

MINERALS AND WASTE APPLICATION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/02066
APPLICATION TYPE:	Removal or Variation of a Condition
SITE ADDRESS:	Dairy Farm Quarry, Ashton Road, Ashton Keynes, SN6 6PA
DEVELOPMENT DESCRIPTION:	Variation of condition 1 of 19/06811/WCM to extend mineral and inert cessation dates and restoration requirements by two years
RECOMMENDATION:	Variation of condition 1 be APPROVED

PROPOSAL

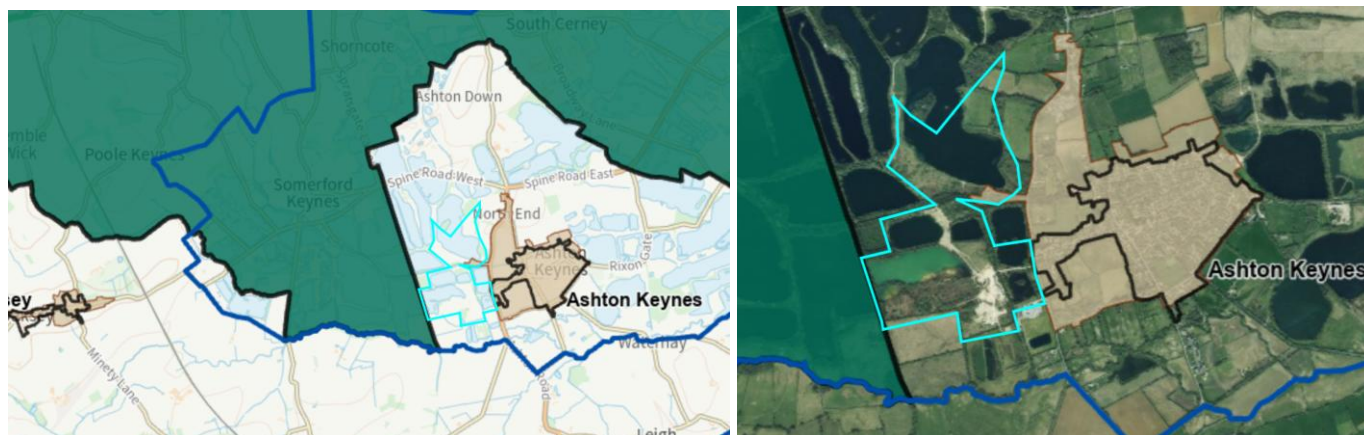
PL/2023/07536 approved 'Variation of condition 1 of 19/06811/WCM to extend mineral and inert cessation dates and restoration requirements by two years' on 20.03.2024 subject to 18 conditions.

This application has similarly been submitted under Section 73 (S73) of the Town and Country Planning Act (TCPA), which provisions material amendments to a scheme by varying or removing conditions associated with a planning permission, with a request to vary condition 1 of 19/06811/WCM to extend mineral and inert cessation dates and restoration requirements by a further two years.

The request does not introduce changes that would alter the broad scope of the approved development.

SITE DESCRIPTION

The application site forms part of a wider mineral estate that has historically supplied sand and gravel, together with associated recycling and concrete batching operations; within the Upper Thames Valley 'Mineral Resource Zone' as defined in the Wiltshire and Swindon Minerals Core Strategy.



Figures 1 & 2: map & aerial view of site (blue), framework boundary (black), neighbouring authority (green), water park (navy) & CA (brown)

The site is in open countryside for planning purposes, west of the Ashton Keynes development framework boundary, and east of the Cotswolds authority boundary. The site benefits from being within the Ashton Keynes Neighbourhood Development Plan (NDP) area.

The Ashton Keynes Conservation Area (CA) is directly east of the site, part of the wider site is within the Cotswold Water Park Site of Special Scientific Interest (SSSI), and the full site is within the Cotswold water park boundary. The site benefits from existing vehicular access via a surfaced haul road from classified 'B4696' and there are existing Public Rights of Way (PRoW) running through the northern part of the site.

RELEVANT PLANNING HISTORY

Recent planning history associated with the red line of the site (inter alia):

- N/08/07019/FCM 'Recycling of Inert Construction and Demolition Wastes', was approved on 22.07.2009. This was a temporary planning permission, with an end date of 22 July 2012
- 19/06811/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' was approved on 15.10.2019
- PL/2023/07536 Variation of condition 1 of 19/06811/WCM to extend mineral and inert cessation dates and restoration requirements by two years was approved on 20.03.2024

Relevant planning history in proximity to the site (inter alia):

Whetstone Quarry:

- PL/2025/03084 Variation of Conditions 2 and 6 of Planning Permission 18/06840/WCM (for Southern extension of sand and gravel extraction with restoration using site derived and imported inert material) to extend the duration for completing site restoration to 31 December 2029 and to update the description of inert material to align with that in the Environmental Permit is pending determination.

CONDITION(S) REQUESTED TO BE VARIED / REMOVED

Condition 1	
19/06811/WCM Condition:	Requested change:
The activities authorised by this permission shall cease and all associated plant, machinery and stockpiles of processed or unprocessed material on the site shall be removed from the site on or before 31 October 2025. REASON: To accord with the terms of the application and in order to ensure the timely final completion of the mineral extraction and site restoration in the interests of amenity.	The activities authorised by this permission shall cease and all associated plant, machinery and stockpiles of processed or unprocessed material on the site shall be removed from the site on or before 31 October 2027. REASON: To accord with the terms of the application and in order to ensure the timely final completion of the mineral extraction and site restoration in the interests of amenity.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Though considered as a whole, applicable Development Plan policies are listed below along with relevant legislation and guidance.

Wiltshire and Swindon Minerals Core Strategy (MCS)

- MCS1: Meeting the Needs for Primary Aggregate Minerals
- MCS7: Flooding
- MCS 8: Living with Minerals Development
- MCS 9: Strategic Approach to Managing Minerals Transportation
- MCS 10: Strategic Approach to Restoration and After-use of Mineral Sites

Wiltshire and Swindon Minerals Development Control (MDC)

- MDC1: Key Criteria for Sustainable Minerals Development
- MDC2: Managing the Impacts of Minerals Development
- MDC3: Managing the Impact on Surface Water and Groundwater Resources
- MDC5: Protection and Enhancement of Wiltshire and Swindon's Landscape Character
- MDC6: Biodiversity and Geological Interest
- MDC8: Sustainable Transport and Minerals Development
- MDC9: Restoration, Aftercare and After-Use Management of Minerals Development

Wiltshire and Swindon Waste Development Control (WDC)

- WDC1: Key Criteria for Ensuring Sustainable Waste Management Development
- WDC2: Managing the Impact of Waste Management
- WDC3: Water Environment
- MDC4: Protection of Recreational Assets
- MDC5: Canal and Railways
- MDC6: Airfield Safeguarded Areas
- MDC7: Conserving Landscape Character
- MDC8: Biodiversity and Geological Interest
- MDC9: Cultural Heritage
- MDC10: Restoration of Waste Management Sites

Wiltshire Core Strategy (WCS)

- CP1: Settlement Strategy
- CP2: Delivery Strategy
- CP13: Spatial Strategy for the Malmesbury Community Area
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP54: Cotswold Water Park
- CP55: Air Quality
- CP57: Ensuring High Quality Design and Place Shaping
- CP62: Development Impacts on the Transport Network
- CP67: Flood Risk

Ashton Keynes Neighbourhood Development Plan (NDP)

- INP2: Road and Pedestrian Safety

- ENP1: Protection of Biodiversity and Wildlife Sites
- ENP3: Enhancing the Landscape Character of the Parish and Retaining the Character of the Village Including the Tranquility of its setting

[Cotswold Water Park Visual and Implementation Plan](#)

[Cotswold Water Park Nature Recovery Plan](#)

[National Planning Policy Framework \(NPPF\)](#)

[Planning Policy Guidance \(PPG\)](#)

ISSUES

The primary issue in the consideration of this application is whether planning permission should be granted subject to conditions differing from those originally attached to 19/06811/WCM

In the context of the application site being a working quarry and landfill site, the following planning matters will form part of that assessment:

- Principle of Development and Justification
- Amenity, Highways and Environmental Impacts

CONSULTATION AND REPRESENTATIONS

[Ashton Keynes Parish Council: No Objection](#)

[Public:](#)

A site notice was placed in a publicly accessible location near the application site on 29.04.2026. At the time of writing, 1 public representation of objection has been received raising concerns relating to heavy traffic movements, noise, dust, and impact on the SSSI and Cotswold Water Park.

Concern was also raised as part of that representation that neighbour letters were not sent to all occupiers of dwellings in proximity to the site; for the avoidance of doubt, the application has been publicised inline with the Councils Statement of Community Involvement and the consultation process requirements set out in Article 15 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

ASSESSMENT

[Principle of Development and Justification](#)

Policy MCS1 of the MCS states that provision will be made within the Minerals Resource Zones for land to meet the demand for sand and gravel in accordance with national policy. As a matter of principle, extraction of the remaining sand and gravel from the site complies with the policy.

On waste disposal, similar broad principles apply; however, the 'in principle' support must be read in the context of an expectation for timely delivery of both extraction and restoration. Policy MCS10 states that timely delivery is a primary consideration and explanatory paragraphs with Policy MCS10 note that, unlike many other forms of development, mineral extraction is a temporary land use; but, which can still potentially have a significant impact on the environment.

The supporting text at 5.91 states *'[...] An important way of minimising the impact of mineral extraction is to ensure that sites are worked in a phased manner and restored at the earliest opportunity to a beneficial after-use'*. 5.101 acknowledges that *'However, it is accepted that restoration schemes should contain a degree of flexibility so they can be amended in the future if circumstances change. The aim should be to achieve phased restoration to minimise the area of land disturbed and the total period of working [...]'*

In line with the aims of MCS10, condition 1 of 19/06811/WCM seeks to ensure the timely final completion of the mineral extraction and site restoration in the interests of amenity by placing a requirement on when the activities authorised shall cease (and for when all associated plant, machinery and stockpiles of processed or unprocessed material on the site shall be removed). Application PL/2023/07536 extended that cessation date to 31.12.2026

It is noted that there have been incremental extensions to the cessation date that the officers report associated with application PL/2023/07536 indicated that *any further extension requests in future would unlikely receive support from the LPA given that it would be important to restore the site in an orderly and timely manner as approved*. Notwithstanding, that the justification for the requested further extension under this application is different to that which was put forward under PL/2023/07536, it doesn't follow that the justification put forward under that previous application is the only justification which would be accepted. The central issue remains as to whether the further two-year extension has been justified and would be reasonable.

The submission has included justification for the new request in the provided 'planning statement' and further clarification was sought and provided on 24.04.2026 and 06.05.2026, which includes confirmation of how the extended cessation date would align with the phased operations at Whetstone Quarry, allowing Dairy Farm Quarry to continue operating as a central processing and support site whilst the remaining mineral at Whetstone is worked out.

On this occasion, having regard not only to the detail provided under this application but also that which is being assessed under pending application PL/2025/03084 at Whetstone Quarry, it is accepted that the mineral operations at both sites have some degree of interconnection. As such, that the delays at Whetstone Quarry have been demonstrated to be largely from factors outside of the operator's control, those factors are a material consideration for this application.

Broadly, given that the request for further extension to the cessation date at Dairy Farm (until 31.10.2027) has been proposed to align with the timelines at Whetstone Quarry, the requested timescale is considered to be rational and indicates the clear intention of a progressive wind-down of operations at Dairy Farm.

Overall, it is accepted that the delays at Whetstone Quarry have had knock-on effects at Dairy Farm Quarry to such a degree that those delays are understood to be sufficient justification for the cessation condition to be further extended to 31 October 2027. Whilst detailed interim milestones are not proposed to

be secured through this application, the extended end date is considered proportionate and reasonable and, importantly, would not undermine the approved restoration scheme.

Amenity, Highways and Environmental Impacts

There has been a public objection raised regarding the impact on amenity, highway safety, and the environment; these concerns are noted and, similar to the 2023 application, remain material considerations.

It is acknowledged that extending the cessation date further will result in an extended period where impacts of the operations will continue; however, the proposal does not seek to intensify operations or alter approved working practices and as such the nature of operations would remain unchanged and environmental and highways protection would continue to apply.

Existing conditions controlling noise, dust, traffic, hours of operation and environmental protection would similarly continue to apply and, there are separate measures in place under the Environmental Protection Act 1990 to enable complaints regarding noise etc to be investigated.

Taking fully into account that the proposed extension is temporary and finite, and that there are measures in place to protect neighbouring amenity, highway safety and environmental impacts, the reasons for the requested extensions is sufficient justification to weigh in favour of the scheme.

PLANNING BALANCE AND CONCLUSION

Application 19/06811/WCM was granted permission on 14.10.2019 subject to conditions.

Application PL/2023/07536 was granted permission on 20.03.2024 subject to conditions

The request under this application is for condition 1 of 19/06811/WCM to be varied, no conditions are being requested for removal; all conditions associated have, nonetheless, been reviewed as part of this application.

It is recommended that temporary permission is granted to reflect the following conditions attached to PL/2023/07536:

Conditions of PL/2023/07536	Remove / Vary?
1: Cessation	Amend to 31 October 2027
2: Approved plans	Remains relevant
3: Restoration (1)	Remains relevant
4: Landscaping	Remains relevant
5: Noise attenuation	Remains relevant
6: Restriction near waterbodies	Remains relevant
7: Soil (1)	Remains relevant

8: Soil (2)	Remains relevant
9: Soil (3)	Remains relevant
10: Mineral working	Remains relevant
11: Hours of operations	Remains relevant
12: Storage tanks	Remains relevant
13: Restoration (2)	Remains relevant
14: Stockpiling	Remains relevant
15: Means of access	Remains relevant
16: Dust	Remains relevant
17: Vehicles etc maintenance	Remains relevant
18: PD removal	Remains relevant

RECOMMENDATION:

That temporary planning permission be GRANTED subject to the following conditions:

- 1 The activities authorised by this permission shall cease and all associated plant, machinery and stockpiles of processed or unprocessed material on the site shall be removed from the site on or before 31 October 2027.

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

- 2 The development hereby permitted shall be carried out in accordance with the details in planning application no. N.00.0930.FCM, the statement of further information (dated July 2000), and Plan nos. CU151/1, CU151/4 Rev A, CU151/5 Rev A, CU151/6 Rev A, CU151/8, CU151/9, CU9604/Fig2 Rev B, CU9604/Fig4 Rev B1, CU9604/Fig11, CU9604/Fig3 Rev B, CU9604/Fig14, and CU9604/Fig12.

REASON: To enable the Minerals Planning Authority to adequately control the development and for the avoidance of doubt.

- 3 The site shall continue to be progressively restored and provided with aftercare in accordance with the 'Submission of Details Required Under Conditions 2, 3 and 5' (of N.00.930.FCM) by David Jarvis Associates dated 28/07/14.

REASON: To ensure that the site is restored in an orderly manner to a condition suitable for the agreed afteruse, and to ensure that the reclaimed land is correctly husbanded and to bring the land to the standard required for the agreed afteruse.

- 4 The agreed scheme of landscaping under condition no. 3 for each phase of the restoration shall be carried out in the first available planting/seeding season coinciding with or immediately following completion of the phase, whichever is the sooner, and shall be maintained thereafter. Within five years of planting, any trees, shrubs or plants

that die, become diseased, are removed or damaged, shall be replaced in the first available planting season with others of a similar size and species.

REASON: To ensure that the restored land is correctly husbanded and to bring the land to the standard required for the agreed after use.

- 5 The approved detailed scheme and delivery/retention/removal programme for the noise attenuation bund referred to in the Noise Survey and Assessment Report by WBM Acoustic Consultants dated 14 December 2014 shall be carried out in accordance with the following documents: (i) Condition 5 – Planning Permission 19/006811/WCM' note by David Jarvis Associates; (ii) Drawing no. DR-0001 S1-P1 dated 10/11/2020 The noise attenuation bund shall thereafter be delivered/retained/removed in accordance with the approved scheme and programme.

REASON: To safeguard the amenities of the area from noise disturbance and to ensure the 6 development is carried out in accordance with the application particulars.

- 6 This permission shall not authorise the extraction of sand and gravel within -
- (a) 10 metres of the River Thames as measured from the top of the southern bank; and
 - (b) 3 metres of the Ashton Back Stream.

Details of any change to the pumping and de-watering arrangements shall be submitted for prior written approval by the Minerals Planning Authority.

REASON: To safeguard amenity of adjoining land and ensure the limits of development are observed.

- 7 Topsoil, subsoil and overburden shall be separately stripped and stored at the site.

REASON: To prevent damage to soil resources.

- 8 No topsoil or subsoil shall be sold or otherwise removed from the site.

REASON: To enable the Minerals Planning Authority to adequately control the works.

- 9 Soils shall only be handled under sufficiently dry conditions when topsoil is in a dry and friable condition (soil drier than its lower plastic limit).

REASON: To prevent damage to soil resources.

- 10 There shall be no mineral working below the base of the sand and gravel deposit and the top of the underlying clays.

REASON: To enable the Mineral Planning Authority to adequately control the development and for the avoidance of doubt.

- 11 Except in the case of an emergency, no extraction or restoration operations or activities authorised or required by this permission, other than environmental monitoring, essential maintenance and water pumping, shall be carried out other than during the following hours:-

7.00 am to 6.00 pm Mondays to Fridays

7.00 am to 1.00 pm Saturdays

No operations or activities other than environmental monitoring and water pumping shall be carried out and no vehicles shall enter or leave the site on Sundays, Bank or Public Holidays.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

- 12 Any oil or chemical storage tank(s) on the site shall be sited on impervious bases and surrounded by oil tight bund walls, the bunded area(s) shall be capable of containing at least 110% of the tank(s) volume and shall enclose all fill and draw pipes.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

- 13 All plant, machinery and site haul roads shall be removed on completion of restoration operations.

REASON: To protect the local amenity of the area and for the avoidance of doubt, and to minimise the risk of pollution to groundwater resources.

- 14 Stockpiling of mineral shall take place only in areas previously agreed with the Minerals Planning Authority and shall be restricted to a height not exceeding 3 metres above original ground level or 86m above ordnance datum (AOD), whichever is the lowest.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

- 15 No means of access other than those approved, either pedestrian or vehicular, shall be constructed into the site. All means of access shall be via the existing access and internal haul road from the B4696.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

- 16 The operator shall provide, implement and maintain suppression measures to minimise the emission of dust from the development hereby authorised. Such measures shall include the water spraying of access and haul roads, to suppress dust in periods of prolonged dry weather.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

- 17 All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications, and shall be fitted with and use effective silencers.

REASON: To protect the local amenity of the area and for the avoidance of doubt.

- 18 Notwithstanding the provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) order 2015 (or any Order amending, replacing or re-enacting that Order), no buildings, fixed plant, mobile plant or machinery shall be installed, erected, modified or placed within the site.

REASON: To protect the local amenity of the area and for the avoidance of doubt.