CASE OFFICER'S REPORT

Application Reference:	PL/2023/06338
Application Type:	Minerals and Waste Application
Site Inspection:	
Consultation ends:	28 September 2023
Case officer:	Olivia Tresise

Site Address:	Cleveland Farm Quarry, Ashton Keynes, Wilts, SN6 6QP
Proposal:	Variation of condition 2 (restoration time limit) of 15/09228/WCM from 30.09.23 to 30.09.30
Recommendation:	Approve with Conditions

Application Reference: PL/2023/06338
Date site notice posted: 30 August 2023

PROPOSAL

The application seeks to vary a condition 'Condition 2' attached to the principal permission 15/09228/WCM to allow a further seven years (30 September 2023 to 30 September 2030) to complete the site's restoration at Cleveland Farm Quarry.

The condition as approved is as follows:-

Condition 2: The site shall be progressively reclaimed in accordance with the scheme to be approved under Condition 15 of this permission and shall be restored in its entirety by 30 September 2023. REASON: To ensure that the land is restored to a beneficial after use within a reasonable time.

It is proposed to be varied as follows:-

“The site shall be progressively reclaimed in accordance with the scheme to be approved under Condition 15 of this permission and shall be restored in its entirety by 30 September 2030”

SITE DESCRIPTION/CONTEXT

As described in the supporting statement Cleveland Farm Quarry is located to the east of the village of Ashton Keynes in the Cotswold Water Park, which in 2021, became a Site of Special Scientific Interest (SSSI). The site lies to the east of Fridays Ham Lane and to the west and north of Cleveland Lakes. Vehicular access to the site is via Fridays Ham Lane. Some residential properties are located to the west and northwest of the site. Rixon Farmhouse, approximately 200m southwest of the site, is a Grade II listed building.

POLICIES

Wiltshire and Swindon Minerals Core Strategy 2006 - 2026
MCS7: Flooding
MCS 8: Living with Minerals Development – Protecting Residential Amenity
MCS 10: Strategic Approach to Restoration and After-use of Mineral Sites

Wiltshire and Swindon Minerals Development Control Policies DPD
MDC1: Key criteria for sustainable minerals development
MDC2: Managing the impacts of minerals development
MDC3: Managing the impact on surface water and groundwater resources
MDC5: Protection and enhancement of Wiltshire and Swindon's landscape character
MDC6: Biodiversity and geological interest
MDC9: Restoration, aftercare and after-use management of minerals development

Wiltshire Core Strategy
Core Policy 50: Biodiversity and geodiversity
Core Policy 54: Cotswold Water Park
Core Policy 67: Flood Risk

RELEVANT PLANNING HISTORY

15/09228/WCM - Section 73 Application - Extraction of sand and gravel as extension to Cleveland Farm Quarry by phased removal of plant and buildings including infilling with inert waste for restoration purposes without compliance with Condition 12 of Planning Permission ref: N/07/07012 (to revise the approved restoration landform for the site). Approved with condition 30 June 2016

16/02991/WCM - Section 73 Application - Extraction of sand and gravel as extension to Cleveland Farm Quarry by phased removal of plant and buildings including infilling with inert waste for restoration purposes without compliance with Condition 12 of N/07/07012 dated 8th October 2007 (to vary approved restoration scheme). Approved with condition within condition 29 June 2016.

N/07/07012/FCM Variation of Country Permission for Removal of Plant and Buildings and Extraction of Sand and Gravel. No comments dated 18 July 2007.

ISSUES

Principle
Flooding and Surface Water Drainage
Biodiversity
Landscape and Visual Impact
Residential amenity
Highway safety

CONSULTATION RESPONSES

Ashton Keynes Parish Council: No objection
Environment Agency: No objection

Nature England: Has been consulted, no comments received.
Wiltshire Council Archaeology Officer: No objection
Wiltshire Council Drainage Engineer: No comments to make
Wiltshire Council Landscape Officer: No objection provided that all other respects the restoration plans remain as per the original proposal and planning consent
Wiltshire Council Ecology Officer: No objection
Wiltshire Council Highway Officer: No objection
Wiltshire Council Environmental Health Officer: No objection
Wiltshire Council Minerals and Waste: Has been consulted, no comments received.

Publicity / Site Notice - The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out. No comments have been received by the planning authority in response to the notices.

ASSESSMENT:

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire & Swindon Minerals Core Strategy Development Plan Document 2006 – 2026; Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan Adopted May 2013; and the Minerals Development Control Policies Development Plan Document Adopted September 2009.

Principle of Development

The planning application is for the variation of Condition 2 of Planning Permission: 15/09228/WCM to allow a further seven years to complete the site's restoration. This application does not seek to change the permitted restoration landform or alter any other aspects of the approved habitat creation, restoration, or aftercare proposals. The reason of this application is because there has been a recent change in ownership and the previous owner has not undertaken restoration work in full. The site is currently owned by the Cotswold Lakes Trust, and the Trust consider that a further seven years are required to complete the restoration to the required standard (5 years) and to secure permit for this type of application (two years).

The acceptability of the development proposed is established under the principal permission issued which has been commenced and so implemented. This is live and remains a material consideration of substantial weight. As such the proposed variation is considered acceptable in principle and no conflict with the development plan is considered to arise in this respect.

Flooding and Surface Water Drainage
The Environment Agency has reviewed the proposed time limit for the restoration and confirmed that no objection is raised to the proposal.

Biodiversity
The proposal is to extend the time limit for a full restoration to be undertaken. Nature England and the Council's Ecology Officer were consulted. In the previous applications, it was noted that the

land is predominantly bare ground which does not appear any material changes since the grant of previous planning permission. In the previous application, it was also noted that a significant population of Roman Snails are present along the Western edge of the site and so a report on "Results of Monitoring Roman Snails at Cleveland Farm Quarry" was submitted with the application. The Council's Ecologist previously confirmed that the approved restoration programme would benefit local biodiversity, as such it would not result in any adverse effects on wildlife species within the site or within the wider landscape area. Hence, subject to the same planning conditions apply to this application, no objection is raised in this regard.

Landscape and Visual Impact

As noted above, the proposal is to extend the time limit of the restoration of the site, and it will not change the landform, therefore, there is no landscape objection to the proposal.

Residential amenity

The proposals in respect of activities being undertaken do not vary from those already approved, the variation is solely in respect of timeframe for restoration of the site in accord with approved details. It is noted that the timeframe involved is not considered to be short in length, however, given the scale and nature of the site's restoration, as well as the requirement for the applicant to secure required permits, it is not considered that the proposed time scale is to be excessive.

The Council's Public Protection Officers have been consulted in respect of the proposed variation and have raised no objections. No objections have been received from members of the public and the parish council similarly raises no objection.

Give site circumstances and all material considerations it is not considered that significant harm arises to existing and future residential amenity such that the application should be refused on this basis.

Highway safety

As with respect to residential amenity the proposals are simply an extension of time for the completion of development. Whilst this will extend the period during which related traffic movements take place on the highway network it is not considered that this in and of itself result in significant harm or conflict with the relevant policies of the plan.

Highways Officers have been consulted in this regard and raise no objection.

CONCLUSION

The proposal has been assessed against the relevant policies of the development plan, provisions of national guidance and in the context of site circumstances and found to be on balance acceptable. No conflict with the policies of the plan or provisions of the framework are considered to arise and consent is therefore recommended.

RECOMMENDATION

That Planning Permission be GRANTED subject to the following conditions:

Conditions: (17)

1 Extraction of sand and gravel from the site shall cease on or before 31 March 2021.

REASON: To ensure that the satisfactory restoration of the site to a beneficial after-use takes place within a reasonable timescale.

2 The site shall be progressively reclaimed in accordance with the scheme to be approved under Condition 15 of this permission and shall be restored in its entirety by 30 September 2030.

REASON: To ensure that the land is restored to a beneficial after use within a reasonable time.

3 Except in the case of emergency, no operations or activities authorised or required by this permission shall be carried out and plant shall not be operated on the site other than during the following hours:-
0700 - 1800 Monday to Friday
0700 - 1300 Saturdays

No working shall take place at any time on Sundays and Bank or Public Holidays.

REASON: To protect the amenities of local residents.

4 There shall be no raising of existing ground levels on the Site other than in the areas indicated in drawing number CLEVE006 dated March 2006 submitted with planning application no. 16/02991/WCM and drawing numbers M14.145.D.001 dated April 2015 and M14.145.D.003 dated July 2015 submitted on 20 April 2016 with planning application no. 15/09228/WCM.

REASON: To prevent the increased risk of flooding due to the impedance of flood flows and reduction of flood storage capacity.

5 No temporary stockpiling of materials shall take place in or around the area liable to flood without the prior written approval of the Mineral Planning Authority.

REASON: To prevent the increased risk of flooding due to the impedance of flood flows and reduction of flood storage capacity.

6 Surface water drainage works shall be carried out in accordance with the details submitted and approved pursuant to condition 7 on planning permission no. N/07/07012 dated 8 October 2007.

REASON: To prevent pollution of the water environment and ensure the adequate drainage of the site.

7 Any storage facilities for fuel oil, greases, oils and lubricant (including waste products) provided on the site shall be sited on an impervious base and surrounded by an impervious bunded area of a minimum of 110% of the capacity of the tank and associated pipework. All filling points, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any surface watercourse or underground water. All associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge into the bund or be contained in a suitable double skinned tank.

REASON: To prevent pollution of the water environment.

8 The development shall be carried out in accordance with the programme of archaeological works set out in the Written Scheme of Investigation submitted and approved pursuant to condition 9 on planning permission no. N/07/07012 dated 8 October 2007.

REASON: To afford the opportunity for archaeological study of the site prior to it being excavated.

9 No top soil, subsoil or overburden shall be exported from the site.

REASON: In the interests of the satisfactory restoration of the site.

10 Best practicable means shall be used to reduce the effects of noise and dust from the site. All plant and machinery shall be maintained and silenced at all times to meet the manufacturers' noise rating levels.

REASON: In the interests of the amenities of surrounding occupiers during the development.

11 The working, restoration and aftercare of the site shall be carried out only in accordance with the working programme and phasing plans submitted in application ref: N/07/07012, consisting of the following drawing numbers: 720/SK1A, 720/SK2A, 720/SK3B, 720/SK4B, 720/SK5A and 720/SK6A, except insofar as superseded by drawing number CLEVE006 dated March 2006 submitted with planning application no. 16/02991/WCM and drawing numbers M14.145.D.001 dated April 2015 and M14.145.D.003 dated July 2015 submitted on 20 April 2016 with planning application no. 15/09228/WCM.

REASON: To ensure that the development is carried out in a satisfactory manner in the interests of the amenities of the area.

12 No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.

REASON: To safeguard highway safety.

13 Top soil, subsoil or soil making materials shall only be stripped when they are in a dry and friable condition.

REASON: In the interests of the satisfactory restoration of the site.

14 During the hours of operation of the site, the noise from construction operations shall not exceed 70 dB LAeq 1 hour freefield at the nearest occupied dwellings to the site. Noise relating to sand and gravel operations shall not exceed 55 dB LAeq 1 hour freefield at the nearest occupied dwellings.

REASON: To protect the amenities of local residents.

15 The development shall be carried out in accordance with the scheme of habitat creation, restoration and aftercare plans approved pursuant to conditions 16 and 17 on planning permission no. N/07/07012 dated 8 October 2007, except insofar as superseded by drawing number CLEVE006 dated March 2006 submitted with planning application no. 16/02991/WCM and drawing numbers M14.145.D.001 dated April 2015 and M14.145.D.003 dated July 2015 submitted on 20 April 2016 with planning application no. 15/09228/WCM. An annual report shall be submitted to the Mineral Planning Authority providing details of progress on restoration in December of each year.

REASON: To safeguard the nature conservation interest of the site and in the interests of the satisfactory restoration of the site.

16 Within six months of the commencement of each working phase, a detailed planting scheme shall be submitted to the Mineral Planning Authority for written approval to cover wetland habitat, hedgerows, grassland and tree planting for that particular phase. The planting schemes shall provide details of species to be planted and their provenance, location, spacing and layout, ground preparation, method and timing of planting, and details of aftercare and maintenance, and shall be implemented in accordance with the agreed details.

REASON: In the interests of safeguarding and enhancing the visual amenity of the area and to provide for the creation of a variety of habitats.

17 The development shall be carried out in strict accordance with the Ecological Mitigation Scheme dated July 2005 submitted with planning application no. N/07/07012 and the measures described in sections 5 and 6 of the Ecological Appraisal report prepared by AD Ecology Ltd dated 23 March 2015 submitted with planning application no. 16/02991/WCM.

REASON: To safeguard the nature conservation interest of the site.