

AGENDA

Meeting: Strategic Planning Committee
Place: [Access the online meeting here](#)
Date: Wednesday 2 December 2020
Time: 10.30 am

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Fleur de Rhé-Philippe MBE (Chairman)	Cllr Sarah Gibson
Cllr Christopher Newbury (Vice-Chairman)	Cllr Ross Henning
Cllr Andrew Bryant	Cllr Carole King
Cllr Ernie Clark	Cllr Tony Trotman
Cllr Andrew Davis	Cllr Fred Westmoreland
Cllr Stewart Dobson	

Substitutes:

Cllr Ian Blair-Pilling	Cllr Chris Hurst
Cllr Clare Cape	Cllr Nick Murry
Cllr Christopher Devine	Cllr Stewart Palmen
Cllr David Halik	Cllr James Sheppard
Cllr Russell Hawker	Cllr Stuart Wheeler
Cllr Ruth Hopkinson	Cllr Graham Wright

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at <http://www.wiltshire.public-i.tv>. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (Pages 7 - 26)

To approve and sign as a correct record the minutes of the meeting held on 16 September 2020.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public. During the ongoing Covid-19 situation the Council is operating revised procedures and the public are able to participate in meetings online after registering with the officer named on this agenda, and in accordance with the deadlines below.

[Guidance on how to participate in this meeting online](#)

[Access the online meeting here](#)

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on 30 November 2020.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on 25 November 2020 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on 27 November 2020.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 Planning Applications

To consider and determine the following planning applications.

6a 16/05464/WCM: Freeth Farm Quarry, Compton Bassett (Pages 27 - 92)

Review of minerals planning conditions - Application for determination of conditions for mineral site.

6b 16/05708/WCM: Freeth Farm Quarry, Compton Bassett (Pages 93 - 118)

Construction of a quarry field conveyor to transport excavated soft sand from Freeth Farm Quarry to the existing Processing Plant at Sands Farm Quarry.

6c 16/00672/OUT: Land West of Elizabeth Way, Hilperton (Pages 119 - 160)

Proposed development comprising up to 165 new homes with access from the newly constructed relief road, new open space and associated infrastructure (Amended information). (Outline application relating to principle and access).

7 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

This page is intentionally left blank

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 16 SEPTEMBER 2020 AT ONLINE MEETING.

Present:

Cllr Fleur de Rhé-Philippe MBE (Chairman), Cllr Christopher Newbury (Vice-Chairman), Cllr Andrew Bryant, Cllr Andrew Davis, Cllr Stewart Dobson, Cllr Ross Henning, Cllr Carole King, Cllr Tony Trotman, Cllr David Halik (Substitute), Cllr Stewart Palmen (Substitute) and Cllr Graham Wright (Substitute)

Also Present:

Cllr Nick Murry and Cllr Howard Greenman

37 **Apologies**

Apologies were received from Councillors Ernie Clark, Sarah Gibson and Fred Westmoreland.

Councillor Clark was substituted by Councillor Graham Wright.

Councillor Gibson was substituted by Councillor Stewart Palmen.

Councillor Westmoreland was substituted by Councillor David Halik.

38 **Minutes of the Previous Meeting**

The minutes of the meeting held on 26 August 2020 were presented for consideration, and it was;

Resolved:

To approve and sign the minutes as a true and correct record.

39 **Declarations of Interest**

There were no declarations.

40 **Chairman's Announcements**

There were no announcements.

41 **Public Participation**

The procedure for public participation was noted.

42 **15/12351/OUT: Land at Rawlings Farm, Cocklebury Lane, Chippenham, Wiltshire, SN15 3LR**

Public Participation

Helen Stuckey made a statement in objection to the application.

A statement by Adrian Temple Brown in objection to the application was read out.

Geoff Barrett made a statement in objection to the application.

Peter Frampton, agent, made a statement in support of the application.

The Committee received a presentation from Lee Burman, Development Management Team Leader; which set out the main issues in respect of the application and recommending permission be approved subject to conditions and a section 106 legal agreement. Details were provided of late representations which had been received, with the points raised addressed within the application report.

The application was for Outline Permission for up to 650 Dwellings, including 5ha Employment Generating Space and a 2 Form Entry Primary School. Up to 10ha New Public Open Space Including Country Park, Landscaping, Stormwater & Foul Drainage Works, Substation and Associated Infrastructure Works. Access Using Parsonage Way - Over New Railway Bridge, Darcy Close and from Cocklebury Lane (for Pedestrian/Emergency Works).

Key points included the principle of the development, landscape and visual impact, highways impact, ecological impact, drainage, air quality and planning obligations and section 106 contributions. This history of the application site was detailed, including the committee's consideration of an earlier set of proposals under this application, compliance with development plans, comments from statutory consultees such as Highways England, and the process for consultation following amendment to the original application. It was stated that various details being included as reserved matters was to ensure development took place in a timely manner and did not indicate that key considerations were unresolved. It was also noted that the Council could not currently demonstrate a five-year housing land supply, which had an impact on the titled balance for consideration of the application.

The Committee then had the opportunity to ask technical questions of the officers. Details were sought and provided on how air quality would be monitored, changes to the application since its original submission and the five-year housing land supply. It was confirmed that the housing land supply across the council area was required to be considered. A query regarding phosphate and nitrate impacts was confirmed as not relevant to this site.

It was also confirmed in response to queries that a planning condition could not require the listing of a wartime pillbox as this was a separate process, although the management of the heritage asset was conditioned. Details were provided on the process for amending applications or submitting new applications, and there were queries on speed of implementation of any permission.

There were queries regarding the country park element of the outline application, which did not include two fields contained within the site allocation of the Chippenham Sites Allocation Plan. It was confirmed the application included 10ha of public open space as required along the north and eastern parts of the site. It was stated any application on the excluded fields would need to be considered on its own merits if received, although the comments of the Planning Inspector at the Chippenham Sites Allocation Plan Examination regarding the setting and character of the area in respect of those fields would be a material consideration.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Councillor Nick Murry, a local Unitary Member, then spoke in objection to the application.

Councillor Howard Greenman, a local Unitary Member, then spoke in support of the application.

Following comments by officers in response to the statements, including on the commitment to provide 40% affordable housing as a planning obligation, a motion to approve the application in accordance with the officer's recommendation was moved by Councillor Fleur de Rhé-Philipe. The motion was seconded by Councillor Christopher Newbury, following minor amendment to clarify the requirements of the proposed section 106 legal agreement.

The Committee debated the application, noting the importance of reserved matters to address various concerns or issues, including the height of buildings. It was not considered that adjusting conditions to extend the period by which reserved matters must be completed was appropriate. The country park element was discussed, and in particular the fields which had not been included within it. The views of the local Members were noted, considering either that the application did not address key issues appropriately or that it did. Other issues raised included climate impacts, the future possibility of a Chippenham link road and sustainable development.

At the conclusion of debate each Member confirmed they had seen and heard all relevant materials, and following a vote it was,

Resolved:

To defer and delegate to the Head of Development Management to GRANT outline planning permission subject to the conditions listed below and the prior completion of a section 106 agreement in compliance with the identified requirements as detailed below within six months of the date of the Committee resolution:

The identified requirements can be summarised as follows:

**40% Affordable Housing – 60% Affordable Rent 40% Shared Ownership
2Ha of land for a Primary School and Early Years Learning
£3,035,285 (index linked) Primary School Places provision
£1,314,150 (Index linked) Early Years Learning Places provision
£59,150 Waste and Recycling Facility provision
£20,000 pedestrian / Cycleway Improvements
£372,456 Public Transport Provision
Traffic Regulation Orders – Sums to be agreed with Council
£3,692 Air Quality Monitoring Project provision
Open Spaces play Areas (4250m2 & 3840m2 respectively) and Country
Park (10ha) provision and maintenance and management provisions
including SuDs
Retention of land for future potential access requirements and
submission and approval of details**

Or in the event that the applicant declines to enter the agreement and/or it becomes clear that they will not do so then to refuse permission for the following reason:

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management; Highways; Education and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 11, 12 & 54 of the National Planning Policy Framework July 2019.

Conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the first of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on a phase or sub-phase within the site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site.**

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Reports

Revised Design and Access Statement

Drawings

24248-9600 Rev K

Land use and access parameters plan

24248-9612 Rev K

Building heights parameter plan

24248-9614 Rev F

Green infrastructure parameter plan

24248-9629 Rev G

Concept plan amendment

K125/02 Rev C

Preliminary surface water drainage strategy plan

All received August 2020

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

5. No residential, employment, retail, care home or educational development shall take place until an urban design and framework plan for the development of the site has been submitted to and approved in writing by the local planning authority. The plan shall be substantially in accordance with Illustrative Masterplan C11112.09.SK803 Rev P and shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall include:

- the arrangement of street blocks;
- the overall level and location of car parking at the site;
- surfacing materials of the spine roads;
- the density and mix of dwellings;
- the general location of affordable housing;
- building heights and massing;

- Frontages of plots along the Spine Road (as shown on dwg nos WSP0268/LE/05 revision B and WSP0268/LE/06 Revision B)

The plan shall be in accordance with the Flood Risk Assessment (PFA Consulting, December 2017, Ref: K125, dated 12.12.17) to include details to demonstrate that all built development (all houses as shown on the illustrative masterplan) is positioned on land above a level of 48.5 metres AOD, and all development including drainage infrastructure is positioned on land outside the 1 in 1000-year modelled flood extent. The development shall be implemented in accordance with the approved masterplan.

The development shall be carried out in accordance with the approved masterplan.

REASON: In the interest of the visual amenity, character and appearance of the area, residential amenity, achieving high quality and in the interest of proper planning.

6. No development shall commence until a phasing plan for the delivery of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the phasing plan an updated phasing plan is approved as part of a subsequent Reserved Matters application(s) pursuant to conditions 2 and 3.

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

7. Prior to the commencement of a phase or sub phase of the development, a scheme of hard and soft landscaping for that phase (as shown on the illustrative masterplan required in connection with condition 3 above) and including Tree Protection Plan; Arboricultural Impact Assessment; Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) Indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours of buildings and land;
- (e) means of enclosure;
- (f) car park, layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artifacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

- j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, governing equipment (gas, electricity and other services), pipelines etc indicating lines, manholes, supports etc);**
- (k) bin storage and recycling facilities, where relevant;**
- (l) retained historic landscape features and proposed restoration, where relevant.**

The development shall be carried out in accordance with the details approved unless otherwise agreed in writing by the local planning authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8. Prior to the commencement of development of a Phase or Sub Phase a detailed landscape plan shall be submitted to and approved in writing by the local planning authority. All soft landscaping comprised in the approved plan and details of landscaping shall be carried out in accordance with timescales agreed by the local planning authority; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping within a phase or sub-phase shall also be carried out in accordance with the approved details in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. No development shall commence on a phase or sub phase within the site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses within that phase or sub phase has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses within that phase or sub phase of the site and any adjoining sites which Council records or existing uses of which indicate a potential for contamination, for at least the last 100 years and a description of the current condition with regard to any activities that may have caused contamination. The

report shall confirm whether or not it is likely that contamination may be present on the phase or sub phase within the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed phase or sub phase of development within the site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance pertinent at the time from these organisations and representing industry standard best practice; and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of that phase or sub phase of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy. In the event of unexpected contamination being identified, all development on that phase or sub phase of the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out.

Construction shall not recommence on that phase or sub phase until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

11. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays except for the period of British summer time between April and October 2021 when no construction or demolition work shall take place outside the hours of 07.30 to 21.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interest of Residential Amenity

12. No development shall commence on a phase or sub phase of the site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development.

It shall include details of the following:

- i. The movement of construction vehicles including details as to routing and signing arrangements for lorries delivering to the site during the identified phases of the development, details of wheel cleaning facilities for lorries leaving the site, details of parking and manoeuvring space within the site for lorries and construction workers vehicles, measures to prevent site construction traffic parking on nearby residential streets, the sheeting of laden lorries leaving the site, dust suppression measures throughout the build period. A specific section of the plan shall address the construction traffic arrangements in relation to the construction of the proposed GWR mainline railway bridge;**
- ii. The cutting or other processing of building materials on site;**
- iii. Wheel washing and vehicle wash down facilities;**
- iv. The transportation and storage of waste and building materials;**
- v. The recycling of waste materials (if any)**
- vi. The loading and unloading of equipment and materials**
- vii. The location and use of generators and temporary site accommodation**
- viii. Pile driving (If it is to be within 200m of residential properties)**

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interest of Residential Amenity

13. No external lighting shall be installed on a phase or sub phase of the site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted in respect of that phase or sub phase to and approved in writing by the Local Planning Authority. The lighting scheme shall be so designed as to overcome glare, sky glow, spillage and intrusion. The scheme should aim to achieve Environmental Zone E2 as specified in the guidance issued by the Institution of Lighting Engineers. This will include a lux plot, demonstrating that lux levels of 0.5 or less can be achieved at the edges of all ecologically sensitive features within the site and immediately adjacent.

REASON: In the interests of Residential Amenity and the visual amenity of the locality

14. Prior to the commencement of building works above ground of part of the development requiring mechanical ventilation and extraction plant, full details of any internal and external plant equipment and trunking, including building services plant, ventilation and filtration equipment and commercial kitchen exhaust ducting / ventilation, shall be submitted to and approved in writing by the Local Planning Authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be maintained in accordance with the manufacturer's instructions.

REASON: In the interest of Residential Amenity

15. Prior to commencement of construction of any building to be used for commercial purposes an assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be undertaken in accordance with BS 4142: 2014 in respect of such phase or sub phase of the site. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed plant shall be less than background. The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: In the interest of Residential Amenity

16. Prior to the commencement of a phase or sub phase of development a scheme of noise and vibration attenuation from noise generating sources including the Great Western Rail line and commercial buildings with mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the habitable room standard as detailed in BS8233:2014 with no relaxation for exceptional circumstances unless agreed in writing with the Local Planning Authority and must include details of post construction validation. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

REASON: In the interest of Residential Amenity

17. Prior to the commencement of a phase or sub phase of development a scheme of measures to ensure noise levels in all amenity spaces do not exceed 55dB LAEQ(16 hour) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of post construction validation. Thereafter the development shall be carried out in accordance with the approved details and a separate validation report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation.

REASON: In the interest of Residential Amenity

18. The development hereby permitted shall be for up to a maximum of 650 C3 dwellings.

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

19. No development shall commence on a phase or sub phase of the site until a scheme for the discharge of surface water from that phase or sub phase (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 and new FRA using EA model information current at the time of scheme submission with buildings and attenuation located in FZ1 areas and away from surface water flood risk areas for the 1 in 30 and 100 events plus climate change, has been submitted to and approved in writing by the Local Planning Authority.

The development of a phase or sub phase shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme for that phase or sub phase.

REASON: To ensure that the development can be adequately drained.

20. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

22. Prior to the start of construction of a phase or sub phase of development at the site an Ecological Construction Method Statement will be submitted to and approved in writing by the Local Planning Authority. This must take account of all elements of the works and provide precautionary practices to ensure that wildlife individuals and populations are appropriately protected throughout the construction process.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

23. Prior to the start of construction an Ecological Mitigation and Enhancement Strategy will be submitted to and approved in writing by the Local Planning Authority. This will give details of specific mitigation provision within the site as well as areas to be enhanced for the benefit of biodiversity. Such areas should be enhanced with particular reference to the Wiltshire Biodiversity Action Plan and state the benefit for named habitats and species listed therein.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

24. Prior to the start of construction a Landscape and Ecological Management Plan will be submitted, showing how Landscape and Ecological features will be integrated for joint benefit of human and wildlife communities. It must state responsibilities for management and contain a mechanism of monitoring and review.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

26. No development shall commence until a site phasing plan has been submitted to and approved by the local planning authority. The phasing plan shall include, inter alia, the timing of the delivery of: -

- (a) a junction improvement at Station Hill and New Road in accordance with WSP drawing no 5609/SK/006/B,**
- (b) a new road link into the site through an alteration and extension of Darcy Close in accordance with WSP drawing no 5609/SK/006/B, and including a junction alteration on Cocklebury Road in accordance with WSP drawing no 5609/SK/005/A,**
- (c) the delivery of a new road over railway bridge to connect the site to Parsonage Way, and to include a completed link road between Cocklebury Road and Parsonage Way via the site, (d) the completion of an internal distributor road with the identification of a potential route for its future expansion via a river bridge, and**
- (e) provision of footpath and cycletrack links between the site and existing local pedestrian/cycle routes.**

For the avoidance of doubt, the phasing plan shall include provision for: -

(a) the second road connection serving the site to be completed, linking Parsonage Way to Cocklebury Road (the Cocklebury Link), and its availability for public use prior to the occupation of more than 200 dwellings on the site, and

(b) no more than 200 dwellings being served solely from Parsonage Way before the North Chippenham distributor road (connecting B4069 and A350) has been opened for use by public traffic or before a set of comprehensive transport improvement measures of equivalent benefit,

and to be agreed by the local planning authority, is in place . Development shall be carried out in accordance with the approved plan.

REASON: To ensure that adequate transport infrastructure is provided at appropriate stages of the development and to mitigate severe impacts on traffic conditions in the town centre.

28. No development shall commence on a phase or sub phase of the site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The carriageway width of the connecting road through the site between Parsonage Way and the east side of the site shall be not less than 7.3 m; the link to Cocklebury Road from this road shall not be less than 6.2m carriageway width, with appropriate widening at bends. Phases of the development shall not be first brought into use or occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the details approved and in accordance with the provisions of the approved site phasing plan.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner, and to allow for adequate width for large goods vehicles and buses.

29. No development on a phase or sub phase of the site shall commence on site until a scheme of safe pedestrian and cycle routes has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to any part of the development being first occupied and maintained thereafter. Prior to the commencement of any individual phase of the development, details of cycle parking facilities, in accordance with Wiltshire Council's cycle parking standards, shall be submitted to and approved by the local planning authority, and the approved facilities shall be provided in accordance with the approved development prior to the occupation of the building(s) to which they relate.

REASON: In order to encourage sustainable travel to and from the site and in pursuit of sustainable transport objectives.

32. prior to the occupation of development on a phase or sub phase of site Travel Plans for the various land uses (residential, employment and education) permitted within the phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan

shall include details of implementation, establishment of mode share targets and monitoring, and shall be implemented in accordance with the approved details. The results of the implementation and monitoring and review of targets shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

33. With the exception of a haul route to enable bridge construction, and onsite earthworks, no construction traffic for infrastructure on the site shall take access to the site other than by way of the completed and operational railway bridge, unless alternative arrangements for access to the first phase of the development can be achieved by way of a completed and operational link to Darcy Close.

REASON: To minimise the potential for construction traffic using other, inappropriate, routes to access the site.

34. No development on a phase or sub phase of the site shall take place until a scheme for the provision and management of a 10-metre-wide buffer zone alongside watercourse channels located within that phase or sub phase shall be submitted to and agreed in writing by the local planning authority. Thereafter the development of that phase or sub phase shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The submitted scheme shall include:

1. plans to show the extent and layout of the buffer zone
2. details of any proposed planting scheme (for example, native species)
3. details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
4. details of any proposed footpaths, fencing, lighting etc.

REASON: To prevent any deterioration of the river environment, and if possible to enable enhancement, under the Water Framework Directive 2000, and the National Planning Policy Framework (NPPF), paragraph 109 and paragraph 118.

35. No development of a phase or sub phase of the site shall take place until a scheme for enhancements to routes providing recreation channel linkages between the site and adjoining locations is submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate what safeguards will be put in place to ensure that no long-

term deterioration in the ecology of the channel will occur as a result of the recreational enhancements. The scheme shall be fully implemented as approved.

REASON: To deliver recreation benefits for the users of the development site, whilst protecting the water environment from damage.

36. No development of a phase or sub phase of the site shall commence until a scheme for water efficiency appropriate to the land use/development involved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: In the interests of sustainable development and climate change adaptation.

37. No development shall commence within the area indicated in the approved archaeological mitigation strategy and approved heritage addendum until the measures identified in that strategy have been completed in full and approved by the Local Planning Authority Those measures to include: -

- **full excavation of the Roman farmstead and two areas of strip, map and record excavation.**

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

38. No development shall commence within the area indicated in the approved archaeological mitigation strategy until the measures identified in the approved heritage addendum for the protection of the World War Two Pillbox present on the eastern part of the site near to the River Avon have been completed in full and approved by the Council's Archaeologist. Those measures to include: -

- **submission and approval of a management plan for the long-term management of the Pillbox.**

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

Informatives:

- **Any works to or within 8m of a main river will require a separate application to and approval from the EA – obtaining of this separate approval may require alteration and resubmission of planning application**
- **Any proposed discharge to a main river will require a separate application to and approval from the LLFA – obtaining of this separate approval may require alteration and resubmission of planning application**

- Any proposed work to or within 8m or discharge to an ordinary water course will require a separate application to and approval from the LLFA – obtaining of this separate approval may require alteration and resubmission of planning application
- Where there is a need for capacity improvements to public sewerage systems to serve the site (or phase) the applicant will need to allow sufficient time within his development programme to allow the sewerage undertaker to appraise, design, fund and construct the capacity improvements before the development or phase is occupied to ensure no increase in flood risk from the sewer system

INFORMATIVE: There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

INFORMATIVE: Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the River Avon, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

INFORMATIVE: There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent from Wiltshire Council (as the Lead Local Flood Authority) will be required. Please contact the Drainage Team to discuss their requirements:

<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>

INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- 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.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

INFORMATIVE: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-

saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

INFORMATIVE: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- 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.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

INFORMATIVE: There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

INFORMATIVE: Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the River Avon, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

INFORMATIVE: The applicant's attention is brought to the consultation response of Network rail dated 16.04.2018 and the requirements in respect of Asset Management. These requirements will be taken into account in the determination of reserved matters applications at this site. It is recommended that they inform proposals in this regard.

INFORMATIVE: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE: The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent

does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

INFORMATIVE: The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before such works commence.

INFORMATIVE: If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE: The applicant should note that the costs of carrying out a programme of building recording and/or watching brief and/or archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

INFORMATIVE: The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE: Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on [INSERT]

INFORMATIVE: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

INFORMATIVE: Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE: The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be

liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinrastructurelevy.

43 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.35 am - 12.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

This page is intentionally left blank

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	2 December 2020
Application Number	16/05464/WCM
Site Address	Freeth Farm Quarry, Compton Bassett
Proposal	Review of minerals planning conditions - Application for determination of conditions for mineral site.
Applicant	Hills Quarry Products Ltd
Town/Parish Council	COMPTON BASSETT
Electoral Division	CALNE RURAL – Cllr Christine Crisp
Grid Ref	SU 02622 72651
Type of application	County Matter
Case Officer	Jason Day

Reason for the application being considered by Committee

1. This application and its related application reference 16/05708/WCM have been 'called-in' for determination by the Committee at the request of the Local Division Member, Councillor Christine Crisp. The reasons for this are in view of the high level of controversy about the applications and the potential visual, noise and environmental impacts of the proposals on the surrounding area.

Purpose of Report

2. The purpose of the report is to enable the Committee to assess the merits of the application made in respect of Freeth Farm Quarry for the determination of a new scheme of conditions under which the site would operate and consider the recommendation that authority be delegated to the Head of Service for Development Management to approve the schedule of appropriate mineral conditions to be attached to the existing mineral permission, subject to the completion first of a planning obligation to address drainage matters.

Report Summary

3. This report considers one of two related applications that have been submitted by Hills Quarry Products Limited relating to the dormant quarry known as Freeth Farm Quarry.

4. This report considers the application for a review of minerals planning conditions made under the Environment Act 1995. This is not an application for planning permission, as planning permission for mineral extraction already exists, but for the approval of a schedule of appropriate conditions to address the environmental issues of mineral working at this site. Both applications are accompanied by a single Environmental Statement which assesses, in combination, the environmental impact of the proposals.
5. Throughout the determination process, the control of noise and the protection of visual amenity at the nearest residential properties have been recognised as key environmental constraints. The key issues to be considered are the appropriateness and necessity for the proposed conditions put forward within the review of the minerals planning conditions application.
6. The application has been the subject of six periods of consultation in response to initial and further submissions by the Applicant. 428 individuals have made representations, some commenting on each submission and some commenting on certain submissions only.
7. Compton Bassett Parish Council objects to both applications.

Background

8. Hills Quarry Products Ltd ('the Applicant') has submitted two applications in respect of the dormant Freeth Farm Quarry mineral site:
 - Ref No: 16/05464/WCM made under the provisions of Schedule 13 of the Environment Act 1995 for determination of new modern working and restoration conditions for Freeth Farm Quarry ('the ROMP Application'), and
 - Ref No: 16/05708/WCM for planning permission to construct a quarry field conveyor to transport excavated soft sand from Freeth Farm Quarry to the existing Processing Plant at Sands Farm Quarry ('the Conveyor Application').

This report considers 'the ROMP Application'.

Procedure for the Review of Minerals Planning conditions

9. Application 16/05464/WCM is for a review of minerals planning conditions ('the ROMP Application') made under the Environment Act 1995 of the mineral permission ref: 3809/NW granted on 5 September 1956 for Excavation of Minerals at Freeth Farm, Compton Bassett.
10. The conditions previously imposed on permission ref: 3809/NW are set out in **Appendix 1**.

11. An application pursuant to the Environment Act 1995 does not involve the Mineral Planning Authority granting or refusing planning permission for the mineral operations, but only to determine conditions.
12. The Environment Act 1995, supported by Minerals Planning Guidance 14 ('MPG14') Review of Mineral Planning Permissions, introduced requirements for the initial review and periodic review of all mineral permissions. National Planning Practice Guidance ('PPG'), which replaced MPG14 in March 2014, explains that there are 2 categories of sites which are subject to reviews of minerals planning conditions:
 1. *dormant sites, where planning permission was granted between 21 July 1943 and 22 February 1982, but where extraction has yet to take place. Most of these sites had few, if any, operating and restoration conditions attached to them; and*
 2. *those sites where minerals extraction is taking place, but whose permission will last for many years. In such circumstances, a periodic review of the conditions attached to the original planning permission can help ensure that the sites operate to continuously high working and environmental standards.*
13. The distinction made between 'dormant' sites and 'active' sites is to prevent the reactivation of dormant sites without full modern planning conditions and to ensure that schemes that are prepared and submitted are appropriate to the circumstances pertaining at the time.
14. Freeth Farm was identified in the Wiltshire County Council 'Minerals Site Review First List' 24 January 1996 as a 'Dormant' site and consequently minerals development cannot lawfully be carried out until the applicant has submitted an application for a new scheme of appropriate minerals conditions and conditions have been approved by the Mineral Planning Authority.
15. Application No. 16/05464/WCM is the Applicant's submission of a scheme of site operating and restoration conditions. The Council, as the Mineral Planning Authority (MPA), has the power to accept, modify or add further conditions and the Applicant has the right of appeal. Whilst it is open to the Mineral Planning Authority to issue conditions that differ from those proposed by the applicant, it is not an option to refuse the application. This process does not call into question whether the planning permission should or should not have been granted (as permission for those activities already exists) but instead the Committee is being asked to consider whether the proposed revised conditions set out in this report are acceptable. The purpose of the application is to ensure that future working takes place in accordance with full, modern conditions.

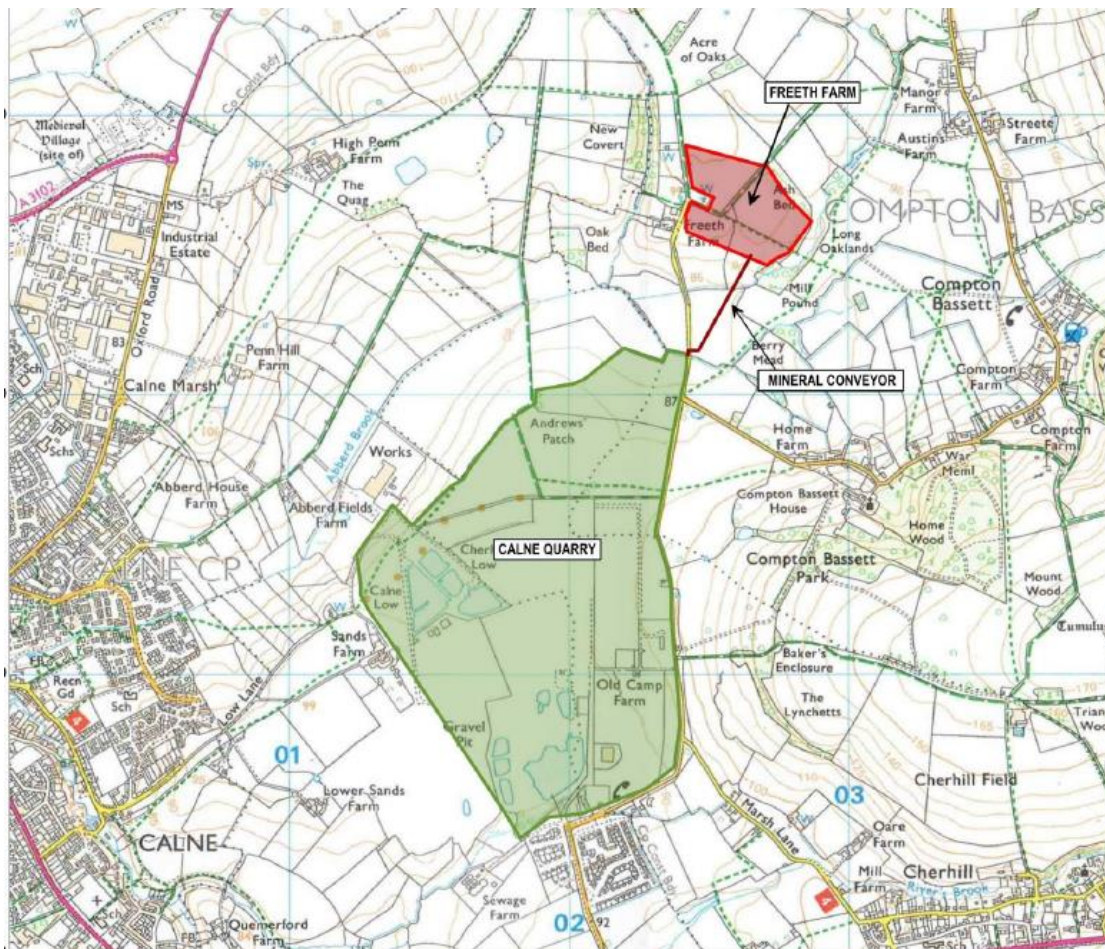
Application timescale

16. The applications were first submitted in June 2016. There has been a long delay in processing this application resulting from detailed discussions between the Mineral Planning Authority and the Applicant and their respective professional consultants over the last four years seeking to agree a balanced scheme that reduces noise,

visual impact, and the enclosure of Freeth Farm Cottages to an acceptable minimum, whilst ensuring that the extraction of the mineral remains economically viable.

Site Description

17. The Site is 11.5ha in size and lies to the east of Freeth Farm, Compton Bassett. The Site covers four agricultural (arable) fields divided by hedgerows, trees and, to a lesser extent, woodland. Two Public Rights of Way, a bridleway and a footpath, cross the extraction area.



18. The nearest dwellings to the Site are situated to the west of the extraction area, namely The Lodge, Freeth Farm Cottages and The Freeth at Freeth Farm.

19. Copy of aerial photograph showing the location of adjacent properties:



Noise Calculation Receiver Locations

- 1 Freeth Farm Cottages
- 2 The Freeth, Freeth Farm
- 3 The Lodge

20. The Site is located on the northern flank of a minor valley associated with the Abberd Brook to the immediate east of Freeth Farm within a gently undulating landscape of predominantly arable farmland. Currently under arable cultivation the landform within the site slopes gently from a height of around 100 m AOD near The Lodge down to about 93 m AOD at the eastern and southern boundary.
21. At the south-east side of the site the land surface reduces more steeply into the bottom of the small valley of the Abberd Brook, where the earthwork remains of a medieval watermill and water management system are preserved and designated as a Scheduled Monument.

22. The Calne Quarry complex comprises the Sands Farm Quarry, Old Camp Farm and Low Lane Extension mineral working areas. Mineral extraction and site restoration by landfilling is ongoing at the Low Lane Extension which is approximately 400 m from Freeth Farm Quarry. Sands Farm Quarry, where mineral is processed, stored and sold, is approximately 1.5 km to the south of Freeth Farm. The mineral is transported from Low Lane Extension to Sands Farm Quarry via a conveyor.

Planning History

23. Relevant planning history for the Freeth Farm mineral site is summarised as follows:

September 1956 – Permission 3809/NW granted by Wiltshire County Council for Excavation of Minerals at Freeth Farm, Compton Bassett.

January 1996 - Freeth Farm classified in the Wiltshire County Council Environment Act 1995 'First List' of mineral sites in the area as a 'Dormant' site.

August 2010 – Freeth Farm (site 'C5') included as a potential area for mineral extraction in the Calne area Mineral Resource Zone for the 'Initial Site Options Report for the Wiltshire and Swindon Aggregate Minerals Site Allocations DPD'.

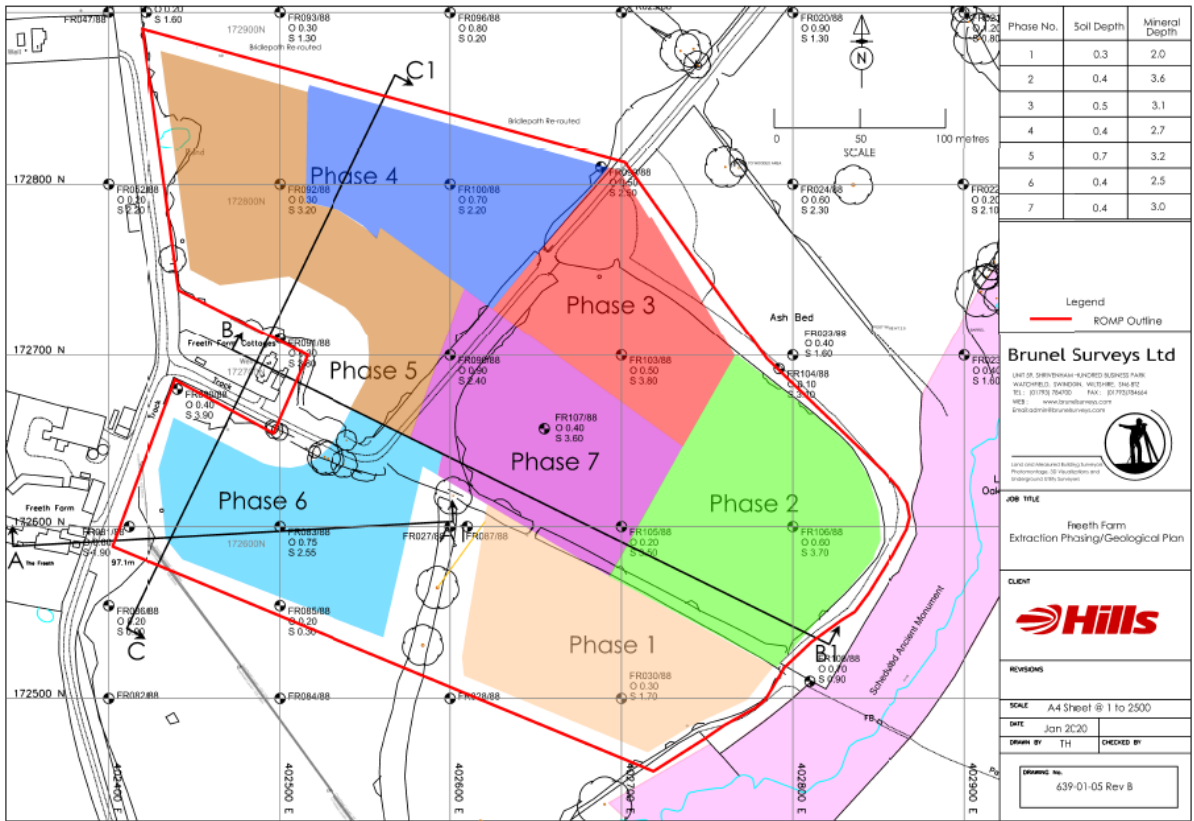
March 2011 – Noted that entire C5 site boundary is included within a dormant consent (3809/NW) for mineral extraction. Site dropped from further consideration as legal requirements for ROMP means that the site should not be allocated in the Development Plan.

The Proposal

24. The purpose of the application is to determine the new conditions to which the permission for excavation of minerals at Freeth Farm is to be subject. The principle of the permission is not under review.
25. The ROMP application includes a description of the site and a schedule of 37 planning conditions which the Applicant proposes to adopt during the working of Freeth Farm Quarry. The conditions cover a range of matters to govern the applicant's intended methods and programme of working.

Proposed Working Programme

26. A progressive method of working over 8 phases is proposed, from the initial soil strip and creation of acoustic attenuation bunds through the extraction stage and final restoration. The phases have been designed to minimise possible visual and acoustic disturbance in the community and the smallest area to be operational and out of agricultural production at any one time.

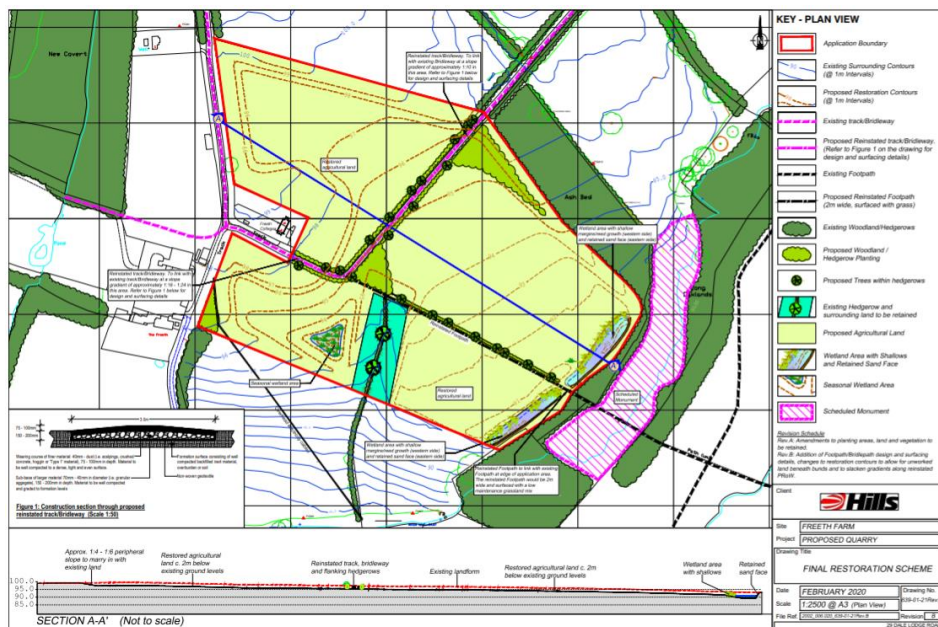


Phase 8 will entail restoration of Phase 7 over an 8-week period.

27. Soils will be stripped in their correct sequence using an excavator to uncover the sand. This will take place when the soils are dry and friable in suitable weather conditions. All soil stripping and replacement, bund construction and excavation operations will be carried out in accordance with the MAFF Good Practice Guide for Handling Soils.
28. The stripped soils will be transported by dump truck to construct 2m to 4m high screen bunds, which will be profiled using an excavator and located where they are required, to provide acoustic and / or visual screens. Low safety bunds approximately 1m in height will be constructed, where required. The screen and safety bunds, which will be progressively constructed in phases, are sufficient to hold the soils generated in each phase of the development. Similarly, the bunds will be removed, as required, to progressively restore the quarry.
29. The construction and removal of the bunds and soil stripping and replacement, which are in close proximity to Freeth Farm, Freeth Farm Cottage and The Lodge, will be restricted to a maximum of 8 weeks per annum.
30. When required to facilitate mineral extraction, the Public Rights of Way (footpath and bridleway) which cross the extraction site will be diverted along the northern and southern boundaries of the site. These diversions will be temporary until sand extraction has ceased and restoration is complete. There is a separate legal procedure for this that lies outside of the remit of this committee.

31. The removal of vegetation (hedgerows and trees) at the extraction site will be subject to ecological advice and will avoid the bird breeding season. A single active badger sett will be relocated off site, subject to an appropriate licence from Natural England. A 5m wide buffer zone, where no operations shall take place, shall be retained between the quarry and the perimeter hedgerows.
32. Mineral extraction will extend down as far as the underlying clay, which is found at a maximum depth of c.4m below original ground level. Mineral extraction will extend into the groundwater. As a result, the groundwater will be pumped out of the quarry and into settlement ponds where suspended solids will settle out before the water is discharged into a recharge trench.
33. The recharge trench will lie between the quarry and the adjacent Scheduled Monument (SM). Following removal of suspended solids, it will allow the water from the settlement ponds to dissipate into the SM, ensuring that any buried, saturated, wooden structures remain preserved. Excess water from the recharge trench will be discharged into the adjacent stream (Abberd Brook), subject to an Environmental Permit issued by the Environment Agency.
34. The sand will be extracted using an articulated wheeled loading shovel and screened to remove any clay or poor-quality material. The rejected mineral will be returned to the quarry void for use in restoration. It is not proposed to process the mineral, ready for sale, on the site. Instead, the accepted mineral will be transported by conveyor to the existing processing facilities at the Sands Farm area within Calne Quarry. The conveyor is subject of a separate application for planning permission.
35. It has been calculated that c. 307,200 tonnes of soft sand will be extracted over a period of approximately 5.8-6 years, with an annual output of 60,000 tonnes. Once the mineral has been extracted, it is envisaged that the restoration works will be completed within 12 months. It is therefore envisaged that site will be restored within 6.8 to 7 years from the commencement of mineral extraction.
36. Progressive restoration of the site will be undertaken, using soils from current working phases to restore previously worked out areas. The site will be restored to agriculture recreating the pre-quarrying grade and pattern of fields, hedgerows and woodland. No waste materials will be imported to restore the site. Poor quality mineral and stored soils will be spread in their correct sequence to create a landform approximately 2m to 3m below original ground level and contoured to give a natural appearance.

37. The restored site has been designed to drain to two separate catchments, each with its own attenuation area:
- The first attenuation area 1, in Catchment Area 1, will provide drainage from the eastern part of the restored quarry, forming two ponds along the boundary with the Scheduled Monument. Within the ponds, the eastern sand faces which formed part of a recharge trench will be retained adjacent to the Scheduled Monument, allowing surface and groundwater from the restored quarry to dissipate into the Scheduled Monument, thus replicating the pre-development hydrological conditions.
 - The second attenuation area in Catchment Area 2 provides drainage from the western part of the restored quarry. Here, a seasonal wetland area will be permitted which will drain through a pipe into an existing ditch.
38. Following soil spreading and their stabilisation with an agricultural grass seed mix, the agricultural land will enter a five-year aftercare phase. An aftercare strategy will be provided requiring soils cultivation and review of its structural development and fertility.
39. Native tree and hedgerow species will be planted similar to those currently found on site, which will also be subject to a five-year aftercare scheme. Approximately 3,000m² of additional new woodland will benefit landscape character and enhance green links.
40. Proposed Final Restoration Scheme:



The Applicant's Schedule of Proposed Conditions

41. The Applicant has proposed the following planning conditions for the working of Freeth Farm Quarry:

Duration of the Permission

- A. The winning and working of minerals and the restoration of the site shall cease no later than 21st February 2042.

Commencement

- B. 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.

Access, Traffic and Protection of the Public Highway

- C. No mineral shall be exported from the Site other than by means of the overland field conveyor permitted under application reference 16/05708/WCM dated DD MM YYYY.

- D. Construction vehicles shall access the site and parking shall be restricted in accordance with Plant Access, Fencing & Staff Parking Plan: 639-01-23.

Working Programme

- E. 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 DD MM YYYY;
 - b. The following Approved Plans, insofar as they relate to the 'Site':
 - 639-01-06 Rev A Freeth Farm Phase 1
 - 639-01-07 Rev B Freeth Farm Phase 2
 - 639-01-08 Rev B Freeth Farm Phase 3
 - 639-01-09 Rev B Freeth Farm Phase 4
 - 639-01-10 Rev B Freeth Farm Phase 5
 - 639-01-11 Rev B Freeth Farm Phase 6
 - 639-01-12 Rev B Freeth Farm Phase 7
 - 639-01-13 Rev B Freeth Farm Phase 8
 - 639-01-14 Rev D Pre-Development Sections
 - 639-01-15 Rev D Development Sections
 - 640-01-21 Rev E Cross Section at Freeth Farm Cottages.
 - 639-01-21 Rev B Final Restoration Scheme (including section)
 - 639-01-22 Post Restoration Drainage Plan

- c. All schemes and programmes approved in accordance with this schedule of conditions.
- F. No mineral extraction works within an individual phase of the development shall take place until the extent of the extraction within the relevant phase have been marked out on site and the Mineral Planning Authority shall be notified that the marking out works have been completed.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. No mineral other than soft sand shall be worked from the Site.
- M. All topsoil, subsoil, overburden or mineral waste shall be permanently retained on site for subsequent use in restoration.
- N. No soils, soil making materials or waste materials of any description shall be imported into the Site

- O. 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.
- P. No operations shall take place in Phases 1, 2, and 3 except between the hours of 8.00 a.m. to 5.00 p.m. on Mondays to Fridays other than for essential maintenance and the operation of pumps and other equipment to maintain the safe operation of the quarry.
- Q. No operations shall take place in Phases 4, 5, 6, 7 and 8 except between the hours of 09.00 to 12.00 and 13.00 to 16.00 Mondays to Fridays other than for essential maintenance and the operation of pumps and other equipment to maintain the safe operation of the quarry.
- R. No working shall take place on Saturdays, Sundays or Public Holidays
- S. The 4m high screen bunds adjacent to Freeth Farm Cottages in Phases 5, 6 and 7 will be constructed in accordance with the bund design and stand-off distances shown on Plan No: 640-01-21 Rev E. The bunds shown on Plan No: 640-01-21 Rev E will be 4m in height when measured from the original ground level.

Environmental Protection: Archaeology

- T. No development, including soil stripping, within any individual phase of workings as shown on Drawing Nos: 639-01-06 Rev A to 639-01-13 Rev B shall take place until 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.

Environmental Protection: Dust

- U. The Dust Management Plan Version 1 produced by Land & Mineral Management dated May 2016 shall be implemented from the commencement of development and shall be complied with at all times.

Environmental Protection: Ecology

- V. 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
- W. The development shall be carried out in strict accordance with all recommendations and procedures set out in Chapter 5 of the Environmental Statement dated February 2020

Environmental Protection: Groundwater and Surface Water Protection

- X. 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.

Y. 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 92.5maOD 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.

Environmental Protection: Noise

Z. 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 shall be maintained in accordance with the manufacturer's specification at all times

AA.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.

BB.Except for temporary operations, the free-field Equivalent Continuous Noise Level, dB LAeq, 1 hour, free field, due to daytime operations on the site, shall not exceed the site noise limit specified below at each dwelling for routine operations. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects. 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 calendar year for work close to any individual noise sensitive property where the suggested noise limit for routine operations is likely to be exceeded.

Position <i>1.5 metre receiver height</i>	Site Noise Limit dB LAeq, 1 hour, free field	
	Routine Operations	Temporary Operations
<i>Freeth Farm Cottages</i>	47	70
<i>The Freeth (Freeth Farm)</i>	47	70
<i>The Lodge</i>	47	70

CC. Noise will be monitored in accordance with the Environmental Noise Scheme dated March 2020.

DD. Only submersible electric pumps shall be used to dewater the workings.

Environmental Protection: Landscape

EE. Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a detailed planting scheme to 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, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. 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.

FF. No floodlighting, security lighting or other external means of illumination shall be provided, installed or operated at the site.

Restoration and Aftercare

GG. The phased restoration of the Site shall be in accordance with the Working Plans Nos: 639-01-06 Rev A to 639-01-13 Rev B and as detailed on in the Planning Statement dated March 2020, unless otherwise agreed in writing by the Mineral Planning Authority.

HH. 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, unless otherwise agreed in writing by the Mineral Planning Authority.

II. A restoration and five-year aftercare scheme demonstrating how the Site will be restored in accordance with Plan Nos: 639-01-21 Rev B and 639-01-22 will be submitted to the Mineral Planning Authority for approval prior to the commencement of Phase 2. This submission should also include:

- Woodland and hedgerow planting specification;
- Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath;
- Ditch designs that fully penetrate the Lower Greensand into the underlying Kimmeridge Clay; and
- Drainage methods and their maintenance for surface water flow from the attenuation areas shown on Plan No: 639-01-22.

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

KK. 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.

Environmental Impact Assessment

42. The application is accompanied by an Environmental Statement (ES) which reports the results of an Environmental Impact Assessment (EIA) which assesses, in combination, the environmental impact of the development proposals, i.e. the working programme proposed in the scheme of conditions and the proposed field conveyor.
43. The EIA, undertaken by independent specialist consultants, has examined the potential impacts of the development proposals and where necessary proposes means of mitigation. The mitigation measures have been carried forward into the development design.
44. The key environmental issues which have been assessed in the EIA are as follows:
 - Landscape and Visual Amenity;
 - Biodiversity;
 - Hydrology and Hydrogeology;
 - Noise and Dust;
 - Archaeology; and
 - Cumulative effects.
45. The ES has been updated in March 2020 where required and is a full resubmission of that submitted in May 2016, to address both revisions made to the development proposals and request from the Mineral Planning Authority for further information about potential impacts.
46. The Environmental Impact Assessment Regulations require that before determining any EIA application, the local planning authority must take into consideration the information contained in the ES, any comments made by the consultation bodies, and any representations from members of the public about environmental issues.

Statement of Community Involvement

47. The applicant has provided details of consultations with local community representatives prior to the submission of the applications. The applicant operates a 'community liaison group' for Calne Quarry which includes representatives from the Parish Councils for Compton Bassett, Cherhill, Calne without Hilmarton and Heddington, plus Calne Town Council. The proposals were presented to this liaison group committee on 14 April 2016 and feedback sought from those who attended. It is advised three feedback forms were received which have been summarised as follows:
 - Hills states that there will be no landfill at Freeth – please can the Board at Hills sign a letter to state that there will be no landfill at Freeth;
 - Ensure that bridleway users are not disadvantaged during the term of the quarrying.
 - I felt the information was adequate and the restoration of the land in small parcels was preferable to large open spaces. I understand the concerns of the Compton

Bassett Parish Councillors present and would support their concerns which do not directly affect those in Cherhill Parish Council area; and

- A written guarantee as requested by Compton Bassett PC that no landfill of imported waste is carried out and confirmation of return to agriculture as within the boundary limit.

Planning Policy

48. The application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). The following Development Plan documents and policies are of relevance in this case:

Wiltshire and Swindon Minerals Core Strategy, 2009

MCS 7: Flooding

MCS 8: Living with Minerals Development – Protecting Residential Amenity

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 Policies Development Plan Document, 2009

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

MDC7: The historic environment

MDC8: Sustainable transport and minerals development

MDC9: Restoration, aftercare and after-use management of minerals development

Wiltshire Core Strategy, January 2015

- Core Policy 8: Calne Community Area;
- Core Policy 50: Biodiversity and geodiversity
- Core Policy 51: Landscape;
- Core Policy 55: Air Quality;
- Core Policy 58: Ensuring the conservation of the historic environment
- Core Policy 62: Development impacts on the Transport Network;
- Core Policy 65: Movement of Goods

Compton Bassett Neighbourhood Plan 2015 - 2030 (Made May 2016)

- CBNP Policy 3: Development that will result in severe impacts on highway safety will not be permitted.
- CBNP Policy 4: The protection and, where possible, enrichment of the habitats and biodiversity of Compton Bassett will be supported.
- CBNP Policy 7: Proposals for development should preserve the character of Compton Bassett, conservation area, historic buildings and historic rights of way.
- CBNP Policy 8: Development proposals which strengthen and support local economic activity will be supported.
- CBNP Policy 10: Development should conserve the landscape and scenic beauty to the AONB.

The National Planning Policy Framework and relevant planning practice guidance.

49. The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. Several paragraphs are relevant to this application:

Paragraph 2 - Status of the NPPF in decision making.

Paragraphs 7 to 11 (Sustainable development)

Paragraph 38 (Decision making)

Paragraphs 2, 47 & 48 (Determining applications)

Paragraphs 54 to 57 (Use of planning conditions and obligations)

Paragraph 98 (Public Rights of Way)

Paragraphs 108 & 109 (Transport)

Paragraphs 148, 155 to 165 (Climate change and flood risk)

Paragraphs 170 to 177 (Conserving and enhancing the natural environment)

Paragraphs 189 to 202 - (Conserving and enhancing the historic environment)

Paragraphs 203 to 206 (Minerals)

50. The National Planning Practice Guidance (PPG) accompanies the NPPF providing guidance on its interpretation. Several paragraphs are relevant to this application:

Climate change; Environmental Impact Assessment; Flood risk and coastal change; Historic environment; Land stability; Minerals; Natural environment; Noise; Use of planning conditions.

Summary of consultation responses

51. There have been 6 separate rounds (see paragraph 64 below) of consultations on the applications in response to initial and further submissions by the Applicant. The following summary represents the position of consultees following the outcome and conclusion of the consultation exercises and is not intended to be a full detailed description of all comments submitted during each of the consultations undertaken.

52. **Compton Bassett Parish Council** – objects to both applications, on the following grounds:

The extraction area is a recently designated SHINE Monument and extends to around 11 hectares close to 4 dwellings at Freeth Farm and around 1km from the majority of houses in Compton Bassett.

The revised applications have the same material deficiencies that were present in the previous similar applications that were not permitted by Wiltshire Council.

The revised applications are fundamentally flawed in that they have little social and commercial merit to the extent that they are open to legal challenge if consented.

The main objections are as follows:

1. The ROMP is now believed to be invalid and, in any event, it was originally granted subject to various planning conditions that have the effect of materially reducing the extent of the proposed area for sand extraction and rendering the present revised application invalid.
2. The sand extraction noise levels would exceed the statutory limits for normal operations.
3. The temporary operations activities (topsoil removal and bund formation) would be likely to exceed statutory noise limits and would last for significantly longer than the statutory limitation of 8 weeks per year.
4. The revised application proposes very large noise attenuation bunds (4m high x 19m wide) surrounding (or partly surrounding) Freeth Farm Cottages starting at a distance of 16m from their boundaries and being present for over 2 years. These bunds are highly intrusive and cause a level of sensory deprivation which may be in breach of the Human Rights Act.
5. The Freeth Farm sand contains very fine silica quartz particles that are classified as a Grade 1 carcinogen and can be entrained in light winds and carried towards the nearby properties during bund construction and operation of the open conveyors for a period of 5-6 years.
6. The proposed Bridleway diversion route is wholly unsuitable and would be unsafe for horse riders as 1.2km of various top soil bunds have to be constructed next to the diverted route using noisy heavy machinery in close proximity; heavy machinery would also be working a short distance away in Phases 4, 5 and 6 for over 2 years; the proposed bridleway diverted route would run alongside an open conveyor for 800m and be crossed by an overhead open conveyor for a period of 5-6 years.
7. The applicant admits that the site is barely economic and there are additional issues that make this a wholly unsuitable site for the extraction of such a small quantity of sand. The site is adjacent to a Scheduled Monument that will require long term protection and an archaeological protection scheme has to be implemented during the period of sand extraction together with special measures to protect the local wild life that includes great crested newts, badgers, bats and nesting birds.

Overall, the small amount of sand is simply not needed, especially at such a high cost to the environment and local society, so the conditions implied by the applicant's submissions are not environmentally reasonable and are not best practice to the extent that this application is unacceptable to the local community, unlawful and open to legal challenge.

Finally, as there have been over 600 letters of objection to date, it is requested that any strategic planning meeting convened to consider this application be held in public. The applicant has submitted 108 technical documents and there a number of highly contentious and legal issues to be discussed. It would be undemocratic for such complex issues to be decided either in private or via internet technology.

53. **Environment Agency** – no objection, subject to the inclusion of a condition to secure and implement a groundwater monitoring plan for the duration of extraction activities as part of the development.
54. **Historic England** – do not wish to raise any objection. We have engaged with the applicants in pre-application discussions, have undertaken a site visit and discussed the application at some length with the County Archaeologist. We have formed the view that the proposals would not result in a loss of significance to designated heritage assets via any adverse change in setting. We concur with the view expressed in Chapter 3 of the ES in respect of the limited impact to the setting of the Scheduled Monument. known as 'Remains of watermill 500m east of Freeth Farm'.

It was noted in our pre-application discussions that the proposed extraction may result in changes to the groundwater feeding the stream passing through the Scheduled Monument. This was a potential concern, as increased flow may erode earthworks that form part of the monument, whilst a lower water-table may result in de-watering of potential organic deposits preserved within the monument. The mitigation proposed in the application (recharge trench and bore-hole monitoring) and as described in the Hydrological Impact Assessment should ensure that there will be no impact to the monument via changes in ground-water. We also concur here with Chapter 3 of the ES.

We strongly recommend that (if permission is granted) a condition is attached to the consent that requires the applicants to commission and implement a Conservation Management Plan (CMP) for the Scheduled Monument for the active life of the quarry or a period of five years, whichever is the longest. The CMP should be submitted for approval of Historic England at this office and should be agreed prior to groundwork starting in the application area.

55. **Natural England** – no objections. Advises that as the site is close to North Wessex Downs AONB the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal, including consultation with the relevant AONB Partnership or Conservation Board. The planning authority should apply Natural England published Standing Advice on protected species.

56. **North Wessex Downs AONB Partnership** – no comments received.
57. **Wiltshire Council Archaeology** – Support subject to condition requiring a written programme of archaeological investigation to be submitted to and approved by the Local Planning Authority prior to commencement of development. There is a significant amount of archaeological remains within this development site. This is highlighted in Chapter 3 of the Environmental Statement. The remains appear from the survey work to be later prehistoric settlement (Iron Age) with a possible earlier phase of Neolithic/Bronze activity. There is a requirement for large scale archaeological excavation (strip, map and record excavation) across the whole site prior to any development starting. The excavation should maximise the opportunity to investigate and record the earlier prehistoric phase of activity as well as the later prehistoric settlement.
58. **Wiltshire Council Environmental Health Officer** – advises that the application now demonstrates compliance with modern planning guidance and also the ‘spirit’ of previous guidance in terms of proposed noise conditions for normal operations in particular. The previous submissions proposed levels of 55dB initially and then 50dB at residential receptors, which would have been +20dB and +15dB (respectively) above the background noise level of 35dB and would have caused a significant adverse impact on residential amenity. The level of 47dB now proposed will result in +12dB above background which I could not object to. This is only 2dB above the “+10dB rule” and as such will not be a noticeable change in terms of perception to the human ear.

I am fully satisfied that both from a public protection and planning perspective, we have robustly sought, over a long period of time, to ensure that existing residents are not unreasonably affected, whilst considering the expectations of residents adjacent to land with a ROMP. Suitably phrased conditions can now be imposed to cover the following issues, as a minimum:

- Noise levels at residential receptors for normal and temporary operations
- Hours of operation
- Noise mitigation measures cross-referencing to each specific phase
- Noise monitoring
- Dust mitigation measures as outlined in the Dust Management Plan

59. **Wiltshire Council Landscape Officer** – Support subject to conditions. There have been several iterations of the design of the mitigation measures for noise and visual amenity since the original application was submitted. The key issue has been to find the balance between achieving noise mitigation within legal limits married to an acceptable solution for visual amenity. After considering the noise science it was considered, and verified on site, that a compromise of a 4.0m height bund would deliver the acoustic and amenity mitigation. The applicant was also asked to re-examine the phasing of the works to remove or minimise total enclosure of the cottages and provide some illustrative material to show what the residents will see/experience in the enclosure.

The applicant has submitted a revised Environmental Statement including Chapter 8 Landscape and Visual Impact Assessment Addendum Version 3. The key changes are welcomed in that they address concerns about prolonged enclosure of the cottages while maintaining acoustic attenuation. This is identified in the addendum at 8.2.4 as follows:

- *The height of the bunds surrounding and close to the cottages the Cottages at various phases (see below) have been raised from 3m to 4m;*
- *The north to south bund extending through the site during Phases 2 to 4 has been raised from 3m to 4m along the northern half of the bund;*
- *The position of the proposed 4m bunds during Phases 5 to 8 has been altered to reduce the enclosure of Freeth Farm Cottages. As a result the only phase where the Cottages are entirely surrounded is during Phase 6. Previous working schemes had screen bunds enclosing Freeth Farm Cottages during Phases 5, 6, 7 and 8. The inside toe of the bunds during Phase 6 would range from approximately 23m to 32m from the Cottage buildings; and*
- *Phase 5 would only require the bund to extend around the northern and eastern sides of the Cottages, while at Phase 7, the closest bund would only extend along the southern side of the Cottages, with part of the eastern bund moved further away from the Cottages (approximately 75m to the east); and*
- *At Phase 5, a 2m high bund rather than 3m high bund would be constructed along two thirds of the northern edge of Field 1 (with the westernmost third still featuring a 3m high bund) in order to screen views from the diverted Bridleway route.*

In addition, the applicant has provided some before and after Photomontages (Viewpoints A, B & C) that provide representative views of the residents looking south, east and north respectively. If the bunds are seeded as illustrated, it will help to improve their visual amenity rather than left as bare earth. I believe that this is the intention, ref: *'Non-Technical Summary 1.24 Screen bunds that will be in place for more than 6 months, will be seeded and maintained to prevent the invasion of noxious weeds'*

In conclusion the proposed bund will be 1.0m higher than originally specified to achieve noise mitigation. To address the visual amenity the bunds will be placed in proximity to the cottages for a shorter period of time and minimise total enclosure. Going forward from a landscape perspective I think we have reached a reasonable compromise.

Please include the standard landscape conditions regarding Planting Plan and 5 year plant replacements.

60. **Wiltshire Council Ecologist** – Support subject to conditions. Updated ecological surveys have been undertaken and the results presented within the Environmental Statement dated April 2020. The surveys have been carried out as per the agreed scope and suitable mitigation measures have been proposed for the extraction period at the site and for the restoration and post construction phases. Overall, happy that

the proposal can go ahead without significant adverse impact for biodiversity both within the site and in the wider landscape surrounding the site. The restored site will continue to support the wildlife species currently known to be present. To ensure benefit for biodiversity, request that a Landscape and Ecology Management Plan (LEMP) should be secured by condition. This will include prescriptions for management of retained, replacement and newly created habitat features within the site as part of the development.

61. **Wiltshire Council Highways Officer** – no highway objection. All extracted material will be removed by conveyor; as this includes a new structure over the highway the applicant should be advised that details of the structure will need to be submitted to, and approved by, the Local Highway Authority prior to the commencement of work.
62. **Wiltshire Council Rights of Way Officer** – Support. The proposal would have an impact on CBAS4, 5 and 18. The developer has acknowledged the rights of way and shown them being reinstated afterwards. Temporary diversions of the rights of way would have to be applied for. While not a formal condition, the applicant must be informed that records show CBAS5 is a “brown track”. This means that although the route is recorded as a bridleway, a higher level of public rights may exist. Therefore, any diversion would need to recognise this.

Publicity

63. The applications were publicised by Newspaper notice, Site notice, Neighbour notification, publication to the Council’s website and Weekly lists of applications, and notification to the Town and Parish Councils in the locality. As noted above, the application has been the subject of six separate periods of consultation in response to initial and further submissions by the Applicant.
64. **428** individuals have made representations (totalling 639 comments), some commenting on each round and some commenting on certain submissions only. The following table provides a breakdown of the number of objections received to each submission/round of publicity etc:

Version / Consultation round		Number of objections received
1	May/June 2016 – V1 original submission	326
2	Dec 2016/Jan 2017 - Response to Reg 22, noise.	71
3	Sept 2017 - V3 proposals - Straw Bales.	77
4	April 2018 - V4 proposals - 3.0m high soil bunds	89
5	May 2019 - Publicity of noise review commissioned by the Council and Applicant’s response	14
6	April 2020 - V5 proposals - 4.0m high soil bunds	62

65. The following is a summary of the planning issues raised and is not intended to be a full detailed description of all comments submitted during each of the consultations undertaken:

- The proposed sand extraction is not needed - contrary to the Wiltshire and Swindon Minerals Plan;
- Inadequate separation distances - best practice requires a distance of 200-250m as applied in other counties. The distance of the proposed workings to homes is unacceptably close, children will be subjected to excessively high levels of noise, vibration and dust for up to 6 years. Freeth Farm Cottages being almost completely surrounded by 4m high x 19m wide noise attenuation bunds for more than two years is unacceptable. These bunds are highly intrusive and cause a level of sensory deprivation which may be in breach of the Human Rights Act;
- Inadequate provision of bunds and fencing – the site is within 1km of Compton Bassett and the proposed bunds will not mitigate noise due to slope of the ground;
- Loss of public footpaths, bridleway and private rights of way – the proposed re-route of the rights of way is unworkable as route known to become too boggy. Footpath should not be lost as runs along an ancient hedgerow. Freeth is a quiet place with beautiful surroundings which will be destroyed, and loud noises and large machinery will disturb cycle rides and spook ponies. The proposed Bridleway diversion route is wholly unsuitable and would be unsafe for horse riders. The ROMP regime should not, however, be used to effectively render this Freeth Farm area a “no go” area for equestrian use over the life of the development;
- Loss of agricultural land – permanent loss of Grade 2 land will result from reduced land height, high water table and underlying clay;
- Public nuisance and health risk – dust blow from the conveyor is a potential health risk. The Freeth Farm sand is a Grade 1 carcinogen and can be entrained in light winds and carried towards the nearby properties;
- Damage to local business – Compton Bassett has a number of sensitive dust receptors and the application will damage the health of local businesses;
- Noise nuisance – pumping to reduce water table to extract sand will cause noise nuisance and harm particularly overnight to Compton Bassett residents. The sand extraction noise levels would exceed the statutory limits for normal operations. The temporary operations activities (topsoil removal and bund formation) would be likely to exceed statutory noise limits and would last for significantly longer than the statutory limitation of 8 weeks per year. The application falls short of statutory noise limits, more investigation should be

undertaken. Hill's proposed noise monitoring scheme is ludicrous, measuring just 4 times a year would be entirely ineffective;

- Loss of Visual Amenity – the site is highly visible from Compton Bassett, the Conservation Area, the AONB and Cherhill Down and amenity of adjacent properties will be restricted by high bunds and will obscure landscape views;
- Permanent damage to Scheduled Ancient Monument – the site impinges on a scheduled monument and mitigation measures are incorrectly sized. Appropriately sized measures will be required on perpetuity;
- Permanent destruction of nationally important archaeology - the extraction area is a recently designated SHINE Monument. The geophysical survey results suggest more extensive and complex archaeological remains exist within the area and ideally they would be preserved rather than destroyed. The area of the proposed quarry is part of a nationally important large Saxon settlement and that the bridleway protected by the conditions in the original planning permission is a Saxon road running through the settlement;
- Permanent damage to local hydrology – extraction will cause adverse effects on local hydrology and likely to undermine the foundations of adjacent properties;
- Increase flood risk – extraction is likely to increase flood risk in the adjacent FRZ3 area and low-lying farmland;
- Permanent damage to local ecology – extraction would cause loss of ancient hedgerows and a parcel of ancient woodland, removal of ponds and loss of habitat for newts and badgers and disturbance of farmland birds. Potential impact on adjacent Wiltshire Wildlife Trust Reserve has not been assessed.
- The very limited social and commercial benefit of extracting small amount of low-grade sand is overwhelmingly outweighed by the damage to local amenity, businesses, ecology, scheduled ancient monument and archaeology, as well as noise nuisance and risks to public health;
- The ROMP is believed to be invalid and, in any event, it was originally granted subject to various planning conditions that have the effect of materially reducing the extent of the proposed area for sand extraction and rendering the present revised application invalid;
- The Applicant's argument that statutory noise limits should be waived by the Mineral Planning Authority (MPA), appears to imply that the MPA might be held responsible for rendering the development uneconomic, is not right;
- The proposed removal of the 1956 Condition (g) to increase the excavation area would have the effect of materially changing the scope and extent of the authorised development - this would be potentially unlawful in the same way that

Section 73 of the TCPA 1990 cannot be used to increase the scope of a permitted development. There is no extant permission to extract sand from the CDAS5 Bridleway area. Current planning law does not allow the Applicant to make a material change to increasing the consented excavation area simply to increase the financial benefit that will accrue.

66. Solicitors acting for several local people have provided the Council with a Legal Opinion. On the basis of this Opinion, the solicitor's covering letter to the Council makes the following assertion:

- that it is not appropriate and potentially unlawful to utilise the ROMP application procedure to delete existing and still justified protections and restrictions from old mining permissions on dormant sites; and
- As such, the condition (g) requirement to maintain the bridleway running across the site must be retained in any revised conditions.

67. In summary, the Opinion argues that the ROMP Application is limited to the imposition of new conditions and the process should be considered to be akin to an application for approval of reserved matters and any alteration of the conditions on the 1956 Permission which have the effect of materially changing the scope and extent of the authorised development by increasing the excavation area will be potentially unlawful. Furthermore, it is argued that para. 9(7) of Sch. 13 EA 1995 does not empower the minerals planning authority to delete existing restrictions and protective conditions, only, in effect, to modernise by substituting new conditions reflecting modern standards for mineral development and it was clearly considered at the time of granting the 1956 Permission that the path CBAS5 should be protected. Removing condition (g), such that the area under path CBAS5 may be excavated will have the effect of increasing the area of the site that can be worked/excavated and thus in effect materially amend the 1956 Permission.

68. In addition, the solicitors have raised the following concerns:

- The noise assessments (the ES, the Council's expert and commissioned by local residents) have identified likely significant adverse effects on nearby properties flowing from these operations (both operational and temporary) if adequate and effective mitigation is not secured;
- the applicant's financial viability argument in support of the current Freeth Farm application is founded on an incorrect calculation of the potential sand tonnages available together with invalid assumptions regarding the available topsoil volumes to provide the claimed noise attenuation. If this is the case the viability of the scheme is not marginal and there is scope and flexibility for the sort of buffer zones around the neighbouring properties and other mitigation measures that local people have sought;
- The application documents have not assessed the effect of de-watering on the underlying Kimmeridge clay. There will be clay shrinkage as it dries out which will potentially affect Freeth Farm Cottages and also potentially the access road; and

- The proposed drainage scheme has the potential to cause long term erosion of the excavation edge unless the drainage is contained in appropriate pipes which may exacerbate the de-watering of the underlying Kimmeridge clay.
69. **James Gray MP** – shares the concerns expressed by constituents about the applications for this development.
70. **CPRE** – have concerns about potential effects on the water table and resulting changes to the local hydrology; visual effects on the Compton Bassett conservation area, the AONB and the amenity of adjacent properties; and effects of noise and dust on dwellings in the village of Compton Bassett. Do not believe that the social and commercial benefits of extracting such a small amount of low-grade sand outweigh the damage to local amenity, noise and potential risk to public health.

Planning Considerations

71. The application is for a review of minerals planning conditions made under the provisions of the Environment Act 1995. The Freeth Farm mineral site is classified as a 'Dormant' site and so minerals development cannot lawfully commence until the applicant has submitted an application for appropriate minerals conditions and conditions have been agreed by the Mineral Planning Authority (MPA). The main consideration in determining this application therefore is whether the proposed planning conditions under which the site would operate are appropriate and necessary to address the environmental and amenity aspects of working the site. An ES accompanies the application which considers the likely environmental impact/s of the proposals. The key issues to be addressed are whether the proposed working and restoration methods are acceptable and whether the recommended conditions are appropriate to control working and restoration, ensure that there are no unacceptable adverse effects on residential amenity in terms of noise, dust and visual impacts, and that there are no unacceptable adverse impacts on the Scheduled Monument known as 'Remains of watermill 500m east of Freeth Farm'; or other features of archaeological importance; on the water environment; biodiversity interests or on public rights of way.
72. PPG – Minerals states that planning conditions imposed as part of the review of planning conditions must all meet the policy tests (i.e. the 6 tests in the NPPF para 55), be necessary and should not affect the economic viability of the operation (e.g. conditions which restrict the total quantity of mineral for extraction). Paragraph 55 of the NPPF states planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Status of the 1956 Mineral Permission / Need

73. Compton Bassett Parish Council and other local people have questioned whether the permission granted in 1956 for excavation of minerals was ever implemented and therefore valid and whether there is a need for the sand contained within the site. The Freeth Farm mineral site was entered on the 'First List' of sites prepared under Schedule 13 of the Environment Act 1995 by the then Wiltshire County Council in January 1996 and confirmed as a dormant site. The reference sheet included in the first list records Freeth Farm as "*worked intermittently but largely unworked to any substantial extent*". As planning permission for the excavation of minerals already exists it is not relevant for the MPA to consider, as with a planning application for new mineral development, whether there is a need for the mineral reserve to be extracted.

Working Scheme

74. National Planning Practice Guidance (PPG) provides advice on how mineral operators should seek to minimise the impact of development upon properties and the local environment in close proximity to mineral workings. It says that mineral operators should look to agree a programme of work with the mineral planning authority which takes into account, as far as is practicable, the potential impacts on the local community and local environment (including wildlife), the proximity to occupied properties, and legitimate operational considerations over the expected duration of operations.
75. The policy approach set out in Policy MCS8 of the Minerals Core Strategy and Policy MDC2 of the Minerals Development Control Policies DPD seeks to ensure that the potential adverse impacts associated with minerals development are managed to protect the environment and amenity.
76. Since its submission in May 2016, the Working Scheme proposed to be secured by the schedule of new conditions has been amended several times to address concerns raised that it did not minimise the impacts, in terms of noise and visual intrusion, on the amenity of the neighbouring residential properties, especially Freeth Farm Cottages. It is for the Minerals Planning Authority to balance the operational requirements of the mineral operator with the need to protect the local environment and local residents. The design of the Working Scheme has evolved over five design changes and since the submission of the fourth version in March 2018 the applicant has engaged in an iterative process with the Mineral Planning Authority and their respective professional consultants, seeking to achieve a balanced scheme that reduces noise, visual impact, and the enclosure of Freeth Farm Cottages to an acceptable level, whilst not unnecessarily affecting the economic viability of the operation.
77. This lengthy process has taken into consideration whether a certain buffer zone / separation distance is required between the boundary of the mineral extraction area and the neighbouring properties, as well as other measures to help ameliorate and reduce the impacts associated with the development. In the objections made against the applications it has been suggested that an exclusion zone of a minimum of 100m

would represent best practice, based on the approach taken by other mineral planning authorities who apparently impose such a distance as standard.

78. However, the approach set out in the adopted Development Plan for Wiltshire (Policy MCS8 of the Minerals Core Strategy and Policy MDC2 of the Development Control Policies DPD) to protecting residential amenity is based on the principle of separation distances being determined on a case by case basis, led by site-specific evidence. This notes that in some cases the use of a standard or fixed separation arrangement may result in unnecessary sterilisation of mineral resources where carefully and sensitively planned short-term extraction could be acceptable.

79. This approach is consistent with that advised in the PPG. The PPG states:

“Separation distances/buffer zones may be appropriate in specific circumstances where it is clear that, based on site specific assessments and other forms of mitigation measures (such as working scheme design and landscaping) a certain distance is required between the boundary of the minerals extraction area and occupied residential property.

Any proposed separation distance should be established on a site-specific basis and should be effective, properly justified, and reasonable. It should take into account:

- the nature of the mineral extraction activity;*
- the need to avoid undue sterilisation of mineral resources,*
- location and topography;*
- the characteristics of the various environmental effects likely to arise; and*
- the various mitigation measures that can be applied.”*

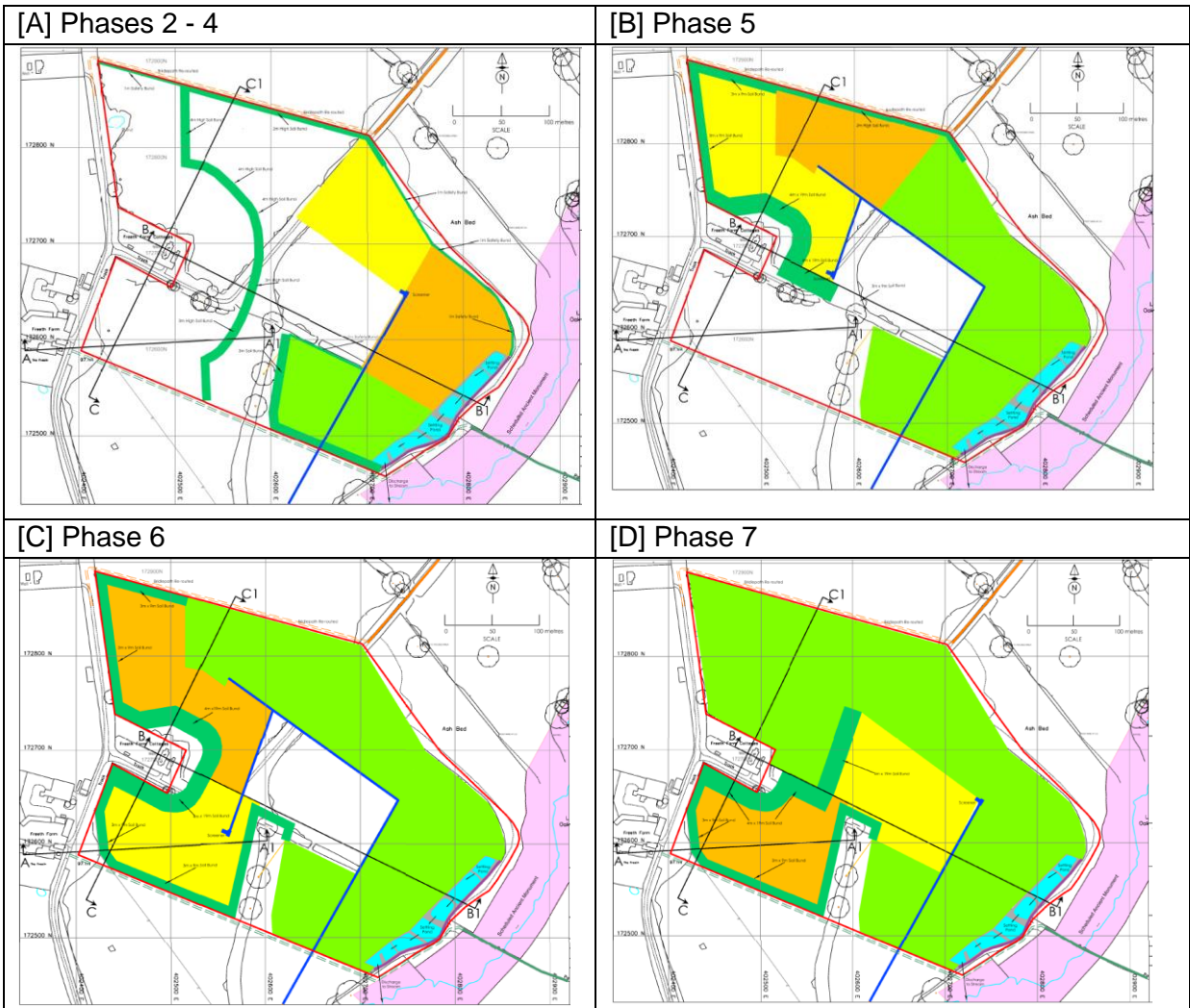
80. In terms of mitigation measures, the Applicant contended that to achieve the site noise limit suggested in PPG of 10 dB(A) above the background noise level (i.e. 45 dB LAeq, 1 hr) would impose unreasonable burdens on them for this site. It was advised that this limit could only be achieved by either: -

- Increasing the stand-off distances further from those proposed, but which would sterilise mineral reserves and risk the development becoming commercially unviable;
- or
- Increasing the height of the screen bunds up to 5 metres in height, a height which was considered to have an unacceptable impact on visual amenity.

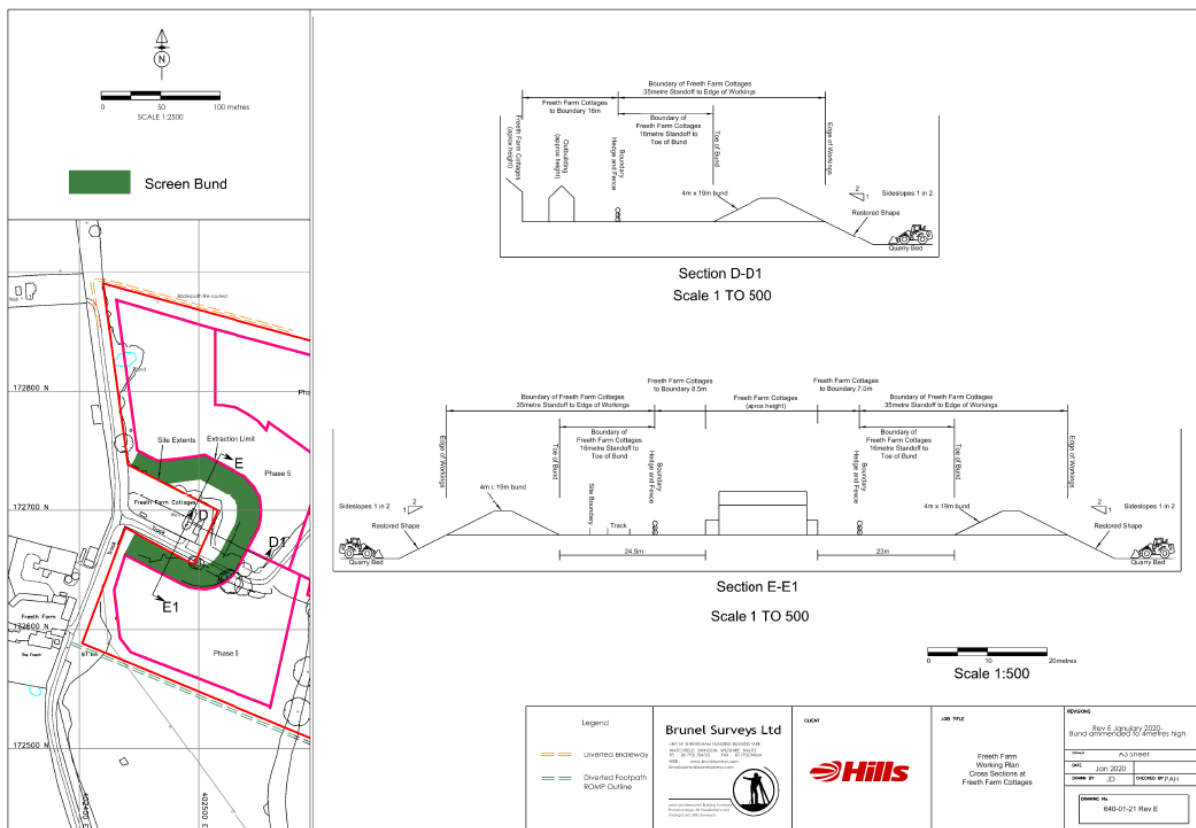
81. Officers have taken legal advice from Counsel on the interpretation of the term “unreasonable burden”. The advice to the Council is that the essential issue is not whether the noise mitigation will have any burden on the mineral operator or will cause any mineral to be sterilised; rather the key question is whether the burden or sterilisation will be unreasonable or undue. Conditions should consider the affect on the economic viability of the mineral operation of imposing a particular condition. However, economic viability in this context does not require that there is no impact at all on viability; rather it requires consideration of the extent to which viability would be impacted and whether this was unreasonable.

82. In support of the argument that noise mitigation measures would be an unreasonable burden because of the financial viability the Applicant has provided a financial viability assessment (FVA) of the Freeth Farm Quarry development. This has been reviewed by an external suitably qualified firm of Chartered Mineral Surveyors, appointed by the Council's Estates Management Team, who advise that any increase in stand-off from that now proposed will result in a substantial increase in the volume of sterilised mineral and hence a significant impact on economic viability.
83. Solicitors acting for several local people have provided a copy of a chartered quantity surveyors report in support of their contention that the applicant's viability appraisal's sand tonnage estimates are below that of what should be expected at the site. It is asserted that the tonnage of sand needed to maintain financial viability could be extracted from a significantly smaller area than that proposed, thus enabling a larger exclusion zone of around 100m from the adjacent properties and retaining in-situ the eastern Bridleway that crosses the Site. The solicitors contend that the applicant's estimate of the tonnage of sand available does not take adequate account of sand densities as opposed to volume. This is not correct. The FVA calculates, aided by 3D computer modelling, the saleable quantity of sand in tonnes. This includes a figure for sand density falling within the range suggested in the chartered quantity surveyors report. The key difference between the applicant's figures and that of the quantity surveyors is the figure for excavation and processing losses. This factor (i.e. not all the sand extracted will be saleable) has been overlooked in the quantity surveyors report.
84. The FVA and the Noise and Landscape and Visual Impact Assessments have been reviewed and taken all together have produced a balanced working scheme design that achieves lower noise levels and provides a greater separation distance than previously proposed, a shorter period of time that the screen bunds will be in proximity to the adjacent properties and avoids the unnecessary sterilisation of minerals.
85. The progressive construction and later removal when no longer required of a 3m - 4m high soil bunds for acoustic and visual screening is now proposed:
- As shown in Picture [A] below, an initial bund would extend through the middle of the site from north to south at a radius from Freeth Farm Cottages of approximately 80 – 90m, during Phases 2, 3 and 4;
 - Then at Phase 5 (Picture [B]), the bund would move to the northern side of the Cottages;
 - At Phase 6 (Picture [C]) the bund would surround the Cottages: the only Phase where this would be the case, for 46 weeks. The inside toe of the bunds during Phase 6 would range from approximately 23m to 32m from the Cottage buildings. Further detail of this arrangement is shown in Picture [E] below, and;

- At Phase 7 (Picture [D]), the closest bund would only extend along the southern side of the Cottages, with part of the eastern bund moved further away from the Cottages (approximately 75m to the east).



86. Picture [E] - section drawing showing separation distances between Freeth Farm Cottages and the proposed screen bunding and the edge of mineral extraction:



87. Picture [E] shows that during Phase 6 the inside toe of the screen bund would range from approximately 23m to 32m from the Cottage buildings (16m stand-off from the property boundary fence and hedge). The bund itself would be 19m wide, providing a stand-off between the boundary fence and hedge to the edge of mineral working of 35m (42m to 51m from the Cottage buildings).

88. The revised phased working scheme would result in Freeth Farm Cottages being enclosed on three sides by 4m high bunds only during Phase 6 (46 weeks), rather than Phases 5, 6 and 7 (137 weeks) as set out in the previous working scheme. This change has been incorporated in response to concerns from the Cottage residents and would improve the visual amenity for residents throughout the duration of the extraction and progressive restoration operations.

89. Further details of the noise and visual impact assessments undertaken follow below, but the resulting scheme design with greater separation distances is considered by officers to strike a reasonable balance between effectively reducing the visual impact and the enclosure of Freeth Farm Cottages to an acceptable level, achieving noise levels that are consistent with current practice and avoiding undue sterilisation of the mineral reserve. The Environmental Health Officer is fully satisfied that existing residents would not be unreasonably affected, and the Landscape Officer is content that reasonable compromise has been reached from a landscape/visual amenity perspective.

90. The applicant has proposed conditions that would ensure the Working Scheme (inc. phasing of development/appropriate separation distances) and provision of the screen bunds adjacent to Freeth Farm Cottages in Phases 5, 6 and 7 to the agreed design are implemented as part of the development. Such conditions (E and S) are considered necessary to ensure that the development avoids and/or adequately mitigates significant adverse impacts associated with quarrying operations and to accord with Policy MDC2 of the Minerals Development Control Policies DPD.
91. The applicant's proposed condition (F) requiring that the MPA be notified when a working phase has been marked out on site is considered unnecessary. The site will be subject to regular inspection as part of the Council's established site monitoring regime and proposed condition number 'B' requiring notification of key stages of the development anyway. It is therefore recommended this proposed condition is rejected.

Movement of mineral from the Site

92. The extracted sand will be transported off site by an overland field conveyor system to the existing processing facilities at the Sands Farm area within Calne Quarry. The conveyor is subject of a separate application, and the applicant has proposed a condition (condition C) to ensure that no mineral is exported from the site by any other means (i.e. by road). Policy MCS 9 of the Minerals Core Strategy encourages the use of conveyors for ultra-short transfer of minerals by conveyor either within or between sites so the proposed condition is considered appropriate and reasonable. It is however recommended that the wording of the proposed condition is amended for precision by referring to the approved plans (which establishes the point at which the conveyor exits the mineral site) rather than to an undetermined planning application.

Duration of development

93. It is required that conditions provide for the date on which minerals development must cease. The Applicant has proposed that this date be no later than 21 February 2042.
94. This date is taken from Schedule 5 to the Town and Country Planning Act 1990 which provides that planning permissions granted prior to 22 February 1982 must cease not later than the expiration of the period of 60 years beginning with that date, i.e. by 22 February 2042. However, subsequent requirements for the review and updating of old mining/mineral permissions were introduced by the Planning and Compensation Act 1991 (dealing with permissions granted after 21 July 1943 and before 1 July 1948) and the Environment Act 1995 (initial review of permissions granted before 22 February 1982 and the periodic review of all mining sites). Whereas the Planning and Compensation Act 1991 prescribes that updated conditions must include a condition that minerals development cease not later than 21 February 2042, the Environment Act 1995 does not. In an appeal to the Secretary of State pursuant to section 96 and schedule 13 to the Environment Act 1995 against

conditions determined to be attached to a mineral permission at Thornhaugh Quarry in Cambridgeshire, the Secretary of State ruled that a Mineral Planning Authority, and the Secretary of State on appeal, has the power to substitute a new condition limiting the duration of development for that imposed by virtue of the Town and Country Planning Act.

95. In terms of modern working conditions, the NPPF states that in considering proposals for mineral extraction, minerals planning authorities should provide for restoration and aftercare at the earliest opportunity. Policy MCS10 of the Minerals Core Strategy and Policy MDC9 of the Development Control Policies DPD note that 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.
96. As set out in paragraphs 26 to 40 above, a progressive method of working over 8 phases is proposed, designed to minimise possible visual and acoustic disturbance and ensure the smallest area is operational and out of agricultural production at any one time. The temporary nature of the working has also been taken into account as a mitigating factor in the Heritage Assessment when considering the impact on the setting of designated and non-designated heritage assets. The Applicant has calculated that mineral extraction will take a period of approximately 6 years, with the final restoration works completed within 12 months thereafter. In other words, the site will be restored within 7 years from the commencement of mineral extraction. The proposed 'end date' of February 2042, i.e. 21.5 years from now, is therefore excessive, giving too long a life to the development and at odds with the design and intentions of proposed working programme. It is therefore considered that the applicant's proposed condition ('A') be modified (recommended condition no. 1) to reflect to the calculated duration for the development, and which is the timeline assumed for the purposes of the EIA.

Restoration and aftercare

97. It is proposed that after extraction the site will be progressively restored to agriculture recreating the pre-existing pattern of fields, hedgerows, woodland and reinstated bridleway and footpath routes. No waste materials will be imported to restore the site. Instead, poor quality mineral and stored soils will be respread to create a landform approximately 2m to 3m below original ground level and contoured to give a natural appearance. As with the pre-development ground levels, the profile of the restored site has been designed to drain to two separate catchments.
98. Returning the land to agriculture is considered appropriate given the location of the site within a landscape of predominantly arable farmland. No objections to the intended after-use have been raised by Natural England. The reinstatement of pre-existing pattern of fields and public rights of way also alleviates potential impacts on the historic landscape character. The scheme includes habitat creation and management to increase the overall habitat and structural diversity found on-site.

99. The applicant has proposed conditions to prohibit waste materials being imported to the site and for protecting soil resources that will be required for site restoration and to secure implementation of the final Restoration Scheme. Such conditions (G, H, I, J, K, L, M, N and O) are considered necessary and appropriate to ensure high quality restoration takes place and to accord with Policy MDC9 of the Minerals Development Control Policies DPD.
100. Once the soils have been replaced, they would be cultivated and sown with an agricultural grass seed mix to stabilise the soils. The agricultural land will then be subject to aftercare for five years to ensure the site is returned to a standard suitable for such after-use. Planting of native tree and hedgerow species will also be subject to a 5-year aftercare scheme.
101. The proposed scheme of conditions includes a condition to secure delivery of the aftercare steps through submission of a detailed scheme for approval prior to the commencement of Phase 2 of the development. The aftercare scheme would set out the steps, such as cultivating and treating the land to bring to the required standard for use for agriculture. This is a common approach and also provides an opportunity to establish the site infrastructure such as drainage, and the initial establishment and management of vegetation. However, it is considered that the proposed condition be amended as currently worded it seeks to cover both restoration and aftercare, which are different stages of development. It is recommended that an additional condition be added to address reclamation/restoration works (recommended condition number 31) in accordance with Policy MDC9 of the Minerals Development Control Policies DPD.

Noise

102. The applicant has carried out a noise impact assessment which considers the likely noise, and the resulting impact, from the proposed mineral extraction and conveying operations to the processing plant site and restoration activities, and the means by which these impacts may be minimised. As noise is a complex technical issue, and given the concerns raised about earlier submissions, officers have obtained external expert assistance from Noise and Vibration Control Specialists to assist with applying relevant noise policy and standards.
103. Current guidelines on noise are set out in PPG, including what are the appropriate noise standards for mineral operators for normal operations. The PPG advises that mineral planning authorities should aim to establish limits through a planning condition, at noise sensitive properties, so that the normal operational noise LAeq, 1hr does not exceed the typical background noise level, LA90, 1hr by more than 10 dB(A). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable, subject to an upper limit of 55 dB(A) LAeq, 1hr.

104. The inference of this guidance is that, if a target exceeding the +10 dB criteria is proposed by an applicant, there should be clear justification for why it is not practical to achieve a lower level, avoiding unreasonable burdens. The PPG further advises that care should be taken, however, to avoid any of the suggested values being implemented as fixed thresholds as specific circumstances may justify some small variation being allowed.
105. The PPG advises that to determine the impact of noise, mineral planning authorities *“should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:*
- give rise to a significant adverse effect;*
 - give rise to an adverse effect; and*
 - enable a good standard of amenity to be achieved.*
- In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation”.*
- As suggested in the PPG, officers have sought experienced specialist assistance when applying this policy.
106. The background noise level in the area is 35 dB(A) LA90, T. The advice from the Noise and Vibration Control Specialists was that with the previous submissions proposing noise limits of 55dB initially and then 50dB, which would have been +20dB and +15dB (respectively) above the background noise level of 35dB, this would have caused a significant adverse effect on residential amenity. It was advised as critical to ensure that all forms of noise mitigation be exhausted before a working scheme is approved.
107. The iterative design process described above tested the combination of progressive construction and later removal when no longer required of soil bunds at various separation distances to achieve acoustic screening that achieves a noise level as near as practicable to the suggested PPG limit of 10dB(A) above the background level.
108. The ES reports the alternatives studied by the applicant, including methods of working. In terms of noise attenuation, several options for screening which could function to attenuate noise, but also visually screen the quarry and fit, as best as it can, into the landscape were considered. Options studied and rejected included tree and shrub planting, acoustic fencing, barriers made of other material (e.g. straw bales) and a combination of acoustic fence erected on soil bunds. Soil Bunds have been chosen as they provide the dual benefit of an acoustic and visual screen while providing for storage of soils outside of the extraction areas. The Landscape and Visual Impact Assessment section of the ES also concludes with soil bunds as the preferable option.

109. In addition to the proposed arrangement of 3m - 4m high soil bunds for acoustic (and visual) screening and separation distances described above, other measures to be employed to help ameliorate and reduce the noise impacts associated with the development have been obtained. These include: -
- Phasing size and bunding design to ensure that noise from temporary operations will be limited to no more than 8 weeks per annum in accordance with Paragraph: 022 of PPG;
 - Positioning the loading shovel at the base of deposit when digging the face nearest to the dwellings. This will provide an additional 3 metres of barrier affect when digging;
 - Only submersible electric pumps to be used to dewater the workings (located in the south east corner of the site, in excess of 300 metres from the nearest dwelling);
 - Use of electric driven conveyor instead of dump trucks and HGVs to transport the mineral off site;
 - Choice of Plant limited to only electric driven conveyor and screener and a single Tier 4 Compliant Loading Shovel; which meets current noise and emission standards;
 - Use of low tonal or white noise reversing beepers on Plant;
 - In each phase, positioning the screener as far from the noise sensitive receptors as operationally possible; and
 - Reduced working hours from those typically observed at quarries, namely:
 - No working during weekends (including Saturday mornings), bank or public holidays
 - Operations in Phases 1, 2, and 3 restricted to 08.00 to 17.00 on Mondays to Fridays
 - Operations in Phases 4, 5, 6, 7 and 8 restricted to 09.00 to 12.00 and 13.00 to 16.00 on Mondays to Fridays.

110. With this package of measures, the applicant proposes that noise can now be limited to a level of 47 dB(A) LAeq, 1hr. The level of 47dB will result in '+12dB above background'; an extra 2 dB over the suggested level of '+10dB above background' set out in the PPG. As noted above in paragraph 104, the PPG advises that care should be taken to avoid the suggested value of '+10dB' being implemented as a fixed threshold. The Environmental Health Officer has no objection to the proposed limit of 47dB, due to this being only 2dB above the "+10dB rule" and advises that the 2dB difference would not be a noticeable change in terms of perception to the human ear.

Temporary operations

111. PPG advises that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. The Noise and Vibration Control Specialists note here that the PPG guideline limit does not preclude adverse impact on residential neighbours, even with restricted periods of exposure.
112. As noted above, provision of 3m - 4m high soil bunds is required to avoid a significant adverse acoustic effect on residential amenity. The progressive construction and later removal when no longer required of the bunds at this site, rather than the typical approach of erecting bunds at the start of operations and removal at the very end, is also for the benefit of residential amenity by reducing the visual impact and the enclosure of Freeth Farm Cottages over the duration of the development.
113. The applicant has proposed conditions to ensure that the operational noise limits and mitigation and monitoring measures for normal and temporary operations are implemented as part of the development. Such conditions (Z, AA, BB, DD and JJ) are considered necessary and appropriate to ensure that the development avoids and/or adequately mitigates significant adverse noise impacts associated with quarrying operations and to accord with Policy MDC2 of the Minerals Development Control Policies DPD. However, it is considered that the proposed condition on noise limits be amended for precision as currently worded it includes unnecessary and imprecise wording. It is also recommended that the proposed, separate, conditions (P, Q and R) to secure the permitted hours of working for each working phase should be set out in a single condition (recommended condition no. 9) as well as the prohibition on working weekends and public holidays and requirement for maintenance work to take place during the stipulated times.
114. Concern has been expressed that the Environmental Noise Scheme is inadequate as it does not provide for continuous monitoring to identify if noise is exceeding the site noise limit. Instead, it is proposed that monitoring will be based on fully attended sample measurements at times when the site is fully operational, with observations about the site activity, extraneous noise (i.e. not attributable to the site activity) and weather conditions. The submitted scheme explains that continuous/unattended monitoring, namely an automatic monitoring station with remote access and triggered

alerts, is not appropriate for the Freeth Farm development due to, among other factors, the potential for frequent 'triggered alerts' due to extraneous noise (e.g. farm machinery). The latest scheme provides for monitoring to be undertaken at the adjacent properties four times per year and during key stages of site development (such as commencement of mineral extraction in any new phase and construction of soil bunds near to the properties), as well for additional monitoring in accordance with the complaint procedure set out in the scheme. The noise monitoring would also be supplemented by site inspections carried out by the Council's Planning Enforcement Team (as part of the Council's established site monitoring regime), accompanied by the Environmental Health Officer as necessary. Should it prove necessary, the scheme provides for amendments to be made to the scheme contents, including monitoring frequency. In light of the extensive noise review work undertaken to establish that appropriate site noise limits can be achieved, it is considered the proposed Environmental Noise Scheme is proportionate. However, it is recommended the applicant's proposed condition (CC) to secure implementation of the scheme is, for purposes of precision, amended (recommended condition no. 12) so the wording includes its full title and the point in time from when noise levels are to be monitored and managed.

Dust

115. The ES includes an assessment of the potential for dust impacts associated with the operation of Freeth Farm Quarry, including the potential sources of dust emissions; the potential for air quality and dust impacts at receptor locations; and, where necessary, mitigation measures.
116. PPG sets out advice on how mineral operators should seek to minimise dust emissions. This says where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment study, which should be undertaken by a competent person/organisation with acknowledged experience of undertaking this type of work. The dust assessment study provided in the ES has been prepared by an independent environmental consultancy specialising in the assessment of air quality, dust and odour and reviewed by the Public Protection/Environmental Health Officer.
117. The assessment reports that there is the potential for a significant nuisance dust impact during bund creation and robust mitigation measures will be required during this stage of works. All other receptors are greater than 200m and are unlikely to be affected. During the extraction stages, the potential emissions from the wet, coarse extracted mineral are assessed to be very low, even adjacent to the workings. Potential impacts are not judged significant. The concerns raised by local people regarding the 'Freeth Farm sand' being a "Grade 1 carcinogen" that can be entrained in light winds and carried towards the nearby properties are noted, but these fears are not supported by the expert assessment carried out and no objections or concerns have been raised by the Environmental Health Officer on this issue.

118. The dust assessment notes that as the development is phased, the highest risks will only occur when the western area of the site is worked (Phase 4, 5, 6 and the western end of Phase 7). Freeth Farm Cottages, Freeth Farm and The Lodge are within 100m of mineral extraction areas (Phases 4-7 and the western area of Phase 7), with all other potential receptors being remote in relation to the distances relevant to dust nuisance impacts. When site operations within the site are closest to these receptors there is the potential for dust nuisance to occur, particularly during bund creation. However, the assessment considers that this risk may be adequately mitigated by robust operational control. Such controls would include not undertaking activities with a high potential for dust emissions when the wind direction is in the direction of receptors and there has been a period of dry weather.
119. These mitigation measures and management controls, together with actions for monitoring and complaints procedure, are set out in a 'Dust Management Plan'. The environmental design and mitigation measures detailed in the Plan are derived from industry good practice guidance and Process Guidance Note 3/08(12) - Statutory guidance for quarry processes. The applicant has proposed a condition ('U') to ensure the implementation of the Dust Management Plan is implemented as part of the development. Such condition is considered necessary and appropriate to ensure that the development avoids and/or adequately mitigates significant adverse dust impacts associated with quarrying operations and to accord with Policy MDC2 of the Minerals Development Control Policies DPD.

Landscape and Visual Impact

120. A Landscape and Visual Impact Assessment (LVIA) has been undertaken for the application. Landscape receptors (landscape features and character) and visual receptors at 18 representative viewpoints have been assessed for potential sources of landscape and visual effects from two stages to the proposed development; the first of which is the 'Extraction and Progressive Restoration' stage (approximately 7 years), followed by the '10 Years Post Restoration' stage.
121. The site is not located within an Area of Outstanding Natural Beauty (AONB), although the boundary of the North Wessex Downs AONB extends along the main road through Compton Bassett and is located approximately 700m to the east and 560m to the south of the extraction area.
122. **Potential Key Effects on Landscape Receptors**
The LVIA finds that while the works themselves would clearly affect the features across the land and its character to a significant degree during the operational period, this is only temporary and the restoration scheme would, following aftercare and a period of maturation, successfully integrate the site back into the surrounding countryside. The reduction in landform levels would not affect the landscape character to a noticeably adverse degree once the site is fully restored.

123. Potential Key Effects on Visual Amenity

For the temporary Extraction and Progressive Restoration stage, the LVIA records that:

Significant effects would be likely to occur to visual receptors represented by eight viewpoints in close proximity to the Site, including residents at Freeth Farm, associated properties and Freeth Farm Cottages, as well as PRow users. However, for these receptors, significant effects would only occur during the temporary, short term initial soil stripping and bund construction works or later works to relocate bunds (for example, between Phases 4 and 5) or to recover the bunds for use in restoration. Once constructed and seeded to grass the presence of these mitigating features in the landscape would be less visually disruptive than the extraction and restoration works they would screen, so for the majority of time throughout the working phases, effects on visual amenity would be notable but not significant.

The revised phased working scheme would result in Freeth Farm Cottages being entirely enclosed by 4m high bunds only during Phase 6, rather than Phases 5, 6 and 7 as set out in the previous working scheme. This change has been incorporated in response to concerns from the Cottage residents and would improve the visual amenity for residents throughout the duration of the extraction and progressive restoration operations.

In terms of other residential properties, it is considered that there would not be any significant visual effects on any residents within Compton Bassett or from any location within the North Wessex Downs AONB, partially due to the distance of these receptors from the extraction area, which ranges from approximately 700m to over 1km.

In terms of visual effects on PRow users, there would again be temporary, short term significant effects caused by soil stripping and bund construction that would last a number of weeks. However, following this, effects would reduce to a non-significant level, as the grassed bunds themselves would screen more visually disruptive extraction operations beyond. Some views towards the AONB (wooded scarp slope) from PRow in close proximity to the site would be adversely affected by the presence of the bunds, although these effects would be transient, temporary and would affect only limited sections of the PRow routes.

124. At the 10 Years Post Restoration stage, the LVIA finds views from all viewpoints would be very similar to existing, and although the lowered landform would be discernible to some extent, it would have very little effect on the quality of the views. The restored site would have integrated into the landscape by this point and would appear characteristic of the wider surroundings.

125. Mitigating Potential Landscape and Visual Effects

The LVIA sets out the number of measures included in the working scheme and restoration design proposals to reduce or compensate for unavoidable effects on landscape and/or visual receptors. These include:

- The bunds positioned where they best offer mitigation to views from residential properties and/or Public Rights of Way (PRoW);
 - a 3m – 4m high soil bund around Freeth Farm Cottages which would entirely enclose the Cottages only during Phase 6, an unworked standoff of 23m – 32m between the Cottage properties and the extraction area;
 - peripheral soil bunds 2m – 3m in height to screen views from PRoWs;
- PRoWs shall be temporarily diverted around quarry, as required;
- Phased working and restoration of the quarry to keep the area of ground disturbed at any one time to a minimum;
- Reinstatement of all agricultural land and hedgerows to their pre-development patterns and grade; and
- Planting of approximately 3,000m² of additional new woodland to benefit landscape character and enhance green links.

126. The Council's Landscape Officer notes that there have been several iterations of the design of the mitigation measures for noise and visual amenity since the original planning application was submitted in 2016, and the key issue has been to find the balance between achieving noise mitigation within relevant limits married to an acceptable solution for visual amenity. The Landscape Officer advises that after considering the noise science it was considered, and verified on site, that a compromise of a 4.0m height bund would deliver the acoustic and amenity mitigation and is of the opinion that a reasonable compromise has been reached.

127. In addition to the proposed conditions to secure implementation of the working scheme and restoration scheme, which incorporate into the scheme design the mitigation measures outlined in paragraph 125 above, the applicant has proposed conditions requiring approval of a detailed planting scheme (inc. planting specification and hedgerow maintenance) and its implementation and prohibiting the installation of lighting at the site. Such conditions (EE and FF) are considered necessary and appropriate to secure an appropriate mitigation strategy for the duration of operations, the restoration scheme and final after use and to accord with Policy MDC5 and Policy MDC9 of the Minerals Development Control Policies DPD.

Land stability

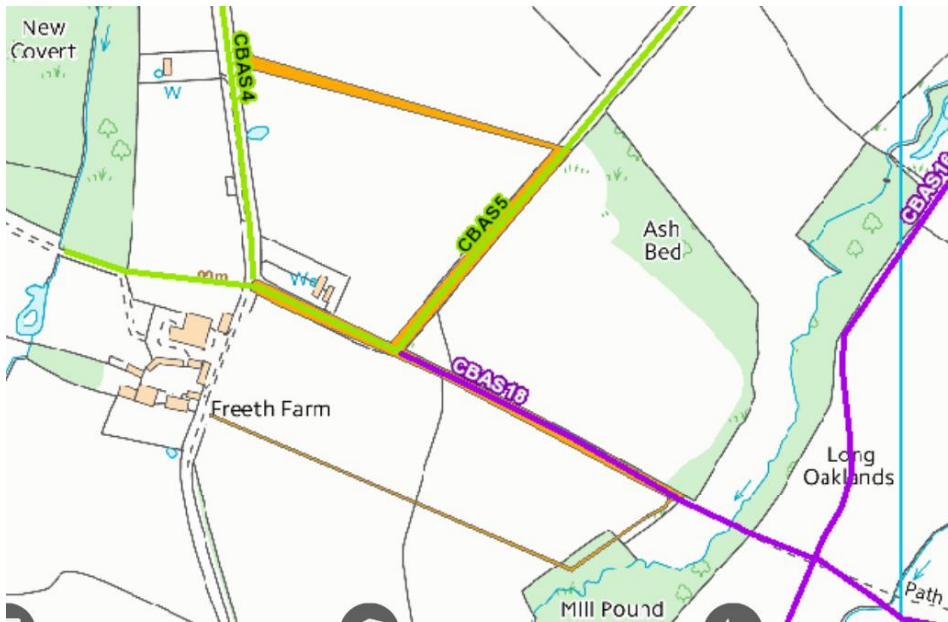
128. Concerns have been raised that the separation distance between Freeth Farm Cottages and the excavation area may be insufficient to guarantee that no destabilisation of the property or its vehicular access occurs.

129. PPG advises that the consideration of quarry-slope stability that is needed at the time of an application will vary between mineral workings, e.g. depth of working; and the nature of materials excavated. Appraisal of slope stability for new workings should be based on existing information, which aims to identify any potential hazard to people and property and environmental assets and identify any features which could adversely affect the stability of the working to enable basic quarry design to be undertaken.

130. The ROMP application includes a Geotechnical Statement prepared by an expert geological, geotechnical and surveying consultancy. This has been updated to address specific queries about the bund dimensions used in the modelling, materials parameters adopted for the Lower Greensand mineral strata and the effects of a high water table.
131. The stability analysis shows that, following excavation of the quarry faces close to the Freeth Farm Cottages, the ground between the bund and quarry boundary will not be compromised. Any potential instability predicted by the models are on the quarry side of the bund, well within the quarry boundary. Therefore, any stability issues lie under the jurisdiction of, and would be assessed under, the Quarries Regulations 1999 (administered by the Health and Safety Executive). The Quarries Regulations places a duty on operators to ensure that excavation and tips are designed, constructed, operated and maintained so as to ensure that instability or movement which is likely to give rise to a risk to the health and safety of any person is avoided. The Freeth Farm Cottages boundary is proposed to lie at least 16m from the opposite toe of the screening bund – well away from the influence of any possible ground movement. The screening bund is only a temporary feature, once removed the restored faces have a higher long-term factor of safety.
132. The Geotechnical Statement does however make recommendations for when the temporary bunds are in place to ensure the slope has the appropriate factor of safety; either backfill is placed against the slope at 1v in 2h as soon after excavation as practically possible or the Greensand face left at an angle of 1v in 2h. The Applicant has proposed a condition (KK) to require approval, prior to the commencement of Phase 5, of a detailed scheme for how backfilling the slope adjacent to Freeth Farm Cottages is to be carried out. Such condition is considered necessary and appropriate to address and maintain safe working and safeguard any adverse impacts on surrounding land-uses and to accord with Policy MDC9 of the Minerals Development Control Policies DPD.

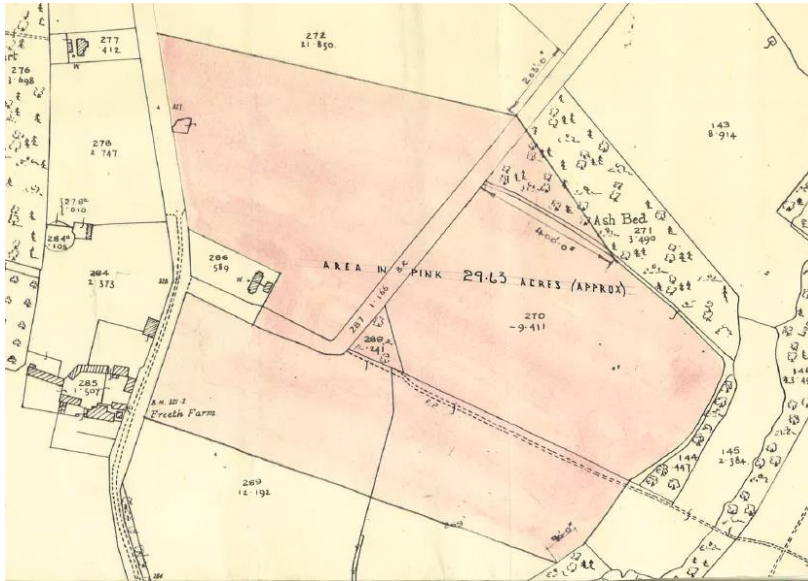
Public Rights of Way

133. The Mineral Site is accessed from a single-track road running northwards from the Lower Compton to Compton Bassett road, and terminating at the south-western boundary of the permission area, currently used to access Freeth Farm and associated buildings. Public Right of Way (PRoW) CBAS4 (bridleway) continues northwards along the western boundary of the Site. A further PRoW, CBAS5 (bridleway) runs along a track eastward across the Site and then turns north-eastwards, extending through the northern section of the Site. From the point where it meets PRoW CBAS5, PRoW CBAS18 (footpath) continues eastwards along a field boundary through the Site to Ash Bed wood and then further eastwards towards Compton Bassett.



134. The submitted Working Scheme proposes the temporary diversion, rather than the stopping-up, of the two PROWs until mineral extraction and restoration have ceased and an application to achieve this diversion has been submitted to the Council separately to the ROMP Application. The existing path to the west of the Site (known as CBAS18) will be diverted along the southern boundary of the Site [shown on plan above as the brown line] and the existing path (known as CBAS5) through the middle of the Site will be diverted along the northern boundary of the Site [shown on plan above as the orange line].
135. The proposed diversion of the Bridleway CBAS5 has caused concern to local people who object to the ROMP Application. It is suggested that the proposed diversion route is unsuitable and would be unsafe for horse riders and a failure to reimpose Condition (g) of the 1956 Mineral Permission would be potentially unlawful. It is suggested by objectors that Condition (g) forbade the excavation of the central Bridleway (CBAS5) and consequently there is no extant permission which allows the extraction of sand from the land which comprises the Bridleway.
136. Objectors have also suggested the reason why Condition (g) was imposed on the 1956 Permission is because the bridle path is “an old Saxon road” which originally continued straight across the site. However, this supposition is not supported by the archaeological assessments that have been carried out or the advice from the County Archaeologist.
137. In full, Condition (g) states:
- (g) *That no excavation shall be made within 20 feet of the bridle path to the west of the area and the route of the bridle path which runs through the centre shall be maintained in a satisfactory condition.*

138. Solicitors acting for several local people have provided the Council with a Legal Opinion. On the basis of this Opinion, the solicitor's covering letter to the Council makes the following assertion:
- that it is not appropriate and potentially unlawful to utilise the ROMP application procedure to delete existing and still justified protections and restrictions from old mining permissions on dormant sites; and
 - As such, the condition (g) requirement to maintain the bridleway running across the site must be retained in any revised conditions.
139. Officers have taken legal advice from Counsel on the solicitor's contentions and accompanying Opinion and as to whether the Council is required to reimpose condition (g) in determining the ROMP Application. The advice from Counsel is that it is not.
140. The advice to the Council is that a determination may include the removal of conditions, in order to affect a substitution. The power to impose new conditions in para. 9 is untrammelled by the manner in which the conditions on the earlier consent have been expressed, subject only to the conditions being appropriate for the development permitted by the permission under review. The Environment Act 1995 allows considerable modification to be made to existing minerals permissions and, despite the terms of the conditions originally imposed.
141. Whilst condition (g) does prohibit the excavation of minerals from the land beneath path CBAS5, this does not limit the areas which can be excavated in the future if condition (g) is removed by the Council in the determination of the ROMP Application. New conditions can alter the areas which may be worked – this is most commonly in respect of imposing restrictions, e.g. separation distances to residential properties, but there is no principled distinction between reducing the areas which may be worked as opposed to increasing the areas. Provided an alteration to the development remains within what is permitted (i.e. the description of the development): thus, so long as the land over which path CBAS5 runs is within the area to which the permission applies (which is the case here), then there is no departure from what is permitted.
142. The 1956 Mineral Permission as a whole permits the excavation of minerals at Freeth Farm in accordance with the plan which accompanied the application. The plan shows the land to which the application relates colour-washed pink – this includes the land comprising the Bridleway.



143. Concerns have been expressed that the proposed Bridleway diversion route is unsuitable and unsafe for horse riders due to the heavy machinery working a short distance away. However, an equal or greater level of disturbance and would result from attempting to maintain the bridleway through the middle of the quarry. The Health and Safety Executive 'Approved Code of Practice and guidance - Health and safety at quarries', advises that members of the public in a quarry are likely to be exposed to significant risks and consequently it is better if public rights of way are diverted around quarries. Policy MDC8 of the Minerals Development Control Policies DPD recognises that minerals development can impact upon recreational routes and that some routes, public rights of way for example, may require temporary diversion for the duration of the development. The proposed temporary diversions along the PRowS from their current alignment to parallel routes along the northern and southern boundaries of the site means local residents would not lose the use of the rights of way and would still have the ability to get from 'A to B'. The Rights of Way Officer has no objection to the application.
144. The Town and Country Planning Act 1990 (Section 261) provides for rights of way to be temporarily stopped up or diverted to enable minerals to be extracted by surface working. The diversion or stopping up of footpaths and bridleways is a separate process which must be carried out before the paths are affected by the development. A condition requiring that an order to divert the rights of way is obtained before the development commences is consequently considered unnecessary. The Working Scheme and Phasing Plans provide for the diversion of the Public Rights of Way when required to facilitate mineral extraction and the proposed Restoration Plan includes details for the reinstatement of the PRowS, including construction and surfacing details for bridleway CBAS5. The applicant has proposed conditions that would ensure the Working Scheme and Plans and Restoration scheme are implemented as part of the development (E and GG), and the additional condition recommended above at paragraph 101 (recommended condition number 31) to address reclamation works includes further detail of how the PRowS are to be reinstated. Such conditions are considered necessary to mitigate any adverse

impact on the safety and use of the public rights of way and to accord with Policy MDC8 of the Minerals Development Control Policies DPD. Together, they are considered to be an appropriate substitute for 'condition (g)' that reflect a modern approach to rights of way affected by mineral working.

145. It is to be noted that a valid planning permission does not constitute permission to close or divert a public right of way. The public has the right to object to any order which proposes to close or move a right of way to allow a development to go ahead.

Archaeology & Cultural Heritage

146. The ES includes a Cultural Heritage Impact Assessment ('the Heritage Assessment') which provides an assessment of the potential impacts of the working and restoration phases of the proposed development on the known historic environment resource including individual heritage assets and their settings. The scope of investigations and mitigation strategy for the scheme was defined in consultation with Historic England and the County Archaeologist.
147. The Heritage Assessment identifies a number of heritage assets in the vicinity of the application site, and notably one Scheduled Monument relating to the medieval earthwork remains of two dams and a mill pond situated in the small valley of the Abberd Brook adjacent to the south-east boundary of the Site and the 19th Century Farmhouse and Buildings at Freeth Farm, as well as buried archaeological remains present across much of the site.
148. Letters of objection against the development proposals assert the extraction area is a recently designated "SHINE Monument" to be protected. However, SHINE (the Selected Heritage Inventory for Natural England) is an agri-environment scheme for land that could benefit from management by farmers entering into Environmental Stewardship agreements. The County Archaeologist has confirmed this designation is not relevant to development management cases; it does not denote a site of national importance or one that needs to be preserved.

Indirect impact to adjacent Scheduled Monument

149. At the south-east side of the Site the earthwork remains of a medieval watermill and water management system are preserved and designated as a Scheduled Monument - known as '*Remains of watermill 500m east of Freeth Farm*'.
150. Although there are no predicted direct physical impacts to this designated asset, which is of High (National) importance, there is potential for an indirect physical impact resulting from changes to the local hydrology as a result of the operational phase of mineral extraction. Changes to the hydrological regime could result in the dewatering of buried archaeological / palaeoenvironmental deposits within the Scheduled Area, which could in turn lead to their physical loss. Accordingly, protective design measures have been incorporated into the wider dewatering program for the Site as a precaution to ensure the prevailing pattern of water transfer

between the proposed extraction area and the adjacent Scheduled Monument is not interrupted or changed. These measures include:

- The excavation of a trench between the quarry and the boundary of the Scheduled Monument to receive groundwater and rainwater allowing continued groundwater drainage through into the designated area; and
- Monitoring of the efficacy of this process throughout the lifespan of the quarry.

151. The restoration scheme has also been designed to replicate the pre-development ground conditions to ensure that ground and surface waters drain towards the Scheduled Monument. The profile of the restored site has been designed to drain to two separate catchments, each with its own attenuation area. One of the attenuation areas will provide drainage from the eastern part of the restored quarry and will form two ponds along the boundary with the Scheduled Monument. Within the ponds, the eastern sand faces which formed part of the recharge trench will be retained adjacent to the Scheduled Monument. This will allow surface and groundwater from the restored quarry to dissipate into the Scheduled Monument, replicating the pre-development hydrological conditions. A program of monitoring and maintenance is proposed for the attenuation areas, perimeter ditches and discharge controls ensure ongoing efficiency e.g. removal of silt.

152. Historic England advises that these measures should ensure that there will be no impact to the monument via changes in groundwater. The submitted scheme of new conditions includes a condition ('Y') to secure the implementation of a 'Hydrometric Monitoring Scheme', which provides for the monitoring, assessment and reaction to any alteration in the drainage to the Scheduled Monument during mineral working and restoration. Such a condition is considered necessary and appropriate to ensure the ongoing efficacy of the recharge trench and transfer of water to the adjacent seepage areas / Scheduled Monument and to accord with Policy MDC2 of the Minerals Development Control Policies DPD. A Unilateral Undertaking (planning agreement under Section 106 of the Town and Country Planning Act) is proposed for the management of the attenuation areas, perimeter ditches and discharge controls. A planning agreement rather than a planning condition is necessary in this respect as the measures will be required in perpetuity. The combination of proposed planning condition and agreement is considered appropriate to address the potential indirect impact on the Scheduled Monument.

Setting of the Scheduled Monument

153. The Heritage Assessment concludes that the setting of the Scheduled Monument (a designated heritage asset) contributes to its significance as it informs both the aesthetic and communal values of the asset and any changes to the setting could result in a reduction of that significance. During the operational phase of the Site, the quarry working will be visible from the northern end of the Scheduled Monument and the noise and vibration during working hours will be experienced from all parts of the Scheduled Monument. Access to the monument from the west would also be altered as the public footpath will be redirected.

154. The Heritage Assessment considers that whilst this type of impact is adverse it is not so severe that the monument cannot be appreciated or understood. The effects of noise and vibration will only be experienced during the stipulated working hours and because of the phased extraction programme, will reduce over time as the quarry workings move away from the eastern edge of the Site. The workings will be surrounded by screen bunds to reduce noise levels and limit visibility. At the beginning of the operational phase it is expected the effect on setting will be adverse, but this effect would reduce to negligible at the end of operation once the Site is restored to agricultural land. The recharge pond will remain as a permanent landscape feature and would not materially affect the physical environment or appreciation of the monument. In view of these circumstances, the Heritage Assessment concludes that the quarry would likely cause 'less than substantial harm' - within the meaning in paragraph 196 of the NPPF - to the setting of the Scheduled Monument, and this is agreed. Historic England also concurs with the assessment of limited impact to the setting of the Scheduled Monument.
155. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, permission for mineral extraction already exists and Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. The applicant has proposed conditions that would ensure the Working Scheme (phasing of development/direction of working), provision of the screen bunds; hours of working and Restoration scheme are implemented as part of the development. Such conditions are considered necessary to ensure that the setting of the designated heritage asset is appropriately protected and to accord with the objectives of the NPPF and Policy MDC2 of the Minerals Development Control Policies DPD.

Setting of the Non-Designated Heritage Asset of Freeth Farm

156. Freeth Farm is a non-designated heritage asset of low value. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. The Heritage Assessment assumes that changes to the immediate agricultural and rural landscape setting of the farmhouse and associated outbuildings as a result of the working phase of the quarry could result in a minor adverse impact upon their significance. However, this impact is mitigated to a degree by the construction of screen bunds between the property and the workings which will also serve to shield views towards the quarry. The subsequent restoration phase would completely resolve the visual impact and return the farmstead to its agrarian setting. As a result, the Heritage Assessment concludes the residual impact on the significance of farmstead would be negligible, and this is agreed. Furthermore, in this case permission for mineral extraction already exists and Paragraph 203 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. The applicant has proposed conditions that would ensure the Working Scheme (phasing of development/direction of working), provision of the screen bunds; hours of working and Restoration scheme

are implemented as part of the development. Such conditions are considered necessary to ensure that the setting of the asset is appropriately protected and to accord with the objectives of the NPPF and Policy MDC2 of the Minerals Development Control Policies DPD.

Direct Impact to Archaeological Interest within the Site

157. A combination of artefact-based evidence of prehistoric and Iron Age date with the results of a geophysical survey indicate that buried archaeological remains are likely to be present, although the extent and nature of those remains is at present unknown. Overall, the archaeological interest within the Site is considered to be of low (local) importance. Any below ground archaeological deposits will be completely removed as part of the proposed working scheme. Recognising that the effect of an application on the significance of non-designated heritage assets should be taken into account (NPPF para. 135), the Heritage Assessment presents a strategy for the mitigation of the predicted effects which, considering permission already exists for mineral extraction, is to preserve the archaeological interest within the site by record-providing. It is therefore proposed that a programme of archaeological recording (Strip, Map and Sample) is undertaken in accordance with an agreed Written Scheme of Investigation (WSI) as part of the controlled topsoil strip within the phased operation.
158. This approach of preservation 'by record' of the asset is supported by the County Archaeologist, who confirms there is a requirement for large-scale archaeological excavation across the whole site. The WSI is required to be approved before any works commence. Accordingly, a condition to secure this, and the subsequent implementation of the agreed archaeological works, is necessary. The Applicant has proposed a condition ('T') to achieve this and this would ensure that the date of and relationships between features and finds can be established in order to gain a better understanding of the archaeological site and accord with the objectives of the NPPF and Policy MDC2 of the Minerals Development Control Policies DPD. It is however recommended that for consistency the proposed condition be substituted by the Wiltshire 'standard condition' (recommended condition no. 5) for securing archaeological investigation.

Hydrology and Hydrogeology

159. The proposed development will involve extraction from both above and below the watertable, the latter being facilitated through a program of dewatering. The extraction area will be restored at a lower level using existing soils to a combination of agricultural land, with areas of open water and seasonal wet grassland.
160. The ES includes an assessment of the impact of the proposed development on hydrology and hydrogeology, including flood risk. The assessment, incorporating production of a conceptual hydrological model for the locality including monitoring data, has not identified any over-riding hydrological or hydrogeological impacts that should prevent the proposed development from proceeding.

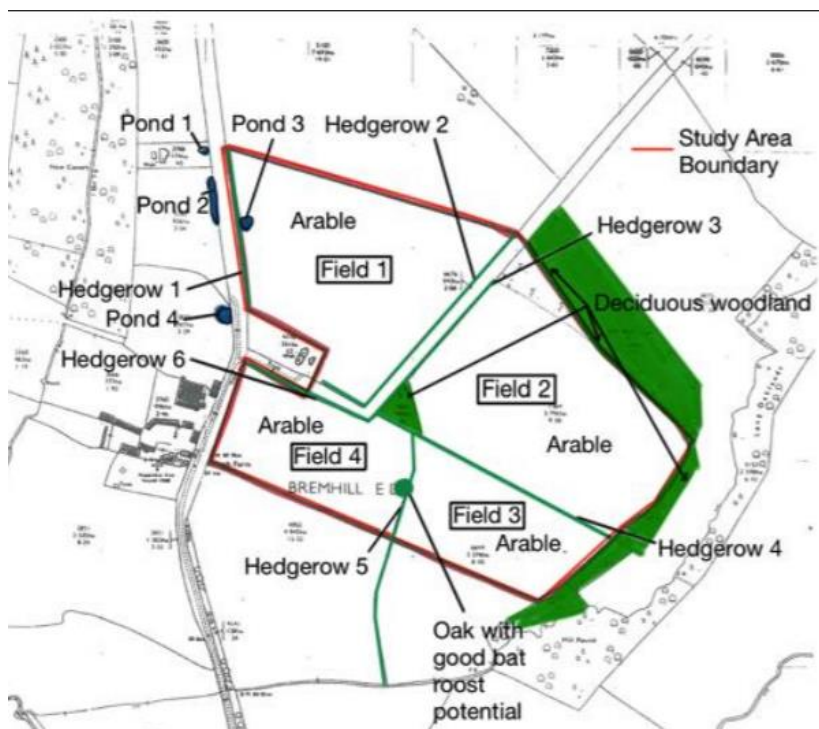
161. It has been suggested in public representations that dewatering and the restoration drainage of the site may cause shrinkage of the clay underlying the adjacent properties leading to risk of subsidence. This concern is noted, but it is not a likely impact identified by any of the EIA investigations undertaken to determine the nature and scale of potential impacts that may occur as a result of works proceeding in accordance with the proposed development. Neither the Environment Agency nor Natural England have identified this as a potential impact requiring assessment or further detail. The technical specialists who prepared the ES have commented that the proposed water management scheme, described in the ES, would not result in any meaningful lowering of water levels within the underlying clay outside the site and would remain saturated for both the active period of extraction and for the longer-term restoration.
162. The Geotechnical Statement provided as part of the ES also provides information regarding the potential risk of erosion of the excavation edge adjacent to Freeth Farm Cottages. This assessment considers groundwater and the stability of the quarry faces during and after mineral extraction and concludes that *'the analysis shows that, following excavation of the quarry faces close to the Freeth Farm Cottages, the ground between the bund and the quarry boundary will not be compromised'*. Furthermore, at completion of mineral extraction the site will be subject to a 5-year aftercare period which will include monitoring drainage and soil conditions. An aftercare strategy will be provided requiring soils cultivation and review of its structural development and fertility. The aftercare period will allow for installation of any additional subsurface drainage should this prove to be required.
163. The ES demonstrates that the development proposals have minimal potential to cause negative impact in the locality, subject to the adoption of the following mitigation measures:
- Provision of a recharge trench along south eastern flank of extraction area to allow continued transfer of groundwater to the seepage/surface water environment within Scheduled Monument. Managed pumping of water from settlement ponds to recharge trench during active phase of working and incorporation as attenuation area within the restored site;
 - Inclusion of perimeter drainage and attenuation ponds to ensure no increase in existing rainfall runoff rates and allow for management of groundwater ingress for the restored site;
 - Ground and surface water monitoring scheme to be continued and expanded including regular review of the results in accordance with the submitted Hydrometric Monitoring Scheme. This will ensure ongoing efficacy of the recharge trench and transfer of water to the adjacent seepage areas/Scheduled Monument; and

- Compliance with existing guidance and legislation concerning fluids handling for the protection of groundwater quality from potential accidental spillages / long-term leakage;

164. The proposed schedule of conditions includes a condition ('Y') to secure the implementation of the Hydrometric Monitoring Scheme. This satisfies the Environment Agency's requested condition on groundwater monitoring. A Unilateral Undertaking (planning agreement under Section 106 of the Town and Country Planning Act) is proposed for the management of the attenuation areas, perimeter ditches and discharge control measures associated with the potential indirect impact on the Scheduled Monument. This approach of use of both condition and S106 is considered necessary and appropriate to ensure the impact on surface water and groundwater resources is managed and to accord with Policy MDC3 of the Minerals Development Control Policies DPD. The applicant's proposed condition ('X') to secure implementation of the measures for protection of groundwater quality is also considered appropriate.

Ecology

165. An assessment of the ecological impacts is included in the ES. This records that the extraction area is located within or part of four arable fields, which are ploughed hard up to the field edge. The majority of the directly affected hedgerows are species and structurally-poor. However, there is one length of 'species-rich hedgerow' (Hedgerow 4), one small broad-leaved woodland copse and part of broadleaved woodland that will be lost. Nevertheless, all plants recorded on site are very common and widespread. There are very few notable wildlife species within the footprint of the quarry excavation.



166. The ES assesses the proposed scheme to have some potential negative impacts associated with the loss of some woodland and hedgerow habitat, and the potential to cause death, injury or disturbance to badgers, other notable mammals, breeding birds, and individual/very low numbers of great crested newt and grass snake.
167. Accordingly, the ES sets out mitigation measures to protect badgers, other notable mammals, breeding birds, great crested newt (amphibians) and grass snake. The only residual adverse impact is associated with the loss of ~0.2ha of woodland and 840m of hedgerow, which provides nesting habitat for common bird species and foraging habitat for a few common bat species. This adverse impact is compensated through appropriate scheme design (maintaining sufficient hedgerow and woodland habitat outside the quarry) and provision of enhanced/restored habitats post-quarrying, which will be managed in the long-term. These include:
- Restored hedgerow and tree planting;
 - Restore woodland planting;
 - New wetland ponds; and
 - New wildlife features such as bat roosting boxes.
168. The ES concludes that the quarry design will not significantly alter the functioning of the existing key habitats bordering the site, including boundary hedgerow and woodland, and appropriate long-term habitat creation and management will increase the overall habitat and structural diversity found on-site, which will benefit a range of wildlife. The Council's Ecologist is satisfied that surveys have been carried out to the agreed scope and that suitable mitigation measures have been proposed for the extraction period at the site and for the restoration phases.
169. The proposed scheme of conditions includes conditions (V and W) that requires the development to be carried out in accordance with the 'recommendations and procedures' set out in the ES (Chapter 5). Such conditions are considered necessary to secure implementation of the mitigation measures, but it is recommended that for precision the wording for condition W is amended to reference the specific Ecological 'Mitigation and Enhancement Strategy' presented in the ES (recommended condition no. 27). In line with the advice received from the Council's Ecologist, an additional condition (no. 29) is recommended to secure submission and approval of a detailed Landscape Ecological Management Plan (LEMP). This is considered necessary in order to provide for the post-extraction management of retained, replacement and newly created habitat features within the site and to accord with Policy MDC6 and Policy MDC9 of the Minerals Development Control Policies DPD.

CONCLUSION

170. This is an application for the determination of new conditions for Freeth Farm Quarry to control the working and restoration of the mineral development for which planning permission already exists. For the avoidance of doubt, the committee is not being asked to consider whether or not to grant planning permission for the Excavation of Minerals at Freeth Farm (as permission for this development already exists) but to consider whether the proposed recommended conditions set out in this report are appropriate.
171. The proposed Working and restoration Scheme and the conditions proposed by the applicant have been assessed in relation to their environmental impacts to ascertain if they are acceptable. Throughout the determination process, the control of noise and the protection of visual amenity at the nearest residential properties have been recognised as key environmental constraints. This has resulted in an extensive iterative process with the applicant, the Mineral Planning Authority and their respective professional consultants, seeking to devise a working programme and limits that as far as practicable balances the control of noise, visual impact and the enclosure of Freeth Farm Cottages to an acceptable level, whilst not unnecessarily affecting the economic viability of the operation.
172. The latest iteration of the Working and restoration Scheme is considered acceptable in relation to the noise and visual impacts on residential amenity and impacts on heritage assets, the water environment and public rights of way. Whilst there are inevitable impacts as a result of mineral working, the proposed conditions would minimise these impacts to a satisfactory level. The applicant has proposed several conditions, together with a S106 planning obligation, to secure the mitigation measures that address the environmental issues of minerals working at this site.
173. The conditions proposed by the applicant have been amended in light of consultation responses, further discussion with the applicant and for consistency with the Council's approach to minerals development.
174. The recommended conditions seek to achieve a programme of work which takes into account, as far as is practicable, the potential impacts on the local community and local environment (including wildlife), the proximity to occupied properties, and legitimate operational considerations over the expected duration of operations. They accord with this Council's usual approach to conditions for operations of this type as set out in the Development Plan, are in line with Government practice guidance and therefore considered appropriate.

RECOMMENDATION

175. Having taken into consideration the environmental information, it is recommended that authority be Delegated to the Head of Development Management to approve, subject to the prior completion of a planning obligation to address the requirement for a Scheme of Surface Water Management, the Schedule of appropriate mineral conditions for Freeth Farm Quarry set out from paragraph 176 below.

176. **Conditions for 16/05464/WCM**

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. 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.

6. 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

7. 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.

8. 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

9. 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.

10. 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.

11. 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. 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.

12. Noise levels shall be monitored and managed from the date of the commencement of development in accordance with the Environmental Noise Scheme reference aecl/hqp/freeth farm/ens/01/20/v2 dated 24 March 2020 prepared by K. Gough.

REASON: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations

13. Only submersible electric pumps shall be used to dewater the workings.

REASON: To minimise the impact of development upon properties and the local environment.

14. 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 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.

15. 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.

16. The Dust Management Plan Version 1 produced by Land & Mineral Management dated May 2016 shall be implemented from the commencement of development and shall be complied with at all times

REASON: To minimise the impact of development upon properties and the local environment.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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

25. 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.

26. 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.

27. 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.

28. 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

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 34 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.

Existing conditions of mineral permission ref: 3809/NW granted on 5 September 1956 for Excavation of Minerals at Freeth Farm, Compton Bassett.

I. Conditions on which development is permitted

- (a) That no permanent plant or buildings shall be erected on the land in question and the approval of the Council shall be sought and obtained in respect of any temporary buildings proposed to be erected.
- (b) That all temporary buildings, plant, structures and erections shall be removed immediately after excavation operations have ceased.
- (c) That all practicable steps shall be taken to the satisfaction of the Council to prevent the creation of any dust and noise of a character likely to be detrimental to adjoining properties or to the amenities of the neighbourhood.
- (d) That new land being developed at any one time shall be limited to four acres, to include land being prepared for excavation; no further land to be developed until the excavated area of the four acres is reinstated; regard to be taken of possible variations in depth of extraction and disposal of sterile overburden so that the entire reinstated surface is of an even formation and conducive to natural drainage at the top-soiling stage.
- (e) That in the preparation of the land for excavation, the top soil shall be separately placed on one side so that it can be returned to the surface of the land during reinstatement and before any other operations take place.
- (f) That when worked out, the land shall be restored to agricultural use by levelling and replacing topsoil.
- (g) That no excavation shall be made within 20 feet of the bridle path to the west of the area and the route of the bridle path which runs through the centre shall be maintained in a satisfactory condition.
- (h) That the mineral shall be excavated to the maximum depth possible as allowed by the seam.
- (i) That the mineral shall be excavated in such a manner that the bed of the excavated area along the boundaries will slope at an even gradient up to the existing surface of the adjoining land so as to afford reasonable access for agricultural purposes between the worked and unworked areas.

- (j) That top soil shall be defined as soil lying at or near the surface after the main timber, stools and roots have been disposed of, being of a friable nature and containing a vegetable admixture but nothing capable of turning a plough. The depth to which such material is to be stripped for stacking and replacement shall be determined by the measurement in stack so that, as far as practicable, an even covering of 12 in. top soil will finally be provided over the entire restored area.
- (k) That where necessary, as a result of the excavation, a scheme of land drainage should be submitted to the Planning Authority for consideration to ensure that the land when restored will be properly drained.
- (l) That the programme for working shall be linked with the programme for working the area of excavation at Sands Farm where permission has already been given, and that parcel No. O.S. 536 shall not be excavated and remain intact until the remainder of the gravel area has been excavated.

II. Reasons for Imposing Conditions

1. To ensure that planning control is maintained over the erection of buildings on the site during the period the minerals are being excavated.
2. To ensure that the minerals are won methodically, the area reinstated, and afterwards left capable of agricultural use
3. To preserve the amenities of the locality so far as is possible.

- END -



This page is intentionally left blank

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	2 December 2020
Application Number	16/05708/WCM
Site Address	Freeth Farm Quarry, Compton Bassett
Proposal	Construction of a quarry field conveyor to transport excavated soft sand from Freeth Farm Quarry to the existing Processing Plant at Sands Farm Quarry
Applicant	Hills Quarry Products Ltd
Town/Parish Council	COMPTON BASSETT
Electoral Division	CALNE RURAL – Cllr Christine Crisp
Grid Ref	SU 02622 72651
Type of application	County Matter
Case Officer	Jason Day

Reason for the application being considered by Committee

1. This application and its related application reference 16/05464/WCM have been 'called-in' for determination by the Committee at the request of the Local Division Member, Councillor Christine Crisp. The reasons for this are in view of the high level of controversy about the applications and the potential visual, noise and environmental impacts of the proposals on the surrounding area.

Purpose of Report

2. The purpose of the report is to enable the Committee to assess the merits of the application made in respect of Freeth Farm Quarry for Construction of a quarry field conveyor to transport excavated soft sand to the existing Processing Plant at Sands Farm Quarry against the policies of the Development Plan and other material considerations, and to consider the recommendation to approve the application subject to conditions.

Report Summary

3. This report considers one of two related applications that have been submitted by Hills Quarry Products Limited relating to the dormant quarry known as Freeth Farm Quarry.
4. This report considers the application for planning permission to construct a field conveyor to transport the excavated sand to the nearby processing facility at Calne Quarry. Both applications are accompanied by a single Environmental Statement which assesses, in combination, the environmental impact of the proposals.

5. The main consideration is the merits of the use of conveyors over quarry dump trucks for the ultra-short transfer of minerals between quarry sites. Key issues to be considered are:
 - Noise impact
 - Dust impact
 - Landscape and Visual impact
 - Impact on Public Rights of Way
 - Archaeology
 - Hydrology and Hydrogeology
 - Ecology
6. The application has been the subject of six periods of consultation in response to initial and further submissions by the Applicant. 428 individuals have made representations, some commenting on each submission and some commenting on certain submissions only.
7. Compton Bassett Parish Council objects to both applications.

Background

8. Hills Quarry Products Ltd ('the Applicant') has submitted two applications in respect of the dormant Freeth Farm Quarry mineral site:
 - Ref No: 16/05464/WCM made under the provisions of Schedule 13 of the Environment Act 1995 for determination of new modern working and restoration conditions for Freeth Farm Quarry ('the ROMP Application'), and
 - Ref No: 16/05708/WCM for planning permission to construct a quarry field conveyor to transport excavated soft sand from Freeth Farm Quarry to the existing Processing Plant at Sands Farm Quarry ('the Conveyor Application').

This report considers 'the Conveyor Application'.

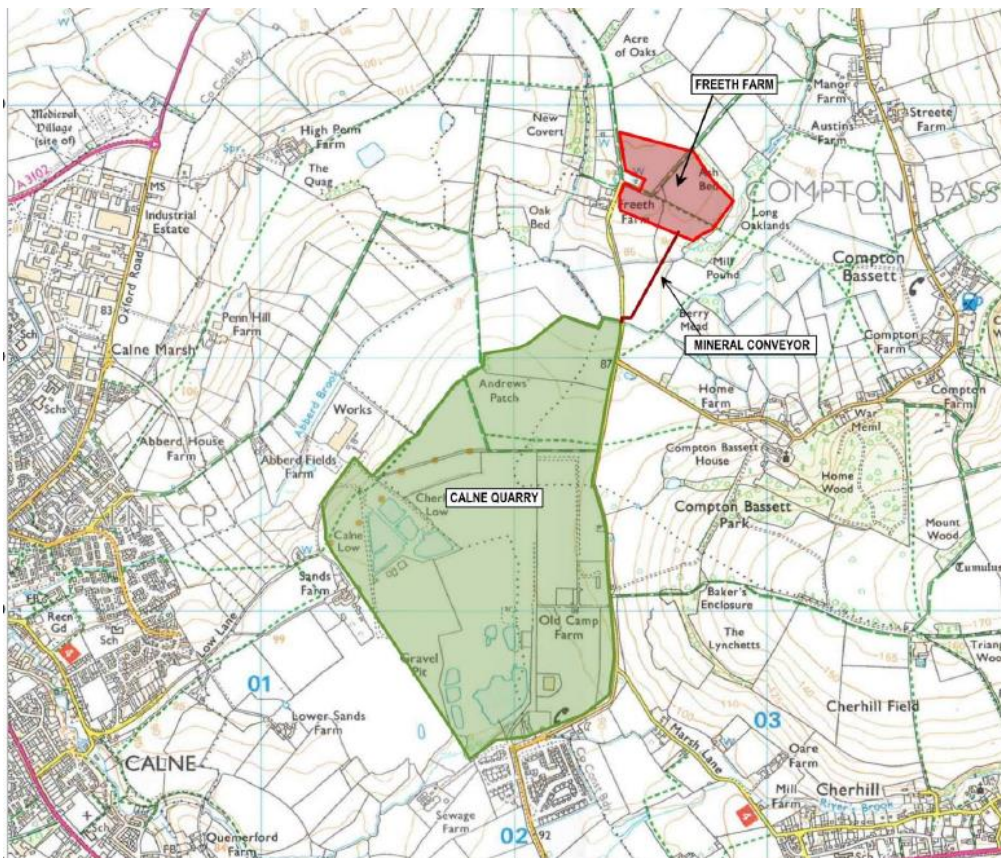
9. Freeth Farm was identified in the Wiltshire County Council 'Minerals Site Review First List' 24 January 1996 as a 'Dormant' site and consequently minerals development cannot lawfully be carried out until the applicant has submitted an application for a new scheme of appropriate minerals conditions and conditions have been approved by the Mineral Planning Authority. Application No. 16/05464/WCM is the Applicant's submission of a scheme of site operating and restoration conditions.
10. This application for the associated quarry field conveyor to transport the excavated mineral from Freeth Farm Quarry to the existing Processing Plant at Sands Farm is new development that requires an application for planning permission.

Application timescale

11. The applications were first submitted in June 2016. There has been a long delay in processing this application resulting from detailed discussions between the Mineral Planning Authority and the Applicant and their respective professional consultants over the last four years seeking to agree a balanced scheme for the ROMP Application that reduces noise, visual impact, and the enclosure of Freeth Farm Cottages to an acceptable minimum, whilst ensuring that the extraction of the mineral remains economically viable.

Site Description

12. The Freeth Farm Mineral Site lies to the east of Freeth Farm, Compton Bassett.



13. The nearest dwellings to the Site are situated to the west of the extraction area, namely The Lodge, Freeth Farm Cottages and The Freeth at Freeth Farm.
14. Copy of aerial photograph showing the location of adjacent properties:

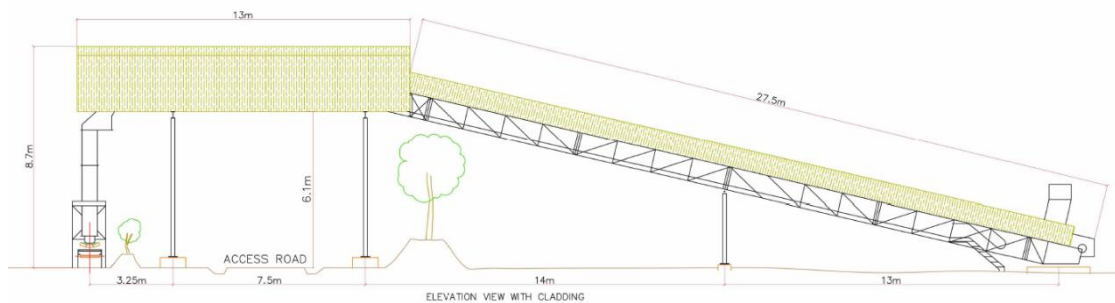


Noise Calculation Receiver Locations

- 1 Freeth Farm Cottages
- 2 The Freeth, Freeth Farm
- 3 The Lodge

15. The Site is located on the northern flank of a minor valley associated with the Abberd Brook to the immediate east of Freeth Farm within a gently undulating landscape of predominantly arable farmland. Currently under arable cultivation the landform within the site slopes gently from a height of around 100 m AOD near The Lodge down to about 93 m AOD at the eastern and southern boundary.
16. At the south-east side of the site the land surface reduces more steeply into the bottom of the small valley of the Abberd Brook, where the earthwork remains of a medieval watermill and water management system are preserved and designated as a Scheduled Monument.
17. The Calne Quarry complex comprises the Sands Farm Quarry, Old Camp Farm and Low Lane Extension mineral working areas. Mineral extraction and site restoration by landfilling is ongoing at the Low Lane Extension which is approximately 400 m from Freeth Farm Quarry. Sands Farm Quarry, where mineral is processed, stored and

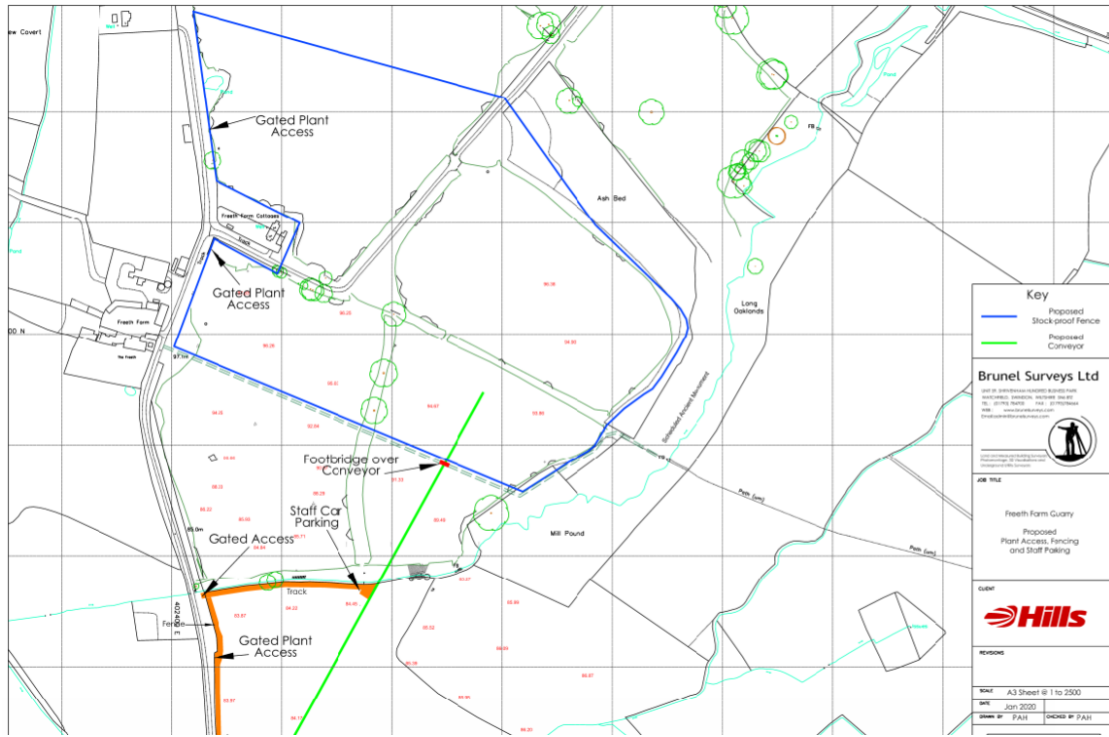
20. Immediately south of the extraction site, the conveyor will cross a Public Right of Way which will be diverted from within Freeth Farm Quarry. A bridge for users of the diverted Right of Way will be provided over the conveyor at this point. Approximately 110m to the south of this footpath, the conveyor will free span across a ditch.
21. Approximately 380m to the south of the extraction site, the conveyor will cross the public highway (lane) via a conveyor bridge. This bridge will be approximately 8.7m in height, constructed of cladbed profiled steel and painted green. It has been designed, in consultation with the Highways Authority, to lift the conveyor 6.1m above the level of the lane. This height is required to allow the safe passage of emergency services vehicles.



22. The foundation slabs and upright sections of the conveyor bridge can be erected without disturbance to the users of the lane leading to Freeth Farm. The horizontal section of the crossing will be erected using a crane, located in the adjacent field. As this point, the use of the road will need to be restricted for approximately 2 hours. The applicant will liaise with the users of the lane to agree a convenient time to conduct these works.
23. From the bridge crossing, the conveyor will enter the Low Lane Extension of Calne Quarry and cross Abberd Brook. The conveyor will then run between a pond and road-side hedgerow until it passes through a box culvert beneath National Route 403 of the National Cycling Network. During the box culvert installation works, which will take about two weeks, the Bridleway will be temporarily diverted.
24. Beyond the box culvert, the conveyor will run along the side of a quarry screen bund until turning west to join the existing conveyor arrangement between the Low Lane Extension area and the processing facilities at Sands Farm, within Calne Quarry, where aggregate is processed, stored and transported off-site for sale using established HGV routes.
25. Prior to the installation of the conveyor, a 5m wide access road will be constructed from the public highway which leads to Freeth Farm, running in an easterly direction. Following this, an electrical substation and Portakabin will be installed. The electrical substation will be used to power the conveyor. The Portakabin will provide welfare

facilities for staff during the development, operation and restoration of the quarry and conveyor.

26. Plant Access, Fencing and Staff Parking Plan:



27. To erect and dismantle the conveyor bridge, a crane will be required to operate from within the agricultural field in which the conveyor is located. It is therefore proposed to construct a surfaced pad on which the crane can operate adjacent to the conveyor bridge crossing. This pad will be accessible via the 5m wide temporary access road.

28. Soils from the pad and temporary access road areas will be stripped and placed in a low bund. Limestone aggregate will then be used as a surface. The pad and access road will only be required for the installation and dismantling of the conveyor bridge. Once the conveyor bridge has been installed/dismantled the limestone aggregate will be immediately stripped and the soils replaced to allow the land to be re-used for agriculture.

Environmental Impact Assessment

29. The application is accompanied by an Environmental Statement (ES) which reports the results of an Environmental Impact Assessment (EIA) which assesses, in combination, the environmental impact of the development proposals, i.e. the working programme proposed in the scheme of conditions and the proposed field conveyor.

30. The EIA, undertaken by independent specialist consultants, has examined the potential impacts of the development proposals and where necessary propose means

of mitigation. The mitigation measures have been carried forward into the development design.

31. The key environmental issues which have been assessed in the EIA are as follows:
 - Landscape and Visual Amenity;
 - Biodiversity;
 - Hydrology and Hydrogeology;
 - Noise and Dust;
 - Archaeology; and
 - Cumulative effects.
32. The ES has been updated in March 2020 where required and is a full resubmission of that submitted in May 2016, to address both revisions made to the development proposals and request from the Mineral Planning Authority for further information about potentials impacts.
33. The Environmental Impact Assessment Regulations require that before determining any EIA application, the local planning authority must take into consideration the information contained in the ES, any comments made by the consultation bodies, and any representations from members of the public about environmental issues.

Statement of Community Involvement

34. The Applicant has provided details of consultations with local community representatives prior to the submission of the applications. The Applicant operates a 'community liaison group' for Calne Quarry which includes representatives from the Parish Councils for Compton Bassett, Cherhill, Calne without Hilmarton and Heddington, plus Calne Town Council. The proposals were presented to this liaison group committee on 14 April 2016 and feedback sought from those who attended. It is advised that no comments were made about the field conveyor.

Planning Policy

35. The application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). The following Development Plan documents and policies are of relevance in this case:

Wiltshire and Swindon Minerals Core Strategy, 2009

MCS 7: Flooding

MCS 8: Living with Minerals Development – Protecting Residential Amenity

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 Policies Development Plan Document, 2009

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
MDC7: The historic environment
MDC8: Sustainable transport and minerals development
MDC9: Restoration, aftercare and after-use management of minerals development

Wiltshire Core Strategy, January 2015

- Core Policy 8: Calne Community Area;
- Core Policy 50: Biodiversity and geodiversity
- Core Policy 51: Landscape;
- Core Policy 55: Air Quality;
- Core Policy 58: Ensuring the conservation of the historic environment
- Core Policy 62: Development impacts on the Transport Network;
- Core Policy 65: Movement of Goods

Compton Bassett Neighbourhood Plan 2015 - 2030 (Made May 2016)

- CBNP Policy 3: Development that will result in severe impacts on highway safety will not be permitted.
- CBNP Policy 4: The protection and, where possible, enrichment of the habitats and biodiversity of Compton Bassett will be supported.
- CBNP Policy 7: Proposals for development should preserve the character of Compton Bassett, conservation area, historic buildings and historic rights of way.
- CBNP Policy 8: Development proposals which strengthen and support local economic activity will be supported.
- CBNP Policy 10: Development should conserve the landscape and scenic beauty to the AONB.

The National Planning Policy Framework and relevant planning practice guidance.

36. The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. Several paragraphs are relevant to this application:

Paragraph 2 - Status of the NPPF in decision making.

Paragraphs 7 to 11 (Sustainable development)

Paragraph 38 (Decision making)

Paragraphs 2, 47 & 48 (Determining applications)

Paragraphs 54 to 57 (Use of planning conditions and obligations)

Paragraph 98 (Public Rights of Way)
Paragraphs 108 & 109 (Transport)
Paragraphs 148, 155 to 165 (Climate change and flood risk)
Paragraphs 170 to 177 (Conserving and enhancing the natural environment)
Paragraphs 189 to 202 - (Conserving and enhancing the historic environment)
Paragraphs 203 to 206 (Minerals)

37. The National Planning Practice Guidance (PPG) accompanies the NPPF providing guidance on its interpretation. Several paragraphs are relevant to this application:

Climate change; Environmental Impact Assessment; Flood risk and coastal change; Historic environment; Land stability; Minerals; Natural environment; Noise; Use of planning conditions.

Summary of consultation responses

38. There have been 6 separate rounds (see paragraph 51 below) of consultations on the proposed development in response to initial and further submissions by the Applicant. The following summary represents the position of consultees following the outcome and conclusion of the consultation exercises and is not intended to be a full detailed description of all comments submitted during each of the consultations undertaken.

39. **Compton Bassett Parish Council** – objects to both applications, on the following grounds:

The extraction area is a recently designated SHINE Monument and extends to around 11 hectares close to 4 dwellings at Freeth Farm and around 1km from the majority of houses in Compton Bassett.

The revised applications have the same material deficiencies that were present in the previous similar applications that were not permitted by Wiltshire Council.

The revised applications are fundamentally flawed in that they have little social and commercial merit to the extent that they are open to legal challenge if consented.

The main objections are as follows:

1. The ROMP is now believed to be invalid and, in any event, it was originally granted subject to various planning conditions that have the effect of materially reducing the extent of the proposed area for sand extraction and rendering the present revised application invalid.
2. The sand extraction noise levels would exceed the statutory limits for normal operations.
3. The temporary operations activities (topsoil removal and bund formation) would be likely to exceed statutory noise limits and would last for significantly longer than the statutory limitation of 8 weeks per year.
4. The revised application proposes very large noise attenuation bunds (4m high x 19m wide) surrounding (or partly surrounding) Freeth Farm Cottages starting at a distance of 16m from their boundaries and being present for over 2 years.

These bunds are highly intrusive and cause a level of sensory deprivation which may be in breach of the Human Rights Act.

5. The Freeth Farm sand contains very fine silica quartz particles that are classified as a Grade 1 carcinogen and can be entrained in light winds and carried towards the nearby properties during bund construction and operation of the open conveyors for a period of 5-6 years.
6. The proposed Bridleway diversion route is wholly unsuitable and would be unsafe for horse riders as 1.2km of various top soil bunds have to be constructed next to the diverted route using noisy heavy machinery in close proximity; heavy machinery would also be working a short distance away in Phases 4, 5 and 6 for over 2 years; the proposed bridleway diverted route would run alongside an open conveyor for 800m and be crossed by an overhead open conveyor for a period of 5-6 years.
7. The applicant admits that the site is barely economic and there are additional issues that make this a wholly unsuitable site for the extraction of such a small quantity of sand. The site is adjacent to a Scheduled Monument that will require long term protection and an archaeological protection scheme has to be implemented during the period of sand extraction together with special measures to protect the local wild life that includes great crested newts, badgers, bats and nesting birds.

Overall, the small amount of sand is simply not needed, especially at such a high cost to the environment and local society, so the conditions implied by the applicant's submissions are not environmentally reasonable and are not best practice to the extent that this application is unacceptable to the local community, unlawful and open to legal challenge.

Finally, as there have been over 600 letters of objection to date, it is requested that any strategic planning meeting convened to consider this application be held in public. The applicant has submitted 108 technical documents and there a number of highly contentious and legal issues to be discussed. It would be undemocratic for such complex issues to be decided either in private or via internet technology.

40. **Environment Agency** – No objection to the proposed construction of a quarry field conveyor.
41. **Historic England** – do not wish to offer any comments on this application for planning permission.
42. **Natural England** – no objections. Advises that as the site is close to North Wessex Downs AONB the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal, including consultation with the relevant AONB Partnership or Conservation Board. The planning authority should apply Natural England published Standing Advice on protected species.
43. **North Wessex Downs AONB Partnership** – no comments received.

44. **Wiltshire Council Archaeology** – Support subject to conditions. Advises the main extraction site has high archaeological potential and archaeological excavation has been required/secured by condition. Where the conveyor mechanism will have any ground impact within the site, the archaeological work will need to be carried out in advance of work starting on the construction of the conveyor.
45. **Wiltshire Council Environmental Health Officer** – no objections; advises that the Dust Management Plan could be attached to the applications via condition.
46. **Wiltshire Council Landscape Officer** – no comments on this application.
47. **Wiltshire Council Ecologist** – no comments on this application.
48. **Wiltshire Council Highways Officer** – no highway objection. All extracted material will be removed by conveyor; as this includes a new structure over the highway the applicant should be advised that details of the structure will need to be submitted to, and approved by, the Local Highway Authority prior to the commencement of work.
49. **Wiltshire Council Rights of Way Officer** – no comments on this application.

Publicity

50. The applications were publicised by Newspaper notice, Site notice, Neighbour notification, Publication to the Council's website and Weekly lists of applications, and notification to the Town and Parish Councils in the locality. As noted above, the application has been the subject of six separate periods of consultation in response to initial and further submissions by the Applicant.
51. **428** individuals have made representations (totalling 639 comments), some commenting on each round and some commenting on certain submissions only. The following table provides a breakdown of the number of objections received to each submission/round of publicity etc:

Version / Consultation round		Number of objections received
1	May/June 2016 – V1 original submission	326
2	Dec 2016/Jan 2017 - Response to Reg 22, noise.	71
3	Sept 2017 - V3 proposals - Straw Bales.	77
4	April 2018 - V4 proposals - 3.0m high soil bunds	89
5	May 2019 - Publicity of noise review commissioned by the Council and Applicant's response	14
6	April 2020 - V5 proposals - 4.0m high soil bunds	62

52. The following is a summary of the planning issues raised and is not intended to be a full detailed description of all comments submitted during each of the consultations undertaken:

- The proposed sand extraction is not needed - contrary to the Wiltshire and Swindon Minerals Plan;
- Inadequate separation distances - best practice requires a distance of 200-250m as applied in other counties. The distance of the proposed workings to homes is unacceptably close, children will be subjected to excessively high levels of noise, vibration and dust for up to 6 years. Freeth Farm Cottages being almost completely surrounded by 4m high x 19m wide noise attenuation bunds for more than two years is unacceptable. These bunds are highly intrusive and cause a level of sensory deprivation which may be in breach of the Human Rights Act;
- Inadequate provision of bunds and fencing – the site is within 1km of Compton Bassett and the proposed bunds will not mitigate noise due to slope of the ground;
- Loss of public footpaths, bridleway and private rights of way – the proposed re-route of the rights of way is unworkable as route known to become too boggy. Footpath should not be lost as runs along an ancient hedgerow. Freeth is a quiet place with beautiful surroundings which will be destroyed, and loud noises and large machinery will disturb cycle rides and spook ponies. The proposed Bridleway diversion route is wholly unsuitable and would be unsafe for horse riders. The ROMP regime should not, however, be used to effectively render this Freeth Farm area a “no go” area for equestrian use over the life of the development;
- Loss of agricultural land – permanent loss of Grade 2 land will result from reduced land height, high water table and underlying clay;
- Public nuisance and health risk – dust blow from the conveyor is a potential health risk. The Freeth Farm sand is a Grade 1 carcinogen and can be entrained in light winds and carried towards the nearby properties;
- Damage to local business – Compton Bassett has a number of sensitive dust receptors and the application will damage the health of local businesses;
- Noise nuisance – pumping to reduce water table to extract sand will cause noise nuisance and harm particularly overnight to Compton Bassett residents. The sand extraction noise levels would exceed the statutory limits for normal operations. The temporary operations activities (topsoil removal and bund formation) would be likely to exceed statutory noise limits and would last for significantly longer than the statutory limitation of 8 weeks per year. The application falls short of statutory noise limits, more investigation should be undertaken. Hill’s proposed noise monitoring scheme is ludicrous, measuring just 4 times a year would be entirely ineffective;

- Loss of Visual Amenity – the site is highly visible from Compton Bassett, the Conservation Area, the AONB and Cherhill Down and amenity of adjacent properties will be restricted by high bunds and will obscure landscape views;
- Permanent damage to Scheduled Ancient Monument – the site impinges on a scheduled monument and mitigation measures are incorrectly sized. Appropriately sized measures will be required on perpetuity;
- Permanent destruction of nationally important archaeology - the extraction area is a recently designated SHINE Monument. The geophysical survey results suggest more extensive and complex archaeological remains exist within the area and ideally they would be preserved rather than destroyed. The area of the proposed quarry is part of a nationally important large Saxon settlement and that the bridleway protected by the conditions in the original planning permission is a Saxon road running through the settlement;
- Permanent damage to local hydrology – extraction will cause adverse effects on local hydrology and likely to undermine the foundations of adjacent properties;
- Increase flood risk – extraction is likely to increase flood risk in the adjacent FRZ3 area and low-lying farmland;
- Permanent damage to local ecology – extraction would cause loss of ancient hedgerows and a parcel of ancient woodland, removal of ponds and loss of habitat for newts and badgers and disturbance of farmland birds. Potential impact on adjacent Wiltshire Wildlife Trust Reserve has not been assessed.
- The very limited social and commercial benefit of extracting small amount of low-grade sand is overwhelmingly outweighed by the damage to local amenity, businesses, ecology, scheduled ancient monument and archaeology, as well as noise nuisance and risks to public health;
- The ROMP is believed to be invalid and, in any event, it was originally granted subject to various planning conditions that have the effect of materially reducing the extent of the proposed area for sand extraction and rendering the present revised application invalid;
- The Applicant's argument that statutory noise limits should be waived by the Mineral Planning Authority (MPA), appears to imply that the MPA might be held responsible for rendering the development uneconomic, is not right;
- The proposed removal of the 1956 Condition (g) to increase the excavation area would have the effect of materially changing the scope and extent of the authorised development - this would be potentially unlawful in the same way that Section 73 of the TCPA 1990 cannot be used to increase the scope of a permitted development. There is no extant permission to extract sand from the CDAS5 Bridleway area. Current planning law does not allow the Applicant to make a

material change to increasing the consented excavation area simply to increase the financial benefit that will accrue.

53. **James Gray MP** – shares the concerns expressed by constituents about the applications for this development.

Planning Considerations

54. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of development

55. A Review of Mineral Planning Permissions (ROMP) application, has been submitted for Freeth Farm Quarry for the approval of appropriate conditions to work this site. It is not proposed to process the mineral, ready for sale, on site, but instead transport the mineral to the existing processing facilities at the Sands Farm area within Calne Quarry. To avoid the need to transport the mineral by road, planning permission is sought to install and operate a field conveyor between Freeth Farm Quarry and Calne Quarry.
56. Policy MCS 9 of the Minerals Core Strategy states that ultra-short transfer of minerals by conveyor either within or between sites will be encouraged. The Policy recognises that numerous short distance road trips within sites or to other nearby sites for processing etc can have serious localised impacts in terms of dust, noise and air quality.
57. The ES which accompanies the does not identify any adverse impacts that should prevent the conveyor being installed. Indeed, the use of conveyors instead of dump trucks forms part of the package of mitigation measures that avoid or reduce the impacts associated with the mineral development.
58. The conveyor will allow the mineral to be transported to the Sands Farm complex without HGVs having to pass through Calne town centre on the A4, a part of which is designated as an Air Quality Management Area (AQMA). Members will recall that at its 20 June 2018 meeting the Committee approved a suite of five applications for the Lower Compton and Sands Farm minerals and waste management complex that enable all HGV movements to access and exit the complex without having to travel through Calne town centre and the AQMA. These HGV routeing arrangements are controlled by a S106 Traffic Management Plan. The proposed conveyor arrangement to transfer mineral to the Sands Farm site for processing and onward sale using established HGV routes is therefore considered acceptable in principle.

Noise

59. The Applicant has carried out a Noise Impact Assessment (NIA) which considers the likely noise, and the resulting impact, from the proposed mineral extraction and conveying operations to the processing plant site and restoration activities, and the means by which these impacts may be minimised. As noise is a complex technical issue, and given the concerns raised about earlier submissions, officers have obtained external expert assistance from Noise and Vibration Control Specialists to assist with applying relevant noise policy and standards.
60. The NIA concludes that use of an electric conveyor instead of HGVs and dump trucks, provides the best available method of transporting the mineral off site to reduce operational noise. In addition to the proposed use of an electric driven conveyor, other measures to be employed to help ameliorate and reduce any noise impacts associated with the development include adherence to restricted working hours, maintenance of plant in accordance with manufacturer recommendations and the use of low tonal or white noise reversing beepers on plant. Noise levels would be monitored in accordance an Environmental Noise Scheme. This sets out the procedure to be adopted and outlines the measures to be taken in order to identify, mitigate, control and monitor the impact of from the site. Implementation of this Scheme and other measures can be secured by condition. No objections or other issues associated with noise have been raised about the use of a conveyor by the Environmental Health Officer or the Noise and Vibration Control Specialists. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC2 of the Minerals Development Control Polices DPD.

Dust

61. The ES includes an assessment of the potential for dust impacts associated with the operation of Freeth Farm Quarry, including the potential sources of dust emissions; the potential for air quality and dust impacts at receptor locations; and, where necessary, mitigation measures.
62. PPG sets out advice on how mineral operators should seek to minimise dust emissions. Policy MDC2 of the Minerals Development Control Policies DPD requires proposals for mineral extraction to be accompanied by an assessment of dust impact, with any mitigation requirements defined and submitted as part of the development proposal. The dust assessment study provided in the ES has been prepared by an independent environmental consultancy specialising in the assessment of air quality, dust and odour and reviewed by the Public Protection/Environmental Health Officer.
63. The assessment reports that the field conveyor will transport the damp extracted sand and is therefore not identified as a significant source of particulate matter. Due to the dampness of the sand, it is not necessary to enclose the conveyer to the processing plant. The conveyor crossing over the track leading to Freeth Farm will be fully enclosed with spill protection installed to ensure no debris could fall onto any users of the track. The conveyor will be subject to regular maintenance and a cleaning programme that includes the removal of the build-up of deposits which, if left

unmanaged, could create dust. These dust controls are also set out in a Dust Management Plan and its implementation can be secured by condition. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC2 of the Minerals Development Control Policies DPD.

Landscape and Visual Impact

64. A Landscape and Visual Impact Assessment (LVIA) has been undertaken for both the application for the approval of appropriate conditions and full planning application for the construction of a quarry field conveyor to Calne Quarry. The Landscape Officer has reviewed the ES and has no objections to the application.
65. The site is not located within an Area of Outstanding Natural Beauty (AONB), although the boundary of the North Wessex Downs AONB extends along the main road through Compton Bassett and is located approximately 700m to the east and 560m to the south of the extraction area. In addition, the AONB boundary is very close to the conveyor route as it heads south on the western side of the north to south oriented section of road to the west of Compton Bassett
66. Potential Key Effects on Landscape Receptors:
The LVIA finds that while the works themselves would clearly affect the features across the land and its character to a significant degree during the operational period, this is only temporary and the restoration scheme would, following aftercare and a period of maturation, successfully integrate the site back into the surrounding countryside.
67. Potential Key Effects on Visual Amenity:
For the temporary Extraction and Progressive Restoration stage, the LVIA records that:

Significant effects would be likely to occur to visual receptors represented by eight viewpoints in close proximity to the Site, including residents at Freeth Farm, associated properties and Freeth Farm Cottages, as well as PRow users. However, for these receptors, significant effects would only occur during the temporary, short term initial soil stripping and bund construction works or later works to relocate bunds (for example, between Phases 4 and 5) or to recover the bunds for use in restoration. Once constructed and seeded to grass the presence of these mitigating features in the landscape would be less visually disruptive than the extraction and restoration works they would screen, so for the majority of time throughout the working phases, effects on visual amenity would be notable but not significant.

The revised phased working scheme would result in Freeth Farm Cottages being entirely enclosed by 4m high bunds only during Phase 6, rather than Phases 5, 6 and 7 as set out in the previous working scheme. This change has been incorporated in response to concerns from the Cottage residents and would improve the visual amenity for residents throughout the duration of the extraction and progressive restoration operations.

In terms of other residential properties, it is considered that there would not be any significant visual effects on any residents within Compton Bassett or from any location within the North Wessex Downs AONB, partially due to the distance of these receptors from the extraction area, which ranges from approximately 700m to over 1km.

In terms of visual effects on PRow users, there would again be temporary, short term significant effects caused by soil stripping and bund construction that would last a number of weeks. However, following this, effects would reduce to a non-significant level, as the grassed bunds themselves would screen more visually disruptive extraction operations beyond. Some views towards the AONB (wooded scarp slope) from PRow in close proximity to the site would be adversely affected by the presence of the bunds, although these effects would be transient, temporary and would affect only limited sections of the PRow routes.

68. Mitigating Potential Landscape and Visual Effects:

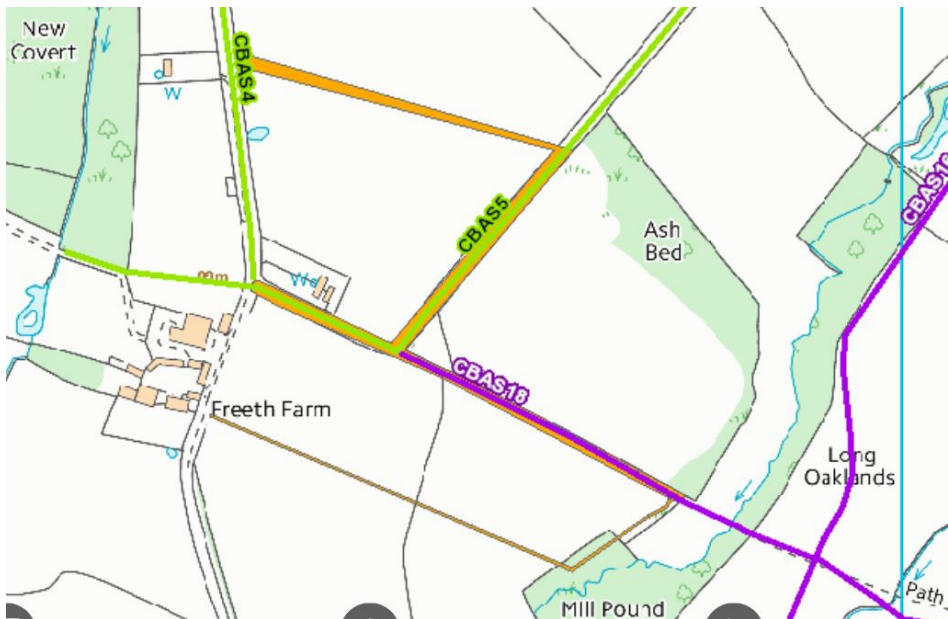
The LVIA sets out the number of measures included in the working scheme and restoration design proposals to reduce or compensate for unavoidable effects on landscape and/or visual receptors. With respect to the Conveyor Application these include:

- The bunds positioned where they best offer mitigation to views from residential properties and/or Public Rights of Way (PRow);
- PRows shall be temporarily diverted, as required;
- The conveyor road crossing bridge clad and painted a green colour to improve its visual appearance;
- Reinstatement of all agricultural land and hedgerows to their pre-development patterns and grade.

69. These measures can be secured by suitably worded conditions. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policies MDC1, MDC 2 and MDC5 of the Minerals Development Control Policies DPD.

Public Rights of Way

70. The Freeth Farm Mineral Site is accessed from a single-track road running northwards from the Lower Compton to Compton Bassett road, and terminating at the south-western boundary of the permission area, currently used to access Freeth Farm and associated buildings. Public Right of Way (PRow) CBAS4 (bridleway) continues northwards along the western boundary of the Site. A further PRow, CBAS5 (bridleway) runs along a track eastward across the Site and then turns north-eastwards, extending through the northern section of the Site. From the point where it meets PRow CBAS5, PRow CBAS18 (footpath) continues eastwards along a field boundary through the Site to Ash Bed wood and then further eastwards towards Compton Bassett.



71. The Working Scheme submitted under the ROMP Application proposes the temporary diversion, rather than the stopping-up, of the two PRoWs until mineral extraction and restoration have ceased and an application to achieve this diversion has been submitted to the Council separately to the ROMP Application. The existing path to the west of the Site (known as CBAS18) will be diverted along the southern boundary of the Site [shown on plan above as the brown line] and the existing path (known as CBAS5) through the middle of the Site will be diverted along the northern boundary of the Site [shown on plan above as the orange line].
72. Concerns have been raised that the proposed conveyor arrangement will cause noise and visual disturbance to horse and riders. The ES does not identify any likely adverse impacts in this respect. A similar conveyor system operates at Calne Quarry (permission ref N/10/03280/WCM - conveyor to link Low Lane and Old Camp Farm mineral extraction to Sands Farm Quarry and retention of processing plant), which includes rights of way/Sustrans National Cycle route users passing alongside and under a conveyor, and officers are not aware of any problems. As noted above, the use of conveyors avoids the use of HGVs travelling to and from the track leading to Freeth Farm and along local roads, which was the intended arrangement under the extant 1956 permission. As noted in paragraph 56 above, Policy MCS 9 of the Minerals Core Strategy encourages the use of conveyors over quarry dump trucks for ultra-short transfer of minerals between sites, to avoid impacts in terms of noise and dust. The conveyor crossing over the track leading to Freeth Farm will be fully enclosed with spill protection installed to ensure no debris could fall onto any users of the track. Its erection will also require a licence from the Local Highway Authority. No objections have been raised by either the Highway Authority or the Rights of Way Officer to the use of a conveyor. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC8 of the Minerals Development Control Policies DPD.

Archaeology & Cultural Heritage

73. The ES includes a Cultural Heritage Impact Assessment which provides an assessment of the potential impacts of the working and restoration phases of the proposed development on the known historic environment resource including individual heritage assets and their settings. The scope of investigations and mitigation strategy for the scheme was defined in consultation with Historic England and the County Archaeologist.
74. The Assessment does not identify any impacts likely to arise as a result of the installation and operation of the conveyor between Freeth Farm Quarry and Calne Quarry. However, the County Archaeologist advises that the main extraction site has high archaeological potential and so where the conveyor mechanism will have any ground impact within the site, the archaeological work will need to be carried out in advance of work starting on the construction of the conveyor. This programme of archaeological recording can be secured by standard condition. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC7 of the Minerals Development Control Policies DPD.

Hydrology and Hydrogeology

75. The ES includes an assessment of the impact of the proposed development on hydrology and hydrogeology, including flood risk. The ES demonstrates that the proposed development has a minimal potential to cause negative impact in the locality, subject to the adoption of mitigation measures. The mitigation to be adopted, relevant to the conveyor, is as follows:
- Compliance with existing guidance and legislation concerning fluids handling for the protection of groundwater quality from potential accidental spillages / long-term leakage; and
 - Conveyor elevated 1.5m above the flood zone / ditch to the south of the site. [This design specification will be subject to a separate Land Drainage Consent Application].
76. These measures can be secured by suitably worded conditions. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC3 of the Minerals Development Control Policies DPD.

Ecology

77. An assessment of the ecological impacts is included in the ES. This reports that the extraction area is located within or part of four arable fields, which are ploughed hard up to the field edge. The route of the conveyor belt corridor passes through part of one field before crossing a grassland pasture field. Where required, sections of hedgerows will be removed to accommodate its route.

78. The ES assesses the proposed scheme to have some potential negative impacts associated with the loss of some woodland and hedgerow habitat, and the potential to cause death, injury or disturbance to badgers, other notable mammals, breeding birds, and individual/very low numbers of great crested newt and grass snake. Accordingly, the ES sets out relevant mitigation measures to protect these species. For the conveyor, the removal of habitats in which birds could nest will be conducted outside of the bird breeding season or after an ecologist has conducted a pre-works inspection to determine the presence of nesting / breeding birds.
79. The Council's Ecologist is satisfied that surveys have been carried out to the agreed scope and that suitable mitigation measures have been proposed. A requirement for the development to be carried out in accordance with the specific 'Ecological Mitigation and Enhancement Strategy' presented in the ES can be secured by suitable condition. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC6 of the Minerals Development Control Policies DPD.

CONCLUSION

80. This is an application for the construction of a quarry field conveyor to transport excavated soft sand from Freeth Farm Quarry to the existing processing plant at Sands Farm Quarry. The application has been assessed in relation to its potential environmental impacts and found to be acceptable in terms of relevant Development Plan policies relating to impacts from noise and dust, landscape and visual amenity, rights of way users, heritage assets, the water environment and ecology, subject to the imposition of conditions.
81. The Development Plan encourages the use of conveyors in place of quarry dump trucks for ultra-short transfer of minerals between sites and their use at this site also addresses a local concern relating to HGV traffic passing through Calne town centre, a part of which is designated as an Air Quality Management Area. Accordingly, it is considered that the development is in accordance with the Development Plan and that there are no overriding material considerations to justify that permission should be refused.

RECOMMENDATION

82. Having taken into consideration the environmental information, it is recommended that planning permission be GRANTED subject to the following conditions: -
1. The development hereby permitted shall be begun within 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

REASON: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The use of the development hereby permitted shall cease no later than the expiration of 6 years from the date of commencement of the operations to extract sand from Freeth Farm Quarry. The site shall then be cleared of any buildings, plant, machinery or materials associated with the use within 12 months of the cessation date and the site shall be fully restored in accordance with a scheme to be first approved in writing by the Mineral Planning Authority.

REASON: To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

639-01-16 dated Nov 2015: Proposed Conveyor Route Site Location Plan
639-01-17 dated Jan 2016: Proposed Conveyor Route Topographical Survey
639-01-18 dated Jan 2016: Proposed Conveyor Route
639-01-19A dated 2 February 2016: Proposed Conveyor Bridge - General Plan Details
639-01-20 dated Jan 2016: Conveyor Bridge Elevations and Sections
639-01-23 dated Jan 2020: Plant Access, Fencing & Staff Parking Plan

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

4. No development shall take place until details of the materials to be used for the external appearance of the conveyor road crossing bridge have been submitted to and approved in writing by the Mineral Planning Authority. The details shall include the materials, colours and finishes to be used. The development shall be implemented in accordance with the approved details.

REASON: In the interest of the amenity of the local area

5. 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.

6. Operation of the development hereby permitted shall only be carried out during the following times:

08:00 to 17:00 hours Monday to Friday

and at no other times or on Saturdays, Sundays, Bank or Public Holidays.

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

REASON: To minimise the impact of development upon properties and the local environment.

8. Noise levels shall be monitored and managed from the date of the commencement of development in accordance with the Environmental Noise Scheme reference aecl/hqp/freeth farm/ens/01/20/v2 dated 24 March 2020 prepared by K. Gough.

REASON: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations

9. 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.

10. 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.

11. The Dust Management Plan Version 1 produced by Land & Mineral Management dated May 2016 shall be implemented from the commencement of development and shall be complied with at all times

REASON: To minimise the impact of development upon properties and the local environment.

12. 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.

13. The removal of trees or hedgerows 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.

14. 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.

15. 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.



This page is intentionally left blank

REPORT FOR STRATEGIC PLANNING COMMITTEE

Report No.

Date of Meeting	2 nd December 2020
Application Number	16/00672/OUT
Site Address	Land West of Elizabeth Way, Trowbridge/Hilperton, Wiltshire
Proposal	Proposed development comprising up to 165 new homes with access from the newly constructed relief road, new open space and associated infrastructure (Amended information). (Outline application relating to principle and access).
Applicant	HGT Developments LLP
Town/Parish Council	HILPERTON
Electoral Division	Hilperton (Cllr Clark)
Grid Ref	386180 159631
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is called to Committee at the request of Councillor Clark. His concerns are that policy H2.3 of the Wiltshire Housing Sites Allocation Plan 2020 (WHSAP) states that 'development will take place in accordance with a masterplan approved by the (WC) council.....' which, until produced and approved, means any application is premature. He also states that at 5.46 of the same policy, reference is made to attenuation of both noise to the new housing and reducing the visual impact of the development. The adopted Hilperton Neighbourhood Development Plan (having 'full planning weight' behind it) states at Policy 1g 'Development should be well set back from Elizabeth Way, avoiding a new and abrupt urban edge. Landscaping should help conceal the development from Hilperton and the eastern side of Elizabeth Way'. He states that the plans do not appear to comply in the slightest with HNBP 1g.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

In reading this report, it has to be remembered that the application was first submitted in 2016, which was well before the WHSAP was adopted (February 2020). Many of the initial consultation responses and representations were submitted at a time when the principle of the development of the site was still an issue. That matter has now been resolved by the inclusion of the site in land allocated for housing development in the WHSAP.

2. Report Summary

The main issues to be considered are:

- Whether the development is acceptable in principle (CP 1 and 2);
- Whether the scheme constitutes high quality design (CP 57);

- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64);
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67);
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)?
- Whether there will be any land contamination / air quality issues (CP 55)?
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)?
- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms?

3. Site Description

The site of approximately 10ha in area is located within Hilperton Parish with the southern and western edges of the site adjoining the boundary of Trowbridge Parish. It forms part of a larger site that has been allocated for land within the Wiltshire Housing Sites Allocation Plan (WHSAP) under the reference H2.3 which totals some 21.24ha of land to the south west of Elizabeth Way on what is known locally as 'The Hilperton Gap'.

Running across the eastern side of the site is HILP8, a public right of way (PRoW).

The Hilperton Brook (an ordinary water course) traverses the site. A narrow strip of land following the path of the brook is classified as Flood Risk Zone 2 and 3.

There are a number of grade II listed buildings on Victoria Road whose back gardens adjoin the site.

In terms of Agricultural Land Classification, the site is a mixture of grade 3a and 3b.

The site lies within the Yellow Zone (Medium Risk) defined in the Trowbridge Bat Mitigation Strategy.

4. Planning History

There is no relevant planning history pertaining to this application i.e. no previous applications submitted on the site that are of relevance to this scheme.

However, the site is allocated in the Wiltshire Housing Sites Allocation Plan (Feb 2020) as part of the wider H2.3 allocation. A site-specific policy is attached to the allocation with criteria that are expected to be met during the submission of the individual applications across the whole parcel of land. This is of course relevant to the site. The wording of this is as follows:

Land to the South West of Elizabeth Way, as identified on the Policies Map, is allocated for development comprising the following elements:

- *approximately 355 dwellings;*

- vehicular access points from Elizabeth Way;
- and improvements to cycling and walking routes through the site to link into the existing network.

Development will be subject to the following requirements:

- *core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and Trowbridge Bat Mitigation Strategy (TBMS);*
- *appropriate mitigation to protect bats, including financial contributions towards management, monitoring and any off-site measures as necessary, as informed by the TBMS;*
- *sensitive design and layout, which ensures the significance of heritage assets and their settings are not subject to unacceptable harm. This shall be informed by appropriate heritage and archaeological assessments;*
- *retention and reinforcement of existing hedgerows and trees as part of wider landscaping and green infrastructure requirements, incorporating noise attenuation measures and open space provision; and*
- *a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.*

Development will take place in accordance with a masterplan approved by the Council as part of the planning application process. The design and layout will take account of all policy requirements, including the timely and coordinated provision of necessary infrastructure to achieve a comprehensive development of the site.

5. The Proposal

This is an outline application for a development of up to 165 dwellings. The application includes the provision of new open space and associated infrastructure.

It should be noted that this is an outline application where all matters except access are reserved for subsequent approval by way of an application(s) for approval of reserved matters.

Vehicular access is to be formed off the Elizabeth Way in two places on either side of the attenuation ponds for the relief road. A pedestrian and cycle access is to be formed in the south western corner of the site connecting with Wyke Road. Pedestrian access is retained at the points of entry into the site from HILP8.

Appendix 1 to this report shows details of the location plan, indicative layouts and the concept masterplan for the allocation.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire’s Housing Needs
- CP48 – Supporting Rural Life

- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk

Wiltshire Housing Sites Allocation Plan

The site is allocated for development under policy H2.3, as set out above.

Wiltshire Waste Core Strategy

WCS6 (Waste Audit)

Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal

U2 Surface Water Disposal

U4 Ground Source Protection Areas

Hilperton Neighbourhood Plan (2020)

National Planning Policy Framework 2019

7. Summary of consultation responses

Wiltshire Council Highways

No objection to the current plans, provided a series of conditions and s106 contributions are imposed / obtained. These are set out in more detail in the report and can be seen in the full highways response online. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development.

Wiltshire Council Drainage (Lead Local Flood Authority)

After much deliberations, the applicants have submitted an acceptable drainage strategy to which the LLFA do not have any objections to, subject to a condition to ensure development is carried out in accordance with it. However, it is noted that as the site is marsh land, infiltration testing that proved to work now, may not in the future when they come to build the development. The LLFA have suggested that the condition also allow for an alternative drainage strategy to be submitted to the LPA for approval in the event of the above.

Environment Agency

The Environment Agency were initially objecting to the scheme with further work required to the FRA. Since the submission, a revised FRA has been submitted and additional details such that the EA are no longer objecting to the scheme. This is of course subject to a range of conditions which are summarised in this report.

Wiltshire Council Affordable Housing

Under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 165 new homes, the on-site affordable housing requirement will be for 50 affordable homes - a tenure split of 60% affordable rented homes and 40% shared ownership homes is required. Therefore, the Council would seek 30 homes for affordable rent and 20 homes as shared ownership.

Wiltshire Council Education

No objections to the development subject to securing s106 money towards the provision of early years, primary and secondary education. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development.

Wiltshire Council Conservation Officer

Support the application concluding that due to the distances between the site and the surrounding heritage assets, including the intervening fields and gardens, it would be possible to create a development on this site that does not conflict with the settings of nearby heritage assets.

Wiltshire Council Public Open Space

No objections to the development, on the proviso that public open space is secured on the site via s106 as well as money for the improvement or development of sports pitches or associated facilities that enable their use. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development.

Wiltshire Council Public Protection

No objections to the development on the proviso that s106 money is obtained for air quality monitoring as part of the Council's requirements to reduce emissions, and that conditions are imposed to deal with construction management, hours of construction, lighting and waste and noise to respect the amenity of the local area.

Wiltshire Council Ecology

At the time of writing this report, the Council's Ecologist is awaiting comments back from Natural England (NE) on the Appropriate Assessment (AA) that is required to be carried out for this development under the Habitats Regulations. The Council has concluded favourably on the AA and is awaiting agreement from NE.

The Council's Ecologist has put forward some suggested conditions and informatives as well as requested s106 contributions per dwelling. The section 106 requirements are set

out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development. With these in place there is no objection on these grounds to the development.

As there is a wider masterplan for the site (to ensure that a comprehensive approach is taken to mitigation) they can be confident that the ecological mitigation can be secured for the level of development proposed.

Natural England

Having reviewed the bat mitigation strategy Natural England have no concerns subject to securing, through appropriate planning conditions, mitigation as set out in the bat mitigation strategy.

Having spoken with the county ecologist (Louisa Kilgallen), Natural England notes this proposal forms part of wider allocation (policy H2.3) within the WHSAP as adopted in February 2020. Development at this location should only take place in accordance with a combined masterplan.

Wiltshire Council Urban Design

Based on the indicative layout it would appear that a scheme of 165 units could be realistically achievable at reserved matters stage. Some misgivings over the current concept drawings but subject to appropriate controls / conditions and informatives, the matters can in principle, be resolved to ensure a high-quality design at reserved matters stage.

Wessex Water

They have no objections to the development. The site will be served by separate systems of drainage constructed to current adoptable standards and the developers were in discussion with Wessex Water prior to the submission of the application about how this would be delivered / realised.

Wiltshire Council Arboricultural Officer

According to the illustrative masterplan drawing no. 9302, Barton Willmore, the majority of the trees surveyed by Cotswold Wildlife Surveys, are within the POS in the south west area of the proposed development. There appears to be a 30m buffer to include the expected zone of influence for Willow growing on shrinkable clay soils and in accordance with NHBC Building near trees-section 4.2 which would allow for seasonal fluctuations. As long as the applicant has consulted with a structural engineer in respect of foundation depths for any incursions into the zone, they would not hold any objections.

The applicant would need to indicate foundation depths on plans if they are building within 30m of retained trees.

The hedges around the site have been neglected over the years and would have a far smaller RPA in relation to mature trees so therefore the potential pressure on roots would also be smaller.

Crime Prevention Officer

As this application is outline and in relation to access, they have nothing to comment but would ask that they be included in discussions when layout is brought forward.

Trowbridge Civic Society

No comments have been received by the Civic society on the amended proposals since the allocation of the site for housing has been confirmed in the approved WHSAP.

(Initially objected in 2016 on the grounds that the development was then contrary to the WCS. It is also contrary to the aims of the NPPF. The loss of this vital green space will have an impact on the residents who use it for recreation, health and well-being and for the wildlife who live / forage here. The land also helps to retain the separate identity of Hilperton)

Wiltshire Council Waste and Recycling

No objections subject to the provision of s106 money to provide waste and recycling containers for each dwelling. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development.

Wiltshire Council Rights of Way

Support the scheme subject to HILP8 being surfaced with tarmac. Also request a cycle lane is put in across the site that connects with Wyke Lane.

Wiltshire Fire and Rescue

No objections to the development. The letter from them includes standard advice and guidance which is largely relevant at reserved matters stage and post planning (i.e. Building Regulations).

Hilperton Parish Council

Hilperton Parish Council were initially strongly opposed to the application. However, this was back in 2016 when the application was submitted prior to the site being allocated for development in the WHSAP. Latest comments are as follows.

In line with the resolutions passed by Hilperton Parish Council at its March 2020, meeting, I forward the following response to this planning application:-

- a) Suitability of the planned junction with Elizabeth Way. The Parish Council feels that a 'tee' junction, with or without a ghost lane, will not be suitable for this number of houses and the traffic movements generated.
- b) These houses will add to the number of people using Hilperton Village Hall and its sports facilities. A sum of money should be allocated for the enhancement of the village hall and/or its sports facilities.
- c) Wiltshire Council has not yet produced/approved a 'master plan' for the land west of Elizabeth Way as required in Policy H2.3. Until this is done, any application is premature. Wiltshire Council needs to ensure that the allocation figure given by the Planning Inspector is not exceeded.

- d) This application fails to meet several specific criteria of Policy H2.3. Little attention seems to have been paid to 5.43 or 5.45. The first sentence of 5.46 seems to have been totally ignored with little/no provision of landscaping between Elizabeth Way and the housing.
- e) Following on from the last point, the adopted Hilperton Neighbourhood Development Plan states in Policy 1g 'Development should be well set back from Elizabeth Way, avoiding a new and abrupt urban edge. Landscaping should help conceal the development from Hilperton and the eastern side of Elizabeth Way'.

Please note that the HNDP was worded with advice from both a Planning Inspector and Wiltshire Council before its adoption. Policy 1g is NOT 'advice' to any applicant. It is statutory in its content and clearly worded to avoid any misinterpretation.

The agent for this application objected to several parts of the HNDP but failed in their attempt to get various policies deleted. Consequently, the agent is fully au fait with the content of the HNDP and should ensure that any application is fully compliant. It is a shame that the applicants seem to have taken no notice of the adoption of the HNDP and its policies.

Trowbridge Town Council

No comments have been received in respect of more recent revisions, although when the application was originally submitted in 2016, the comments were as follows:

- a). Trowbridge Town Council OBJECTS to the above application, as Wiltshire Council will be able to demonstrate that it has a 5-year land supply during 2016 and that this application, in a location which is not supported by the local communities is therefore contrary to the Wiltshire Core Strategy.
- b). If Wiltshire Council is minded to approve this application then the development should;
 - i. Provide for a shared use footpath/cyclepath access from the development to the adopted road which runs to the rear of Wyke Road, but in a position which access the development within the open greenspace area, possibly at a point further north than the purple arrow indicated on the Illustrative Masterplan and additionally from that point of access to the development, it should provide a reasonably direct shared use footpath/cyclepath link through the development to Elizabeth Way. If this considered inappropriate then all necessary arrangements are made to ensure that future access is provided via the remaining land between the bottom of the adopted road to the rear of Wyke Road and the proposed development, providing a reasonably direct shared use footpath/cyclepath link through the development to Elizabeth Way as far as practically possible via off road routes.
 - ii. Provide a significant contribution to Wiltshire Council for improvements to the cycle infrastructure along Canal Road between Horse Road/Wyke Road and Kennet Way/ Hammond Way and along Hammond Way between Canal Road/Kennet Way and Thestfield Drive and along Thestfield Drive to provide access to the NCN route 4 at the Kennet and Avon Canal.

- iii. Provide a significant contribution to Wiltshire Council for improvements to the cycle infrastructure along Hilperton Road between Elizabeth Way and the Zebra Crossing immediately east of the entrance to Fieldways Hotel.
- iv. Provide a single Local Equipped Area of Play (LEAP) and no LAPs, combining all of the indicated provisions for children's play areas into a single site for the whole development, which will result in a better community facility with a greater range of play activities, will be easier to maintain and therefore will be more sustainable.
- v. Provide the full 30% affordable housing requirement on site with no financial set-off for off-site provision.
- vi. Result in the speed limit of Elizabeth Way reducing to 40mph.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been two series of amendments to the application, the first was advertised by way of additional site notices and neighbour notification letters, the second, by letter only. A very large number of objections to the development were received at the outset in 2016/17. The material planning considerations are summarised below.

Need

- It is not inevitable at this time that green fields should just be demolished to meet housing supply
- We have already had large housing developments at the Mead and West Ashton
- Currently a large housing development being built in Westbury to meet the needs of our immediate area
- Whilst the Council cannot demonstrate a 5YR Housing Land Supply this doesn't mean Trowbridge is up for sale and should be built upon at all costs.
- Any benefits the proposal would bring in terms of the need for housing would be outweighed by the negatives
- Land should be put to a better use to serve the community such as a school, playing fields, surgery etc.
- The last thing Trowbridge needs is more housing
- The new evidence supporting the resubmission actually weakens the application.

Drainage / Flooding

- It is within a flood zone – can't possible build houses in a flood zone
- It is marsh land – not good for building on
- It is prone to flooding
- Existing properties gets flooded – surface water and foul – this will only get worse
- Water from this site will be displaced and flood Wyke Road and other properties – the planners will be held to account for repair works etc when this happens
- It is called Hilperton marsh for a reason – it floods every year!
- Inadequate FRA and drainage strategy
- Older Victorian homes near to the site will suffer badly if flooding happens
- Who would insure a house built on a Marsh?
- Since Elizabeth Way has been built flooding has worsened in the area

- Who will compensate the local residents when it floods – the developers or the council?
- Has anyone at the Council looked at cumulative impacts of all these developments (in Trowbridge, Chippenham and Melksham) venting into the River Avon at the same time?
- Does not pass sequential test
- Sewage treatment must be considered; are the existing systems capable of dealing with increased effluent?

Ecology / Environment

- The Hilperton Gap is habitat to a vast variety of birds, mammals and reptiles including rare and endangered species, such as the Grass Snake, the Great Crested Newt, Pipistrelle bats, Sparrowhawks..to name just a few.
- The loss of the Gap will destroy the local ecology and wildlife
- Loss of trees
- The development concerned has the potential to increase recreational use of Biss and Green Lane Woods (home of significant bat roosts and populations of bats) both through the uplift in population, and through the loss of recreational amenity of the site being built upon.
- HRA required to assess the effect of the development on the Bath and Bradford upon Avon SAC.

Loss of Green Space / Conglomeration

- This is a green lung amongst an array of housing and commercial development
- The space is much used for recreation
- Trowbridge and Hilperton will merge as a result of this site being developed which ids against WCS policy to ensure they maintain separate identities.
- Hilperton Marsh should be seen as Valued Landscape
- This does not safeguard trees, green space etc.
- The loss of the green space will have an impact on existing resident's health and well-being as they will lose a place of recreation and enjoyment
- This is a green area and should be made a conservation area like Southwick Country Park.
- Area should be planted with lots of trees for future generations to enjoy – not destroyed by housing
- If development needs to take place, it should be to the north and south leaving the whole middle as country park.
- Amalgamation of settlements means individual identity is lost
- We need this to remain as green space as there is a real need fore a country park like Southwick on this side of Trowbridge
- It's a great space to walk for all ages and burn calories.... Less fat people = less costs on the NHS...,win win!
- Allowing this development would set a precedent that the rest of the Gap is up for grabs
- West Wiltshire District Council designated this area as Recreational when consent was given for the Hilperton Relief Rd in 2006. Why is this being quietly forgotten?

- For those who can't drive or the elderly, this is a very important green space for socialising, exercise and dog walking
- Much used space by kids for socialising and play and its loss would take this away and most likely drive them in doors to computer games and videos.
- Open land is important, please, let us have these spaces to breathe. Don't we live on top of each other enough?
- People need access to green spaces what with modern houses providing such small gardens and the government informing us of the need to have daily exercise
- In this current climate covid-19. It is not appropriate to consider any planning at all. This area is currently being used as an open space for exercise. It is very busy and even now it is hard to social distance. If more houses were built what would it be like if there was another pandemic?

Design / Character of the Area

- Density of development is out of keeping with the character of this part of Trowbridge
- 3 storey development is not in keeping with this part of Trowbridge
- There is green space within the development – why can't this be on the edges to avoid houses having to back on to existing ones

Location

- Housing should be on the Melksham side of Marsh Road
- Housing should be on the West Ashton side of Trowbridge
- Housing should be built on brownfield land like the old Bowyers site and Innox Riverside
- Poorly located to access the town's secondary schools
- Housing should be in the town centre which is in much need of redevelopment
- Developments such as these, will increasingly urbanise the countryside without the benefits of public transport and usable green spaces that are available to people living in urban areas.

Infrastructure

- No school places available in Trowbridge
- Lack of places at doctors surgeries
- No additional public transport for the development
- Public transport in the area is poor
- Lack of infrastructure in general to cope with this amount of extra housing
- There is no local Post Office and a scarcity of post-boxes.
- If this area is to be built on, it should be used for the missing amenities e.g. a secondary school or health centre.
- Wiltshire Council needs to be building more schools, dentists and doctor's surgeries before building any more houses.

Pollution

- Air quality will be damaged from traffic congestion, building works and loss of green space
- This is one of the last remaining green spaces with good air quality

Visual Impact

- The number of proposed housing will have a pronounced visual impact
- Loss of wonderful views across the Gap
- Light level from development will pollute this area
- Hilperton village wants the whole site as hidden as possible from view. Living on the other side from Elizabeth Way, I too would like the site camouflaged from my view as much as possible. What steps are intended to lessen the visual impact?

Contrary to Development Plan

- Premature application – WHSAP not adopted yet
- Does not comply with Core Policies 1 and 2 as outside the settlement boundary
- Trowbridge Community Area Strategy states that outlying villages need to maintain their separate identity – this would go against this point
- Do not agree with the methodology of the WHSAP
- WC should resist speculative development that is contrary to development plan
- The development should not be approved before the WHSAP
- The numbers in the draft WHSAP for this site are only 210 whereas this is a development of 170 on just part of the site. This surely contrary to draft WHSAP.
- Loss of Green Space is contrary to CP 50
- Wiltshire Council can demonstrate a 5 year HLS and so this application should be refused in line with WCS

Contrary to Hilperton Neighbourhood Plan

- A neighbourhood plan is under development for this area and the community should be given adequate time to complete this process before any decision is reached.

Contrary to government guidance

- This would not reduce the need to commute which the government are seeking to promote

Highways / Parking

- Cycle route onto Wyke Road will conflict with cars wishing to access garages and present a road hazard
- Elizabeth Way is a 50mph Road – cars wanting to turn into the development will pose a hazard and cars wanting to turn out will have difficulty
- Elizabeth Way was designed to take traffic away from houses – why put more houses next to it?
- Extra traffic will cause congestion on Elizabeth Way and surrounding streets
- The Road is dangerous to cross – more housing will add to this problem
- Introducing junctions onto the Elizabeth Way would be extremely hazardous

- Elizabeth Way is already barely sufficient to cope with existing traffic and we have seen a small drop in the numbers on outlying streets. With another 210 houses on the land surely this will make the current situation worse and make a wasted point of the relief road in the first place.
- If the crossing of the River Avon were enhanced to allow two-way traffic and the B3106 to Holt were made one way to Holt only then the traffic flow would be eased to such a degree that I would remove my objection to this housing development.
- Simplification of the road layout on the plan is welcomed but its still not ideal.
- No provision for the disruption to the cycleway and footway
- The application was supposed to show access, it does not!
- If allowed, parking should be provided for the people to enjoy the rest of the Gap and to help with parking for the Church.

Heritage

- Impact on nearby listed buildings
- No evidence that archaeology has been taken into account
- Interestingly the Archaeological Evaluation by Cotswold Archaeology states as follows in paragraph 7.2: "...much of the site consists of heavy clay with a high water table. The majority of the 41 trenches were devoid of archaeological activity suggesting the heavy, wet nature of the ground discouraged widespread occupation across the current site." We should learn from our wise forefathers who knew a thing or two about land management.

Neighbour Amenity

- The new Properties will overlook the gardens on Wyke Road and Victoria Road causing loss of privacy
- The new buildings will cause loss of light to existing dwellings on Wyke Road and Victoria Road
- Noise and disturbance generated during construction and from post development activities would be harmful to existing residents
- Lighting from the development will be a nuisance
- There is no provision on the North side of Elizabeth Way for noise reduction.

Democracy / Local Opinion

- Nobody locally wants this development and the views of the people should be considered as the Council is here to advocate for them.
- This proposal was circulated for comment in March this year along with other proposals, the Council received more objections to building in Hilperton Gap than the whole of the rest of Wiltshire together.
- Hilperton Neighbourhood Plan Steering Group did local surveys to identify housing – 93% of residents were opposed to the building of the Gap
- A decision should be deferred until such point that all that all applications to build housing on the Hilperton Gap have been submitted.

Employment

- Lack of jobs in Trowbridge to cater for new population
- Out commuting by a lot of residents for work

Affordable Housing

- Will these houses be affordable?
- Not enough smaller dwellings like flats being built

Religion

- I am a practitioner of the Wiccan faith and building a development on this open, wild land, would interfere with that practise and my religious choices and freedoms.

Other

- Exhibition by Frampton's was unacceptable – didn't display enough information and questions raised were not answered
- Approving this would go against the wishes of many local residents, Councillors and the MP
- Support the views of the Parish Council
- Will aid crime as the cycle route at the back of the properties in Victoria Way creates an easy escape route
- Landownership issues have been ignored in places which affects connectivity to the site via the existing public right of way – the land owner would not permit any upgrade to this PRoW on their land to make it a safe and suitable means of access to the development.
- The development of this gap for housing was never part of the plan when the road was built
- Another decision not well thought by WC - Please think about what you are doing to this old historic town.
- Reduced numbers in amended plans welcomed but doesn't overcome original objections
- Revised application does not address any of the concerns raised originally
- Support the comments of the Hilperon Gap Action Group
- Application should be deferred until after the COVID-19 crisis
- Resubmissions and reconsultation should not have occurred during the COVID-19 pandemic

Some limited comments have been received in support of the application. Largely, on the premises that the larger part of Hilperon Gap remains undeveloped. Also, the need for young people to get on the property ladder.

9. Planning Considerations

9.1 Principle of Development

The National Planning Policy Framework (NPPF) advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight in the planning balance

Turning therefore to the development plan (the WCS), the site lies outside the Limits of Development of both Trowbridge and Hilperton where under Core Policies 1 and 2 of the WCS, development is not permitted unless one of the following applies:

- the site is to be considered under one of the council's expectations policies listed at paragraph 4.25 of the WCS;
- the site is being brought forward through a neighbourhood plan; or,
- the site is being brought forward through a site allocation development plan document.

In this case, the site forms part of the wider H2.3 allocation contained within the adopted WHSAP and is thus a site intended to be brought forward via the site allocation process. Therefore, the development complies with the requirements of Core Policies 1 and 2 of the WCS as the site is advanced via a development plan document. The policy attached to the H2.3 allocation does stipulate that developments on this parcel of land must be in accordance with a masterplan which is to be approved by the Council as part of the application process. The development is in accordance with the submitted masterplan which has been agreed by the Council with the developers and therefore, does not conflict with this requirement of Policy H2.3 of the WHSAP.

With regards the Hilperton Neighbourhood Plan (NP), there is also no in principle objection to the site (primarily as the plan must be in conformity with the strategic aims of the WCS). Policy 1 of the NP places conditions upon the development of this site to ensure landscape, design, heritage, drainage and ecological matters are not compromised. Such conditions are looked at in further sections of this report. In principle therefore, the development is considered to be in accordance with the WCS.

However, it should also be noted that the absence or otherwise of a five-year supply of deliverable housing (5YRHLS) is a material consideration. It is accepted at the time of writing this report that the Council is unable to demonstrate a 5YRHLS. The precise figure is disputed but is agreed to lie between 4.4 - 4.62 years of land supply of deliverable sites for housing. An approximate shortfall of over 800 homes. It is therefore accepted that at the time of determining this application, paragraph 11d of the Framework is engaged. This means the policies most important to the determination of this application would be considered out-of-date and accordingly would be afforded reduced weight in the planning balance. Before considering the detailed merits of this application, it should be noted that given the outstanding requirements for housing in the Trowbridge Community Area and the present lack of a 5YRHLS in Wiltshire as a whole, this proposal would make an important contribution to identified need and, the provision of market and affordable housing should carry significant weight in favour of the proposal.

In addition to the above points, it should also be noted that, as this site forms part of an allocation in an adopted development plan document, the following points apply:

- the WHSAP has been produced to provide a surety of supply of land to greatly facilitate the delivery of the housing figures in the WCS up to the period 2026;

- this site has been selected as an appropriate location for housing by the Local Planning Authority (and agreed by the Planning Inspector at examination);
- the issues contained within this report have all been looked at in respect of the ability of the site to accommodate housing in principle during the WHSAP process and examination.

In sum, the principle of the development of this site for housing has been agreed and cannot be challenged at this stage.

9.2 Design

It should be noted that the detailed comments on the design of the scheme i.e. the layout and appearance of the development are matters that cannot be determined at this stage as they will form part of the later submissions for reserved matters approval. At this stage, the LPA is looking to see if the figure of 165 dwellings put forward can be achieved on the site with regards to Core Policy 57 and good design principles in general.

The original submission was for 210 houses which, when taking account of the constraints on the site, was revealed through assessment of the scheme to be an unrealistic and unachievable figure without comprising the design of the scheme. Ecology mitigation, landscape mitigation, noise attenuation and drainage requirements have reduced the net developable area and so, to ensure a scheme that has an appropriate density and layout, it has been necessary to reduce the numbers from those originally applied for.

In summary the Urban Design Officer has they made the following comment in respect of the layout for 165 units:

“The indicative layout is quite detailed and appears one which a reserved matters layout could be closely based on.”

From the above it is concluded that 165 dwellings can be accommodated on the site without compromising the ability to comply in principle with Core Policy 57 at reserved matters stage. I.e. it is fair to say that a high quality design can be secured at this later stage based on a figure of 165 dwellings without the appearance of overdevelopment, and one that can ultimately fit in with the prevailing character of the area (e.g. in terms of density, appearance and layout). A suitable level of detailing has been provided by way of illustrative plans and within an updated Design and Access Statement (DAS) to enable officers to reach this conclusion. In any event, the scheme as applied for is for ‘up to’ 165 dwellings, which does allow flexibility to reduce the numbers should that be necessary at reserved matters stage because of unforeseen issues.

Whilst the Urban Designer does have some smaller criticisms of the scheme, on the whole they support the development. The smaller points can be ironed out at the reserved matters stage and with appropriate conditions / informatives, the applicant can be made aware of these points. Ultimately, as said previously, this is an outline application where detailed design matters have been left for future consideration and so the Council cannot be getting too prescriptive at this stage. However, at the request of

the Urban Design the DAS has been updated along with the illustrative material to include more design principles in the scheme, which has provided the Council with a solid platform moving through to the reserved matters applications to secure a high quality design. A condition can be imposed to ensure the development is in general accordance with the DAS.

The illustrative layout satisfactorily demonstrates that a scheme of 165 dwellings could be accommodated on the site in principle without giving rise to adverse amenity impacts in terms of overlooking, loss of light or overshadowing. Enough space is left around the margins of the development for landscaping etc. and this helps to provide buffering in respect of amenity. The detailed aspects of amenity will of course be controlled at reserved matters stage but in principle there are no concerns at this stage.

9.3 Landscape and Visual Impact

Landscape and visual matters have already been considered as part of the housing site plan allocation process. In summary, during this process, the sites that were deemed to be unacceptable to develop in landscape terms were removed at various stages of the plans' advancement with the final sites subject to a more detailed landscape assessment (Stage 4a Site Landscape Assessment). By way of information, page 27 of this document concluded on the sites ability to accommodate change as follows:

“Whilst development of this site would result in the loss of some farmland, remaining farmland would retain the gap between Trowbridge and Hilperton. Although the site is prominent, there is scope to screen and filter views from adjacent land-uses and PRoWs in the site and to improve the appearance of Trowbridge’s northeast settlement edge in views from the north and northeast, provided that development is sensitively designed within a greenspace framework, which allows space for mitigation planting. The greenspace framework should allow for the retention of existing landscape features such as field boundary vegetation and watercourses, the incorporation of PRoWs crossing the site within greenspace corridors, the retention of the parkland character at the southern end of the site through its incorporation in green space, and the retention of vistas toward St Michael and All Angels Church. Additional planting should consist of new hedgerows, individual trees and tree groups with the aim of creating varied planting. It is recommended that consideration is given to the function of the narrow piece of farmland between the Hilperton Relief Road and the site. It would be beneficial for this to be incorporated into the green space network. This land would provide additional space for planting, which would soften the appearance of housing in the site and also the appearance of the new road. Overall the capacity to accommodate change is moderate-high.”

This initial assessment of the site in landscape terms suggested that the site was capable of accommodating development without having overriding significant adverse effects. As such, in allocating the site, the Council has already made the assumption that residential development of the site in principle will not cause unacceptable landscape harm.

The appellants have submitted a Landscape and Visual Impact Assessment (LVIA) with the application. This has looked at both the impact of the development on the landscape

character of the area and on the visual effect, assessing the amenity value of the views.. The principle conclusion of this assessment was that:

“On balance, the potential landscape and visual effects of the proposed development on the allocated housing site are not likely to be significant. Furthermore, the proposals for green infrastructure and landscaping will deliver a number of enhancements in terms of the physical landscape and landscape character. As such the proposed development is considered to be acceptable in landscape and visual terms.”

In general, officers are in broad agreement with the conclusions of this report. Whilst there were initial concerns with the landscape approach to this site, changes have been made to the landscape frameworking to ensure the development will now sit comfortably within the site without any adverse impacts. This has included wider margins around the watercourses to accommodate existing planting, wider landscape buffers around the edges of the site and a more natural profile to the bund that is required for noise attenuation. A lot of the landscape changes are closely related to the ecological matters where bat habitat is needed to be created/ enhanced to ensure their conservation. This has led to greater levels of landscaping proposed where core bat habitats areas are required to be retained. Looking at the landscape assessment in more detail, the Council would make the following comments.

In landscape character terms, the site is agricultural at present, but it is heavily influenced by the new relief road and the residential development forming the edge of Trowbridge. Beyond the site, the wider Hilperton gap is encapsulated by development on all sides (Trowbridge, Hilperton, Hilperton Marsh and Paxcroft Mead) and therefore, this is also an influencing factor on its character. Much of the site’s tranquillity has been lost through the formation of the new relief road and its edge of settlement location also plays a part in this. It does have a network of PRowS and watercourses running across it and some field hedging and trees – these features contribute to the character of the site and are features characteristic of the wider landscape type (Open Clay Vale). In terms of value, it is considered that the land west of Elizabeth Way is of lesser quality than that to the east due to it being a thinner slice of land and the fact that it is more closely associated with urban influences.

Development of this field will obviously see the loss of the sites agrarian character, but this in itself is not deemed to be significantly harmful. The agrarian character it has, has already been much weakened by urban features / influences (housing and the relief road) which are very much framed in its view. Furthermore, this site represents only a portion of the overall Hilperton Gap – the larger part to the east is left in its current form. Significant features on the site are to be retained and incorporated into the landscape, ecological and drainage plans / mitigation schemes for the site. This means the PRowS, watercourses, trees and hedging are to be largely left. Enhancement will occur where required to do so for the purposes of the above e.g. dark corridors for bats and thicker boundary planting to soften the impacts of the built form. Therefore, these elements that make up the character of these fields will on the whole not be lost but instead will be incorporated into the development proposal.

Overall, the sites character will inevitably undergo a lot of change, but this is not considered to be to a harmful extent. The effects on character change will obviously be felt the greatest at a localised level i.e. within Hilperton Gap itself. However, this would be the same with any development. Furthermore, in its defence, the wider area that makes up the rest of the Hilperton Gap would still retain its character despite this development and, as previously said, this site is one of the least sensitive parcels of land within the gap. When you move out to a wider area i.e. beyond the gap itself, the developments impact on landscape character becomes much less apparent. The scheme will very much be seen in the context of the wider built form of Trowbridge and the Hilperton relief road. As such, although there will be change (which is inevitable with all residential developments) this change will not be significant or demonstrably harmful.

With regards to the visual effects, these too will naturally be felt to the greatest degree at a very localised level e.g. the PRoWs that cross the site, and to a lesser extent from the roads and surrounding urban area e.g. Elizabeth Way. Despite additional landscaping the development would still be visible from the remainder of the Gap and obviously when traversing the site itself. That said, the LVIA and previous assessments of the site have noted that visible development is part of the makeup of the Hilperton Gap i.e. one can already see housing within most of the framed views within the gap. Therefore, to hide the development completely would be uncharacteristic. When you move outside of the Hilperton Gap the views of the development site would become almost non-existent as the Gap is pretty much encapsulated by development on all of its sides.

Overall, it can be concluded that the visual effects of the development are very localised upon the Hilperton Gap itself and do not relate to a wider geographical area. This is however, the case with most new development. When you consider that these localised views are already heavily influenced by urban development and noise, it is considered that the additional development would not be significant or demonstrably harmful to the views and visual amenity experienced at this localised level. Coupled with the fact these there are no longer distance views of the site, officers do not consider there to be sufficient grounds to refuse the application on landscape and visual grounds.

A sufficient landscape framework plan has been submitted, coupled with the other illustrative materials and DAS to enable officers to have reached this conclusion. Development will need to be carried out in general accordance with the landscape framework plan and, in accordance with a detailed landscaping scheme to be submitted to the LPA for approval. Such matters can be conditioned and when in place, would make the development acceptable in planning terms.

9.4 Heritage Impact

There are several listed buildings within the vicinity of the site. The closest buildings are all Grade II Listed and known as 1 & 3 Victoria Road which lie approximately 168 metres south of the proposed site, 13,15 & 17 Victoria Road which lie approximately 180 metres south and 120 metres west of the proposed site. Pound Farmhouse and 3 Horse Road lie approximately 223 metres north of the proposed site. 16 Horse Road (Weavers Cottage) lies approximately 330 metres north of the proposed site. The Church of St

Michael and All Angels lies approximately 445 metres east of the proposed site and the Hilpert Conservation Area lies at the closest point approximately 380 metres east of the proposed site.

The illustrative layout demonstrates that it would be possible to create a scheme on this site without causing significant harm to the designated heritage assets and conservation area. This is because there will be intervening fields and/or residential gardens between the site and the listed buildings which would protect them. It is therefore considered that the outline proposal subject to an informative ensuring that the reserved matters application must take into account the impact the proposal would have on the listed buildings and conservation area would comply with Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CP 58 of the WCS. Any harm to setting would be less than substantial, has already been accepted through the allocation of the site, and can be mitigated through careful consideration of the layout at reserved matters stage. It is balanced by the public benefit of providing housing to meet the assessed needs in the WCS.

9.5 Agricultural Land

The majority of the site is classified as grade 3b i.e. not Best and Most Versatile Land (BMV). The portion of the site that is grade 3a (BMV) is not significant in area (Natural England are generally concerned where areas greater than 20ha are being lost). This portion of land falls well below that threshold and therefore, its loss is considered acceptable.

Furthermore, as this site has been promoted through the plan-led system (the WHSAP), it is noted that the issue of loss of BMV would have been looked at in conjunction with all other sites being considered.

9.6 Drainage

The Council as Lead Local Flood Authority (LLFA) have reviewed all the relevant documentation and consider that it now satisfactorily addresses any earlier concerns with the proposal as initially submitted and would thus comply with current policy (Core Policy 67 and paragraph 155 of the NPPF) i.e. not lead to increased flood risks elsewhere. The drainage scheme needs to be carried out in accordance with the submitted plans and details. As the drainage is proposed by soakaway, although the infiltration tests seem favourable, the site is marsh land and the infiltration rates would only be acceptable at the time of the test. In case the soakaways would prove to be unfeasible an alternative drainage method should be proposed and approved in writing by the LPA. The condition can be worded to allow the developers to submit an alternative strategy in the event that infiltration proves to be ineffectual further down the line. This would negate having to submit a revised outline application. With this condition in place, the development is acceptable in drainage terms.

The Environment Agency have also reviewed all relevant documentation (notably, the revised FRA) and consider that it satisfactorily addresses any earlier concerns they had

with the application. Subject to conditions they have withdrawn their earlier objection. The conditions suggested by the EA would cover the following:

- Details of the bridge design to ensure that there are no detrimental impacts to flood storage or flood flow routes.
- Control of finished floor levels to reduce the risk of flooding to the proposed development and future users.
- The submission of a Landscape Management Plan to ensure that the land alongside the watercourses which are particularly valuable for wildlife is protected.
- The submission of a Construction and Environmental Management Plan to prevent pollution of the water environment.

Without these conditions they would object to the proposal as it would not meet the requirements of the National Planning Policy Framework (NPPF). Having reviewed the conditions, officers considers them reasonable and necessary and therefore suggest they are imposed on any permission given.

9.7 Ecological Impact

Initially the scheme was subject to a holding objection until it could be demonstrated that the development would have an acceptable impact on ecology, notably local bat populations – both in terms of habitat loss (building on the green fields of Hilperton Gap) and by recreational pressure placed upon nearby habitats by new residents of the development (e.g. walking in Biss or Green Lane Woods where significant bat roosts are located).

Through the evolution of the masterplan for the whole allocation the core bat habitats have been identified and sufficient buffers put in place to ensure these habitats remain favourable for local bat populations to continue to be used post development. The Council's Ecologist has accepted the masterplan. Furthermore, the indicative layout for this site has evolved and numbers of dwellings reduced to take account of amongst other things, ensuring enough ecological mitigation is provided on site. The net result of these processes has allowed the removal of objection to the scheme on ecological grounds, subject to necessary conditions, s106 contributions and the satisfactory completion of an Appropriate Assessment (AA).

The following conditions have been requested and should be imposed on any permission given:

- that the development is carried out in full compliance with the Masterplan and Ecological Parameters Plan as supported by the Biodiversity Net Gains calculations; and,
- that development shall not commence until the submission of a Lighting assessment of the final scheme, an Ecological Mitigation Plan, a LEMP, a CEMP and a full landscaping scheme.

These conditions are reasonable and necessary to make the development acceptable in planning terms. Section 106 Contributions are also required towards the Trowbridge Bat Mitigation Strategy, to be paid before commencement.

Overall, with these conditions and s106 in place, and the positive recommendation on the AA, it can be concluded that the development will be able to proceed without unacceptable harm to biodiversity.

9.8 Archaeology

An archaeological evaluation has been undertaken on site and the report was submitted with the revised documentation. The evaluation confirmed that there is a low potential for heritage assets with archaeological interest to be impacted upon by the proposals and therefore the Archaeologist requires no further information or conditions. The proposal is therefore considered to comply with the relevant criteria of CP58.

9.9 Environmental Impact

The Council's Public Protection team have no objection to the development provided the following elements are covered:

- A s106 sum of £5000 to go towards air quality monitoring;
- that the applicant carries out and submits to the LPA for approval an Air Quality Assessment;
- that the applicant submits a scheme of Ultra Low Energy Vehicle to the LPA for approval;
- that a construction management plan is submitted to the LPA for approval; and,
- that a lighting scheme is also submitted to the LPA for approval.

Officers have reviewed the above requests and consider the conditions suggested to be reasonable and necessary to make the development acceptable in planning terms. The same conclusions were drawn on the s106 request.

9.10 Highways / Rights of Way

Whilst some initial concerns were raised by Highways when the application was originally submitted, these were subsequently addressed and in August 2016, the LHA offered no objections to the scheme subject to conditions and s106 contributions. At the time of these comments, the scheme was for 210 houses with 2 proposed accesses onto Elizabeth Way. In other words, the development was capable of being served by a safe and suitable means of access, and that the traffic generated could be accommodated within the highway network without causing severe harm. The layout of the internal roads, parking spaces, footways and lighting are matters that would be left for determination at reserved matter stage, covered by suitably worded planning conditions.

Since then, the application has undergone a number of amendments and is now a scheme for 165 dwellings, still with the two accesses off Elizabeth Way. Given the previous

comments by the LHA, it would be difficult to form a different view on a scheme where the accesses remain the same and the dwelling numbers have reduced. As such, the consultation response on the final revised scheme offers no objections subject to the a very similar set of conditions and s106 contributions. The section 106 requirements are set out in Section 10 of this report, which addresses the developer contributions necessary to mitigate the impact of the development, and the conditions suggested would be to cover the following issues:

- Access to each dwelling provided before occupation
- All existing field accesses shall be closed off prior to occupation of dwellings
- Travel plan to be submitted to LPA prior to occupation
- Garages shall not be converted to habitable accommodation
- Car and cycle parking to be in accordance with LTP3 of Wiltshire Car Parking Strategy and Cycle Strategy respectively
- Protection of and importation of existing highways drain entering the site from Horse Road prior to any road construction.

Having reviewed these conditions, officers consider them to be reasonable and necessary and it is therefore recommended that they are imposed on any permission given. With such conditions in place, coupled with the s106 contributions, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

The existing PRoWs crossing the site are to be retained which the Rights of Way Team are happy with subject to the route being surfaced and following the legal line. The applicants have confirmed their intention to do this but, ultimately, it can be controlled via condition.

9.11 Community Infrastructure Levy (CIL)

The new dwellings would be liable for CIL. The site would fall under charging zone 2 where the sum equates to £55 per square metre of residential floor space created. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

10. S106 contributions

Core Policy 3 advises that *'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development.'* This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 55 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the development of the application site and are required in order to mitigate the impact of the proposed scheme. The applicant has agreed to provide the following:

Affordable Housing

CP 43 states that on developments of 5 or more affordable housing provision of at least 30% will be provided. The applicant has agreed to provide 50 affordable housing units which meets the 30% required and will be transferred to a Registered Provider. Based on current housing need figures for Trowbridge these should be a mix of 60% affordable rent and 40% intermediate housing with a unit mix of 2-bed flats, 2-bed bungalows and 2, 3, 4 person houses and should also not normally be in groups exceeding 12-15 dwellings. There is also a need for 10% of these affordable homes to be identified for extra care units (adapted for disabled residents or wheelchair adapted accommodation).

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF. Saved Policy LP4 of the Leisure and Recreation DPD states that where new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required. Saved Policy GM2 of the Leisure and Recreation DPD requires the management and maintenance of new or enhanced open spaces which will be included within the S106.

The proposal generates a public open space requirement of 6055m² of which 292m² is to be an equipped play provision all of which should be secured in perpetuity. The Play Officer is satisfied that this requirement can be met on site (the applicants are in fact providing much in excess of this figure).

A leisure contribution of £38,940.00 is required to go towards upgrading the Changing Rooms at Hilperton Village Hall, which serve the adjacent sports pitch. This is considered a reasonable request as the Village Hall lies within walking distance of the site and is likely to be used by residents of the new development as one of the nearest community facilities. Furthermore, the Parish Council have provided the Council with details of the work required to repair / improve the changing facilities to ensure they are properly fit for modern day purposes and so, it is clear where the money will be spent.

Education

The NPPF (paragraph 72) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.

Early Years - A contribution of £332,918 is required. This may go towards extending the village hall to provide improved accommodation for the pre-school (St Michaels) that operates out of it which is very popular and has high occupancy levels. The Early Years Officer has advised that otherwise the existing Early Years provision will not be able to support the needs of additional families requiring Early Years and Childcare in this area.

Primary School – The nearest school is Hilperton CE, however there are also a number of other primary schools which lie within a 2-mile safe walking distance of the proposed development site. This development would result in a need of 46 primary school places. This amounts to a total sum of £862,868 (46 x £18,758) which will be utilised towards expanding the local Primary School to accommodate the pupil forecasts from this development.

Secondary School – There is currently no spare capacity at a secondary level in the Trowbridge area (Clarendon, John of Gaunt and St Augustine's RC Schools). The proposal would generate a need for 32 places at a cost of £22,940. A total contribution of £734,080 would therefore be required which will be put towards the provision of a new secondary school to serve the East of Trowbridge.

Refuse

A contribution of £15,015 (£91 per dwelling x 165) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

Air Quality

CP 55 seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire and as such a financial contribution towards Air Quality Monitoring is required. A contribution of £5000 to cover the cost of real time air quality monitoring equipment is being sought. This is considered reasonable and necessary as part of the Council's commitment to reducing emissions.

Ecology

At Appendix 2 of The Trowbridge Bat Mitigation Strategy (Habitat Mitigation Plan) a sum of £777.62 is required to be collected by S106 for each dwelling to address in-combination and residual effects of additional housing on bat habitats through new woodland and hedgerow planting. The total sum for this development would be 165 x £777.62 = £128,307.3.

The contribution towards the TBMS, are to be paid before commencement. Setting up and remit of management company is also required for maintaining the bat habitat (marked on a plan) in a suitable condition for bats in terms of the ability of habitat to support invertebrate prey for bats and maintaining it in a dark condition.

These requests are considered under Core Policy 3 of the WCS as an infrastructure priority theme 1: specific projects needed to ensure compliance with the Habitats Regulations. As there is a direct link between the residual effects of additional housing on bat habitats the money is necessary to make the development acceptable and it also shows how it directly relates to this development. It is reasonable in scale and kind as it directly relates to the number of dwellings proposed for the site.

Highways

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of

sustainable transport alternatives and more sustainable freight movements. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1. The proposed development will be required to contribute £150,000, as previously agreed, to a wider strategy and on-site Travel Planning. In terms of matrix prioritisation of funding the following is proposed:

- £37,075 retained for green travel vouchers; unspent monies to be deposited with Wiltshire after 5 years.
- £1,500 per annum for 5 years (Total £7,500) towards Wiltshire Council Travel Plan Monitoring. The first Monitoring fee payment to be made on first Occupation, with subsequent payments made on each annual anniversary thereafter.
- £42,840 towards upgrades to the Tin Church bus stop (including Real Time information); unspent monies to be recycled to deliver remaining elements of the strategy. The upgrade to the bus stop is key to the sustainable mode shift of the local community to facilitate headroom to accommodate the development and to serve the development directly. These works are therefore necessary in the early stages of development and the full payment of this contribution is requested upon first occupation. Unspent monies to partially fund controlled crossing facilities of Elizabeth Way.
- £62,585 towards the wider strategy to include: Implementation of Holt Road one way system, upgrade works to A361/B3105 junction, traffic calming and active travel improvements to Wyke Road and active travel improvements to St Thomas Road; additional works may be added to the strategy upon further evidence. The contribution may be split into 5 tranches of £12,517, paid on the 1st, 30th, 60th, 90th, and 120th occupation. Unspent monies to partially fund a controlled crossing facility of Elizabeth Way.

Such contributions are necessary to mitigate the impacts of the development on the surrounding highways network and to encourage more sustainable travel movements to and from the development.

11. Conclusion (The Planning Balance)

It should be noted that at the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

In the case of this application, the proposal, after significant amendment since submission, is considered to accord with the development plan policy and is thus acceptable. Accordingly, planning permission is recommended.

RECOMMENDATION

Defer and Delegate to the Head of Development Management to grant outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.

CONDITIONS AND INFORMATIVES

1. The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the formal approval of the last such matter to be approved.

REASON: to comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters specified in Condition 3 below, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: to comply with Section 92 of the Town and Country Planning Act 1990.

3. No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details. The reserved matters shall be submitted as a single phase, unless otherwise agreed by the Local Planning Authority.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Red Line Ref. 24687 9000
- Land Use Parameter Plan Ref. 24687 9601 Rev A
- Access Parameter Plan Ref. 24687 9602 Rev A
- Access Plan 11703-SK-001 C Northern Site Access
- Access plan 11703-SK-002 C Southern Site Access
- Plan ECO2 - Habitat creation and enhancements Rev A, July 2020 (Ecology Solutions)
- ECO3 - An Ecological Parameters Plan (in the Bat Mitigation Strategy, Ecology Solutions April 2020)

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

5. The development and all reserved matters submitted pursuant to this permission shall generally accord with the principles of the Urban Design Framework Plan (Illustrative) Ref. 24678 9300 Rev F; Illustrative Masterplan Ref. 24678 9302 Rev D, Updated Illustrative Landscape Masterplan Ref. Bir.4786_11G and the Design and Access Statement (September 2020).

REASON: In the interest of the visual amenity, character and appearance of the area, residential amenity, achieving high quality and in the interest of proper planning.

6. The landscaping scheme required as part of the subsequent submission of reserved matters shall include the following details:
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection during development.
 - all bat mitigation required through the Habitat creation and enhancement plan
 - other wildlife mitigation measures which will be in place during the operational phase
 - detailed cross-sections to accurately locate development in relation to landscape vegetation features
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities, together with details of how grassland habitats will be established;
 - finished levels and contours;
 - means of enclosure;
 - Size, species and location of trees to plot frontages demonstrating that zones of influence of trees will not conflict with the proposed built development in the long term.
 - Trees to open spaces will be large canopy forest species native to the UK. Size, species and locations demonstrating that zones of influence of trees will not conflict with the proposed built development in the long term

REASON: These matters will need to be assessed to ensure that the development takes proper account of the ecological requirements of the site, given its location within the area covered by the Trowbridge Bat Mitigation strategy.

7. All soft landscaping comprised in the approved plan shall be carried out in accordance with timescales agreed by the local planning authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from planting, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping within a Phase shall also be carried out in accordance with the approved details in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8. Crack willows along the water course through the site shall be retained and managed throughout the development to retain roosting habitat for bats. No development shall commence until a report providing detailed calculations with recommendations for foundations design has been approved in writing by the Local Planning Authority for any building which comes within 30m of crack willows along the water course. The development will be built in accordance with the approved report's recommendations.

REASON: the development contains high water demanding trees which are necessary for ecological purposes and may lead to building subsidence where foundations are inadequate.

9. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays except for the period of British summer time between April and October 2021 when no construction or demolition work shall take place outside the hours of 07.30 to 21.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interest of Residential Amenity

10. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction phase of the development.

It shall include details of the following:

- i. The cutting or other processing of building materials on site;
- ii. Details as to routeing and signing arrangements for lorries delivering to the site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any);
- vi. The loading and unloading of equipment and materials;
- vii. The location and use of generators and temporary site accommodation;
- viii. Pile driving (If it is to be within 200m of residential properties).

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interest of Residential Amenity

11. No external lighting shall be installed on site 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 GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), have been submitted to and approved in writing by the Local Planning Authority.

Where light spill has the potential to impact core bat habitat, the lighting impact assessment of the reserved matters application(s) must meet the requirements of section 8.3 of the Trowbridge Bat Mitigation Strategy in terms of the methodology for predicting post-development lighting condition; maintenance of illuminance zones A, B and C, and; lighting design solutions.

The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

This condition will be discharged when a post-development lighting survey conducted in accordance with section 8.3.4 of the Trowbridge Bat Mitigation Strategy has been submitted to the Local Planning Authority demonstrating compliance with the approved lighting plans, having implemented and retested any necessary remedial measures.

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to ensure core bat habitat meets the requirements of the Trowbridge Bat Mitigation Strategy.

12. Prior to the commencement of development, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall achieve the habitable room standard as detailed in BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' with no relaxation for exceptional circumstances unless agreed in writing with the local planning authority and must include details of post construction validation. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

REASON: In the interest of Residential Amenity

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority before commencement of the development. The LEMP shall include:
 - Information and map(s) to explain to householders the firm ecological requirements the landscaping scheme must meet in relation to core bat habitat: all such habitat to be retained as informal open space; no lighting of core bat habitats; all such habitat to be managed to maximise bat foraging (i.e. for invertebrate prey)
 - the ecological and landscape objectives for each habitat in the public open space and each formal landscaped area within development footprint
 - 1-5 year and long-term maintenance requirements for each formal landscaped area and habitat type after the initial 12 month planting contract
 - Requirements for replanting where planting stock becomes diseased or dies after the initial 12 month planting contract
 - Annual and five-year work schedule capable of being rolled forward
 - Details of who is responsible for implementation and funding of the plan, and any necessary remedial measures to meet the objectives
 - Ongoing requirements for monitoring and reviewing effectiveness of the plan

- Details of SuDs management unless this is contained in a separate SuDs maintenance manual in which case this document should be referenced in the LEMP.

The LEMP shall be implemented in full in accordance with the approved details for the duration of the development

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

14. The first reserved matters application shall include a revised Biodiversity Metric Calculation broadly in accordance with that submitted to the Council on 18/08/2020 but taking account of any revisions to the calculation methodology subsequently made by Natural England and recalculated to reflect the details of the reserved matters application(s). The calculation will be supported by a revised plan for Habitat creation and enhancements demonstrating the extent and area of each habitat in ha / m². Accurate development boundaries will be overlaid on the plan to allow accurate scaling and location of mitigation measures. The calculation will demonstrate for both habitats and hedgerows that the development will achieve 100% mitigation (i.e. no net loss) for land lost to development. Any shortfall in mitigation within the application site shall be made up through a scheme approved by the Council prior to determination of the first reserved matters application, to secure, deliver and manage mitigation at land off site for the lifetime of the development.

REASON: to meet the requirements of the Trowbridge Bat Mitigation Strategy

15. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Measures to ensure all land included within public open space on the Concept Masterplan is excluded from any temporary or construction related use throughout the entire period of construction. Works permitted for these areas will be limited to SuDs creation, landscaping and essential utilities.
 - b) Location of temporary work compounds throughout the construction phase
 - c) The procedures, including details of compliance checking by a third party, which will be in place throughout the construction period to ensure conditions relating to biodiversity are complied with in a timely way
 - d) Measures, including surveys, mitigation and translocation, which will be undertaken to ensure risks to badgers, water voles, bats, herptiles, hedgehogs, birds and any other relevant species are identified and protected across the site before construction commences and throughout the construction period.
 - e) Any critical periods or locations where construction works will need to be controlled to avoid causing harm to biodiversity features and how such works will be overseen
 - f) Responsible persons and lines of communication
 - g) The mechanism for identifying and rectifying remedial measures

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Details of the Ecologist supervising the ecological works will be forwarded to the Local Planning Authority before vegetation clearance works commence.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

16. Car and cycle parking provision for the site shall be in accordance with the required standards set out in the Wiltshire LTP3 Car Parking Strategy.

REASON In order to ensure an adequacy of site parking provision and to avoid inappropriate levels of on-street parking.

17. No occupation of a phase shall take place until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation, and monitoring, and shall be implemented in accordance with the approved details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

18. No dwelling shall be occupied until all existing field access points serving the site have been permanently closed in accordance with boundary details which shall have first been approved in writing by the local planning authority and, where applicable, the existing lowered kerbs have been replaced by full height kerbs.

REASON: In the interests of highway safety.

19. The existing highway drain entering the site from Horse Road and shown on a plan in the Design and Access Statement, shall be located prior to the construction of any roads within the site. The highway drain shall be protected or otherwise incorporated into the site drainage system in accordance with details to be submitted to and approved by the local planning authority prior to development commencing.

REASON: In order to ensure that existing highway drainage is not prejudiced by the development.

20. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the local planning authority. The scheme must be approved by the local planning authority prior to implementation and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

21. The development hereby permitted must not be commenced until such time as a scheme to determine final bridge specifications for the proposed vehicular crossing, has been submitted to, and approved in writing by, the local planning authority. The plan shall demonstrate but not necessarily be limited to:
- a clear span bridge with a soffit level of at least 36.717mAOD
 - the design will not increase flood risk elsewhere.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To ensure that there are no detrimental impacts to flood storage or flood flow routes and reduce the risk of flooding to the proposed development and future users.

22. The development hereby permitted must not be commenced until such time as a scheme to ensure finished flood levels are set no lower than 300mm above the design flood level plus an appropriate allowance for climate change, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future users.

23. The surface water drainage strategy shall be carried out in accordance with the following approved plans and documents:
- Surface Water Drainage Strategy 2020 Revision No. 5 dated February 2020 by Quad Consult
 - Concept Master Plan Rev D
 - Catchment 1 – Surface Water Calcs 1 in 1 year
 - Catchment 2 – Surface Water Calcs 1 in 1 year
 - Catchment 3 – Surface Water Calcs 1 in 1 year

As the drainage is proposed by soakaway, although the infiltration tests seem favourable, the site is called marsh and the infiltration rates would only be acceptable at the time of the test. In case the soakaways would prove to be unfeasible and therefore, the above cannot be implemented, an alternative drainage method should be proposed and approved in writing by the Local Planning Authority, and development carried out in accordance with it. No part of the development shall be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

INOFRMATIVE TO APPLICANT:

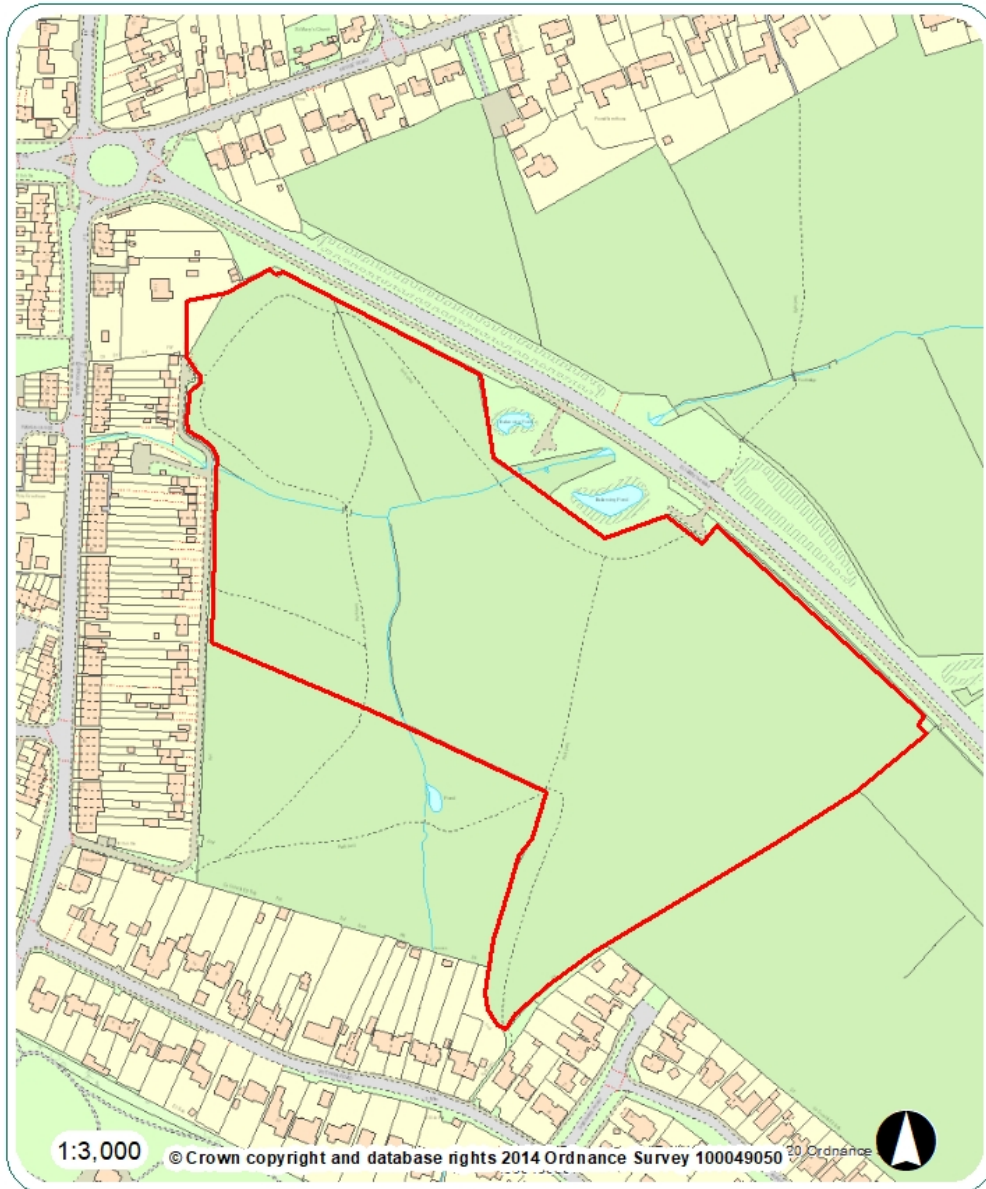
The scheme pursuant to the reserved matters application shall include the following:

- a) Section drawings of the SUDs basins and swales showing detailing of appearance any above ground structures (i.e. headwalls, barriers).
- b) A design specification for the upgrading of existing Public Rights of Way crossing the site. The specification shall be designed in discussion with the local planning authority.
- c) Details of slab levels, steps, slopes, retaining walls and surrounding ground levels
- d) A public art strategy
- e) A design compliance statement, demonstrating that the REM details comply with the outline DAS, notwithstanding informative 1 (about street typology) below.

INOFRMATIVE TO APPLICANT:

Any Reserved Matters applications submitted under this permission will be reassessed under the Habitats Regulations for compliance with the Trowbridge Bat Mitigation Strategy.


This page is intentionally left blank



This page is intentionally left blank



The making of this drawing cannot be assured

 Application Site Boundary

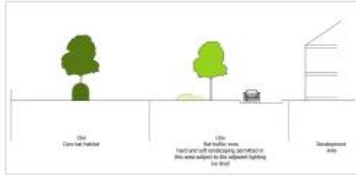


PROJECT
**Land West of Elizabeth Way,
Trowbridge**
SHEDDING: 01/16
Site Boundary

DATE	SCALE	DRAWN BY	CHECKED BY
24/04/16	1:500@A3	GRJ/AT	ATJ/JKH
PROJECT NO	DRAWING NO	SCALE	DATE
24/07	0000	-	-

**BARTON
WILLMORE**
bartonwillmore.co.uk

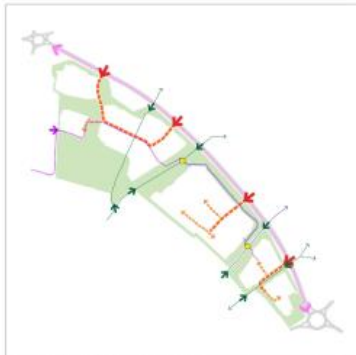
Planning | Master Planning & Urban Design
Architectural | Landscape Planning & Design | Project Services
Environmental & Sustainability Assessment | Strategic Design
Office of Building Construction Services South Eastern (Bristol) Local Authority



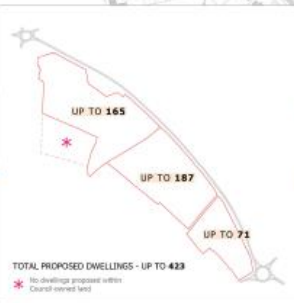
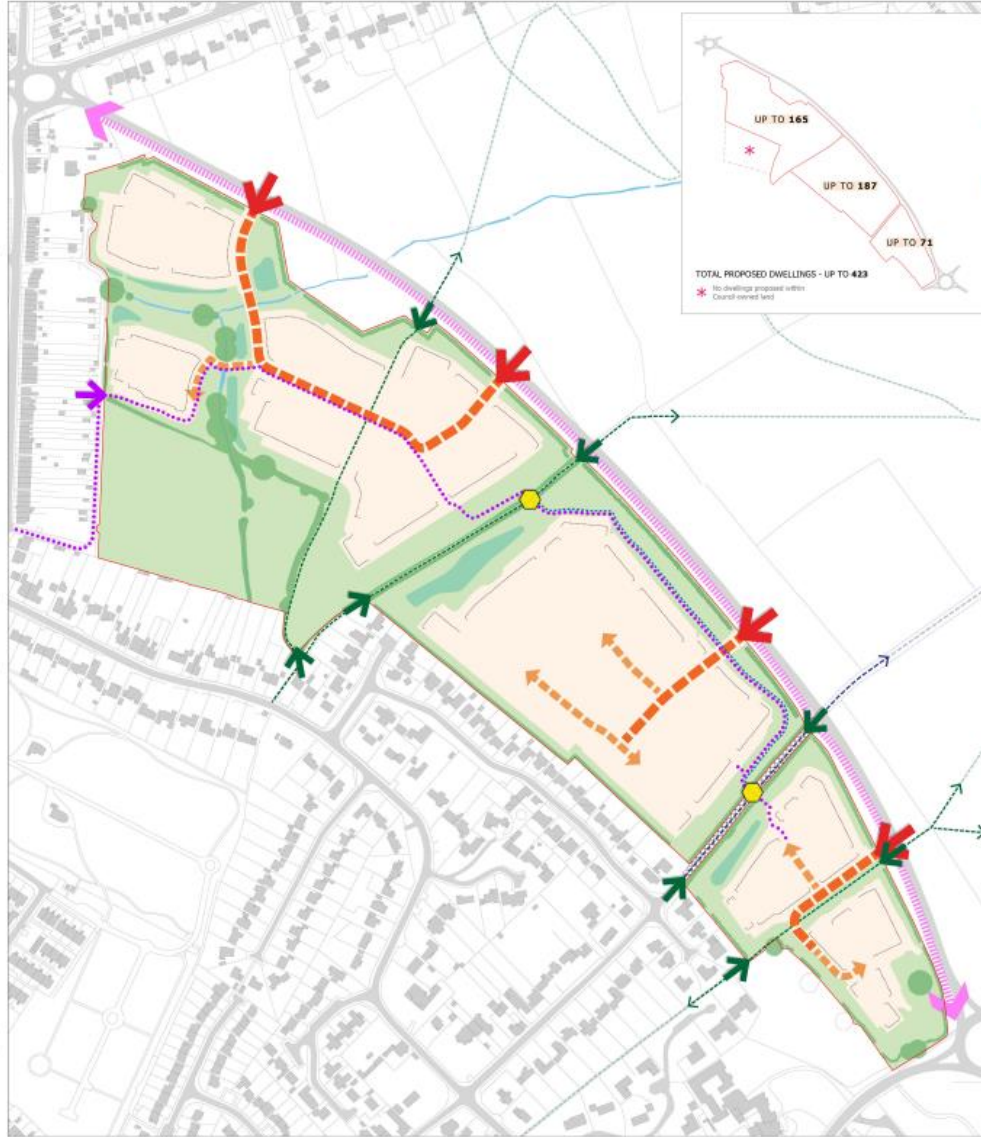
BAT MITIGATION ZONE (Indicative Cross Section)



GREEN LINKS - The concept diagram has been largely influenced by existing landscape assets, including vegetation, the watercourse, and PROW. These are linked together to create a green infrastructure network of public spaces that provide for local amenity, movement, drainage, and wildlife.



MOVEMENT NETWORKS - A network of retained and proposed routes connect the land interests within the allocation area. Four points of vehicular access are shown from Elizabeth Way, which features a strategic cycle route.



TOTAL PROPOSED DWELLINGS - UP TO 428
 * To dwellings proposed within Council owned land

The scaling of this drawing cannot be assured

Revision	Date	Drn	Clk
D - graphic changes	13/10/20	GR	AT

- Allocation Area
- PROW
- Bridleway
- Diverted PROW
- Development Area (including roads)
- Public Open Space
- Watercourse
- Existing Vegetation and Indicative Buffer Planting
- Primary Movement Route
- Secondary Movement Route
- Elizabeth Way Strategic Cycle Route
- Vehicle Access
- Retained Pedestrian Access
- Pedestrian/Cycle Access
- Potential Ped/Cycle Access Between Land Interests
- Potential Cycle Route
- Indicative Drainage Features

Project
Land South West of Elizabeth Way

Drawing Title
Concept Masterplan

Date	Scale	Drawn by	Checked by
12/12/19	1:2500BA2	GSB	AT
Project No.	Drawing No.	Revision	
24687	9300	D	

BARTON WILLMORE

Town Planning • Master Planning & Urban Design • Architecture •
 Landscape Planning & Design • Infrastructure & Environmental Planning •
 Heritage • Graphic Communication •
 Communications & Engagement • Development Economics

bartonwillmore.co.uk

Office at: Birmingham (Birmingham City Council) • Derby (Derby City Council) •
 Glasgow (Glasgow City Council) • London (London Borough of Havering) •
 Manchester (Manchester City Council) • Newcastle (Newcastle City Council) •
 Nottingham (Nottingham City Council) • Oxford (Oxford City Council) •
 Plymouth (Plymouth City Council) • Reading (Reading City Council) •
 Southampton (Southampton City Council) • Swansea (Swansea City Council) •
 Walsley (Walsley City Council) • Walsworth (Walsworth City Council) •
 Walsworth (Walsworth City Council) • Walsworth (Walsworth City Council)

Reproduced from the Ordnance Survey Map with the permission of the Controller of HMSO. Crown Copyright Reserved. Licence No: 100014278