

**TISBURY: EXTRACTION OF NATURAL BUILDING STONE IN AN EXTENSION
TO AN EXISTING QUARRY AT UPPER CHICKSGROVE, TISBURY,
FOR CHICKSGROVE QUARRY LTD.
(Application No. S.04.1407)**

Purpose of Report

1. To consider the above application and to recommend that planning permission be granted subject to conditions.

The Site

2. Chicksgrove Quarry is a designated Geological Site of Special Scientific Interest (SSSI) and lies approximately two kilometres to the east of Tisbury in the Nadder Valley, within the Vale of Wardour and the designated Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). To the north of the quarry lies the River Nadder and the Salisbury to Exeter railway line, to the east is open farmland, land to the south and west incorporates Haredene Wood and the agricultural land of Haredene Farm. The site is accessed from the Tisbury to Dinton road (C24), through the hamlet of Upper Chicksgrove, over a Grade II Listed river bridge and via an unmanned, gated level crossing over the railway line. The application site itself is located to the south of the existing quarry and would gain access through the existing workings. The proposed extension site at present is arable farmland and forms part of a single field bounded in part by woodland. Two public footpaths cross the field and form the southern and eastern boundary of the extension area.
3. Location and site plans are attached at **Appendices 1 and 2.**

Planning History

4. In brief, the planning history of the site is as follows:-

S.94.1551 In 1994 planning permission was sought by Mr. R. Collins for the continued use of an existing access, stone cutting shed, ancillary office and staff accommodation. New stone cutting saw and continued importation of small quantities of stone for processing into Chicksgrove Quarry. Permission was granted subject to conditions in June 1995.

S.97.0332 The current quarrying of stone at Chicksgrove is controlled in accordance with a planning permission granted in 1997. The Environment Act 1995 required the planning conditions of every old mineral planning permission to be reviewed and brought up to modern standards. In 1997 planning permission was sought by Mrs. S. Collins for the submission of new conditions for determination in accordance with Section 96 and paragraph 9 of Schedule 13 of the Environment Act 1995 (Review of Mineral Permission). Permission was granted with reviewed conditions in August 1997.

- S.01.0851 In 2001 planning permission was sought by Mrs S Collins for the erection of a building to house stone cutting equipment. Permission was granted subject to conditions in January 2002.
- S.03.0633 In 2003 planning permission was sought by Chicksgrove Quarry Ltd for the development of land without compliance with Condition 6 of planning permission S01.2062 (deletion of restrictions relating to importation of stone into the quarry site for processing). This application is currently undetermined.

Proposals

5. Permission is sought for the extraction of natural building stone from an extension to the current workings immediately to the south of the existing Chicksgrove Quarry. The total application area measures 4.8 hectares, 4.2 hectares of this being the extraction area. The application proposes the quarrying of 20,000 tonnes of fine/medium grained Jurassic limestone over a period of 20 years.
6. The application site is an area of farmland which rises in elevation from approximately 100m AOD (above ordnance datum) in the north east corner to just over 115m AOD in the south west. The limit of the extension is determined by a minimum stand-off distance of 5 metres from two public footpaths.
7. The application proposes the quarry extension to be worked in two phases. Phase 1 proposes the extension of quarry working in the eastern section of the extension area, involving the removal of a section of ancient hedgerow, and the advancement south and westwards of the current face. The area would be stripped of topsoil, which would then be used to form temporary screen bunds between the extraction area and the public rights of way.
8. Phase 2 includes the lateral extension of the Phase 1 area westwards to the full extent of the application site. It is proposed to take the base of the quarry down to 97m in the north-west corner, rising to 99m AOD in the south-west. Topsoil and overburden arising from the phase would be stockpiled on the southern side of the screen bund, the progressive restoration of the eastern section of the Phase 1 area would also commence.
9. The stone would be extracted by prising it from the quarry face using a hydraulic excavator (blasting is not a technique which would be appropriate in a building stone quarry as the stone becomes fractured and damaged). Occasionally, when the stone is very hard a hydraulic rock hammer would be hired to release the stone from its beds, as is the current practice in the existing quarry. The stone would then be carried in blocks using a dumper truck along the haul road to the processing plant where it is stockpiled ready for cutting or sawing.
10. The proposed extension application states an estimated daily number of loaded vehicles exporting mineral from the site to be an average of two and a maximum of 4 with the estimated capacity of mineral laden vehicles exporting from the site proposed at 20 tonnes.

11. As the stone is worked from the quarry face a significant quantity of waste material would be generated. This would be cast back behind the extraction operation onto the floor of the quarry against the screen bund. As the quarry advances so the waste material would follow the quarry face. During this process it would be possible to sort the material so that the looser friable element, which could form a subsoil, can be kept separate from the stone rubble. At the end of extraction, this material would be levelled and wherever possible the harder element would be in the lower restoration layer, the subsoil material would be in the upper layer to a depth of 1 metre and the topsoil would be spread over the whole area.
12. Following extraction, the land would be left at a lower level surrounded on three sides by quarry faces which would be preserved for their geological interest. After completion of extraction the site would be restored as an area of naturally regenerating calcareous grassland and scrub. A seasonal wetland area has also been incorporated into the restoration scheme.

The object of the restoration would be:

- Maintain and enhance the geological interest of the site and ensure the faces remain open for visual inspection and study.
 - Allow the regeneration and development of scrub and calcareous grassland which would be managed for nature conservation as part of the landowner's estate.
13. The applicant submitted the following in support of the proposal:

"Chicks Grove Quarry is an important supplier of natural stone for the restoration of historic buildings and the construction of new buildings in sensitive areas. The stone is an appealing warm, cream colour which has been worked in the Tisbury area for centuries. The quarry is nearing the end of its life and this application is for permission to extend into and extract from an adjoining area of stone reserves.

The need for the stone is highly diverse. It has been sought for repair work in Westminster Abbey. It is used in the restoration of Salisbury Cathedral and the old and new Wardour Castles. Without Chicks Grove stone, less suitable, non-matching, inferior or reconstituted stone would be used to the detriment of the nation's heritage and wealth of historic buildings."

14. The full planning application is also accompanied by an Environmental Statement (ES) submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The proposal constitutes a 'Schedule 2 development' within a 'sensitive Area' as defined by the Regulations and thus falling within the prescribed thresholds that necessitate the submission of an ES.

Planning Policies

15. Policies C1, C2, C5, C8, HE2, MSP2 and MSP3 of the Wiltshire and Swindon Structure Plan 2011 (Adopted January 2001) are considered relevant to this proposal.
16. Policies C1, C2, C3, C4, C5, C10, CN21-CN23, E19, G1 and G2 of the Adopted Salisbury District Local Plan (June 2003) are considered relevant to this proposal.
17. Policies 1, 2, 3, 7, 8, 12, 13, 19, 30, 31 and 51 of the Wiltshire and Swindon Minerals Local Plan (MLP) (November 2001) are also considered relevant to this proposal.
18. All relevant planning policies are set out in the attached **Appendix 3**.

19. National Planning Policy Guidance (PPG) Notes, Planning Policy Statements (PPS) and Mineral Policy Guidance (MPG) and Mineral Policy Statements (MPS) sets out Government policy on planning issues and provides guidance to local authorities and others on the operation of the planning system. The guidance explains the relationship between planning policies and other policies which have an important bearing on issues of development and land use. Local planning authorities must take their content into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals. MPG 1 (General Considerations), Consultation paper on MPS 1 (Planning and Minerals), PPS 7 (Sustainable Development in Rural Areas), PPS 9 (Biodiversity and Geological Conservation), PPG 16 (Archaeology in Planning) and PPG 24 (Planning and Noise) are all considered relevant to this proposal.

Consultations

20. **Salisbury District Council** – is supportive of the application to extend the quarry, given the benefits to the local area in terms of building conservation and the fact that minerals can only be quarried where they naturally occur. However, concern is expressed with regard to the location of the site within the AONB. Salisbury District Council policy pertaining to the AONB designation states that major development will not be permitted unless it is demonstrated that there is a national need and that there are no suitable sites outside the AONB.
21. **Salisbury District Council Environmental Health** – recommends that the existing planning conditions relating to noise be imposed on any new development and that appropriate measures are put in place to minimise dust emissions.
22. **Tisbury Parish Council** – objects on the basis that none of the current planning approvals have been carried out in accordance with the original planning requirements and that new application should be dealt with as a new quarry and not as an extension to an existing quarry.
23. **Teffont Parish Council** – supports the proposal with recommendations relating to working hours, visual impact and noise.
24. **English Heritage** – supports the proposal following further information submitted by the applicant pertaining to the uses to which the extracted stone would be put and the lack of suitable alternative building stone.
25. **English Nature** – following further information on geological safeguards, appropriate restoration plans and ecological surveys and mitigation, English Nature lifted its initial objection to the proposal.
26. **Countryside Agency** – recommends the Countryside Character Assessment approach which was duly carried out.
27. **Environment Agency** – no objections but recommends a number of conditions and informatives be attached to any permission granted.
28. **Network Rail** – initially objected to the application on the basis that the proposal would result in an increase in the use of the level crossing. Following further discussion Network Rail noted that the application does not seek to increase the number of vehicle movements using the crossing and withdrew the objection provided the continued use is as existing.

29. **Health and Safety Executive HM Railway Inspectorate** – no comment provided there is no increase in the traffic using the crossing.
30. **County Countryside Section (Landscape)** – no objections in terms of landscape issues following the submission of further information including a Landscape Character Assessment.
31. **County Countryside Section (Ecology)** – further information was requested for protected species, hedgerows, long-term restoration and management and drainage.
32. **County Archaeologist** – further information clarified the nature of the quarry and the fact that it is unlikely that any of the original medieval quarry workings have survived. The County Archaeologist is in agreement with the proposed mitigation strategy contained in the submitted document and requests that this be subject of a planning condition.
33. **Highways Development Control** – recommends that any planning permission be suitably conditioned to control both the number and size of vehicles visiting the quarry site.
34. **Rights of Way Section** – stated that the footpaths do not seem to be affected by the proposals but walkers may be affected by traffic within the existing quarry site and signage should be considered in relation to the current works.
35. **Campaign to Protect Rural England (CPRE)** – does not oppose the application as it is appreciated that Chicks Grove Quarry is a valuable source of local building stone.
36. Copies of the consultation replies referred to above are available for inspection in the **Members' Room**.

Publicity

37. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out. 18 letters of representation have been received, 13 raising the objections and concerns outlined below:-
 - (i) Impact on Local residents
 - (ii) The suitability of the local roads for quarry vehicles
 - (iii) Visual impact on the AONB
 - (iv) Noise
 - (v) Location of the processing yard
 - (vi) Access
 - (vii) Long-term management of the site
 - (viii) Importation of stone for processing
 - (ix) Dust
 - (x) Traffic
 - (xi) Restoration of existing site
 - (xii) Danger to users of footpaths
 - (xiii) The availability of alternative sources of stone

38. Five letters of representation supporting the application were also received as detailed below:
- (i) Stone supply from Chicksgrove Quarry for the ongoing repair programme of Salisbury Cathedral and other historic buildings
 - (ii) Need for the stone locally
 - (iii) Abundance of wildlife that is attracted to parts of the existing quarry
 - (iv) Supporting the local business
 - (v) The use of local stone enhances the AONB
39. Copies of the representations received will be available in the **Members' Room**.
40. Chicksgrove Quarry Ltd held an open day on 1st June, 2004 prior to the submission of the current planning application. Nine local residents attended, together with officers and a member from the County Council. The concerns raised on the day were those outlined in the letters received in response to the application.

Planning Considerations

41. This planning application proposes the extension to an existing quarry in order to continue the extraction of natural building stone. Given the nature, scale and location of the development, the proposals have been subject to Environmental Impact Assessment and an Environmental Statement (ES) has been submitted with the planning application. The ES has been taken into account in the assessment of this application.
42. This planning application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The main issues to be considered with regard to this application are:-
- Need for the stone
 - Impact on the AONB
 - Traffic impact
 - Amenity of residents
 - Ecology
 - Geology
 - Archaeology
 - Noise
 - Dust
 - Drainage
 - Rights of way
 - Importation of stone into the quarry
 - Long-term management

Need for the stone

43. Policy 1 of the Adopted MLP seeks to ensure that the requirement for and benefits of a mineral proposal are weighed against the adverse impact it may have. In accordance with the principles of sustainable development, the Policy ensures that mineral development proposals are assessed against 'need'.
44. The Office of the Deputy Prime Minister (ODPM) published a report in March 2004 entitled 'Planning for the supply of natural building and roofing stone in England and Wales'. This document examines the potential shortfalls in minerals planning policy in light of the renewed growth in demand for natural building stone. The report states in Chapter 6 that 'there is currently no definition in National Policy of the scale of 'need' for building stone.

45. For building stone, need is to be considered against recent production levels, permitted reserves and end-use requirements. Under the provisions of Policy 1 an assessment will be made as to whether need can be met from alternative sources including secondary and recycled sources.
46. The submitted planning application attempts to illustrate the need for Chicksgrove limestone by presenting letters of support from architects, builders and conservationists who use and work with the material. These letters state the need for the stone and the difficulties that would be encountered if it were not available. This documentation puts forward a powerful case for the continued extraction of stone from Chicksgrove Quarry. However, the need must also be justified in policy terms and in a wider context.
47. To assess the need for the material possible local alternatives must be considered. Chicksgrove Quarry is one of two quarries providing Chilmark limestone (the other being Chilmark Quarry which operates in the former RAF munitions dump to the east of Chicksgrove). The Salisbury District Council Building Conservation Officer stated that in Salisbury District there are over 3,000 listed buildings and 69 Conservation Areas, some of which will be in areas where Chilmark limestone was used for the construction of houses. The character of a Conservation Area is determined by the use of local building materials and the Conservation Officer therefore considers it very important that natural building stone is readily available. Whilst the Chilmark Quarry is an alternative source of Chilmark limestone, it has only two geological beds of stone unlike Chicksgrove which has three. According to the Salisbury Conservation Officer, the Chilmark Quarry cannot supply the really hard stone required for certain types of structures so in her opinion the cessation of stone production at Chicksgrove would 'result in the loss of a critical supply of this type of stone'. This view is also shared by Michael Drury, the Architect on Salisbury Cathedral, where Chicksgrove stone is being used in the rolling restoration programme. Mr. Drury states that Chicksgrove stone has a higher crushing strength (more loadbearing) and is lighter in colour to that quarried at Chilmark mine. Consequently he emphasises the essential nature of the stone supply from Chicksgrove Quarry to the ongoing repair programme at Salisbury Cathedral and to the repair of many other historic buildings in Salisbury and the surrounding district.
48. The ODPM report cited above highlights three subdivisions of the building stone market:
 - (i) Repair and maintenance to historic buildings and structures using materials from original or compatible sources;
 - (ii) Maintaining vernacular styles in new construction using materials that are compatible with traditional local building practices;
 - (iii) Contemporary design requirements for new buildings and structures.

Through the application documentation, it is apparent that Chicksgrove Quarry currently supplies stone for each of these sectors of the market with a specific onus on conservation projects. Further information was submitted by the applicant to establish this at English Heritage's request. English Heritage stated that in light of the further information submitted by the applicant regarding the uses to which the extracted stone is put, its own knowledge and the lack of suitable alternative building stone, the application is supported.

49. Policy 22 of the MLP provides a test against which minerals development proposed in AONBs will be judged. It states that:

'Minerals development which may prejudice the purpose of the designation.....will only be permitted when it can be proven that:

- 1. There is an overriding need for the development to take place in the public interest, which cannot be practically met from any more environmentally acceptable location...; and*
- 2. The proposal minimises the landscape impact of the development to acceptable levels'.*

50. Unlike aggregate minerals, planning for building stone requirements is not reliant upon the concept of landbanks and as such presents a greater challenge in terms of justifying 'need'. It is considered that Chicks Grove Quarry has, and could continue to provide a steady supply of stone to local markets. Output from the quarry (measured in sales) appears to have been consistent over the last five years at approximately 800 tonnes per annum and the applicant has demonstrated that they have a broad client base. It is also considered that there is no appropriate alternative matching the colour, texture, hardness and homogeneity of the Chilmark limestone quarried at Chicks Grove. Consequently officers consider there is a proven need for the quarrying of this stone in this location to continue providing material to conserve the historic environment in the public interest, thus according with Policy 22 of the MLP.

Impact on the AONB

51. The application site lies within the designated Cranborne Chase and West Wiltshire Downs AONB. In accordance with the Countryside and Rights of Way Act 2000 (CROW), a Cranborne Chase and West Wiltshire Downs AONB 2004 Management Plan has been published to, amongst other goals, re-affirm the purpose of the designation and help manage conflicting uses within the AONB. The Management Plan states that the primary purpose of the AONB designation is to conserve and enhance natural beauty but account should also be taken of the needs of other rural industries and of the economic and social needs of local communities. With regard to mineral extraction the management plan states that *'The need to safeguard local identity and distinctiveness through the use of local materials to strengthen the local vernacular should be balanced against the visual and other impacts resulting from the extraction of material to achieve this'*. The management plan recognises that the use of local materials enhances the character of the AONB and thus quarrying to obtain these materials within the designation must be considered on balance.
52. To assess the potential landscape implications of the proposed extension to Chicks Grove Quarry on the AONB, a Landscape Character Assessment (LCA) has been carried out. LCA is an objective method for describing landscape, based on the identification of common landscape types and more specific character areas. The Countryside Agency considers that a fundamental part of sustainable development is the need to incorporate landscape considerations into decision-making and LCA is a powerful tool which can make significant contributions to achievement of sustainable development objectives. Planning Policy Statement 7 (PPS 7) (Sustainable Development in Rural Areas) also endorses the use of LCA as a way of informing planning decisions.

53. The LCA submitted notes that the existing quarry and application site lie within the Vale of Wardour, one of the sub-categories of Landscape Character Type '8 Rolling Clay Vales'. The landscape character condition has been assessed as having a strong character and a moderate current condition. The assessment identifies that quarrying has taken place at Chicks Grove over the last 100 years, supplying stone for both local and national projects, thus reinforcing in the locality the uniqueness of the product and the character of many important buildings. The assessment considers that the existing quarry is 'basically non-intrusive', the screen bund being visually the most dominant feature, it concludes that the proposal to extend the existing quarry would have no greater impact on the landscape character of the locality, the Vale of Wardour and the Cranborne Chase and West Wiltshire Downs AONB than currently exists. The County Landscape Officer endorses the outcome of the assessment and consequently has no objections to the proposal.
54. Policy C4 of the Adopted Salisbury District Local Plan states that major development will not be permitted in the AONB unless there is a national need and no suitable site is available outside the AONB. The policy protection for AONBs is also stated within Policy 22 of the MLP as referred to in the above section on 'Need'. Salisbury District Council objects to the proposed quarry extension, considering the development to be contrary to policy C4 of the District Local Plan. In considering whether this is the case officers take guidance from PPS 7 (paragraph 22). The PPS states that major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration should be given to:
- (i) **the need for the development, including in terms of any national considerations, and the impacts of permitting it, or refusing it, upon the local economy;**
55. As demonstrated above, the need for the stone is evident. The national need can be demonstrated through the continued conservation of Salisbury Cathedral, a recognised national monument. In 2003 English Heritage announced that Salisbury Cathedral will receive a grant amounting to £248,000 towards the continuing programme of roof and masonry repairs. The stone sourced for these repairs is that from Chicks Grove Quarry. The Salisbury Cathedral architect, Mr. Drury states in his letter dated 18th November 2003 that:
- 'Continuity of future supply of local stone is vital. The alternative supply from the Chilmark mine could only supply a proportion of the local need and the only other way of providing the necessary material would be to open another quarry elsewhere.....The Cathedral's masonry programme is still far from complete. Future projects in this office also include masonry repairs at many important historic buildings built in this material including the National Trust's Kingston Lacy House and Salisbury's three medieval churches which were all compromised by the use of imported French limestone in the 1970s before Chicks Grove quarry opened. A return to this situation must be avoided'.*
56. Officers consider that there is a strong argument for the national need for the proposal, as endorsed by English Heritage and the Conservation Officer at Salisbury District Council, consequently the proposal is considered in accordance with policy.
57. PPS 7 also states at paragraph 5 that planning authorities should support economic activity in the countryside, especially those offering employment opportunities such as the quarry.

(ii) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

58. Stone has to be quarried where it rises. Therefore the scope for developing elsewhere is not practical. The use of inferior stone has already been documented as compromising past conservation projects.

(iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

59. The degree to which the proposed extension materially prejudices the landscape value of the local area and thereby the AONB itself has been addressed by the applicant both within the initial ES and the submitted further information. It is considered that the applicant has demonstrated the likely impact of the extension area can be mitigated through appropriate working methods and schemes to protect ecological and geological interests as well as reducing the visual impact of the proposal.
60. The CPRE does not oppose the application as they appreciate that Chicksgrove Quarry is a valuable source of local building stone. The CPRE has been consistent in campaigning for the use of local building materials that contribute to the character of the towns and villages in Wiltshire. Consequently it 'believes that it is important that a ready source of local building stone continues to be made available'.
61. Officers consider that the proposal accords with policy due to the quarry extension potentially providing stone to a local market and maintaining nationally important monuments, thus preserving the historic environment and the built character of the AONB which serves to protect our heritage in the public interest.

Traffic Impact

62. The site is located immediately to the south of the Salisbury to Exeter railway line. It is accessed by means of a minor road link from Chicksgrove Road to its north, involving the use of an unmanned crossing of the railway line. The crossing is controlled by lights and signs indicating that lorry drivers must use the phone to check for trains before proceeding. The road linking the level crossing to the A30 is a cul-de-sac which serves Quarry Farm, a number of residential properties, and Chicksgrove Quarry. The potential traffic impact on the neighbouring dwellings and their inhabitants has been highlighted as a concern by objectors. The road also crosses a Grade II Listed Bridge over the River Nadder which at present is considered 'adequate for construction and use traffic' which, it is understood, means that it is considered capable of carrying loads of up to 40 tonnes. The restricted visibility on the junction with the main road is also a factor to consider in the determination of this application. Alternative access was briefly considered within the Environmental Statement, however, this was deemed to be highly visually intrusive and impracticable.
63. Policy 7 of the Adopted Wiltshire and Swindon MLP (November 2001) relates to minimising the impact of minerals traffic. Indicating that any vehicle movements related to mineral development must be tightly controlled to minimise the potential impact on the environment.

64. The submitted Traffic Impact Assessment took the above access constraints into consideration in relation to the proposed development. The assessment reported that the visibility at the A30 junction is limited but this has not caused any accident problems due to the low traffic speeds at this point and the limited use of the junction. The assessment also states that the limitation is likely to be less significant for the heavy goods vehicles, as the drivers of these vehicles are seated closer to the front of the vehicles and at a higher level than a car driver. The accident record for the area shows 5 accidents in the general area of the site, none of these are reported to have occurred on the access road to the quarry and none involved heavy or light goods vehicles.
65. It is understood that on 2nd July 2001, a passenger train struck an HGV that was straddling the level crossing. The accident record states that it appeared that 'the lorry was unable to negotiate the road beyond the level crossing due to its length and, while the driver was attempting to move, the train struck it'. Following the incident, the layout of the crossing has been changed to improve the passage of large vehicles and the operator does advise transport operators new to the site that they will need to comply with the instructions for the use of the crossing. The Traffic Impact Assessment states that 'up until this single unfortunate incident, and subsequently, no problems have been experienced'. It was deemed necessary to consult Network Rail and the Health & Safety Executive HM Railway Inspectorate on the proposal in light of the above incident. Network Rail initially objected to the application on the basis that the proposal would result in an increase in the vehicular use of the level crossing. Following further discussion Network Rail noted that the application does not seek to increase the number of vehicle movements using the crossing and withdrew the objection provided the continued use is as existing. HM Railway Inspectorate stated that they had no comment providing that the proposal did not increase the traffic using the level crossing.
66. The County Bridge Engineer has expressed concerns relating to the road bridge over the River Nadder. An inspection of the bridge was carried out in March 2004 to assess its structural integrity. The report stated that the condition of the bridge has deteriorated over the past 6 years and the consultant anticipates a probable future capacity of 17 tonnes (although this would be imposed at 18 tonne GVW restricting use to 2-axle lorries). From a structural point of view the County Bridge Engineer wishes to 'see the application conditioned not only on the number of vehicle movements a day but also on their size, which should be limited to 18 tonnes in anticipation of the slow deterioration of the bridge...granting the application without a lorry size restriction would have financial implication for the highway authority'. These concerns were engendered within the County Highway Engineer response to the application recommending that any planning permission be suitably conditioned to control both the number and size of vehicles visiting the quarry site.
67. The application proposes to keep vehicle movements as existing, i.e. no more than eight lorry movements (four in and four out) to and from the site in any one day and no more than twenty-two movements per week. This restriction on vehicle movements would be made subject to a condition attached to any permission granted. However, to condition a weight restriction on the vehicles would not comply with the guidance embodied within Circular 11/95 (The use of conditions in planning permission) as the requirement would be considered too onerous and would fail the test of reasonableness as stated within paragraph 35. The quarry uses large vehicles to economically transport stone in bulk, to attach such a condition would severely impact the quarry business possibly making it unviable. For this reason a condition restricting the weight of vehicles into the quarry would effectively nullify the benefit of any permission granted. The reason for requesting the weight limit be conditioned, i.e. the financial implication for the highway authority, is not recognised as a material planning consideration.

68. It is recognised that mineral extraction can only take place where the mineral is found, consequently vehicles serving such sites may well use rural roads. The access to the quarry is not ideal, however, the proposal involves a limited number of vehicles and it has been concluded within the Traffic Impact assessment that continued limited vehicle movements would be unlikely to cause any 'demonstrable harm to interests of acknowledged importance'. Consequently, in conjunction with the highway engineers request for a condition limiting vehicle movements, the proposal is considered to be in accordance with Policy 7 of the MLP.

Amenity of residents

69. The impact of the proposal upon people is mainly considered in the individual assessments of the potential adverse affects of quarrying such as noise, dust, visual impact and traffic. These assessments have indicated that residents would not suffer any unacceptable adverse impact as a result of the proposal. However, the potential affects on the amenity of residents is acknowledged and all objection letters have been taken into account in the determination of this application.
70. Policy 13 of the MLP relates to residential amenity with regard to minerals development. It states that any adverse affects should be minimised and the working method scrutinised in sensitive areas.
71. At present a notification procedure operates between the applicant, the MPA and the local residents when noisy machinery such as a rock-breaker is to be brought on site. This procedure would continue if permission were to be granted for the current proposal.
72. Communications between local residents and the quarry have not been easy in the past, consequently nuisances have occurred which might have been avoided. The Mineral Planning Authority (MPA) endorses the use of liaison groups to avoid any avoidable problems associated with quarrying and improve communications between residents, parish councils and the minerals operator. Such a liaison group would be created if permission were granted to improve relations between the quarry and local residents and keep all parties informed of activities at the site.
73. In light of the individual assessments on noise, dust, visual impact and traffic and the operational procedures that would be conditioned in addition to those stated above, officers consider the proposal to be in accordance with Policy 13 of the MLP.

Ecology

74. The proposal site was surveyed in June 2002 and again in September 2004 in order to assess the potential ecological importance of the area. The site is at present part of a large cereal field, the northern boundary comprising of a hedge which has been undermined by existing quarry activities and intensive cereal cultivation. To the east of the proposed extension area is a woodland strip.
75. The surveys initially identified that the major ecological impacts of the proposed quarry extension would be the loss of a length of species-rich hedgerow which may be of importance to local populations of bats and dormice, and which may form part of a network of wildlife corridors. Bats and dormice receive stringent protection under the Habitats Regulations (1994), consequently further surveys were requested to establish whether the species were present in the hedgerow and if so, the size and significance of the population.

Bats

76. Bats and their roost sites are protected under the Wildlife and Countryside Act 1981 and are included in Schedule 2 of the Habitats Regulations (1994). A further bat survey identified that bats use the hedge proposed for removal (to the north) for feeding, shelter and possibly commuting. Hedgerows are important for commuting bats and also form landmarks in the landscape by which to orientate. Planting the new hedge and transplanting the existing hedge to create habitat and links for dormice would also provide flight-lines for bats as well as sheltered corners for feeding. Consequently, hedge planting has been incorporated within the bat mitigation strategy in accordance with Policy 21 of the MLP and the aims of the Wiltshire Biodiversity Action Plan (BAP).

Hedgerows

77. The hedgerow along the southern boundary of the existing quarry site is described as being species rich (between 4 to 7 woody species per 30m) and ancient (400 to 700 years old) with a ground flora indicative of ancient woodland. The hedgerow is protected under the Hedgerow Regulations (1997) and classified as a UK BAP Priority Habitat; one of the objectives of the UK BAP for such ancient and species-rich hedgerows is to halt all loss of such hedgerows by 2005. This target is also replicated within the Wiltshire BAP. Policy 3 and 21 of the MLP also advocates the protection of hedgerows.
78. There is strong policy support to provide adequate mitigation for the loss of any significant ecological resource. The hedgerow is of significant ecological value and has additional value under the terms of the Habitats Directive as a wildlife corridor. Consequently, the applicant proposes to trans-locate the ancient hedgerow and carry out new hedgerow planting and strengthening works. The scheme for the hedgerow translocation and planting has been submitted together with the protected species mitigation as one comprehensive strategy that can be made subject of a condition attached to any permission granted. This approach to effectively managing the ecological resource on the site is in accordance with plan policy and government guidance.

Dormice

79. Dormice are a European Protected Species and it is illegal to capture, kill or disturb them or to damage or destroy the breeding site or resting place. Policy 21 of the MLP states that development will not be permitted where a significant adverse impact would result to wildlife habitats or protected species and compensatory measures will be sought where adverse impacts occur. This stance is also reiterated in Planning Policy Statement 9 (Biodiversity and Geological Conservation).
80. Evidence of dormice was found in the hedge bordering the existing quarry site. The presence of dormice means that a licence would be required from DEFRA to remove the hedge. DEFRA Circular 2/2002 advises that planning permission can only be granted for a development that meets the three tests in the Habitats Regulations as follows:
- (i) that there is no satisfactory alternative
 - (ii) it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and
 - (iii) it is in the interests of public health and public safety, or for other imperative reasons of overriding public interest.

- (i) *The argument that there is no satisfactory alternative to this proposal is discussed at length throughout this report. The stone can only be quarried where it rises and there is not an identified source of the same limestone in a less environmentally sensitive location.*
- (ii) *Comprehensive mitigation for the dormice population has been submitted to show favourable conservation status. This has been accepted by the County Ecologist in the form of a mitigation plan based on adequate baseline information. This will be the subject of a condition attached to any permission granted.*
- (iii) *The need for the stone to maintain important national buildings and the local vernacular as discussed within the main body of this report represents a strong argument towards conserving the historic environment in the public interest. The quarry is also a rural employer which strengthens the public interest line of reasoning.*

81. Officers consider that the three tests associated with European Protected Species have been met and that the proposal accords with PPS 9, Policy 21 of the MLP and the aims of the Wiltshire Biodiversity Action Plan (BAP).

Geology

82. The Vale of Wardour is renowned for its outcrop of the Portland Formation which was deposited in the late Jurassic period of geological time. The rock formation comprises limestones, clays, sandstones and siltstones which are often rich in fossils. The Portland Formation in the proposed extension area comprises four 'Members' (Wardour, Chicksgrove, Tisbury and Wockley). Chicksgrove Quarry extracts its workable stone from the Wockley Member. The geological report states that three disused quarries in close proximity to Chicksgrove, and on the same 'line of strike', have been visited for comparison purposes to identify whether the stone quarried at these sites are of the same type and quality. This identification has given the applicant a good indication of the continuity of the stone and shows that it is likely to be consistently present throughout the proposed extension area.
83. Chicksgrove Quarry is designated as an SSSI notified due to its geological interest for both its exposures of the Portlandian rocks and for the fossil vertebrate remains found at the site. SSSIs receive stringent statutory protection under the Wildlife & Countryside Act (1981). Section 74 of the Countryside and Rights of Way Act (2000) also imposes a statutory duty on planning authorities 'to take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the special features on a SSSI'.
84. Planning Policy Statement 9 (Biodiversity and Geological Conservation) sets out Government policy on the consideration of development affecting SSSIs. Paragraph 8 states that 'Local Authorities should use conditions and/or planning obligations to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the sites biodiversity or geological interest'.
85. Policy C2 of the adopted Wiltshire Structure Plan also states the level of protection that should be afforded to SSSI designations in the face of proposed development. Policy C10 of the Salisbury District Local Plan also states that development proposals in SSSIs 'will be subject to special scrutiny including consultation with English Nature as required by national legislation'. This stance is further strengthened by Policy 19 of the Wiltshire & Swindon MLP which asserts that development affecting SSSI designations will only be permitted where it can be demonstrated that other material considerations outweigh the special interests of the site and the proposals include mitigation measures to prevent unacceptable damage.

86. English Nature registered an objection to the submitted planning application on the grounds that there were a number of issues that needed to be resolved before they could be certain that the geological interest of the SSSI would be safeguarded during and after completion of the workings. Further information was requested under Regulation 19 of the Environmental Impact Assessment (EIA) Regulations and once submitted a site visit was undertaken to agree:
- A revision of the restoration plan and drawings in the interests of the geology of the site
 - A statement of generic geological management for Upper Chicksgrove Quarry SSSI
 - A draft monitoring scheme with options for recovery of fossil material.
87. The above documents were revised and submitted to the satisfaction of English Nature. Consequently the objection to the proposal was withdrawn.
88. The agreed management plan will form the basis of a Section 106 agreement between the MPA and the landowner if permission is granted. Section 106 of the Town and Country Planning Act 1990 provides that any person interested in land in the area of a local planning authority may, by agreement, enter into a planning obligation. The section provides that such an obligation may restrict the use of the land in question, in this case the obligation will involve the geological and ecological long-term management of the site for a period of 20 years after the workings have been restored in accordance with the submitted plan. Conditions would be attached to any permission granted stating that development is carried out in accordance with the agreed geological management plan and monitoring scheme in addition to the Section 106 agreement securing long-term geological management of the site. It has been demonstrated that the special interests of the site will not be subject to unacceptable damage if the proposal were to go ahead and that an appropriate mitigation strategy is achievable. Consequently, officers consider that the proposal is in accordance with the previously stated government guidance set out in PPS 9 and Local Plan Policies.

Archaeology

89. The application area is not designated as a site of national or regional archaeological importance but it is recorded in the County Council Sites and Monuments Record as being a site for Neolithic flint tool finds. The Wardour Vale as a whole has an abundance of important archaeological sites. Consequently a desk-top study was carried out to assess the archaeology of the area and the possible impact of the proposed development.
90. PPG Note 16 (Archaeology in Planning) sets out government policy towards the consideration of archaeology within planning decisions, advising (within paragraphs 27-30) on the measures that should be taken to ensure that there is no detriment caused to the archaeology of the area.
91. Policy HE2 of the Adopted Wiltshire Structure Plan states that features of archaeological or historic interest and their settings should be protected from inappropriate development. Policy CN21 of the Salisbury District Local Plan also states that where an application for a development may affect a known site of archaeological interest, the LPA will request an archaeological evaluation to be carried out before the planning application is determined. This stance is further strengthened by Policy 26 of the Wiltshire & Swindon MLP.

92. In accordance with the adopted policies the applicant approached the County Archaeologist at an early stage to discuss the desk-top study of the archaeology of the area. The submitted archaeological assessment proposes a mitigation strategy which indicates that during the initial top-soil stripping a process known as 'strip, map and sample' is used to record any archaeological sites that may be uncovered. The process enables the identification of small, individual features common in the prehistoric periods and the most likely archaeological sites in this locality. The mitigation is in accordance with adopted planning policies and can be made subject of a condition attached to any permission granted.
93. The County Archaeologist also requested further information relating to the possible medieval origins of Chicks Grove Quarry. The earliest part of the quarry is known to have been at the west end and it was thought that excavations from this period may have survived in that location and would be removed if the quarry were to be extended. A further archaeological report clarified the nature of the quarry and the fact that it would be very unlikely that any of the original medieval or later quarry workings have survived. The County Archaeologist was satisfied with the information submitted.

Noise

94. A significant number of objection letters cited concern regarding noise emanating from the existing quarry workings and processing yard and the potential noise issues that may arise if permission were granted for the current proposal. The noise referred to emanates from two separate sources; the rock-breaker and the stone saws in the processing yard. If permission were granted, the rock would be taken from the quarry face by an hydraulic excavator and carried by dumper truck to the cutting and dispatch area at the eastern end of the site. Occasionally a rock breaker would be used to break through the harder layers of rock. Noise measurements have been taken by surveying existing levels with and without quarrying activities in operation and compiled in the report submitted in the ES. Noise from the quarry was found to be dominant in periods between aircraft, road traffic and train movements but it was also found to be within the maximum level of 50 dB LAeq 1 hour taken from the identified receptors. Consequently, the report stated that there would be no loss of amenity from noise at the adjacent residential properties if the proposal were to go ahead.
95. The Salisbury District Environmental Health Officer (EHO) states in his consultation response that complaints have been received from residents regarding noise from the site. The EHO acknowledges that although new mineral extraction would be more remote from the residential properties than the existing quarrying activities currently taking place at the western end of the site, if permission were granted then the use of plant and equipment would continue up to 2025. It was therefore recommended that the existing planning conditions relating to noise be imposed on any new development without any relaxation.
96. At the open day at Chicks Grove Quarry in June 2004, residents immediately to the north of the processing area stated they were able to hear the noise of stone sawing from the primary cutting shed situated close to their property. To mitigate this the site screening arrangement has been extended so that the bund between the residential properties and the sawing shed has been reprofiled to form a more effective noise attenuation screen.

Dust

97. The emanation of dust from the quarry operations and quarry vehicles has been highlighted as a concern by local residents. The ES addresses the issue of dust within a technical report identifying the main causes of dust and the measures that should be taken to monitor, control and reduce dust in Chicks Grove Quarry.

98. The report concludes that hard rock quarries do produce dust but the particles can be controlled to confine and prevent escape and minimise airborne dispersal and states controls to ensure this such as, keeping internal roads and hardstandings clean as possible, sweeping public roads if necessary and keeping hard surfaces damp if necessary. Salisbury District Council Environmental Health Officer (EHO) states that these best practices should be implemented as per the technical report. The EHO also recommends that a suitable vehicle wheel wash facility be installed and that all loads leaving the site are suitably sheeted. This approach is endorsed by Minerals Planning Statement 2 (Annex 1) and can be incorporated as a condition attached to any permission granted.

Drainage

99. To the north of Chicksgrove Quarry runs the River Nadder, this watercourse is part of the designated River Avon Special Area of Conservation (SAC). To establish whether there would be a 'likely significant effect' on the watercourse as required under the Habitats Regulations (1994) a drainage scheme was requested from the applicant. The submitted drainage scheme states that the only known hydrological link is the water table beneath the quarry. The risk to the River Nadder from the proposed quarry extension has been calculated as negligible to nil as the river is not subject to siltation or scour as a result of the quarrying operations. The Environment Agency does not object to the application.
100. Policy 15 of the MLP states that proposals for minerals development will only be permitted when the proposals will not have a significant impact on the quantity or quality of groundwater or watercourses. In light of the conclusions submitted in the drainage scheme, officers consider that the proposal would not have a likely significant effect on the River Nadder and consequently the application is in accordance with Policy 15.

Rights of Way

101. The availability of legal rights of way in the vicinity of the quarry has been highlighted in some of the objection letters as a matter for concern. With regard to the current proposal, the Rights of Way officer stated that the footpaths do not seem to be affected by the proposals but walkers may be affected by traffic within the existing quarry site and signage should be considered in relation to the current works. Walkers using the footpaths adjacent to the proposal area would be protected from the quarry workings by soil bunds, stock proof fencing and hedge planting. Officers consider that within the remit of the proposal site, Rights of Way have been adequately addressed in accordance with Policy 30 of the MLP.
102. The Rights of Way Warden is aware of the footpath issues associated with the current workings. He is at present in negotiation with the landowner of the adjacent field to the east of the proposal site, with regard to providing a permissive path that would form a safe link between footpaths 24 and 29 running along the field perimeter to the south of the quarry.

Importation of stone into the quarry

103. Many of the letters of objection to the application stated that the importation of stone into the quarry was of concern. Historically, small amounts of stone have been imported into Chicksgrove Quarry for processing and sale. The amount of importation was controlled through vehicle movements which are restricted by a planning condition. It is accepted that stone has to be quarried where it rises. However, where stone is processed can be more flexible. It is considered acceptable that Chicksgrove Quarry processes the stone quarried on site. However, the MPA does not wish to see the existing site used as a processing yard for stone imported from other quarrying areas.

104. The planning application states at question A1.17 that it is the intention of the applicant to import *'small quantities of natural building stone as required from time to time but remaining within current vehicle restriction limits to complement the indigenous stone where alternative stone is required on any one building project.'* Officers considered that this element of the application raises questions regarding the amount of stone proposed for importation and the validity of importing stone into the proposed extension (red line) area which would not contain processing equipment. Consequently the applicant was requested to withdraw this element of the application as the importation of stone would give rise to unacceptable environmental impacts and would be considered contrary to Policy 12 of the MLP.

Long-term Management

105. Following the proposed quarrying, the land would be left at a lower level surrounded on three sides by quarry faces which will have considerable geological interest. After completion of the extraction site the site would be restored as an area of naturally regenerating calcareous grassland and scrub. A wetland area would also be incorporated as detailed in the restoration concept Drawing No. 660/SK22D. The key principles of the restoration plan on ecological and geological grounds are endorsed by the County Ecologist and are in accordance with Policies 31 and 32 of the MLP in relation to the restoration of minerals sites. Once the restoration scheme has been implanted following extraction, the long-term management of the site must also be secured.
106. In conjunction with the applicant and the MPA, English Nature has conceived an appropriate restoration Management Plan on which to base a Section 106 agreement to secure the long-term management of the site. The object of the Management Plan is:
- (i) Maintain and enhance the geological interest of the site and ensure the faces remain open for visual inspection and study;
 - (ii) Allow the regeneration and development of scrub and calcareous grassland which would be managed for nature conservation as part of the landowner's estate.
107. The Management Plan also establishes a plan of monitoring, public access and regular management meetings.

Conclusion

108. The application has been considered in accordance with the Development Plan unless other material planning considerations indicate otherwise.
109. Officers consider that the proposal accords with policy due to the quarry extension potentially providing stone to a local market and maintaining nationally important monuments, thus preserving the historic environment and the built character of the AONB which serves to protect our heritage in the public interest.
110. The submitted LCA indicates that the proposal to extend the existing quarry would have no greater impact on the landscape character of the locality, the Vale of Wardour and the Cranborne Chase and West Wiltshire Downs AONB than currently exists.
111. In light of the individual assessments on noise, dust, visual impact and traffic and the operational procedures that would be conditioned, officers consider that the impact on residential amenity would be at an acceptable level.

112. The traffic and transport issues have been assessed and, due to the low number of vehicle movements, improvements on the level crossing, the removal of the stone importation element of the application and the recognition that building stone quarries often have to be located in rural areas such as this, the proposal is deemed acceptable.
113. The ecological resource has been appropriately assessed and mitigation measures submitted in accordance with policy and legislation.
114. The restoration scheme and after-use of the site is in accordance with policy and would compliment the surrounding land-uses and manage the ecological and geological interest of the site.
115. Overall it is considered that there are no material reasons which would justify a refusal of planning permission.

Recommendation

116. That:

- (i) Authority be given to the Solicitor to the Council to prepare a legal agreement under Section 106 of Town and Country Planning Act 1990 (as amended) to secure the long-term geological and ecological management of the restored proposal site.
- (ii) Subject to the completion of the legal agreement referred to above, planning permission be granted subject to the following conditions:-

Standard

- 1. The development hereby granted shall commence within five years from the date of this permission.

Duration

- 2. Extraction of stone from the site shall cease within twenty years of the date of this permission, or when the permitted reserve is exhausted, whichever is the sooner.

Hours of work

- 3. Except in emergencies, in order to maintain safe quarry working (which shall be notified to the MPA as soon as practicable), 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 hours to 1800 hours Monday to Friday
0700 hours to 1300 hours on Saturday

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

Method of working and restoration

4. Restoration of the site shall be in accordance with approved drawing 660/SK22D.

Depth of working

5. No extraction shall take place below 74 metres above ordnance datum (AOD).

Dust

6. All loads leaving the site shall be suitably sheeted.
7. No vehicle shall leave the site unless its wheels and chassis have been cleaned so as to prevent mud and detritus being deposited on the highway.
8. The site access and vehicle running areas shall be watered or treated with an approved dust-laying agent at such times as may be necessary to prevent the raising of dust from the areas throughout the duration of operations hereby permitted.

Restriction of Permitted Development Rights

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that order), no building, structures, fixed plant or machinery shall be installed, erected, modified or placed within the site without the prior written approval of the MPA.

Stone Importation

10. No stone shall be imported into the site.

Noise

11. Noise from the operations including the use of plant, machinery and vehicles relating to the operation, shall not result in noise level exceeding 50 dB LAeq 1 hour at the closest noise sensitive property, as measured Freefield.
12. All vehicles, plant and machinery operated within the site shall at all times be maintained in accordance with manufacturer's specification, and shall be fitted with and use effective silencers.

Vehicle Movements

13. There shall be no more than eight lorry movements (four in and four out, including tractor trailers) to and from the site in any one day and no more than 22 movements per week.

Geological Management

14. Within three months of this permission, the applicant must submit a Monitoring Strategy for the geological interest of the quarry site. The strategy must include the mechanism by which agreement will be sought for the location of the ramps/benches required to access the final quarry faces with the Minerals Planning Authority and English Nature. The Monitoring Strategy must be agreed with English Nature and the Minerals Planning Authority and implemented in accordance with the submitted details.
15. Development must be carried out in accordance with the submitted Restoration and Geological Management Plan (dated May 2005).

Water Protection

16. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the MPA for approval.

The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%, or 25% of the total volume that could be stored at any one time, whichever is the greater.

All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Soil handling

17. Soil handling shall be carried out in accordance with the submitted scheme prepared at Appendix 2 to the Environmental Statement.

Ecological mitigation

18. The Bat and Dormouse Mitigation Strategy shall be implemented in accordance with the submitted scheme.
19. All tree, shrub and hedgerow planting must be undertaken in the planting season (November–March) prior to hedgerow translocation.
20. Prior to commencement of development, a planting scheme must be submitted providing details of species to be planted on the site and their provenance, location, spacing and layout, ground preparation, method of planting, timing of planting, protection of plants and details of aftercare and maintenance. The planting scheme must be submitted to the Minerals Planning Authority for approval and must be implemented in accordance with the agreed details.

21. A minimum buffer strip of 12 metres between the woodland strip to the east and the site boundary must be maintained with all works and stockpiling located outside this buffer strip.

Informative

22. If the capacity of any storage container is greater than 200 litres the developer should refer to Guidance for the Control of Pollution (Oil Storage) (England) Regulations 2001 published by DEFRA.

GEORGE BATTEN

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