

MINERALS AND WASTE APPLICATION DELEGATED REPORT

APPLICATION REFERENCE:	PL/2026/02068
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 PL/2023/07538 to retain the concrete batching plant for a further two years to 31 December 2028
RECOMMENDATION:	Variation of condition 1 be APPROVED

PROPOSAL

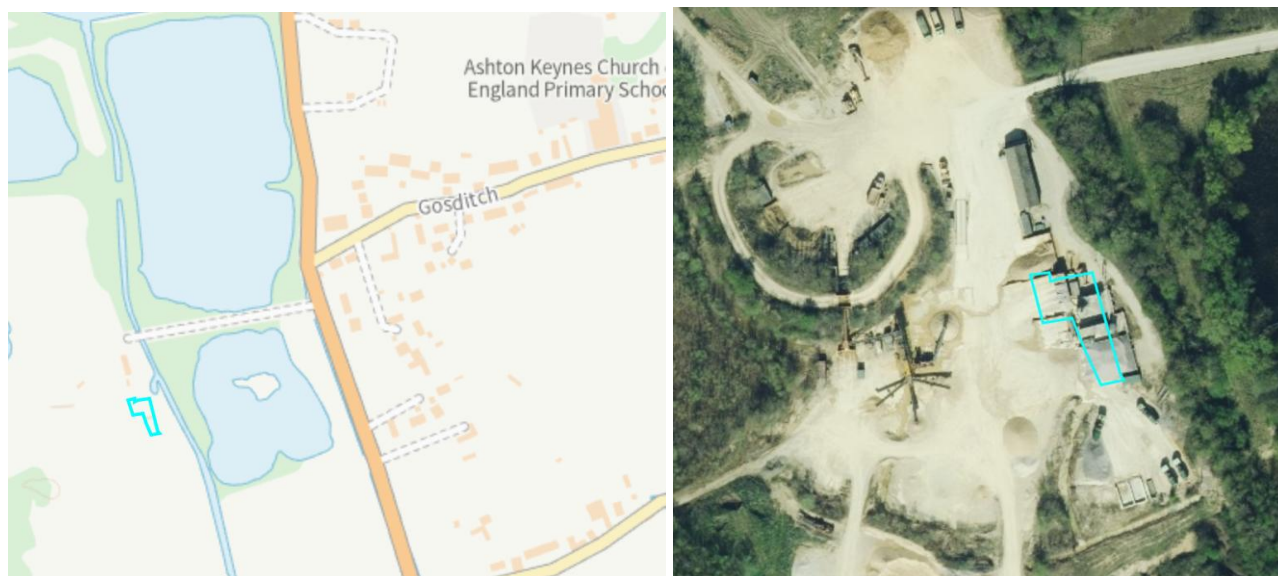
PL/2023/07538 approved 'Variation of condition 1 of 19/07127/WCM to retain the concrete batching plant for a further two years to 31 December 2026' on 20.03.2024 subject to 8 conditions.

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.

Written clarification was received on 17.04.2026 that the 'further two years' should be taken as a request for the date to change to 31 December 2028, the description of development was updated accordingly. 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)

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 east of the site, Cotswold Water Park Site of Special Scientific Interest (SSSI) is in close proximity and the site is within the Cotswold water park boundary. The site benefits from existing vehicular access via a surfaced haul road from classified 'B4696'.

RELEVANT PLANNING HISTORY

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

- 15/08618/WCM approved '*Replacement and relocation of existing concrete batching plant*' on 20.10.2015
- 19/07127/WCM approved '*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*' on 15.10.2019
- PL/2023/07538 approved '*Variation of condition 1 of 19/07127/WCM to retain the concrete batching plant for a further two years to 31 December 2026*' 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	
PL/2023/07538 Condition:	Requested change:
The activities authorised by this permission and all associated plant, machinery and stockpiles of material on the site shall be removed and the site restored in accordance with the restoration scheme approved under permission no. 19/06811/WCM on or before 31 December 2026.	The activities authorised by this permission and all associated plant, machinery and stockpiles of material on the site shall be removed and the site restored in accordance with the restoration scheme approved under permission no. 19/06811/WCM on or before 31 December 2028.
Reason: To ensure the restoration of the site in accordance with a previously agreed scheme to ensure the site is restored to a beneficial after-use in a timely manner.	Reason: To ensure the restoration of the site in accordance with a previously agreed scheme to ensure the site is restored to a beneficial after-use in a timely manner.

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 PL/2023/07538

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

Ashton Keynes Parish Council: No Objection

Councils Highways Team: No Comment

Councils Landscape Team: No Objection

The site/operation is well screened by existing vegetation and there will be no change to the landscape and visual baseline. I therefore have no objections to the extension of time for 2 years.

Councils Public Protection Team: No Objection

We have no record of complaints to the Environmental Control and Protection Team [...] and as such, would not object to this 2 year extension of operations.

REPRESENTATIONS

A site notice was placed in a publicly accessible location near the application site on 29.04.2026. At the time of writing, no public representations have been received.

ASSESSMENT

Principle of Development and Justification

Policy MCS2 of the MCS supports developments that promote and maximise the use of secondary and / or recycled aggregates, directing development to industrial areas, existing/proposed/suitable former minerals developments, or co-locations with existing or proposed waste management facilities.

The site is a concrete batching plant which is an established temporary element of the wider mineral operations at Dairy Farm. The facility has been granted incremental temporary extensions, most recently until 31.12.2026 under PL/2023/07538. This application seeks a further two-year extension for reasons relating to the operational interrelationship between Dairy Farm and other mineral sites in the area – notably Whetstone Quarry.

It is accepted that delays in processing operations at Whetstone Quarry, arising from factors outside of the operator's control, have affected the programme at Dairy Farm; the justification for the requested extension, to allow the continued use of the batching plant during the remaining operational phase, is accepted.

Overall, whilst detailed interim milestones are not proposed to be secured through this application, 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 concrete batching facility to be extended for a further 2 years (until 31.12.2028).

Amenity, Highways and Environmental Impacts

The application does not propose changes to the nature, scale, or frequency of the recycling operations and the facility would remain subject to conditions controlling dust, hours of operation, and noise etc.

Consultation responses from the Councils Highways, Landscape and Public Protection teams resulted in no objections being raised, with the Public Protection team confirming that they have not been in receipt of recent complaints at the site.

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 reason for the requested extensions is sufficient justification to weigh in favour of the scheme.

PLANNING BALANCE AND CONCLUSION

Application PL/2023/07538 was granted permission on 20.03.2024 subject to conditions

The request under this application is for condition 1 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 of PL/2023/07538	Remove / Vary?
1: Temporary permission	Amend to 31.12.2028
2: Approved plans	Remains relevant
3: Vehicles	Remains relevant
4: Floodlighting	Remains relevant
5: Commercial vehicles	Remains relevant
6: Dust	Remains relevant
7: Access	Remains relevant
8: Oils storage	Remains relevant

RECOMMENDATION:

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

- 1 The activities authorised by this permission and all associated plant, machinery and stockpiles of material on the site shall be removed and the site restored in accordance with the restoration scheme approved under permission no. 19/06811/WCM on or before 31 December 2028.

Reason: To ensure the restoration of the site in accordance with a previously agreed scheme to ensure the site is restored to a beneficial after-use in a timely manner.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Plan Ref: 2337/CBP/7 - Option 2 Plant Working Layout, dated Apr 2015
 - Plan Ref: 2337/CBP/8 - Existing and Proposed Option 2 Concrete Batching Plant Elevations, dated Apr 2015
 - Plan Ref: 2337/CBP/9 -Proposed Option 2 Site Layout, dated Apr 2015
 - Plan Ref: 2337/CBP/10 -Proposed Option 2 Concrete Batching Plant Elevations, dated April 2015

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

- 3 Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following periods:

07.00 - 18.00 Monday - Friday
07.00 - 13.00 Saturday

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

Reason: To protect local amenity.

- 4 No floodlighting shall be erected on the site until a scheme of floodlighting has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of the height of the lighting posts, intensity of the lights (specified in lux levels), spread of light, including approximate light spillage to the rear of the lighting posts, any measures proposed to minimise the impact of the floodlighting or disturbance through glare and the times when such lights will be illuminated. Development shall be carried out in accordance with the details so approved.

Reason: To safeguard the amenity of local residents.

- 5 No commercial vehicle using the site shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the public highway.

Reason: In the interests of highway safety and to prevent mud, dust and debris being deposited on the highway.

- 6 Suppression of any dust generated by the development shall be in accordance with the Mitigation measures set out in the 'Dust and Air Quality Assessment' by DustScanAQ dated July 2019.

Reason: To safeguard local amenity.

- 7 Access to and egress from the site shall only be via the approved site entrance onto the B4696.

Reason: In the interests of highway safety.

- 8 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Mineral Planning Authority for approval. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10 per cent. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10 per cent or 25 per cent of the total volume that could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.