



Environment Act 1995

Section 96 and Schedule 13

NOTIFICATION OF DETERMINATION OF CONDITIONS

TO WHICH A MINING SITE IS TO BE SUBJECT

Application Reference Number: 16/05464/WCM

Decision Date: 14 March 2022

Applicant: Hills Quarry Products Ltd
Wiltshire House, County Park Business Centre,
Shrivenham Road, Swindon, SN1 2NR

Particulars of Development: Review of minerals planning conditions - Application for
determination of conditions for mineral site

At: Freeth Farm Quarry, Compton Bassett, Calne, Wiltshire

In pursuance of its powers under the above Act, the Council hereby gives notice in pursuance of the Environment Act 1995 that it has determined the conditions to which this mining site shall be subject specified hereunder:-

Conditions: (36)

- 1 All mineral extraction shall cease within six years of the notified date of commencement, as notified in accordance with condition 2 below.

REASON: To ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development.

- 2 The operator shall provide written notification to the Mineral Planning Authority at least seven days but no more than fourteen days prior to:
- (a) The commencement of the development hereby permitted.
 - (b) The date of commencement of mineral extraction in any phase.
 - (c) The date of completion of mineral extraction in any phase.
 - (d) The completion of mineral extraction.

- (e) commencement of soil placement in any phase;
- (f) completion of each restoration phase;
- (g) completion of final restoration under this planning permission.

REASON: To allow the Minerals Planning Authority to adequately monitor activity at the site and to ensure compliance with the planning permission to minimise the impact upon amenity.

- 3 No mineral shall be exported from the site other than by means of the overland field conveyor as indicated on the approved plans listed under Condition 4 below and no other route.

REASON: To ensure development is carried out in accordance with submitted application and approved details.

- 4 The working, restoration and aftercare of the site shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Application for Determination of Conditions dated 23 May 2016 and proposed working programme and phasing plans submitted in application reference no. 16/05464/WCM as subsequently amended by the applicant's letter and enclosures dated 03 April 2020;

b) The following Approved Plans, insofar as they relate to the 'Site':

639-01-06 Rev A dated March 2018: Freeth Farm Phase 1

639-01-07 Rev B dated Jan 2020: Freeth Farm Phase 2

639-01-08 Rev B dated January 2020: Freeth Farm Phase 3

639-01-09 Rev B dated Jan 2020: Freeth Farm Phase 4

639-01-10 Rev B dated Jan 2020: Freeth Farm Phase 5

639-01-11 Rev B dated Jan 2020: Freeth Farm Phase 6

639-01-12 Rev B dated Jan 2020: Freeth Farm Phase 7

639-01-13 Rev B dated Jan 2020: Freeth Farm Phase 8

639-01-14 Rev D dated Jan 2020: Pre-Development Sections

639-01-15 Rev D dated JAN 2020: Development Sections

640-01-21 Rev E dated Jan 2020: Cross Section at Freeth Farm Cottages.

639-01-21 Rev B dated FEBRUARY 2020: Final Restoration Scheme (including section)

639-01-22 dated Mar 2016: Post Restoration Drainage Plan

639-01-23 dated Jan 2020: Plant Access, Fencing & Staff Parking Plan

c) All schemes and programmes approved in accordance with this schedule of conditions.

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

- 5 Notwithstanding the details shown on the approved plans, no development shall commence until a scheme detailing the provision of a 70.0m buffer/standoff from the boundaries of the nearby dwellings to toe of screen bund has been submitted to and approved in writing by the Mineral Planning Authority. Thereafter the development including the buffer zone shall be implemented in accordance with the approved details.

REASON: To protect the amenity currently enjoyed by the occupiers of adjoining residential properties.

- 6 No development shall commence within the development area indicated until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

- 7 No mineral other than soft sand shall be worked from the site.

Reason: To ensure development is carried out in accordance with submitted application and approved details

- 8 All topsoil, subsoil, overburden or mineral waste shall be permanently retained on site for subsequent use in restoration.

REASON: To ensure the preservation of such materials for use in restoration and landscaping.

- 9 No soils, soil making materials or waste materials of any description shall be imported into the site.

REASON: To ensure development is carried out in accordance with submitted application and approved details.

- 10 No operations other than water pumping and environmental monitoring shall take place outside of the following times:

(a) Phases 1, 2, and 3: Monday - Friday 08.00 hours to 17.00 hours

(b) Phases 4, 5, 6, 7 and 8: Monday - Friday 09.00 hours to 12:00 hours
and
13:00 hours to 16:00 hours

No operations other than environmental monitoring and water pumping at the site shall take place on Saturdays or Sundays or Bank or Public Holidays.

No routine servicing, maintenance or testing of vehicles and machinery shall take place outside the permitted hours.

REASON: To ensure development is carried out in accordance with submitted application and approved details, and to minimise the impact of development upon properties and the local environment.

- 11 Except for temporary operations, the free-field Equivalent Continuous Noise Level, dB LAeq, 1 hour, free field, shall not exceed the Site Noise Limit specified below at each dwelling for routine operations. Measurements shall be corrected for extraneous noise. For temporary operations such as site preparation, soil and overburden stripping, bund formation and final restoration, the free-field noise level due to work at the nearest point to each dwelling shall not exceed the Site Noise Limit specified below at each dwelling. Temporary operations shall not exceed a total of eight weeks in any 12-month period. Records of temporary operations shall be kept by the operator and made available to the Mineral Planning Authority upon request.

Position [1.5 metre receiver height]	Site Noise Limit dB LAeq, 1 hour, free field	
	Routine operations	Temporary operations
Freeth Farm Cottages	47	70
The Freeth (Freeth Farm)	47	70
The Lodge	47	70

REASON: To set appropriate noise limits for the development, to minimise impact of noise on the neighbourhood and ensure development is carried out in accordance with the submitted application and noise impact assessment.

- 12 The 4m high screen bunds adjacent to Freeth Farm Cottages in Phases 5, 6 and 7 shall be constructed in accordance with the bund design and stand-off distances shown on Plan No: 640-01-21 Rev E and timings set out in the working programme and phasing plans referred to in Condition 4 above. The bunds shown on Plan No: 640-01-21 Rev E shall be 4m in height when measured from the original ground level.

REASON: To secure the mitigation measures contained in the Environmental Statement, and to minimise the impact of development upon properties and the local environment.

- 13 No development shall take place until a Noise Management Plan has first been submitted to and approved by the Mineral Planning Authority. The plan shall identify measures for the control of noise emissions associated with the working and restoration of the site, details of continuous monitoring procedure to monitor noise levels at The Freeth, Freeth Farm Cottages and The Lodge and what mitigation would be introduced if not complaint and timescales for implementation and procedures for addressing any complaints. Following its approval, the Plan shall be implemented throughout the duration of the development.

- REASON: To ensure that measures are put in place to control noise emissions and to safeguard the amenity of neighbouring properties.
- 14 Only submersible electric pumps shall be used to dewater the workings.
- REASON: To minimise the impact of development upon properties and the local environment.
- 15 No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.
- REASON: To minimise the impact of development upon properties and the local environment.
- 16 No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or similar or audible alarms whose noise levels adjust automatically to surrounding noise levels.
- REASON: To minimise the impact of development upon properties and the local environment.
- 17 No development shall take place until a Dust Management Plan has first been submitted to and approved by the Mineral Planning Authority. The plan shall identify measures for the control of dust emissions associated with the working and restoration of the site, details of continuous monitoring procedure to monitor dust levels at The Freeth, Freeth Farm Cottages and The Lodge and what mitigation would be introduced if not complaint and timescales for implementation and procedures for addressing any complaints. Following its approval, the Plan shall be implemented throughout the duration of the development.
- REASON: To ensure that measures are put in place to control dust emissions and to safeguard the amenity of neighbouring properties.
- 18 No floodlighting, security lighting or other external means of illumination shall be provided, installed or operated at the site.
- REASON: To secure the mitigation measures contained in the Environmental Statement in the interest of protecting biodiversity and local amenity.
- 19 The Hydrometric Monitoring Scheme dated March 2016 set out in Appendix 4 to the Planning Statement Version 4 dated March 2020 shall be implemented from the date of commencement

of the development and shall be complied with at all times whilst the Site is operational. The water level within the recharge trench will be maintained between 91 and 92.5m AOD to ensure continued transfer of water to the Scheduled Monument and protection of down gradient groundwater levels. Should the Hydrometric Monitoring Scheme detect any significant alteration to the recharge trench water levels or prevailing pattern of water transfer from the Site to the Scheduled Monument via the recharge trench, then the developer shall investigate the cause of alteration and shall within one month submit to the Mineral Planning Authority for approval a detailed scheme for remediation of the impact to achieve the aims of the scheme. The approved remedial measures shall be implemented in accordance with the approved details.

REASON: To minimise the impact of development upon the water environment.

- 20 Fluids will be handled in accordance with the protocol referred to in Paragraph 6.5.3.3.5 of Environmental Statement Chapter 6 Hydrology and Hydrogeology (including Flood Risk) dated May 2016.

REASON: To minimise the impact of development upon the water environment.

- 21 All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Paragraphs 3.9 to 3.13 inclusive of the Planning Statement Version 4 produced by Land & Mineral Management dated March 2020 except as modified by this schedule of conditions.

REASON: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site.

- 22 The stripping, movement, and re-spreading of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

REASON: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site.

- 23 All topsoil and subsoil shall be stored separately and in mounds which shall:
- a) Not exceed 3 metres in height in the case of topsoil, or 5 metres in height in the case of subsoils;
 - b) Be constructed with the minimum amount of compaction to ensure stability and shaped to avoid collection of water in surface undulations; and
 - c) Not be moved subsequently or added to until required for restoration.

REASON: To minimise the structural damage and compaction of the soil and to aid the final restoration of the site.

- 24 Prior to the formation of storage mounds, a scheme for grass seeding and management of all storage mounds that will remain in situ for more than three months shall be submitted for the written approval of the Mineral Planning Authority. Seeding and management of the storage mounds shall be carried out in accordance with the approved details.

REASON: To protect mounds from soil erosion, prevent build-up of weeds in the soil and remove vegetation prior to soil replacement.

- 25 Within three months of completion of soil handling operations in any calendar year, the Mineral Planning Authority shall be supplied with a plan showing:
- (a) The area stripped of topsoil, subsoil and soil making material; and
 - (b) The location of each soil storage mound.

REASON: To facilitate soil stock taking and monitoring of soil resources.

- 26 All undisturbed areas of the site and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from agriculturally noxious weeds. Cutting, grazing or spraying shall be undertaken, as necessary, to control plant growth and prevent the build-up of a seed bank of agricultural weed or their dispersal onto adjoining land.

REASON: To prevent a build-up of harmful weed seeds in soils that are being or will be used for agriculture.

- 27 Notwithstanding the submitted details, within 12 months of the commencement of the development, a detailed planting scheme shall be submitted to the Mineral Planning Authority for approval. The scheme shall include native species, sizes, numbers, spacing, densities; locations; a planting specification, hedgerow infill and an outline of which hedgerows and trees shall be managed to allow them to grow up, and programme of implementation and maintenance. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of operations. Thereafter, the development shall be carried out in accordance with the approved scheme. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species.

REASON: To ensure the provision, establishment and maintenance of an appropriate standard of landscape in accordance with the approved designs.

28 The development shall be carried out in strict accordance with all recommendations and procedures set out in the Ecological 'Mitigation and Enhancement Strategy' presented in section 5.6 of Chapter 5 of the Environmental Statement dated February 2020.

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

29 The clearance of woodland and felling of trees shall only take place between the end of August and the beginning of March or following a search by a qualified ecologist for active birds' nests.

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

30 Notwithstanding the submitted details, within 12 months of the commencement of the development, a detailed Landscape Ecological Management Plan (LEMP) shall be submitted to the Mineral Planning Authority for approval. The LEMP shall include prescriptions for the protection, replacement and aftercare of all habitats within the site, so that their function for biodiversity is not reduced from current levels, whilst also taking into account the landscaping of the development. Thereafter the development shall be fully undertaken in accordance with the approved LEMP.

REASON: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity.

31 The site shall be restored in accordance with the Plan Nos: 639-01-21 Rev B and 639-01- 22, within 12 months following the permanent cessation of mineral extraction.

REASON: To ensure that the site is reclaimed in a condition capable of beneficial afteruse.

32 The site shall be reclaimed progressively and managed for agricultural purposes in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of Phase 2. The scheme shall demonstrate how the site will be restored in accordance with Plan Nos: 639-01-21 Rev B and 639-01-22 and should include details of:

- (a) The nature of the intended after-use of the site;
- (b) The sequence and phasing of reclamation showing clearly their relationship to the working scheme;
- (c) ripping the quarry floor and the respreading over the floor of the excavated area of

- overburden, subsoil and topsoil previously stripped from the site, in that order and specifying details, depths and placement of respreading materials;
- (d) The ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;
 - (e) The machinery to be used in soil respreading operations;
 - (f) The final levels of the reclaimed land and the gradient of the restored slopes around the margins of the excavation and graded to prevent ponding of surface water;
 - (g) Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath;
 - (h) Drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage;
 - (i) Ditch designs that fully penetrate the Lower Greensand into the underlying Kimmeridge Clay;
 - (j) Drainage methods and their maintenance for surface water flow from the attenuation areas shown on Plan No: 639-01-22; and
 - (k) Grass seeding of reclaimed areas with a suitable herbage mixture.

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure that the site is reclaimed in an orderly manner to a condition capable of beneficial afteruse.

- 33 The restoration works in Phase 8 shall be limited to an 8-week period.

REASON: To ensure that the site is reclaimed in a condition capable of beneficial afteruse at an early date.

- 34 Prior to the commencement of Phase 5 a scheme for the progressive backfilling of the quarry faces adjacent to Freeth Farm Cottages, to accord with the requirements of the Geotechnical Statement dated February 2020, shall be submitted to the Mineral Planning Authority for approval. The backfilling will accord with the approved scheme.

REASON: To avoid effects on surrounding land and to avoid affecting the restoration or subsequent afteruse of the site.

- 35 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.

- 36 An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 35 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 afteruses.

Informatives: (3)

- 37 Prior to abstracting water for the purpose of dewatering you will need to confirm with the Environment Agency whether an abstraction or transfer licence is required. This is in addition to the discharge permit.

To enquire whether abstracting in this location is an option you are required to submit a pre application which will be reviewed by the National Permitting Team and Technical Specialists. If they assess there is water available at the rate you propose they will contact you advising whether to apply or not (at which point there is a fee which is currently £135). The pre application is free and the process is detailed below:

Submit a pre-application

You can submit a pre-application by completing forms WR328 (part A) and WR330 (part B). Form WR328 has a box to tick B6.5 to say it's a pre-application.

These forms can be found at GOV.UK - Water abstraction: apply for a water resources licence.

You can email or post the form to PSC Water Resources at:

PSC-WaterResources@environment-agency.gov.uk

Permitting Support Centre
Water Resources Team
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF

For advice on the forms please call the permitting support team on 02084748939

- 38 The additional information appears to alter the proposed phasing of the development. The applicant will need to determine if these alterations cause any stockpiles or bunds of waste soils to meet the definition of a mining waste facility as defined in the Mining Waste Directive. If they meet the definition of a mining waste facility an environmental permit will be required. More information can be found at www.defra.gov.uk
- 39 Safeguards should be implemented during 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

Parvis Khansari - Corporate Director, Place

