
Use of land for the operational use of military and civilian "off Road Vehicles" (Including tanks, Armoured fighting vehicles, Heavy duty vehicles and off-road 4x4's) along with provision of 3.0 metre high straw bunds (Revised Scheme)

**Report Item No
A2**

Measham Lodge Farm Gallows Lane Measham Swadlincote

**Application Reference
14/00309/FULM**

**Applicant:
Tank Mania Limited**

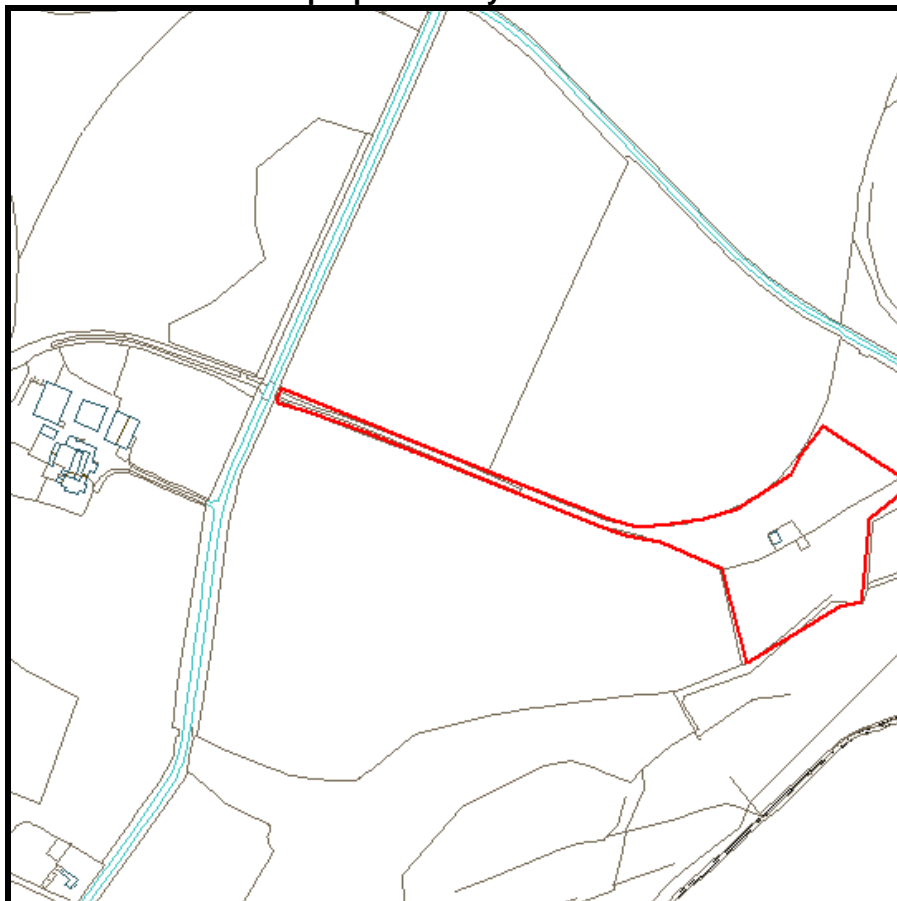
**Date Registered
4 April 2014**

**Case Officer:
Adam Mellor**

**Target Decision Date
4 July 2014**

**Recommendation:
Permit Subject to Section 106**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Call In

This application has been brought to Planning Committee as it is considered necessary for the committee to assess the potential economic benefits of the development against the potential noise implications for nearby residential properties.

Proposal

The application proposes that an area of 2.2 hectares would be used for the operational use of military and civilian "off road vehicles" which would include tanks, armoured fighting vehicles and off-road 4 x 4's. The original use of the site commenced in 2008 with two enforcement investigations being carried out in relation to the unauthorised use of the land which are referenced 08/00218/UD, which was closed on the 12th April 2011, as well as 11/00272/UD, which resulted in an enforcement notice being issued on the 1st August 2012. The main difference between this application and the application previously considered, referenced 13/00290/FULM, is that straw bale bunds would be provided and the operations on the site would be carried out in accordance with a management plan.

Consultation

A collective representation to the application has been received from the occupants of Nos. 1 - 4 Bosworth Grange and Valley Farmhouse, as well as individual responses from the occupants of Nos. 1 and 3 Bosworth Grange objecting to the application along with an objection from Snarestone Parish Council. Measham Parish Council has no objections, subject to the public footpath being maintained, and all other statutory consultees have no objections.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan, the general principles of the National Planning Policy Framework (NPPF) as well as Circular 06/05 and relevant supplementary planning guidance.

Conclusion

The site is located within the countryside and the use would be considered one which would fall within the leisure and recreational sector of Policy S3, as such the principle of the development would be accepted. Although the site is detached from Measham it is considered that the guidance contained within Paragraph 28 of the NPPF would offer support to the development proposal which would be one which could not be located within an urban environment due to the operations undertaken. It is also considered that the development would not conflict with the principles of Policies L2 and L3 of the Local Plan, given the amount of land which would be required to undertake the use as well as the placement of built structures in close proximity to mature vegetation on the site which borders the public footpath to reduce their visual impact.

In the circumstances that the Councils Environmental Protection team are satisfied with the operational noise assessments submitted in support of the application, as well as the management plan, and that these would satisfactorily mitigate the overall noise impacts on neighbouring properties it is considered that subject to appropriate conditions on any consent the proposal would not have a significantly detrimental noise impact on neighbours and as such would accord with the principles of Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Given the fact that the operations undertaken on the site have altered the appearance of the landscape in this particular area, coupled with the fact that the Minorca Opencast and Hansons Brickworks also exist within the surrounding area, it is considered that the proposal would not

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have an adverse impact on the visual appearance of the landscape or character of the rural environment. The buildings on site are also situated in close proximity to mature vegetation in order to reduce their visual impact and the straw bales provided to mitigate the level of noise generated from the site would also not appear 'out of place' in a rural environment. In these circumstances the development would accord with the principles of Paragraphs 61 and 75 of the NPPF as well as Policies E4 and F1 of the Local Plan.

The County Council Highways Authority and County Council Footpaths Officer consider that the development would not have an adverse impact on the safe usage of both the highway and rights of way, subject to the imposition of relevant conditions to improve the existing access, and as such it is considered that the development would not cause significant conflict with Paragraphs 32 and 75 of the NPPF as well as Policies T3 and T8 of the Local Plan.

In the circumstances that the County Council Ecologist and Natural England raise no objections to the proposed use, following the receipt of the revised great crested newts survey, it is considered that the proposal would not cause significant conflict with Paragraph 118 of the NPPF and Circular 06/05. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important features of the River Mease SAC, or any other features of special scientific interest of the River Mease SSSI which would ensure compliance with Paragraph 118 of the NPPF; the 2010 Habitats Regulations and Circular 06/05.

Existing landscaping would be retained on the site which would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. The provision of notices along the transport corridor advising that military vehicles utilise the route will also not prejudice the safe movement of pedestrians, cyclists or horse riders and as such the development would not conflict with Policy T14 of the Local Plan. It is also considered that the level of noise generated would not result in a significant impact on the 'tranquillity' of the Ashby Canal, given the other noisy uses the canal would bypass, as well as the fact that the use of the site would not prejudice the re-opening of this waterway. In these circumstances the development would not conflict with Policy T16 of the Local Plan. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to receipt of no contrary observations from the County Council Ecologist and Natural England, and subject to the imposition of conditions;

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended reasons for approval, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Background and Proposal

Planning permission is sought for the operational use of military and civilian "off-road vehicles" (including tanks, armoured fighting vehicles, heavy duty vehicles and off-road 4x4s) along with provision of 3.0 metre high straw bunds (revised scheme) at Measham Lodge Farm, Gallows Lane, Measham. The site in question is situated on the south-eastern side of Gallows Lane on the opposite side of the road to Measham Lodge Farm and has a vehicular access direct from Gallows Lane. The site lies outside the defined limits to development in the North West Leicestershire Local Plan with the surrounding area being predominately rural although residential properties do exist within the vicinity of the site. Public footpath P85 also runs through the application site.

Members may recall that a previous application for the retention of the use, referenced 13/00290/FULM, was refused at the Planning Committee meeting of the 12th November 2013 as it was considered contrary to Paragraph 123 of the NPPF and Policy E3 of the Local Plan, due the noise impacts on neighbours, as well as Paragraph 118 of the NPPF and Circular 06/05, due to insufficient ecological information being provided to assess the impacts on Great Crested Newts.

The application proposes that an area of 2.2 hectares would be used for the operational use of military and civilian "off road vehicles" which would include tanks, armoured fighting vehicles and off-road 4 x 4's. It is indicated in the supporting information that the experience offered is *"a realistic soldier experience riding/driving military vehicles with instructions on military driving for groups, parties, individuals and youngsters using 'mini-tanks;' combat fatigues and helmets provided, camouflage cream applied; detailed briefing including Health & Safety followed by syndicate grouping with army training on a variety of vehicles, mess tins and army style food and tea provided."* The original use of the site commenced in 2008 with two enforcement investigations being carried out in relation to the unauthorised use of the land which are referenced 08/00218/UD, which was closed on the 12th April 2011, as well as 11/00272/UD, which resulted in an enforcement notice being issued on the 1st August 2012.

Four portable buildings which have dimensions of 10.0 metres by 3.0 metres, one of which contains the toilet block, are also situated on the land and would be used in connection with the continuation of the use.

In order to address the refusal of the previous application the application now proposes that 3.0 metre high straw bunds would be provided on a 126.0 metre section of the south-eastern boundary as well as a 52.0 metre section of the eastern boundary. A management plan is also provided specifying the hours of operation as well as various works which would be undertaken on the site to reduce the noise output (i.e. one vehicle in operation on the site at any one time, exhausts being repositioned and through checks being undertaken on the vehicles).

A design and access statement, phase 1 habitat survey, operational noise assessment and statement assessing the impacts of the development on the integrity of the River Mease Special Area of Conservation (SAC) have also been submitted in support of the application.

Following the receipt of the comments of the County Council Ecologist, Natural England and the Council's Environmental Protection Team an additional Great Crested Newts survey and revised management plan have been received with revised consultation being undertaken with the interested bodies.

A previous application for planning permission 95/0507/P for the re-excavation and watering of canal was approved on the 23rd August 1995.

2. Publicity

Neighbours have been notified (Date of last notification 11 June 2014)

Site Notice displayed 1 May 2014

Press Notice published 16 April 2014

3. Consultations

Measham Parish Council consulted 9 April 2014

County Highway Authority consulted 11 April 2014

Environment Agency consulted 11 April 2014

Severn Trent Water Limited consulted 11 April 2014

Head of Environmental Protection consulted 11 April 2014

Natural England consulted 11 April 2014

Abby Archer Clerk To Snarestone Parish Council consulted 9 June 2014

County Archaeologist consulted 11 April 2014

LCC ecology consulted 11 April 2014

LCC/Footpaths consulted 11 April 2014

LCC/Footpaths consulted 11 April 2014

LCC ecology consulted 29 May 2014

Natural England consulted 29 May 2014

Head of Environmental Protection consulted 29 May 2014

Head of Environmental Protection consulted 1 May 2014

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Ashby Canal Association no representation received to date. Any comments received to be reported on the Committee Update Sheet.

Environment Agency has no objections subject to relevant notes to the applicant being attached to any decision granted.

Leicestershire County Council - Ashby Canal no representation received to date. Any comments received to be reported on the Committee Update Sheet.

Leicestershire County Council - Ecology object to the application as the phase 1 habitat survey submitted is the same as that previously considered under application reference 13/00290/FULM. Following reconsultation the County Council Ecologist has no objections, due to the historic use of the site, subject to the imposition of a condition on any consent to mitigate against any potential impacts on Great Crested Newts.

Leicestershire County Council - Highways outlines that the Local Authority should consider their response to application reference 13/00290/FULM where no objections were raised subject to appropriate conditions being imposed on any consent granted.

Leicestershire County Council - Rights of Way has no objections due to works being undertaken to ensure the safety of pedestrians utilising the public footpath (P85).

Measham Parish Council has no objections subject to the development not impacting negatively on public footpath P85 as well as the operation of the business being conducted in strict accordance with the management plan.

Natural England in the circumstances that the phase 1 habitat survey submitted is the same as that previously considered under application reference 13/00290/FULM, Natural England object to the application on the basis that the impacts on Great Crested Newts has not been satisfactorily addressed. Following reconsultation Natural England has no objections, due to the historical use of the site, subject to relevant conditions being imposed on any consent granted to deal with pollution to the River Mease SAC and SSSI as well as the mitigation of potential impacts on Great Crested Newts.

NWLDC - Environmental Protection initially identified that the management plan supplied needed to amend the hours of operation as well as provide information on how the straw bunds would be maintained. Following a discussion with the applicant, and receipt of a revised management plan, the Council's Environmental Protection team have no objections subject to relevant conditions to restrict the hours of operation as well as to ensure that the business operates in accordance with the management plan provided. Should a statutory noise nuisance be established by the business whilst operating in compliance with the management plan then Environmental Protection will be able to take action in accordance with their own legislation.

NWLDC - Cultural Services Officer has no objections subject to the public footpath (P85) being unaffected by the operation of the site as well as the placement of the straw bunds.

Severn Trent Water has no objections subject to the imposition of a drainage condition on any consent granted.

Snarestone Parish Council objects to the application on the basis of noise pollution to the area.

Third Party Representations

A collective representation to the application has been received from the occupants of Nos. 1 - 4 Bosworth Grange and Valley Farmhouse, as well as individual responses from the occupants of Nos. 1 and 3 Bosworth Grange, objecting to the application on the following grounds: -

- *The straw wall/bunds will make no difference to the level of noise emitted from the site in view of the topography of the land which slopes towards the properties at Bosworth Grange;*
- *The noise assessments undertaken were totally unrepresentative as they did not run the vehicles in the same manner as when paid customers utilise the vehicles or the audible noise caused by customers;*
- *The business will not be viable unless it operates on a Saturday and Sunday and as such this will have a greater impact on the amenities of neighbours;*
- *Bunds will be ineffective due to the topography of the site as well as the presence of a gap along the eastern boundary;*
- *Cumulative noise from the operations of Minorca, Tank Mania and the works on the Ashby Canal will result in significant detriment to the amenities of the occupants of Bosworth Grange;*
- *Change in the direction of the exhaust pipe will result in more noise being emitted from*

- the vehicles;*
- *Use of windsock would not be sufficient in controlling where operations would be undertaken on the site given that the wind direction can change all the time which would restrict operations at certain points during their progress;*
- *A Supreme Court Judgement regarding a motor racing development (Fenland Tigers Coventry v Lawrence) outlined that noise nuisance should be defined by the increase over background levels rather than noise readings (LAeq1hr) where an intermittent noise is spread out over a long period thereby diluting its effect and Bosworth Grange would be considered an area of natural tranquillity given the levels of background noise;*
- *The ecological survey provided is inadequate and does not address the concerns previously raised;*
- *Operation of Tankmania will result in impacts on the Public Footpath (P85) and it will not be safe for relevant users of the right of way;*
- *The business would not be considered 'unique' given that other experiences are available throughout the country and another one is based in Leicestershire;*
- *The business would not be sustainable given the poor ratings outlined on the 'Tripadvisor' website;*
- *The prepared report does not specify the correct route of the Ashby Canal and as such does not consider the impacts on the canal properly;*
- *Development will impact negatively on the rural environment and streetscape;*
- *Bird nests are evident on the site and the relevant habitat survey submitted is incorrect in specifying that no nests are present;*
- *Noise report was carried out as an academic exercise and as such cannot be relied upon in the assessment of the application;*
- *Incorrect information is stated on when Tankmania became established;*

A petition of 554 signatories in support of the application has also been received.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted;

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given;

Paragraph 7 indicates that the planning system needs to perform a number of roles which include, amongst others, an economic role which means contributing to building a strong,

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responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

Paragraph 17 indicates that in decision making planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings as well as take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

Paragraph 18 indicates that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths;

Paragraph 19 outlines that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system;

Paragraph 28 outlines that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

Paragraph 32 outlines that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe;

Paragraph 61 outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment;

Paragraph 75 outlines that planning policies should protect and enhance public rights of way

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and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles;

Paragraph 123 indicates that planning policies and decisions should aim to, amongst other things:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason;

Paragraph 187 identifies that Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area;

Paragraph 203 indicates that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition;

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other respects;

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 requires new development to respect the character of its surroundings;

Policy F1 seeks appropriate provision for landscaping and tree planting in association with

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development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Policy T14 presumes against development which would be likely to impair the continuity of disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors;

Policy T16 presumes against development which would prejudice the re-opening of Ashby Canal. It also provides that, in the event of the canal being reopened, development outside Limits to Development will only be permitted where it is strictly ancillary to the use of the canal as a navigable waterway;

Policy L2 provides that in cases where it can be demonstrated that a rural location is necessary, and subject to Policy L3 below, planning permission will be granted for informal recreation facilities, and land extensive recreational uses whether formal or informal, on the fringes of built up areas and elsewhere outside the defined Limits to Development;

Policy L3 sets out the criteria for determining applications for development on recreational sites outside Limits to Development;

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance

The Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

River Mease Water Quality Management Plan - August 2011

This plan draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition;

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6. Assessment

Principle of Development

The site is located within the countryside and, as such, permission for new development would not normally be granted unless it is for certain uses as set out in Policy S3 of the adopted North West Leicestershire Local Plan. The proposed use of the land for the 'operational use of military and civilian off-road vehicles' would be considered to be a form of leisure or recreational development and as such would accord with the criteria of acceptable development under Policy S3.

The site lies 1440 metres to the south-east of the settlement of Measham and there are no bus stops close to the site, although a frequent bus service would be available in Measham, and no public footways along Gallows Lane. As a result those travelling to and working at the site are likely to be heavy reliant on the private car.

However Paragraph 28 of the NPPF advocates the importance of supporting *"sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors,"* particularly where these needs are *"not met by existing facilities in rural service centres."* The continued use of the site for the proposed purposes would not be an appropriate fit within a built environment, given the amount of land required for the use as well as potential relationships with residential properties, and in the circumstances that the development would provide local employment, diversify the rural recreational and leisure economy and users/employees of the business could still access services in Measham it is considered that it would constitute a sustainable form of development which would not conflict with the core principles of the NPPF. Furthermore, regardless of its location, people are still likely to visit the site predominately by car given the fact that the land use would be best suited to a rural location.

In terms of Policies L2 and L3 of the Local Plan it is considered that a rural location would be necessary for the pursuit of this type of recreation/leisure use given the amount of land which would be required to carry out the functions of the business as well as the fact that the use would not be easily adapted into a built environment. It is also considered that the retention of portable buildings on the site would be ancillary to the recreational/leisure use carried out. In terms of criteria (b) and (c) of Policy L3 it is considered that the portable buildings are located next to an area of dense vegetation with borders public footpath P85 and whilst they are presently white two have been painted green and black, camouflage colours, in order to assist in 'assimilating' the development into a rural environment. It is considered that a planning condition could secure the painting of the remaining two portable buildings and in the circumstances that the site is bordered by dense mature vegetation it is considered that the

retention of these structures would not have a sufficiently adverse impact on the rural environment. Public footpath P85 also runs through a dense vegetation corridor adjacent to these structures and although some views would be established it is considered that no substantial views beyond or within the site would be impacted on due to the present boundary treatments and the overall scale of these structures. As such the proposals would not substantially conflict with the principles of Policies L2 and L3 of the Local Plan.

Residential Amenity

The nearest residential properties to the site, bar Measham Lodge Farm where the military and civilian off-road vehicles are stored, are those at Bosworth Grange which lie 225 metres to the south-east of the site and Coronet House, Gallows Lane which lies 610 metres to the south-west of the site.

Given the nature of the proposal, and the scale of the retained portable buildings, there would be no adverse overbearing, overshadowing or overlooking impacts on the amenities of neighbours with the main concerns relating to noise. It is considered that the retention of the use would provide economic benefits to the District and would promote the leisure and recreational uses advertised by the National Forest. The activity offered would also be unusual, given that only 10 other experiences of its type exist within the country (with one being based at Lutterworth, Leicestershire called Armouredgeddon), and is subject to substantial interest from television companies and as such this economic benefit would need to be weighed against the harm caused by the noise generated when the activity is operational.

In reviewing the findings of the operational noise assessment submitted in support of previous application reference 13/00290/FULM the Council's Environmental Protection team outlined that *"a modelling assessment to show the barrier calculations for all areas of the site so as to achieve a level of 50dBA 16hour LAeq in the rear gardens of Bosworth Grange."* Should be provided and that *"this assessment must not include background noise associated with Minorca or the Sunday Market."* The hours of operation of the use were to be restricted on the basis of the operations of Minorca and only one tank would be operational on the site at one time. The findings of the revised assessment concluded that *"the potential 3m bund/barrier located to the south of the eastern turning loop would reduce noise levels from armoured vehicles movements by up to 0.8 dB in garden areas of properties at Bosworth Grange. The potential bund/barrier located along the southern boundary of the site would reduce noise levels by up to 0.7 dB. If both bunds/barriers were installed, noise levels could be reduced by up to 1.6 dB."* These revised findings were considered to accord with World Health Organisation Guidelines on Community Noise and were therefore deemed acceptable subject to the other matters raised being addressed. Given the changes that were required to the application, i.e. to provide bunds, a decision to refuse application reference 13/00290/FULM was made.

The objections raised to the current application have critically evaluated the operational noise assessment provided, which is the same as that originally provided (dated July 2013), which have raised concerns over the findings, as a result of this the Council's Environmental Protection team were consulted to provide advice on the suitability of the development. As part of the application, the applicant has also submitted a management plan which identifies that the hours of operation would be 10:00 - 19:00 Monday to Friday, 10:00 - 17:00 Saturday and 10:00 - 16:00 Sunday (no operations would be carried out on Bank Holidays), a wind sock would be provided on the site to obtain wind direction and should this wind be towards Bosworth Grange then only part of the 'lower' course can be used, only one tank would be utilised on the site and the exhausts would be repositioned so it points downwards.

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In commenting on the submitted management plan the Council's Environmental Protection team raised concerns that it had not taken into account the current Minorca planning application, and its associated hours of operation, as well as the fact that it did not include information on how the straw bund would be maintained. It was also concluded that any planning permission granted would not preclude the use causing a statutory noise nuisance under the Environmental Protection Act 1990 to neighbouring properties and should this occur the only option would be for the use to cease.

Following a meeting with the applicant and the Council's Environmental Protection team, a revised management plan has been received which specifies that the hours of operation would now be 10:00 - 18:00 Monday to Friday, 10:00 - 16:00 Saturday and 10:00 - 16:00 Sunday (no operations would be carried out on Bank Holidays), with the straw bund being checked on a monthly basis, every two weeks in adverse weather, and any defects being repaired expediently to ensure that its mitigation properties are not diminished. The Council's Environmental Protection team have no objections to this revised management plan subject to a relevant condition being imposed on any consent to ensure the development operates in accordance with the management plan. It is again, however, concluded that any planning permission granted would not preclude the use causing a statutory noise nuisance under the Environmental Protection Act 1990 to neighbouring properties and should this occur the only option would be for the use to cease.

Although acknowledging that the use would operate on hours and days outside of those of the Minorca development, as well as those associated with the construction of the Ashby Canal, the Council's Environmental Protection team is satisfied that the mitigation measures proposed and hours of operation specified would not result in a significantly detrimental impact on the amenities of neighbouring properties to justify a refusal of the application, taken individually and cumulatively. Should the use also be conducted in accordance with the recommendations of the management plan then it is believed that it would not constitute a statutory noise nuisance. Should the site not operate in accordance with the management plan, and it is ascertained that it constitutes a statutory noise nuisance, then relevant action can be taken under the Environmental Protection Act 1990 with the likely conclusion being that the operations cease as all other mitigation measures have been exhausted.

It is considered that the hours of operation could be conditioned accordingly and the management plan would also be conditioned as the precise measures which the Environmental Protection team wished to be controlled, i.e. one tank operating at a time and maintenance of the straw bund, are considered enforceable. Although not necessary to ensure the suitability of the development the Council's Environmental Protection team have considered that the provision of an additional bund between the existing cabins and the north-eastern boundary of the site, to the north-west boundary of the public footpath, would further reduce the noise emitted towards Bosworth Grange and as such a condition would be imposed on any consent to ensure that this bund is provided and which would further placate the concerns of the residents of Bosworth Grange.

With regards to the area around Bosworth Grange being an area of 'tranquillity' it is considered that the NPPF indicates that decisions should *"aim to protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason."* It is considered that the area around Bosworth Grange and the south-eastern edge of Measham have been subjected to noise by virtue of the operations of the Minorca opencast mining operation and presence of the Hansons brickworks, with the commencement of development on the Ashby Canal also generating noise. Although the noises associated with

the construction of the Ashby Canal and Minorca may be temporary, albeit still likely to be occurring in five to seven years time, it is difficult to argue that that the area has remained 'relatively undisturbed by noise.' given that the brickworks would continue to operate after the cessation of the other two operations. Although the site also falls within the National Forest it is considered that the area in which the use would be situated would not be considered 'prized for its recreational and amenity value' in the same way that National Parks within the United Kingdom are designated given that the Tranquillity Map for Leicestershire, produced by the Campaign for Rural England (CPRE) in 2007, would suggest that the areas of the National Forest within Leicestershire are not particularly tranquil places. It is also noted that the area around Bosworth Grange is not recognised as an Area of Particular Attractive Countryside (as defined by Policy E22 on the North West Leicestershire Proposals Map) which are areas of the District which might exhibit the qualities considered to contribute to the 'tranquillity' of a place with the Tranquillity Map of Leicestershire by CPRE also suggesting that the area to the south-east of Measham, where Bosworth Grange would be situated, would be scaled as mid-to-least tranquil with the most tranquil areas lying to the south of Newton Burgoland and to the north of Sweptstone. In these circumstances it is considered that the area would not be considered an area of natural tranquillity and as such a refusal of the application on this basis could not be justified in this particular instance.

Overall, therefore, whilst officers are sympathetic to the concerns raised by the residents of Bosworth Grange in respect of noise it is considered that the mitigation measures undertaken have resulted in the noise impacts being reduced to a level which would not impact adversely on the occupants amenities to an extent which would justify a refusal. In these circumstances support is given to a use which would be economically beneficial to the District as a whole as it would not cause significant conflict with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Impact on the Rural Environment and Streetscape

The unauthorised use has been conducted from the site since at least 2008 and as a result the landscape has been altered by the continued activity of tanks driving around a set course. Although the landscape has been impacted upon by this activity, it is considered that its general condition would not be to the overall detriment of the rural character of the surrounding area given the operations undertaken on land within the vicinity of the site such as the Minorca Open Cast Mining site, to the north, and the Hansons brickworks to the south-west. The mature vegetation which exists to the boundaries of the site would also assist in screening the land from the streetscape and as such it would not be substantially prominent from this domain. Although public footpath P85 runs through the site it is noted that it is bordered by mature vegetation, on both sides, which would negate substantial views of the landform by users. In any case the landform would not restrict views out of the site to prominent landforms or features and as such the enjoyment of the footpath by its users would not be compromised significantly to justify a reason for refusal of the application.

As considered within the 'Principle of Development' section of the report the retention of the portable buildings on the site would not have a sufficiently detrimental impact on the character and appearance of the wider landscape or streetscape particularly in the circumstances that a planning condition could be attached to any consent ensuring that the buildings are painted green and black in order to assimilate the buildings into the rural environment. Any views established from public footpath P85 would also not be adversely impacted on by virtue of them not restricting views beyond the site given the structure's scales. The provision of the straw bunds would also not have a significantly adverse visual impact on the rural environment given that it would not be uncommon to see straw bails on agricultural land and there would be less

visual harm from this method of noise attenuation than others (i.e. acoustic fencing).

On this basis the development would not conflict with Paragraphs 61 and 75 of the NPPF or Policies E4 and F1 of the Local Plan.

Highway and Rights of Way Safety

The County Council Highways Authority and County Rights of Way Officer have no objections to the development.

The applicant has indicated to the County Highways Authority that any vehicles utilising the public highway are road legal, drivers have good visibility, road crossings are done under supervision, mud is swept on a daily basis and the vehicles are fitted with rubber tracks to avoid damage to the road. On the basis of this information the County Highways Authority are satisfied that the proposal could be made safe by virtue of improvements to the vehicular accesses and as such these works are to be conditioned accordingly to improve highway safety. In the circumstances that Paragraph 32 of the NPPF outlines that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe;*" it is considered that the improvements to the vehicular accesses would ensure that the safety of road users was preserved in accordance with Policy T3 of the Local Plan.

It has also been requested, by the County Highways Authority, that a condition requiring a surfaced car park for 15 vehicles is provided to prevent on-street parking issues and the imposition of this condition would ensure that the development accords with Policy T8 of the Local Plan.

The County Council Rights of Way Officer indicated, in the consideration of previous application reference 13/00290/FULM, that various works needed to be undertaken to ensure the safe usage of public footpath P85 and following a site meeting with the applicants on the 23rd May 2013 these works have been undertaken and subsequently maintained. In the circumstances that these works have been carried out it is considered that the public footpath can be safely used which would ensure compliance with Paragraph 75 of the NPPF.

Ecology

The County Council Ecologist and Natural England originally maintained an objection to the application on the basis that the Phase 1 Habitat Survey submitted does not adequately address the impacts on Great Crested Newts. A Great Crested Newts survey report has been submitted in support of the application and this has concluded that this protected species is absent from the site with the habitat suitability index for ponds being relatively low which indicates a poor potential for the presence of Great Crested Newts.

The County Council Ecologist and Natural England have raised no objections to the revised report received, subject to the mitigation measures suggested in the report being conditioned accordingly, and as such the proposal would not cause significant conflict with Paragraph 118 of the NPPF or Circular 06/05. Although the original phase 1 habitat survey submitted outlined that no avian nests were present on the site, which has subsequently been disputed by objectors, it is considered that the County Council Ecologist and Natural England have raised no objections in this particular regard, and who would have knowledge of the site, and as such the scheme would still accord with the aforementioned Policies.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to Paragraph 118 of the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

The application indicates that foul drainage would be dealt with via a sealed tank beneath the toilet block which would be emptied approximately once a month, although the applicant has identified that this tank has only been emptied once in the last three years. A sealed tank would hold all the effluent from the toilet block and would not discharge into the ground. The sealed tank would need to be emptied regularly, although this would be dependent on the amount of overall usage of the site, with the effluent being taken to a sewerage treatment works. Severn Trent Water has confirmed that none of the Severn Trent Water treatment works in the SAC accept waste from licensed waste collectors and this arrangement will continue in perpetuity. The management of the non-mains drainage would also be dealt with by the Environment Agency as the 'competent authority' under the Environmental Permit system although any failures of the system would not result in detriment to the integrity of the River Mease SAC given that it is more than 100 metres from the river and as such any effluent would be sufficiently diluted by this time.

Surface water run-off from the site would continue as existing and given the distance to the River Mease SAC (200 metres) it is considered that surface water run-off would have no adverse impacts on its integrity although notes to the applicant would be attached to any consent to make them aware of the requirements of the Environment Agency and the condition suggested by Natural England to control pollutants from the vehicles would also be imposed to limit the implications of this type of run-off contaminating the surface water run-off. Whilst an environmental permit would be required for the storage of fully depolluted and un-depolluted vehicles on the site there is nothing to suggest that a permit would not be issued and the Environment Agency would be responsible, as part of the issuing of the permit, to ensure that the integrity of the River Mease SAC would be preserved.

Overall it can be ascertained that the continuation of the use on the site will not, either alone or in combination with other plans or projects, have a significant effect on the internationally

important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other Matters

The site is situated within the National Forest and in the circumstances that the existing mature landscaping on the site would be maintained as part of the development proposals it is considered that the retention of the use would not conflict with the principles of Policies E2, E7, F1, F2 or F3 of the Local Plan. Additional landscaping on the site could be conditioned on any consent should it be deemed necessary.

It is noted that the access track into the site runs along a route which has the potential to be re-used as a transport corridor, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors, however it is considered that the retention of the activity would not prejudice the potential use of the track by pedestrians, cyclists or horse riders in the circumstances that suitable notices have been installed along the route to make people aware of the movement of military vehicles along the route. As such the development would not substantially conflict with Policy T14 of the Local Plan.

The route of Ashby Canal, bypassing the Tank Mania site, will run relatively parallel with Bosworth Road and as such the route will not be impacted on by the siting of Tank Mania, on the basis of the red line site location plan submitted in support of the application. In these circumstances the proposal would not prejudice the re-opening of the Ashby Canal. In terms of the noise of the use impacting on the 'tranquillity' of the canal it is considered that the measures undertaken to reduce noise, as outlined in the submitted management plan, would not result in sufficiently detrimental impacts on the canal as a whole due to the extent of the canal which passes the Tank Mania site and the noise emitted by other uses that the canal would bypass (i.e. the Hansons brickworks). In these circumstances there would not be a significant conflict with Policy T16 of the Local Plan.

Summary Reasons for Granting Planning Permission

The site is located within the countryside and the use would be considered one which would fall within the leisure and recreational sector of Policy S3, as such the principle of the development would be accepted. Although the site is detached from Measham it is considered that the guidance contained within Paragraph 28 of the NPPF would offer support to the development proposal which would be one which could not be located within an urban environment due to the operations undertaken. It is also considered that the development would not conflict with the principles of Policies L2 and L3 of the Local Plan, given the amount of land which would be required to undertake the use as well as the placement of built structures in close proximity to mature vegetation on the site which borders the public footpath which would reduce their visual impact.

In the circumstances that the Councils Environmental Protection team are satisfied with the operational noise assessments submitted in support of the application, as well as the management plan, and that these would satisfactorily mitigate the overall noise impacts on neighbouring properties it is considered that subject to appropriate conditions on any consent the proposal would not have a significantly detrimental noise impact on neighbours and as such would accord with the principles of Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Given the fact that the operations undertaken on the site have altered the appearance of the landscape in this particular area, coupled with the fact that the Minorca Opencast and Hansons

Brickworks also exist within the surrounding area, it is considered that the proposal would not have an adverse impact on the visual appearance of the landscape or character of the rural environment. The buildings on site are also situated in close proximity to mature vegetation in order to reduce their visual impact and the straw bales provided to mitigate the level of noise generated from the site would also not appear 'out of place' in a rural environment. In these circumstances the development would accord with the principles of Paragraphs 61 and 75 of the NPPF as well as Policies E4 and F1 of the Local Plan.

The County Council Highways Authority and County Council Footpaths Officer consider that the development would not have an adverse impact on the safe usage of both the highway and rights of way, subject to the imposition of relevant conditions to improve the existing access, and as such it is considered that the development would not cause significant conflict with Paragraphs 32 and 75 of the NPPF as well as Policies T3 and T8 of the Local Plan.

In the circumstances that the County Council Ecologist and Natural England raise no objections to the proposed use, following the receipt of the revised great crested newts survey, it is considered that the proposal would not cause significant conflict with Paragraph 118 of the NPPF and Circular 06/05. It can be ascertained that the proposal will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important features of the River Mease SAC, or any other features of special scientific interest of the River Mease SSSI which would ensure compliance with Paragraph 118 of the NPPF; the 2010 Habitats Regulations and Circular 06/05.

Existing landscaping would be retained on the site which would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. The provision of notices along the transport corridor advising that military vehicles utilise the route will also not prejudice the safe movement of pedestrians, cyclists or horse riders and as such the development would not conflict with Policy T14 of the Local Plan. It is also considered that the level of noise generated would not result in a significant impact on the 'tranquillity' of the Ashby Canal, given the other noisy uses the canal would bypass, as well as the fact that the use of the site would not prejudice the re-opening of this waterway. In these circumstances the development would not conflict with Policy T16 of the Local Plan. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall be carried out in strict accordance with the Site/Location Plan (1:2500), received by the Local Authority on the 4th April 2014, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order) the land identified on the Site/Location Plan (1:2500), received by the Local Authority on the 4th April 2014, shall only be used for the operation of military and civilian "off road vehicles" (including tanks,

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armoured fighting vehicles and off-road 4x4's) in connection with the leisure function operated from the site and for no other purpose whatsoever.

Reason - other uses would be harmful to the amenities of the area.

- 4 The use, hereby permitted, shall only operate between the hours of 10:00 - 18:00 Monday to Friday, 10:00 - 16:00 on Saturday and 10:00 - 16:00 on Sunday with no operations on Bank Holidays.

Reason - in the interests of preserving the amenities of neighbouring residential properties.

- 5 The use of the site shall be carried out in strict accordance with the specifications outlined in the Tank Mania Management Plan of 2014 (and revised on 15th May 2014), received by the Local Authority on the 15th May 2014, unless an alternative Management Plan is first submitted to and agreed in writing by the Local Planning Authority. Should an alternative Management Plan be agreed then the use of the site shall be carried out in strict accordance with its specifications.

Reasons - in the interests of preserving the amenities of neighbouring residential properties.

- 6 Unless within three months of the date of this decision the three cabins and toilet block on the site, as identified on the Site/Location plan (1:2500), received by the Local Authority on the 4th April 2014, have been painted in 'camouflage' colours (dark green and black) the use of the site for the operation of military and civilian "off-road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as the cabins are painted.

Reasons - to reduce the impacts of the development on the visual amenities of the surrounding environment.

- 7 The development hereby approved shall only use a sealed tank within the toilet block as identified on the Site/Location plan (1:2500), received by the Local Authority on the 4th April 2014, for its foul drainage discharge.

Reason - any other means of dealing with foul discharge could have an adverse impact on the River Mease Special Area of Conservation.

- 8 The means of drainage for surface water run-off from the structures shall be provided in strict accordance with that detailed within the 'River Mease Impact Statement,' received by the Local Authority on the 4th April 2014, which shall provide for a non-mains scheme. The development shall be undertaken in accordance with the approved scheme and once provided the drainage scheme shall be retained at all times as per the approved scheme unless otherwise agreed in writing by the District Council.

Reason - to ensure that the development, either alone or in combination, would not have a significant effect on the internationally important interest features of the River Mease Special Area of Conservation, or any of the features of special scientific interest of the River Mease Site of Special Scientific Interest.

- 9 Prior to being discharged into the ground, surface water or soakaway system, all surface water run-off from the parking areas and routes taken by the military vehicles shall be passed through an oil/petrol interceptor and silt trap designed and constructed to have a capacity and details compatible with the areas of the site being drained.

Reason - to prevent pollution of the water environment.

- 10 Unless within five months of the date of this decision a scheme of access improvements to the access on the east side of Gallows Lane have been implemented comprising of the following works: -
- Widening to a minimum of 4.25 metres wide for at least the first 15.0 metres behind the highway boundary;
 - 6.0 metre kerb radii on both sides;
 - Surfacing with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15.0 metres behind the highway boundary;
 - Removal of the existing gates, any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 15.0 metres behind the highway boundary and shall be hung so as to open inwards only; with the access once provided, thereafter being permanently maintained, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as the scheme of access improvements is provided.

Reason - to ensure that the use does not compromise highway safety or result in damage to the Public Highway.

- 11 Unless within five months of the date of this decision a scheme of access improvements to the access on the west side of Gallows Lane have been implemented comprising of the following works: -
- Widening to a minimum of 4.25 metres wide for at least the first 15.0 metres behind the highway boundary;
 - Surfacing with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15.0 metres behind the highway boundary;
 - Removal of the existing gates, any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be hung so as to open inwards only; with the access once provided, thereafter being permanently maintained, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as the scheme of access improvements is provided.

Reason - to ensure that the use does not compromise highway safety or result in damage to the Public Highway.

- 12 Unless within three months of the date of this decision a plan showing details of a surfaced car park to accommodate 15 vehicles is submitted in writing to the local planning authority for approval, and unless the approved scheme is provided within one month of the local planning authority's approval and thereafter retained for visitors to the development, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as a scheme is approved and implemented.

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Reason - to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 13 No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason - in the interest of the visual amenities of the locality.

- 14 The use, hereby permitted, shall not operate until details of advisory notes to be erected for the benefit of pedestrians and drivers of military vehicles on public footpath P85, where the military vehicles would cross the route, shall be submitted to and approved by the Local Authority, in conjunction with the County Highways Authority, in writing. Once agreed the signs shall be installed in accordance with the approved details and shall thereafter be so retained.

Reason - in the interests of the safety of users of the public footpath network.

- 15 The development shall be carried out in strict accordance with the recommendations indicated in the Great Crested Newts survey by Wildlife Consultants Limited of the 13th May 2014 (Ref: WCL/GCN/140402), received by the Local Authority on the 15th May 2014.

Reason - to ensure the protection and preservation of Great Crested Newts which are a protected species.

- 16 Unless within three months of the date of this decision a plan showing the provision of an additional 3.0 metre high straw bund between the north-eastern (side) elevation of the portable cabin and north eastern boundary of the operation site (as defined by the red line on the site location plan), which shall be placed to the north-western boundary of the public footpath (P85), is submitted in writing to the local planning authority for approval, and unless the approved scheme is provided within one month of the local planning authority's approval and thereafter retained, the use of the site for the operation of military and civilian "off road vehicles" (including tanks, armoured fighting vehicles and off-road 4x4's) shall cease until such time as a scheme is approved and implemented.

Reason - in the interests of the further preservation of residential amenities.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 A public footpath/bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 3 C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work

- shall commence on site without prior notice being given to the Highways Manager.
- 4 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -
For 'major' accesses - see Part 6 of the "6Cs Design Guide" (Htd) at www.leics.gov.uk/Htd.
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- 5 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager - (telephone 0116 3050001).
- 6 The highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.
- 7 The applicant company will continue to be responsible for ensuring that free access can be exercised safely along footpath P85 at all times and that no disturbance to the surface occurs without the consent of the Highway Authority having been obtained. If it is necessary for any works to take place within the confines of the public right of way, the applicant should notify the Rights of Way Inspector for the area, Mr.S.Daniels, who can be contacted either by telephoning 0116 305 0001 or emailing highwayscustomerservices@leics.gov.uk. Any damage that may be caused to the surface of the footpath as a direct result of the activities associated with the proposed use of the land, would be the responsibility of the applicant company to repair at its own expense to the satisfaction of the Highway Authority.
- 8 The applicant company will not be entitled to erect any additional structures either of a temporary or permanent nature across the route of footpath P85 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised by the Council, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.
- 9 The Environment Agency advises that all precautions must be taken to avoid discharges and spills to the ground. For advice on pollution prevention measures, the Applicant should refer to the guidance found on the following government website <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>. Sufficient measures should be put in place to ensure any surface water on site which could contain high levels of suspended solids is prevented from entering any nearby ditches and watercourses.
- The driving activities of heavy vehicles over the land in all conditions will cause ponding and wash from standing water and mobilisation of sediment. This type of water and sediment is highly polluting to the ecology of watercourses if it reaches them. Of most concern is the River Mease SAC, which is only approximately 200m away. Although we accept that the recommendation in the ecological report by Wildlife Consultants (15 June 2013) of securely fencing the southern area of the site with a robust fence should mitigate for this issue, we suggest 'restricted area' signage being used as well. We note the 'River Mease Impact Statement' submission in respect to no direct discharges to the River Mease SAC. Although our mapping does not indicate any surface water drains from the site to the River Mease SAC, an awareness of this potential negative impact should be taken into account in the operation and surface water management of the site, which will either 'pond-up' or 'run-off' depending on topography (although no topography or surface water management/flow direction has been provided) of the site.
- It should be ensured that wide vegetated margins next to the 'tank track' routes or outer boundaries (such as fencing off the southern boundary) are maintained to filter water washed from them by vehicles or after heavy rainfall when too much water has accumulated on the tracks that needs a run-off or soakaway route. Appropriate

- vegetated buffer strips or swale/catch ditches should be dug adjacent to the tracks, allowing sediments to settle out so water infiltrates to ground. Ditches, either existing or new, that move water from the site, but are not shown on any mapping, should not be used to drain any poor quality/sediment loaded surface water towards the River Mease SAC.
- 10 The Environment Agency advises that if end of life (ELV's, scrap) vehicles are brought onto the site an Environmental Permit, issued by the Environment Agency will be required. This permit, along with associated legislation, requires that certain issues must be addressed. These would include such matters as an impermeable surface for all dismantling activities, bunded storage for waste liquids, hardstandings for the storage of all depolluted ELV's and appropriate storage for lead acid batteries. All vehicles must be de-polluted as soon as practicable after they arrive on site (1 - 2 days max). Further details of the requirements can be obtained by contacting the Environment Agency. There is an application fee for the permit and an annual subsidence charge. The site must be overseen by a technical competent manager (TCM) who is required to obtain a relevant qualification (EPOC) within 4 weeks of the permit being issued. This would then allow the TCM up to 12 months to obtain a full qualification. There is a fee for this. If after the permit has been issued it is no longer required then it would have to be formally surrendered. There is also a fee to surrender a permit. The site would also be required to register as a hazardous waste producer and if the applicant collects the end of life vehicles themselves they would have to be registered as a waste carrier. You can register both these at the Environment Agency. Please note there is a fee for this. The delivery and removal of ELV's would require consignment/transfer notes to be completed.
- 11 The Environment Agency advises that we note the additional ecological survey report and its recommendations and agree that due to the current and previous activities carried out at the site, any ecological interest there, if activities continue, will be low, although the un-disturbed grassland boundary margins, hedges and trees may provide some interest for birds, invertebrates and small mammals, as identified in the survey on the eastern side of the site, which should be maintained as a restricted/refuge area.
- 12 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

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If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.

- 13 As of April 6th April 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.