is anticipated that noise levels from the development will be at their highest within Kings Wood. Phases 6 and 7 bring ground levels to those of the surrounding area so that screening provided by the sides of the quarry becomes insignificant. In order to mitigate against the noise levels during these later phases the Applicant proposes to erect a temporary noise bund along the western boundary of the site during phase 4 development to protect nearby residential properties.

There is a potential for the creation of dust and the transfer of debris on to the highway from the proposed operations at Stone Lane. The Applicant proposes to have a wheel cleaning facility and wheel shaker on site to minimise the risk of debris being transferred on to the highway. It is anticipated that along with the coarse nature of the dust emanating from the site, the vegetative screening, and the spatial separation between the source and potential receptors, dust impacts upon Kings Wood SSSI and local residents will be minimised. Nevertheless the Applicants propose a dust management strategy to involve dust suppression and containment techniques.

Central Bedfordshire Environmental Health Officer does not object to the proposal but comments that planning conditions be used to apply absolute control on noise emissions with limits being set at noise sensitive properties. Central Bedfordshire Highways Officer suggests that a wheel wash condition is placed on any grant of planning permission.

Subject to the inclusion of planning conditions ensuring that the proposed mitigation measures are implemented, the risk of disturbance is reduced as far as practicable and as such the proposed development does not conflict with aims of Policy GE18 of the MWLP, or Policy BE8 of the SBLPR.

Policy GE20, *Water Resources*, of the MWLP states that permission will not be granted for minerals and waste development proposals where the proposal would have an unacceptable impact on the quality of quantity of groundwater and/or surface water drainage, and the flow of groundwater on or in the vicinity of the site.

The Applicant considers there is no significant risk of flooding and the proposed works would not increase the risk of flooding elsewhere. Surface water drainage measures would restore the site to its natural condition and control run off from the site. The Environment Agency initially objected to the

application but removed their objection on the basis that the post landfilling contours represented the pre extraction contours.

The importation of inert waste materials will require an Environmental Permit from the Environment Agency, which will be subject to a groundwater risk assessment, and it will be necessary to engineer a liner to contain the wastes and protect the underlying major aquifer. An Environmental Permit can only be issued upon the grant of a relevant planning permission.

The Applicant will construct swales and ditches to control the surface water run off. The Council considers that it would be beneficial to place a condition on any grant of planning permission requiring the approval of a surface water management strategy prior to the commencement of filling operations in order to agree detail of the swales and ditches. With the appropriate mitigation the application complies with policy GE20 of the MWLP.

Highways and Transportation

A full transport assessment was commissioned to assess the impacts of the proposal on the local and regional highway network. Policy GE23, *transport: suitability of local road network*, states that where access to a proposed development site can only be achieved by road permission will only be granted where the material is capable of being transported to and from sites via the strategic highway network. It goes on to state that the suitability and capacity of available access routes will be taken into account and proposals which use significant lengths of unsuitable roads will not be permitted unless suitable improvements can be agreed.

The site lies approximately 1.3km to the south of the roundabout junction of Woburn Road and the A5, which forms part of the strategic highway network. It is proposed that 55 lorry loads of inert waste will be delivered to the landfill per working day (110 HGV movements). The transport assessment shows that the A5, and Woburn Road roundabout junction would operate well within its capacity taking into account the additional vehicle movements resulting from this proposal. The Applicant offered to enter into agreement with the Council to ensure that all HGV's entering and exiting the site do so via the A5 roundabout junction, thereby avoiding Heath and Reach village.

Access to the site from Woburn Road is currently achieved by a simple T junction. The Parish Council expresses concern that standing traffic may occur on Woburn Road. Initially the Applicants proposed to construct an auxiliary left-turning lane so that HGV's entering the site from the north could leave the main carriageway and reduce speed ready for the left turn into the site without impeding on traffic flows. However, at the request of the Council's Highways Officer further survey work was carried out by the Applicant. Revised plans for the access were submitted which removed the left-turning lane. These show that visibility at the entrance will be maintained for a distance of 90 metres to a depth of 2.4 metres. The Council's Highways Officer has no objection to the application on the grounds that the above works are undertaken by the Applicant prior to landfilling operations. It is also suggested that conditions be placed on any grant of planning permission

pertaining to a wheel cleaning system, and a requirement for the gates to be open during operational hours.

A lorry ban restricting HGV movements exists within Heath and Reach and Leighton Buzzard. This restricts HGV's from travelling through the area. HGV's would be able to collect waste material from a location within the area but would be required to enter and exit the ban area via the shortest route. The lorry ban is regulated by Bedfordshire Police. As this legal obligation exists it is not considered that a routing agreement is necessary in this case. Officers are satisfied that conditions placed on any grant of planning permission would provide adequate assurance that HGV's would not enter / exit the site through Heath and Reach village, apart from for local collections of inert waste.

The development proposals meet the aims of policy GE23 in that the site is located near to the strategic highway network and the Applicant has agreed to make suitable improvements to the access route.

Restoration

Policy GE26 of the MWLP, restoration, requires all proposals for non permanent facilities to include high quality restoration of the site within a reasonable timescale. Normally this will be for agriculture, forestry, nature conservation and/or amenity/recreation. Following landfilling the site would be put to a mix of agricultural use with an energy crop and meadowland in addition to the provision of limited public access onto the site. Natural England comment that the restoration scheme will be a valuable addition to the green infrastructure of the area but request further detail on the composition of the meadow grassland.

The Parish Council expresses major concern regarding the timescales for this scheme, particularly in the current economic climate. The site has the potential to receive approximately 1.25 million cubic metres of inert waste. It is estimated that the maximum rate of disposal would be around 150,000 cubic metres per annum. As such the infilling operation would take around 7 to 10 years to complete. As part of the application schematic phasing drawings have been provided to show the restoration occurring in 7 phases. Officers have sought assurance that if filling did not occur at the rate it is anticipated then a fall-back restoration scheme could be approved which would meet the existing timescales. Following on from this it is considered that to achieve a condition could be placed on any grant of planning permission requiring an annual update of the restoration operations and a requirement that if restoration is falling behind schedule, a new, lesser scheme is submitted to the Council for approval.

Subject to the above, it is the Council's opinion that the proposal accords with policy GE26 of the MWLP.

Rights of Way

Prior to mineral extraction taking place at Stone Lane Footpath 10 (FP10) ran across the quarry from north-west to south-east. This was diverted following the granting of planning permission to carry out the extraction. The footpath now runs around the northern and eastern boundary of the quarry. The temporary diversion shall remain in place until the quarry has been restored under the current planning permission. If the footpath were restored along its original line today it would involve navigating the steep and unstable slopes which exist at the quarry. By allowing the proposed development to take place it would enable the original line and form of the footpath to be reinstated.

Policy GE21, *public rights of way*, of the MWLP states that planning permission that would lead to disruption of the public rights of way network in either the short or long term will only be granted where suitable alternative arrangements are made to maintain or enhance public access opportunities, or, where no such arrangements can be made, disruption is reduced as far as practicable and is clearly outweighed by other planning benefits of the proposal. It goes on to state that restoration of a non-permanent land use will require enhanced or extended opportunities for public access. The proposed development would lead to the continuing disruption of FP10 for a further 10 years.

Initially the Applicants proposed to reinstate FP10, retain the diverted FP10 route as permissive, and retain a permissive path running from Woburn Road to Bryants Lane around the western boundary of the site. The Ramblers Association did not object to the proposal and welcomed the eventual return of FP10. Central Bedfordshire Rights of Way Officer and Bedfordshire Rights of Way Association requested a Section 106 (S106) legal agreement to dedicate the perimeter route as a public footpath.

Following negotiations between the Applicant and the Council a revised scheme was put forward (see Appendix 1 for illustrative map). This included the creation of; a definitive footpath along Woburn Road (A-C); a permissive footpath to run along the eastern boundary to join Bryants Lane (B-D); the reinstatement of FP10 (A-D); and the creation of a definitive bridleway running along the eastern boundary of the site from Woburn Road to Bryants Lane (bypassing the mountain bike facility leased and managed by the Greensand Trust) (E-F). In addition part of the restored meadow land would be accessible to the public under a permissive access agreement (Area Z).

It is considered that, subject to the signing of a S106 legal agreement to ensure the above rights of way network are implemented, the proposal will enhance and extend opportunities for public access in accordance with Policy GE21.

Other Policy Considerations

Landscape

Policy GE3 of the MWLP, *environmental improvement of the Greensand Trust area*, states that the Council will require proposals within the Greensand Trust area, including schemes for restoration and after use, to support the aims and objectives of the Greensand Trust. The most relevant objective of the Greensand Trust in this case is to develop, improve, and promote public rights of way networks. The Greensand Trust comment that the proposal would only be justified if the long term future of the site as public open space can be secured and request that a more detailed restoration proposal is submitted.

Once the site is restored this will enable the reinstatement of Footpath 10 along its original route. The Applicant is also proposing to retain the diverted route of footpath 10 as a permissive route and is willing to enter into agreement with the Council to allow public access to the agricultural meadowland and informal access to the areas of energy crop once established (subject to ongoing management) for a period of 20 years post restoration. The proposal accords with objectives of the Greensand Trust in that it will result in improved public access to Stone Lane. A condition requiring a detailed restoration and aftercare scheme could be placed on any grant of planning permission. Taking account of the above, the proposal does not conflict the policy GE3 of the MWLP.

Policy GE9, *landscape protection and landscaping*, of the MWLP states that development which is likely to have an adverse effect on the landscape character of the area will only be granted where any adverse effect is reduced as far as practicable and is outweighed by other planning benefits of the proposal. Prior to the commencement of landfilling operations it is proposed to reinforce the boundary planting to the north and east of the site along Woburn Road and the diverted footpath route. The Applicant also proposes to undertake additional boundary screening by planting a tree and hedge screen around the north, east, and southern perimeter of the site. The purpose of this planting would be to provide a visual screen of the filling operations to users of the diverted FP10 route. Whilst the additional landscaping does not offset the adverse effect of the proposed development, once completed the site will be more sympathetic to the local landscape character. As such the application accords with policy GE9.

Policy GE11, *protection of sites of national nature conservation importance*, of the MWLP states that planning permission that would result in harm to designated SSSI's or National Nature Reserves (NNR) will be refused, unless the reasons for the development clearly outweigh the nature conservation value of the site. Stone Lane quarry is located across Woburn Road from King's Wood NNR and King's and Baker's Wood and Heaths SSSI. The Environmental Statement assesses the potential impacts of the development on the above sites. It concludes that the impacts after mitigation (identified in section 8.7 of the ES) will be limited to the effect of noise on breeding birds. The impact will be minimal until phase 5 when short term increase in the levels of noise will arise. Natural England comment that provided the mitigation measures are carried out in full the application will not result in an

additional impact to the SSSI and that species interests will not be harmed by future works. Taking into account the above, the proposal accords with policy GE11 as it is considered the NNR and SSSI will not be harmed as a result of the development.

Archaeology

Policy GE14, *archaeology*, of the MWLP states that when considering proposals for minerals and waste development the Planning Authority will require the preservation of sites of major archaeological importance and their settings through a number of specified routes. The likelihood of the quarry containing archaeological remains is very low due to the level of mineral extraction which has taken place. However, it is likely that land to the south and east of the site were medieval arable fields consisting of ridge and furrow that give the land a slightly corrugated appearance. The Environmental Statement identifies that the proposal could lead to damage being caused to the ridge and furrow on the adjoining agricultural land. The Council considers that this risk could be mitigated against by the erection of a stand-off fence between the activities at the former quarry and the land in question. Once completed the development would improve the setting of the historic landscape in accordance with policy GE14.

Reasons for Granting Permission

It has been concluded that the proposal does not constitute inappropriate development in the Green Belt as defined by PPG2.

Whilst the development has the potential to cause adverse impacts by reason of noise and dust it is the Council's opinion that such impacts can be reduced as far as practicable and controlled by the use of appropriate planning conditions.

Initial consultation of the application raised several objections to the application which through negotiations with the Applicant have been overcome and withdrawn. The Campaign for Rural England maintain their objection to the application on the grounds that there is no need for the proposed development in terms of a waste management option for Bedfordshire. The proposal is in accordance with policies identified within the relevant development plans and there are no other material considerations that would warrant refusal of the application. Planning Policy Statement 10 states that when proposals are consistent with an up-to-date development plan Waste Planning Authorities should not require applicants for new waste management facilities to demonstrate a quantitative or market need for the proposal. In accordance with this need for the development has not been assessed above.

In addition to any planning controls the site will be licensed and monitored by the Environment Agency.

RECOMMENDATION

It is recommended that, subject to the signing of a S106 legal agreement to allow for the provision of the public rights of way, planning permission be granted subject to the planning conditions listed below.

Draft planning conditions and reasons for the restoration of Stone Lane Quarry using imported inert waste material:

Permission Area

1. Planning permission shall extend to the area edged with a thick black line on the attached plan reference BC/CM/2008/27-1. The development shall be carried out in accordance with the planning application dated August 2008 and the accompanying supporting information as supported and amended by further information dated 31st October 2009, 4th December 2008, 9th April 2009, and 11th August 2009, except for minor amendments which may be agreed in writing by the Planning Authority.

(Reason: To define the permission and allow for minor amendments)

Time limits

2. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Planning Authority within 7 days of such commencement.

(Reason: To comply with section 51 of the Town and Country Planning Act)

3. The waste operations hereby permitted shall cease on, or before, ten years of the date of commencement and the restoration of the site, excluding the aftercare requirements, shall be completed within a further year.

(Reason: To ensure the development is completed within an acceptable timescale)(Policy GE26 of the MWLP)

4. Except for such modifications as may be approved in writing by the Planning Authority, the site shall be worked in seven phases as shown on plans 01892/003 to 01892/010 and subsequent phases shall not proceed without the written consent of the Planning Authority, which shall be dependent on progress in the restoration of the previous phases, in accordance with the approved scheme.

(Reason: To ensure a high standard of development and restoration of the site)(Policy GE26 of the MWLP)

Access

5. No development shall take place on site unless and until details of the works required to provide a visibility splay of 2.4 metres by 90 metres are submitted to and approved in writing by the Planning Authority and thereafter implemented in full

(Reason: In the interests of highway safety)(Policy GE23 of the MWLP)
6. No HGV's² exiting the site access onto the public highway shall turn left out of the site.

(Reason: To ensure that HGV's do not travel through the village of Heath and Reach and in the interests of highway safety)(Policy GE23 of the MWLP)
7. No waste shall be delivered to the site unless and until the wheel wash and wheel shaker shown on drawing no. 2007.2576.001 Rev B have been provided. Thereafter no HGV exiting the site shall do so without first passing over the wheel cleaning facilities.

(Reason: To maintain safe highway conditions in the interests of highway safety)(Policy GE23 of the MWLP)
8. No waste shall be delivered to the site unless and until a sign, the design and content of which has been previously approved by the Planning Authority, has been erected at the entrance instructing all drivers of heavy goods vehicles to turn right out of the site. The sign shall be maintained for the duration of the use of access for the purposes hereby permitted and removed thereafter.

(Reason: To ensure that HGV's do not travel through the village of Heath and Reach in the interests of highway safety)(Policy GE23 of the MWLP)
9. Unless otherwise approved in writing by the Planning Authority, there shall not be more than 110 HGV movements³ entering and exiting the site in any one working day (pro rata for part days).

(Reason: To restrict throughput capacity at the site and in the interests of highway safety)(Policy GE23 of the MWLP)
10. A record of daily HGV movements shall be maintained on site at all times and submitted to the Planning Authority at the end of every six month period from the beginning to the conclusion of operations.

(Reason: To enable the monitoring of other planning conditions)
11. Access gates shall not be closed during operational hours.

(Reason: In the interests of highway safety)(Policy GE23 of the MWLP)
12. No waste operations shall take place unless and until a CCTV camera has been installed which monitors the entrance to the site

² All vehicles over 7.5 tonnes gross vehicle weight.

³ A vehicle entering the site and then exiting the site is classed as 2 movements.

in accordance with a scheme to be submitted to and approved in writing by the Planning Authority. The scheme shall include details of;

- the columns and cameras to be used,
- the area covered,
- the capability for remote access viewing by the Planning Authority.

The CCTV system shall thereafter be implemented only in accordance with the agreed scheme.

(Reason: To allow the monitoring of traffic movements and the condition of the site entrance and public highway)

Hours of operation

13. Unless otherwise agreed in writing by the Planning Authority no operations authorised or required under this permission shall take place on site except between the hours of 07:00 and 18:00 Monday to Friday. There shall be no operations on site on Saturdays, Sundays or Public Holidays.

(Reason: To minimise disturbance to nearby residential properties and to protect the amenities of the surrounding environment)(Policy GE18 of the MWLP)

Marking of limits

14. No operations shall take place until the limits of waste disposal have been marked out on site in accordance with a scheme which has first been submitted to and approved in writing by the Planning Authority.

(Reason: To define the limits of the permission and allow for monitoring of other planning conditions)

15. Prior to the commencement of development a scheme of fencing shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide for protective fencing for the sensitive historic ridge and furrow areas during the landfilling process.

(Reason: To protect archaeological features)(Policy GE14 of the MWLP)

Environmental Protection

16. No waste other than solid inert waste material shall be deposited on the site.

(Reason: to prevent the possible contamination of the groundwater and protect the amenities of neighbouring properties)(Policy GE 17 of the MWLP)

17. No subsoils or topsoils shall be spread, unless and until a topographical survey of the site has been submitted to and approved by the Planning Authority.

(Reason: to provide for a satisfactory and orderly method of working and eventual restoration of the site)(Policy GE 26 of the MWLP)

18. The development shall not commence unless and until a scheme for the control and monitoring of dust has been submitted to and approved in writing by the Planning Authority and be implemented on commencement of the development. The results of the dust monitoring shall be submitted to the County Planning Authority in accordance with the scheme.

(Reason: to protect local amenity)(Policy GE 18 of the MWLP)

19. No development shall take place on site unless and until a scheme for surface water drainage has been submitted to and approved in writing by the Planning Authority and thereafter implemented in full. Such a scheme shall include details and locations of the drainage swales and ditches.

(Reason: To prevent the possible contamination of groundwater and of flooding)(Policy GE17 and GE19 of the MWLP)

20. No development shall take place until a scheme for the monitoring and control of noise has been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in accordance with the approved scheme. The scheme shall include:

- (a) Noise monitoring locations
- (b) Except for temporary operations, the free-field equivalent continuous noise level L_{Aeq} (1 hour), attributable to the operations subject to this permission, shall not exceed 55 dB $L_{Aeq, 1 \text{ hour free field}}$, or 10dB(A) above the existing background noise level.
- (b) For temporary operations, including site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free field noise level at the points in (a) shall not exceed 70 dB $L_{Aeq, 1 \text{ hour free field}}$ for a total of eight weeks in any calendar year, except as may be agreed in writing by the Planning Authority.
- (c) Noise monitoring and recording procedures.
- (d) Presentation of results.
- (e) Noise suppression measures.
- (f) Procedures to be adopted in the event of the maximum permitted noise levels being exceeded.

(Reason: To minimise disturbance to nearby sensitive receptors by reason of noise)(Policy GE 18 of the MWLP)

Erection of buildings, plant, machinery

21. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Orders, detailed proposals of any new or replacement buildings, fixed plant and machinery to be

erected shall be submitted to the Planning Authority for approval in writing and the details shall be implemented as approved.

(Reason: To enable the Planning Authority to exercise control over any development within the site which could be detrimental to the amenities of the area)(Policy GE 9 and GE18 of the MWLP).

22. No external lighting shall be installed except in accordance with a scheme which shall be submitted to and approved in writing by the Planning Authority.

(Reason: To protect the amenities of the area) (Policy GE 18 of the MWLP)

Restoration and aftercare

23. No development shall take place on site until a detailed restoration scheme has been submitted to and approved in writing by the Planning Authority. Such a scheme shall include provision for:

- a. The species, size, number, and location of the energy crop and seed mix of meadow grassland,
- b. measures to be undertaken for their protection from weeds and vermin.
- c. a timetable for implementation.

(Reason: To ensure a satisfactory restoration of the site)(Policy GE26 of the MWLP)

24. No development shall take place until a five year scheme for the aftercare and management of the restored land has been submitted to and approved in writing by the Planning Authority.

(Reason: To provide for the satisfactory restoration of the site)(Policy GE 27 of the MWLP).

Monitoring

25. An Annual Environmental Monitoring Report for operations hereby permitted shall be submitted to the Planning Authority by 30 June each year for the preceding financial year (1 April to 31 March). The report shall contain the following;

- a. A statement of operations over the past year, to include noise, traffic, rates of processing, progress on restoration;
- b. Identification of any problems caused by these operations and action taken to address these;
- c. A statement of future planned operations over the next year;
- d. Identification of any potential problems which could be caused by future operations and the action to be taken to address these;
- e. Quantities of waste imports, and amount of void space remaining;

(Reason: The safeguard the amenities of the surrounding area and to assist the County Planning Authority in the forward planning process)

N.B. Where conditions include the phrase "except as may be / unless otherwise agreed in writing by the Minerals and Waste Planning Authority..", this is only to allow for exceptions to be approved for temporary periods for special circumstances or minor amendments to be made.