

## Agenda item 4

<b>Committee:</b>	Development Control Committee
<b>Meeting Date:</b>	6 March 2008
<b>Lead Councillor/s:</b>	
<b>Local Councillor/s:</b>	Councillor Colin Spence
<b>Director:</b>	Lucy Robinson, Director of Environment and Transport
<b>Assistant Director or Head of Service:</b>	David Palk, Head of Development control
<b>Author:</b>	Viv Codd, Consulting Planning Officer Tel: 01472 264764

### **MINERALS AND WASTE PLANNING APPLICATIONS**

**B/07/00177/CMA:** Extraction of sand and gravel including erection of concrete batching plant, aggregates bagging plant and construction/demolition waste recycling plant.

**Land at Chilton Estate, Chilton, Sudbury**

**Applicant:** Brett Aggregates Ltd

**Plans displayed:** Working, restoration and access drawings

**Appendices:** 1 and 2 and A - F

### **BRIEF SUMMARY OF REPORT**

1. This land is identified for sand and gravel extraction in the adopted Minerals Local Plan. The operation would last for a period of 10 years and the land would be restored at the lower level embracing agriculture, woodland and water features.
2. The application is accompanied by an Environmental Statement and has been subject to prior consultation with the local communities.
3. The proposal has raised 28 individual letters of objection, many on highway grounds. Councillors visited the site and area on 23 November 2007.
4. There is concern that the land is owned by the County Council and that a decision is being taken by a Committee of the Council.
5. The application as first submitted included a facility for the recycling of general skip waste. This is not considered appropriate in this location as it would have given rise to an unacceptable number of traffic movements; the applicant has now withdrawn this part of the application. It is now calculated that 74 daily lorry movements would be generated by the proposal (37 in/out).
6. Other amendments made in response to negotiations with the company include the provision of a conveyor to transport material to the processing

area. This would reduce the use of dump trucks and the potential for the raising of dust on the internal haul road.

7. The applicant has agreed to form a liaison group with representatives of the local community.

### **ACTION RECOMMENDED**

8. That planning permission be granted subject to the following conditions: (Conditions in bold indicate the need to submit additional information for approval) and such variation to standard conditions or additional conditions as may be appropriate on the drafting of the planning permission.

#### **Compliance with Conditions**

1. CM1 Display of permission and plans on site
2. CN2 Compliance with conditions and plans submitted with letters of 25 October 2007, 25 November 2007, 13 December 2007.

#### **Commencement and Period of Permission**

3. CM4 Period of permission – cease by 31 May 2018 and restore by 31 October 2018.

#### **Access Requirements**

4. The new vehicular access shall be laid out and completed in accordance with Drawing No. 258000-001/H and made available in all respects for use prior to any other part of the development taking place. It shall be retained throughout the life of the planning permission in its specified form and on completion of restoration shall be removed in accordance with precise details which shall have been submitted to and approved in writing by the Mineral Planning Authority.
5. **A4 Arrangements to prevent mud etc being brought onto highway.**
6. Before the access is first used visibility splays shall be provided as shown on Drawing No. 258000-001/H. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
7. The gradient of the vehicular access shall not be steeper than 1 in 40 for the first twenty five metres measured from the nearside edge of the adjacent metalled carriageway.
8. **Prior to the commencement of mineral extraction, the access onto the A134 shall be properly surfaced with a bound impervious material for a minimum distance of 200 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the Mineral Planning Authority.**
9. **Before the development is commenced, full design details of the access (including layout, levels, gradients, surfacing, means of surface water drainage and signs (including advance signing) and lines), shall be submitted to and approved in writing by the Mineral**

### **Planning Authority.**

10. Before the development hereby permitted is commenced details of the travel arrangements to and from the site for employees and customers in the form of a Travel Plan, including monitoring provisions shall be submitted to and approved in writing by the Local Planning Authority and such approved arrangements shall be implemented before the development is first brought into use and thereafter adhered to.

11. A8 Sheeting of vehicles.

### **Plant and Machinery**

12. PM1 Removal of Permitted Development Rights.
13. Working shall employ the use of conveyors within phases 2 - 4 in accordance with plan and specification contained in accompanying letter dated 13 December 2007. The system shall be driven by electricity.

### **Importation of Aggregate**

14. Not more than 6,000 tonnes of fine aggregate shall be imported to the site for storage and/or subsequent sale without the prior written approval of the Mineral planning Authority
15. The Mineral Operator shall submit to the Mineral Planning Authority on the 31 January each year a record of the volume of fine aggregate imported to the site in the previous 12 months.

### **Importation of Waste**

16. Nothing other than construction and demolition waste shall be imported

### **Hours of Operation**

17. Hours of operation 0700 to 1800 hours Monday to Friday; 0700 to 1300 hours Saturdays.

### **Archaeology**

18. AR1 Prior archaeological investigation.
19. AR2 Advance notice of soil stripping.

### **Noise Levels**

20. N1 Noise from reversing vehicles
21. Noise from all operations on the site including extraction, processing and recycling (excluding noise bund formation and other temporary operations such as soil stripping and restoration works) shall not exceed the following LAeq one hour values:

Between the hours of 0700 and 1800 (Mon to Fri) 0700 and 1300 (Sat)

At monitoring points 1,4 and 6 = 55dB

2 and 3 = 50dB

5 = 49dB

At facades of Chilton Corner Cottages, Nursery Bungalow and Broad Oak = 58dB

Chilton Hall Farm Cottages and Winthrop Close = 53dB

Oak Lodge = 52 dB

Noise will normally be measured at the free field monitoring point(s). In the event of complaint noise may be measured at the façade(s) and these measurements would take precedence. The façade noise limit is set at a point one metre from the façade and 1.2 metres above ground level and includes a +3dB(A) correction.

22. Noise from soil stripping, removal of spoil heaps, bund formation, and landforming shall not exceed an LAeq (1 hour) value of 70dB, at Monitoring Points 1, 2, 3, 4, 5 and 6.

At facades of Chilton Corner Cottages, Chilton Hall Farm Cottages, Winthrop Close, Nursery Bungalow, Oak Lodge and Broad Oak - 73dB LAeq (1 hour)

And shall be restricted to the hours of 0800-1700 (Monday-Friday) and 0800 to 1300 Saturday. Work shall be restricted to a maximum of 8 weeks/year.

23. N3 Applicant to monitor noise.  
24. N4 Effective silencers.

#### **Water Protection and Prevention of Pollution**

25. **Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to and agreed in writing with the Mineral Planning Authority. The approved detail shall be complied with throughout the life of the site.**

26. PP1 Bunding of oil tanks.  
27. PP3 No discharge to any watercourse.

#### **Dust**

28. **D3 Submission of scheme for the suppression of dust.**  
29. D4 Compliance with dust monitoring/suppression scheme.

#### **Flood Lighting**

30. **FL1 Precise details of illumination.**  
31. Outside the approved hours of working, external lighting shall only be activated by unauthorised entry by persons or vehicles.

#### **Site Maintenance**

32. SM3 Agricultural weeds.

#### **General Handling of soils**

33. S1 Soil handling in accordance with submission except with adherence to the details approved pursuant to condition 34.  
34. **The movement of differing soils in accordance figure 18 rev 2 shall be undertaken in accordance with details of timing which shall be submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of working.**  
35. **Imported soils to be used in restoration shall be handled and finally deposited only in accordance with a soils management plan**

which shall have been submitted to and approved in writing by the Mineral Planning Authority. The plan shall provide for the removal of any debris and the blending/placing of soils to achieve a productive soil quality not less than currently exists.

36. S3 Advance notice of handling operations
37. S4 Soil stripping
38. S5 No removal of soils
39. S12 Verification of positioning of soils
40. S14 Management of storage mounds
41. S15 Monitoring of soil resources
42. S16 Ground preparation prior to soil replacement
43. S17 Respreading of subsoil
44. S18 Respreading of topsoil

#### Reclamation

45. R1 Premature cessation of mineral operations

#### Aftercare

46. AC1 Commencement of aftercare
47. AC2 Submission of aftercare scheme
48. AC4 Exclusion of set-a-side during aftercare period
49. AC5 Aftercare arrangements for forthcoming 12 months
50. AC6 Aftercare site meeting

#### Landscaping

51. LS3 Progressive implementation of submitted outline landscaping scheme in accordance with precise details of planting and timing, which shall have been submitted to and approved in writing by the Mineral Planning Authority.
52. LS5 Maintenance of landscaping throughout occupation

#### Permissive Footpath

53. The provision of a permissive footpath and appropriate signing at either end shall be provided in accordance with the principle shown on drawing figure 18 rev 1. The path shall be provided prior to the commencement of mineral extraction together with signage which shall be in accordance with precise details which shall have been submitted to and approved in writing by the Mineral Planning Authority.

#### Nature Conservation and Biodiversity

54. Prior to the formation of any water area, precise details shall be submitted to and approved by the Mineral Planning Authority of those areas and surrounding margins. The detail shall address the monitoring and management of those areas throughout the period any part of the mineral site is subject to aftercare. The approved detail shall be implemented and adhered to.

## **REASON FOR RECOMMENDATION**

9. The proposal is in accordance with the adopted Minerals Local Plan and there are no material considerations that have arisen subsequent to the adoption of that Plan that justify refusal of planning permission.

## **ALTERNATIVE OPTIONS**

10. None recommended.

## **MAIN BODY OF REPORT**

11. The proposal is to extract some 1,000,000 tonnes of sand and gravel from an area of 39 ha of land on the eastern side of Sudbury. It is proposed that excavations would commence in 2008 and have a life of 10 years.
12. The land is allocated for sand and gravel extraction in the Minerals Local Plan adopted in 1999. The land falls away to the north and south from an exposed high plateau in the centre. A public footpath (Chilton 8) crosses the centre of the site from east to west. A gas pipeline runs along the northern boundary of the site.
13. Geological investigation reveals that the stone content of the site ranges from 25% to 56% and that there is a predominance of + 40mm stone, meaning that crushing is likely to be required to produce concreting aggregate. The site is expected to yield a quality construction aggregate.

## **Operations Proposed**

14. The applicants propose the following ancillary operations:
  - a) aggregate processing and bagging plant
  - b) concrete batching plant
  - c) construction and demolition waste recycling plant to produce recycled aggregate
15. The average annual rate of extraction would be 100,000 tonnes of which it is estimated that some 19,000 tonnes would be supplied directly to the concrete batching plant and 25,000 tonnes to the bagging plant.

## **Access and Traffic**

16. The site would be accessed from the A134 Sudbury to Colchester Road which would be subject to highway improvements and the provision of a right turn lane into the site. Revised drawings provide for the carriageway to be slightly re aligned along the southern highway boundary together with the provision of 'splitter islands' and red surfacing leading up to the right turn lane from both directions.
17. Revised assessment of the annual number of lorry movements associated with all the operations proposed suggests a total of 20,228 movements (74 per day – say 37 in and 37 out).
18. In order to ensure consistent sand grading for the concrete batching plant it is expected that some 6,000 tonnes of fine aggregate would need to be imported from the company's Layham Quarry each year. This material is expected to be imported on a 'back haul' basis and would not therefore result in any additional HGV movements.

19. The supply of bagged aggregates, both indigenous and recycled, is proposed to be augmented by the importation of some 6,000 tonnes of hard rock each year.
20. Annual movements of sand and gravel in bulk represents 6618 movements, with 5325 movements associated with the concrete batching plant, 5167 movements related to the bagging plant and 3118 associated with soil importation and the recycling of construction and demolition waste.
21. It is estimated of all these annual movements that some 64% (46 daily movements) of all HGVs would be to and from the east.

### **Site Development**

22. Initial soil stripping would be used to form screen bunding alongside the access road to provide an acoustic screen to the nearest residential property. Advanced tree planting would be provided on the lower lying land either side of the access road as well as at the north eastern site boundary.
23. The plant area is proposed to be located at the southern end of the site where, following soil removal for screen bunding, the aggregate would be removed to a depth of 3 metres and stored to await
  - a) portacabin office building
  - b) weighbridge/wheel washing
  - c) aggregate processing plant and bagging plant
  - d) soils recovery and secondary aggregate screening plant
  - e) concrete and rubble crushing plant
  - f) concrete batching plant

### **Hours of Working**

24. Quarrying would take place 0700 – 1800 hours Monday to Friday (excluding bank holidays) and 0700 –1300 hours on Saturday. Whilst recycling operations would take place during the same hours. The crushing plant would not be operated before 0800 or after 1700 hours.

### **Quarrying Operations**

25. The site would be worked in four separate phases with excavation and restoration of each phase carried out consecutively. All land would be kept in agricultural use until needed for mineral working.
26. Sand and gravel would be transported to the processing plant by a conveyor running parallel with Valley Road. The conveyor hopper being fed by loading shovel and dump truck working within each phase.
27. It is proposed that the public footpath that crosses the site be diverted just to the south of its existing alignment on restored land whilst extraction takes place on the adjoining phase. On completion of working the footpath would be returned to its original alignment.
28. Mineral working would not penetrate the water table, but limited pumping may be necessary to manage excessive rainfall. Water for processing would be obtained from a licensed abstraction well sunk into the underlying chalk.

29. Following the completion of excavation in each phase, the floor of the quarry would be graded at the lower level to provide the restoration contours and marry into adjoining land. Wherever possible, stripped soils from subsequent phases would be used immediately to return the land to agriculture.
30. It is calculated by the applicants that some 10,000 tonnes of soil would need to be imported/recycled each year to bring about the proposed restoration levels.

## **Restoration**

31. It is proposed to return the land to agricultural use. The existing agricultural quality of the land comprises mainly grade 3a and 3b land with around 15% grade 2. The land is therefore 'best and most versatile' and there is a need to ensure soils are handled correctly throughout working as well as restoration.
32. The areas of advance planting would be supplemented by additional planting on completion of restoration. Two ponds would be formed at the southern end of the site and would be designed to provide a suitable habitat for great crested newts. One new water area would be formed at the northern end and would intercept rainwater run off as well as providing biodiversity opportunities.

## **POLICIES**

### **National Policy**

#### **MS1**

33. The Government has a number of objectives for mineral planning. In particular the prudent, efficient and sustainable use of minerals and recycling of suitable materials to minimise the requirement for new primary extraction.
34. The MPS reaffirms the need to maintain a landbank for sand and gravel of at least seven years.

### **Adopted Minerals Local Plan**

35. The Suffolk Minerals Local Plan (SMLP) was adopted in 1999 and covers the period 1994 – 2006.
36. Policy SMLP7 Confirms that the County Council will grant planning permission for sand and gravel working from within a number of sites including site P14 Chilton.
37. A copy of the relevant part of the SMLP identifying the main issues is attached as Appendix 1 together with the relevant policies and those relevant policies contained in the adopted Waste Local Plan.
38. Also attached at Appendix A is an extract from the Inspector's 1997 report on objections to the Suffolk Minerals Local Plan, specific to this site.

### **Babergh Local Plan**

39. CRO1 - The landscape quality and character of the countryside will be protected by restricting development to that which is essential for the

efficient operation of agriculture, forestry and horticulture and for appropriate outdoor recreation .....

40. CR11 - Protection of hedgerows will be sought. If applications are made under the Hedgerow Regulations 1997, there will be a general presumption in favour of retaining the hedgerow unless assessment of the proposal shows its loss would be acceptable, measured against its importance. On development sites existing hedgerows must be retained wherever possible. Where appropriate, retention will be supplemented by management proposals, including possible new planting.

### **Emerging Minerals Development Framework**

41. Work is proceeding on both the Minerals Core Strategy and the Minerals Site Specific Allocations.
42. The Preferred Options Minerals Core Strategy was approved by the Cabinet for submission in October 2007. An Inquiry into the soundness of the Plan is expected to commence in May 2008.
43. A copy of the Vision and core policies 1,2 4 & 8 together with generic development control policies DC3, DC5, DC6 & DC7 are attached as Appendix 2
44. Given the status of the emerging Core Strategy it is appropriate to give some weight to the content of that document.
45. The Minerals Specific Site Allocation Document including sustainability appraisal was subject to a further second stage consultation period in April/May 2007. The Chilton site was put forward by the applicant for inclusion in the document at the outset to safeguard the company's position. The Chilton site is included in the preferred options document approved by Cabinet in October 2007 for public consultation. The consultation period expired in December and comments will be reported to Cabinet in the run up to submission in June 2008.

### **REPRESENTATIONS**

46. 28 individual letters of objection have been received from local residents. By far the most mentioned area of concern is that of highway safety. Concerns are also expressed about impact on the environment, noise, dust and light pollution. A small number of people referred to the effect on property values and potential conflict of interest as the County Council is the landowner. One person referred to a low aggregate yield. One objector asks for no Saturday working and for an 8.00 am start on weekdays.
47. The revised access arrangements are not considered by objectors to provide any improvement; one resident asks that there be no right turn into the site. Notwithstanding the exclusion of general waste management at the site, objectors consider that the handling of construction and demolition waste and the production of concrete should be undertaken on an industrial estate. Residents concerns on highway grounds are endorsed by Tim Yeo MP.
48. The residents of Nursery Lodge in their overall objection, point to the impact of early morning lorries queuing on the highway with consequential noise and pollution. Landscaping will have no mitigating effect.

49. The Cornard Tye Residents Association have in particular concentrated on the highway issues and their most recent comments are reproduced as Appendix C.
50. A police Inspector for the Suffolk Constabulary has voiced concerns about highway safety.
51. The Wyevale Garden Centre is concerned with the potential for dust to damage plants.

## **CONSULTATIONS**

### **Highway Engineer**

52. The Highway Engineer had requested the applicant consider access to the site from A134 by means of a roundabout. The applicant has resolved not to do that but instead to reduce the traffic attracted to the site by removing the recycling of general skip waste use and to submit the proposed priority junction to a stage 2 Road Safety Audit.
53. The proposed access design has been checked against the Design Manual for Roads and Bridges (DMRB) which is a Trunk Road standard and it conforms in all reasonable respects to these standards and reflects the environment in which it is proposed. The Safety Audit, which was undertaken by Suffolk County Council's own safety engineering staff, has revealed only minor resolvable problems that have been addressed in the designer's response and the auditor additional views (Appendix F)
54. Conditions of any planning permission are recommended.

### **Natural England (Soils Team)**

55. No objection in principle because the area of best and most versatile agricultural land that may be affected by the proposal is not regarded as significant in terms of the national agricultural interest.
56. The use of screened and recycled soils for the lower restoration profile may cause problems as there is evidence that anaerobic layers can be formed in such circumstances. There may also be uncertainty that suitable soils will be available in correct quantity and at the appropriate time.

### **Natural England (Norfolk and Suffolk Government Team)**

57. No objection. Proposal would not have a significant effect on Edwardstone Woods SSSI.

### **Suffolk Wildlife Trust**

58. Happy with the scope and detail of the ecological surveys. Request retention of hedge between areas 3 & 4 which contains diverse species. (Applicant has amended plans accordingly). SWT welcomes additional ponds but questions who will be responsible for long term management.

### **Environment Agency**

59. Extraction would not interfere with chalk groundwater flow paths, neither should it cause derogation issues to existing abstractors.
60. A number of pollution safeguarding and biodiversity enhancement conditions should be attached to any planning permission.

## **SCC Rights of Way**

61. A diversion to the west and north of the site offers the potential for an improvement in the ROW network by providing an off-road link between Chilton and Gt. Waldingfield.

## **SCC Noise Manager**

62. Satisfied that noise mitigation measures proposed in form of screen bunding should ensure that a nuisance does not arise from the site. Controlling conditions are proposed.

## **Archaeology**

63. Archaeological potential of this site is adequately covered in the submitted desk based assessment. Recommend that field surveys are carried out to identify any archaeological potential. Standard condition of permission recommended.

## **Recommendation of Parish Councils**

### **Newton**

64. The Parish Council objects primarily on the basis of unacceptable level of impact on the existing road network and road users and disturbance to residents living by the A134 with early morning opening of the recycling plant.
65. If permission were to be given, the Parish would like to see the speed limit on the A134 from the Northern roundabout to the Newton 30mph zone and from the Newton 30mph zone to the A1071 to be reduced to 40mph. It is also requested that recycling operations start at 8.00.

The Parish Council's most recent full response will be found as Appendix B.

66. Newton Parish Council and other parish councils have also been consulted on the road safety audit of the highway proposals carried out by the County Council. This will be considered by the parish council after the deadline for preparing this report.

"Newton Parish Council called a meeting to review the planning application on the 20th February, 8 working days after receiving the notification from SCC. However, a response by NPC on the 21st February, the 9th working day, does not give SCC officers time to include the response in this report. NPC response will therefore be read out verbally by the presenting officer at the Development Control Committee meeting. NPC would have preferred that their response could have been included in the report in order for you to review its contents ahead of the meeting."

### **Acton**

67. No representations received.

### **Great Waldingfield**

68. The Parish Council strongly object to the proposal and set out a number of comments which will be found in Appendix D.

## **Chilton**

69. Opposed to application on grounds of unacceptable impact on environment, the local population and local road infrastructure. The Parish Council also believes that this is an industrial development masquerading as a quarry. The Parish Council's full response will be found at Appendix E.

## **Gt. Cornard**

70. Against the proposal for the following reasons:
- a) Large increase in HGV traffic on A134;
  - b) Proposed feeder lane would not work as large lorries take time to turn;
  - c) Increase in traffic would result in back roads being used as 'rat runs';
  - d) No measures in place to stop lorries using Valley Road as a short cut;
  - e) Despite amendments there is a significant amount of business associated with the site which is not associated with mineral extraction;
  - f) If this is not a viable site for extraction on a stand alone basis, then the application should be dismissed;
  - g) The site is not sufficiently removed from residential and business premises and would be affected by dust.

If it is seen fit to approve this plan, it is imperative that a roundabout should be put in place and not the proposed feeder lane.

## **Sudbury Town Council**

71. Should the County Council be inclined to approve the application a lower speed limit should be considered for the A134 between Sudbury and Newton Green. Wishes to know how adherence to the prescribed lorry routes will be monitored and enforced.

## **Recommendation of Babergh District Council**

72. Recommend refusal (April 2007)

Consider the development is unacceptable for a number of reasons and feel that the scheme is at significant variance to that discussed at the public local inquiry into the Suffolk Minerals Local Plan and its allocation as Site P14, purely for sand and gravel extraction.

73. As the application also includes the erection of a concrete batching plant, aggregates bagging plant and construction and demolition waste recycling plant, vehicle movements would be far higher than for a simple sand and gravel operation; bulk sand and gravel extraction only amounts to approximately 17% of the total movements when taking into account the figures cited within the Transport Assessment submitted with the Environmental Statement. This greater number of vehicle movements would have a detrimental effect upon the general amenities of the area both in terms of noise and dust generation.
74. Furthermore, the introduction of a greater number of vehicles and in particular HGVs would increase the risk of road traffic accidents occurring on the A134, an already dangerous stretch of road which is already over-capacity and can be described as an accident black spot. Slow moving

HGVs both accessing and exiting the site would lead to traffic hold-ups which are all too common.

75. Babergh is concerned that much construction and demolition waste would be brought to the site from Ipswich, which would be neither sustainable (due to distances travelled) nor acceptable in the terms of the Policy WLP4 of the Waste Local Plan.
76. Simply put, a waste recycling centre would generate unnecessary trips and materials unsuitable for site restoration purposes would have to be transported back out of the site. Whilst it is recognised that material would have to be imported for restoration purposes and indeed the District Council can see the merit in reducing the use of virgin aggregates in concrete products, the proposal is providing facilities considerably in excess of what one would expect for a basic gravel extraction operation.
77. This leads into the visual impacts that would result. There would be plant and other structures and associated paraphernalia within the site over and above those necessary for a sand and gravel extraction operation, and these would cause unacceptable harm to the character of the landscape. Whilst it is acknowledged that bunding and planting would to some extent screen the plant area, the overall effect would be of seriously degraded countryside.
78. The operation of the plant on site in connection with the various processes proposed would have a considerably adverse impact on the lives of surrounding residents especially by dust generated and noise created.
79. There is uncertainty that the operations would be complete during the ten year period cited and question whether it is the applicant's aim to retain a waste recycling plant long after the last of the gravel has been extracted. On which note it has been questioned by some as to the quantity of sand and gravel actually available within the site and whether on its own would be a viable operation. Non conforming uses should not simply be allowed to 'prop up' an uneconomic site.

Babergh's comments on the applicant's revised proposals will be reported to the meeting (meeting 5 March)

## **COMMENTS OF THE HEAD OF DEVELOPMENT CONTROL**

### **Policy Overview**

80. The Review of the Adopted Minerals Local Plan through the new Minerals Development Framework procedure has given rise to some confusion over the appropriateness of the existing allocation of the site for mineral working in the Adopted Minerals Local Plan.
81. Although the Adopted Local Plan covers the period to the end of 2006 it is nevertheless the most appropriate development plan document to take into account when considering this application. Policies within it have been 'saved' including in particular SMLP Policy 7 which refers to the identification of specific sites for mineral extraction (including site P14 Chilton).
82. Documents emerging through the Minerals Development Document procedures gain the status of being 'material' to the consideration of any planning application as they proceed through each key milestone stage

within the minerals and waste development scheme. The Minerals Core Strategy was submitted to the Secretary of State in October 2007, shortly before the preferred sites were made known for public consultation. This site is included within the preferred list of sites. An Inquiry into the soundness of the Core Strategy commences in May and this proposal is considered to be consistent with that Strategy.

83. Consideration of this application should be primarily with regard to the Adopted MLP, which has gone through the public inquiry process and consideration of objections by an independent inspector.
84. The MLP Inquiry Inspector was asked to consider objections to the allocation that almost mirror the nature of the objections that have been made to the submitted planning application. In particular within Appendix A will be found his consideration of the highway issues.
85. The applicant company was not involved in the promotion of this site at the time of the MLP Inquiry. Accordingly the anticipated traffic movements associated with the quarry were based on best available evidence with regard to operational quarries in the county. The evidence was that the quarry was likely to give rise to some 50 – 60 trips per day (ie 30 journeys in and 30 out). The Inspector identified this as representing an increase of around 6.5% in HGV movements and one which would not overwhelm the capacity of the road. He did not accept that the road is unsuitable for quarry related traffic, nor that development should be delayed until a Sudbury western by pass had been built.
86. In considering this proposal some 8 years after adoption it is appropriate to identify if there has been any material change in those issues considered by the MLP Inquiry Inspector.
87. Many of those making representation on the application have referred to highway safety dangers on the A134 and I judge this to be the most significant single issue

### **Highway issues revisited**

88. The applicants have reconsidered their initial proposal to sort general skip waste and have omitted this from their revised proposals. Accordingly the number of HGV movements associated with the development has been significantly reduced (from 121 to 74 per day, 37 in and 37 out).
89. The proposed priority junction as shown on the submitted drawing has adequate capacity to cope with the traffic loading and the safety audit does not identify any material harm that cannot be addressed. On this basis there are no objections to the priority junction as proposed.
90. Objectors have requested a reduction in the speed limit on the A134 at this location. However, the locality does not meet the County Council's nor the latest Department for Transport guidelines for a 30 or 40 mph limit.
91. Highway issues aside, and with regard to both adopted SMLP policies and emerging Core Strategy Policies, I consider the following additional matters to be relevant:

### **Impact on the landscape**

92. The MLP Inspector considered the potential for screening the site and concluded that the visual impact of the quarry would not be so great as to be totally unacceptable.
93. Following negotiations with the applicant it has been possible to include additional areas of land within the site for advance 'off site' planting and hedgerow reinforcement. Screen bunding has been refined so as to provide for gentle outer slopes.

### **Working practices to minimise adverse impacts on properties**

94. Revised working arrangements have been negotiated with the applicant to provide for the use of an electrically powered conveyor to serve phases 2 – 4. This will obviate the need for dump trucks to haul material back to the plant area and will therefore reduce the potential for noise and dust in the environment.

### **Other mineral related activities**

95. The proposal to recycle concrete/demolition waste is in accordance with the adopted Waste Local Plan (WLP4) . The production of concrete is an ancillary activity for which planning permission is not normally required at existing quarries. The bagging of aggregate is also an ancillary activity for which subsequent planning permission is not normally required if use is made of indigenous aggregates; for environmental reasons, the use of bagged aggregate is the preferred/required method of handling aggregates in confined or urban areas.
96. The applicants do propose to import hard rock from their Ipswich wharf for bagging and this would give rise to an average 2 HGV movements a day. Whilst not significant there is considered a case for not encouraging additional HGV movements through the transportation of aggregate from elsewhere that is not essential to maximising the use of the indigenous material. Accordingly a condition of permission (no.14) is recommended to prevent this.

### **Restoration**

97. Restoration of the site to a lower level with the use of some imported soils is the preferred restoration strategy. Some care will need to be taken to ensure the retention and use of soils that contribute to the 'best and most versatile' category. The use of soils arising from any future development at Chilton would be ideally placed to assist restoration.

### **Conclusions**

98. The need for this mineral working remains an essential plank in rolling forward development plan policy under the new system. The allocation of this site in the Minerals Local Plan was endorsed by an independent Inspector. The site is identified as being 'preferred' in the proposed Site Specific Development Plan Document.
99. The County Council owned the site at the time of the Minerals Local Plan Inquiry and its interest as landowner is immaterial. Only planning

considerations have been taken into account when considering the allocation of the site or the current planning application.

90. The long period over which the application has been considered and been subject to consultation has resulted in a significant amendment to exclude general waste handling and a number of refinements to the method of working/restoration and significant off site planting. The estimated daily volume of HGV traffic associated with the development is only marginally higher than that anticipated in 1997 at the Minerals Local Plan Inquiry.
91. The proposed highway works have been subject to extensive safety audit at a very detailed level and are considered to be safe and satisfactory. Accordingly there is considered to be no overriding highway safety reasons to object to the development as now proposed.

#### **SOURCES OF FURTHER INFORMATION**

- a) Correspondence held on file B/07/00177/CMA.

This includes documents relating to the subject matter of the report which:

- a) Disclose any facts or matters on which the report, or an important part of the matter is based, and
- b) Have been relied on to a material extent in preparing the report.

As well as any published works or legislation.

Background papers used in preparing the report must be kept for four years from the date of the meeting.