

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

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

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16/05464/WCM has now been granted and therefore replace any conditions within the dormant ROMP have now been superseded.

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

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

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

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

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

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

Officer response – Condition 31 of 16/05464/WCM states *“The site shall be restored in accordance with the Plan Nos 639-01-21 and 639-01-22 within 12 months following the permanent cessation of mineral extraction. REASON: To ensure that the site is reclaimed in a condition capable of beneficial afteruse.* Condition 32 of the mineral permission requires Hills to submit for approval, before commencement of Phase 2, a restoration scheme that includes (g) *Details showing how the unworked land will marry with the lower restored areas to accommodate the reinstated bridleway and footpath”*. When the rights of way return to their original line, they will be required to be certified by Wiltshire Council so they must be in a suitable condition as stipulated by the Countryside Access Officer. Condition 27 *“A detailed planting scheme shall be submitted to ensure the provision, establishment and maintenance of an appropriate standard landscape”*. Conditions 30 state *“A detail Landscape Ecological Management Plan shall be submitted detailing protection, replacement and aftercare of all habitats so that their function for biodiversity is not reduced from current levels”*. Condition 35 *“All restored areas of the site shall undergo aftercare management for a 5-year period. To ensure the site is restored to an acceptable standard”*.

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

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

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

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

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

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

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

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

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

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

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

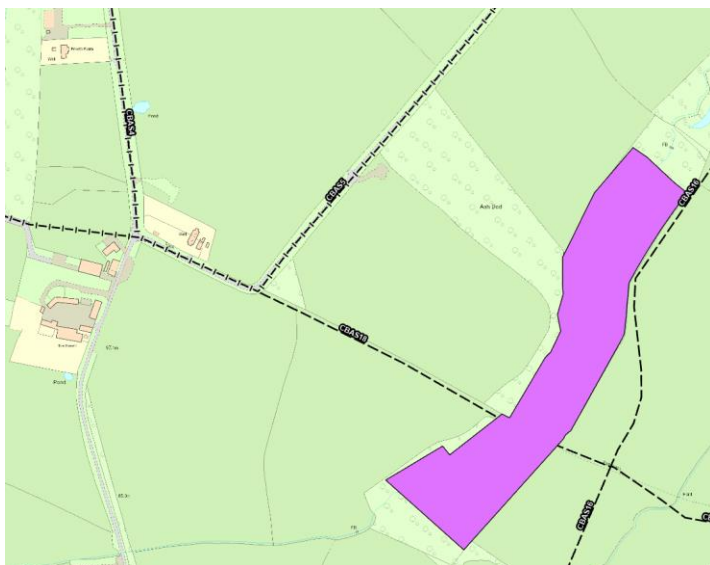
9. Objection – *The proposed new footpath A-C is unsuitable, the first straight part of the proposed traverses a field which is often very muddy and would be very difficult to use during the winter.*

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

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

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

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



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

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

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

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



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

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