Wiltshire Council

The Town and Country Planning Act 1990

Approval of Minerals & Waste Application with Conditions

Application Reference Number: PL/2023/07536

Decision Date: 20 March 2024

Applicant:	M C Cullimore (Gravels) Ltd Netherhills, Whitminster, Gloucester, Gloucestershire, GL2 7PD
Particulars of Development:	Variation of condition 1 of 19/06811/WCM to extend mineral and inert cessation dates and restoration requirements by two years
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:

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.

Parvis Khansari **- Corporate Director, Place**

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.

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).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk