

**PERMISSION WITH  
CONDITIONS**

**RECEIVED**

**REF: R410/05CM030**

23 DEC 2005



**TOWN AND COUNTRY PLANNING ACT 1990  
Town and Country Planning (General Development Procedure) Order 1995  
NOTICE OF DECISION OF COUNTY PLANNING AUTHORITY**

To: Mr D Tomlin, Cemex UK Operations Ltd, Cemex House, Coldharbour Lane, Thorpe, Egham, Surrey, TW20 8TD

The **WARWICKSHIRE COUNTY COUNCIL**, having considered the application for installation of new bag filter with related plant and infrastructure at Rugby Cement Works, Lawford Road, Rugby (Grid Ref: 487.757) made by you on behalf of Cemex UK Cement Ltd, Cemex House, Evreux Way, Rugby Warwickshire and deposited with the County Council on 27 September 2005

**HEREBY GIVE YOU NOTICE** that **PERMISSION** is **GRANTED** for the above mentioned development subject to the following conditions:-

**COMMENCEMENT DATE**

1. The development hereby permitted shall be commenced not later than 3 years from the date of this permission.

**PRE-COMMENCEMENT**

2. The development hereby permitted shall not be commenced until a detailed construction noise assessment plan, including details of the works to be carried out, the timetable for the works, equipment to be used, assessment of the impact of each phase of construction along with mitigation measures where appropriate, has been submitted to and approved in writing by the County Planning Authority. Following approval the construction works shall be undertaken in accordance with the plan.

## **GENERAL OPERATIONS**

3. Unless otherwise agreed in writing by the Mineral Planning Authority the development hereby permitted shall not be carried out other than in accordance with the submitted application ref. R410/05CM030, plans ref. Plan C, 551-11-01-001 B /C, 5658/14/C, and conditions set out below.
4. The bag filter building shall be coloured (mushroom) to match the existing buildings at the Works.
5. During the construction period the contractor shall use best practices, including plant maintenance to minimise noise produced by the construction operations and shall comply with the recommendations in BS52228:1984 Noise Control on Construction and Demolition Sites.
6. During the construction period operations that are audible at the nearest occupied noise sensitive building which shall include office buildings shall not be carried out other than between the following hours:

Monday to Friday	0800-1800 hours
Saturday	0800-1300 hours

No such work shall take place on Sundays, Bank or other Holidays.

7. During the construction period vehicles and mechanical plant used at the site shall be fitted with effective exhaust silencers and shall be maintained in good and efficient working order so as to comply with BS5228. Machines in intermittent use shall be shut down in the periods between work. Reverse beepers on vehicles should be broad band in nature. The contractor shall remove from the works any item of plant which in the opinion of the County Planning Authority is ineffectively silenced.
8. During the construction period compressors shall not be used unless they are 'sound reduced' models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use. Ancillary pneumatic percussive tools shall not be used unless they are fitted with mufflers or silencers of the type recommended by the manufacturers. Pumps and mechanical static plant shall not be used unless they are enclosed by acoustic sheds or screens.
9. Unless otherwise agreed in writing by the County Planning Authority, driven or vibrated piling, including temporary piling, shall not be carried out other than between the hours of 0900 hours and 1600 and by a recognised noise reduced system.
10. During the construction period plant such as generators and pumps shall not operate outside the hours of 0800 and 1800 unless it is surrounded by an acoustic enclosure the design of which has been approved in writing by the County Planning Authority.
11. During the construction period, noise at adjacent properties shall be minimized by careful positioning of plant and location of haul roads.

12. Noise emissions from the bag filter unit shall not exceed 65 dB LAeq, 5 minutes, free field at a distance of 10 metres.
13. Noise emissions from the bag filter unit shall not exceed the noise limits at the locations detailed below:

Location	dB LAeq, T
No. 30 Townsend Lane	43 dB LAeq, 1 hour, free field
No. 10 Bridle Road	39 dB LAeq, 1 hour, free field
No. 256 Parkfield Road	40 dB LAeq, 1 hour, free field
No. 2 Thurnmill Road	43 dB LAeq, 1 hour, free field

### **REASONS**

1. Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To avoid undue disturbance to nearby properties from noise.
3. To ensure a satisfactory standard of development.
4. To ensure a satisfactory standard of development.
5. To avoid undue disturbance to nearby properties from noise.
6. To avoid undue disturbance to nearby properties from noise.
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11. To avoid undue disturbance to nearby properties from noise.
12. To avoid undue disturbance to nearby properties from noise.
13. To avoid undue disturbance to nearby properties from noise.

## **DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION**

- a) Warwickshire Structure Plan – 1996-2011  
Policies GD.1, GD.2, GD.3, GD.4, GD.5, ER.1, ER.2, ER.4, ER.5 and ER.9.
- b) Rugby Borough Council Local Plan – June 1997  
Policy R/G1.
- c) Rugby Borough Council Local Plan – First Deposit - May 2004  
Policy GP1.
- d) West Midlands Spatial Strategy  
Policies QE1, QE2.


## **REASONS FOR THE DECISION TO GRANT PERMISSION**

The development hereby permitted is in accordance with the relevant provisions of the development plan and would secure the most satisfactory standard of development overall and there are no contrary material considerations sufficient to require refusal.

### **NOTE:**

The policies, proposals and reasons given above are only summaries of the considerations set out more fully in the committee report. In accordance with Article 22(2) of the Town and Country Planning (General Development Procedure) Order 1995 and Article 3(3) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 (EIA Regulations) notice is hereby given that the County Council in determining the above application has taken into consideration an environmental statement and environmental information (as defined by the EIA Regulations).

DATED 22 December 2005

  
.....  
Chief Executive

Shire Hall  
Warwick  
CV34 4RR

**IT IS IMPORTANT THAT YOU READ  
THE NOTES AT THE END OF THIS NOTICE**

### **NOTES:-**

1. If the applicant is aggrieved by the decision of the County Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0117 372 6372, Fax: 0117 372 8782). The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the County Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by the County Planning Authority, having regard to the statutory requirements\*, to the provisions of the development order and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the County Planning Authority was based on a direction given by him.
2. If permission to develop land is refused or granted subject to conditions, whether by the County Planning Authority or the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council of the District in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the County Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

\* The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.