

AGENDA

Meeting: Northern Area Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER

Date: Wednesday 23 August 2023

Time: 2:00 pm

Please direct any enquiries on this Agenda to Cameron Osborn of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718224 or email cameron.osborn@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 Tony Trotman (Chairman)
Cllr Howard Greenman (Vice-Chairman)
Cllr Chuck Berry
Cllr David Bowler
Cllr Steve Bucknell
Cllr Gavin Grant

Cllr Jacqui Lay
Cllr Dr Brian Mathew
Cllr Nic Puntis
Cllr Martin Smith
Cllr Elizabeth Threlfall

Substitutes:

Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr Peter Hutton
Cllr Bob Jones MBE

Cllr Dr Nick Murry
Cllr Ashley O'Neill
Cllr Tom Rounds

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast. 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 submitting a statement or question for a meeting you are consenting that you may be recorded presenting this and that in any case your name will be made available on the public record. 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](#).

Parking

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

Our privacy policy is found [here](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

To approve as a true and correct record the minutes of the previous meeting held on 21 June 2023 .

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.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

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 in writing to the officer named on the front of this agenda no later than

5pm on [change this to the day which is 4 clear working days before the meeting – eg Wednesday before a Wednesday meeting] 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 [change this to the day which is 2 clear working days before the meeting – eg Friday before a Wednesday meeting]. 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 Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates**

To receive details of completed and pending appeals and other updates as appropriate.

Rights of Way Applications

To consider and determine the following Rights of Way application.

7 **CM10131 - Compton Bassett** *(Pages 11 - 54)*

Town and Country Planning Act 1990 - Sections 257 and 261 - Temporary Diversion of Footpath Compton Bassett 18 (part) and Compton Bassett Bridleway 5 (part).

8 **Urgent Items**

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

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 21 JUNE 2023 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Tony Trotman (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith and Cllr Elizabeth Threlfall

37 **Apologies**

Apologies for absence were received by Councillor Chuck Berry.

38 **Minutes of the Previous Meeting**

Resolved:

To approve and sign the minutes of the meeting held on 26 April 2023 as a true and correct record.

39 **Declarations of Interest**

There were no declarations of interest.

40 **Chairman's Announcements**

The Chairman noted the fire alarm procedure.

41 **Public Participation**

The Chairman noted the rules on public participation.

42 **Planning Appeals and Updates**

The Committee considered the Planning Appeals and Updates report from 21 June 2023. Councillor Steve Bucknell congratulated planning officers for the dismissal of the appeal for Application 20/11655/FUL at Brynards Hill in Royal Wootton Bassett.

Resolved:

To note the planning appeals and updates report from 21 June 2023.

PL/2022/05273: Land at Marsh Farm, North of Malmesbury Road, Royal Wootton Bassett, SN4 8ER

Planning Officer Olivia Tresise took the Committee through the planning application from Lidl as detailed in the report in the agenda pack. The application was for the proposed erection of a Class E food store, with car parking, works to create community open space, new access, landscaping, and other associated works. The Planning Officer highlighted details including the location of Marsh Farm Hotel, a grade II listed building adjacent to the site, the three-story care home recently built to the east of it, the two-story residential property opposite and the sports grounds to the northwest. She also drew the Committee's attention to the recently agreed conditions that were not outlined in the report relating to electric vehicle parking and weekend opening hours.

Members sought clarity on the situation surrounding foul water sewage, citing similar problems in the care home adjacent to the site. The Committee discussed the likely effectiveness of imposing Grampian conditions to ensure sufficient measures were taken regarding foul water sewage prior to commencement, referencing a tendency for developers to ignore such conditions.

The Chairman then invited members of the public to speak to the application:

- Daniel Preece spoke in support of the application on behalf of Lidl.
- Councillor Steve Walls spoke on behalf of Royal Wootton Bassett Town Council.

The Local Unitary Member, Councillor Bucknell, spoke to the application, expressing dissatisfaction with the proposed location of the site and sharing his concerns regarding the proposed country park behind the food store. He referenced recent problems with similar proposals, and pointed out that furthermore, the applicant did not own the land in question. He also expressed scepticism as to the future of the development, pointing out the potential for further residential development. He suggested that the possibility for proper consultation with local councils and organisations on how best to use the land behind the food store had been passed up, and concluded by acknowledging that the Committee could only consider what was in front of them today but recommending that harsh conditions are imposed to restrict future development as best they could.

The Planning Officer pointed out Conditions 14 and 15 in the Officer Report could be used in relation to the parkland area, but Councillor Bucknell reiterated his concerns that since the applicant did not own the land in question, they could potentially evade any repercussions for not complying with the conditions.

Councillor Gavin Grant warned of the dangers involved in improvising conditions, and after consulting with the Chairman, moved to defer the item for three cycles until clarity on such issues as foul water sewage and the parkland could be provided. Councillor Howard Greenman seconded the motion.

Councillor Brian Mathew suggested the Committee consider imposing a condition ensuring safe and adequate pedestrian access from across the road, and the Committee discussed the speed limit of the road in front of the site. Councillor Jacqui Lay pointed out that the road was part of the official diversion route from the A419 and was a lorry route when that road was out of action. Councillor Grant added that with proper consideration and consultation, the application could suit several parties, and stressed that he was satisfied to see that the objections raised at appeal had been met. The Committee also discussed the potential problem of parking, noting that the parkland had no parking arrangements outside the parking for the food store. Councillor Greenman stated his dislike for deferrals as Chairman of Strategic Planning Committee but considered it the only viable solution in this instance. The Chairman agreed with Councillor Mathew's insistence that if conditions relating to Section 106 funding for a pedestrian crossing were not included, they likely would not happen at all.

Resolved:

To defer the item for three cycles until clarity on such issues as foul water sewage and the parkland could be provided.

The meeting was then adjourned from 2:59 pm until 3:03 pm.

The Chairman moved to consider Item 9 before Item 8 and was seconded by Councillor Grant.

Resolved:

To consider Item 9 before Item 8.

44 **PL/2022/08432: Corner House, The Common, Heddington, Calne, Wiltshire, SN11 0NZ**

PL/2022/08432: Corner House, The Common, Heddington, Calne, Wiltshire, SN11 0NZ (Pages 73 - 84)

Development Manager Team Leader Simon Smith presented a report on the next item, explaining the proposal for an extension and outbuildings to Corner House on The Common, as well as a change of use of land for residential purposes. He detailed that the land that's use was to be changed was situated to the rear of the property, which was itself in open countryside close to Heddington. The Team Leader also pointed out two inaccuracies in the report, stating that the height increase referenced on page 77 was actually 0.6 metres rather than 0.9 metres, and that contrary to page 79, only one Juliet balcony was proposed rather than two. He concluded by stating that the officer recommendation was to grant planning permission subject to conditions.

The Committee sought clarity about the dimensions of the proposed extension and land, and Councillor Threlfall pointed out that contrary to page 78 in the report, the site was not in a conservation area, which the Team Leader confirmed was an error. In response to the Chairman's enquiry about how the agricultural land being converted had been used recently, the Team Leader also stated that there was no definitive answer about the use of the land, but that it was nothing other than agricultural in planning terms, also emphasising that the applicant owned all the land in question.

The Chairman then invited members of the public to speak to the application.

- Councillor Adrian Foster spoke in objection to the application as a member of the public.
- Jonathan Llewellyn spoke in support of the application.
- Steven Leard spoke in support of the application.
- Councillor Geoff Dickerson spoke on behalf of Heddington Parish Council.

The Local Unitary Member, Councillor Sam Pearce-Kearney, spoke to the application, emphasising the view that residents on both sides of the debate had the right to be heard. He pointed out that local residents had highlighted a range of planning reasons for refusing planning permission, also noting that the report had identified a potential departure from Core Policy 57. He stated that a three-story building would likely be an unduly imposing presence on The Common, referencing the report's verdict that the property would stand out if subject to such a substantial extension. Councillor Pearce-Kearney also noted that other proposals of a similar nature had been refused planning permission. He cited Core Policies 48 and 51 as other reasons for refusal, pointing out Heddington's cultural identity and asserting that the loss of agricultural land would negatively impact the community and its heritage as well as local amenity.

Councillor Bucknell moved to grant planning permission subject to conditions and was seconded by the Chairman. In proposing the motion, Councillor Bucknell stated that as an antiques collector, he appreciated that old things can be ugly too, stating that Corner House was one such instance. He expressed his approval for the steps that the architect, Mr Llewellyn, had taken to improve and update the property, comparing the design favourably to the other permissible options that were submitted. He noted that the proposed building's potential imposition was not necessarily to its detriment, explaining that it had the potential to be a striking statement in the corner of The Common making efficient use of the plot. He explained that he saw no planning reasons to refuse planning permission on balance, explaining that the merit of the design was too subjective a basis upon which to refuse permission and would potentially be overturned at an appeal.

The Chairman stated that as a Calne resident, he was familiar with Corner House, deeming it an isolated, austere property. He noted that there had been objections to many similar conversions around Heddington but considered this application to be a good opportunity to tidy up the property and make better use

of the land. He concluded by asserting that the application seemed like an effective means of ensuring a modern family could live properly in an attractive area of Wiltshire.

Councillor Mathew noted that the proposed building was similar to a property at the end of the lane, although that building had two dormers rather than three, suggesting that such a reduction could prove an effective compromise. Councillor Threlfall pointed out that the austere nature of the current dwelling was emphasised by the lack of any nearby features like trees or shrubbery. Councillor Puntis echoed Councillor Bucknell's thoughts that he had heard no concrete planning reasons to refuse permission, and Councillor Grant noted that while Core Policy 57 could provide grounds for objection, it was too open-ended in its interpretations to be deemed solid. Instead, Councillor Grant said that he considered the plot to be enhanced by the proposed building and on that basis was minded to support the proposal to grant planning permission.

Resolved:

To grant planning permission subject to conditions.

45 **PL/2022/08804: Avondale, Brook End, Luckington, Chippenham, SN14 6PJ**

Planning Officer Olivia Tresise took the Committee through the next item: the proposed demolition of the existing bungalow on site and the erection of a four-bedroom dwelling with a detached double garage. The Planning Officer pointed out that a listed building was situated nearby and that the site was in the Cotswolds Area of Outstanding Natural Beauty (AONB). She stated that the main point of contention was the proposed height of the property, but as the proposed height was lower than that of a previously approved application, the officer recommendation was to approve planning permission subject to conditions.

Councillor Bucknell sought clarity on the effect of the site being in Flood Zone 3, to which the Planning Officer confirmed that the proposed dwelling had no impact on the flood risk to either it or neighbouring properties. Councillor Martin Smith sought assurances as to whether the proposed ceiling heights were still satisfactory after the reduction to the proposed height of the building overall. Councillor Lay enquired as to the condition about the glazed window which distantly overlooked a neighbouring property, and suggested tightening the condition to ensure the window was not one which could simply be opened, thereby mitigating the condition entirely.

The Chairman then invited members of the public to speak to the application.

- Amy Hallett spoke in support of the application.
- Charlotte Reeves spoke in support of the application.

The Local Unitary Member, Councillor Martin Smith, explained that he had called in the application on behalf of Luckington Parish Council over concerns about the scale of the proposed dwelling, particularly its height. He explained

that the Conservation Officer objected to the proportions, the construction materials, and the loss of trees. He stated that many of those concerns had now been mitigated by conditions and that he was now far more comfortable with the proposal in its present form.

Councillor Smith then moved to grant planning permission subject to conditions. Councillor Elizabeth Threlfall seconded the motion.

Councillor Bucknell stated that he would support the motion but added that he was not in favour of the building's aesthetic. Councillor Threlfall suggested that the conditions pertaining to construction materials ensure that both windows and exterior doors make use of timber rather than more modern materials.

Resolved:

To grant planning permission subject to conditions.

46 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2:00 pm - 4:05 pm)

The Officer who has produced these minutes is Cameron Osborn of Democratic Services, direct line 01225 718224, e-mail cameron.osborn@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

WILTSHIRE COUNCIL

AGENDA ITEM NO.

NORTHERN AREA PLANNING COMMITTEE

23 AUGUST 2023

**TOWN AND COUNTRY PLANNING ACT 1990 SECTIONS 257 AND 261
TEMPORARY DIVERSION OF FOOTPATH COMPTON BASSETT 18 (PART)
AND BRIDLEWAY COMPTON BASSETT 5 (PART) 2023**

Purpose of Report

1. To:
 - (i) Consider the five objections to The Wiltshire Council Parish of Compton Bassett Footpath 18 and Bridleway 5 temporary diversion Order pursuant to Sections 257 and 261 of the Town and Country Planning Act 1990.
 - (ii) Recommend that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (**SoSEFRA**) with a recommendation from Wiltshire Council that the Order be confirmed without modification.

APPENDIX 1. The made Order and Order Plan showing the existing route and proposed changes.

APPENDIX 2. Objections to the made Order and Land and Mineral Management and Officer responses.

APPENDIX 3. Quarry extension plans showing the rights of way directly through the site.

APPENDIX 4. Plan showing phasing of minerals operations overlaid with an approximation of the 70-metre standoff.

APPENDIX 5. Determination of Conditions notice dated 14 March 2022 for Planning application no.16/05464/WCM.

APPENDIX 6 Countryside Access Officer report on installation requirements for the diverted routes and restoration of the routes

Relevance to the Council's Business Plan

2. Working with the local community to provide a rights of way network which is fit for purpose, making Wiltshire an even better place to live, work and visit.

Background

3. An application to temporarily divert Compton Bassett Footpath 18 (part) (CBAS18) and Bridleway 5 (part) (CBAS5) was made by Land and Minerals Management on behalf of Hills Quarry Products dated 17 March 2017, under Sections 257 and 261 of the Town and Country Planning Act 1990 to enable a proposed development to be carried out *“This diversion application accompanies an application for approval of planning conditions (ROMP) to work Freeth Farm Quarry. The bridleway and footpath currently crosses the area proposed for*

quarry extension and mineral extraction. A temporary diversion is sought for the duration of the mineral workings and will be reinstated along its original route once the extraction area has been restored. Application No. 16/05464/WCM.”

Planning permission has now been granted as follows; Planning Permission Ref: 3809/NW dated 5 September 1956 to extract soft sand at site and Planning Permission Ref: 16/05464/WCM dated 14 March 2022 the approval of conditions relating to the extraction of minerals and soft sand at this site.

4. The proposal is to temporarily stop up approximately 283 metres of CBAS18 and provide an alternative route around the boundary of the quarry, a distance of approximately 459 metres, for health and safety reasons and operational control. The proposal would also temporarily stop up approximately 377 metres of CBAS5 and provide an alternative route around the boundary of the quarry, a distance of approximately 305 metres, for health and safety reasons and operational control. The diversion of CBAS18 would increase the distance for users of the network heading north by approximately 160 metres; however, for those heading south their distance would decrease by approximately 70 metres. The diversion of CBAS5 would increase the distance for users of the network heading south by approximately 130 metres; however, those heading north their distance would decrease by approximately 272 metres. These temporary diversions would preserve the connectivity of the rights of way network in the area whilst granted quarry works are undertaken.
5. Previously, it had only been possible to make an Order under Section 257 of the Town and Country Planning Act 1990 where planning permission was already granted under part III of the 1990 Act; however, the amendment of the 1990 Act under the Growth and Infrastructure Act 2013, also allows an Order to be made where an application for planning permission has been made under part III of the 1990 Act and where, if the application is granted, it would be necessary to divert or extinguish the footpaths in order to enable the development to continue. Any such Order cannot be confirmed until full planning permission has been granted. Planning Permission was granted for Ref: 3809/NW dated 5 September 1956 to extract soft sand at site and Ref: 16/05464/WCM dated 14 March 2022.
6. Hills Quarry Products Ltd submitted an appeal against Condition 5 of Permission ref: 16/05464/WCM, see **Appendix 5** which imposes a requirement for the standoff distances to Freeth Farm Cottages to be increased from 16 metres to 70 metres. Until 16/05464/WCM was ‘finally determined’ under Environmental Act 1995 s.1(7) i.e., when proceedings on the application, including appeals to the Secretary of State and the High Court have been determined, and the time period for any further appeal has expired then the TCPA 1990 S.257/261 diversion application was incapable of confirmation. The appeal dismissal decision AP-36535 was dated 27 February 2023 and the 6-week period from that date when the decision can be challenged in the High Court passed on 10 April 2023 meaning the decision is now ‘finally determined’ and therefore the diversion order under TCPA 1990 S.259(1A) is capable of being confirmed.
7. With the decision on the 70 metres standoff it can be seen that the diversions are still required. This removes a section of CBAS5 from the mineral extraction area leaving a spur to the network, see **Appendix 4** which shows the phasing of minerals operations overlaid with an approximation of the 70-metre standoff and how this effects CBAS5 and CBAS18. You can see from this that when

measuring a 70-metre stand-off distance from the cottages, only a short section of the CBAS5 falling within Phase 6 would be excluded from the permitted extraction area leaving an unnecessary spur. The remainder of CBAS5 through Phases 7, 3 and 4 would still fall within the permitted extraction area, as would the CBAS18 across Phases 1, 2, 7 and part of 6. However, the 70-metre condition is essentially a mitigation measure aimed at reducing noise, dust and visual impacts on the cottages; it does not alter the boundary of the permitted mineral working. The boundary of the permission area is the site in its entirety, not the individual extraction areas. The Quarries Regulations also deem the surface surrounding or adjacent to the excavation to form part of a quarry.

8. Because of the particular risks that can arise in quarries there are specific quarry regulations which complement the general health and safety legislation. The Health and Safety Executive's Health and safety at quarries. The Quarries Regulations 1999. Approved Code of Practice, Guidance 6, Paragraph 39 *"Members of the public in a quarry are likely to be exposed to significant risks. From a health and safety point of view, it is normally better if public rights of way are diverted around the quarries."* And continues Regulation 16 *"The Operator shall ensure that, where appropriate, a barrier suitable for the purpose of discouraging trespass is placed around the boundary of the quarry and is properly maintained."* Therefore, the temporary diversions around the boundary of the quarry site would preserve the connectivity of the rights of way network and will be fenced for the health and safety of the public.
9. It is therefore clearly necessary for the paths to be diverted to allow the proposed temporary development to be carried out.
10. Section 261 of the Town and Country Planning Act 1990 states that a competent authority must be satisfied that the temporary stopping up is required for minerals to be worked and that the rights of way can be restored (after the minerals have been worked) to a condition not substantially less convenient to the public. Condition 31 of 16/05464/WCM states *"The site shall be restored in accordance with the Plan Nos 639-01-21 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."* Condition 32 of the mineral permission requires Hills to submit for approval, before commencement of Phase 2, a restoration scheme that includes *"(g) Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath"*, **see Appendix 5**. When the rights of way return to their original line, they will be required to be certified by Wiltshire Council so they must be in a suitable condition stipulated by the Countryside Access Officer.

The legal test for temporarily stopping up, as set out under Section 261 of the Town and Country Planning Act 1990, has been met.

11. A public consultation exercise was carried out on 17 May 2017, regarding the temporary diversion proposal outlined within the application, with a closing date for all representations and objections to be received in writing, not later than 5:00pm on 16 June 2017. The consultation included the landowners, statutory undertakers, statutory consultees, user groups and other interested parties, including Wiltshire Council's Member for Calne Rural, Compton Bassett Parish

Council and Calne Without Parish Council. There were 28 objections received including Wiltshire Council Member for Calne Rural, Compton Bassett Parish Council, the Campaign to Protect Rural England and the British Horse Society. Three more objections were received to the status of CBAS5 as although it is recorded as a Bridleway it is a brown track so there may be a higher level of public rights that exist therefore any diversion would need to recognise this.

12. A decision report was written and can be seen in full on Wiltshire Council website, public path orders register, P/2017/010 [P/2017/010 - Rights Of Way - Wiltshire Council](#) in which the legal tests are discussed in detail. The report concluded that in this case the legal tests for the making of a Temporary Diversion Order to divert the Footpath CBAS18 and Bridleway CBAS58 as a restricted byway under Sections 257 and 261 of the Town and Country Planning Act 1990 were met. The proposed development lies directly over the legal line of the rights of way, see **Appendix 3**, therefore the development cannot continue without the successful diversion of the routes. The legal test for diversion, as set out under Section 257 of the Town and Country Planning Act 1990, has been met.
13. An Order was made on 4 June 2018 to temporarily divert CBAS18 and CBAS5. The Order consultation ran from 14 June 2018 to 12 July 2018 and included the previous consultees, notices were placed on site and a notice advertised in the Wiltshire Gazette and Herald dated 14 June 2018 and all respondents to the initial consultation were contacted asking if they wished their comments to be taken to the next stage of the process. In total, 29 objections were received including Compton Bassett Parish Council, Calne Without Parish Council and Campaign to Protect Rural England.
14. An error was found in the Temporary Diversion Order dated 4 June 2018; therefore, a new Temporary Diversion Order was drawn up correcting the details regarding the planning permission that enables the temporary diversion of the above rights of way. Wiltshire Council made the corrected Order on 31 May 2023, this is the Order being considered at this committee, **see Appendix 1**. The consultation on this Order ran from 8 June 2023 to 6 July 2023 and included the previous consultees, it was advertised in the Gazette and Herald 8 June 2023. All responders to the previous incorrect Order were contacted explaining that to follow process and regulation they would need to resubmit their response for it to be a duly made representation or objection. In total four objections were resubmitted with one additional objection received. The objections and responses from the Officer and the agent for Hills Land and Mineral Management can be found at **Appendix 2**.
15. Due to the objections received, the Order must be considered by the Northern Area Planning Committee, whose members should consider the legal tests for temporary diversion against the objections received, in order to decide whether Wiltshire Council continues to support the making of this Order.
16. Where the Authority continues to support its original decision to make this Order, they should be forwarded to the SoSEFRA for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification, or with modification.

17. Where the Authority no longer supports its original decision to make the Order, it may be withdrawn with reasons given as to why the legal tests for temporary diversion are no longer met. The making of a public path temporary diversion order is a discretionary duty for the Council, rather than a statutory duty; therefore, the Order may be withdrawn at any time.

Main Considerations for the Council

18. The application to divert CBAS18 and CBAS5, is made under Section 257 and Section 261 of the Town and Country Planning Act 1990, which states:

“257. Footpaths and bridleways affected by development: orders by other authorities

- (1) *Subject to Section 259, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out-*
- (a) *in accordance with planning permission granted under Part III, or*
 - (b) *by a government department.*
- (2) *An order under this section may, if the competent authority is satisfied that it should do so, provide-*
- (a) *for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;*
 - (b) *for authorising or requiring works to be carried out in relation to any footpath, bridleway or restricted byway for whose stopping up or diversion, creation or improvement provision is made by the order;*
 - (c) *for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath, bridleway or restricted byway;*
 - (d) *for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.*
- (3) *An order may be made under this section authorising the stopping up or diversion of a footpath, bridleway or restricted byway which is temporarily stopped up or diverted under any other enactment.*
- (4) *In this section “competent authority” means-*

- (a) *in the case of development authorised by a planning permission, the local planning authority who granted the permission or, in the case of a permission granted by the Secretary of State, who would have had power to grant it; and*
- (b) *in the case of development carried out by a government department, the local planning authority who would have had power to grant planning permission on an application in respect of the development in question if such an application had fallen to be made.”*

19. Section 259 of the Act states:

“259. Confirmation of orders made by other authorities

- (1) *An order made under section 257 or 258 shall not take effect unless confirmed by the Secretary of State, or unless confirmed, as an unopposed order, by the authority who made it.*
- (2) *The Secretary of State shall not confirm any such order unless satisfied as to every matter of which the authority making the order are required under section 257 or, as the case may be, section 258 to be satisfied.*
- (3) *The time specified-*
 - (a) *in an order under section 257 as the time from which a footpath, bridleway or restricted byway is to be stopped up or diverted; or*
 - (b) *in an order under section 258 as the time from which a right of way is to be extinguished,**shall not be earlier than confirmation of the order.*
- (4) *Schedule 14 shall have effect with respect to the confirmation of orders under section 257 or 258 and the publicity for such orders after they are confirmed.”*

20. Section 12 of the Growth and Infrastructure Act 2013 amends Part 10 of the Town and Country Planning Act 1990 (highways), as follows:

“12. Stopping up and diversion of public paths

- (1) *Part 10 of the Town and Country Planning Act 1990 (highways) is amended as follows.*
- (2) *In section 257 (footpaths, bridleways and restricted byways affected by other development: orders by other authorities), after subsection (1) insert-*

“(1A) Subject to section 259, a competent authority may by order authorise the stopping up or diversion in England of any footpath, bridleway or restricted byway if they are satisfied that-

- (a) an application for planning permission in respect of development has been made under Part 3, and*
- (b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.”*

(3) In that section, in subsection (4)-

- (a) omit the “and” following paragraph (a), and*
- (b) after paragraph (b) insert-*

“(c) in the case of development in respect of which an application for planning permission has been made under Part 3, the local planning authority to whom the application has been made or, in the case of an application made to the Secretary of State under section 62A, the local planning authority to whom the application would otherwise have been made.”

(4) In section 259 (confirmation of orders made by other authorities), after subsection (1) insert-

- “(1A) An order under section 257(1A) may not be confirmed unless the Secretary of State or (as the case may be) the authority is satisfied-*
- (a) that planning permission in respect of the development has been granted, and*
 - (b) it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission.”*

(5) In that section, in subsection (2), for “any such order” substitute “any order under section 257(1) or 258”.

21. Section 261 of the Town and Country Planning Act states:

“261. Temporary stopping up of highways for mineral workings

(2) Where a competent authority within the meaning of section 257 is satisfied –

- (a) that an order made by them under that section for the stopping up or diversion of a footpath, bridleway or restricted byway is required for the purpose of enabling minerals to be worked by surface working and*

(b) that the footpath, bridleway or restricted byway can be restored, after the minerals have been worked, to a condition not substantially less convenient to the public.

the order may provide for the stopping up or diversion of the footpath, bridleway or restricted byway during such period as may be prescribed by or under the order, and for its restoration at the expiration of that period.

(3) Without prejudice to the provisions of section 247 or 257, any such order as is authorised by subsection (1) or (2) may contain such provisions as appear to the Secretary of State, or as the case may be, the competent authority, to be expedient –

(b) for the stopping up at the expiry of that period of any highway so provided and for the reconstruction and maintenance of the original highway”

22. Section 257 of the Town and Country Planning Act 1990 requires the order making authority to be satisfied that the diversion of any footpath, bridleway or restricted byway is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under Part III of the 1990 Act. In this instance planning application Ref: 3809/NW was granted 5 September 1956 and 16/05464/WCM was granted with conditions on 14 March 2022. The granted quarry lies directly over the rights of way, with the boundary of the site to be fenced for the health and safety of the public. The requirement for a 70-metre standoff from the cottages removes a section of CBAS5 from the Phase 6 of the mineral extraction which would leave an unnecessary spur to the path. However, the condition is a mitigation measure and does not alter the boundary of the permitted quarry. The Health and Safety Executive’s Health and safety at quarries. The Quarries Regulations 1999. Approved Code of Practice, Guidance 6, Paragraph 39 *“Members of the public in a quarry are likely to be exposed to significant risks. From a health and safety point of view, it is normally better if public rights of way are diverted around the quarries.”* Temporarily diverting the rights of way that are situated through the site around the boundary would preserve the connectivity of the rights of way network in the area whilst the granted quarry works are undertaken. The Quarries Regulations 1999, Regulation 16 *“The Operator shall ensure that, where appropriate, a barrier suitable for the purpose of discouraging trespass is placed around the boundary of the quarry and is properly maintained.”* Therefore, the boundary of the permission area will be fenced for the health and safety of the public. It is therefore clearly necessary for the paths to be temporarily diverted to allow the proposed development to be carried out.

23. The Order is to temporarily stop up approximately 283 metres of CBAS18 and provide an alternative route to UC road 2078, a distance of approximately 459 metres. When looking at the connectivity of the rights of way network the diversion of CBAS18 would increase the distance for users of the network heading north by approximately 160 metres; however, those heading south their distance would decrease by approximately 70 metres. There will be a footbridge over the conveyor as a result of the diversion. The proposed route will be

situated around the boundary of the quarry for health and safety reasons and operational control.

24. The Order also temporarily stops up approximately 377 metres of CBAS5 and provides an alternative route to CBAS4, a distance of approximately 305 metres. When looking at the connectivity of the rights of way network the diversion of CBAS5 would increase the distance for users of the network heading south by approximately 130 metres; however, for those heading north their distance would decrease by approximately 272 metres. There are no additional limitations and conditions on public use of the path as a result of the diversion. The proposed route will be situated around the boundary of the quarry for health and safety reasons and operational control.
25. CBAS5 is recorded as a brown track so although the route is recorded as a bridleway a higher level of public rights may exist therefore the Order recognises this and will be temporarily diverted as a restricted byway.
26. 261. Temporary stopping up of highways for mineral workings requires that an order making authority are satisfied that section for the stopping up or diversion of a footpath, bridleway or restricted byway is required for the purpose of enabling minerals to be worked by surface working. As stated in the temporary diversion application; *“This diversion application accompanies an application for approval of planning conditions (ROMP) to work Freeth Farm Quarry. The bridleway and footpath currently cross the area proposed for quarry extension and mineral extraction. A temporary diversion is sought for the duration of the mineral workings and will be reinstated along its original route once the extraction area has been restored. Application No. 16/05464/WCM.”*
27. 261. Temporary stopping up of highways for mineral workings requires that the footpath, bridleway or restricted byway can be restored after the minerals have been worked to a condition not substantially less convenient to the public. Condition 31 of 16/05464/WCM states *“The site shall be restored in accordance with the Plan Nos 639-01-21 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.* Condition 32 of the mineral permission requires Hills to submit for approval, before commencement of Phase 2, a restoration scheme that includes (g) *Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath”,* see **Appendix 5**. When the rights of way return to their original line, they will be required to be certified by Wiltshire Council so they must be in a suitable condition as stipulated by the Countryside Access Officer. The legal test for temporarily stopping up, as set out under Section 261 of the Town and Country Planning Act 1990, has been met.
28. The temporary diversion of the footpath and bridleway shall have effect on the date on which Wiltshire Council certifies that the alternative highways for use as temporary replacements are provided. As stated by Land and Mineral Management *“The diversions will need to be in place prior to construction of the conveyor (or at least in the area that is required) and also prior to commencement of stripping and extraction. The path and bridleway wouldn’t be diverted unnecessarily early ... Only prior to when they are required”* As per

condition 1 of 16/05464/WCM, the extraction will cease within six years of the notified date of commencement and within 12 months of the permanent cessation of mineral extraction, as per condition 31, the existing footpath and bridleway shall be restored to the reasonable satisfaction of Wiltshire Council.

29. Additionally, paragraph 7.15 of Circular 1/09 (Rights of Way Circular – Guidance for Local Authorities – DEFRA), advises that the disadvantages or loss likely to arise as a result of the diversion, either to members of the public generally or to persons whose properties adjoin or are near the existing highway, should be weighed against the advantages of the Order.
30. When granting the planning application 16/05464/WCM conditions were determined to minimise the impact of the development upon neighbouring properties and the local environment and that the site can be restored to an acceptable standard. The conditions can be seen in full at **Appendix 5**.

Overview and Scrutiny Engagement

31. Overview and scrutiny engagement is not required in this case.

Safeguarding Considerations

32. If an Order to divert CBAS18 and CBAS5 is made, Wiltshire Council will follow procedures set out in Schedule 14 of the 1990 Act and in doing so Wiltshire Council will fulfil its safeguarding considerations.

Public Health Implications

33. There are no identified public health implications which arise from the confirmation of the making of this Order.

Corporate Procurement Implications

34. In the event these Orders are forwarded to the SoSEFRA there are a number of potential requirements for expenditure that may occur, and these are covered in paragraphs 40, 41, 42 of this report.

Environmental and Climate Change Impact of the Proposal

35. Condition 32 of the mineral permission requires Hills to submit for approval, before commencement of Phase 2, a restoration scheme that includes “(g) *Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath*”, see **Appendix 5**
36. Section 261 (3) “*Without prejudice to the provisions of section 247 or 257 any such order as is authorised by subsection (1) or (2) may contain such provisions as appear to ... the competent authority, to be expedient (b) for the stopping up at the expiry of that period of any highway so provided and for the reconstruction and maintenance of the original highway*”
When the rights of way return to their original line they will be required to be certified by Wiltshire Council so they must be in a suitable condition.

37. Condition 27 of the permission “A detailed planting scheme shall be submitted to ensure the provision, establishment and maintenance of an appropriate standard landscape”. Condition 30 state “A detail Landscape Ecological Management Plan shall be submitted detailing protection, replacement and aftercare of all habitats so that their function for biodiversity is not reduced from current levels”. Condition 35 “All restored areas of the site shall undergo aftercare management for a 5-year period. To ensure the site is restored to an acceptable standard”.
See Appendix 5.

Equalities Impact of the Proposal

38. Officers are satisfied that the proposed temporary diversions of CBAS18 and CBAS5 meet Wiltshire Council’s duties under the equalities Act 2010. The diverted CBAS18 will have a recorded width of two metres, open and available to the public, whereas there is no current recorded width. CBAS5 is recorded as a brown track so although the route is recorded as a bridleway a higher level of public rights may exist therefore the route will be diverted as a restricted byway to the full recorded six metre width. The temporary diversions would preserve the connectivity of the rights of way network in the area whilst the granted quarry works, which lie directly over the routes, are undertaken.

Risk Assessment

39. There are no identified risks which arise from the confirmation of the making of this Order. The financial and legal risks to the Council are outlined in the “Financial Implications” and “Legal Implications” sections below.

Financial Implications

40. The applicant has agreed to pay all the Council’s costs associated with the making of this Order, with the advertisement of the confirmed Order and with the installation of the diverted routes and the reinstatement of the definitive routes once the temporary diversion. However, Wiltshire Council is not empowered to charge the applicant any costs related to forwarding the application to the SoSEFRA for confirmation by the Planning Inspectorate and accordingly will have to fund these from existing rights of way budgets. Where an application for an Order is refused no costs are payable by the applicant. In this instance, where an Order is made and confirmed the cost to the applicant will be £1,875 plus the cost of any associated works incurred by the Council. The applicant has agreed to this.
41. Where there are outstanding objections to the making of this Order, the Committee may resolve that Wiltshire Council continues to support the making and confirmation of the Order. The Order will then be determined by the Planning Inspectorate by way of written representations, local hearing or local public inquiry, all of which have a financial implication for the Council. If the case is determined by written representations the cost to the Council is negligible; however, where a local hearing is held the costs to the Council are estimated to be around £200 if no legal representation is required and £1,000 to £3,000 where the case is determined by local public inquiry with legal representation. There is a potential additional cost of approximately £2,500 per day for the provision of blended inquiries and hearings which are requested at the discretion of the SoSEFRA. There is a potential additional cost of approximately £2,500 per

day for the provision of blended inquiries and hearings which are requested at the discretion of the SoSEFRA. There is no mechanism by which these costs may be passed to the applicant and these costs must be borne by Wiltshire Council.

42. There are no costs associated with the Council resolving to abandon this Order though the decision may be subject to judicial review and the Council may incur associated costs as a result of that action (see Legal Implications below).

Legal Implications

43. Where the Council does not support confirmation of the making of this Order and resolves to abandon it, clear reasons for this must be given and must relate to the legal tests contained within Sections 257 and 261 of the Town and Country Planning Act 1990. The applicant may seek judicial review of the Council's decision if the process followed is seen as incorrect. The cost for this may be up to £50,000.

Options Considered

44. Members may resolve that:
- (i) The Order is forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation as made.
 - (ii) The Order is forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation with modifications.
 - (iii) The Order is revoked and abandoned.

Reason for Proposal

45. If Wiltshire Council resolves to support the confirmation of the Order the Order must be forwarded to the SoSEFRA unless the objections and representations are withdrawn.
46. Where an application is refused, Wiltshire Council must demonstrate that the granted development can be carried out without the need to divert the footpath and bridleway. In this particular case the development lies directly over the legal lines of both rights of way therefore the development cannot continue without the successful diversion of the routes. The legal test for diversion, as set out under Section 257 of the Town and Country Planning Act 1990, has been met.
47. Section 261 of the Town and Country Planning Act states that a competent authority must be satisfied that the temporary stopping up is required for minerals to be worked and that footpath can be restored after the minerals have been worked to a condition not substantially less convenient to the public. Condition 32 of the mineral permission requires Hills to submit for approval, before commencement of Phase 2, a restoration scheme that includes the reinstatement of bridleway and footpath, **Appendix 5**. When the rights of way return to their original line, they will be required to be certified by Wiltshire Council so they must be in a suitable condition stipulated by the Countryside Access Officer. The legal test for temporarily stopping up, as set out under Section 261 of the Town and Country Planning Act 1990, has been met.

Proposal

48. That the Wiltshire Council Parish of Compton Bassett Footpath 18 and Bridleway 5 temporary diversion Order 2023 pursuant to Section 257 and 261 of the Town and Country Planning Act 1990 be forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

Samantha Howell

Director – Highways and Transport

The following unpublished documents have been relied on in the preparation of this Report:

None

Appendices:

APPENDIX 1. The made Order and Order Plan showing the existing route and proposed changes.

APPENDIX 2. Objections to the made Order and Land and Mineral Management and Officer responses.

APPENDIX 3. Quarry extension plans showing the rights of way directly through the site.

APPENDIX 4. Plan showing phasing of minerals operations overlaid with an approximation of the 70m standoff

APPENDIX 5. Determination of Conditions notice dated 14 March 2022 for Planning application no.16/05464/WCM.

APPENDIX 6 Countryside Access Officer report on installation requirements for the diverted routes and restoration of the routes

This page is intentionally left blank

PUBLIC PATH TEMPORARY DIVERSION ORDER 2023
TOWN AND COUNTRY PLANNING ACT 1990 SECTIONS 257 AND 261
WILTSHIRE COUNCIL ORDER FOR THE TEMPORARY DIVERSION OF FOOTPATH NO.18
(PART)
AND BRIDLEWAY NO.5 (PART) COMPTON BASSETT

This Order is made by Wiltshire Council under Section 257 and Section 261 of the Town and Country Planning Act 1990 because it is necessary to divert the public rights of way to which this order relates in order to enable development to be carried out namely that planning permission has been granted as follows:

Planning Permission Ref: 3809/NW dated 5 September 1956 to extract soft sand at site
Planning Permission Ref: 16/05464/WCM dated 14 March 2022 the approval of conditions relating to the extraction of minerals and soft sand at this site.

Pursuant to Section 261 of the Act, Wiltshire Council is satisfied that this Order is required for the purpose of soft sand extraction and that Footpath no.18 (part) and Bridleway no.5 (part) Compton Bassett can be restored to a condition not substantially less convenient to the public.

BY THIS ORDER:

1. The footpath and bridleway over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the schedule") shall be temporarily diverted as provided below.
2. There shall be created to the reasonable satisfaction of Wiltshire Council alternative highways for use as temporary replacements for the said footpath and bridleway as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The temporary diversion of the footpath and bridleway shall have effect on the date on which Wiltshire Council certify that the terms of Article 2 above have been complied with.
4. As per condition 1 of 16/05464/WCM, the extraction will cease within six years of the notified date of commencement and within 12 months of the permanent cessation of mineral extraction, as per condition 31, the existing footpath and bridleway described in Part 1 of the Schedule shall be restored to the reasonable satisfaction of Wiltshire Council and at the cost of the landowner.
5. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL OF }
THE WILTSHIRE COUNCIL }
Was hereunto affixed this }
31 May 2023 }

In the presence of: -

Authorised Signatory
Wiltshire Council

Emma Howay
Page 25
Emma Howay



14608

SCHEDULE

PART 1

Description of site of existing path or way

- 1 That length of Footpath no.18 Compton Bassett, as shown on the attached map by a bold black line, leading from point A, at OS Grid Reference SU 0281-7251, in a broadly north-westerly direction for approximately 283 metres to point B, at OS Grid Reference SU 0256-7264.

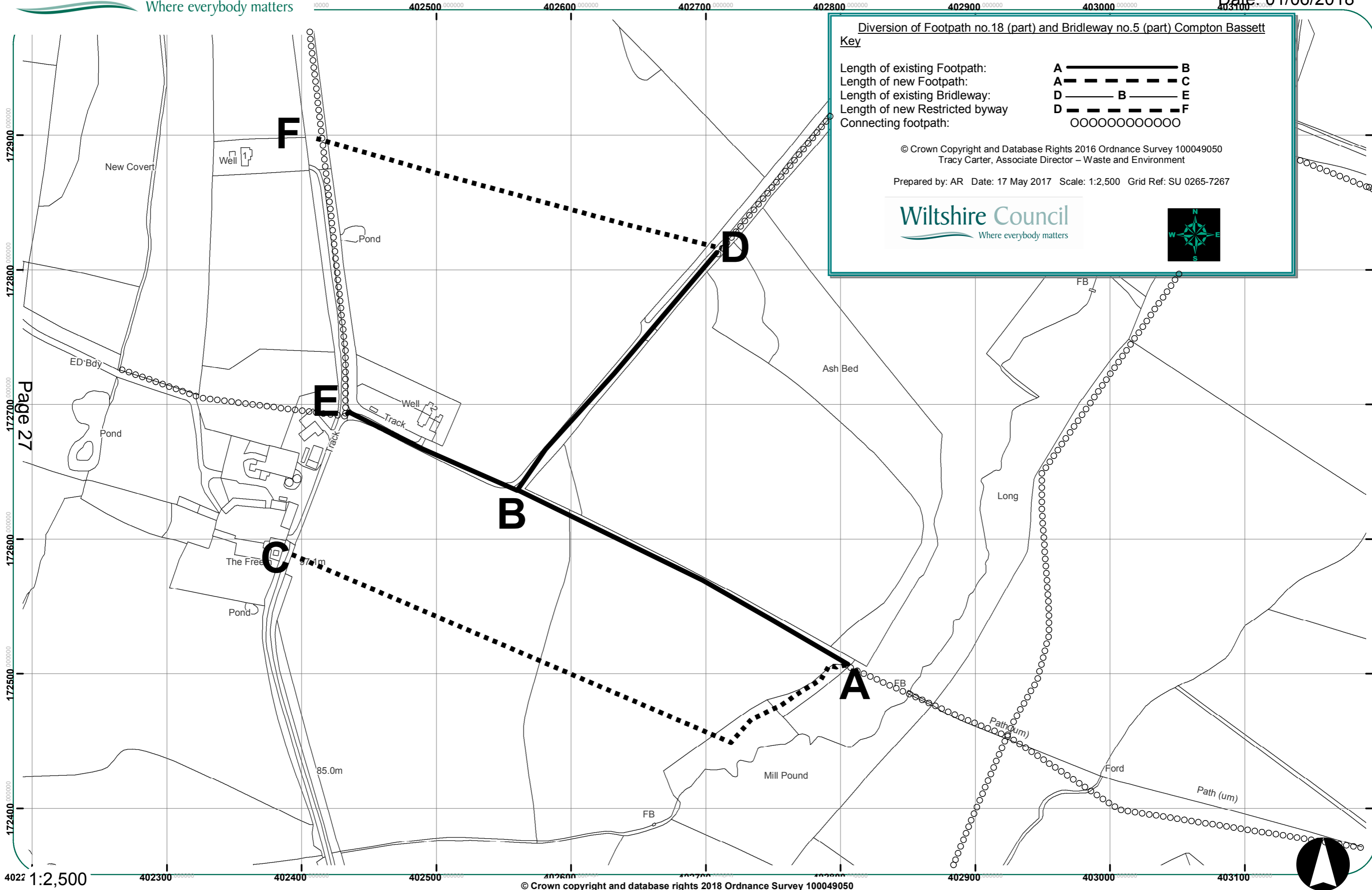
- 2 That length of Bridleway no.5 Compton Bassett, as shown on the attached map by a bold black line, leading from point D, at OS Grid Reference SU 0271-7281, in a broadly south-westerly direction for approximately 232 metres to point B, then in a broadly north-westerly direction for approximately 145 metres to point E, at OS Grid Reference SU 0243-7269.

PART 2

Description of site of alternative highway

- 1 That length of footpath, as shown by bold black dashes on the attached map, leading from point A, at OS Grid Reference SU 0281-7251, in a broadly south-westerly direction for approximately 109 metres to OS Grid Reference SU 0272-7245, then in a broadly north-westerly direction for approximately 350 metres to point C, at OS Grid Reference SU 0239-7259 having a width of 2 metres

- 2 That the length of restricted byway, as shown by bold black dashes on the attached map, leading from point D, at OS Grid Reference SU 0271-7281, in a north-westerly direction for approximately 305 metres to Point F at OS Grid Reference SU 0241-7290 having a width of 6 metres.



Diversion of Footpath no.18 (part) and Bridleway no.5 (part) Compton Bassett


Key

Length of existing Footpath: **A** ————— **B**
 Length of new Footpath: **A** - - - - - **C**
 Length of existing Bridleway: **D** ————— **E**
 Length of new Restricted byway: **D** - - - - - **F**
 Connecting footpath: ○○○○○○○○○○○○

© Crown Copyright and Database Rights 2016 Ordnance Survey 100049050
 Tracy Carter, Associate Director – Waste and Environment

Prepared by: AR Date: 17 May 2017 Scale: 1:2,500 Grid Ref: SU 0265-7267

Wiltshire Council
Where everybody matters



Page 27

PUBLIC PATH TEMPORAY DIVERSION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

AN ORDER FOR THE TEMPORARY DIVERSION OF FOOTPATH NO.18 (PART)

AND BRIDLEWAY NO.5 (PART) COMPTON BASSETT

PURSUANT TO SECTIONS 257 AND 261

This Order is made by Wiltshire Council under Section 257 and Section 261 of the Town and Country Planning Act 1990 because it is satisfied that –

- (a) an application for planning permission has been made under Part 3 of that Act, namely –
for the construction of a quarry field conveyor to transport excavated soft sand at Freeth Farm Quarry to the existing processing plant located at Sands Farm,
and
- (b) if the application were granted it would be necessary to authorise the temporary diversion of the footpath and bridleway to which this Order relates in order to enable development to be carried out.

Pursuant to Section 261 of the Act, Wiltshire Council is satisfied that this Order is required for the purpose of the construction of a quarry field conveyor to transport excavated soft sand and that Footpath no.18 (part) and Bridleway no.5 (part) Compton Bassett can be restored to a condition not substantially less convenient to the public.

BY THIS ORDER:

1. The footpath and bridleway over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the schedule") shall be temporarily diverted as provided below.
2. There shall be created to the reasonable satisfaction of Wiltshire Council alternative highways for use as a temporary replacements for the said footpath and bridleway as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The temporary diversion of the footpath and bridleway shall have effect on the date on which Wiltshire Council certify that the terms of Article 2 above have been complied with.
4. Upon completion of the transport of excavated sand the existing footpath and bridleway described in Part 1 of the Schedule shall be restored at the cost of Hills Quarry Products Ltd.

THE COMMON SEAL OF }
THE WILTSHIRE COUNCIL }
Was hereunto affixed this }
4 June 2018 }

In the presence of: -



Team Leader (Legal)



81233

SCHEDULE

PART 1

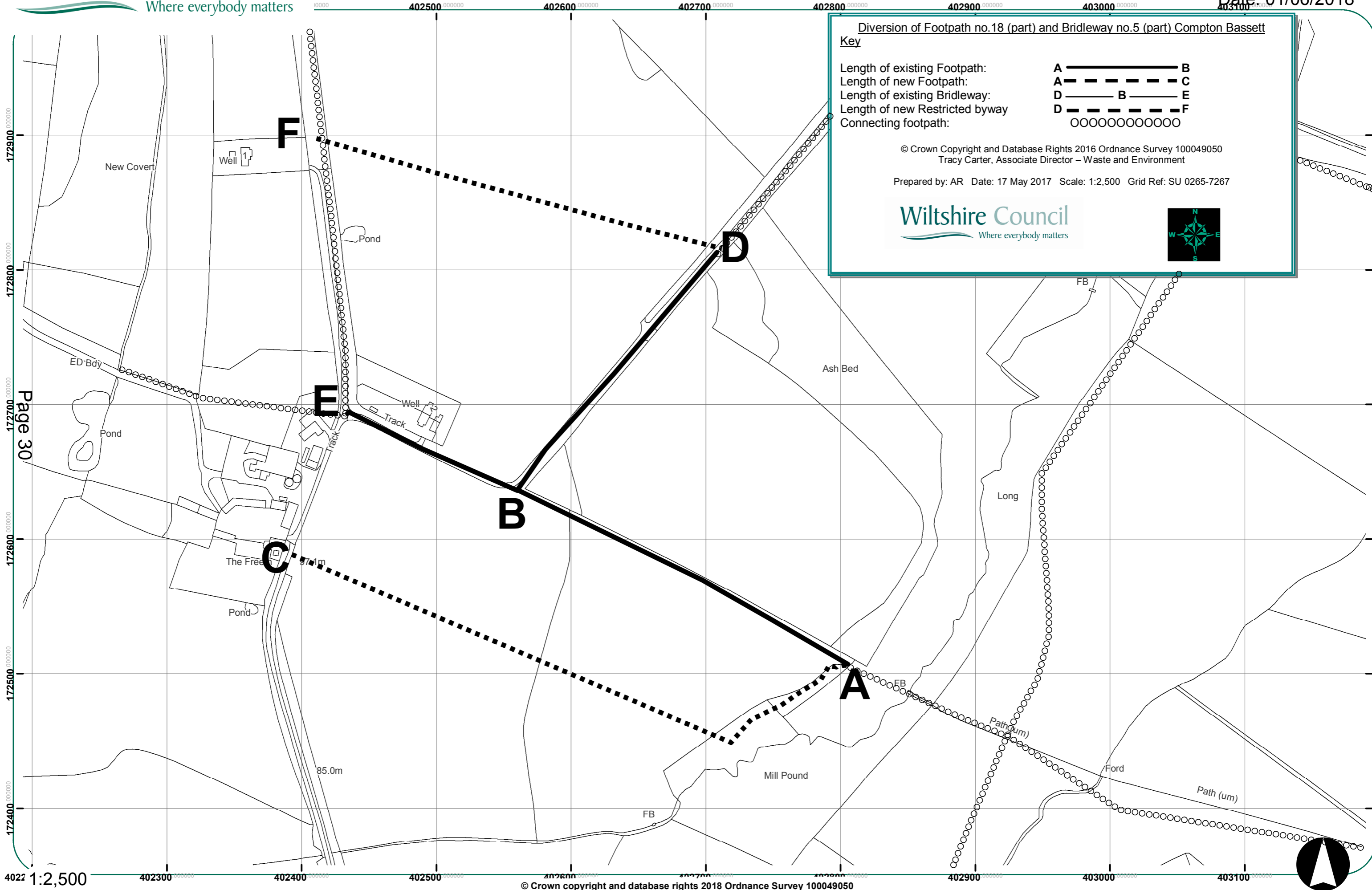
Description of site of existing path or way

- 1 That length of Footpath no.18 Compton Bassett, as shown on the attached map by a bold black line, leading from point A, at OS Grid Reference SU 0281-7251, in a broadly north-westerly direction for approximately 283 metres to point B, at OS Grid Reference SU 0256-7264.
- 2 That length of Bridleway no.5 Compton Bassett, as shown on the attached map by a bold black line, leading from point D, at OS Grid Reference SU 0271-7281, in a broadly south-westerly direction for approximately 232 metres to point B, then in a broadly north-westerly direction for approximately 145 metres to point E, at OS Grid Reference SU 0243-7269.

PART 2

Description of site of alternative highway

- 1 That length of footpath, as shown by bold black dashes on the attached map, leading from point A, at OS Grid Reference SU 0281-7251, in a broadly south-westerly direction for approximately 109 metres to OS Grid Reference SU 0272-7245, then in a broadly north-westerly direction for approximately 350 metres to point C, at OS Grid Reference SU 0239-7259 having a width of 2 metres
- 2 That the length of restricted byway, as shown by bold black dashes on the attached map, leading from point D, at OS Grid Reference SU 0271-7281, in a north-westerly direction for approximately 305 metres to Point F at OS Grid Reference SU 0241-7290 having a width of 6 metres.



Diversion of Footpath no.18 (part) and Bridleway no.5 (part) Compton Bassett

Key

Length of existing Footpath: A ——— B
 Length of new Footpath: A - - - - - C
 Length of existing Bridleway: D ——— E
 Length of new Restricted byway: D - - - - - F
 Connecting footpath: OOOOOOOOOO

© Crown Copyright and Database Rights 2016 Ordnance Survey 100049050
 Tracy Carter, Associate Director – Waste and Environment

Prepared by: AR Date: 17 May 2017 Scale: 1:2,500 Grid Ref: SU 0265-7267

Wiltshire Council
Where everybody matters

Page 30

**Objection points and Land and Mineral Management (LMM)
and Officer responses**

1. Objection - *The Bridleway/Brown Road is protected by a condition of the original dormant ROMP permission.*

Officer Response – Planning application 16/05464/WCM has now been granted and therefore replace any conditions within the dormant ROMP have now been superseded.

2. Objection - *The proposed bridleway diversion route is unsuitable both as a Bridleway and Brown Road -the proposed diversion will run next to an active quarry with large noisy machinery and will be unusable in wet weather due to the high water table and soil conditions*

LMM Response - The “large noisy machinery” will consist of an excavator and tipper which will only be working close to the diverted route for a short period of time. There will also be a soil storage bund in between working and the paths as shown on the phasing plans. The conveyor is not noisy machinery and is located at least 100 metres away from the bridleway at all times, as shown on the phasing plans. Similarly, the water pump in a relatively small piece of equipment that will only be in use when the voids require dewatering and has no impact on any of the RoWs. The workings will be separated from the bridleway by a bund at all times during work along this edge. All soil bunds can be constructed and removed quickly and from within the quarry working area meaning no plant will cross the RoWs. The area will also be fenced off from the RoWs during construction for safety and as required by Quarry Regs.

The development including the buffer zone shall be implemented in accordance with the approved details to protect the amenity currently enjoyed by the occupiers of adjoining residential properties. Planning condition 11 and 13 also set noise limits to ensure that measures are put in place to control noise emissions and to safeguard the amenity of neighbouring properties. Planning condition 12 requires 4 metre screen bunds to secure the mitigation measures contained in the Environmental Statement and to minimise the impact of development upon properties and the local environment.

Officer response – Planning permission was granted on 14 March 2023 for 16/05464/WCM with conditions relating to the extraction of minerals and soft sand at this site. Condition 11 *“To set appropriate noise limits for the development, to minimise impact of noise on the neighbourhood ...”* Condition 13 *“To ensure that measures are put in place to control noise emissions to safeguard the amenity of properties”* Condition 12 *“... to minimise the impact of development upon properties and the local environment”*.

3. Objection - *The sand extraction proposal will result in the permanent destruction of the Bridleway/Brown Road and footpath as the restored surface will comprise a thin layer of topsoil layer on top of clay, which will become a dangerous quagmire in wet weather for both horses and pedestrians.*

LMM Response - The restored route/surface of the bridleway/brown track would need to be approved by Wiltshire Council so if unsuitable then it wouldn't be able to be signed off.

Officer response – Condition 31 of 16/05464/WCM states *“The site shall be restored in accordance with the Plan Nos 639-01-21 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.* Condition 32 of the mineral permission requires Hills to submit for approval, before commencement of Phase 2, a restoration scheme that includes (g) *Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath”.* When the rights of way return to their original line, they will be required to be certified by Wiltshire Council so they must be in a suitable condition as stipulated by the Countryside Access Officer. Condition 27 *“A detailed planting scheme shall be submitted to ensure the provision, establishment and maintenance of an appropriate standard landscape”.* Conditions 30 state *“A detail Landscape Ecological Management Plan shall be submitted detailing protection, replacement and aftercare of all habitats so that their function for biodiversity is not reduced from current levels”.* Condition 35 *“All restored areas of the site shall undergo aftercare management for a 5-year period. To ensure the site is restored to an acceptable standard”.*

4. Objection - *There will be a 2-4 metre drop into the quarry at either end of the Bridleway and footpath that will limit its accessibility*

LMM Response - The quarry will be fenced off from the paths for safety and to prevent trespass so any drops between the path and quarry are irrelevant. Quarry Regulations require any drop to have edge protection through either fencing or embankments/bunding. This is a H&S requirement. Soil bunds will not be removed until the land has been reinstated behind it and at no point will any drops be left unguarded. This is a basic principle of quarry management. This is shown on the phasing plans as the bunds are not taken away from an area until that area has been restored.

5. Objection - *The temporary diversion of the Bridleway/Brown Road is not needed unless and until the sand extraction permission is granted and even then it may not be necessary if an appropriate exclusion zone is included in any permission and/or the original condition of the dormant ROMP permission.*

Officer response - Planning application 16/05464/WCM has now been granted and therefore replaces the dormant ROMP and so any conditions within the dormant ROMP have now been superseded. The boundary of the permitted mineral working is the entire site, not the individual extraction areas. The boundary of the permission area will be fenced for health and safety of the public. The Health and Safety Executive's Health and safety at quarries. The Quarries Regulations 1999. Approved Code of Practice, Guidance 6, Paragraph 39 "*Members of the public in a quarry are likely to be exposed to significant risks. From a health and safety point of view, it is normally better if public rights of way are diverted around the quarries.*" And continues Regulation 16 "*The Operator shall ensure that, where appropriate, a barrier suitable for the purpose of discouraging trespass is placed around the boundary of the quarry and is properly maintained.*" Therefore, the temporary diversions around the boundary of the quarry site would preserve the connectivity of the rights of way network and will be fenced for the health and safety of the public.

6. Objection - *The Bridleway/Brown Road diversion time of 6 years is unnecessarily long as the current sand extraction/conveyor plans show that the Bridleway would not be affected until Phase 4 of the sand excavation, which does not commence for over 2 years from the commencement of the initial excavation.*

LMM response - The bridleway diversion is needed immediately upon commencement for safety due to plant movement around the site. Soils bunds will also be crossing the existing route from phase 2 onwards.

Officer response – The temporary order states '*As per condition 1 of 16/05464/WCM, the extraction will cease within six years of the notified date of commencement and within 12 months of the permanent cessation of mineral extraction, as per condition 31, the existing footpath and bridleway described in Part 1 of the Schedule shall be restored to the reasonable satisfaction of Wiltshire Council and at the cost of the landowner.*'

7. Objection – *The existing footpath and bridleway are perfectly suitable and useable, there is no need to move them.*

Officer Response – Section 257 of the Town and Country Planning Act 1990 requires the order making authority to be satisfied that the diversion of any footpath, bridleway or restricted byway is necessary to do so in order to enable development to be carried out in accordance with planning permission granted under part III of the 1990 Act. In this instance planning application Ref: 3809/NW was granted 5 September 1956 and 16/05464/WCM was granted with conditions on 14 March 2022 with the granted quarry lying directly over the rights of way.

8. Objection – *The track that forms part of the bridleway is of historical value appearing on several old maps and should be retained.*

Officer response – The granted development lies directly over these routes therefore they must be temporarily diverted for health and safety of the public and operational control of the site. When the rights of way return to their original line, they will be required to be certified by Wiltshire Council so they must be in a suitable condition as stipulated by the Countryside Access Officer.

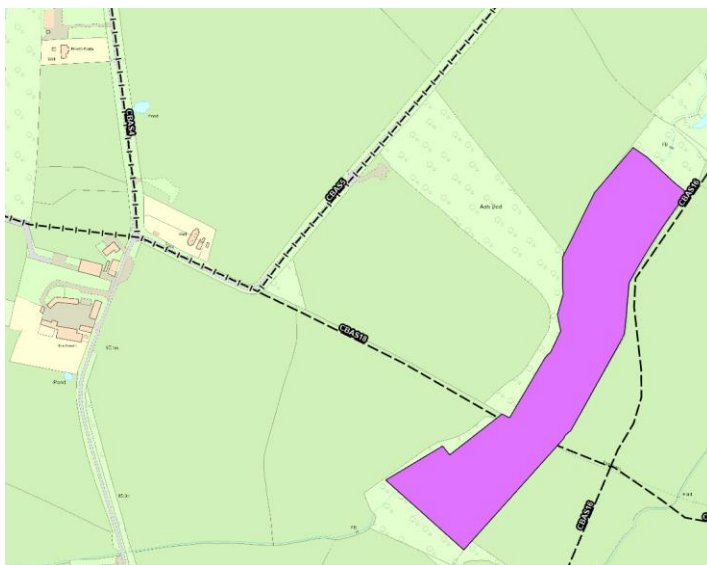
9. Objection – *The proposed new footpath A-C is unsuitable, the first straight part of the proposed traverses a field which is often very muddy and would be very difficult to use during the winter.*

LMM response - In response to the suitability of the diversion for winter, there is nothing to suggest the route is unsuitable at all and I am unaware of any evidence that it will not be. The applicant has already stated that should the surface become an issue then they are happy to lay down a track of some sort.

Officer response – The temporary diversion of the footpath and bridleway shall have effect on the date the alternative routes are created to the reasonable satisfaction of Wiltshire Council for use as temporary replacements. They must be certified by the Countryside Access Officer.

10. Objection - *The first part of the propose new footpath A-C passes very close to a scheduled monument and the re-routing process may cause damage to archaeological remains or features.*

Officer response - The current line of CBAS18 lies directly through the scheduled monument 1018613 'Remains of watermill 500m east of Freeth Farm'.



11. Objection - *The unsuitable nature of the proposed footpath would effectively block a suitable route from the middle of Compton Bassett to High Penn, and hence block reasonable access to Tesco and the Wildlife Trust reserve of Penn Wood.*

Officer response - The temporary diversion of the footpath and bridleway shall have effect on the date the alternative routes are created to the reasonable satisfaction of Wiltshire Council for use as temporary replacements. The granted quarry lies directly over the rights of way, temporarily diverting the routes around the boundary would preserve the connectivity of the rights of way network in the area whilst the granted quarry works are undertaken. There is an extensive network of highway, row, cycle track, quiet roads, linking Compton Bassett to Calne.

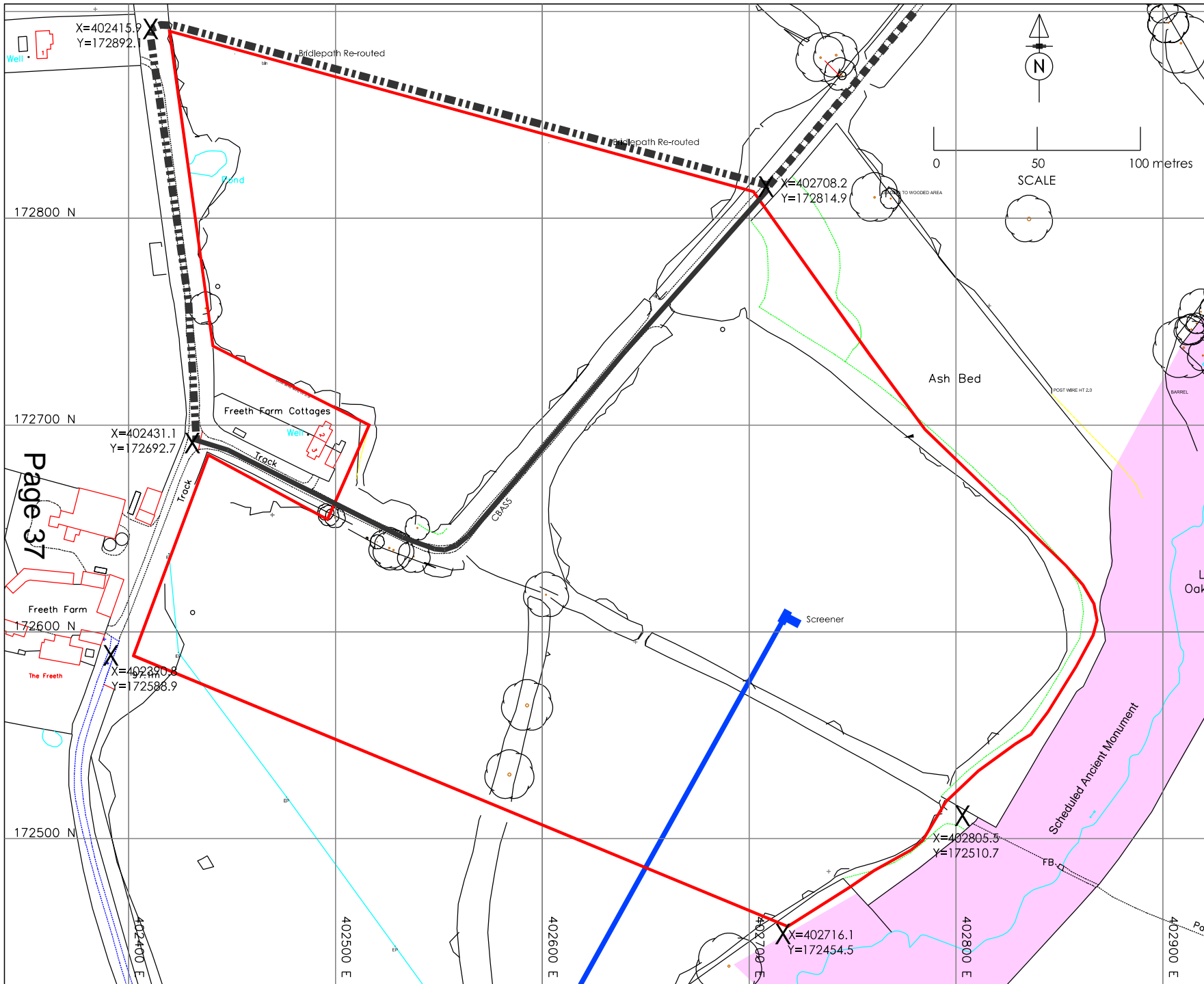
12. Objection - *I would also like to make the point that the diversion is unnecessary until we see Hills new plans for working the site. It's very likely that part of the bridlepath can be retained as Hills do not have permission to excavate the area.*

Officer Response - A section of the bridleway is within the 70-metre standoff. However, leaving the right of way at this location would create a cul-de-sac bridleway. Whilst the alternative route retains the bridleways connectivity to the rest of the right of way network. However, the 70 metre condition is essentially a mitigation measure aimed at reducing noise, dust and visual impacts on the cottages; it does not alter the boundary of the permitted mineral workings. The boundary of the permission area will be fenced for the health and safety of the public.








13. Objection *“The existence of the footpath and bridleway network which crosses Calne Without Parish and connects us to our neighbouring parishes is an important part of our green infrastructure. Historically important, the network is used both by locals and visitors to access the countryside and is fundamental to the areas’ tourism industry ... Any disruption to the network or reduction in the quality of the path will have a significant effect on the ability of residents and visitors to use and enjoy the path and our ancient rights of way.*

Officer response – Planning permission for the extraction of minerals and soft sand at this site was granted 14 March 2022. The granted development lies directly over these rights of way, temporarily diverting the sections of the paths that are situated through the site around the boundary would preserve the connectivity of the rights of way network in the area whilst the granted quarry works are undertaken. When the rights of way return to their original line, they will be required to be certified by Wiltshire Council so they must be in a suitable condition as stipulated by the Countryside Access Officer. Condition 32 of 16/05464/WCM requires Hills to submit for approval, before commencement of Phase 2, a restoration scheme that includes “(g) *Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath*”.



Page 37

Legend

-  Unaffected Line of Bridleway
-  Section of Bridleway to be Diverted
-  New Route of Bridleway
-  Proposed Conveyor
-  ROMP Outline

Brunel Surveys Ltd

UNIT 59, SHRIVENHAM HUNDRED BUSINESS PARK
 WATCHFIELD, SWINDON, WILTSHIRE, SN6 8TZ
 TEL: (01793) 784700 FAX: (01793) 784664
 WEB: www.brunelsurveys.com
 Email: admin@brunelsurveys.com



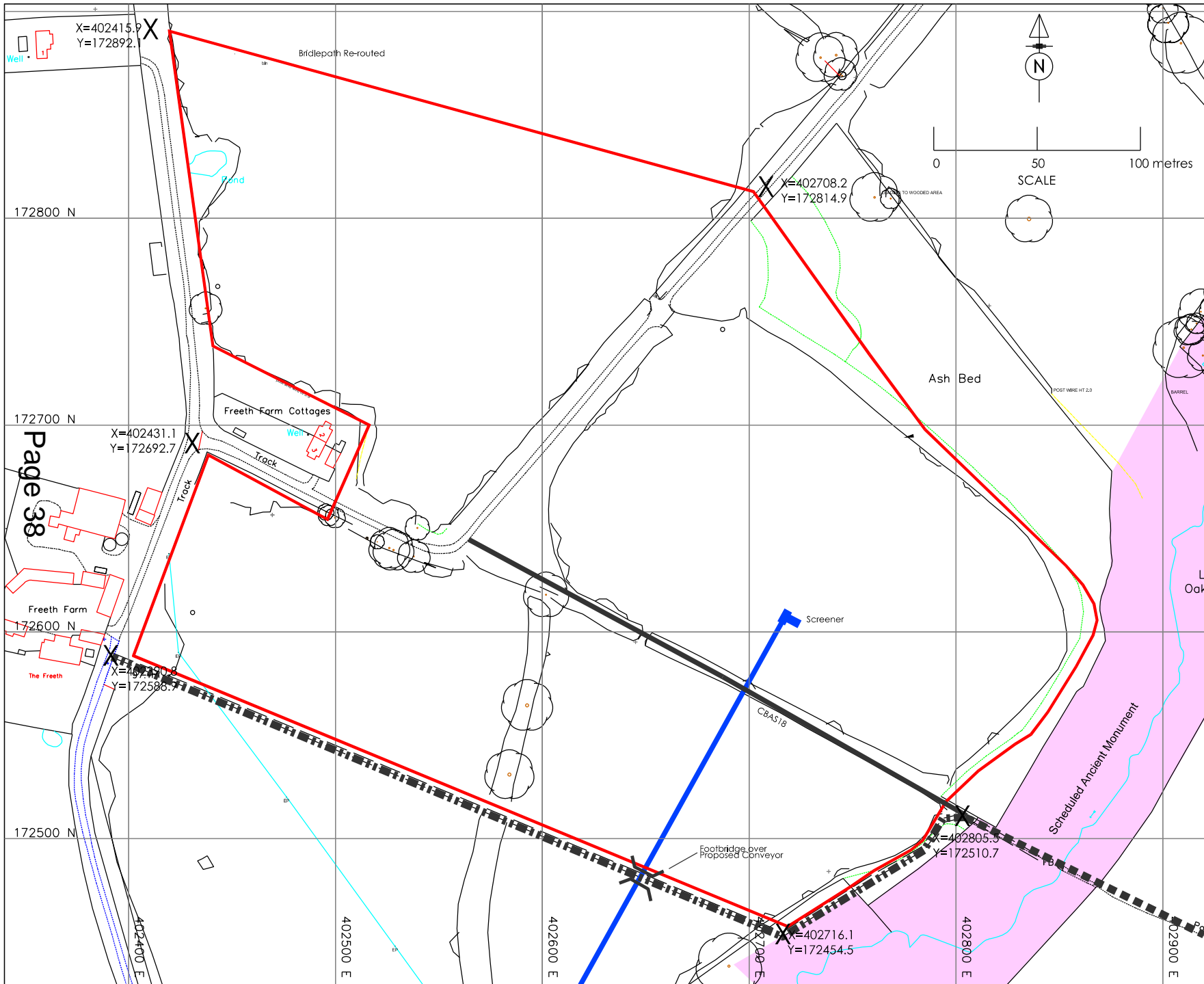
Land and Measured Building Surveyors
 Photogrammetry, 3D Visualisations and
 Underground Utility Surveyors

JOB TITLE
**Freeth Farm
 Bridleway
 Diversion Plan**







CLIENT


| | |
|------------|----------------------|
| REVISIONS | |
| SCALE | A4 Sheet @ 1 to 2500 |
| DATE | Jan 2016 |
| DRAWN BY | TH |
| CHECKED BY | |

DRAWING No.
 639-01-20



Legend

-  Footbridge over Proposed Conveyor
-  Unaffected Line of Footpath
-  Section of Footpath to be Diverted
-  New Route of Footpath
-  Proposed Conveyor
-  ROMP Outline

Brunel Surveys Ltd

UNIT 59, SHRIVENHAM HUNDRED BUSINESS PARK
 WATCHFIELD, SWINDON, WILTSHIRE, SN6 8TZ
 TEL : (01793) 784700 FAX : (01793) 784664
 WEB : www.brunelsurveys.com
 Email: admin@brunelsurveys.com



Land and Measured Building Surveyors
 Photogrammetry, 3D Visualisations and
 Underground Utility Surveyors

JOB TITLE
**Freeth Farm
 Footpath
 Diversion Plan**

CLIENT

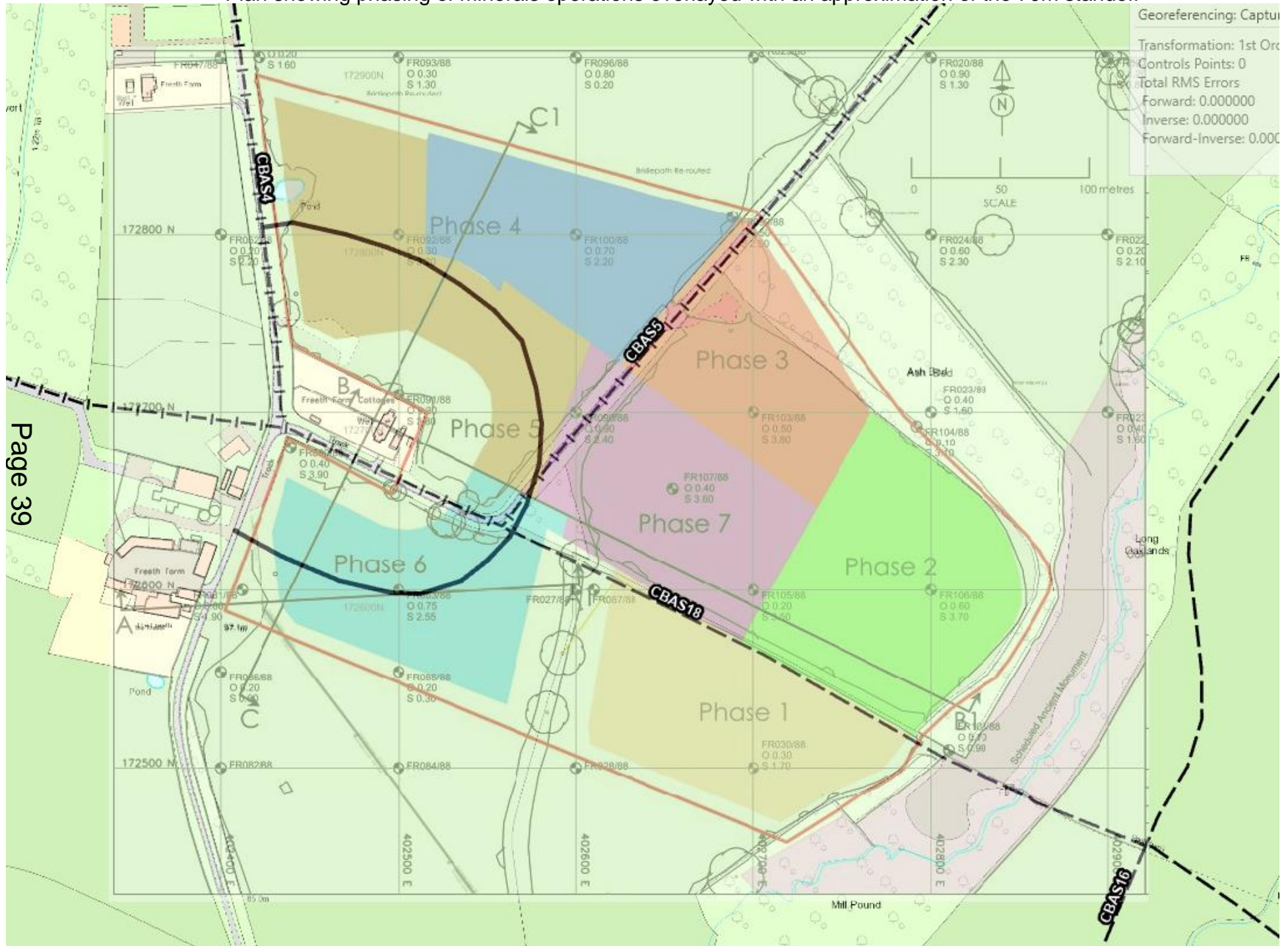

REVISIONS

SCALE A4 Sheet @ 1 to 2500
 DATE Jan 2016
 DRAWN BY TH CHECKED BY

DRAWING No.
639-01-21

Page 38

Plan showing phasing of minerals operations overlaid with an approximation of the 70m standoff



This page is intentionally left blank



Environment Act 1995

Section 96 and Schedule 13

NOTIFICATION OF DETERMINATION OF CONDITIONS

TO WHICH A MINING SITE IS TO BE SUBJECT

Application Reference Number: 16/05464/WCM

Decision Date: 14 March 2022

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

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

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

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

Conditions: (36)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 35 All restored areas of the site shall undergo aftercare management for a 5-year period. The aftercare period for each part of the site will begin once the restoration condition for the relevant part of the site has been met, the date of which shall be notified in writing to the Mineral Planning Authority within 21 days.

REASON: To ensure that the site is restored to an acceptable standard.

- 36 An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 35 to the required standard for use for agricultural and amenity use shall be submitted for the approval of the Mineral Planning Authority not later than 6 months prior to the start of aftercare on all or part of the site and thereafter be implemented as approved.

REASON: To ensure satisfactory aftercare suitable for the intended afteruses.

Informatives: (3)

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

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

Submit a pre-application

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

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

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

PSC-WaterResources@environment-agency.gov.uk

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

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

- 38 The additional information appears to alter the proposed phasing of the development. The applicant will need to determine if these alterations cause any stockpiles or bunds of waste soils to meet the definition of a mining waste facility as defined in the Mining Waste Directive. If they meet the definition of a mining waste facility an environmental permit will be required. More information can be found at www.defra.gov.uk
- 39 Safeguards should be implemented during to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
 - wheel washing and vehicle wash-down
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes

Parvis Khansari - Corporate Director, Place

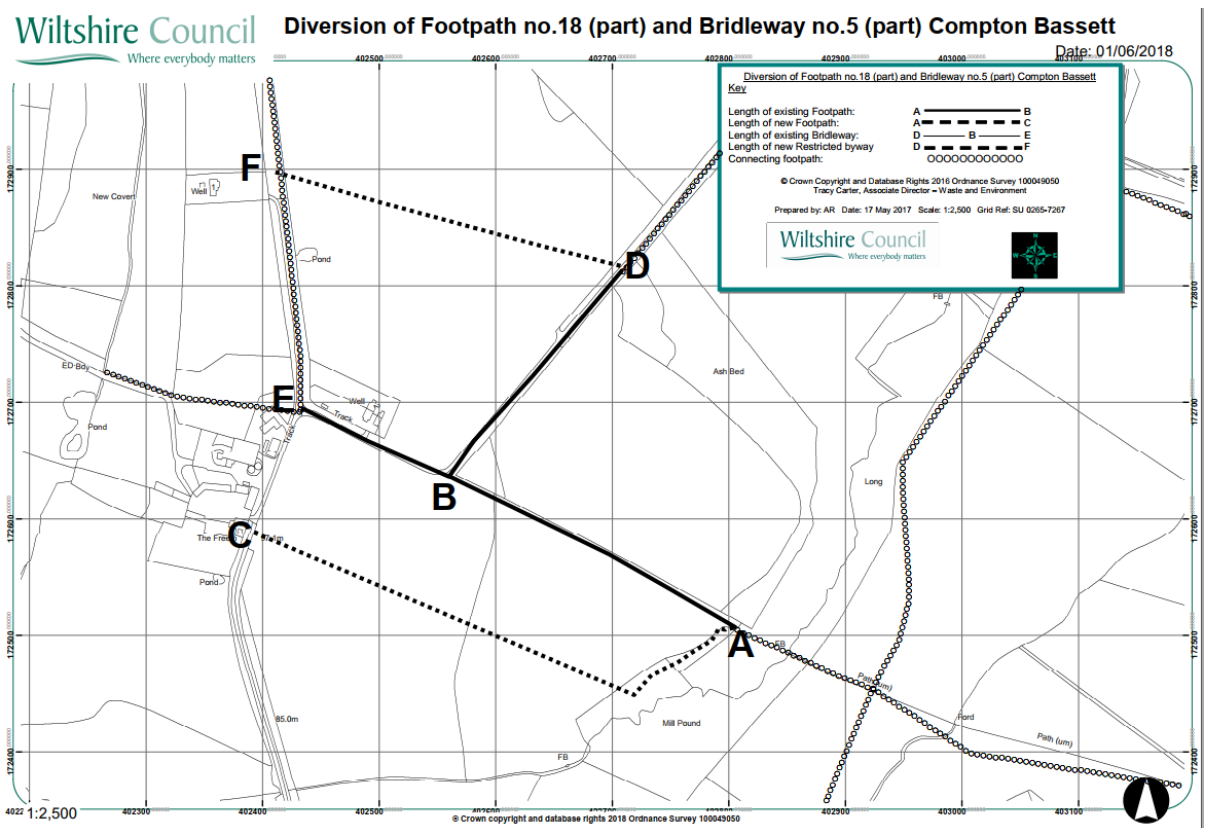
Freeth Farm, Compton Bassett, Temporary Diversion under TCPA1990, S.257 and 261

Rights of Way temporary diversion and reinstatement of existing routes

1. Proposal

To temporarily move Bridleway CBAS5 and footpath CBAS18 for the purpose of enabling sand extraction at Freeth Farm, as described in planning application 16/05464 and to reinstate the existing routes after extraction is completed

2. Specific requirements to the new routes, including widths



Path specification required for the new temporary restricted byway route D -F. The same construction could be used on the footpath A - C section

We will require the restricted byway D-F being a minimum of 6m usable width, but the surfaced section can be 4m wide.

Footpath section A-C shall be constructed with a minimum of 2m width

A twin wall 600mm diameter 6m long corrugated pipe with bagged headwalls will be provided at point F as required to link the temporary route to the existing network

A path tray will be cut to a depth of 350mm, and 4m wide D-F section and 2m for the footpath A-C section and materials removed from the path and surrounding area or stored within the site.

Within this tray a woven geo-textile will be laid (Fastrack G9 78gsm or similar)

Then a suitable sub- base material between 40mm-70mm diameter (this can be washed rail ballast, recycled builders' rubble, or crushed recycled material) to be laid to a depth of 300mm

Then lay a wearing course of 70 – 100mm depth creating a camber or cross fall to allow for water runoff to prevent ponding, the finished level should be above existing ground level. This wearing course can be material type1, road planings or similar. A shallow ditch or grips can be formed as appropriate to take any surface water away from path

All materials to be laid will be rolled/compacted every 100mm with suitable plant, as well as the finished surface, this will ensure that the path is less likely to move or suffer subsidence and provide a more robust consolidated construction.

Wiltshire Council Countryside Access Officer will need to certify this work on the temporary routes prior to the removal of the original current definitive routes.

3. Reinstatement of routes

When the extraction of materials has taken place the original routes will be reinstated. As the Highway Authority we will only sign off the completion of these routes to our satisfaction. These routes Bridleway D-B-E will be reinstated to the same surface standard we have stipulated for the temporary routes (as above specification) as well as the footpath A-B

The usable widths will be as the original widths of between 6m for Bridleway D-B-E (4m width for surfacing)and minimum of 2m for the footpath A-B

4. Levels of paths after reinstatement

The Highway Authority has no obvious concerns about the reduction in level from the existing paths when the reinstatement takes place. There is an important point to note that the Highway Authority will only sign off the completion of these routes to our satisfaction. If prior to sign off there is an issue with water table levels, then we can request the paths are constructed to overcome this issue

5. Costs of works

All cost for the works will be met by the applicant. It is difficult to provide a price at this current time as prices in fuel, labour and materials are changing daily.

Compiled by Countryside Access officer; S Leonard