

Marsh Farm Sand & Gravel Liaison Group Meeting

Held in Salford Priors Memorial Hall on 1 November 2005 at 7:00pm

Present: **CEMEX** – Mr. Tony Rowley

Salford Priors Parish Council – Cllr. Kim James, Cllr. John Stedman,
Mr. Eric Mitchell (Clerk)

Bidford upon Avon Parish Council – Cllr. Hedley Langston, Cllr. Fred
Hiscocks, Elisabeth Uggerloese (Bidford on Avon Clerk),

Warwickshire County Council – Cllr. Peter Barnes, Mr. Matthew Williams,

Stratford-on-Avon District Council – Cllr. Brian Slaughter.

The Chairman Cllr. Kim James introduced each member of the group.

- 1. Apologies for absence** – Councillor Joy Keeley (Bidford on Avon PC) for whom Councillor Hiscocks substituted.
- 2. Appointment of County Councillor Peter Barnes.**

To confirm the appointment of Councillor Peter Barnes: In accordance with letter dated 14 October 2005 from WCC, it was confirmed that Councillor Barnes is the WCC representative on the Sand & Gravel Liaison Group.

Tony Rowley sought clarification of the appointment, Councillor Barnes since he had attended a meeting in March 2005, the Chairman explained that at that time Cllr. Barnes was county ward member for Bidford and a neighbouring County Councillor. As Chairman he thought it was prudent and justified to invite Cllr. Barnes to that meeting. In May 2005 Salford Priors became part of the Bidford divisional ward.

The Chairman welcomed Councillor Barnes.

In accordance with Cllr Joy Keeley's request in March that Mrs Elizabeth Uggerloese Clerk to Bidford on Avon Parish Council would attend meetings of the group. The Chairman informed the meeting as the Clerk was the "Proper Officer" of the Parish Council that consent was given.

3. Marsh Farm Progress Update – Tony Rowley

The Quarry Manager has recently been promoted within the company and has left Marsh Farm. His replacement on a temporary basis is Mark Johnson no permanent manager would be appointed until summer 2006.

The meeting was informed of other changes & staff restructuring within the CEMEX group.

The Environment Agency has inspected the CEMEX reinstatement operation at Marsh Farm.

The reinstatement plan was drawn up in 1985, but has had to be modified as the required finished levels could not be achieved without bringing inert waste onto the site.

An exemption to the Waste Management Licence was given to cover the whole site with 2 metres depth of waste or 20k cubic metres over 1 hectare. Depths could vary from 1 metre to 4 metres as long as the total of 20k cubic metres per hectare were not exceeded.

Under the new regulations CEMEX is restricted to a max depth of 2 metres the upper limit of 20k cubic metres remains, however these new regulations have now caused problems.

No restoration has taken place over the last 3 months, the company has an enforcement notice served on it from the Environment Agency. CEMEX has since met with the EA.

Whilst the exemption ran out in September 2005, the Environment Agency will allow CEMEX to continue bringing in inert waste subject to the grant of a new licence but the restriction to 2 metres stays.

Consultants have been appointed by the company to progress its license application.

The Environment Agency has suggested that the company apply for a full waste management license however its CEMEX's intention to apply for the same type of exemption license as it has held in the past.

Exemption to Waste Management Licenses now have to be applied for on an annual basis and time is now required to re-assess the scheme.

All this will cause a delay to the completion of restoration and it will be well into spring 2006 before work will recommence.

Cllr. James commented that the most sensitive area is Broom Lane (C103) where the site looks like a moonscape and suggested that this area is restored first. CEMEX confirmed that it has discussed this potential change with the landowners, the Ragley Estate.

It was agreed that this would be desirable.

Instead of moving east to west the group requested that restoration should start with Broom Lane and move towards the centre of the site.

Cllr. Stedman noted that a 2m fill at the Broom lane location would leave the level far short of the planned restoration level and had the Company considered a licenced scheme.

Tony Rowley indicated that the main problem with a Waste Management Licence scheme and in raising the level further than 2m is one of cost.

Not only is it the cost of waste but of the expense of lining the ground and monitoring controls.

Cllr. James asked if any problems were expected when the site is offered back to the landowner?

Tony Rowley commented that the landowner is more accommodating than previously and no problems are anticipated. In addition there is no absolute insistence on an agricultural restoration over the entire site.

The new scheme could involve the incorporation of lakes in the restoration plan, an idea that was originally supported during the public consultation period in 1987.

CEMEX would furnish the group with full details of the proposed landscaping scheme once the draft had been completed for the group to comment on.

Members expressed the view that the bunds (Top Soil) along the A46T served as an acoustic shield to residents of Dunnington against traffic noise and asked if they were to be used for reinstatement?

Tony Rowley said that they were but suggested that if there was a wish for them to be retained, the matter should be taken up with the County Council and the Highways Agency.

Mathew Williams commented that the noise issue was a matter for the Highways Agency and he advised that the group should write in the first instance to them.

Matthew Williams said that whilst working on the Broom Court Application scheme, and discussing its implications in respect of Marsh Farm Quarry, CEMEX have stated that the quarry could operate until 2042 as there is no specific end date to the Planning Permission.

The Secretary of State when issuing his decision letter in 1989 had not put a time limit on the development.

Therefore, Cemex concluded that the life of Marsh Farm Quarry Dunnington is time limited by statute taking the end date from a prescribed date in the Planning Acts as the 24th February 1982.

This means that Marsh Farm, in theory, could be in operation until 24th February 2042 (1982 – 2042).

This is the sixty-year rule and a reminder to members of the group that planning permission goes with the land and not the developer.

Discussion took place over this revelation and members questioned both CEMEX and Warwickshire County Council over this issue at length.

At no time during the existence of the group had this been mentioned every one had been working to a 16-year life cycle of the quarry, Matthew Williams confirmed that County Officers had been led to believe that the quarry had only 12 to 18 months of reserves.

Cllr. James requested that Matthew forward a copy of the paragraph of the act relating to the sixty year rule to him.

Do CEMEX have a requirement for any of their group companies to have a landfill site?

Answer no their landfill operation was sold to Biffa.

If only one years extraction is left what will happen to the site because after extracting the final phase you have 5 years to complete the landscaping and six-months to remove the plant in accordance with your conditions?

Answer the final phase will not be dug the plant will be mothballed. In addition there are other consented reserves under the soil bunds and on the other side of the bypass which cannot be worked at present.

This could be a theoretical situation rather than actual.

Salford Priors Parish Council representatives would seek independent planning legal advice on this matter.

4. Issues relating to Marsh Farm Dunnington:

Cllr. Hiscocks asked for a timetable of events and particularly the amount of sand and gravel still to be extracted.

CEMEX believe that there is still one year to go with the extraction process for consented reserves uncovered. Following the completion of the final phase of extraction, six months is allowed to remove the plant with another five years to complete restoration of the site.

However, this removal of plant does not cover the processing machinery as this would be used in the event of another local site being commissioned.

Sand and Aggregate production from the quarry had exceeded the anticipated tonnages that were expected.

Tony Rowley confirmed that it was the intention to carry out extraction on the Broom side of the A46T fields next to the river, permission exists on these fields and form part of the Marsh Farm development. Access to the site would be via the tunnel under the A46T. There remains consented reserves under the bunds alongside the A46T.

**5. Broom Court, Bidford-on-Avon: To receive an update from representatives of CEMEX
Matthew Williams of Warwickshire County Council took the lead on this item.**

An information report on the current position of the Planning Application is scheduled to be presented to the WCC Planning & Regulation Committee on 22 December 2005. However, it is probable that no decision will be made.

But councillors could chose to refuse the application at this meeting.

So far 550 letters have been received together with a petition carrying 4,000 signatures.

CEMEX have now appointed the firm of White Young Green as its planning consultants on this application.

Statutory Consultee Comments:

County Archaeological & Museums Department: More research is required.

Upper Avon Navigation Trust: Concerned about the change in water level that the development will cause. They advise higher levels at weirs.

Members expressed concern that this could seriously affect the flood plain further downstream of the Avon and also with its confluence with the River Arrow.

WCC Highways Department: Concerns over access visibility splays. CEMEX have now addressed these concerns

Warwickshire County Council Countryside Recreation Team: Seeking clarification on a number of issues relating to Public Footpaths that transverse the site.

DEFRA: Requires more of the site area to be restored to agriculture. Conflicts with the Environment Agency.

Environment Agency: Holding Objection (Ten pages of objection) Tony Rowley confirmed that the company were considering the objections in light of advice given to them by the Environment Agency at the time of pre application consultations.

Conveyor Safety: Tony Rowley again emphasised that this method of transportation is widely used and has an excellent safety record. Further, the Health & Safety Executive does not raise any objection to the proposal.

Matthew Williams confirmed that Officers supported this view and sited other conveyors that were in use within the County.

County Planning: More information and clarification was required about the future use/management of the proposed lakes, extensive fishing of the lakes could lead to more problems including intensification of traffic to the area.

CEMEX is concerned that this 'application' is going to be prolonged with the outcome looking more doubtful. The decision for the company is how much more expense can be put into the scheme, **or**, is it time to look elsewhere.

Tony Rowley was asked if the company was looking elsewhere on the Ragley Estate, he confirmed bore holes had been taken on the northern side, however the company could progress towards Arrow crossing Broom Lane subject to gaining planning consent.

No boreholes had been done and no economic assessment had been carried out.

Matthew Williams stated that the Broom Court Application was an area of search in the County Minerals Plan and that there was one other in the locality.

Tony Rowley stated that CEMEX has no land interest at the moment in the other area of search within the Parish.

Tony Rowley stated that the area of search in question is large enough to be independent of the Marsh Farm operation.

6. Any Other Business

Proposed Bidford Marina:

Tony Rowley: Informed the Meeting that CEMEX had been approached by the land owner about the sand and gravel required to be moved as part of a marina development. The site has planning permission, the owner would like the extraction to be started as soon as possible.

However this was an extremely small project and would take not much more than a week or so to extract and a month to complete.

Haulage from the site would be via the B439 to the Salford Roundabout then via the A46T to the B4088 to the Dunnington Haul Road Entrance to Marsh Farm.

Cllr James confirmed that the Council had approved the development of the small Marina and were aware that sand and gravel would have to be extracted and removed from the site at some stage.

Land Ownership

Tony Rowley explained that the company now own the Glebe Land area of Marsh Farm quarry purchased from the Coventry Diocesan Authority.

The meeting closed at 8:45pm