The Town and Country Planning Act 1990

Approval of Minerals & Waste Application with Conditions

Application Reference Number: PL/2024/00080

Decision Date: 27th March 2024

Applicant:	First Oak HA Ltd Kemp House, 152-160 City Road, London, EC1V 2NX
Particulars of Development:	Variation of condition 1 on PL/2022/0493 to extend the time the land needs to be restored to until 1st July 2027
At:	Land at Cotswold Community School, Ashton Keynes, Wiltshire, SN6 6QT

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: (15)

1 The development hereby permitted shall be limited to 1st July 2023 by which time mineral extraction operations shall have ceased. The site shall have been restored by 1st July 2027 in accordance with Plan No. 1203/R1 v3 dated 28-04-2017
REASON: To ensure development is carried out in accordance with the submitted application and approved details.

2 The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following approved plans and as stipulated in the conditions set out below together with those further details required to be submitted for approval:
i. Plan No. 1203/A/1 v4 dated 07-03-2016 [Application Plan]
ii. Plan No. 1203/CO/1v4 dated 10-11-2016 [Composite Operations Plan]
iii. Plan No. 1203/PO/1 v5 dated 10-11-2016 [Progressive Operations Plan]
iv. Plan No. 1203/R1 v3 dated 28-04-2017 [Restoration Plan]
Details approved under application reference number 18/11466/DOC per decision notice issued dated 12 March 2019.
Location Plan Received 28.06.2022
Planning Statement Received 28.06.2022

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

3 Any tree or shrub forming part of a landscaping scheme approved in connection with the development [under Condition 6 of this permission] that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development [operations] shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

REASON: To ensure the provision, establishment and maintenance of an appropriate standard of landscape in accordance with the approved designs.

4 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) 1927/FRA v1.2, Hafren water, March 2015, Amita Management Ltd, and D.K.Symes on behalf of Amita Management Ltd, 3rd May 2017, and the following mitigation measures detailed within the FRA:
1. That as per documentation (Cotswolds community-additional information) bunds within 8m of the river are removed.
2. That no excavation takes place within 20m from the river.
3. That there is a standoff of undisturbed marginal land of 10m from the river in which no works will take place.
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To avoid increasing flood risk and blockages to flood flow on the site and to avoid collapses and weakening in river bank and surrounding ground.

5 No topsoil, subsoil and/or soil making material shall be moved or handled unless it is a dry and friable condition and no movement of soils shall take place:
(a) During the months November and March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority.
(b) When the upper 300mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 - 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
(c) There are pools of water on the soil surface.

REASON: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site.

6 Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre-wide strips, in such a manner as to avoid the compaction of placed soils. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner as to avoid the compaction of the placed soils.

REASON: To minimise structural damage and compaction of soil, to aid the final restoration of the site.

7 Except for sand and gravel, no mineral, topsoil or subsoil shall be exported from the site.

REASON: To ensure the preservation of such materials for use in restoration and landscaping.

8 No operations authorised by this permission shall take place outside of the following times:
07:00 hours to 18:00 hours Monday to Friday; and
07:00 hours to 13:00 hours Saturdays
There shall be no working on Sundays or Bank or Public Holidays.

REASON: To protect local amenity.

9 No plant, equipment and machinery including vehicles shall be operated on the site unless equipped with effective silencing equipment that has been installed and is maintained at all times in accordance with the manufacturer's, and/or supplier's instructions.

REASON: In the interests of neighbouring amenity.

10 No mobile plant or vehicles shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system, or an alternative system approved in writing by the Mineral Planning Authority.

REASON: In the interests of neighbouring amenity.

11 All sand and gravel shall be exported from the Site via the ground-level field conveyor to Shorncote Quarry as indicated on the approved plans listed under Condition 2 above and no other route.

REASON: To ensure development is carried out in accordance with submitted application and approved details.

12 No fixed lighting or temporary mobile floodlighting shall be erected or installed at the Site.

REASON: To secure the mitigation measures contained in the Environmental Statement in the interest of protecting biodiversity and local amenity.

13 All restored areas of the Site shall undergo aftercare management for a 5 year period. The aftercare period for each part of the site will begin once the restoration condition for the relevant part of the site has been met, the date of which shall be notified in writing to the Mineral Planning Authority within 21 days.

REASON: To ensure that the site is restored to an acceptable standard.

14 An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 2 to the required standard for use for agricultural and amenity use shall be submitted for the approval of the Mineral Planning Authority not later than 6 months prior to the start of aftercare on all or part of the site and thereafter be implemented as approved.

REASON: To ensure satisfactory aftercare suitable for the intended after uses.

15 In the event of a cessation of minning and working of minerals prior to the achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval to the Local Planning Authority, within 6 months of the cessation of winning and working. The site shall be restored and landscaped in accordance with that approved revised scheme and within the timescale set out therein.

REASON: To enable the Local Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial after use.

Informatives: (3)

16 The developer should be made aware that they will be required to rectify any damage to the surface of the right of way which is caused by quarry vehicles.

17 Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

18 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 8th November 2018.

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