CASE OFFICER'S REPORT

Application Reference:	PL/2023/07536
Application Type:	Minerals and Waste Application
Site Inspection:	
Consultation ends:	24 November 2023
Case officer:	Olivia Tresise

Site Address:	Dairy Farm Quarry, Ashton Road, Ashton Keynes, Wiltshire, SN6 6PA
Proposal:	Variation of condition 1 of 19/06811/WCM to extend mineral and inert cessation dates and restoration requirements by two years
Recommendation:	Approve with Conditions

Site Description

The application site is located in open countryside to the west of the Ashton Keynes 'Large Village'. Access to the site is via a surfaced haul road from the B4696.

The application site – Dairy Farm Quarry – lies within the wider Manor Farm Estate, which covers an area of 1.6 sq km, straddling the River Thames. That part of the estate to the north of the Thames has previously been worked for sand and gravel and is now restored (with woodland, grassland, scrub and natural habitat). Dairy Farm Quarry, on part of the wider estate to the south of the Thames, presently supplies sand and gravel, secondary (recycled) aggregate (c/o an aggregate recycling facility with temporary planning permission), and ready mixed concrete (c/o a concrete batching plant (also c/o a temporary planning permission).

The site lies to the immediate north-west of Pikes Corner SSSI and directly west of the Cotswold Water Park SSSI. The site itself forms part of a 63 ha Local Wildlife Site known as Cotswold Water Park Pits 39, 40, 64, 70, 92, 93 and 94. It is also situated within 9.4km recreational buffer of North Meadow Special Area of Conservation 'North Meadow SAC'.

Relevant History

Dairy Farm Quarry has operated since the 1950's.

N/00/0930 – Review of Mineral Planning Permission 'ROMP' application. "Determination of updated conditions for the continued winning and working of sand and gravel in accordance with Section 96 and Paragraph 9 of Schedule 13 of the Environment Act 1995" – conditions issued 09/11/2000 including

Condition no. 2 (Details of Restoration)
Condition no. 3 (Aftercare Scheme)
Condition no. 5 (details of Promontory Link)

Details in relating Condition 2, 3 and 5 were submitted on 30 March 2011 and followed by an update on 1 August 2024, and subsequently approved on 6th October 2014.

N/08/07019/FCM – “Recycling of Inert Construction and Demolition Wastes” – approved 22/07/2009. This was a temporary planning permission, with an end date of 22 July 2012.

N/12/01670/WCM – “S73 Application - Recycling of inert construction & demolition wastes without compliance with Condition 1 of Planning Permission N/08/07019 dated 22 July 2009 (to permit continuation of recycling until 31 October 2019)” – approved 20/10/2015. As originally submitted, this application sought to extend the temporary period for the recycling facility by 10 years (to c. 2022). However, in view of the DOC decision in 2014 relating to the restoration of the site - which requires restoration to be completed by 31 October 2019 – the application was amended, and approved, with a matching temporary end date of 31 October 2019.

15/08618/WCM – “Replacement and relocation of existing concrete batching plant” – approved 20/10/2015. As with application N/12/01670/WCM for the recycling facility, this permission is also temporary – to 31 October 2019 – and so tying in with the end date for completion of the restoration of the site.

19/06811/WCM - 'Variation of condition no. 2 of 'Review of Old Mineral Permission' (ROMP) decision ref. N/00930/FCM to extend the end date for restoration of the site by six years, to 31 October 2025. Approved with conditions 14 October 2019. The variation was requested was due to the delay in securing the recovery permit from Environment Agency.

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'. Approved 15 October 2019

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'. Approved 15 October 2019

20/10450/DOC Discharge of condition 5 of planning application 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). The details submitted with the application are satisfactory, and are accordingly approved. The details comprise the following –
‘Condition 5 – Planning Permission 19/006811/WCM’ note by David Jarvis Associates;
Drawing no. DR-0001 S1-P1 dated 10/11/2020.
Subject to the bund being provided and removed in accordance with the approved details, condition no. 5 is discharged.

Proposal

This planning application seeks permission to vary condition 1 of 19/06811/WCM by allowing a later end date for the final restoration.Condition1 of 19/06811/WCM states:

'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.***

The applicant suggests the wording of Condition 1 to be worded:

'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 28 July 2014 and achieved no later than 31 December 2027.***

The supporting statement explains the background and reasoning for the proposed later end date as follows –

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.

<u>The applicant's justifications</u>

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.

The proposed extension of time to 31 December 2026 is 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.

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

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.

Retention of the aggregate recycling facility aims to 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.

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.

The concurrent applications for the same site are:
PL/2023/07537 - Variation of condition 1 of 19/06818/WCM to retain the aggregate recycling operation for a further two year period to 31 December 2026.
PL/2023/07538 - Variation of condition 1 of 19/07127/WCM to retain the concrete batching plant for a further two years to 31 December 2026.

Consultations

Ashton Keynes Parish Council: No objections. The Parish Council did not object to the extensions granted in 2019, because it understood the reasons cited at the time, and it does not object to these extension requests, again because it recognises the new reasons. However, the Parish Council wishes to make it clear that it would object, in the strongest terms, were any further extension requests to be made, at some future date.

Public Protection, Landscape, Environment Agency, Highway Department, Ecology, Rights of Way, and Natural England have been consulted, and no responses were received.

Representations

9 letters of objection were received, the objections summarised as follows:

- continuing detriment to the village: noise, dust
- the site dominates the heavy HGV traffic on the B4696, there have been several near misses with pedestrians trying to cross by the Thames path
- no justification for the extension to continuing processing operation
- I went back to work after less than five months, and that was to an enclosed open office environment
- There have been multiple applications to extend operation of this plant
- The plant arguments re investment are not relevant as these clearly had to be done for safety and operational reasons at the time.
- If there is a delay it has to apply only to the restoration which was supposed to be well advanced now. All processing work should stop in 2024 as with the current plan approval. This has to be the last allowed extension to free the village from this continuous deleterious activity
- If this application is permitted it should be made clear that no further extensions will be allowed
- Gravel extraction on this site should have finished many years ago, it has been in operation for more than the forty years that we have lived in the vicinity and if gravel reserves are still remaining it is by choice not necessity as all the other sites in the vicinity have been worked out in far shorter times

- The agreed timeline for restoration should be respected and not extended

Policy

Wiltshire and Swindon Minerals Core Strategy DPD
Policy MCS1: Meeting the Need for Primary Aggregate Minerals
Policy MCS1 (A): Strategic Approach to Identifying Future Supplies of Aggregate Minerals
Policy MCS1 (B): Generic Criteria for Guiding the Location of Minerals Development
Policy MCS1 (C): Linking the Strategy, Site Allocation DPDs and Community Involvement

Policies MCS 7–10 general considerations to be taken into account; notably, MCS8: Living with minerals development – protecting residential amenity.

Wiltshire and Swindon Minerals Development Control Policies DPD 2009
Policy MDC1: Key criteria for sustainable minerals development
Policy MDC2: Managing the impacts of mineral development
Policy MDC3: Managing the impact on surface water and groundwater resources
Policy MDC5: Protection and enhancement of Wiltshire and Swindon's landscape character
Policy MDC6: Biodiversity and geological interest
Policy MDC8: Sustainable transport and minerals development
Policy MDC9: Restoration, aftercare and after-use management of minerals development

Wiltshire and Swindon Waste Development Control Policies DPD 2009
Policy WDC1: Key criteria for ensuring sustainable waste management development
Policy WDC2: Managing the impact of waste

Policies WDC3-WDC11 set out general considerations.

Wiltshire Core Strategy January 2015
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 50: Biodiversity and geodiversity
Core Policy 51: Landscape
Core Policy 54: Cotswold Water Park
Core Policy 55: Air Quality
Core Policy 57: Ensuring high quality design and place shaping
Core Policy 62: Development impacts on the transport network

Ashton Keynes Neighbourhood Plan (May 2017)
Policies INP2, ENP1 & ENP3

The following documents are also material to the consideration of the planning application:

Cotswold Water Park Vision and Implementation Plan
Cotswold Water Park Biodiversity Action Plan

National Planning Policy Framework

Planning consideration

The main considerations in the determination of this application are, firstly, the principle of the proposal; and then matters of detail, including the impacts of the proposal on amenity (from considerations such as noise, dust and general disturbance) and highway safety, these in the context of this having been (and being) a working quarry and land-fill site.

Principle of development

On mineral extraction, the application site lies within the Upper Thames Valley 'Mineral Resource Zone' as defined in the Wiltshire and Swindon Minerals Core Strategy. Policy MCS1 of this Core Strategy states that provision will be made within the Minerals Resource Zones for land to meet the demand for sand and gravel in accordance with national policy. As a matter of principle, extraction of the remaining sand and gravel from the site complies with the policy. On waste disposal, similar broad principles apply.

But, this 'in principle' support must be read in the context of an expectation for timely delivery of both extraction and restoration. On this, separate Policy MCS10 of the Wiltshire and Swindon Minerals Core Strategy - relating to the restoration, aftercare and after-use of mineral workings - states that timely delivery is a primary consideration. The explanatory paragraphs with Policy MCS10 note that unlike many other forms of development, mineral extraction is a temporary land use, but which can still potentially have a significant impact on the environment. The paragraphs state ….

"… An important way of minimising the impact of mineral extraction is to ensure that sites are worked in a phased manner and restored at the earliest opportunity to a beneficial after-use. …"

And, recognising that circumstances can change, the paragraphs further state …

"… it is accepted that restoration schemes should contain a degree of flexibility so they can be amended in the future if circumstances change. The aim should be to achieve phased restoration to minimise the area of land disturbed and the total period of working. …"

In this instance, the applicant indicated the progress with the working and restoration of Dairy Farm Quarry has been directly and indirectly affected by the effects of the COVID-19 pandemic. Officers understood that the pandemic has caused some delay in terms of operation and restoration on this site and such delay was out of the applicant's control. However, all restrictions including lockdowns have already been lifted for a while, therefore the progress or level of activities are expected to return (or at least similar) to the pre-pandemic levels. However, given the unprecedent and unforeseeable circumstances, it is considered the applicant's request for additional time for the operation are not unreasonable. Hence the condition 1 can be amended accordingly.

The applicant also requested that the restoration to be extended to 31 December 2027 via Condition 1. However, the restoration scheme was agreed via Condition 3, therefore, it is

considered that the requested change to the completion date on the approved restoration programme should be subject to a separate S73 application.

Officers noted that several requests were made to extend the operation on this site in the past. Unlike many other forms of development, mineral extraction is a temporary land use, but it would still have a significant impact on the environment. It is therefore important the site is worked in a phased manner and restored at the earlier opportunities to a beneficial after-use to minimise the impact of mineral extraction. Therefore, any further extension requests in future would unlikely receive support from the LPA given that it would be important to restore the site in an orderly and timely manner as approved.

Other detailed considerations

Residents; concerns including noise, dust, disruption and traffic are all noted.

The proposal is not to change the manner in which the site has operated in the past; the proposal is 'just' to allow the site to operate for an extended period , and this to enable its full restoration in accordance with a scheme that has previously been agreed. It is, of course, unfortunate that the workings will remain for the extended period, but there are sufficient justification due to the unprecedent and unforeseeable circumstances, as set out in the application particulars and summarised in this report. Under these circumstances it is not considered that objections based on noise and dust disturbance would warrant refusal in this instance.

These principles apply equally to traffic generated by the development. This will inevitably continue for the extended life. There is no reason to conclude that the quantum of traffic will change, and it will continue to utilise the proven adequate infrastructure hereabouts. Specific concerns relating to dust are, and can continue to be, covered by conditions.

The standalone Environmental Permit provides additional controls relating to noise. Noise surveys carried out in 2018 demonstrate compatibility with standards and noise-limiting conditions imposed on the earlier planning permission would still be applicable on this application. Further mitigation (in the form of a bund) have already been submitted and approved to reduce the impact of restoration infill activities relatively close to the B4696. As such, the potential amenity upon the nearby residential properties would be safeguarded.

RECOMMENDATION

That temporary planning permission be granted subject to following conditions:

Conditions: (18)

1 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.

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 approved document entitled 'Submission of Details Required Under Conditions 2, 3 and 5' (of N.00.930) prepared by David Jarvis Associates dated 28 July 2014.

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 The approved 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 carried out in accordance with the following documents:

(i) Condition 5 – Planning Permission 19/006811/WCM’ note by David Jarvis Associates;
(ii) Drawing no. DR-0001 S1-P1 dated 10/11/2020

The noise attenuation 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.