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MORETON C CULLIMORE (GRAVELS) LIMITED

DAIRY FARM QUARRY
ASHTON KEYNES
WILTSHIRE

SECTION 73 PLANNING APPLICATIONS TO EXTEND RESTORATION DATES

SUPPORTING STATEMENT

September 2023

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PROJECT Section 73 applications to extend restoration end dates

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3. Planning Permission 19/07127/WCM – Variation of condition 1 of planning permission 15/08618/WCM (for replacement and relocation of existing concrete batching plant until 31 October 2019) to extend the end date for removal of the concrete batching plant to 31 October 2024.

1. INTRODUCTION

1.1 The following Statement has been prepared on behalf of Moreton C Cullimore (Gravels) Limited and in respect of three separate planning applications relating to extant permissions at Dairy Farm Quarry, Ashton Keynes, Wiltshire. The applications are submitted under section 73 of the Town and Country Planning Act 1990 (as amended). The purpose of the applications is two-fold: (1) to extend the restoration date of the quarry to 31 December 2027, and (2) to enable the temporary retention of site plant to facilitate on-going concrete production and aggregate recycling for a further two year period to 31 December 2026.

1.2 The submitted applications seek to vary the following permissions and planning conditions:

Application Ref.	Site	Conditions to be varied
19/06811/WCM	Land at Manor Farm	Nº. 1
19/06818/WCM	Dairy Farm Quarry	Nº. 1
19/07127/WCM	Dairy Farm Quarry	Nº. 1

1.3 The section 73 applications are submitted in parallel as they are intrinsically linked. Planning permission 19/06811/WCM comprises a variation of a Review of Mineral Planning (ROMP) consent which allowed for on-going extraction of sand and gravel at Dairy Farm Quarry. Planning permission 19/06818/WCM facilitates an aggregate recycling facility in tandem with the mineral operation. Planning permission 19/07127/WCM concerns the established concrete batching plant.

1.4 Condition 1 of planning permission 19/06811/WCM requires that operations, including plant, machinery and stockpiles associated with the mineral extraction and processing cease on or before 31 October 2025. Condition 1 of planning permissions 19/06818/WCM and 19/07127/WCM requires that the operation and plant associated with aggregate recycling and concrete batching cease on or before 31 October 2024.

1.5 Dairy Farm is to be restored using a combination of site derived and imported inert materials. Due to a combination of factors, which are explained further within this Statement, the applicant has been unable to progress with restoration operations at a rate that would result in completion by 31 October 2024. At this stage, no further fill material would be permitted for importation to the site. Accordingly, the proposed variations seek to extend the operation of aggregate recycling and concrete batching to 31 December 2026 and final restoration of Dairy Farm Quarry to 31 December 2027.

1.6 It is demonstrated that the need to extend operations at Dairy Farm is entirely justifiable owing to significant delays and temporary closures of working since the above consents were issued in 2019. As with current working practices, it is maintained that the proposed development would not result in any adverse impact to the surrounding highway, environment or residential amenity and the on-going operations remain consistent with planning policy. In accordance with national policy, it is requested that the application be approved without delay.

2. SITE DESCRIPTION AND PLANNING HISTORY

2.1 The following section explores the site characteristics, designations and planning history of Dairy Farm Quarry ('the application site').

2.2 The application site lies within the Manor Farm Estate, which covers an area of 1.6 square kilometres. The land subject to current site operations is located centrally within the Estate and comprises approximately 0.6 square kilometres.

2.3 Dairy Farm Quarry is located to the west of Ashton Keynes and is accessed via the B4696. The consented application boundary comprises approximately 38ha of land immediately south of the River Thames. The Manor Farm Estate comprises land to the north of the River Thames. This land has previously been worked for sand and gravel and is now restored. This land is not considered further as part of this planning application.

2.4 Dairy Farm Quarry supplies sand and gravel, recycled aggregate and ready mixed concrete. The consented restoration provides for a mosaic of waterbodies, woodland, grassland, scrub and natural habitat.

2.5 The site lies to the immediate north-west of Pikes Corner SSSI and directly west of the Cotswold Water Park SSSI. Both sites are designated for their biological interest. The site itself is not subject to any statutory ecological designation. The site does however form part of a 63ha Local Wildlife Site (LWS) known as Cotswold Water Park Pits 39, 40, 64, 70, 92, 93 and 94. This comprises a non-statutory designation formed of a large group of lakes, quarries and grassland, some of which retain bird interest.

2.6 Further LWS within the area comprise:

- *Swillbrook Field LWS:* Located to the south of the site (beyond Three Bridges Quarry). The site comprises two neutral grassland fields and the Swill Brook covering 17.26ha;
- *River Thames or Isis LWS:* Located approximately 500m to the east of the site. The designation spans the whole of the River Thames within Wiltshire; and
- *Swillbrook Farm Meadows LWS:* Located to the south-west of the site. The site forms two neutral grassland fields and the Swill Brook covering 6ha.

2.7 A blanket Tree Preservation Order (N/TPO21) spans the entirety of the operational site.

2.8 The consented Dairy Farm boundary spans all three Flood Zones as defined by the Environment Agency.

2.9 There are no public rights of way providing access through the site. The Thames Path (AKEY9) borders the northern boundary. A short section of Footpath AKEY13 adjoins the Thames Path in the north-east corner of the site and travels southwards along the eastern boundary.

Planning History

2.10 Dairy Farm Quarry has been operational since 1955. The quarry was subject to a ROMP in 2000 under planning application ref. N/00/0930. The decision on the ROMP consent was issued in November 2000. The conditions of the permission required that a restoration plan be submitted for approval to the Mineral Planning Authority (MPA). An application to discharge of conditions 2, 3 and 5 of planning permission N/00/0930 was submitted in March 2011 and updated in August 2014. The scheme was approved on 6 October 2014.

2.11 Planning application N/08/07019 was issued in July 2009 and provided consent for the recycling of inert construction and demolition wastes. The application was varied under planning permission N/12/01670, enabling continuation of the operation to 31 October 2019.

2.12 In October 2015, planning permission was granted for the installation of an upgraded concrete batch plant, replacing a decades-old facility. Condition 1 of the permission maintained the requirement for the site to be restored by 31 October 2019.

2.13 In October 2019, three planning consents were granted to extend the duration of operations relating to mineral extraction and restoration, aggregate recycling and concrete batching. As referenced previously, these permissions extended aggregate recycling and concrete production to 31 October 2024 and the required cessation of mineral and inert fill operations by 31 October 2025.

3. PROPOSED DEVELOPMENT

3.1 Moreton C Cullimore (Gravels) Ltd seek planning permission to vary three consents linked to mineral working at Dairy Farm Quarry, Ashton Keynes. The combined effect of these planning applications is to seek an extended quarry restoration date, as explained in detail below.

3.2 The applications and planning conditions which are subject to proposed variation are listed below.

Application Ref.	Site	Conditions to be varied
19/06811/WCM	Land at Manor Farm	Nº. 1
19/06818/WCM	Dairy Farm Quarry	Nº. 1
19/07127/WCM	Dairy Farm Quarry	Nº. 1

3.3 The operations permitted by these consents and the proposed variation are discussed in turn below.

19/06811/WCM: Variation of condition no. 2 of 'Review of Old Mineral Permission' (ROMP) decision ref. N/00/0930/FCM to extend the end date for restoration of the site by six years, to 31 October 2025 at Dairy Farm Quarry, Ashton Keynes, Wiltshire, SN6 6PA

3.4 Planning permission 19/06811/WCM provides the overarching consent for mineral extraction at Dairy Farm and the adjoining Manor Farm Quarry. Mineral extraction at Manor Farm has now ceased and the site has been restored. The final stage of mineral extraction and restoration operations remain on-going within the Dairy Farm site.

3.5 A date for achieving restoration of the overall site is not explicitly stated by the planning conditions attached to the decision notice (see Appendix 1). Condition 1 does however require the cessation of mineral working and removal of associated plant and machinery by 31 October 2025.

3.6 Progress with the working and restoration of Dairy Farm Quarry has been severely hampered both directly and indirectly by the effects of the COVID-19 pandemic. Owing to the pandemic, operations at Dairy Farm Quarry were heavily restricted as a result of lockdowns forcing site closure, resultant labour shortages and a lack of available infill material. Indeed, the applicant maintains that it is only in the latter half of 2022 that site operations have recovered to a level typical of pre-pandemic working. The pandemic effectively delayed progress of site restoration operations by two years.

3.7 To achieve consented restoration levels, imported inert material is required to achieve the required profiles of Lakes 40a, 40b, 70 and 92. At the completion of infilling, topsoiling and seeding is required to achieve the landscaping and ecological benefits set out by the detailed restoration and aftercare scheme.

3.8 A significant degree of works are still required to enable complete restoration of Dairy Farm Quarry. For the reasons outlined above and to enable flexibility in ensuring restoration is achieved within a realistic timeframe, the application seeks to extend the mineral and inert infill operation date for a further two years, to 31 December 2026. Site restoration would be achieved by 31 December 2027.

3.9 Should the proposed variation to condition 1 of planning permission 19/06811/WCM be considered acceptable, the applicant proposes the following wording:

"The activities authorised by this permission shall cease and all associated plant, machinery and stockpiles of processed and unprocessed material on the site shall be removed on or before 31 December 2026. The site shall be restored in accordance with approved 'Submission of Details

Required under Conditions 2, 3 and 5' dated 30 March 2011 and achieved no later than 31 December 2027."

19/06818/WCM: Variation of condition 1 of planning permission N/12/01670/WCM (for recycling of inert construction and demolition wastes until 31 October 2019) to extend the end date for removal of the recycling facility to 31 October 2024 at Dairy Farm Quarry, Ashton Keynes, Wiltshire, SN6 6PA

3.10 Planning permission 19/06818/WCM controls the aggregate recycling operation at Dairy Farm Quarry. Condition 1 of the permission requires that the plant, machinery and stockpiles associated with the aggregate recycling facility are removed and the site restored by 31 October 2024.

3.11 The aggregate recycling facility has been in operation since 2009. The facility is restricted to operate no more than 33 days per year, as detailed by condition 9. Recyclable material is stockpiled at the site throughout the year and processed on a campaign basis over blocks of approximately 10 days at a time. The facility is therefore used less than 10% of the year.

3.12 Owing to the delays described previously and the intrinsic link between the importation of inert material and aggregate recycling, the applicant seeks to vary condition 1 to enable retention of the facility for a further two year period. No variation to the number of days the facility can be operated is proposed.

3.13 Should the proposed variation to 19/06818/WCM be considered acceptable, the applicant proposes the following amendment to condition 1:

"The activities authorised by this permission and all associated plant, machinery and stockpiles of processed or unprocessed material on the site shall be removed and the site restored in accordance with the restoration scheme approved under planning permission [insert application reference] on or before 31 December 2026."

19/07127/WCM: Replacement and relocation of existing concrete batching plant at Dairy Farm Quarry

3.14 Planning permission 15/08618/WCM (subsequently varied by extant consent 19/07127/WCM) enabled the upgrade and relocation of the concrete batching plant at Dairy Farm Quarry. The investment in the modern plant, which was installed in 2016, facilitated improvement in scale, height and nuisance emissions of the batching plant when compared to the decades-old plant which it replaced.

3.15 Owing to the delays experienced in working Dairy Farm Quarry, coupled with the established nature of concrete production and significant recent investment to improve the site infrastructure, consent is sought to retain the batching plant for a further two year period, in tandem with proposed mineral and aggregate recycling timeframes.

3.16 The plant would continue to operate in accordance with long-standing procedures (including operating hours), fed by remaining pockets of site derived consented mineral and imported sand and gravel, in line with current practice.

3.17 Condition 1 of 19/07127/WCM requires removal of the concrete batching plant site by 31 October 2024. Permission is sought to extend this duration to 31 December 2026. Should the proposed variation to condition 1 be considered acceptable, the applicant proposes the following amendment:

"The activities authorised by this permission and all associated plant, machinery and stockpiles of processed or unprocessed material on the site shall be removed and the site restored in accordance

with the restoration scheme approved under planning permission [insert application reference] on or before 31 December 2026."

4. PLANNING POLICY

4.1 The following section considers planning policy, relevant to the proposed development, at both the national and local level.

National Planning Policy Framework

4.2 The National Planning Policy Framework ('the Framework') was published in March 2012. An update to the Framework was issued in July 2021.

4.3 The Framework recognises that a sufficient supply of minerals is 'essential' to provide the infrastructure, buildings, energy and goods that the country needs. The Framework requires that 'best use' of finite natural resources are made to secure their long-term conservation. To this end, the Framework requires that planning policies take account of the contribution that substitute or secondary and recycled materials and minerals waste make to the supply of materials.

4.4 In determining planning applications, the Framework requires that 'great weight' should be given to the benefits of mineral development.

Wiltshire and Swindon Minerals Core Strategy

4.5 The Wiltshire and Swindon Minerals Core Strategy was adopted in June 2009 and covers the period to 2026. The purpose of the Strategy is to manage the availability, extraction and use of primary, secondary and recycled mineral resources whilst seeking to protect the interests of local communities and the wider environment through a series of strategic policies.

4.6 Policy MCS1(B) sets out generic criteria for guiding the location of minerals development within Wiltshire. The policy relates to the recycling of construction and demolition wastes and is led by (inter alia) a demonstration of need; likely effects on designated sites and environmentally valuable features and proximity to local communities, end-use markets and the HGV route network.

4.7 Policy MCS2 seeks to maximise the use of secondary and recycling aggregates. The policy states:

"The Councils will support developments that promote and maximise the use of secondary and/or recycled aggregates. Sites for the reception, processing and distribution of secondary and recycled aggregates will be identified in the following locations within Wiltshire and Swindon:

a) Industrial areas and previously development land within 16km of strategically significant cities and towns;

b) Within existing, proposed or suitable former minerals developments;

c) Co-located with existing or proposed waste management facilities."

4.8 Policy MCS8 seeks to protect residential amenity. The policy requires that sufficient mitigation, controls and restoration proposals are provided and maintained in combination with mineral development proposals to limit the impact of development upon residential amenity.

4.9 Policy MCS10 states that the restoration, after-care management and future after-use of mineral sites will be primary considerations in the process of planning for mineral development in Wiltshire.

Wiltshire and Swindon Minerals Development Control Policies

4.10 The Wiltshire and Swindon Minerals Development Control Policies DPD was adopted in September 2009. The principal aim of the DPD is to ensure that applications for mineral development result in

sites that are operated and managed to high standards with minimum impacts to local communities and the environment.

4.11 Policy MDC1 outlines key criteria for sustainable minerals development. For all mineral schemes, proposals are required to demonstrate a need for the development in combination with assessment, mitigation and attenuation measures to minimise a range of potential impacts (including landscape and visual impact).

4.12 Policy MDC2 relates to impacts of mineral development, in particular those associated with noise, dust and air emissions. Applications will be permitted where sufficient avoidance of adverse impacts can be demonstrated.

4.13 Policy MDC5 seeks to protect and enhance landscape character. The policy states that proposals for mineral development should include appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape.

4.14 Policy MDC9 relates to restoration and after-use. The policy requires that proposals for mineral development demonstrate that a high quality and appropriate restoration scheme will enable the long term maintenance and enhancement of the environment after the development has ceased and at the earliest practicable opportunity.

Wiltshire and Swindon Waste Core Strategy

4.15 The Wiltshire and Swindon Waste Core Strategy was adopted in July 2009. The document sets out the strategic planning policy framework for waste management over the plan period to 2026. It is stated that the plan should be read in conjunction with the Waste Development Control Policies Development Plan Document (DPD), the relevant policies of which are set out later in this section.

4.16 Policy WCS3 outlines preferred locations for waste development. The policy sets out a need for 950,000m3 of void space capacity for the management of inert waste over the plan period. The policy also outlines that the use of inert material in the partial restoration of mineral workings as a preferred location.

4.17 Policy WCS5 sets out the waste hierarchy for Swindon and Wiltshire. The hierarchy sets out the preference, in descending order for the treatment of wastes as: (1) Elimination; (2) Reduction; (3) Re-use; (4) Recovery (including recycling); and (5) Disposal to landfill or landraise. The policy sets out the Councils' intention to drive waste up the hierarchy.

Waste Development Control Policies

4.18 The Wiltshire and Swindon Waste Development Control Policies DPD document was adopted in September 2009. The document sets out the councils' detailed land use policies for determining planning application for waste management development within Wiltshire and Swindon. The principle aim of the policies within the DPD is to ensure that sites are operated and managed to high standards with minimum impacts to local communities and the environment. The following policies are considered relevant to the development proposals.

4.19 Policy WDC7 seeks to conserve landscape character. The policy sets out a requirement for an assessment of adverse impacts upon local landscape character, while also requiring the provision of appropriate attenuation measures to protect, and where possible, enhance the quality and character of the countryside and landscape.

4.20 Policy WDC10 relates to the restoration of waste sites. The policy requires that restoration schemes for waste development sites ensure the land is returned to a quality suitable for supporting a range of beneficial after uses.

4.21 Policy WDC13 concerns landfill related development. The policy states that proposals for extended landfill development will be permitted where the applicant can demonstrate, where appropriate:

- There is no suitable waste management option at a higher level in the waste hierarchy
- The development would lead to a demonstrable improvement in the quality of the land
- The proposal is essential for the restoration of the site
- An extension to landfill operations is essential for operational reasons and is the only demonstrable option.

Ashton Keynes Neighbourhood Plan

4.22 The Ashton Keynes Neighbourhood Plan was 'made' in May 2017. The document now forms part of the Development Plan for Wiltshire and its policies are given full weight when assessing planning applications that affect land covered by the Neighbourhood Plan. The following policies carry some relevance to the development proposals.

4.23 Policy INP2 relates to road and pedestrian safety. The policy states that development proposals that lead to an increase in road and pedestrian safety risk will not be supported.

4.24 Policy ENP1 states development should minimise impacts on biodiversity and provide net gains in biodiversity where possible.

4.25 Policy ENP3 requires that development in the Parish protects, conserves and where possible enhances landscape character.

5. PLANNING ASSESSMENT

5.1 The following section assesses the development characteristics against relevant planning policy outlined in Section 4 of this Statement.

Principle of Development

5.2 Mineral extraction and progressive restoration operations have been on-going at Dairy Farm Quarry and Manor Farm Quarry for a number of years. Permitted operations at the application site include mineral extraction, aggregate recycling, production of concrete and restoration using a combination of site derived and imported inert materials.

5.3 The proposed development seeks to extend permitted operations to facilitate an extension of time to fulfil restoration requirements. Retention of the aggregate recycling and concrete batching plant facilities is sought pending the completion of mineral extraction and infilling operations.

5.4 The principle of development has long since been established, has previously been accepted by the MPA and is considered to accord with Policy MCS2 of the Mineral Core Strategy.

Need

5.5 As outlined above, there are two distinct aspects to this development proposal. One seeks a temporary extension to permitted operations to enable the applicant sufficient time to fulfil the restoration requirements at Dairy Farm. The second seeks a variation to retain the plant associated with the production of recycled aggregates and concrete on a temporary basis, operating parallel to the proposed wider mineral cessation date. The need for each aspect is addressed below.

5.6 Progress with the working and restoration of Dairy Farm Quarry has been severely hampered both directly and indirectly by the effects of the COVID-19 pandemic. Owing to the pandemic, operations at Dairy Farm Quarry were heavily restricted as a result of lockdowns forcing site closure, resultant labour shortages and a lack of available infill material. Indeed, the applicant maintains that it is only in the latter half of 2022 that site operations have recovered to a level typical of pre-pandemic working. The pandemic effectively delayed progress of site restoration operations by two years.

5.7 An extension of time to 31 December 2026 is considered to provide the applicant with sufficient time to achieve the consented restoration profiles. This would provide the groundwork to deliver the approved restoration scheme within a further 12 month period, by 31 December 2027.

5.8 The applications to retain on a temporary basis the concrete batching plant and aggregate recycling facility, parallel to the mineral operation, would ensure that the site operation remains viable and sustains employment at the site for a further two year period.

5.9 With regard to the concrete batching plant, the applicant has recently undertaken significant investment in replacing a decades-old facility with a modern plant which reduced both scale, height and noise emissions. The batching plant is now predominantly fed by imported material, derived from both the applicants' active mineral workings in the area and (where necessary) sourced through third-parties.

5.10 Retention of the aggregate recycling facility would maintain a useful contribution to the aggregate market and redirect inert material from landfill. The facility would continue to be worked on a campaign basis on no more than 33 days per year.

5.11 Without retention of these facilities, the applicant would be required to close the aggregate recycling and concrete batching plant from the site by 31 October 2024. There are no suitable alternative sites

under the applicant's control to enable relocation of these facilities, and thus the benefits and employment associated with each operation would be lost. Retention of the concrete batching plant and aggregate recycling facility (and associated office, weighbridge and stockpile areas) would maintain employment at the site. Approximately 18 staff (including drivers) are attributable to the production and delivery of concrete and recycled aggregate.

5.12 Owing to the indisputable impact of the COVID-19 pandemic, an extension of time to allow for further restoration operations is considered to be entirely justifiable. The proposed development would retain a viable mineral operation within an established site for a further two year period beyond consented arrangements. The site will continue to meet demand within the local area and sustain employment. National planning policy supports the contribution of aggregate recycling, while local plan policy is explicit in directing such facilities to former mineral sites. For these reasons, it is considered there is a justified need for the proposed extension of time for restoration operations and for the permanent retention of the established concrete plant, wash plant and aggregate recycling facility.

Noise

5.13 A Noise Impact Assessment accompanied the 2019 planning applications. The assessment, which was prepared by WBM Acoustic Consultants, provided an updated baseline of consented operations and identified measures which have been introduced to mitigate noise emissions emanating from site operations.

5.14 The assessment was informed by noise measurements undertaken to establish existing plant noise levels from the concrete batching plant and recycling facility. Measurements were also undertaken near to adjacent residential properties to establish existing noise levels and to determine if current site activities are audible. The noise surveys undertaken indicated that site activity noise is audible at the western edge of Ashton Keynes during lulls in other activities such as road traffic noise.

5.15 The results of the noise surveys were used to determine a representative background noise level, which was used to set an appropriate noise limit for all site activities following minerals planning policy guidance.

5.16 Calculations of site activity were undertaken assuming simultaneous operations of infill activities, concrete batching plant and the recycling plant. Without additional mitigation, the calculated noise due to all activities was shown to be above the required noise limit in the vicinity of Gosditch. The excess was shown to be as a result of infilling activity in the northern extents of the site. It is however noteworthy that infill operations in this area of the site is now complete.

5.17 In any event, mitigation in the form of a 3m tall bund was constructed in the vicinity of the infill area to provide screening attenuation to the adjacent residential. With mitigation in place, the calculated noise levels due to all activities was shown to be at or below the required noise limit.

5.18 With regard to continued operation of the concrete batching plant and recycling plant, the combined noise levels of these activities were demonstrated to be below the required noise limit.

5.19 The assessment demonstrates the proposed development is in accordance with Policies MCS8 of the Mineral Core Strategy and MDC2 of the Development Control Policies DPD.

Dust

5.20 A Dust and Air Quality Assessment was been prepared by DustScan AQ and accompanied the 2019 submissions. As per the Noise Impact Assessment, the purpose of the assessment is to identify the impacts of the consented operations and review opportunities to improve the baseline situation.

5.21 The assessment considered the potential impacts on the Air Quality Objectives (AQO) and 'nuisance' or 'disamenity' dust arising from the proposed extension of time.

5.22 It demonstrated that providing the suggested dust mitigation measures and procedures continued to be implemented, there would be at worst only slightly adverse impacts as a result of the on-going operation of Dairy Farm at all near receptors.

5.23 Consequently, the assessment shows that the continued workings can be operated in a manner unlikely to cause significantly adverse air quality or dust impacts in their vicinity, and with reference to best practice guidance the overall impact of the development is considered to be not significant.

5.24 The assessment demonstrates the proposed development is in accordance with Policies MCS8 of the Mineral Core Strategy and MDC2 of the Development Control Policies DPD.

Highways

5.25 The proposed development does not seek to alter the established access arrangements at Dairy Farm Quarry, nor increase HGV movements beyond those currently experienced. The scheme would result in the continuation of existing levels of HGV movement pending completion of the infilling requirements of the consented restoration scheme.

5.26 The applicant is not aware of any reasons why continuity of HGV movements from Dairy Farm Quarry should be resisted. Given that there are no revisions required to established operations, it is considered the proposed development accords with Policies MCS9 and MDC8 of the Minerals Core Strategy and MDC8 of the Development Control Policies DPD.

6. SUMMARY AND CONCLUSIONS

6.1 This Statement has been prepared on behalf of the M C Cullimore (Gravels) Limited and in respect of three planning applications to extend the timescales for operations and site restoration at Dairy Farm Quarry, Ashton Keynes, Wiltshire.

6.2 The extensions of time sought by these planning applications concern (1) the restoration end date for previously worked areas of land; and (2) the temporary retention of plant associated with the production of concrete and recycled aggregate.

6.3 Owing to significant delays experienced as a result of the global COVID-19 pandemic, it is requested that site operations across all three consents are extended to 31 December 2026. Final site would be achieved by 31 October 2027. It is considered these extensions of time provide for the shortfall in timescales resulting from the pandemic and enable sufficient time and flexibility to achieve the consented landform profiles and establishment of approved planting.

6.4 The established concrete batching plant and aggregate recycling facility continue to provide a viable income stream which are intrinsically linked to the continued working and restoration of Dairy Farm Quarry. The temporary retention of these operations for a further two year period, to 31 December 2026, will maintain employment in the area and continue to fulfil demand for concrete and recycling aggregate products. It is maintained that both operations can continue to operate without resulting in any significant adverse effect upon the local environment and residential amenity.

6.5 Overall, the development is shown to accord with policy at the national and local level. On this basis, the development should be supported and approved without delay.

Appendix 1

Planning Permission 19/06811/WCM

Variation of condition no. 2 of 'Review of Old Mineral Permission' (ROMP) decision ref. N/00/0930/FCM to extend the end date for restoration of the site by six years, to 31 December 2025

Wiltshire Council
Where everybody matters

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 19/06811/WCM

Agent David Jarvis Associates Ltd 1 Tennyson Street Swindon Wiltshire SN1 5DT United Kingdom	**Applicant** M C Cullimore (Gravels) Ltd Netherhills Whitminster Gloucestershire GL2 7PD Fao Mr Moreton Cullimore
Particulars of Development: Variation of condition no. 2 of 'Review of Old Mineral Permission' (ROMP) decision ref. N/00/0930/FCM to extend the end date for restoration of the site by six years, to 31 October 2025.	
At: Dairy Farm Quarry, Ashton Keynes, Wiltshire, SN6 6PA	

In pursuance of its powers under the above Act, the Council hereby grant PLANNING PERMISSION for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

1 The activities authorised by this permission shall cease and all associated plant, machinery and stockpiles of processed or unprocessed material on the site shall be removed from the site on or before 31 October 2025.

REASON: To accord with the terms of the application and in order to ensure the timely final completion of the mineral extraction and site restoration in the interests of amenity.

2 The development hereby permitted shall be carried out in accordance with the details in planning application no. N.00.0930, the statement of further information (dated July 2000), and Plan nos. CU151/1, CU151/4 Rev A, CU151/5 Rev A, CU151/6 Rev A, CU151/8, CU151/9, CU9604/Fig2 Rev B, CU9604/Fig4 Rev B1, CU9604/Fig11, CU9604/Fig3 Rev B, CU9604/Fig14, and CU9604/Fig12.

REASON: To enable the Minerals Planning Authority to adequately control the development and for the avoidance of doubt.

3 The site shall continue to be progressively restored and provided with aftercare in accordance with the 'Submission of Details Required Under Conditions 2, 3 and 5' (of N.00.930) by David Jarvis Associates dated 28/07/14.

REASON: To ensure that the site is restored in an orderly manner to a condition suitable for the agreed after-use, and to ensure that the reclaimed land is correctly husbanded and to bring the land to the standard required for the agreed after-use.

4 The agreed scheme of landscaping under condition no. 3 for each phase of the restoration shall be carried out in the first available planting/seeding season coinciding with or immediately following completion of the phase, whichever is the sooner, and shall be maintained thereafter. Within five years of planting, any trees, shrubs or plants that die, become diseased, are removed or damaged, shall be replaced in the first available planting season with others of a similar size and species.

REASON: To ensure that the restored land is correctly husbanded and to bring the land to the standard required for the agreed after-use.

5 Within 3 months from the date of this permission a detailed scheme and delivery/retention/removal programme for the noise attenuation bund referred to in the Noise Survey and Assessment Report by WBM Acoustic Consultants dated 14 December 2014 shall be submitted to and approved in writing by the minerals planning authority. The bund shall thereafter be delivered/retained/removed in accordance with the approved scheme and programme.

REASON: To safeguard the amenities of the area from noise disturbance and to ensure the development is carried out in accordance with the application particulars.

6 This permission shall not authorise the extraction of sand and gravel within -

(a) 10 metres of the River Thames as measured from the top of the southern bank; and

(b) 3 metres of the Ashton Back Stream.

Details of any change to the pumping and de-watering arrangements shall be submitted for prior written approval by the Minerals Planning Authority.

REASON: To safeguard amenity of adjoining land and ensure the limits of development are observed.

7 Topsoil, subsoil and overburden shall be separately stripped and stored at the site.

REASON: To prevent damage to soil resources.

8 No topsoil or subsoil shall be sold or otherwise removed from the site.

REASON: To enable the Minerals Planning Authority to adequately control the works.

9 Soils shall only be handled under sufficiently dry conditions when topsoil is in a dry and friable condition (soil drier than its lower plastic limit).

REASON: To prevent damage to soil resources.

10 There shall be no mineral working below the base of the sand and gravel deposit and the top of the underling clays.

REASON: To enable the Mineral Planning Authority to adequately control the development and for the avoidance of doubt.

11 Except in the case of an emergency, no extraction or restoration operations or activities authorised or required by this permission, other than environmental monitoring, essential maintenance and water pumping, shall be carried out other than during the following hours:-

7.00 am to 6.00 pm Mondays to Fridays
7.00 am to 1.00 pm Saturdays

No operations or activities other than environmental monitoring and water pumping shall be carried out and no vehicles shall enter or leave the site on Sundays, Bank or Public Holidays.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

12 Any oil or chemical storage tank(s) on the site shall be sited on impervious bases and surrounded by oil tight bund walls, the bunded area(s) shall be capable of containing at least 110% of the tank(s) volume and shall enclose all fill and draw pipes.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

13 All plant, machinery and site haul roads shall be removed on completion of restoration operations.

REASON: To protect the local amenity of the area and for the avoidance of doubt, and to minimise the risk of pollution to groundwater resources.

14 Stockpiling of mineral shall take place only in areas previously agreed with the Minerals Planning Authority and shall be restricted to a height not exceeding 3 metres above original ground level or 86m above ordnance datum (AOD), whichever is the lowest.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

15 No means of access other than those approved, either pedestrian or vehicular, shall be constructed into the site. All means of access shall be via the existing access and internal haul road from the B4696.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

16 The operator shall provide, implement and maintain suppression measures to minimise the emission of dust from the development hereby authorised in accordance with the mitigation measures set out in the Dust and Air Quality Assessment by DustscanAQ dated July 2019. Such measures shall include the water spraying of access and haul roads, to suppress dust in periods of prolonged dry weather.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

17 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications, and shall be fitted with and use effective silencers.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

18 Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) order 2015 (or any Order amending, replacing or re-enacting that Order), no buildings, fixed plant, mobile plant or machinery shall be installed, erected, modified or placed within the site.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

Signed

Alistair Cunningham

Executive Director
Dated: 14 October 2019

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

   In particular the applicant is reminded of the following matters:-

   1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

   1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

   1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

   1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals). The Secretary of State has the 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 of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local 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 Local Planning Authority was based on a direction given by him.

   If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

   Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

   'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or
   expiry of the specified period;
   'Type B appeal', 28 days from the date on which the enforcement notice is served;
   ['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) was served no earlier than 2 years before the application is made;
   (b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and
   (c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);
   'Type B appeal' means an appeal in respect of an application relating to land and development which

are the same or substantially the same as the land and development in respect of which an enforcement notice—
(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;
(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d)of the Order; and
(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]"

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, 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 a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. **Compensation.** In certain circumstances, a claim may be made against the local 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.

5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council's website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

   You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at **http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming** or you can contact the Address Information Team on 01225 770508 or by email at **streetnaming@wiltshire.gov.uk**

7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.

Appendix 2

Planning Permission 19/06818/WCM

Variation of condition 1 of planning permission N/12/01670/WCM (for recycling of inert construction and demolition wastes until 31 October 2019) to extend the end date for removal of the recycling facility to 31 October 2024

Wiltshire Council
Where everybody matters

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 19/06818/WCM

Agent David Jarvis Associates Ltd 1 Tennyson Street Swindon SN1 5DT United Kingdom	**Applicant** Mr Moreton Cullimore Netherhills Whitminster Gloucestershire GL2 7PD
Particulars of Development: Variation of condition 1 of planning permission N/12/01670/WCM (for recycling of inert construction and demolition wastes until 31 October 2019) to extend the end date for removal of the recycling facility to 31 October 2024	
At: Dairy Farm Quarry, Ashton Keynes, Wiltshire, SN6 6PA	

In pursuance of its powers under the above Act, the Council hereby grant PLANNING PERMISSION for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

1 The activities authorised by this permission and all associated plant, machinery and stockpiles of processed or unprocessed material on the site shall be removed and the site restored in accordance with the restoration scheme approved under permission no. 19/06811/WCM on or before 31 October 2024.

Reason: To ensure the restoration of the site in accordance with a previously agreed scheme.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref: Figure 1 - Site Location Plan, dated August 2008
Plan Ref: Figure 2 - Existing Context, dated September 2008
Plan Ref: Figure 3 - Existing Conditions, dated May 2008
Plan Ref: Figure 4 - Proposed Site Layout, dated May 2008

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Suppression of any dust generated by the development shall be in accordance with the Mitigation measures set out in the 'Dust and Air Quality Assessment' by DustScanAQ dated July 2019.

Reason: To protect the amenities of the locality from the effects of any dust arising from the development.

4 The programme of measures for ensuring vehicle reversing alarms do not impact on residential amenity shall be carried out in accordance with the document entitled 'Details in Accordance with the Requirements of Condition No's 2 and 3' and dated 28.07.09.

Reason: To safeguard the amenity of local residents.

5 Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following periods:

07.00 - 18.00 Monday - Friday
07.00 - 13.00 Saturday

There shall be no operations on Sundays or Bank or Public Holidays.

Reason: To protect local amenity.

6 The height of any stockpiles of unprocessed or processed material shall not exceed 3.0 metres above existing ground level.

Reason: To protect the visual amenities of the area.

7 No external floodlighting or other illumination shall be erected or installed at the site.

Reason: To ensure that the development is carried out in accordance with the submitted details and to protect the amenities of the area.

8 During the permitted operational hours the level of noise emitted from the site associated with the development hereby permitted shall not exceed 45 dB when measured at the nearest residential property.

Reason: To safeguard the amenity of local residents.

9 Processing of material shall be restricted to a total of 33 working days per calendar year. Details of the days worked during each calendar year shall be submitted to the Waste Planning Authority in writing by 31st December each year.

Reason: To secure what was proposed in the application in the interests of the amenity of local residents.

10 Access to and egress from the site shall only be via the approved site entrance onto the B4696 as shown on Figure 2 entitled 'Existing Context' and dated September 2008.

Reason: In the interests of highway safety.

11 No commercial vehicle using the site shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the public highway.

Reason: In the interests of highway safety and to prevent mud, dust and debris being deposited on the highway.

Signed

Alistair Cunningham

Executive Director
Dated: 15 October 2019

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

   In particular the applicant is reminded of the following matters:-

   1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

   1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

   1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

   1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals). The Secretary of State has the 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 of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local 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 Local Planning Authority was based on a direction given by him.

   If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

   Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

   'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or
   expiry of the specified period;
   'Type B appeal', 28 days from the date on which the enforcement notice is served;
   ['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
   (a) was served no earlier than 2 years before the application is made;
   (b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and
   (c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);
   'Type B appeal' means an appeal in respect of an application relating to land and development which

are the same or substantially the same as the land and development in respect of which an enforcement notice—
(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;
(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d)of the Order; and
(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]"

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, 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 a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. **Compensation.** In certain circumstances, a claim may be made against the local 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.

5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council's website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

   You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at **http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming** or you can contact the Address Information Team on 01225 770508 or by email at **streetnaming@wiltshire.gov.uk**

7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.

Appendix 3

Planning Permission 19/07127/WCM

Variation of condition 1 of planning permission 15/08618/WCM (for replacement and relocation of existing concrete batching plant until 31 October 2019) to extend the end date for removal of the concrete batching plant to 31 October 2024

Wiltshire Council
Where everybody matters

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 19/07127/WCM

Agent David Jarvis Associates Ltd 1 Tennyson Street Swindon Wiltshire SN1 5DT United Kingdom	**Applicant** Mr Moreton Cullimore Netherhills Whitminster Gloucester Gloucestershire GL2 7PD
Particulars of Development: Variation of condition 1 of planning permission 15/08618/WCM (for replacement and relocation of existing concrete batching plant until 31 October 2019) to extend the end date for removal of the concrete batching plant to 31 October 2024	
At: Dairy Farm Quarry, Ashton Road, Ashton Keynes, Wiltshire, SN6 6PA	

In pursuance of its powers under the above Act, the Council hereby grant PLANNING PERMISSION for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

1 The activities authorised by this permission and all associated plant, machinery and stockpiles of material on the site shall be removed and the site restored in accordance with the restoration scheme approved under permission no. 18/06811/WCM on or before 31 October 2024.

Reason: To ensure the restoration of the site in accordance with a previously agreed scheme to ensure the site is restored to a beneficial after-use in a timely manner.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Plan Ref: 2337/CBP/7 - Option 2 Plant Working Layout, dated Apr 2015
- Plan Ref: 2337/CBP/8 - Existing and Proposed Option 2 Concrete Batching Plant Elevations , dated Apr 2015
- Plan Ref: 2337/CBP/9 -Proposed Option 2 Site Layout, dated Apr 2015
- Plan Ref: 2337/CBP/10 -Proposed Option 2 Concrete Batching Plant

Elevations, dated Apr 2015

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following periods:

07.00 - 18.00 Monday - Friday
07.00 - 13.00 Saturday

There shall be no operations on Sundays or Bank or Public Holidays.

Reason: To protect local amenity.

4 No floodlighting shall be erected on the site until a scheme of floodlighting has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of the height of the lighting posts, intensity of the lights (specified in lux levels), spread of light, including approximate light spillage to the rear of the lighting posts, any measures proposed to minimise the impact of the floodlighting or disturbance through glare and the times when such lights will be illuminated. Development shall be carried out in accordance with the details so approved.

Reason: To safeguard the amenity of local residents

5 No commercial vehicle using the site shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the public highway.

Reason: In the interests of highway safety and to prevent mud, dust and debris being deposited on the highway.

6 Suppression of any dust generated by the development shall be in accordance with the Mitigation measures set out in the 'Dust and Air Quality Assessment' by DustScanAQ dated July 2019.

Reason: To safeguard local amenity.

7 Access to and egress from the site shall only be via the approved site entrance onto the B4696.

Reason: In the interests of highway safety.

8 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Mineral Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10 per cent. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10 per cent or 25 per cent of the total volume that could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Signed

Alistair Cunningham
Executive Director
Dated: 15 October 2019

Town and Country Planning Act 1990

PERMISSION FOR DEVELOPMENT

NOTES

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   In particular the applicant is reminded of the following matters:-

   1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

   1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

   1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

   1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals). The Secretary of State has the 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 of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local 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 Local Planning Authority was based on a direction given by him.

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   ['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—
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are the same or substantially the same as the land and development in respect of which an enforcement notice—
(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the appeal, or (ii) the expiry of the specified period;
(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d)of the Order; and
(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]"

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, 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 a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. **Compensation.** In certain circumstances, a claim may be made against the local 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.

5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council's website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

   You are advised that the as local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work

6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at **http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming** or you can contact the Address Information Team on 01225 770508 or by email at **streetnaming@wiltshire.gov.uk**

7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.