

**ASHTON KEYNES: PROPOSED EXTRACTION OF SAND AND GRAVEL
AS AN EXTENSION TO CLEVELAND FARM QUARRY BY PHASED REMOVAL
OF PLANT AND BUILDINGS INCLUDING INFILLING WITH INERT WASTE
FOR RESTORATION PURPOSES - LAND AT CLEVELAND FARM WORKS,
ASHTON KEYNES, FOR AGGREGATE INDUSTRIES UK LIMITED
(Application No. N.04.1124)**

Purpose of Report

1. To consider the application and to recommend that, subject to the completion of a legal Agreement to cover highway maintenance, long term management of the restored site and rights of way/footpath matters, planning permission be granted.

Background

2. The original Cleveland Farm Works was established in the 1970s by E. Bradley and Sons Limited as a concrete products manufacturing site using sand and gravel from the adjacent excavation. In 1984 ECC Quarries Limited purchased the Bradley business and in 1994 ECC Quarries became Camas UK Limited. In 1997 Camas was merged with the Bardon Group to form Aggregate Industries plc (AI). AI is the freehold owner and operator of Cleveland Farm Quarry and the applicant for this application.

The Site

3. The Cleveland Farm site is located off Fridays Ham Lane, approximately 1km east of Ashton Keynes in the Cotswold Water Park. Fridays Ham Lane lies to the west and Cleveland Lakes to the east and south (see **Appendix 1**).

Planning History

4. Planning permission was granted in 1975 (N.74.1142) for the extraction of 8 million tonnes of sand and gravel from 134 hectares of land at Cleveland Farm to the east of Ashton Keynes, together with the formation of a 30 acre concrete pad and outline consent for 62,500 square feet of industrial buildings and ancillary offices. At the time the buildings were time limited to March 1995.
5. In 1989 planning permission was granted (N.89.2769) to retain the industrial buildings for a further 10 years to 31st March 2005. Although planning permission has been granted for additional areas over the years and importation of material has been permitted, the remaining reserves are now almost completely exhausted and this has resulted in the current application being submitted.

The Application

6. The current application is to extract sand and gravel beneath the industrial buildings area in a phased method of working. The intention is to demolish one or more of the industrial buildings, work the underlying sand and gravel and backfill with inert material to restore to agreed levels in accordance with an approved final restoration scheme. The application is accompanied by an Environmental Statement.
7. The Cleveland Farm application site amounts to 15.12 hectares (37 acres) and currently has the following activities taking place:
 - Concrete block manufacturing
 - Architectural dressings factory
 - Cast stone factory
 - Transport workshop and aggregate bagging plant
 - Weighbridge and offices
 - RMC plant (Ready Mix Concrete)
8. The area for extraction would amount to 11.63 hectares (29 acres). It contains sand and gravel varying in thickness from 1 metre to 4.5 metres with a mean thickness of 3.8 metres. The total reserve of saleable mineral is 750,000 tonnes with some 45% gravel and 55% sand. A site layout plan is attached at **Appendix 2**.
9. With regard to how the phasing would be implemented, it is proposed that this would work as follows:

Phase 1 - removal of concrete block plant - extraction of 170,000 tonnes at 100,000 tonnes per annum to feed remaining plants (1.7 years working)

Phase 2 - remove RMC concrete batching plant/weighbridge - extract 190,000 tonnes at 60,000 tonnes per annum to feed plants (3.2 years working)

Phase 3 - remove bagging plant, workshop and laboratory - extract 50,000 tonnes (1.1 years)

Phase 4 - remove Bradstone garden products factory - extract 117,000 tonnes at 25,000 tonnes per annum (4.7 years)

Phase 5 - remove architectural dressings factory - extract 217,000 at 100,000 tonnes per annum (2.2 years)
10. The proposed duration of mineral extraction would amount to 13 years in total. The application as originally submitted proposed to restore the site by backfilling to create a gentle slope from north-west to south-east to provide an area which could be used for public amenity or recreational use in conjunction with the adjacent Cleveland Lakes. However, following consultation, it has been decided that the site should be restored predominantly to a nature conservation/wetland type use and not to a land use. This would achieve greater biodiversity in the area and be more in accordance with surrounding uses.
11. Currently some 65 people are employed on the site and it is suggested that the above proposal would safeguard employment for the immediate future in order that the workforce could be transferred to other sites operated by the company locally.

12. With regard to traffic movements, because the material would be used primarily on site to serve the remaining plants, there would be relatively minor changes to the existing traffic movements. It would mean, however, that traffic would be operating from the site for a longer period, ie approximately 13 years.

Planning Policy

13. Policies MSP4 and MSP5 of the Wiltshire and Swindon Structure Plan 2011 are considered relevant relating to non-sterilisation of mineral and maintenance of a mineral landbank. Policies 3, 31, 32, 34, 36, 38 and 45 of the Adopted Wiltshire and Swindon Minerals Local Plan November 2001 are also considered relevant, and Policy RTM4 of the North Wiltshire Local Plan 2001 considers increasing biodiversity in the Cotswold Water Park area. These policies are set out in full in **Appendix 3**.

Consultations

14. **North Wiltshire District Council** - no objections. The new restoration plan for the site is welcomed by the authority because it would increase the biodiversity of the area in accordance with the requirements of Policy RTM4 of the North Wiltshire Local Plan 2001.
15. **Ashton Keynes Parish Council** - is very supportive of the proposed restoration plan.
16. **Cotswold Water Park Joint Committee** - the application is not in conflict with the Cotswold Water Park Strategy and is seen to be an improvement on the previous application which proposed backfilling with inert waste. The application contributes to the strategic development of Cleveland Lakes, and achievement of biodiversity targets in the Water Park Biodiversity Action Plan. Traffic movements should be kept to a minimum.
17. **Cotswold Water Park Society** - the revised plan addresses points raised previously. Therefore, no objections to the proposals.
18. **Cotswold District Council** - no objections.
19. **Environment Agency** - no objections in principle subject to conditions regarding the raising of ground levels and the safeguarding of protected species.
20. **English Nature** - no objections. Comments will be provided by Cotswold Water Park Society.
21. **Wiltshire Wildlife Trust** - comments in relation to Roman snails and bat roosts.
22. **Highways Development Control** - no objections subject to suitable financial contributions being made to upgrade cycle and pedestrian routes in the area and a possible contribution to highways maintenance.
23. **Waste Local Plan Policy Team** - the revised restoration proposals are welcomed.
24. **Minerals Local Plan Team** - no objection to the proposals. The application can be considered favourably on grounds of need.
25. **County Archaeologist** - no objections subject to conditions requiring recording of any archaeological features on the site.

26. **Countryside Section -**

- Ecology - revised restoration is welcomed as it will provide substantial biodiversity gain in the form of wetland habitat and extensive hedgerows.
- Landscape - it will make a significant contribution towards the targets in the Cotswold Water Park Biodiversity Action Plan.

27. **Rights of Way Officer** - suggests that the current permissive bridleway should be pursued in a Section 106 Agreement.

28. **Gloucestershire County Council Highways** - the proposal extends the period of time HGVs will continue to use the Spine Road along which walking and cycling are encouraged.

Publicity

29. The application has been publicised in the local press and by site notices. No letters of representation have been received.

Planning Considerations

30. The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The main issues to be considered are:-

- The need for the proposal in policy terms
- Environmental implications of carrying out the development

The need for the proposal in policy terms

31. The County Council, as Mineral Planning Authority, has a responsibility to ensure that the construction industry receives an adequate supply of minerals at the best balance of social, environmental and economic cost. These matters are discussed below.

Adopted Wiltshire Structure Plan 2011

32. The proposals do not give rise to any major conflicts with Structure Plan policies. The most relevant policies are considered below.

33. Policy MSP4 considers the need to ensure that valuable mineral deposits should be safeguarded against other forms of development and should be extracted prior to any development which could result in them being sterilised.

34. The Cleveland Farm site is the last remaining site to be worked in the Applicant's ownership. Having served as an industrial site for a number of decades utilising the resource locally, the time has now come to work the resource which underlies the industrial buildings prior to the company moving off site. Had the uses on the site been defunct, the site would probably have been cleared and worked as one operation. However, because the manufacturing units are extant, the site is to be worked in a phased manner to ensure that the underlying resource is utilised and is not sterilised by development. This accords with Policy MSP4.

35. Policy MSP5 considers the role of Mineral Planning Authorities in maintaining a landbank for sand and gravel in accordance with Government guidance. Officers are satisfied that the application can be considered favourably in terms of the need for the resource to contribute to the County landbank. Extraction of the Cleveland Farm site would lead to an additional 750,000 tonnes of sand and gravel being extracted which has never previously been considered as a preferred area in calculating requirements.

Adopted Wiltshire and Swindon Minerals Local Plan November 2001

36. The Adopted Wiltshire and Swindon Minerals Local Plan sets out in more detail policies against which mineral applications are to be considered, in addition to looking in detail at preferred areas for development. There are many policies within the Minerals Local Plan which are relevant to the site in question. However, the proposal does accord with a number of policies and these are outlined below.
37. Policy 3 - need for the proposal and acceptability of the proposals for restoration and afteruse. The Cleveland Farm site fulfils a need in policy terms and the restoration and afteruse of the site has been altered during the planning process to meet nature conservation and biodiversity requirements.
38. Policy 31 - specifically considers restoration and the need to look at the satisfactory restoration of a mineral site at the earliest practical opportunity to an appropriate landform and character which is capable of supporting a beneficial afteruse. The proposed restoration at Cleveland Farm is to a nature conservation use, which is supported by all parties and has been designed with regard to the phasing of extraction and progressive restoration to an agreed scheme.
39. Policy 32 - looks at beneficial afteruse and stipulates that priority should be given to nature conservation, forestry or agriculture. The Cleveland Farm site will be restored to a nature conservation use.
40. Policy 36 - considers sand and gravel sites outside preferred areas. In normal circumstances areas outside identified preferred areas would only be granted permission where they are required to meet a shortfall or where there is a need to bring forward a site for a particular reason. In the case of Cleveland Farm, because of its existing use as a manufacturing site it has never been regarded as a preferred area. However, it can be regarded as a windfall site which is required to be worked sooner rather than later.
41. Policy 38 - the question of non-sterilisation of a reserve was mentioned under the policy context in the Structure Plan. The removal of the manufacturing uses at Cleveland Farm represents an ideal opportunity to work the underlying sand and gravel and restore the land to a beneficial afteruse.
42. Policy 45 - this is a particularly important policy which considers nature conservation in the Cotswold Water Park. The policy states that:

"MINERAL DEVELOPMENT IN THE COTSWOLD WATER PARK WILL ONLY BE PERMITTED IF IT CAN BE DEMONSTRATED TO BE COMPATIBLE WITH MAINTAINING AND/OR IMPROVING THE NATURE CONSERVATION VALUE OF THE COTSWOLD WATER PARK, IN PARTICULAR THE SAFEGUARDED LAKES OF IMPORTANCE FOR WINTERING AND BREEDING BIRDS SHOWN ON THE PROPOSALS MAP AS WELL AS OTHER HABITATS CONTRIBUTING TO THE BIODIVERSITY OF THE WATER PARK, UNLESS EXCEPTIONAL MATERIAL CONSIDERATIONS OUTWEIGH THOSE INTERESTS."

43. In considering the current Cleveland Farm application, the recent change in approach from land based afteruses to a nature conservation afteruse brings the proposal in line with the above policy. The afteruse proposals are now totally geared to nature conservation and biodiversity with a variety of wetland areas and uses.

North Wiltshire Local Plan 2001

44. The North Wiltshire Local Plan 2001 further supports the policy background for the proposed development with Policy RTM4 which specifically looks at increasing biodiversity in the Cotswold Water Park area. This view is confirmed in the North Wiltshire District Council response where reference is made to this policy.
45. Overall, from the above policy references, it can be seen at both the strategic and local level that there is a large measure of support in terms of the need for the proposal.

Having looked at the need for the proposal and conformity with policy, there is a need to consider the environmental implications of carrying out the development.

Environmental implications of carrying out the development

46. Policy 3 of the WSMPLP considers the assessment of mineral development proposals and, under this policy, the following matters are raised:-
- (i) Need for and quality of deposit
 - (ii) Any significant adverse impact in terms of processing and transportation of the mineral
 - (iii) Acceptability of restoration proposals
 - (iv) Any significant adverse environmental impacts the proposal is likely to have together with mitigation measures to make them acceptable
47. With regard to (i) the need for the mineral has been established and can be substantiated by the Policy Group's figures following recently revised guidance on MPG6. The quality of the deposit has been considered by the Applicant and features in the detailed working arrangements set out in the application.
48. With regard to (ii) the impact of processing and transporting the mineral would be marginally less than exists at present on the site because the extracted mineral would not be exported from the site but would be used in the remaining manufacturing plants.
49. With regard to (iii) the acceptability of restoration and afteruse proposals has been confirmed by consultees and is not in question.
50. Point (iv) refers to the potential impacts of the proposal and these are considered below.

Ecology

51. The change from land-based restoration to nature conservation-based restoration has brought with it much support from wider nature conservation interests including the County Council's Ecologist. However, it will be imperative if permission is granted to ensure that restoration commences for each phase as soon as possible, ie phased restoration. Another requirement stipulated by the County Ecologist is for the long term management of the site to ensure proposals come to fruition and are properly managed in the long term. This would be provided for in a Section 106 Agreement.

Noise and Dust

52. A comprehensive noise and dust survey has been undertaken at the site with projected levels taking account of the decommissioning and removal of existing buildings, the removal of concrete across the site, the extraction of sand and gravel and the infilling of parts of the site using imported inert material. Suitable mitigation measures would be in place to reduce noise and dust to acceptable levels at the nearest residential properties. The Environmental Health Officer has considered these mitigation measures and finds them acceptable.

Landscape

53. The County Council's Landscape Officer is happy with the scheme submitted provided this is undertaken on a phased basis and that some planting is undertaken prior to commencement of the development to achieve established long term growth.

Hydrology

54. A watching brief would be kept to ensure that no problems arise as dewatering takes place to work the site. The Environment Agency has specified conditions which will be included in the planning permission.

Archaeology

55. A desk-based assessment has been undertaken of the site and the County Archaeologist is happy with the measures proposed to record any archaeological features on the site. A planning condition would be imposed to ensure that these measures would be put in place.

Traffic and public rights of way

56. Although the current proposals would mean less vehicle movements than if the site were being restored to a landuse with importation of soils, the proposals mean that traffic would be moving around the area for a longer period than at present. The site would take some 15 years to work with associated pressure on the existing road network. Because of this it is proposed to seek a financial contribution towards road maintenance through a Section 106 Agreement. Similarly, the Rights of Way Officer has suggested that the opportunity should be taken to address outstanding rights of way issues and achieve improved public access around this part of the Cotswold Water Park.

Conclusions

57. Although the site to be worked is not identified in the Minerals Local Plan as a preferred area, the working of the site is in accordance with the policy background of the Wiltshire Structure Plan (January 2001), the Adopted Wiltshire and Swindon Minerals Local Plan (November 2001) and the North Wiltshire Local Plan (2001).
58. Approving the application would allow a resource to be worked which is currently in demand and would bring to an end the manufacturing uses on the site in the western Water Park area. This would reinforce the temporary nature of mineral working and would allow the site to be worked and restored to an acceptable afteruse.
59. The plant and workforce would be ensured an extended period of employment whilst the site is being progressively worked following the removal of buildings and plant.
60. The proposed afteruse is in accordance with the objectives of the Cotswold Water Park Society and has the support of the Society and Ashton Keynes Parish Council.
61. The afteruse of the site would complement the adjacent area of Cleveland Farm Lakes, which is now administered and owned by the Cotswold Water Park Society.
62. Overall it is considered that there are no material reasons which would justify a refusal of planning permission.

Recommendation

63. That:-
 - (i) Authority be given to the Solicitor to the Council to prepare a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following matters:-
 - a contribution to highway maintenance
 - improvements to public rights of way/footpaths/cycleways
 - long term management of the restored site
 - (ii) Subject to the completion of the legal agreement referred to above, planning permission be granted subject to the following conditions:-
 1. The development hereby granted shall commence within five years from the date of this permission.
 2. Extraction of sand and gravel from the site shall cease on or before 31st March 2021.
 3. The site shall be progressively reclaimed in accordance with the scheme to be approved under Condition 17 of this permission and shall be restored in its entirety by 30th September 2023.

4. Except in the case of emergency, no operations or activities authorised or required by this permission shall be carried out and plant shall not be operated on the site other than during the following hours:-

0700 - 1800 Monday to Friday

0700 - 1300 Saturdays

No working shall take place at any time on Sundays and Bank or Public Holidays.

5. There shall be no raising of existing ground levels on the site.
6. No temporary stockpiling of materials shall take place in or around the area liable to flood without the prior written approval of the Mineral Planning Authority.
7. Surface water drainage works shall be carried out in accordance with details submitted to and approved in writing by the Mineral Planning Authority before development commences.
8. Any above ground oil storage tank(s) shall be sited on an impervious base and surrounded by a suitable liquid-tight bunded compound. No drainage outlet shall be provided. The bunded area shall be capable of containing 110% of the volume of the largest tank and all fill pipes, downpipes and sight gauges shall be enclosed within its curtilage. The vent pipe shall be directed downwards into the bund.
9. No development shall take place within the site until the Applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation submitted by the Applicant and approved in writing by the Mineral Planning Authority.
10. No topsoil, subsoil or overburden shall be exported from the site.
11. Best practicable means shall be used to ensure there is no noise or dust nuisance from the site. All mechanical equipment used on the site shall be fitted with appropriate and effective silencers.
12. The working, restoration and aftercare of the site shall be carried out only in accordance with the working programme and phasing plans submitted in the application, consisting of the following Drawing Nos: 720/SK1A, 720/SK2A, 720/SK3A, 720/SK4A, 720/SK5A and 720/SK6A.
13. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
14. Topsoil, subsoil or soilmaking materials shall only be stripped when they are in a dry and friable condition.

15. During the hours of operation of the site, noise from construction operations shall not exceed 70dB LAeq one hour freefield at the nearest occupied dwellings to the site. Noise relating to sand and gravel extraction operations shall not exceed 55dB LAeq one hour freefield at the nearest occupied dwellings.
16. Prior to the commencement of restoration on Phase 2 and each phase thereafter, details shall be submitted to the Mineral Planning Authority for approval showing how it is proposed to meet the habitat creation objectives set out in the application and in Drawing No. 720/SK6A dated 13th December 2004. An annual report providing details of progress on restoration shall be submitted to the Mineral Planning Authority for approval in December of each year.
17. Within 12 months of the date of this permission a detailed restoration and aftercare plan shall be submitted to the Mineral Planning Authority for approval.
18. Within six months of the commencement of each working phase, a detailed planting scheme shall be submitted to the Mineral Planning Authority for written approval to cover wetland habitat, hedgerows, grassland and tree planting for that particular phase. The planting schemes shall provide details of species to be planted and their provenance, location, spacing and layout, ground preparation, method and timing of planting, and details of aftercare and maintenance, and shall be implemented in accordance with the agreed details.
19. The Ecological Mitigation Scheme dated July 2005 submitted with the application shall be implemented in full.

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

Consultation replies