

Town & Country Planning Act 1990

Notification of Minerals and Waste Application

Application Reference Number: 19/00380/WCM

Agent Mr Robert Storey A1 Omega Park Electron Way Chandlers Ford SO53 4SE	
Particulars of Development: Variation of conditions 1 & 2 of permission 18/06009/WCM to revise restoration levels within Area A in order to improve surface water management	
At: Brickworth Quarry, Whiteparish, Wilts, SP5 2QE	

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 hereby permitted shall be limited to a period of eleven years from the date of notification of commencement of the development - which was 11 August 2017 (Raymond Brown Quarry Products letter) - by which time extraction/tipping operations shall have ceased and the site shall have been restored in accordance with Drawing Nos. B19/RBA/2/09/J dated 10/01/19, B19/RBA/2/28/B dated 10/01/19 & B19/RBA/2/29/B dated 10/01/19.

REASON: To ensure development is carried out in accordance with 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:

- Drawing Ref: BRCKPLAN1608 Drawing No 7 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 8 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 9 C dated 12.09.2016

- Drawing Ref: BRCKPLAN1608 Drawing No 10 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 11 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 12 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 13 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 14 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 15 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 16 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 17 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 18 B dated 12.09.2016
- Drawing No. B19/RBA/2/09 J dated 10/01/19
- Drawing No. B19/RBA/2/28 B dated 10/01/19
- Drawing No. B19/RBA/2/29 B dated 10/01/19
- Drawing No. B19/RBA/2/30 dated 26/03/19 (Interim Drainage Scheme for Phase 2)
- Drawing BO. B19/RBA/2/14 dated 25/05/16 (received by the lpa 06/09/18)

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

- 3 The development shall be carried out strictly in accordance with the Written Scheme of Investigation for a Programme of Archaeological Work during Sand Extraction prepared by Terrain Archaeology (Document No. 3455/0/1 June 2016, revised April 2017) and submitted under lpa reference 16/09386/WCM.

REASON: To enable sites of archaeological interest to be adequately investigated and recorded.

- 4 The development shall be carried out strictly in accordance with the Construction Environment Management Plan dated June 2017 prepared by Raymond Brown Quarry Products and submitted under lpa reference 16/09386/WCM.

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

- 5 The development shall be carried out strictly in accordance with the Landscape and Ecological Management Plan (Incorporating Landscape Specifications, After-care Proposals and a 20 Year Management Plan for the restoration of the existing and proposed quarry workings to commercial forestry and agriculture) dated June 2017 prepared by Ward Associates and Corylus Planning & Environmental Ltd and submitted under lpa reference 16/09386/WCM.

REASON: To provide a reliable process for aftercare and remedial measures to ensure the protection and survival of important protected and notable species and features of nature conservation importance.

- 6 The development shall be carried out strictly in accordance with the Water Environment Protection Scheme dated June 2017 prepared by Raymond Brown Quarry Products and submitted under lpa reference 16/09386/WCM.

REASON: Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment. In this case the proposal poses a threat to water quality because of the location within SPZ3 of Woodgreen PWS, the proximity to the Drinking Water Protected Area Groundwater Safeguard Zone, two private water abstractions down gradient of the site. and Carbonne SSSI which receives spring flow when the watertable is elevated.

- 7 Nothing other than inert waste shall be imported into the site and used in the restoration of the site.

REASON: Waste materials outside these categories raise environmental and amenities issues which would require consideration afresh.

- 8 No operations authorised by this permission shall take place outside of the following times:

Soil stripping and overburden removal: Monday - Friday 07.30 - 17.00

Mineral extraction and infilling: Monday - Friday 07.30 - 17.00 and Saturday 07.30 - 12.00

Plant processing operation: Monday - Friday 07:00 - 19:00 and Saturday 07:00 - 13:00

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

The plant processing operation shall only take place within the 'Plant Site and Stocking Area' as shown on drawing no. B19/RBA/2/14 ('Exisitng Site Context' plan (revised)) dated 25/05/16 and received by the lpa 06/09/18.

REASON: To protect local amenity.

- 9 During the permitted working hours the freefield equivalent continuous noise level (LAeq, 1 hour) for the period due to mineral extraction and waste importation and depositing operations shall not exceed 55dB as recorded at the boundary of the nearest inhabited property.

REASON: To safeguard the amenity of local residents.

- 10 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.

- 11 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.

- 12 The Dust Assessment and Dust Control Management Scheme prepared by DustScan Ltd dated September 2016 shall be implemented from the date of commencement of the development and shall be complied with at all times for the duration of the development hereby permitted.

REASON: To protect the amenities of the locality from the effects of any dust arising from the development.

- 13 All vehicles shall enter and leave the site via the existing junction onto the A36 Brickworth Corner and no other point.

REASON: In the interests of highway safety and to protect the amenities of the local area.

- 14 Except for sand, 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.

- 15 No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level.

REASON: In the interest of landscape character.

- 16 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.

- 17 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 forestry and agriculture 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 afteruse.

- 18 In the event of a cessation of winning 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 afteruse.

- 19 No external lighting shall be installed on site within the Plant Site & Stocking Area 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 Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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, this in view of the longer hours

of operation of the Plant Site & Stocking Area granted by this planning permission.

- 20 The drainage elements of the development hereby approved shall be initially carried out in accordance with drawing no. B19/RBA/2/30 dated 26/03/19 (Interim Drainage Scheme for Phase 2) and not drawing no. B19/RBA/2/28B dated 07/01/19 (Area A: Revised Landform and Drainage Design).

Within 2 years of the date of this planning permission infiltration testing to BRE 365 on, or close to, the indicated site for a soakaway as shown on drawing no. B19/RBA/2/28B shall be carried out. The testing shall inform the design of the soakaway (or any other means of managing the surface water), and the test results and the design shall be submitted to the local planning authority for approval in writing. The soakaway (or other means of managing surface water) shall then be provided as approved within 12 months of the date of approval. The soakaway shall be retained thereafter in working order.

REASON: The application provides insufficient information to demonstrate the workability of the indicated soakaway at this time, and this information is required to ensure the development does not increase the risk of flooding from surface water in the locality. A delayed approach to delivering a final drainage solution is agreed in view of the site constraints highlighted by the applicant at this time.

- 21 INFORMATIVE:
The Operators will need to consider installing a geological liner to at least 1x10⁻⁷m/s, the required specification for an inert landfill. The issue of engineering specifications will be considered as part of the pre-application/permitting stage and a Condition for both the engineering standards, and the submission of an HRA will be controlled through the Permit. An application for a new Permit, or a Variation to the existing Permit will be required to undertake any further landfilling operations outside the current Permitted Area.

Signed

Alistair Cunningham

Corporate Director

Growth, Investment, & Place

Dated: 07 June 2019

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 as 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.