

Item No. 20

SCHEDULE D

APPLICATION NUMBER	BC/CM/2009/5
LOCATION PROPOSAL	BROOM QUARRY, GYPSY LANE, BROOM VARIATION OF CONDITION 12 OF PLANNING PERMISSION 21/2006 TO ALLOW THE IMPORTATION OF CEMENT
PARISH	Old Warden and Southill
WARD & COUNCILLORS	Houghton Conquest, Haynes, Southill & Old Warden – Cllr Baines / Cllr Barker
CASE OFFICER	Anita Taylor
DATE REGISTERED	29 th January 2009
EXPIRY DATE	30 th April 2009
APPLICANT	Tarmac Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	SIGNIFICANT OBJECTION RECEIVED FROM LOCAL RESIDENT APPROVE SUBJECT TO CONDITIONS

Site Location:

The application site is located within the existing quarry plant site, located to the north of Broom village and approximately 1.5 kilometres to the west of Biggleswade (see plan reference BC/CM/2005/6-1). Access to the site is gained from Gypsy Lane which runs off Hill Lane (B658) from the A1.

The Application:

This planning application is submitted alongside an additional application under the requirements of the Town and Country Planning (General Permitted Development) Order 1995 which requires prior written approval by the Local Planning Authority for the erection of a concrete batching plant at the site.

The concrete batching plant consists of a ground hopper that feeds aggregates, via a conveyor, to bins dedicated to concrete production. These discharge aggregate in measured batches into separate mixer units. Cement is stored in sealed silos fitted with a reverse jet filtration to prevent escape to atmosphere during charging. The maximum height of the structure is 12.4 metres.

The application is to vary condition 12 of planning permission 21/2006 to allow the importation of cement to the quarry. Condition 12 currently reads;

“Except as may otherwise be agreed in writing by the County Planning Authority, no materials shall be brought onto the site for processing or storage other than Type 1 and single sized aggregates for storage and sale in accordance with the details set out in the application dated 24 October 2000.”

It is proposed that the concrete batching plant will have an output of approximately 12,000 m³ per annum. The ready mixed concrete comprises aggregates (being sand and gravel from the quarry), cement bought on to site, and admixtures (non hazardous modified organic materials) bought on to site. The concrete batching plant and associated activities will operate in line with the current permitted operating hours (07:00 to 18:00 hours Mondays to Fridays and 07:00 to 13:00 hours on Saturdays).

Cement will be delivered to the site by road tankers and then pneumatically pumped into the storage silo. Admixtures will be delivered and stored in containers within bunded tanks. The bunded area is designed to contain 110% of the volume of liquid that can be stored in the tank. HGV's accessing the site will adhere to the routing agreement accessing the quarry via Hill Lane and the A1 Trunk Road.

It is proposed that the concrete batching plant will result in an additional 2HGV trips per day (4 movements¹).

RELEVANT POLICIES:

Minerals and Waste Local Plan (January 2005)

GE1 Matters to be addressed in planning applications
GE18 Disturbance
GE23 Transport: Suitability of local road network

Planning History

Planning permission was granted in June 1995 for the extraction of sand and gravel at Broom Quarry. This permission was subject to a section 106 legal agreement which covers a number of issues including traffic routing, highway works, advance planting, installation and monitoring of boreholes and a management agreement. Mineral extraction began in 1997 and was worked progressively in ten phases. Extraction was completed in October 2007 in line with the original timescales.

An extension to Broom Quarry was granted in November 2006 following the completion of a S106 agreement in respect of dedication of public rights of way and long term management of the site. Mineral extraction began in October 2007 and will take place for 3.5 years with a further year for restoration

Representations: (Parish & Neighbours)

Northhill Parish Council	Have no objection to the proposal.
Adj Occupiers	1 Hill Lane – Object to the development for the following reasons; <ul style="list-style-type: none">○ An increase in the number of HGV's, to include cement mixers, on Hill Lane / Gypsy

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

Lane and an increase in users of Gypsy Lane.

- The B658 is a fast, windey road and there have been a number of accidents and near misses from traffic turning out of Gypsy Lane.
- The level of traffic on Hill Lane during peak times and the queuing of traffic from the A1 past residential properties on Hill Lane.
- The concrete batching plant will be used to take sand from the Stanford Quarry (assumed to mean Broom South Quarry).
- Concrete dust could be blown towards properties and the prevalent wind direction would increase noise emanating from the site.

Consultations/Publicity responses:

**Central Bedfordshire
Council Environmental
Health Officer**

Has no objection to the variation to allow 1 delivery of cement per day and delivery of additive mixture each fortnight.

**Central Bedfordshire
Highways Officer**

Has no objection but comments that the existing access arrangements for the quarry are to a good standard and operate satisfactorily. The proposal does not significantly affect the number of HGV movements associated with the site. Accident data for the last three years does not indicate a problem at the Gypsy Lane / Hill Lane junction, with the only reported accident being at night and therefore not connected to the quarry use.

Environment Agency

Has no objection to the application but makes advisory comments to ensure that discharges are clean and uncontaminated, and oils and other chemicals are stored in bunded areas.

**Bedfordshire and River Ivel
Internal Drainage Board**

Have no objection to the proposal.

Determining Issues

The main considerations of the application are:

1. Highway Impact
2. Disturbance – Noise and dust

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 Bedfordshire and Luton Minerals and Waste Local Plan (adopted January 2005) (MWLP).

The Council is considering an application for written approval for the erection of a concrete batching plant under the requirements of the Town and Country Planning (General Permitted Development) Order 1995, Part 19, Class B1.

To enable the use of the concrete batching plant it is necessary for the applicant to import cement and admixtures to mix with sand extracted from Broom Quarry. These will be delivered to the site by road tankers and form the purpose for this application.

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 noise assessment, design and access statement, and a detailed supporting statement. As such the relevant development plan policies are assessed below.

Highways

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. Broom Quarry is accessed via a purpose built junction onto Gypsy Lane approximately 60 metres south of its junction with the B658. In accordance with a Section 106 legal agreement all HGV's must leave the site via the A1 which is approximately 500 metres to the east of the Gypsy Lane / B658 junction, unless delivering to neighbouring villages.

On average the quarry attracts 80 HGV trips per day (160 movements). The extant permission for mineral extraction at Broom Quarry does not restrict the number of HGV's by way of a specific planning condition. The imported element of the concrete batching plant will involve 1 delivery per day of cement and 1 delivery per fortnight of admixture. The applicant predicts that 6 percent of the sand and gravel currently sold from Broom will be diverted to the plant resulting in a reduction of 5 loads per day. The sale of cement will result in 1 additional trip per day. By deducting the directly sold aggregate sales per day it is calculated that in total only an additional 2 HGV trips (4 movements) per day would be attracted to Broom Quarry.

The Council's Highways Officer does not object to the proposal and comments that the access arrangements for the quarry are to a good standard and operate satisfactorily. Accident data does not indicate any problem at the Gypsy Lane / Hill Lane junction. It is not considered that the application will significantly alter the traffic generation at Broom Quarry. The

site is within close proximity to the strategic highway network with a suitably designed access. Taking into account the low level of additional traffic the application is considered to be in accordance with Policy GE23 of the MWLP.

Disturbance

Policy GE18, *disturbance*, of the MWLP states that planning permission for minerals and waste development which are likely to generate disturbances from noise, vibration, dust, and mud on the highways will only be granted where the impact of any anticipated disturbance is reduced as far as practicable and is outweighed by other planning benefits of the proposal.

The quarry operators monitor and control dust in accordance with a monitoring regime approved by the Council. All traffic associated with the proposal will pass through the existing wheel wash facility to prevent mud and debris being transported onto the public highway. The cement will be delivered to the site by road tankers and then pneumatically pumped into the storage silo. The admixtures will also be delivered by road tanker but will be stored in containers with bunded tanks. It is not considered that the proportionate increase in vehicle movements associated with this proposal will result in an increased risk of dust or the deposit of debris on the highway from the quarry.

The increase in HGV movements entering and exiting the quarry is considered to be insignificant when assessed against the current HGV movements at the site. It is not anticipated that the extra 2 HGV deliveries per day will result in an increase risk of nuisance as a result of noise and indeed Environmental Health do not object to the proposal. The proposal does not conflict with Policy GE18 of the MWLP.

Reasons for Granting

The proposal is incidental to the use of the land for mineral extraction. The increase in HGV movements associated with the concrete batching plant will not result in a significant impact upon the surrounding highway network. It is not considered that the delivery and transfer of the cement and admixtures will have a detrimental impact to the local environment or amenity.

The proposal is in accordance with the relevant development plan policies and there are no other material considerations that would warrant refusal of the application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. Planning permission shall extend to the areas edged with a thick black line on the attached plan no. BC/CM/2005/6-1 and development shall be carried out in accordance with the planning application dated 18 February 2005, and accompanying supporting information, as amended by letter dated 21 June 2005 and revised drawing number B92/148a, and clarified by letter dated 14 September 2005, e-mail

dated 18 October 2005 and letters dated 19 October 2005 and 8 November 2005, and subsequent application dated 23 January 2009, except for minor amendments which may be approved in writing by the Minerals Planning Authority.

Reason: To define the permission.

Time Limits

2. Upon the use of the access for the delivery of cement and / or admixtures to the quarry for use in the concrete batching plant, written notification shall be sent to the Mineral Planning Authority within 7 days of commencement. Thereafter this permission shall be deemed to be implemented.

Reason: To comply with section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall cease and the restoration of the site including the closure of the Gypsy Lane underpass, but excluding the aftercare requirements, shall be completed within five years from the commencement of mineral extraction, which date shall be notified to the Council within one week of commencement.

Reason: To ensure that the development is completed within an acceptable timescale. (Policy GE 24 of the Bedfordshire and Luton Minerals and Waste Local Plan 2005 (MWLP)).

Phasing

4. Except for such modifications as may be approved in writing by the Minerals Planning Authority, the site shall be worked in three phases as shown on drawing no. B92/144, and extraction in phases 12 and 13 shall not proceed without the written consent of the Minerals Planning Authority, which shall be dependent on satisfactory progress in the restoration of the previous phases, in accordance with the approved scheme.

Reason: To ensure a satisfactory restoration of the site and to provide for the eventual restoration of the site. (Policy GE 26 of the MWLP)

Access

5. Unless otherwise agreed in writing by the Minerals Planning Authority, the conveyor tunnel under Gypsy Lane shall be maintained and restored in accordance with details approved under scheme reference BC/CS/2007/8 approved on the 14th March 2007.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

6. Unless otherwise approved in writing by the Minerals Planning Authority, no mineral shall be exported from the site to the east of Gypsy Lane except via the conveyor.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

7. The temporary access shall be closed and with the conveyor tunnel under Gypsy Lane shall be restored in accordance with the approved restoration scheme and the details approved under condition 5.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the site.

Soils, Overburden and Materials

8. Unless otherwise approved in writing by the Minerals Planning Authority, no stripping of topsoil, subsoil or overburden shall take place except in accordance with the MAFF (2000) 'Good Practice Guide for Handling Soils' and practices set out in scheme reference BC/CS/2006/68 approved on 19th March 2009.

Reason: To provide for the satisfactory restoration of the site. (Policy GE 6 of the MWLP)

9. Soils and overburden shall only be removed when the materials can be handled without damage to their structure.

Reason: To safeguard the soil resource and provide for the satisfactory restoration of the site. (Policy GE 6 of the MWLP)

10. Except as may otherwise be agreed in writing by the Minerals Planning Authority, the storage of minerals shall be confined to the plant site area and the height of the stock piles shall not exceed the height of the surrounding screen bunds.

Reason: To protect the amenities of the area. (Policy GE 9 of the MWLP)

11. Except as may otherwise be agreed in writing by the Minerals Planning Authority, no materials shall be brought onto the site for processing or storage other than;

- a. Type 1 and single sized aggregates for storage and sale in accordance with the details set out in the application dated 24 October 2000.
- b. Cement and admixtures for processing and sale in accordance with the details set out in the application dated 23 January 2009.

Reason: To protect the amenities of the area.

Erection of Buildings, Plant and Machinery

12. Notwithstanding the provisions of the Town and Country Planning General Development Orders, detailed proposals of any new or replacement buildings, fixed plant and machinery to be erected shall be submitted to the Minerals Planning Authority for approval in writing and the and the details shall be implemented as approved.

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

13. All building, plant, machinery and foundations shall be removed from the site when they are no longer required for the purposes for which

they were installed or erected or within six months from the date of cessation of mineral extraction, whichever is the sooner, and all land covered by such buildings, plant, machinery and foundations shall be restored in accordance with the scheme required under condition 26 of this permission and the scheme approved under planning permission 7/1995 for the land to the west of Gypsy Lane.

Reason: To provide for the satisfactory restoration of the site. (Policy GE 26 of the MWLP)

14. No external lighting shall be installed except in accordance with the lighting scheme approved on 7th April 2008 and the lighting attached to the concrete batching plant as set out within the planning application dated 23rd January 2009.

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

Protection of Water Resources

15. Except as may otherwise be agreed in writing by the Minerals Planning Authority the monitoring, control and maintenance of groundwater levels shall be carried out in accordance with the scheme referenced BC/CS/2006/72 approved on 20th February 2007. Monitoring results shall be reported monthly to the Minerals Planning Authority.

Reason: To safeguard groundwater levels. (Policy GE 20 of the MWLP)

16. Discharge from the dewatering shall only take place at points downstream of the extraction areas.

Reason: To ensure satisfactory drainage of the site. (Policy GE 20 of the MWLP)

17. Sand washing effluent shall not be discharged to a watercourse but retained on site and all reasonable precautions shall be taken to ensure that water courses are not polluted.

Reason: To prevent water pollution. (Policy GE 17 of the MWLP)

18. All oil, fuel and or chemical storage tanks, buildings and ancillary handling facilities such as pumps and valves shall be contained within an impervious bunded area of at least 110% of the tank capacity.

Reason: to prevent contamination of the groundwater. (Policy GE 17 of the MWLP)

Dust

19. Except as may be otherwise agreed in writing by the Minerals Planning Authority the monitoring and control of dust shall be carried out in accordance with scheme reference BC/CS/2007/11 approved on 14th March 2007. Monitoring results shall be reported to the Authority in accordance with the scheme.

Reason: to minimise any nuisance to nearby residents by reason of dust. (Policy GE 18 of the MWLP)

20. The wheel cleaning facility shall be maintained at all times in accordance with the approved scheme, referenced BC/CS/2006/73.

Reason: In the interests of amenity and to prevent the deposit of mud or other extraneous material on the highway. (Policy GE 18 of the MWLP)

Noise

21. Except as may be otherwise agreed in writing by the Minerals Planning Authority noise monitoring shall be undertaken in accordance with the details set out in scheme reference BC/CS/2006/71 approved on 20th February 2007. The scheme includes:

- (a) 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 the limit specified as follows:

Brookland Farm	55 dB L_{Aeq} , 1 hour free field
High Road, Broom	50 dB L_{Aeq} , 1 hour free field
Black Horse Cottage	55 dB L_{Aeq} , 1 hour free field
Hill Lane Cottage	55 dB L_{Aeq} , 1 hour free field
Moat Cottage	50 dB L_{Aeq} , 1 hour free field
Hill Barn	50 dB L_{Aeq} , 1 hour free field

- (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 hour free field for a total of eight weeks in any calendar year, except as may be agreed in writing by the Minerals 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 residents by reason of noise. (Policy GE 18 of the MWLP)

Hours of Operation

22. Except as may otherwise be approved in writing by the Minerals Planning Authority, and except as set out in (a) below no operations authorised or required under this permission shall be carried out except between the following times:

0700 to 1800 hours Mondays to Fridays
0700 to 1300 hours Saturdays

No operations shall be carried out on Public or Bank Holidays or Sundays unless otherwise agreed in writing by the Minerals Planning Authority.

- (a) Up to two employees may be permitted to enter the site between 0630 and 0700 hours Monday to Saturday to remove security measures at the site.

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

Archaeology

23. Archaeological investigations and management shall take place in accordance with the Archaeological Resource Management scheme, referenced BC/CS/2006/74, approved on 19th February 2007.

Reason: To enable the preservation, protection, management and recording of hitherto hidden archaeological features. (Policy GE 14 of the MWLP)

Landscaping, Restoration and Aftercare

24. Unless a survey by a competent ornithologist, which shall be submitted to the Minerals Planning Authority, prove that no breeding birds are present, no ground clearance works or removal of trees shall take place in the bird breeding season from March to August.

Reason: To avoid disturbance to nesting birds on site. (Policy GE 13 of the MWLP)

25. Advanced tree and hedgerow planting undertaken during the 2006-07 planting season, in accordance with scheme reference BC/CS/2006/70, shall be maintained throughout the duration of the mineral working and any trees or shrubs which die or are damaged during this period shall be replaced with others of a similar size and species and maintained until satisfactorily established.

Reason: To enhance the appearance of the area and provide for the satisfactory restoration of the site. (Policies GE 9 and 10 of the MWLP)

26. The site shall be restored in accordance with the concept shown on submitted drawing no. B92/148a, dated June 2005. Development shall take place in accordance with the detailed restoration scheme approved on 20th March 2007 under scheme reference number BC/CS/2006/67. Except as may be agreed in writing by the Minerals Planning Authority, the approved scheme shall be implemented in accordance with the timetable and completed within one year of the cessation of mineral extraction at the site or of the working being otherwise discontinued.

Reason: To enhance the appearance of the area and provide for the satisfactory restoration of the site. (Policies GE 21 and 26 of the MWLP)

27. Aftercare and management of the restored land shall be undertaken in accordance with details approved under scheme reference BC/CS/2006/69 approved on 19th March 2007.

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

28. Details of annual sales and remaining reserves of minerals from the site shall be submitted to the Minerals Planning Authority. These details shall include the following
- a) Category of mineral (building sand/concreting sand/gravel)
 - b) Quantity of each category in tonnes.

The period provided for shall be from 1 January to 31 December each year and the information shall be provided by 31 March for the preceding period.

Reason: To enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral resources. (Policy M2 of the MWLP)

29. An Annual Environmental Report shall be submitted to the Minerals Planning Authority by 31 March each year for the previous period from 1 January to 31 December. The report shall contain the following:
- i) A statement of operations over the past year, to include progress on mineral extraction and restoration, and a summary of monitoring of noise, dust and groundwater.
 - iii) Identification of any problems caused by the operations and action taken to address these.
 - iv) A statement of future planned operations over the next year,
 - v) Identification of any potential problems which could be caused by future operations and the action to be taken to address these.

Reason: To enable monitoring and assist the Minerals Planning Authority in the forward planning of mineral resources. (Policy M2 of the MWLP)

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