AGENDA MANAGEMENT SHEET

Name of Committee: Regulatory Committee
Date of Committee: 18 December 2007
Report Title: Brinklow Quarry, Brinklow, Rugby
Recycling of Incinerator Bottom Ash

Summary: This report recommends the refusal of planning permission for the use of land for the purpose of recycling incinerator bottom ash, associated lagoon, site infrastructure, plant and portable offices and construction of screening bund from site overburden at Brinklow Quarry, Coventry Road, Brinklow, Rugby.

For further information please contact: Richard Forbes, Planning Officer, Tel. 01926 412247, richardforbes@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Environmental Assessment – Additional information received 5 October 2007.
27 Representations.

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

Other Committees: .................................................................

Local Member(s): Councillor Mrs H Timms – no comments received as at 4 December 2007.

(With brief comments, if appropriate)
Other Elected Members .................................................................

Cabinet Member ..........................................................................
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Chief Executive ..........................................................................

Legal  X  I Marriott – comments incorporated.

Finance .........................................................................................

Other Chief Officers ........................................................................

District Councils  X  See Paragraph 2.

Health Authority  X  See Paragraph 2.

Police ...........................................................................................

Other Bodies/Individuals  X  See Paragraph 2.

FINAL DECISION  YES/NO  (If ‘No’ complete Suggested Next Steps)

SUGGESTED NEXT STEPS:

Further consideration by this Committee ...........................................

To Council ......................................................................................

To Cabinet .....................................................................................

To an O & S Committee ..................................................................

To an Area Committee ...................................................................

Further Consultation .................................................................
Regulatory Committee – 18 December 2007

Brinklow Quarry, Brinklow, Rugby, Recycling of Incinerator Bottom Ash

Report of the Strategic Director for Environment and Economy

**Recommendation**

That the Regulatory Committee authorises the refusal of planning permission for the Recycling of Incinerator Bottom Ash at Brinklow Quarry, Brinklow, Rugby for the following reasons:-

1. The proposed development would be contrary to Policy E2 in the Rugby Borough Local Plan 2006 because the development would adversely affect the open character of the area and the proposed use constitutes inappropriate development within the Green Belt as defined in paragraph 3.12 of PPG2. In addition, the development would be contrary to guidance contained within PPS10 relating to development within the Green Belt.

2. The proposed development would be contrary to saved Policies 1 and 6 of the Waste Local Plan for Warwickshire because it would be inconsistent with the strict locational criteria designed to secure appropriate facilities in sustainable locations.

Application No: R687/07CM020

Received by County: 4 June 2007

Advertised Date: 7 June 2007

Applicant(s): Brinklow Quarry and Coventry and Solihull, WDC Ltd, Bar Road, Coventry, CV3 4AN.

Agent(s): A L P Ambrose Minerals Planning, Highway House, Asfare Business Park, Hinckley Road, Wolvey, LE10 3HQ.

The Proposal: The use of land for the purpose of recycling incinerator bottom ash, associated lagoon, site infrastructure, plant and portable offices and construction of screening bund from site overburden.
Site & Location: 1.25 ha of land at Brinklow Quarry, Coventry Road, Brinklow, Rugby. [Grid ref: 425.795].

See plan in Appendix A.

1. Application Details

1.1 The proposal would be used to process residual incinerator bottom ash (IBA) arising from Coventry and Solihull Waste Disposal Company’s Energy Recovery Facility (ERF) at Coventry. This plant handles around 220,000 tonnes of domestic waste per annum, which results in the production of around 50,000 tonnes of IBA. The IBA is currently disposed of the Bubbenhall and Ling Hall landfill sites.

1.2 It is possible to process the IBA to produce a recycled aggregate, incinerator bottom ash aggregate (IBAA) that can be used for various applications. The proposed facility would enable this to be produced at Brinklow.

On site Proposals

1.3 The proposal would be made up of the following features:

(i) A concrete slab measuring 100 metres by 100 metres. The slab would be laid in such a way that water would drain inwards to a catch pit in a corner of the slab where solid material will be settled out.

(ii) An overflow weir from the catch pool into a lagoon.

(iii) The lagoon would measure 50 metres by 50 metres by 3 metres deep. The stored water would be used in dust sprays on the processing plant and on stockpiles, as such is intended that there would be no water discharge off the site.

(iv) A water drainage channel would surround the site. This would also drain into the catch pit.

(v) 2.3 metres high green colour coated steel palisade security fencing with access gate would surround the drainage channel.

(vi) The eastern, southern and western sides of the site would be bounded by an earth bund comprised of excavated material from the site constructions and quarry overburden. It would reach approximately 8 metres in height and would be grass seeded.

(vii) Two single storey mobile buildings would be located close to the gate, measuring 12 metres by 3 metres and housing the site office and staff welfare amenities.

(viii) Other features would include steel containers containing power distribution and plant control equipment, a small bunded fuel tank and a housing for a mobile electricity generator.
1.4 The proposed operations would incorporate open stockpiles of incoming material, processing plant and mobile plant and machinery. Processing plant would be made up of various conveyor belts and chutes as well as magnets and eddy current separators and would be up to 6 metres in height. These would remove various ferrous and non-ferrous materials from the IBA and a further separator would sort the product into various sizes according to market requirements. Usually, the product would be separated into two sizes which could be used for a wide variety of construction uses.

1.5 Ferrous and non-ferrous metals once removed would be transported for recycling. In addition, a very small residue would be sent to landfill, this would be less than 10% of the original volume by weight.

1.6 On receipt of the application a screening opinion was carried out as to whether an Environmental Impact Assessment was required with consultees. An Environmental Statement was requested largely at the request of Rugby Borough, Environmental Health. This information was received and was sent out to consultation on the 2 November 2007.

2. Consultations

2.1 Rugby Borough Council – Letter dated 22 June 2007, in response to the initial consultation and scoping opinion as to whether an EIA is required. This response stated that an EIA is unlikely to be required.

2.2 Brinklow Parish Council – Email dated 12/6/2007 raising the following issues:

(i) The Council has little confidence that the quarry company will fulfil its obligations to landscape and screen the site as evidenced by their past actions. Not enough trees have been planted at the quarry and many of those which were planted have since died due to being planted at an inappropriate time of year and lack of subsequent care. The Council believes that it should be enforced that any screening for this new venture should be in place before any operations commence.

(ii) The Council would like to see that planning permission is granted for the plant to handle waste from the Coventry incinerator only. Any attempt to widen operations to encompass other incinerators should be the subject of a new application. Ash arriving from the Coventry site will have no vehicular impact on Brinklow. However, if other incinerators use the plant then it is possible that delivery traffic would route through Brinklow and the Council is opposed to this.

2.3 Email dated 18 November 2007 with further comments following the submission of Environmental Statement stating the following:

(i) The Council is of the opinion that an independent environmental assessment should be commissioned, at the expense of the quarry business, as it has no confidence in the document produced dated 28 September 2007.
(ii) Should permission be granted the Council believes strongly that the lorry movements should be restricted to the quantity granted when the quarry set up business, i.e. no further increase in total permitted movements.

2.4 **Councillor Mrs H Timms** – No comments received as at 4 December 2007.

2.5 **Brandon and Bretford Parish Council** – No comments received.

2.6 **Rugby Borough Council, Environmental Health** – Email dated 14 June 2007 requesting an extension to the consultation deadline to enable the consideration of members comments and stating that while the planning application documentation indicates a low risk of environmental effects as a result of the activity, the information presented is not considered sufficiently detailed to prove to Rugby Borough Council officers that the risk is as low as claimed. Rugby Borough Council would, therefore, request that a full Environmental Impact Assessment be submitted by the applicant before Warwickshire County Council consider the application. We would specifically request that evidence, including monitoring data for air pollution (PM10 and other dusts from storage, processing and other handling) and soil/farm land contamination of sites and neighbouring sites, from similar activities at other sites and detailed chemical analysis of the ash from the Coventry site is presented which supports their claims.

Email dated 23 October 2007 regarding the submitted Environmental Statement stating that the report is considered generally acceptable and no additional clarification and works are required. Generally support recommendation for entering a Section 106 Agreement to control the use of the land for a great crested newt survey.

2.7 **Museum Services** – Letter dated 27 June of no objection subject to a Great Crested Newt and Reptile Survey, hedgerow protection and bat/bird survey.

Letter dated 16 November 2007 stating that the Environmental statement is satisfactory as the ecological interest on site has been adequately considered. The findings of the extended ‘phase-1’ and Great Crested Newt surveys be forwarded to the Ecology unit for consideration, as and when they become available.

2.8 **Environment Agency** - Letter dated 14 June 2007 considering that it is not necessary to carry out an EIA as it falls below the thresholds given in Circular 02/99 and the site is not considered environmentally sensitive. The applicant is advised to provide evidence that the IBA is non-hazardous waste.

2.9 **Department for Environment Food and Rural Affairs (DEFRA)** – No comments received.

2.10 **Natural England** – One Letter dated 20 June 2007 states that an EIA is not required.

One letter dated 20 June 2007 stating that the proposal will not have a significant impact on the Combe Pool SSSI. The ecological consultants recognise that there is the potential for great crested newts and recommend that
there be a further survey to ascertain their presence. Therefore, the County Planning Authority should direct the applicant to commission a survey of the site prior to determination of the application;

2.11 **Warwickshire Primary Care Trust** - Assuming that the installation complies with the Pollution Prevention Control Regulations 2000, Groundwater Regulations 1998 and the European Groundwater Directive, and the European air quality framework directive and daughter directives, compliance with these regulations, together with good management and regulation should ensure that activities conducted by this installation present a low risk to local human receptors;

2.12 **Advantage West Midlands** – the proposal intends to reuse IBA into recycled aggregate, this is fully supported by the Agency. There is also the potential to safeguard and create local employment opportunities.

3. **Representations**

3.1 One detailed email from Keith Kondakor raising the following issues:-

(i) The enviroCheck search was done at the wrong grid reference.

(ii) The application does not properly assess the risks posed by the ash.

(iii) The non-hazardous catalogue does not mean that the ash is totally non-hazardous but that the majority is inert.

(iv) Certain components may not be safe when blown onto farmland and the adjacent composting operations.

(v) The earth bunds are only on three sides and stockpiles of material would be 2 metres higher than the bunds.

(vi) A major part of the IBA is made up of materials that should never have been incinerated, for example 11% comes from Aluminium that could have previously been recycled. Whilst the major component appears to be glass that should also be recycled as far as possible. Much of the ash arises as a result of poor recycling performance by Coventry City Council.

(vii) Power Stations produce a vast amount of ash for which there is a limited market.

(viii) It is clear that Coventry’s ERF is out of date and will need replacing within the next five to 10 years. The proposed development would only hold up the life of an out of date facility. The site would be better suited to the treatment of biodegradable waste.

(ix) Open air drying of IBA is not compatible with surrounding land uses.

(x) The risks associated with rainfall should be based on ten years data rather than six to include 1998 storm data.
(xi) Effects of valley wind funnelling towards Brinklow should be studied. A full analysis of the IBA from the Coventry facility should be carried out to establish the risks followed by a full environmental study.

3.2 One email from Councillor N Sandison, Rugby Borough on behalf of Sustainable Rugby, raising the following issues:-

(i) Serious environmental concerns regarding the application.

(ii) The consultation period should be extended and a full environmental impact assessment carried out.

(iii) There should be greater consultation with residents of the area and neighbouring villages beyond the parish council comments.

(iv) The proposal fails to encourage the top criteria of the waste hierarchy by not encouraging Coventry and Solihull WDC to remove recyclates prior to incineration and disposal.

(v) It is wrong for the applicant to call it recycling process. The EU has made a decision that incineration is waste disposal.

(vi) The application does not comply with the development plan for the area.

(vii) IBA is normally categorised as hazardous waste and disposed of in specially constructed hazardous waste cells.

(viii) The applicant is exploiting a loophole that would enable the treatment in the open air where it will be subject to the weather, changing wind and rain direction. This raises concerns regarding potential dust contamination in the locality and the pollution of local water courses.

(ix) There are concerns regarding cross contamination with local composting facilities.

(x) Rugby’s experience with loose materials involved in manufacturing has created significant problems.

(xi) Coventry and Solihull WDC have significant expansionist plans and want to become a regional incinerator. This would result in an increase in incoming IBA and the possibility of the site becoming a large scale reprocessing centre, leading to increased vehicle movements on and off site along inadequate B roads.

(xii) The applicant states that the application is for a temporary period. How long is this for?

3.3 20 representations from local residents covering the following points:

(i) Impact of extra traffic on the B4027 and the possibility of extra movements through Brinklow village, which is already busy.
(ii) Past bunding carried out by the quarry in the past has been poor and not properly done.

(iii) The quarry creates a tremendous amount of dust and dirt on site as well as on the highway. This can be dangerous.

(iv) We would welcome assurances that there will be no further development is planned and that all quarry activities will cease by May 2016 in accordance with the original plans.

(v) Additional noise.

(vi) Wind blown dust in the air, and its effects particularly on asthma sufferers.

(vii) The proposal does not accord with the original planning permission which was for mineral extraction only.

(viii) How can such an environmentally toxic hazard be considered in a sand and gravel quarry with an obvious route to groundwater.

(ix) The agricultural business has in the past had absolute disregard for the environment.

(x) There is no risk assessment regarding the IBA.

(xi) This could potentially turn a beautiful area into a tip.

(xii) There is a risk of air and ground contamination, including toxic pollution, which could enter the food chain and surrounding agricultural land.

(xiii) Impact on local wildlife including pond life and water troughs and grazing of horses.

(xiv) It would devalue property values.

(xv) Waste gives off obnoxious fumes which will carry into homes on prevailing winds and endanger health.

(xvi) Fine ash will be most contaminated by dioxins. If the material is inert why does it require auditing every six months?

(xvii) As the prevalent wind direction is from the south-west. Bunding, screening or landscaping will not prevent material towards the village.

(xviii) The proposal is bounded by farm land this may be affected by the leakage of heavy metals etc.

(xix) Ensure that a full EIA is carried out on behalf of the Borough and County Council and not just the applicants submission is relied upon.

(xx) Information regarding IBA on the internet leads us to the conclusion that public safety issues are not completely satisfactory.
(xxi) The application states that the development is six miles from Coventry when it is only two miles from the city boundary.

(xxii) General environmental, human rights and public health concerns.

(xxiii) The site is in the Green Belt. Introducing industrial plant into this area would contravene policy. It would create a precedent for more industrial development in the Green Belt.

(xxiv) Greater emphasis should be placed on recycling to achieve targets, therefore the proposal is contrary to government policy.

(xxv) Originally permission was granted for minerals extraction for strategic importance. The time limit has now passed and the landscape has not been restored. Who is responsible for the restoration and where will the money come from.

(xxvi) Problems with existing operations:-

(a) Obnoxious smell with properties in the path of the prevailing wind direction from processing green waste.
(b) Not planting trees as promised previously.
(c) Working hours.
(d) Lost lorries.
(e) Noise.

(xxvii) Possible impacts on local water courses and their flood plains, including Combe Pool and the River Sowe.

(xxviii) Poor vehicular access.

(xxix) Lagoon levels should be compared to flood plain levels.

(xxx) Whilst the application states that the proposal is for the recycling of IBA they should also state rubbish from incineration.

(ixxi) Public use public rights of way close to the proposal.

(ixxii) There will be a detrimental impact on the local economy as people will move their horses from local stables.

(ixxiii) The proposal would contravene council policies that encourage public recreation within the countryside.

(ixxiv) Concern that the whole village of Brinklow has not received neighbour notification and that the parish council has notified residents in their communications. This gives the impression plans are being pushed through because of the green element and appears very underhand.

(ixxv) The heavy rainfall in the summer needs to be taken into account.
(xxxvi) The environment is being compromised by Brinklow Quarry in order to make money. They are to rent out all the fields they farmed to concentrate on the quarry.

(xxxvii) Coventry and Solihull WDC should deal with their IBA in their own area.

3.4 One letter from Bill Olner MP objecting to the proposal with reference to a letter from one of his constituents (Mrs McDonnell) objecting to the proposal:-

(i) Concerned about the future of his constituent if the application is supported.

(ii) Fully understanding why Mrs McDonnell is opposed to it.

(iii) There appears to have been problems with this site in the past that do not seem to have been addressed.

(iv) The proposals are not in the best interests of his constituent.

3.5 One letter from Mr and Mrs McDonnell to Bill Olner MP thanking him for supporting their objection and welcoming an EIA but concerned that it may be biased as it is being submitted by the applicant.

3.6 One letter from Keith Kondakor, Nuneaton and District Friends of the Earth, regarding the submitted Environmental Statement outlining his initial concerns:-

(i) The amount of ash should be falling and the need will reduce the amount produced. All the most valuable resources that could have been extracted have instead been combusted to produce a residual with a negative net value. We need to make less ash as a first step. Rather than describing it as a win-win, it is a mitigating your loss by dumping the ash somewhere more useful than landfill.

(ii) The development is not true recycling. The applicant has failed to provide data on the amount of ash produced over the last few years and indicated how that could be reduced. The Waste hierarchy places reduction above reuse and recycling.

(iii) The stockpiling is unjustified. The EIA has failed to discuss the how the risks and impact of the development are related to the size of the stockpiles. Other applications, which have been approved, have set far lower height limits on the Ash piles. It would be useful to have a list of maximum stockpile heights used at other sites, 10 metres seems excessive. I have seen sites with limits set 2 metres below the height of bunds. It is very hard to find a long-term secure market for the ash. It is important that the site does not end-up as long-term storage of an unwanted waste product.

(iv) The development may be too large. The applicant has failed to justify the size of the concrete slab. It is a possible that this site could be used for ash from many other waste incinerators at a later date. Data on the size of other ash-processing sites would allow us to judge the justification for
its size. Scaling down the size of the development would reduce its impact. An 80 metre by 80 metre would intercept 36% less rainwater and allow fewer resources to be used.

(v) The testing of the ash was based on a too small a sample. We are aware that a sample of ash should have been tested at regular intervals over many years. None of this data has been presented to show how the ash varies. The data provided in the EIA showed great variations between two or four samples. Daphnia magna immobilisation test data on two samples show a safety factor of 2 and 5. The standard deviation of just two widely spaced values indicated that a significant percentage of a wider sample might not pass the test.

(vi) The ash is hazardous. The non-hazardous classification is related to if it can be sent to a non-hazardous landfill site. The material may be classified as hazardous under the Control of Substances Hazardous to Health Control of Substances Hazardous to Health (COSHH). The weathering will not remove the entire hazard and will transfer some to the lagoon. We have found a COSHH assessment for a site handling IBA, which we assume, would be similar to one for the ASH at the Brinklow site.

(vii) The rainfall data excludes the two years with highest rainfall. The rainfall data is taken from a site at some distance and ignores the effects of climate change. The closest data we could find was from the Bablake Weather Centre. (http://bws.users.netlink.co.uk/) The EIA used rainfall data from 2001-2006 at Birmingham airport. The year 2000 was the rainiest complete so far at 801.2 mm. In the 12 months to July 2007 the rainfall was a shocking 1142 mm. That is 50% more than the highest used in the EIA. In addition a considerable amount of water could drain out of the wet ash (which contains up to 20% water at point of delivery). Instead of 9531 m3 of water in a year we should plan for a far higher figure of 14,000 of rainwater plus maybe half the water in the ash (~4000 m3). This is near an area subject to major floods this year and in 1998.

(viii) The wind blows in all directions. The wind data from Birmingham shows that the wind blows in all directions and very tall stockpiles would be subject to winter gales. The open countryside provides very few windbreaks. The applicant wishes to pile the ash higher then the surrounding bunds. The wind data used is over 10 years old and is about the average wind speed and not the gust that would cause most of the problems.

(ix) The overall climate change impact of the development. The applicant has failed to indicate the carbon impact of constructing, operating and decommissioning the site. Planning policy is making us more aware that the climate change effect of a development should be considered. The development will use a very large amount of reinforced concrete and sub-base material. The energy source to operate the development has not been clearly identified. There may not be an overall environmental benefit from the development given the facilities short life. There already exists an excess of material for use as secondary aggregate in some parts of
England and a shortage in others. In order to quantify the net impact of this development we need to establish the distance to market for the processed ash compared to its distance to landfill and establish what material is replaced by its use. The applicant has failed to provide data on the need for this ash. We would ask that a study of the projects net effect is estimated in terms of Global warming potential and measures studied to reduce that impact.

(x) The EIA has failed to answer many of our concerns. It has also been mischievous in its selection of data; ignoring the periods of highest wind and rain; not providing historic data on existing testing of IBA and misnaming a process that destroys valuable resources as recycling. Dependant on a detailed study of the 9 points made above we ask that the council refuse the application or failing that, apply conditions to the operation to mitigate some of the problems.

3.7 One email from two local residents in response to the application and Environmental Statement raising the following issues:-

(i) Technical aspects are hard to understand we must rely on your good judgement having the interests of residents at the forefront in your decision making.

(ii) The statement cites that the proposal is a win win situation. This is an anodyne and gives a false impression.

(iii) With regards to the site selection criteria, not sure how this has been arrived at, all seemed much of a muchness. The score for Brinklow should also have included a very eager and willing landlord.

(iv) The statement that the temporary nature of the project will reduce environmental impact in the long term, may be but not for those of us living near during its supposed 10 year tenure.

(v) The submitted site plan does not show the village and associated residential properties, nor the extent of the quarry and its various operations.

(vi) Noise: measurement is based on North London, where the ambient noise must be much greater than it is in this area. So it could be more disturbing for residents in Brinklow.

(vii) Screening bunds: grassed and contoured to blend with existing farmland, who would do this? Would the County insist that this work is carried out?

(viii) Dust from the site is a big concern to us. Winds from the south-west i.e. the quarry and this application come straight to Brinklow and those of us who live on the south side of the village do experience increased dust nuisance since the quarry started.

(ix) The clay soils around Brinklow retains water and is very often water logged. Leakage from the pad and lagoon will occur, heavy rainfall is a natural phenomenon. The quarry site is full of water most of the time and
has attracted a lot of wild life. It would appear that this water has to be pumped out at times perhaps on to the surrounding farmland. What effect will a facility like this have on the food chain being that the proposed site has farm land on three sides?

(x) The critical nature of the report about neighbourhood concerns, the applicants say locals have not taken the opportunity offered to contact them this is probably so, it is hard for us to realise what all this means and how it will impact on our lives. Why did they not come 400mtrs further up the road into the village and explain their plans to us rather than us being in total ignorance.

3.8 One letter of objection in relation to the Environmental Statement from a resident of Street Ashton covering the following issues:

(i) Assessment of alternatives – No site in Coventry. There is a larger area of land adjacent to the existing incinerator, there would be no problem there as Coventry City Council are experts in Compulsory Purchase.

(ii) The Smite Brook sits at a lower ground level than the proposed site and as such all waters will eventually drain into the Brook and eventually Coombe Pool. There is a large flood plain under the surface within the area of the site. A test holes needs to be taken below the surface of the proposed lagoon.

(iii) Water supply on the pond adjacent to older farm buildings on the quarry site should be checked.

(iv) Seemingly Warwickshire County Council and Rugby Council accept buildings in the area.

(v) Give details of volume of water added to vehicles before leaving Coventry or present owners.

(vi) Give details of what constructional value of waste materials.

(vii) The number of HGVs via Brinklow and along the Fosse Way has gone above 100 per day which is an infringement of the law.

(viii) The development will result in a further intrusion in the Green Belt. Warwickshire County Council and Rugby Borough Council do not put all applications for development on a level playing field, which is unfair.

4. Observations

Site and Surroundings

4.1 The application site is an agricultural field that lies in the open countryside some 1.2 kilometres to the south west of the main built up area of Brinklow village, immediately located to the south of a large sand and gravel quarry. As part of the planning permission for minerals extraction there is consent to store soil overburden form the mineral working in this particular location.
4.2 The site lies on the southern slope of shallow valley that runs east-west, with a pond located between eight and 10 metres away from the eastern edge of the screening bund. To the south of the site runs a public footpath approximately 200 metres away, which is located in the same agricultural field. The nearest residential properties are Birchley Farm and Birchley Wood Farm some 360 metres to the west, and Cottage Farm approximately 750 metres to the north-east.

**Green Belt**

4.3 The site is located within the Green Belt and as such Green Belt policies within the local plan and those outlined in Planning Policy Guidance Note 2 (PPG2) apply. In this particular case the proposed development is inappropriate, as defined in PPG2, and as such should only be approved when very special circumstances exist.

4.4 The applicant’s statement discusses the issue at some length and proposes the following factors that they believe represent very special circumstances:

(i) The site is situated relatively close to the Coventry ERF, thereby reducing the haulage distances when compared to the existing landfill disposal and applying the principal of dealing with waste arisings at close proximity to their point of origin. It would also introduce backhaul opportunities.

(ii) The use of the site would be compatible with other land uses of the quarry site. IBAA could be used to supplement the quarry outputs of sand, gravel, clay and recycled aggregates. This would also allow the use of the existing virgin aggregate to be more sustainable. In addition, the proposed development would make use of existing site infrastructure, such as the weighbridge and mobile plant.

(iii) The proposed site has been chosen because of it’s minimal environmental impact.

(iv) It would have a minimal visual impact due to the fact that it could be screened from public view. The submitted photomontages demonstrate this. At first glance it may not even be noticeable against the backdrop of minerals processing plant.

(v) At the end of the facilities operational life the site could be restored to agriculture with no trace of the previous activity.

(vi) The site will at some stage will be used for the storage of overburden and as such this part of the Green Belt will not remain undisturbed.

(vii) The proposal would result in no additional urban sprawl and no encroachment into the countryside as it is located within the boundary of a minerals development.
Minerals development within the Green Belt need not be inappropriate as it is a temporary use of the land. The proposal would be linked to the life of the quarry, or until economic considerations dictate that IBA recycling should be carried out at a different location or by a different method, and the plant used would be quarry plant. The only difference would be the source of the material.

The site has been chosen from a list of 34 potential sites taking into account practical, environmental and economic considerations.

Coventry’s ERF is located within the heart of the West Midlands Green Belt and as such any location for the recycling plant in relatively close proximity to the ERF not designated as industrial land will be in the Green Belt.

Planning Policy Statement 10 (PPS10) states that Regional planning bodies and all planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that:

– protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.

The diversion of further waste from landfill and the production of secondary aggregates can be seen to be a far more environmentally sustainable use of the land than the storing of overburden.

The proposal would shift the management of waste up the waste hierarchy.

When assessing an application in the Green Belt the Purposes of including land in Green Belts need to be considered. These are as follows:

(i) To check the unrestricted sprawl of large built-up areas.

(ii) To prevent neighbouring towns from merging into one another.

(iii) To assist in safeguarding the countryside from encroachment.

(iv) To preserve the setting and special character of historic towns.

(v) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In this case the development would result in encroachment on the countryside, which would be contrary to one of the purposes listed above. Paragraph 3.12 states that:
“the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.”

In addition the ancillary buildings associated with the development do not meet any of the specific purposes outlined in paragraph 3.14 and as such are inappropriate. As such the proposal is inappropriate development and very special circumstances are required if the proposal is to be approved. 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. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

4.7 In this case the applicant has suggested a number of circumstances that he believes to be very special. However, the fact that the proposal would result in a significant urbanizing effect arising not only because of the stockpiling of materials but also the associated, plant, machinery, regular shaped concrete pad and lagoons, as well as built development. It is considered that all these additional ancillary features would have a greater impact on the openness of the Green Belt than that associated with soil overburden storage. Whilst it could be argued that this would be similar to the approved use of the site for the storage of overburden, the proposal is not linked to minerals extraction. As minerals can only be extracted at their source, associated minerals development is subject to less restrictive policy constraints within the Green Belt (PPG2, paragraph 3.11). There is no particular reason why the proposed development could not be located on any other site, as it is not reliant on the site source, and therefore it is not considered that very special circumstances that justify approval exist.

4.8 The cumulative effect of the various permitted operations on the quarry site also needs to be considered. As well as the extraction of sand, gravel and clay, there is also mortar plant, open windrow composting and aggregate recycling facilities on the quarry site. All of these particular uses contribute to various urbanising effects which in conjunction would have more of an impact on Green Belt openness than the permitted mineral extraction. This would result from the additional stockpiling of materials as well as additional plant and machinery and small ancillary buildings. The proposed development would create additional harm to Green Belt openness in an area that is currently unaffected by minerals extraction.

4.9 In addition, although the applicant has stated that the development would be temporary in nature no fixed end date has been given. It has only been stated that the lifespan of the development could be linked to that of the quarry or at such a point when it would no longer be appropriate to continue the operations at the site. This would suggest that harm caused to the openness of the Green Belt could be up to nine years rather than a short period of time.
4.10 The agent has also argued that there has been a change in the planning policy background with regards to waste management facilities that would affect the determination of this application. In particular, Planning Policy Statement 10, regarding Planning for Sustainable Waste Management.

4.11 In addressing waste developments within the Green Belt PPS10 in paragraph 3 states that Regional Planning Bodies and all planning authorities should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies that:

“protect green belts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission”.

4.12 In addition, PPS 10 places the onus on Waste Planning Authorities to give priority to the re-use of previously developed land, and redundant agricultural and forestry buildings and their curtilages. In this case the lawful use of the area is agriculture, albeit that the land benefits from consent for the storage of soil overburden, it lies outside the curtilage of the nearby buildings therefore, it does not meet these criteria.

4.13 In this particular case, it has not been demonstrated that this kind of recycling operation needs to be sited within such an isolated Green Belt location. In addition, the existence of suitable commercial sites outside of the Green Belt, which would be more acceptable in planning policy terms has not been adequately addressed.

4.14 This statement is further qualified in the companion guide to PPS10, which states that:

“If the proposal relates to a site in a Green Belt, it is also likely to be inappropriate development. Criteria-based policies in LDDs need not, however, impose a total, blanket ban on the establishment of such sites in Green Belts. It may still be appropriate to grant planning permission if the applicant is able to demonstrate that very special circumstances exist that clearly outweigh the harm caused by the proposed site being developed in the Green Belt, and any other harm. Each case should be considered on its merits in accordance with the development plan and any other material considerations. But ‘very special circumstances’ means just that. The decision-maker must be able to point to circumstances which, viewed objectively, are reasonably capable of being described as ‘very special’.”

Both of these statements reinforce the need for very special circumstances when determining such applications. This has been discussed above and does not represent a significant departure from the guidance given in PPG2, especially when there may be more suitable areas outside the Green Belt. As such the proposal would be contrary to Green Belt policy.
**Visual Amenity**

4.15 The proposal would be prominent within the landscape, in particular the screening bunds and stockpiles of materials. It should be noted that the stockpile heights would peek above the height of the bunds. The applicants acknowledge that existing view on the site from the footpath to the south is dominated by existing operations including material stockpiles and the Green composting site. They believe that some benefit would be accrued from the screen bunding of the site as it would help to mask some of the existing activities too.

4.16 Despite the above, the proposal would bring activities and bunding around 100 metres closer to the public footpath. Bringing development closer to the footpath may have a more dominant impact than the existing edge of the operational workings. A visual envelope study has been submitted as part of the Environmental Statement but this is lacking in required detail to enable a full assessment of the visual impact of the proposed development. Although this matter is unresolved it is not necessary to resolve the issue at this stage as there are other underlying reasons that justify refusal of the application which cannot be overcome.

**Neighbours’ Amenity**

4.17 The proposed site is located at some distance from neighbouring properties, and as such the proposal would not have an over dominant impact on these properties. However, a number of issues have been raised by local residents these are examined below.

**Dust and Risks to Human Health**

4.18 Objectors have raised issues regarding dust arising from the site as well as the effects of the development on human health. Warwickshire Primary Care Trust have been consulted on the application along with the Environment Agency and Environmental Health. Both the Primary Care Trust and Rugby Borough Council, Environmental Health have no objections to the proposal and are happy that the impact on human health would be acceptable. The final response from the Environment Agency (EA) regarding further information relating to the composition of the IBA has not yet been received.

**Groundwater/Contaminated Land**

4.19 A concrete slab, catch pit and impermeable lagoon that control leachate and rainwater runoff have been proposed as part of the development. This would produce a closed drainage system which would significantly reduce runoff from the site. Whilst the full EA response has not yet been received they have acknowledged that the site is not located on a groundwater aquifer and there are no water abstraction points within 500 metres of the site boundary.
Noise

4.20 The site is situated some distance from residential properties and the types of noise that would be produced would be similar to the those associated with the existing operations at the site. In addition, Rugby Borough Environmental Health have no objections to the scheme.

Ecology

4.21 The main consideration is that the site is located close to a pond that could be a potential habitat for great crested newts. This has been identified in the submitted Extended Phase 1 Habitat Survey and Hedgerow Assessment Report and a further Great Crested Newt Survey recommended. Natural England have advised that the applicant should be directed to submit such information prior to the determination of the application.

4.22 This information has not been submitted, although it has been noted that the best time to conduct a Great Crested Newt survey is between March and May. As such the applicant has proposed to sign a Section 106 agreement in relation to control the use of the land and the timing and content of the survey within their Environmental Statement. However, this would be contrary to the Natural England’s advice regarding this particular material consideration. Although this matter is unresolved it is not necessary to resolve the issue at this stage as there are other underlying reasons that justify refusal of the application which cannot be overcome.

4.23 The County Ecologist has no objections to the scheme. However, there are some concerns regarding Great Crested Newts and the possible impacts on adjacent hedgerows, and these would need to be covered by an appropriate planning condition if the development were to be approved.

Traffic

4.24 Brinklow Quarry is currently subject to a Section 106 Agreement relating to traffic issues and covers all extant planning permissions. This would need to be amended to incorporate this scheme if planning permission were granted. The agreement limits the number of HGV movements to 200 per day. This is also a condition of the original permission for sand and gravel extraction.

4.25 The applicant has stated that currently the number of HGV movements is approximately half of this limit. The proposal would result in a maximum additional number of movements of up to 26. This would be well within the permitted limits.

4.26 There is particular concern amongst local residents concerning HGVs turning right on the Coventry Road and driving through the village. The existing legal agreement incorporates measures that discourage this. It must also be noted that incoming loads of IBA will be coming directly from Coventry along the Coventry Road.
Planning Policy

4.27 Green Belt policy issues have been discussed at some length above, in relation PPG2 and PPS10. Rugby Borough Local Plan Policy E2 regarding the Green Belt is based upon the wording of PPG2. The proposed development would introduce further processing operations onto open land within the Green Belt as such the proposal is contrary to national and local Green Belt policy.

4.28 As the proposal concerns the recycling of waste materials it needs to be assessed against Policy 6 of the Waste Local Plan 1999. This states that:-

“Material recycling facilities (mrfs) will be permitted in the following circumstances:

(i) As an integral part of new and established waste disposal facilities
(ii) On industrial estates and
(iii) On other land which has been used for a commercial use and where the proposed use would be compatible with adjacent land uses. Where the proposal is associated with a landfill site, the life of the material recycling facility will be limited to the life of the land filling operation.”

4.29 In this particular case the proposal would only be acceptable if it would be an integral part of a waste disposal facility. Although the quarry site does include two waste management facilities, an open windrow green composting site and aggregate recycling, these involve the recycling or recovery of materials. In addition, the proposed facility is not located directly adjacent to either of these facilities and therefore would not be an integral part of such facilities.

5. Conclusion

5.1 The proposed development does not maintain the openness of the Green Belt and therefore by definition is inappropriate development requiring very special circumstances to be demonstrated to justify approval. In this case there are no very special circumstances to justify setting Green Belt Policy aside have been submitted. In addition, the proposed development does not fit the strict locational criteria outlined in the Waste Local Plan for Materials Recycling Facilities

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