CASE OFFICER'S REPORT

Application Reference:	PL/2024/00080
Application Type:	Minerals and Waste Application
Consultation ends:	28th February 2024
Target Date:	3rd April 2024
Case officer:	James Repper

Site Address:	Land at Cotswold Community School, Ashton Keynes, Wiltshire, SN6 6QT
Proposal:	Variation of condition 1 on PL/2022/0493 to extend the time the land needs to be restored to until 1st July 2027
Recommendation:	Approve with Conditions

SITE DESCRIPTION:

The site is located within the Cotswold Water Park where mineral extraction is a longstanding activity. The site is well-screened by boundary vegetation on all sides and is not overlooked by any residential properties. To the north of the site is Shorncote Quarry, with the Keynes Country Park, which consists of water bodies from historic mineral extraction, to the west. The Spine Road (West) borders to the south, beyond which lies further lakes resulting
from historic mineral extraction. To the east lies the old Cotswold Community as well as agricultural fields. The site is also c. 800m from the nearest occupied residential properties, which lie on the southern edge of Somerford Keynes to the east.

PROPOSAL:

This is a minerals and waste application seeking a variation of condition 1 of application PL/2022/04973, which in itself was an application to change the condition of the original application 16/02765/WCM (The extraction of sand and gravel, installation of a ground conveyor and ancillary buildings and activities with progressive restoration to two landscaped lakes and a pasture field). The application was originally permitted to last 3 years, however, due to issues with adverse weather and COVID 19 the timescale for extraction and repair was extended by a further year. The current application seeks a further extension of time purely for the repair of the site which is to be tied into the development of a housing estate adjacent to the area. All mineral extraction has now ceased so the extension is purely for the restoration of the land.

RELEVANT PLANNING HISTORY:

16/02765/WCM The extraction of sand and gravel, installation of a ground conveyor and ancillary buildings and activities with progressive restoration to two landscaped lakes and a pasture field. This principal application was submitted as part of proposals for the wider redevelopment of land and empty buildings of the former 'Cotswold Community' Institution site for residential use (also see application refs 16/02609/OUT and 16/02610/LBC – both approved.

18/09023/VAR Variation of Condition 25 of 16/02609/OUT relating to the completion of the mineral extraction, related storage works and land restoration. Approved.

21/02520/REM Reserved matters application, pursuant to application 16/02609/OUT for the provision of 75 Dwellings & Associated Works Including Replacement of 27 Existing Dwellings and the Conversion of Existing Listed Buildings. Approved

21/02481/LBC Conversion of Existing Listed Buildings as part of Planning Application 21/02520/REM Approved

PL/2021/03078 Discharge of Conditions 7, 8, 11, 12, 21, 22, 24, 26, 27, 30 & 31 of 16/02609/OUT. Approved

18/11466/DOC Discharge of conditions 4, 5, 6, 8 and 9 of planning application 16/02765/WCM (The extraction of sand and gravel, installation of a ground conveyor and ancillary buildings and activities with progressive restoration to two landscaped lakes and a pasture field). Approved

PL/2022/04973 Variation of condition 2 on 16/02765/WCM to extend the time the land needs to be restored until 1st July 2023. Approved

Wiltshire & Swindon Minerals Core Strategy Development Plan Document 2006 – 2026
MCS 1: Meeting the Need for Primary Aggregate Minerals
MCS 1 (A): Strategic Approach to Identifying Future Supplies of Aggregate Minerals
MCS 1 (B): Generic Criteria for Guiding the Location of Minerals Development
MCS 1 (C): Linking the Strategy, Site Allocation DPDs and Community Involvement
MCS 7: 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 Aggregate Minerals Site Allocations Local Plan Adopted May 2013
Inset Map 5: Land at Cotswold Community
Table 2.5: Land at Cotswold Community

Minerals Development Control Policies Development Plan Document Adopted September 2009
MDC1: Key criteria for sustainable minerals development
MDC2: Managing the impacts of minerals development
MDC3: Managing the impact on surface water and groundwater resources
MDC4: Safeguarding mineral resources, rail-head facilities and mineral recycling facilities
MDC5: Protection and enhancement of Wiltshire and Swindon's landscape character
MDC6: Biodiversity and geological interest
MDC7: The historic environment
MDC9: Restoration, aftercare and after-use management of minerals development
MDC10: Restoration within airfield safeguarding areas

REPRESENTATIONS:

Ashton Keynes Parish Council – No Objection

- The Parish Council note that this is the second request and would expect no further extensions.

Letters – None Received

ISSUES:
The main considerations which are material to the determination of this application are listed below:

- Principle
- Neighbouring Amenities
- Highways

PLANNING ASSESSMENT:

Principle:

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.

The acceptability of the development proposed is established under both the principal permission issued which has been commenced and so implemented and the subsequent extension in 2022. These are live and remain material considerations of substantial weight. Indeed as is evidenced by the proposed variation now sought development as approved is nearing completion. The proposed additional time sought to complete the development relating to the site restoration is not considered excessive and sound reasoning has been provided as to why the restoration process should be tied into the residential development associated with the site.

As such the proposed variation is considered acceptable in principle and no conflict with the development plan is considered to arise in this respect.

Neighbouring Amenities:
The proposals in respect of activities being undertaken do not vary from those already approved, the variation is solely in respect of the time frame for restoration of the site in accordance with approved details.

The time frame and proposed variation of condition; *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.* Is not considered to be excessive and is tied in with the residential development and as per the agreed restoration plan, once areas are completed they will move into the aftercare phase to ensure seeding and planting continue as planned.
No objections have been received from members of the public and the local parish council also offers no objection to the proposed
Given the site circumstances and all material considerations, it is not considered that significant harm arises to existing and future residential amenities such that the application should be refused on this basis.

Highways
As with respect to residential amenities, 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.

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:
Approve 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.