

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 18/06840/WCM

Agent David Jarvis Associates Limited 1 Tennyson Street Swindon Wiltshire SN1 5DT	Applicant M C Cullimore (Gravels) Limited Netherhills Whitminster Gloucestershire GL2 7PD
Particulars of Development: Southern extension of sand and gravel extraction with restoration using site derived and imported inert material to a combination of wildflower meadow, seeded grassland and new hedgerow planting, with attenuation pond	
At: Whetstone Bridge Quarry, Down Ampney, Wiltshire, SN6 6LH	

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:

- 1 The development shall commence within three years from the date of this permission. Written notification of the date of commencement of development shall be sent to the Minerals Planning Authority within seven days of such commencement.

REASON: In order to comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall cease extraction and be fully restored in accordance with the approved restoration scheme within 5 years of the date of commencement as notified in condition 1 of this consent.

REASON: To accord with the terms of the planning application and In order to ensure the timely completion of the mineral extraction and site restoration in the interests of amenity.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans (insofar as they relate to the red-edged application site, and so land within the county of Wiltshire):

1787-4-4-2-DR0003 P2 (Phase 3 Extraction) dated Aug 2019
1787-4-4-2-DR0004 P2 (Phase 8 Extraction) dated Aug 2019
1787-4-4-2-DR0005 P2 (Phase 7 Extraction) dated Aug 2019
1787-4-4-2-DR0006 P2 (Phase 7 and 8 Restoration) dated Jun 2019
1787-4-4-2-DR-0009 P2 (Revised Restoration - increased inerts) dated Jun 2019
Surface Water Drainage Strategy and related drawing no. WHETGW1906-1B by
GWP dated 10 Jun 2019

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

- 4 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 5 The development hereby permitted is subject to an annual production limit of not more than 125,000 tonnes of sand and gravel over a 3 year period and not exceeding a total extraction of 300,000 tonnes of sand and gravel.

REASON: To accord with the terms of the planning application and in the interests of amenity.

- 6 The total quantity of inert material imported into the site for the restoration of the site shall not exceed 137,000 cu m, comprising only wholly inert, uncontaminated freely draining top-soils and sub-soils.

REASON: To comply with the terms of the planning application and to ensure effective surface water drainage.

- 7 From the date of this permission a written record shall be kept by the operator, showing the annual amount of sand and gravel extracted, and that record shall be made available to the Mineral and Waste Planning Authority at all reasonable times.

REASON: In the interests of amenity and to ensure the limits on extraction set out in this planning permission are not exceeded.

- 8 Operations authorised by this permission shall only be carried out on site between the following hours:

07:00 to 18:00 Mondays to Fridays
07:30 to 13:00 Saturday

There shall be no working on Sundays or Bank or National Holidays.

REASON: To safeguard the amenities of the area.

- 9 No maintenance of plant and machinery shall be carried out except between the hours of 07:00 to 18:00 Monday to Friday (inclusive) and the hours of 07:00 to 13:00 on Saturdays and no such working shall take place on Sundays, Public or Bank Holidays.

REASON: To safeguard amenity.

- 10 No loaded lorries shall enter or leave the site un-sheeted except those only carrying materials in excess of 500mm in any dimension.

REASON: In the interests of highway safety.

- 11 Wheel cleaning of all goods vehicles and machinery leaving the site shall be carried out for the duration of all operations at the site using the 'MobyDick Conline KIT Flex 400MB' equipment proposed as part of the development.

REASON: To ensure that mud and earth deposits are not brought onto the public highway in the interests of highway safety.

- 12 No mud, debris or materials shall be deposited on the highway from commercial vehicles entering or leaving the site.

REASON: In the interests of highway safety and to prevent mud, debris and materials getting on the highway.

- 13 All operations at the site shall be carried out strictly in accordance with the 'Mitigation Measures' set out in the Noise Monitoring and Management Plan by Vibrock, dated 25 February 2016.

REASON: To protect the amenities of residents and the local environment.

- 14 Measures to manage dust arising from the development shall be implemented for the duration of the development fully in accordance with the Dust Management Plan by DustscanAQ dated January 2020.

REASON: To protect the amenity of the local environment.

- 15 Prior to the commencement of extraction, either - details of a weighbridge, to be installed at the site - or the details of any existing weighbridge at Whetstone Bridge Quarry North to be retained, shall be submitted to and approved in writing by the Minerals and Waste Planning Authority. The weighbridge shall then be installed and/or retained in accordance with those details, also before mineral extraction operations commence. The weighbridge shall then be used and maintained thereafter in accordance with the approved details for the duration of the operations at the site.

REASON: In order that the Mineral and Waste Planning Authority can monitor the site in the interests of the amenities of the area.

- 16 All plant, machinery and structures shall be removed from the site either within 3 months of the final completion of the site's restoration or within 2 years of cessation of minerals extraction, whichever is the sooner.

REASON: To ensure the removal of plant, machinery and structures in the interests of the amenities of the area.

- 17 Archaeological investigation shall be carried out in accordance with the 'Project specification for an archaeological recording action Wiltshire extraction area' report by Thames Valley Archaeological Services, dated 10/12/19. This will include the 'Post fieldwork assessment', 'Post-excavation analysis and archive preparation' and 'Publication and dissemination' stages, as referred to in the report.

REASON: In order that the development is undertaken in an acceptable manner, to

enable the recording of any matters of archaeological interest.

- 18 There shall be no stock-piling of any materials (including extracted materials or fill material) on the application site.

REASON: The application site lies within a flood plain. The function of the flood plain to store water must not be inhibited or restricted as a consequence of stock-piling, and to so prevent flooding in the wider area.

- 19 A cut off barrier shall be installed and maintained for the life of the quarry in accordance with the 'Construction details for the proposed cut-off barrier' by GWP (Report no. 191214) dated 16/12/19, and drawing nos. WHETGW1912-1-A and -2-A dated 16/12/19. At the end of the quarry's life the cut-off barrier shall be removed as part of the site's restoration.

REASON: To prevent the effects of dewatering from extending beyond the site boundary in the interests of the wider environment.

- 20 Prior to the restoration/top-soiling of each phase of the site, an updated run-off assessment shall be completed taking into account the materials actually deposited in that phase and the permeability thereof. If necessary, a Runoff Management Plan shall be developed to account for any changes in the expected runoff and interflow relative to that specified in the original Surface Water Drainage Plan. The assessment shall be submitted to the Mineral Planning Authority for written approval and the approved scheme implemented in full.

REASON: To prevent increases in flood risk.

- 21 On completion of the monitoring programme a final report demonstrating that any unacceptable impacts to the aquifer have been mitigated for and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure that appropriate mitigation has been completed to protect groundwater.

- 22 Within 1 month of completion of the final restoration phase, a topographical survey of the site shall be submitted to the Mineral Planning Authority, along with cross sectional drawings where necessary, to demonstrate that there is no net rise of ground levels as a result of the mineral extraction and restoration. In the event that a net rise in ground levels has occurred, the applicant shall within 3 months of this submit a scheme showing additional groundworks to be undertaken to rectify the net rise in ground levels along with a timescale for completion. Upon approval by the Mineral Planning Authority the scheme shall thereafter be implemented.

REASON: To ensure flood risk is not increased as a result of the mineral extraction, and that restoration is in accordance with the approved scheme.

- 23 Prior to commencement of the first restoration phase of the development hereby approved, an Ecological Mitigation and Enhancement Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This can be based on the elements shown in the current final restoration plan but must also include -

- Mitigation where required for all habitats and species within or adjacent to the site, that will be affected by the proposed works, (this should be based on updated ecological survey of the site where necessary to inform the situation at the time);

- measurable enhancements for biodiversity in the form of habitat restoration and creation, over and above the original baseline conditions within the site.
- retention and augmentation of habitat connectivity within the site and to ecological networks in the wider landscape area.

The Plan shall be implemented as approved.

REASON: To achieve bio-diversity enhancement in accordance with the National Planning Policy Framework.

- 24 Prior to commencement of the first restoration phase of the development hereby approved, a Landscape and Ecological Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This must demonstrate how management prescriptions will conserve and enhance the site for biodiversity. It will include a monitoring element and a mechanism for updating the management prescriptions based on the monitoring results, together with stated responsibilities for carrying out management and monitoring. The Plan shall be implemented as approved.

REASON: To achieve bio-diversity enhancement in accordance with the National Planning Policy Framework.

- 25 Prior to commencement of the development hereby approved a suite of pre-commencement ecology surveys shall be carried out for protected species within the site, and the results used to inform an Ecological Construction Method Statement, which must be submitted to and approved in writing by the Local Planning Authority. The Ecological Construction Method Statement shall then be implemented throughout the life of the development.

REASON: The current suite of ecological surveys supporting this application is now more than three years old and therefore do not reflect the current ecological status of the site or the habitats and species it supports.

- 26 No hedgerow, tree or shrub removal or soil stripping works shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period has been undertaken and a method of working to protect any nesting bird interest found is established and then implemented.

REASON: To ensure that wild birds building or using their nests are protected.

- 27 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Mineral and Waste Planning Authority for, a mitigation and remediation strategy detailing how this unsuspected contamination shall be dealt with and thereafter the scheme shall be implemented as approved.

REASON: To protect controlled waters.

- 28 **INFORMATIVE TO APPLICANT:**
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

Signed

Sam Fox

Director Economic Development & Planning

Dated: 01 June 2021

Town and Country Planning Act 1990
PERMISSION FOR DEVELOPMENT
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.

In particular the applicant is reminded of the following matters:-

- 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>). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

Appeals where an enforcement notice has been issued. Article 33 (2) (b) & (c) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, provides that a shorter time limit to appeal to the Secretary of State shall apply where an enforcement notice has been served, as follows:-

'Type A appeal', 28 days from— the date of the notice of the decision or determination giving rise to the appeal; or

expiry of the specified period;

'Type B appeal', 28 days from the date on which the enforcement notice is served;

['Type A appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) was served no earlier than 2 years before the application is made;

(b) was served before— (i) the date of the notice of the decision or determination giving rise to the appeal; or (ii) the expiry of the specified period; and

(c) is not withdrawn before the expiry of the period of 28 days from the date specified in sub-paragraph (b);

'Type B appeal' means an appeal in respect of an application relating to land and development which are the same or substantially the same as the land and development in respect of which an enforcement notice—

(a) is served on or after— (i) the date of the notice of the decision or determination giving rise to the

appeal, or (ii) the expiry of the specified period;

(b) is served earlier than 28 days before the expiry of the time limit specified— (i) in the case of a householder appeal, in paragraph (2)(a) of the Order; or (ii) in any other case, in paragraph (2)(d) of the Order; and

(c) is not withdrawn before the expiry of the period of 28 days from the date on which the enforcement notice is served.]”

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** There is now a fee for applications to discharge planning conditions, details of which are set out on the Council’s website. The fee is payable per request and not per condition. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the local planning authority has up to 12 weeks to consider the request, that you apply well in advance of when you intend to start work
6. **Street naming and numbering.** If this permission relates to the creation of new dwellings/commercial units or conversion of buildings into dwellings/commercial units, you are required to apply for street naming and numbering to ensure that the new buildings are allocated accurate addresses and registered with the Royal Mail. Relevant application forms, guidance notes and fee sheets are available to download at <http://www.wiltshire.gov.uk/planninganddevelopment/streetnaming> or you can contact the Address Information Team on 01225 770508 or by email at streetnaming@wiltshire.gov.uk
7. **Informative** There is a legal duty of care incumbent on the customer and contractor that all commercial waste generated as a result of the works hereby authorised is safely contained, transported and disposed of lawfully in line with the Environmental Protection Act 1990 and Environmental Permitting Regulations 2016 (as well as any other related legislation). Failing to do so can lead to individuals or organisations being prosecuted for unlawful waste management.