

# Planning permission

**Name and address of applicant**

Biffa Waste Services  
Poplars Landfill Site  
Lichfield Road  
Cannock  
Staffs.  
WS11 8NQ

**Name and address of agent (if any)**

Chris Lowden  
SLR Consulting Ltd.  
Aspect House  
Aspect Business Park  
Bennerley Road  
Nottingham  
NG6 8WR

**Part I - Particulars of application**

Date of application

Application no.

17<sup>th</sup> July 2014

2014/1440/02 (2014/VOCEIA/0153/LCC)

**Particulars and location of development:**

S73 PLANNING APPLICATION TO VARY CONDITION 2 OF PERMISSION NO. 2009/2497/02 (GRANTED ON APPEAL BY THE SECRETARY OF STATE – REF. APP/M2460/A/11/2150748) FOR PROPOSED MODIFICATIONS TO THE APPROVED DESIGN OF AN ENERGY RECOVERY FACILITY (ERF) AND ANCILLARY FACILITIES - LAND AT NEWHURST QUARRY, SOUTH OF THE A512 CLOSE TO JUNCTION 23 OF THE M1.

**Part II - Particulars of decision**

In pursuance of its powers under the Town and Country Planning Act 1990 the **Leicestershire County Council** grants planning permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development hereby permitted shall begin no later than 28<sup>th</sup> June 2015.
2. Unless otherwise required by this permission the development shall be carried out in accordance with the following details:
  - a) the planning application reference 2014/1440/02 and accompanying Environmental Statement (ES) dated July 2014;
  - b) accompanying drawing nos. NH3/1, NH3/2, NH3/3, NH3/5, NH3/6, NH3/7, NH3/8, NH3/9, NH3/10, NH3/12 Landscape Masterplan, NH3/13 and NH3/14.
  - c) letter dated 28th April 2010 and attached supplementary information including letter dated 23rd April 2010 from SLR addressed to Geoff Wise of the Highways Agency, Additional Supporting Information Relating to the Global Warming Potential (CO2) document.
3. An Ecological and Landscape Management and Mitigation Plan shall be prepared for the application site and shall be submitted to and approved in writing by the County Planning Authority prior to the commencement of development. The Management Plan thereby approved shall specify a strategy to promote biodiversity within the landscaped areas and balancing ponds. The strategy shall also include details of the means of protection to safeguard key ecological and landscape features during the course of construction works and shall include a programme for the implementation and management of the approved works. The Management Plan and strategy shall be implemented in full and in accordance with the agreed programme.
4. A copy of this permission, the plans and documents referred to in condition No. 2 above, including any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept available on site for the duration of the development.

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CONDITIONS CONTINUEDMaterials

5. Prior to the commencement of construction of the ERF building, a schedule of all the materials to be used externally in the construction of the building shall be deposited with and approved in writing by the County Planning Authority. The building shall be erected and thereafter maintained in accordance with the details approved under this condition.

Site Access Provision and Use

6. The development shall not be brought into use until such time as the existing priority junction of the site access on to Ashby Road (A512) has been upgraded to a signalised junction (as illustrated on drawing NH 3/13) in accordance with details that shall first have been submitted to and approved in writing by the County Planning Authority. The proposed junction shall incorporate facilities for pedestrians/cyclists to cross from the northern side of Ashby Road into the proposed development and footway/cycleway facilities provided to access the development.
7. Before works commence on the access alterations, the existing bus stop within Ashby Road adjacent to the site entrance shall be relocated in accordance with details that shall first have been submitted to and approved in writing by the County Planning Authority. Such details shall include the provision of a footway link from the relocated bus stop back to the site access and any necessary highway alterations such as bus lay-by that may be required.
8. No vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected across the access road serving the site, unless the details of them have first been submitted to and approved in writing by the County Planning Authority.
9. Before the development commences, details of the routeing of construction traffic shall be submitted to and approved in writing by the County Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
10. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
11. No part of the development shall commence until details of a Green Travel Plan containing a travel-to-work, car use strategy, contractor-operated mini bus service, and co-ordination of deliveries for the construction phase of the site as a whole has been submitted to and agreed in writing by the County Planning Authority. The Green Travel Plan shall be subsequently implemented throughout the course of the construction phase of the development.

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CONDITIONS CONTINUED

12. No part of the development shall be brought into use until details of a Green Commuter Plan containing a travel-to-work, car use and car parking management strategy for the site as a whole have been submitted to and agreed in writing by the County Planning Authority. The Plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.
13. The total number of Heavy Goods Vehicle (HGV) movements associated with the site shall not exceed a daily maximum of 242 (a vehicle entering and subsequently leaving the site equates to two movements). Records of such movements shall be maintained on a daily basis and shall be made available to the County Planning Authority within five working days of such a request being made. All records shall be kept on site for at least 12 months.
14. The car parking shown on the approved plans shall be completed before the development hereby approved is occupied or brought into operation and thereafter shall be kept free of obstruction and available for the parking of vehicles associated with the development.
15. The development hereby permitted shall not be brought into use until the highway scheme shown on drawing no. H001 and dated 04/10 accompanying the letter from SLR dated 23rd April 2010 addressed to Geoff Wise Esq. has been fully completed.

Protection of Trees, Shrubs and Hedgerows & Protected Species

16. The development shall not be commenced until hedgerows and trees to be retained and in close proximity to the works are protected in accordance with BS5837:2005. When installed the means of protection shall be maintained in situ until the development hereby approved becomes operational.
17. No works that involve the removal of trees, shrubs, hedgerows, scrub and other vegetation including habitats used by ground nesting birds and buildings shall be undertaken during the months of March to August inclusive unless the area has first been checked by a qualified ecologist and an action plan agreed in writing with the County Planning Authority.

Protection of the Environment

18. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing by the County Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the County Planning Authority:

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CONDITIONS CONTINUED

- i) A preliminary risk assessment which has identified:
    - all previous uses;
    - potential contaminants associated with those uses;
    - a conceptual model of the site indicating sources, pathways and receptors;
    - potentially unacceptable risks arising from contamination at the site.
  - ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
19. Piling or any other foundation designs using penetrative methods shall not take place other than with the express written approval of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated, through the submission of a detailed scheme, that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
20. The development hereby approved shall not begin until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
21. The development hereby permitted shall not be commenced until such time as a scheme to ensure that the site is not at flood risk from Shortcliffe Brook has been submitted to and approved in writing by the County Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme.
22. Prior to the commencement of development a scheme for the disposal of foul and surface waters shall be submitted to and agreed in writing by the County Planning Authority. The scheme shall be implemented and thereafter maintained for the life of the development in accordance with the approved details.
23. Any facilities for the storage of oils, fuel or liquid chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tanks plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There must be no drain through the bund floor or walls.

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CONDITIONS CONTINUED

24. Prior to the commencement of the development, a Construction Management Plan shall have been submitted to and approved in writing by the County Planning Authority. The plan shall include all construction and construction operative vehicular movements, construction operation hours, all construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.
25. Prior to the commencement of development, details of an air quality monitoring regime to track any changes in local nitrogen dioxide levels from the construction phase through to six month full operational status of the facility shall be submitted and agreed in writing by the County Planning Authority. The air quality monitoring shall be undertaken in accordance with the agreed scheme.

Noise

26. The noise levels arising from the development when measured at any noise sensitive property shall not exceed 55dB(A)LAeq over any one hour (free field) during the hours of 07:00 – 23:00 and 42dB(A)LAeq 1 hour (free field) during the hours of 23:00 – 07:00.
27. Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance or disturbance in the locality. Such measures shall include:
- the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile;
  - the location and organisation of on-site operations so as to minimise any noise impact on nearby properties;
  - the minimisation, so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles.

Lighting

28. Prior to the commencement of the development, a lighting scheme shall be submitted to and agreed in writing by the County Planning Authority. The Scheme shall include details of the location, height, design, sensors, hours of operation, luminance and intensity of light spread of all proposed lighting and a programme for its installation. The lighting shall be designed to minimise the potential nuisance of light spillage to the locality, and shall be implemented in full accordance with the approved details.
29. Notwithstanding condition No. 28, no lighting source shall be directly visible (or visible by reflection) to trunk road users.

Hours of operation

30. No HGV shall enter or exit the site except between the hours of 06:00 to 22:00 Mondays to Fridays inclusive and between the hours of 07:30 and 16:00 on Saturdays. No HGV shall enter or leave the site on any Sunday or Public/Bank holiday.

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CONDITIONS CONTINUEDComplaints

31. Following the receipt of any complaint about operations on site affecting neighbouring land users or the environment, the operator shall, within 24 hours, notify the County Planning Authority of the complaint, details of the investigation and if relevant, any mitigation measures taken.

Miscellaneous

32. The development shall not begin operating unless a route to the boundary of the site capable of accommodating pipework for heat off-take purposes has been identified and has been approved in writing by the County Planning Authority. The route shall thereafter be reserved for this purpose.
33. Prior to the commencement of any works on the site a badger survey shall be carried out by an appropriately licensed ecologist to determine whether a sett has been dug within 30 metres of the site to be developed. If the survey concludes that a sett is present then no works shall commence on the site until an appropriate licence has been granted by Natural England.

Reclamation

34. Within six months of the commencement of the development, a detailed scheme for the reclamation of the parts of the site outside the red line but within the blue line on plan No. NH2/2 shall be submitted to and approved in writing by the County Planning Authority. The reclamation scheme shall not include floating reed beds and shall be carried out in its entirety within one year of the County Planning Authority's written approval.

Aftercare

35. Following the reclamation of any part of the site in accordance with the agreed reclamation scheme, the reclaimed land shall be treated and managed over a period of five years in accordance with an aftercare scheme, which has previously been agreed in writing with the County Planning Authority. The agreed scheme shall provide a strategy for the five-year aftercare period and shall specify the steps that are to be taken in order to bring the newly restored land to the required standard for the approved biodiversity-led after-use. The scheme shall:
- a) be submitted for the written approval of the County Planning Authority within six months of the date of approval of the corresponding reclamation scheme submitted under condition no. 36 above;
  - b) provide an outline strategy, having regard to the guidance contained in Mineral Planning Guidance Note 7 (MPG7) (or any superseding Government guidance on the reclamation of mineral sites) for the five-year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken to return the land to beneficial use and shall provide for annual meetings between the operator, the County Planning Authority and other agencies as appropriate in respect of the restored areas of the site; and
  - c) provide for the annual submission and implementation of a detailed programme of aftercare works having regard to MPG7 (or any superseding Government guidance on the reclamation of mineral sites) and other relevant guidance regarding biodiversity action plan targets.

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Waste Acceptance

36. No waste shall be accepted at the site other than in accordance with a Waste Acceptance scheme approved under the terms of the Environmental Permit issued (or thereafter amended) by the Environment Agency in consultation with the County Planning Authority.

Blasting

37. Every blast shall be designed with a 95% confidence level that ground vibration levels recorded at any vibration sensitive property arising from any blast shall not exceed a peak particle velocity of 6mm per second measured in any mutually perpendicular plane. No blast shall exceed a peak particle velocity of 12mm per second as measured at any vibration sensitive property.
38. Prior to the commencement of the development, a blast monitoring scheme shall be submitted to and agreed in writing by the County Planning Authority. The Scheme shall include details of:
- blast monitoring at agreed locations including the use of permanent/fixed monitors to assess whether the limits specified in condition No. 39 have been complied with;
  - the type of monitoring equipment to be used;
  - presentation of blast design and monitoring results, including details of dates, times, prevailing weather conditions and comments on significant blast results;
  - maintenance and availability of monitoring results;
  - procedures to be implemented if blasting exceeds approved levels; and
  - a methodology to keep the scheme under regular review subject to written agreement with the County Solicitor.
39. Except in an emergency no secondary blasting shall be carried out without the prior written approval of the County Planning Authority. In emergency situations, the County Planning Authority shall be notified of operations within 24 hours.
40. Prior to the commencement of blasting operations details of the methods employed to minimise air overpressure from blasting operations shall be submitted to the County Planning Authority for approval. Each blast shall be undertaken in accordance with the approved scheme.
41. No blasting shall be undertaken on the site except between the hours of 10:00 and 16:00. No blasting shall be undertaken on any Saturday, Sunday or Public/Bank Holiday.

REASONS

- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.

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REASONS CONTINUED

3. To minimise the impacts of the development on local amenity and ecological interests and to ensure that the development maximises the biodiversity potential of the site.
4. For the avoidance of doubt and to ensure that the site is carried out in accordance with the approved conditions.
5. In the interests of local amenity and to ensure that the development has an acceptable external appearance.
6. In the interests of highway safety.
7. In the interests of highway safety and to provide adequate facilities for a new public bus stop.
8. In the interests of highway safety.
9. In the interests of highway safety.
10. In the general interests of highway safety and to ensure that adequate off-street parking facilities are available within the curtilage of the development.
11. In the interests of highway safety.
12. To ensure that adequate steps are taken to provide a transport choice including a choice in mode of travel to and from the site.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. To ensure there is adequate protection for existing trees and hedges and their roots within the site in the interests of the landscape and visual amenities of the area.
17. To ensure that nesting birds are not unacceptably disturbed.
18. To ensure a satisfactory form of development and to minimise the risk of pollution on of local watercourses and aquifers.
19. To ensure a satisfactory form of development and to minimise potential impacts on local ground water interests.
20. To ensure adequate drainage of the scheme and minimise associated flood risk beyond the site boundary.
21. To ensure that the development is not at risk from flooding.

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REASONS CONTINUED

22. To prevent pollution of the local water environment.
23. To minimise the risk of pollution on of local watercourses and aquifers.
24. To minimise the impacts upon local communities and in the interests of highway safety.
25. To enable the County Planning Authority the opportunity to monitor the impacts of the development on local air quality.
26. To minimise the adverse impact of noise generated by the operations on the local community and environment.
27. To ensure best practices are undertaken on the site to minimise the adverse impact of noise generated by the operations on the local community and environment.
28. To minimise the adverse impact of light generated by the operations on the local community and environment.
29. In the interests of local amenity and highway safety.
30. In the interests of local amenity and to ensure that the development is carried out as per the submitted details.
31. To ensure that the County Planning Authority is informed of all complaints relating to site operations.
32. To ensure that the development is as sustainable as practicable.
33. To provide adequate protection for badgers, which are a protected species.
34. To ensure acceptable restoration of the peripheral areas of the site and the Newhurst Quarry void takes place, in the interests of local amenity and to improve local ecological and biodiversity interests.
35. To ensure that the restored areas of the site are brought into a suitable condition for long term ecological and biodiversity improvements to be made.
36. To ensure that the development takes place in accordance with the submitted details.
37. To minimise the adverse impact of blasting on the local community and environment.
38. To enable the blasting effects from the development to be adequately monitored during the course of the operations and so that the data acquired can be used in the design of subsequent blasts.
39. In the interests of local amenity.
40. To minimise the adverse effects of air over pressure on the local community.

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REASONS CONTINUED

41. In the interests of local amenity.

How Leicestershire County Council has worked with the applicant in a positive and proactive manner:

In dealing with the applications and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework

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