

REPORT TO THE STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

Purpose of Report

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

Report Summary

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

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

Background

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

This report considers 'the ROMP Application'.

Procedure for the Review of Minerals Planning conditions

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

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

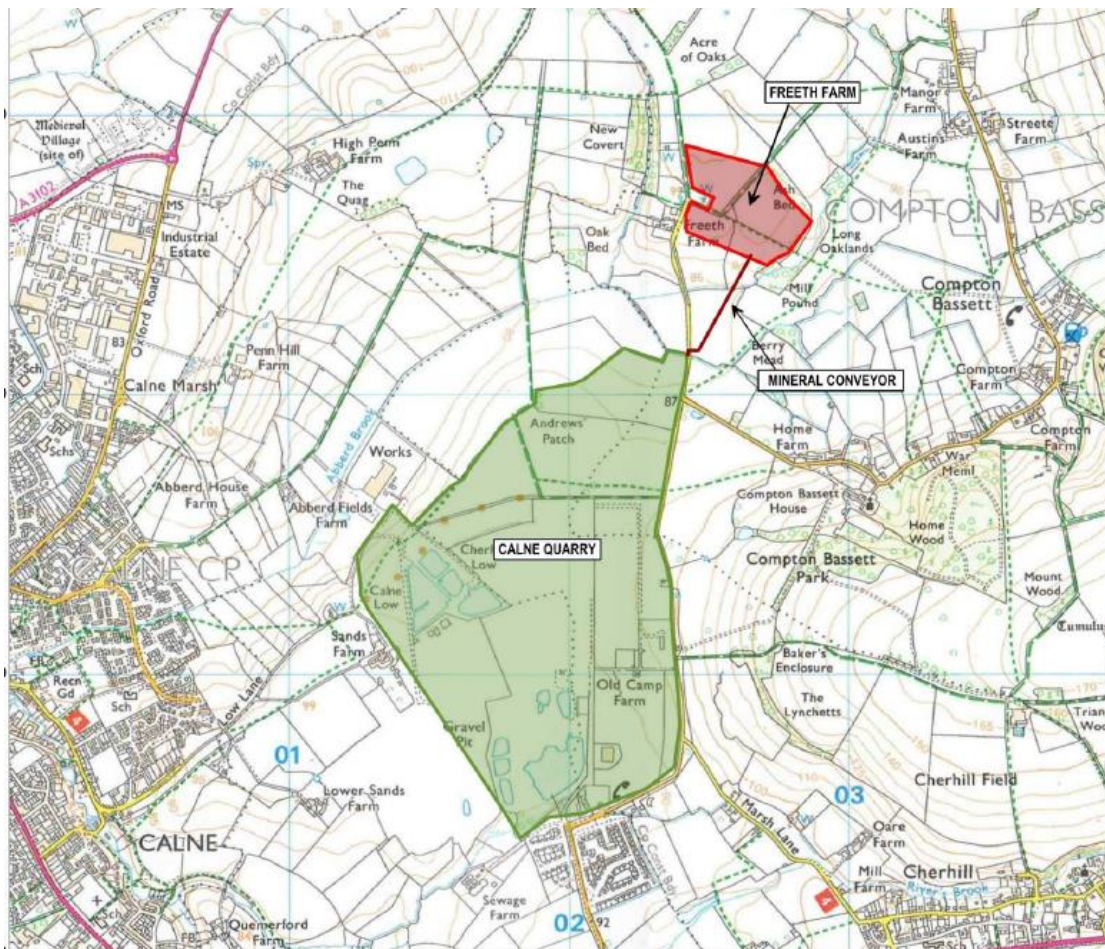
Application timescale

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

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

Site Description

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



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

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



Noise Calculation Receiver Locations

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

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

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

Planning History

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

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

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

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

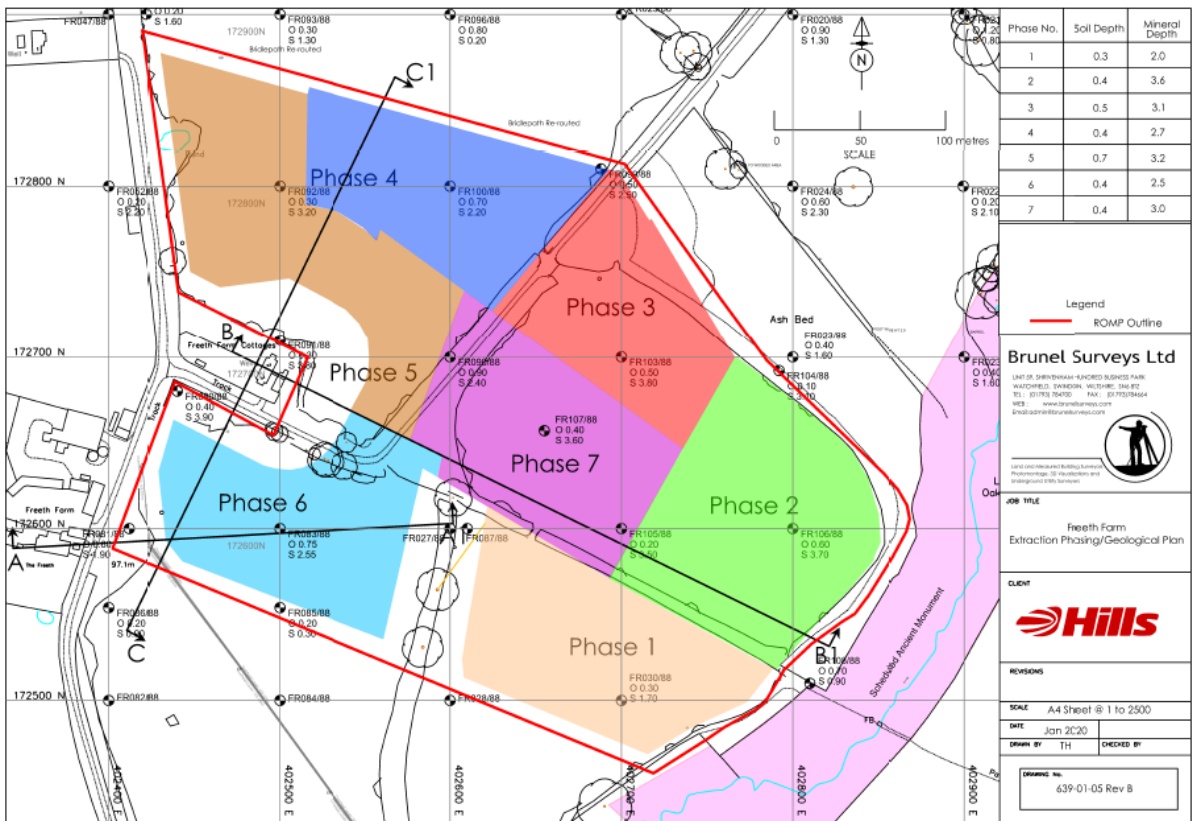
March 2011 – Noted that entire C5 site boundary is included within a dormant consent (3809/NW) for mineral extraction. Site dropped from further consideration as legal requirements for ROMP means that the site should not be allocated in the Development Plan.

The Proposal

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

Proposed Working Programme

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

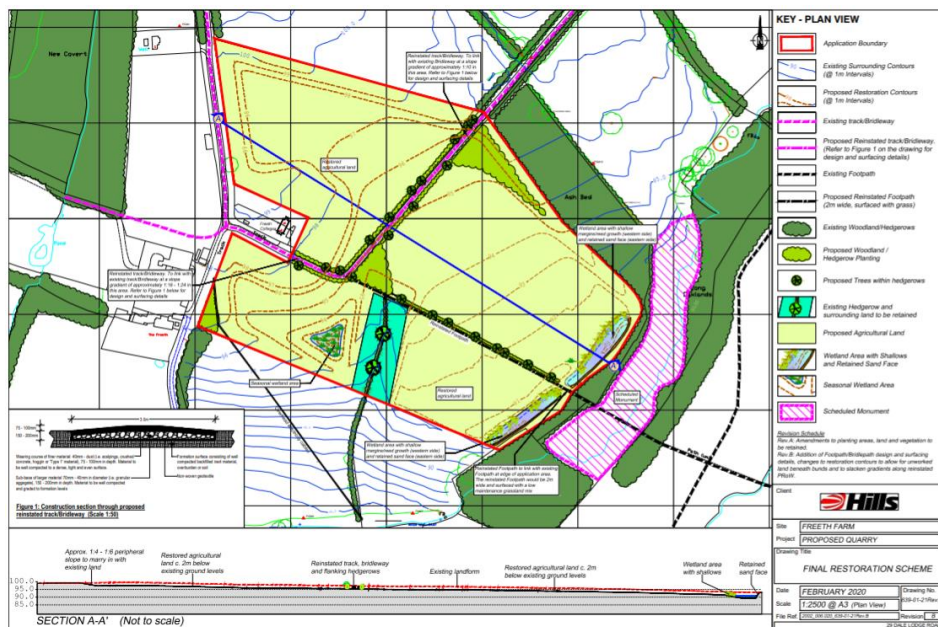


Phase 8 will entail restoration of Phase 7 over an 8-week period.

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

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

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



The Applicant's Schedule of Proposed Conditions

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

Duration of the Permission

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

Commencement

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

Access, Traffic and Protection of the Public Highway

- C. No mineral shall be exported from the Site other than by means of the overland field conveyor permitted under application reference 16/05708/WCM dated DD MM YYYY.
- D. Construction vehicles shall access the site and parking shall be restricted in accordance with Plant Access, Fencing & Staff Parking Plan: 639-01-23.

Working Programme

- E. The working, restoration and aftercare of the site shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
- a. The Application for Determination of Conditions dated 23 May 2016 and proposed working programme and phasing plans submitted in application reference no. 16/05464/WCM as subsequently amended by the applicant's letter and enclosures dated DD MM YYYY;
 - b. The following Approved Plans, insofar as they relate to the 'Site':
 - 639-01-06 Rev A Freeth Farm Phase 1
 - 639-01-07 Rev B Freeth Farm Phase 2
 - 639-01-08 Rev B Freeth Farm Phase 3
 - 639-01-09 Rev B Freeth Farm Phase 4
 - 639-01-10 Rev B Freeth Farm Phase 5
 - 639-01-11 Rev B Freeth Farm Phase 6
 - 639-01-12 Rev B Freeth Farm Phase 7
 - 639-01-13 Rev B Freeth Farm Phase 8
 - 639-01-14 Rev D Pre-Development Sections
 - 639-01-15 Rev D Development Sections
 - 640-01-21 Rev E Cross Section at Freeth Farm Cottages.
 - 639-01-21 Rev B Final Restoration Scheme (including section)
 - 639-01-22 Post Restoration Drainage Plan

- c. All schemes and programmes approved in accordance with this schedule of conditions.
- F. No mineral extraction works within an individual phase of the development shall take place until the extent of the extraction within the relevant phase have been marked out on site and the Mineral Planning Authority shall be notified that the marking out works have been completed.
- G. All soils and soil making materials shall only be stripped, handled, stored and replaced in accordance with Paragraphs 3.9 to 3.13 inclusive of the Planning Statement Version 4 produced by Land & Mineral Management dated March 2020 except as modified by this schedule of conditions.
- H. The stripping, movement, and re-spreading of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.
- I. All topsoil and subsoil shall be stored separately and in mounds which shall:
- a) Not exceed 3 metres in height in the case of topsoil, or 5 metres in height in the case of subsoils;
 - b) Be constructed with the minimum amount of compaction to ensure stability and shaped to avoid collection of water in surface undulations; and
 - c) Not be moved subsequently or added to until required for restoration.
- J. Prior to the formation of storage mounds, a scheme for grass seeding and management of all storage mounds that will remain in situ for more than three months shall be submitted for the written approval of the Mineral Planning Authority. Seeding and management of the storage mounds shall be carried out in accordance with the approved details.
- K. Within three months of completion of soil handling operations in any calendar year, the Mineral Planning Authority shall be supplied with a plan showing:
- (a) The area stripped of topsoil, subsoil and soil making material; and
 - (b) The location of each soil storage mound.
- L. No mineral other than soft sand shall be worked from the Site.
- M. All topsoil, subsoil, overburden or mineral waste shall be permanently retained on site for subsequent use in restoration.
- N. No soils, soil making materials or waste materials of any description shall be imported into the Site

- O. All undisturbed areas of the site and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from agriculturally noxious weeds. Cutting, grazing or spraying shall be undertaken, as necessary, to control plant growth and prevent the build-up of a seed bank of agricultural weed or their dispersal onto adjoining land.
- P. No operations shall take place in Phases 1, 2, and 3 except between the hours of 8.00 a.m. to 5.00 p.m. on Mondays to Fridays other than for essential maintenance and the operation of pumps and other equipment to maintain the safe operation of the quarry.
- Q. No operations shall take place in Phases 4, 5, 6, 7 and 8 except between the hours of 09.00 to 12.00 and 13.00 to 16.00 Mondays to Fridays other than for essential maintenance and the operation of pumps and other equipment to maintain the safe operation of the quarry.
- R. No working shall take place on Saturdays, Sundays or Public Holidays
- S. The 4m high screen bunds adjacent to Freeth Farm Cottages in Phases 5, 6 and 7 will be constructed in accordance with the bund design and stand-off distances shown on Plan No: 640-01-21 Rev E. The bunds shown on Plan No: 640-01-21 Rev E will be 4m in height when measured from the original ground level.

Environmental Protection: Archaeology

- T. No development, including soil stripping, within any individual phase of workings as shown on Drawing Nos: 639-01-06 Rev A to 639-01-13 Rev B shall take place until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority.

Environmental Protection: Dust

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

Environmental Protection: Ecology

- V. The clearance of woodland and felling of trees shall only take place between the end of August and the beginning of March or following a search by a qualified ecologist for active birds' nests
- W. The development shall be carried out in strict accordance with all recommendations and procedures set out in Chapter 5 of the Environmental Statement dated February 2020

Environmental Protection: Groundwater and Surface Water Protection

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

Y. The Hydrometric Monitoring Scheme dated March 2016 set out in Appendix 4 to the Planning Statement Version 4 dated March 2020 shall be implemented from the date of commencement of the development and shall be complied with at all times whilst the Site is operational.

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

Environmental Protection: Noise

Z. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times

AA.No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or similar or audible alarms whose noise levels adjust automatically to surrounding noise levels.

BB.Except for temporary operations, the free-field Equivalent Continuous Noise Level, dB LAeq, 1 hour, free field, due to daytime operations on the site, shall not exceed the site noise limit specified below at each dwelling for routine operations. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects. For temporary operations such as site preparation, soil and overburden stripping, bund formation and final restoration, the free-field noise level due to work at the nearest point to each dwelling shall not exceed the site noise limit specified below at each dwelling. Temporary operations shall not exceed a total of eight weeks in any calendar year for work close to any individual noise sensitive property where the suggested noise limit for routine operations is likely to be exceeded.

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

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

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

Environmental Protection: Landscape

EE. Notwithstanding the submitted details, within 12 months of the commencement of the development hereby approved, a detailed planting scheme to include native species, sizes, numbers, spacing, densities; locations; a planting specification, hedgerow infill and an outline of which hedgerows and trees shall be managed to allow them to grow up, shall be submitted to and approved in writing by the Mineral Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species.

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

Restoration and Aftercare

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

HH. The Site shall be restored in accordance with the Plan Nos: 639-01-21 Rev B and 639-01-22, within 12 months following the permanent cessation of mineral extraction, unless otherwise agreed in writing by the Mineral Planning Authority.

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

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

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

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

Environmental Impact Assessment

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

Statement of Community Involvement

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

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

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

Planning Policy

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

Wiltshire and Swindon Minerals Core Strategy, 2009

MCS 7: Flooding

MCS 8: Living with Minerals Development – Protecting Residential Amenity

MCS 9: Strategic Approach to Managing Minerals Transportation

MCS 10: Strategic Approach to Restoration and After-use of Mineral Sites

Wiltshire and Swindon Minerals Development Control Policies Development Plan Document, 2009

MDC1: Key criteria for sustainable minerals development

MDC2: Managing the impacts of minerals development

MDC3: Managing the impact on surface water and groundwater resources

MDC5: Protection and enhancement of Wiltshire and Swindon's landscape character

MDC6: Biodiversity and geological interest

MDC7: The historic environment

MDC8: Sustainable transport and minerals development

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

Wiltshire Core Strategy, January 2015

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

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

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

The National Planning Policy Framework and relevant planning practice guidance.

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

Paragraph 2 - Status of the NPPF in decision making.

Paragraphs 7 to 11 (Sustainable development)

Paragraph 38 (Decision making)

Paragraphs 2, 47 & 48 (Determining applications)

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

Paragraph 98 (Public Rights of Way)

Paragraphs 108 & 109 (Transport)

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

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

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

Paragraphs 203 to 206 (Minerals)

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

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

Summary of consultation responses

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

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

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

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

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

The main objections are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Publicity

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Considerations

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

Status of the 1956 Mineral Permission / Need

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

Working Scheme

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

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

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

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

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

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

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

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

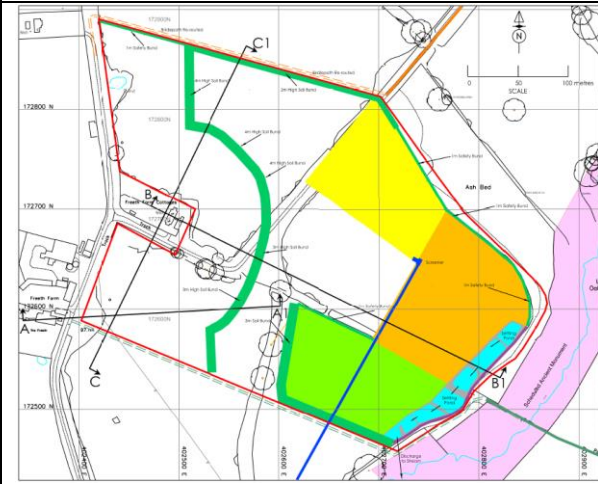
- Increasing the stand-off distances further from those proposed, but which would sterilise mineral reserves and risk the development becoming commercially unviable;
- or
- Increasing the height of the screen bunds up to 5 metres in height, a height which was considered to have an unacceptable impact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

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

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

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

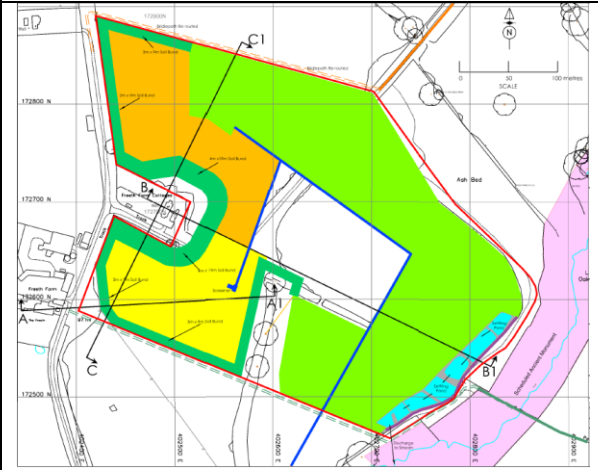
[A] Phases 2 - 4



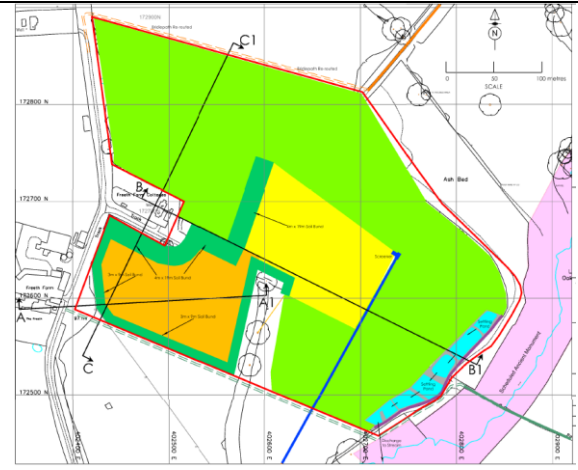
[B] Phase 5



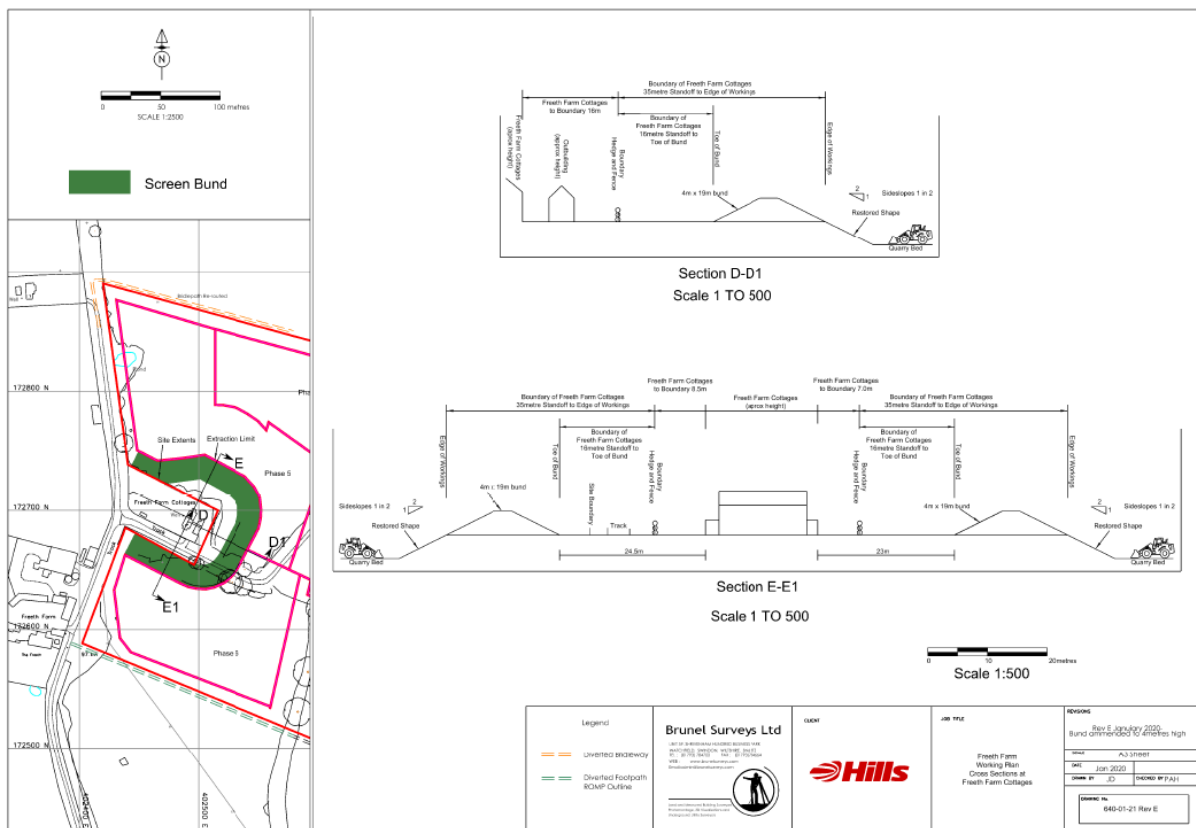
[C] Phase 6



[D] Phase 7



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



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

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

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

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

Movement of mineral from the Site

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

Duration of development

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

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

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

Restoration and aftercare

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

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

Noise

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

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

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

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

Temporary operations

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

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

Dust

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

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

Landscape and Visual Impact

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

123. Potential Key Effects on Visual Amenity

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

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

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

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

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

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

125. Mitigating Potential Landscape and Visual Effects

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

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

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

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

Land stability

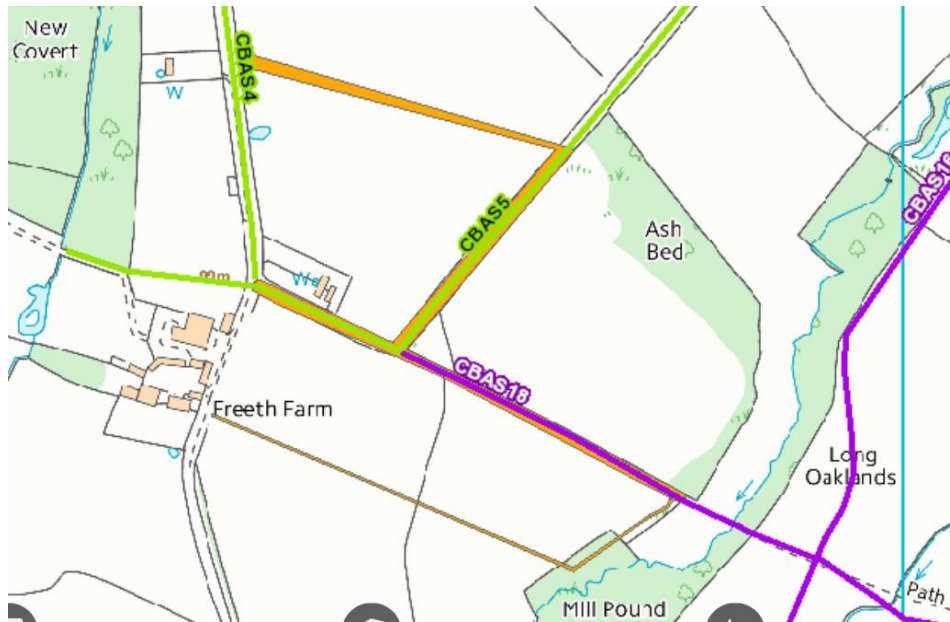
128. Concerns have been raised that the separation distance between Freeth Farm Cottages and the excavation area may be insufficient to guarantee that no destabilisation of the property or its vehicular access occurs.

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

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

Public Rights of Way

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



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

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



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

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

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

Archaeology & Cultural Heritage

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

Indirect impact to adjacent Scheduled Monument

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

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

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

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

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

Setting of the Scheduled Monument

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

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

Setting of the Non-Designated Heritage Asset of Freeth Farm

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

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

Direct Impact to Archaeological Interest within the Site

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

Hydrology and Hydrogeology

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

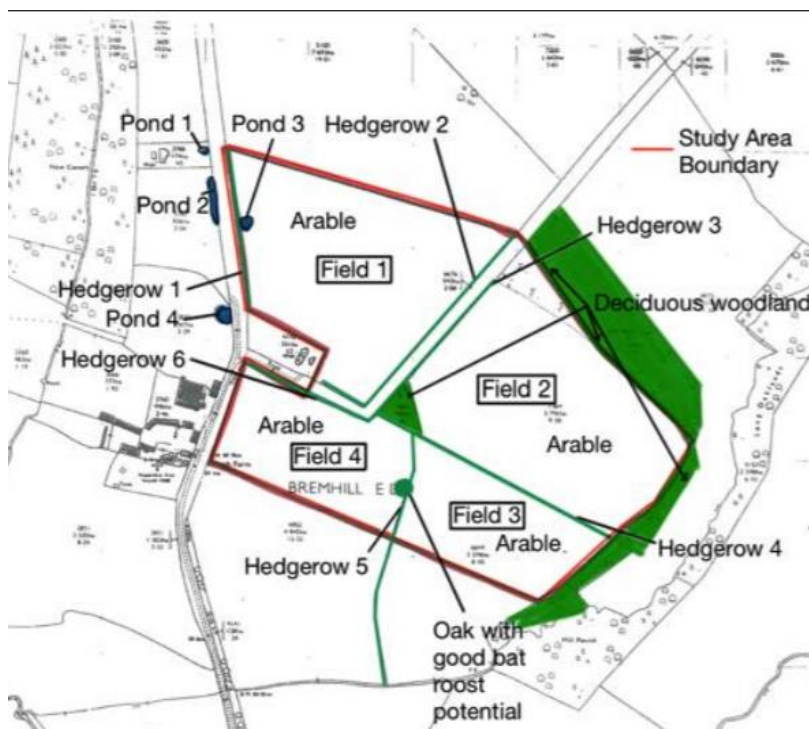
161. It has been suggested in public representations that dewatering and the restoration drainage of the site may cause shrinkage of the clay underlying the adjacent properties leading to risk of subsidence. This concern is noted, but it is not a likely impact identified by any of the EIA investigations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

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

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

Ecology

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



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

CONCLUSION

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

RECOMMENDATION

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

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

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

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

2. The operator shall provide written notification to the Mineral Planning Authority at least seven days but no more than fourteen days prior to:
 - (a) The commencement of the development hereby permitted.
 - (b) The date of commencement of mineral extraction in any phase.
 - (c) The date of completion of mineral extraction in any phase.
 - (d) The completion of mineral extraction.
 - (e) commencement of soil placement in any phase;
 - (f) completion of each restoration phase;
 - (g) completion of final restoration under this planning permission.

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

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

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

4. The working, restoration and aftercare of the site shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Application for Determination of Conditions dated 23 May 2016 and proposed working programme and phasing plans submitted in application reference no. 16/05464/WCM as subsequently amended by the applicant's letter and enclosures dated 03 April 2020;
 - b) The following Approved Plans, insofar as they relate to the 'Site':
 - 639-01-06 Rev A dated March 2018: Freeth Farm Phase 1
 - 639-01-07 Rev B dated Jan 2020: Freeth Farm Phase 2
 - 639-01-08 Rev B dated January 2020: Freeth Farm Phase 3
 - 639-01-09 Rev B dated Jan 2020: Freeth Farm Phase 4
 - 639-01-10 Rev B dated Jan 2020: Freeth Farm Phase 5
 - 639-01-11 Rev B dated Jan 2020: Freeth Farm Phase 6
 - 639-01-12 Rev B dated Jan 2020: Freeth Farm Phase 7
 - 639-01-13 Rev B dated Jan 2020: Freeth Farm Phase 8
 - 639-01-14 Rev D dated Jan 2020: Pre-Development Sections

639-01-15 Rev D dated JAN 2020: Development Sections
640-01-21 Rev E dated Jan 2020: Cross Section at Freeth Farm Cottages.
639-01-21 Rev B dated FEBRUARY 2020: Final Restoration Scheme (including section)
639-01-22 dated Mar 2016: Post Restoration Drainage Plan
639-01-23 dated Jan 2020: Plant Access, Fencing & Staff Parking Plan

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

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

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

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

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

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

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

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

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

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

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

- (a) Phases 1, 2, and 3: Monday - Friday 08.00 hours to 17.00 hours
- (b) Phases 4, 5, 6, 7 and 8: Monday - Friday 09.00 hours to 12:00 hours
and
13:00 hours to 16:00 hours

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

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

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

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

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

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

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

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

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

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

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

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

14. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times

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

15. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or similar or audible alarms whose noise levels adjust automatically to surrounding noise levels.

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

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

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

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

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

18. The Hydrometric Monitoring Scheme dated March 2016 set out in Appendix 4 to the Planning Statement Version 4 dated March 2020 shall be implemented from the date of commencement of the development and shall be complied with at all times whilst the Site is operational. The water level within the recharge trench will be maintained between 91 and 92.5m AOD to ensure continued transfer of water to the Scheduled Monument and protection of down gradient groundwater levels. Should the Hydrometric Monitoring Scheme detect any significant alteration to the recharge trench water levels or prevailing pattern of water transfer from the Site to the Scheduled Monument via the recharge trench, then the developer shall investigate the cause of alteration and shall within one month submit to the Mineral Planning Authority for approval a detailed scheme for remediation of the impact to achieve the aims of the scheme. The approved remedial measures shall be implemented in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26. Notwithstanding the submitted details, within 12 months of the commencement of the development, a detailed planting scheme shall be submitted to the Mineral Planning Authority for approval. The scheme shall include native species, sizes, numbers, spacing, densities; locations; a planting specification, hedgerow infill and an outline of which hedgerows and trees shall be managed to allow them to grow up, and programme of implementation and maintenance. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of operations. Thereafter, the development shall be carried out in accordance

with the approved scheme. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species.

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

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

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

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

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

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

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

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

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

31. The site shall be reclaimed progressively and managed for agricultural purposes in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of Phase 2. The scheme shall demonstrate how the site will be restored in accordance with Plan Nos: 639-01-21 Rev B and 639-01-22 and should include details of:
- (a) The nature of the intended after-use of the site;
 - (b) The sequence and phasing of reclamation showing clearly their relationship to the working scheme;
 - (c) ripping the quarry floor and the respreading over the floor of the excavated area of overburden, subsoil and topsoil previously stripped from the site, in that order and specifying details, depths and placement of respreading materials;
 - (d) The ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;
 - (e) The machinery to be used in soil respreading operations;
 - (f) The final levels of the reclaimed land and the gradient of the restored slopes around the margins of the excavation and graded to prevent ponding of surface water;
 - (g) Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath;
 - (h) Drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage;
 - (i) Ditch designs that fully penetrate the Lower Greensand into the underlying Kimmeridge Clay;
 - (j) Drainage methods and their maintenance for surface water flow from the attenuation areas shown on Plan No: 639-01-22; and
 - (k) Grass seeding of reclaimed areas with a suitable herbage mixture.

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

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

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

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

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

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

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

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

35. An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 34 to the required standard for use for agricultural and amenity use shall be submitted for the approval of the Mineral Planning Authority not later than 6 months prior to the start of aftercare on all or part of the site and thereafter be implemented as approved.

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

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

I. Conditions on which development is permitted

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

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

II. Reasons for Imposing Conditions

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

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