CASE OFFICER'S REPORT

Application Reference:	PL/2023/07537
Application Type:	Minerals and Waste Application
Site Inspection:	
Consultation ends:	12 October 2023
Case officer:	Olivia Tresise

Site Address:	Dairy Farm Quarry, Ashton Road, Ashton Keynes, Wiltshire, SN6 6PA
Proposal:	Variation of condition 1 of 19/06818/WCM to retain the aggregate recycling operation for a further two year period to 31 December 2026
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, the 15/08618/WCM 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 requested variation 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 report covers two ‘S73’ proposals – - 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) and 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.

Highway Officer - No objection. The level of traffic movements associated with these operations are limited, by condition, with the facility being restricted to operate no more than 33 days per year, with recyclable materials stockpiled on site and processed over periods of 10 days at a time. Therefore the facility is stated as being used less than 105 of the year. On the basis that the traffic generation will not change, albeit extended for further tow years beyond the expected cessation date, the Highway Officer would not raise any highway objections to the proposed variation of the condition.

Public Protection team - No objection. Officers noted comments made in response to these applications submitted by local residents. These seem to mainly regard noise and dust impacts from the quarry works at Ashton Road, Ashton Keynes. The Team have no record of complaints to the Environmental Control and Protection Team regarding these concerns and as such, would not object to this 2 year extension of operations. Should residents be affected by dust from site, this needs to be raised with Planning Enforcement or ECP to investigate. There is a permit and planning condition which provide dust control measures and noise complaints may be investigated under the Environmental Protection Act 1990 (more information regarding noise complaint can be found on our Wiltshire Council website - https://www.wiltshire.gov.uk/env-health-noise-information).

Landscape Officer - No objection.

Nature England, Environment Agency, Rights of Way, Ecology have been consulted, and no comments were received.

REPRESENTATIONS

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

- same reasons of objection to PL/2023/07536
- suffer from the dust, noise and traffic pollution from the site for all of the 40+ years
- too much HGV traffic on narrow roads
- The site would be worked out and restored within a relatively short timeframe, as had been the case with virtually all similar sites in the vicinity
- The recycling on the site and the associated continuation of concrete batching has exacerbated the dust, noise and traffic pollution problems that already existed.

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 Issues

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

Principle of development

The application sites lie within open countryside. The Wiltshire Core Strategy resists development in the countryside that should otherwise be within sustainable settlements or in locations defined as being suitable (Core Policies 1 and 2); this resistance applies in most circumstances to industrial developments, including aggregates recycling and concrete batching operations. Policy MCS2 directs such development to industrial areas; to existing, proposed or 'suitable former minerals developments'; or co-locations with existing or proposed waste management facilities. Policy MCS10 relating to restoration and after-use is also relevant, seeking 'environmental enhancement' and beneficial after-use.

The countryside in which the sites are located falls within the Cotswold Water Park where the preference is for worked-out quarries to be restored for leisure, tourism and nature conservation purposes, and not for on-going and/or permanent industrial uses. This is confirmed by the Cotswold Water Park Vision and Implementation Plan which seeks from the minerals industry compliance with its core priorities (to enhance countryside character, communities, biodiversity, sports, leisure, recreation and tourism), with this to be fully integrated into the mineral planning process.

Running concurrently with these planning applications has been the separate planning application, PL/2023/07536, to extend the end date for activities on site to 31 December 2026 and to extend the end date for restoration of the site to 31 December 2027. On its merits this other application has been found to be acceptable, it allowing for the final extraction of minerals from Dairy Farm Quarry, and its infill and restoration, this in accordance with the key criteria for sustainable minerals development (Policy MDC1) and the criteria for restoration of waste management sites (Policy WDC10).

With this other permission providing the Dairy Farm Quarry with an extended 'lease of life', there is logic in retaining for a similar duration the associated concrete batching plant and aggregates recycling facility. The concrete batching plant will, to a certain extent, rely on material which will continue to be quarried at the site; and Policy MCS2 specifically states that sites for the processing of secondary and recycled aggregates include 'existing minerals developments'. In these circumstances, which are different to the circumstances arising from permanent or longer-term retention of the facilities, retentions for a temporary period of time, are considered to be acceptable as a matter of principle.

This is subject to the temporary 'end date' finishing within the new end date for the site's final restoration, including the restoration of the land on which the concrete batching plant and aggregates recycling facility stand. To achieve this end, dates of 31 December 2026, are considered appropriate and policy compliant.

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 applicant to retain the aggregation recycling operation and the concrete batching plant on site 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. The Council's Public Protection Team has been consulted. The Officers have noted comments made in response to these applications submitted by local residents. These seem to mainly regard noise and dust impacts from the quarry works at Ashton Road, Ashton Keynes. The Team have no record of complaints to the Environmental Control and Protection Team regarding these concerns and as such, would not object to this 2 year extension of operations. Should residents be affected by dust from site, this needs to be raised with Planning Enforcement or ECP to investigate. In addition, there is a permit and planning condition which provide dust control measures and noise complaints may be investigated under the Environmental Protection Act 1990. Therefore there is no objection in this regard.

These principles apply equally to traffic generated by the development. The Highway Officer considered that the level of traffic movements associated with these operations are limited, by condition, with the facility being restricted to operate no more than 33 days per year, with recyclable materials stockpiled on site and processed over periods of 10 days at a time. Therefore the facility is stated as being used less than 105 of the year. On the basis that the traffic generation will not change, albeit extended for further tow years beyond the expected cessation date, therefore there is no highway objection to the proposed extended period of time.

RECOMMENDATION

That temporary planning permission be granted subject to following conditions to tie in with the permitted extended period for the restoration of the site.

Conditions: (11)

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 December 2026.

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, and 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.