

**WESTBURY: THE WINNING AND WORKING OF MINERAL AS AN  
EXTENSION TO THE EXISTING PERMITTED WESTBURY CHALK QUARRY,  
WESTBURY WORKS, TROWBRIDGE ROAD, WESTBURY, FOR LAFARGE CEMENT UK  
(Application No. W.04.1867)**

**Purpose of Report**

1. To consider the above application and to recommend that conditional planning permission be granted subject to the signing of a Section 106 Agreement to cover the long-term nature conservation management of the site.

**The Site**

2. Westbury Chalk Quarry is located approximately 1km south-east of Westbury, on the north-western edge of Salisbury Plain, and south-west of the chalk escarpment. It is 2km south of the Cement Works, the two being connected by underground chalk slurry pipelines (see location plan at **Appendix 1**).
3. The western boundary of the existing quarry runs parallel with the adjoining escarpment ridge and the Imber Range Perimeter Path (a public right of way) which also adjoins the northern boundary of the quarry for approximately half its length. The southern boundary is abutted by a bridleway (No. 46). An unmade track runs along the eastern side of the quarry adjacent to Westbury Down (see site plan at **Appendix 2**).
4. The quarry lies within a Special Landscape Area (SLA) and an Area of Archaeological Interest. Abutting the quarry to the east and south are the important ecological designations relating to the Salisbury Plain Site of Special Scientific Interest (SSSI), Salisbury Plain Special Area of Conservation (SAC) and the Salisbury Plain Special Protection Area (SPA) (which are contiguous with the SSSI). The important Scheduled Ancient Monument (SAM) and tourist attraction of Bratton Camp Fort and the Westbury White Horse lie some 1½ km away to the north-east.
5. The application includes the existing quarry together with a proposed extension that wraps around the existing 44.8 hectares site to the north-east, east, south and south-west, increasing the total site area of the quarry to 85.7 hectares.
6. Extension of the quarry in a north-easterly direction moves it closer to Winklands Down, Bratton Camp Fort and the Westbury White Horse. It would also affect Bridleway 48 and Footpath 59.
7. To the east, south and south-west the proposed extension moves into the designated areas of the Salisbury Plain SSSI, SPA and SAC. It would also affect Bridleway 46 and Footpaths 45 and 56.
8. Of the 40.9 hectare proposed extension some 34.3 hectares are used for agriculture, two-thirds of which is classified as Grade 3a within the "best and most versatile" category.

## **Planning History**

9. In brief, the history of the site is as follows:

<u>2459/621/1</u>	Chalk quarry granted planning permission following Ministerial decision - 20 <sup>th</sup> June 1947. Quarry opened in 1961-62.
<u>W.80.0525</u>	Permission granted to extend quarry south-eastwards - 16 <sup>th</sup> July 1980.
<u>W.89.1145</u> <u>W.89.1147</u>	Permission granted to work chalk reserves at a greater depth within the consented area - 20 <sup>th</sup> November 1989.
<u>W.92.0484</u>	Interim Development Order Permission updating the original 1947 Ministerial decision.

## **The Proposal**

10. The proposed extension to Westbury Chalk Quarry is to secure an additional 20.17 million tonnes of mineral reserves equivalent to an extra 19.4 years life. Together with the existing permitted reserves of 9.4 million tonnes (9 years) total reserves at the quarry, were planning permission to be granted, would be 28.8 million tonnes equivalent to 28-29 years life (as at December 2003) (now approximately 25 years).
11. Within the enlarged quarry of 85.7 hectares only 69.2 hectares would be quarried for chalk, the remainder would be used for landscaping, rights of way diversions, shallow slopes and other ancillary uses.
12. The quarry produces between 0.8 and 1.0 million tonnes of chalk per annum. This is mixed with 100,000 tonnes per annum of clay to produce about 700,000 tonnes of cement per annum. It is not envisaged that cement production will rise significantly above current levels.
13. The extraction of chalk takes place by progressively working a series of 'benches' which spiral downwards taking out chalk to the required level. The proposed extraction would take place in a sequence of four phases:

- Phase 1** The first phase would extend the quarry towards the east to create a ramp running northwards and north-east into the extension area to release approximately 4.6 million tonnes (4.4 years) of chalk.
- Phase 2** Extraction moves progressively north-westwards, deepening the quarry by working benches and releasing a further 4.5 million tonnes of chalk (4.3 years). Progressive restoration with soils and seeding of final slopes takes place to mitigate the visual impact of long distance views from the south-west (Warminster direction).
- Phase 3** The quarry moves to the south-east and south-west in a progressive manner working the benches to release 4.3 million tonnes of chalk (4.1 years). Some minor development takes place along the eastern boundary to flatten the existing quarry faces.
- Phase 4** Extraction continues in a south-westerly direction to release the remainder of the reserves (16.4 million tonnes) over 15.6 years extraction. Extraction would be completed in 28.4 years and restoration of the site completed within five years of completion of chalk extraction.

14. Although the application encompasses a relatively large tract of land as referred to in paragraph 11, it is not proposed that the whole of this area would be worked to the depth of the existing quarry. Rather the working would constitute a "rounding off" of the existing chalk quarry, the faces of which need to be more gently sloped and grassed to achieve an appropriate final landform on restoration of the quarry.
15. There will be no change to the current practice of mixing chalk with water to form a slurry which is pumped down to the works. There is no intention to move the chalk by road.
16. The planning application is accompanied by an Environmental Statement (ES) submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

### **Planning Policies**

17. The following policies are considered relevant to this application:
  - Policies C2, MSP1 and MSP6 of the Wiltshire and Swindon Structure Plan 2016 (Adopted April 2006)
  - Policies 1, 3, 14, 19, 30, 31, 32, 48 and 49 of the Adopted Wiltshire and Swindon Minerals Local Plan - November 2001
  - Policies C3, C4a, C5, C6, C13 and C15 of the West Wiltshire District Plan - First Alteration Written Statement June 2004
18. All relevant planning policies are set out in **Appendix 3**.
19. National Planning Policy Guidance (PPG) Notes, Planning Policy Statements (PPS) and, specifically in relation to minerals, Mineral Planning Guidance (MPG) and Minerals Policy Statements (MPS) set out Government policy on planning issues and provide guidance to local authorities and others on the operation of the planning system. PPS9 (Biodiversity and Geological Conservation), MPS2 (Noise and Dust in Quarries) and MPG10 (Provision of Raw Material for the Cement Industry) are all considered relevant to this application.

### **Consultations**

20. The views expressed below include comments received following the initial consultation on the submitted proposals together with further comments made in response to publicity of additional information on specific aspects.
21. **West Wiltshire District Council** - objects on the grounds that the proposed extensions appear to be larger than the allocation for the chalk pit extension in the Minerals Local Plan.
22. **West Wiltshire District Council Environmental Health Officer (EHO)** - no objection but suggests that the recommendations for dust control made by the applicant are included as conditions in any planning permission granted.
23. **Westbury Town Council** - no objections to the application but requests a caveat that existing rights of way be protected, left undisturbed, reinstated or rerouted.
24. **Heywood Parish Council** - no comment.

25. **Bratton Parish Council** - no response received.
26. **Local Member (Mrs. J. Swabey)** - objects to the application particularly the direction of the extension. The unique character of the area will be violated and the landscape changed for ever. If approved would wish to seek a mechanism to prevent further quarrying in the future.
27. **The Countryside Agency** - no observations made.
28. **English Nature (now Natural England)** - place a holding objection on the application until it is confirmed that the restoration and subsequent management of the site can be secured by legally enforceable means. Will reconsider its objection once a decision has been reached and a method to secure restoration is confirmed. Endorses the outline restoration proposals but principles need to be agreed prior to the granting of permission. Additional comments were made regarding the requirement for further information to clarify certain matters. The competent Authority will need to consider whether the proposal is likely to have a significant effect on Salisbury Plain SAC/SPA. The holding objection has now been withdrawn following the Council's judgement that an Appropriate Assessment is not required and the commitment to a Section 106 Agreement to secure the restoration and long-term management of the site for nature conservation.
29. **Environment Agency** - no objection but makes comments/suggestions regarding the possible prevention of pollution to the quarry itself.
30. **Rural Development Services (now Natural England)** - required clarification of certain matters in order to be able to submit a formal response. These related to mixing of topsoil and subsoil, use of soil for bunding, machinery to be used to strip soil and the need to move soil only when in a dry and friable condition, but overall no objection to the proposal.
31. **English Heritage** - the application has the potential to detract from the setting of the Bratton Camp Hill Fort and the Westbury White Horse. The applicant should seek the advice of English Heritage to ensure that the screening bund and associated planting are designed in such a way that they have a minimally intrusive visual impact on the historic landscape when viewed from the monument. This would involve a more detailed assessment of visual impacts and bund modelling than that undertaken to inform this application in order for satisfactory mitigation to be achieved. Further details were supplied by the applicant and English Heritage has now confirmed its agreement to the revised design.
32. **Health and Safety Executive** - no observations.
33. **Countryside Section (Ecology and Landscape)** - further information is required to assess the application relating to the funding mechanism for long-term management of the restored site, including the production of a detailed management plan, with costs of management. Also further "confidential" information is required on protected species. Information on the Regionally Important Geological and Geomorphological site and how it will be protected etc. will suggest appropriate conditions to be imposed on any planning permission granted. Further information has been submitted to address the County Ecologist's concerns.
34. **County Archaeologist** - ES details archaeological work undertaken on the site. Despite the high potential very little was revealed and therefore it is unlikely that anything of archaeological interest would be disturbed during the development. Therefore no comments.

35. **Highways Development Control** - requested further clarification whether the proposed development would result in any additional traffic generation in respect of staff vehicles, HGVs etc. Also requested information on the current and proposed level of use. This was provided and they confirmed there would be no increase in traffic. Therefore no objection.
36. **Rights of Way** - the only concerns relate to Footpath 48 Westbury which falls within the extraction area and over which there are public vehicular rights and its continuation over the site. The appropriate way to deal with this would be to make an application for an order by the Secretary of State under Section 247 of the 1990 Act to stop-up the right of way.
37. **Wiltshire Wildlife Trust** - place a holding objection on the application pending the provision of further information relating to mitigation for invertebrate fauna, mitigation for loss of farmland bird habitat and assurances regarding the preparation and funding of a long-term management plan secured by legally enforceable means.
38. Copies of the consultation replies referred to above are available for inspection in the **Members' Room**.

### **Publicity**

39. The application has been publicised in the local press and by site notices. A neighbour notification exercise has also been carried out. 34 letters of representation have been received from local residents whose concerns are outlined below:
- (i) Potential impact on the Westbury White Horse and recreation area surrounding it if the quarry is extended.
  - (ii) Impact on and loss of 27 acres of agricultural land to extend the quarry at Winklands Down.
  - (iii) Existing quarry should be restored first before extending it.
  - (iv) Suggest extension in a different direction, ie south-west, west or east.
  - (v) Increased noise and dust from the operations.
  - (vi) Will it be possible to maintain the Cement Works in a viable condition long enough to justify an enormous increase in quarrying area?
  - (vii) Possible impact on footpaths and rights of way for users of the countryside.
  - (viii) Impact of the proposal on important protected areas of nature conservation (ie SPA/SAC/SSSI).
  - (ix) Possible health and safety issues with current steep faces of quarry.
  - (x) Current quarry should be landscaped to reduce the visual impact.
  - (xi) Importance of White Horse area as one of Wiltshire's top three favourite places.
  - (xii) Concerns relating to the professional management of the existing quarry to allow it to have steep sides.

- (xiii) Importance of the area for wildlife.
  - (xiv) Downland scenery, chalkland habitats and archaeology would be lost and never restored.
  - (xv) Rather than regrading the slope by removing chalk, import material to tip builders waste/hardcore and topsoil for landscaping.
  - (xvi) Irreversible damage to Bratton Camp and other archaeological remains as the quarry encroaches closer.
  - (xvii) Spoiling of an historic area by a quarry with all the inevitable mess and visual harm.
  - (xviii) Serious health and safety issues for young people and dogs who stray over fences.
  - (xix) The quarry should be allowed to run out of reserves and be given no extension and end in closure. Decisions are made all the time about closing factories, depots and warehouses.
  - (xx) Permitting the proposals could lead to recycled liquid fuel being burned in the kilns in future.
  - (xxi) More reserves will lead to an increase in the output of cement.
  - (xxii) Visual impact on many visitors to the White Horse (loss of visual amenity).
  - (xxiii) Long-term future for tourism and leisure in this historic area will be put at risk for the sake of relatively short-term gains.
  - (xxiv) Westbury local people realise the contribution Lafarge makes to the local economy and that there must be chalk available for the future. However, do not despoil the White Horse.
40. Campaign to Protect Rural England (CPRE) has no objection to the plan for the proposed eventual restoration back to chalkland. However, CPRE does object to the extension encroaching so far into the area of informal recreation on Winklands Down to result in the loss of 20 acres of arable farmland which would not be restored.
41. Copies of the representations received are available for inspection in the **Members' Room**.

### **Planning Considerations**

42. As the proposed development falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 the proposals have been subject to an Environmental Impact Assessment (EIA) and an ES has been submitted with the application. The ES has been taken into account in the consideration of this application.

43. The 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 the application are:

- |                                      |                          |
|--------------------------------------|--------------------------|
| ▪ Policy considerations              | ▪ Agricultural landtake  |
| ▪ Nature Conservation and Ecology    | ▪ Hydrology/hydrogeology |
| ▪ Landscape and Historic environment | ▪ Dust                   |
| ▪ Archaeology                        | ▪ Noise                  |
| ▪ Alternative sites                  | ▪ Residential amenity    |
| ▪ Rights of Way                      | ▪ Other considerations   |

#### Policy considerations

44. At National level the Government has recognised that the cement industry is of major importance to the national economy as it supplies an essential product to the construction and civil engineering industry. In 1991 it issued advice contained in MPG10 "Provision of raw material for the cement industry". The advice contained in this document (which is still current) is that Mineral Planning Authorities should seek to maintain a landbank of permitted reserves of chalk and clay sufficient for at least 15 years production and to safeguard resources for cement works (which are of national importance) in close proximity to the works. At the time this application was submitted (2004) the site had nine years permitted reserves remaining and therefore this figure has fallen to seven years reserves two years on. The figure falls well short of the national guidance minimum required landbank of 15 years for chalk at Westbury. The current application would address this deficiency by providing a further 19.4 years of reserve making a total actual reserve available of 25-26 years at Westbury. The application therefore conforms with national policy guidance.
45. West Wiltshire District Council objected to the application on the grounds that the proposal is larger than that allocated in the Adopted Wiltshire and Swindon Minerals Local Plan 2001. Whilst the application area extends beyond that allocated in the Plan the area for chalk extraction conforms with the boundaries shown on the Proposals Map Inset: Westbury. The small area of land on the south-west edge of the site adjacent to the Imber Range Perimeter Path that is outside the allocated area will be used to accommodate a footpath diversion and to establish a public viewing point. It will not be quarried and its inclusion in the application will not undermine the provisions of the Development Plan.

#### Nature Conservation and Ecology

46. Westbury Chalk Quarry lies within a sensitive ecological area. The proposed extension to the working area of the quarry in a southerly direction will impinge on the Salisbury Plain SSSI, designated for its chalk grassland flora. The SSSI is contiguous with the international designations of SPA (important for breeding stone curlew, wintering hen harrier, hobby and quail) and SAC (designated primarily on the basis of important chalk grasslands, marsh fritillary butterfly and juniper scrub).
47. The ES considers the main impacts of the proposals to be as follows:
- (i) Impact on existing quarry area
  - (ii) Impact on grassland in the southern extension area
  - (iii) Impact on farmland in the northern extension areas

48. Within the existing quarry area the impact is considered to be minimal as this is the status quo and the site is currently used by protected bird species such as peregrine falcons. Moving away from the existing quarry into the surrounding undeveloped grassland areas, potentially these areas contain reptiles and badgers which are protected species and therefore appropriate measures would need to be taken to ensure their survival.
49. The extension area to the north-east and west would impact upon farmland birds such as skylark and yellow hammer particularly as their habitat would change under the proposals from intensely farmed land to chalk grassland slopes.
50. In view of the above potential impact, measures to mitigate the impacts have been considered in the ES and have been discussed in subsequent meetings and correspondence with the applicant, Natural England and the Ministry of Defence (MoD).
51. In order to update information in the ES relating to ecology and biodiversity Bioscan Environmental Consultancy undertook habitat surveys in the spring of 2006. Their report - Westbury Quarry Ecology Update spring 2006 (May 2006) - refers to the presence of badgers, reptiles, peregrine falcons, ravens, marsh fritillary butterfly caterpillars, common lizards and slow worms on the site. A small number of common lizards and slow worms were rescued from the semi-improved grassland within the existing permitted quarry area and released into a suitable adjacent habitat. The proposed extension area does not contain habitats suitable for common reptiles. However, the ES recognises that because of the long-term nature of the operation further surveys will need to be undertaken in order to ensure that suitable habitats have not developed in the intervening period prior to development. The ongoing monitoring of habitats and species will be a requirement of the Section 106 Agreement should permission be granted.
52. In the case of badgers, these are mainly found in the chalk grassland areas to the south of the existing quarry. Although they had previously occupied an artificial sett in 2004, in 2006 it was found to be unoccupied and a new sett is now used. This new sett will have to be removed at some point in the future and another sett created outside the proposed extension area. The updated ES provides for mitigation for badgers and this will be required as part of the Section 106 Agreement. These measures are considered to be acceptable.
53. Peregrine falcons nest mainly on ledges within the chalk quarry. The ES proposes that provision be made throughout the operation of the quarry and its restoration of ledges suitable for peregrine and raven nest sites. The long-term provision of adequate ledges will be secured by condition and in the Section 106 Agreement. With regard to the SPA, the ES concludes that there will be no significant impact on birds that form the special interest of the designation. These are the stone curlew, hen harrier, hobby and quail.
54. With regard to marsh fritillary butterfly caterpillars, good habitats exist within the valleys. In order to mitigate against this loss of habitat the ES proposes the translocation of grassland turf to the screening bunds where it would be reused to aid restoration as it contains a useful reservoir of species for recolonisation. This would be required by condition.



55. It is acknowledged that farmland birds are potentially at risk because existing farmland to be taken in the proposals would not be returned to agriculture. However, some species will be able to take advantage of the developing grassland taking place in the restoration area. Although the Wiltshire Wildlife Trust maintains that an arable component should be retained in the restoration scheme for the site, it is considered that adequate compensation is provided within the wider mitigation package and that other agricultural environment schemes are better placed to deal with the issue.
56. Because the proposals could have an impact upon the Salisbury Plain SPA and SAC there is a requirement under the Habitat Regulations 1994 for the County Council, as "competent authority", to consider whether the proposals are likely to have a significant effect on the above designations. An evaluation has been undertaken by the Council in consultation with Natural England and the applicant. Natural England has provided guidance on the scope and content of the evaluation, the site's conservation objectives and other information required from the developer. Through an iterative process of information provision and evaluation and input from Natural England, the County Council, as competent authority, has come to the view that the proposals as put forward in the application would not adversely affect the integrity of the site in the light of the conservation objectives and therefore no Appropriate Assessment is required. Natural England has confirmed the Council's judgement that an Appropriate Assessment is not required.
57. The Adopted Minerals Local Plan, in considering the chalk quarry (Policy 49), requires that any working of the site should safeguard and enhance the nature conservation and biodiversity value of the site and surrounds in terms of its restoration to providing chalk grasslands which would take account of protected bird species, invertebrates, amphibians, other species groups and geological conservation. Discussions with the applicant and landowner (MoD) have secured a major advantage which would involve the applicant and landowner entering into a long-term management of the site through a Section 106 Agreement which would require management of wildlife to an approved specification for a period of 50 years beyond the completion of restoration and aftercare, ie normally five years. Included within this Agreement would be the requirement for a professionally prepared Nature and Geological Conservation Management Plan to be appropriately funded and to be a working document updated on a regular basis. A managing agency/body would be set up to oversee the work and there would be a requirement for monitoring and subsequent remedial measures. Principles of management would be set out indicating how chalk grassland would be established and managed on the quarry slopes and floor, how it would be grazed, fencing of areas, scrub control, management of notifiable weeds etc. Peregrine falcon and raven habitats would be provided and the RIGS sites would be managed to ensure maintenance of exposed faces. Monitoring would be on an annual basis.
58. The main impacts on ecology/nature conservation would arise in respect of land which would be disturbed during the quarry extension rather than in the existing quarry. The extension areas have been found to contain very little of the flora and/or vegetation features for which SSSI and SAC designations were made. Where impacts could occur in relation to protected birds and other species, these have been mitigated for as discussed above in terms of the translocation and provision for protected species.

59. In terms of the acceptability of the proposals in nature conservation terms, it is considered that the proposals accord with Policy 19 of the Minerals Local Plan and will safeguard and enhance the nature conservation and biodiversity value of the site, particularly as the end result would be a properly restored landform dedicated to nature conservation which would be managed for a 50-year period beyond the normal five year aftercare period. In nature conservation terms therefore it is considered that there would be a net gain by undertaking the proposals in terms of the long-term benefit of the site and the proposals are therefore acceptable in planning terms. The proposed aftercare for nature conservation accords with Policy 32 of the Minerals Local Plan relating to the afteruse of mineral working sites once extraction has been completed.

#### Landscape and Historic Environment

60. Westbury Chalk Quarry is situated in a SLA and the area around the quarry is one of high landscape sensitivity forming part of a prehistoric and Romano-British landscape. Bratton Camp Fort and the Westbury White Horse are popular tourist attractions and offer extensive views from the scarp over the clay vales below. Also in the immediate area, the Imber Range Perimeter Path passes along the local ridge lines and is linked to the Hill Fort and car park with extensive views across Salisbury Plain and the surrounding countryside. The area is a highly valued landscape in terms of nature conservation, landscape importance, cultural heritage and leisure use.
61. The ES identifies the following likely impacts in terms of carrying out the proposals as submitted in the planning application.
62. The scenic quality of the area would be affected during the construction of the grass and planted screen bunds and the loss of the line of trees adjoining the northern boundary of the quarry. This can be perceived as having an adverse impact in that the attractive landscape is being lost or changed. However, the final restoration of the site would result in a landscape which is more appropriate to its context. Although there will be adverse visual impacts at various stages of the operational life of the quarry, it is considered that the overall long-term impact on landscape character and value would be beneficial and that the new landform to be developed would not only be more sympathetic than the existing steep-sided quarry, but would enhance the nature conservation value of the area. It is considered that the long-term benefits arising from the site, together with the need for the mineral, outweigh the short-term adverse impacts on the landscape value of the site and that the proposals as submitted mitigate the landscape impacts to acceptable levels in the way that it is proposed to operate the quarry and the amount of screening and planting proposed. The proposals therefore accord with Policy 23 of the Minerals Local Plan relating to the impact of the proposals on locally important landscapes and to Policy 2 relating to minimising the impact of mineral development.
63. With regard to the impact of the proposals on the Bratton Camp Fort and Westbury White Horse SAM, the ES indicates that the amenity value of the local public rights of way and facilities at the Camp/Westbury White Horse would be affected by proposed mitigation (ie screening bunds) and footpath diversions and that these effects would be slightly adverse during operations but improved following restoration. Visitors to the Hill Fort complex would be slightly affected due to the presence of screening bunds during operations but any sense of "encroachment" would be minimal. The proposed screening bunds to the north-east extension would be 2.5 metres in height with slopes of 1:3 on the face adjacent to the Wessex Ridgeway/Byway 44 and 1:5 on the face adjacent to Footpath 50 where the site abuts Winklands Down.

On completion of quarrying the screening bunds will be regraded to gentle slopes varying between 1:7 and 1:20. The area available for public use would not be reduced in any way as the northern extension affects only agricultural land and the rerouting of the footpath/bridleway.

64. The importance of the Bratton Camp Fort and Westbury White Horse SAM in the context of the Wiltshire countryside is acknowledged and is paramount. It is considered that the proposals put forward are acceptable and that mitigation in the form of screening bunds and planting would ensure that there would be no significant adverse effect on this nationally important site. The proposals are considered to accord with Policy 25 of the Minerals Local Plan relating to archaeology of national importance.

#### Archaeology

65. The ES considers in some detail the extensive works which have been undertaken over the years to assess the archaeology of the area. The great interest in the area clearly extends back centuries because of the existence of the Bratton Iron Age Hill Fort/Westbury White House SAM which have attracted visitors through the ages.
66. The County Archaeologist prepared a Brief in 1995 and the first stage of the process was the production of a desk-based assessment to appraise the archaeological and historic background of the site and the likely impacts of the proposals. Stage 2 consisted of an archaeological field evaluation and Stage 3 trenching.
67. Although the area is important for archaeology and has been acknowledged as such, the exhaustive site investigations demonstrated that nothing of consequence exists within the proposed chalk extraction area. The County Archaeologist confirmed in a letter dated 18<sup>th</sup> November 1998 that there are no archaeological constraints on granting planning permission for the quarry extension and no planning conditions relating to archaeology would be necessary. This was further confirmed in a more recent consultation response from the County Archaeologist dated 3<sup>rd</sup> November 2004.

#### Alternative Sites

68. Under the EIA Regulations 1999 applicants are advised to consider alternatives to the proposals being put forward as these make for a more robust application and accord with good practice. It is suggested that an outline of these major alternative studies should be included rather than a detailed analysis.
69. Policy 1 of the MLP reinforces the requirement to establish a need for the particular mineral and to demonstrate that the mineral required cannot be met from an alternative source with less adverse impacts. In this regard the applicant has considered two types of alternative options, viz extensions to the existing site and stand-alone sites.
70. An easterly extension into the Four Hundred Down would have impacted on ecologically and archaeologically sensitive areas of Salisbury Plain and was refused planning permission previously. An extension to the north-west which would have breached the chalk escarpment together with options involving the deepening of the quarry below the groundwater table were considered and dismissed on environmental and hydrological grounds. As a result of various unacceptable options the current application, based on the preferred area which emerged from the MLP Inquiry in 2001, is the one now being considered.

71. Stand-alone quarry sites at Tin Head Hill, near Edington, Bratton Down and Arn Hill, near Warminster have been considered. However, these raise their own issues of high cost of establishing the site, environmental impacts and the cost of transporting chalk by road to the existing washing plant, which ruled out these sites as unsuitable and unsustainable. MPG10 makes the point that, as national assets, existing cement works should look for resources which are as near as possible to the works in order to be sustainable.
72. The proposal at Westbury to extend the existing quarry area, but also to restore it to nature conservation, is considered to be the best environmental option.

### Rights of Way

73. There are some very important and well-used rights of way in the area, particularly the Wessex Ridgeway and the Imber Range Perimeter Path (see **Appendix 2**). Extending the quarry in a north-easterly direction would require the formal closure of 280 metres of bridleway and 290 metres of a footpath (48 and 59 respectively). These form two sides of what is almost a square with the other sides being formed by part of Byway 44 and Footpath 50. These provide an alternative route which is equally convenient in terms of length and topography. However, Byway 44 is the main tarmac surfaced access road to the White Horse and Bratton Camp Hill Fort and it is therefore proposed to provide a second alternative of bridleway status throughout running parallel to Byway 44 and Footpath 50 within the Lafarge boundary and outside the landscaped bund. This route would avoid conflict with vehicular traffic and provide a route of equivalent length. The main impact of this proposal is the loss of 280 metres of bridleway (48) and 290 metres of footpath (59). This would be replaced by an equivalent length of bridleway. It is considered that the changes would be neutral or slightly beneficial as compared to what currently exists.
74. Moving southwards, three rights of way require closure (Bridleway 46, Footpath 56 and Footpath 45) and these would be replaced by a footpath of shorter length. The main impact here is the closure of approximately 240 metres of bridleway and 340 metres of footpath with the replacement footpath being 320 metres long (net loss of 240 metres bridleway and 20 metres footpath). The ES concludes that the changes are modest although this would be tested following the grant of any planning permission in terms of the necessary closure orders required. The routes to be permanently closed represent the only available options if the proposal is to be carried out as submitted in the application. Should planning permission be granted a Grampian condition would be attached requiring that all diversions of footpaths and bridleways are in place before extraction in the extension area takes place.

### Agricultural Landtake

75. The ES considers the impact of the proposed development on agricultural land which would be permanently lost as a result of the proposals being put forward.
76. Of a total of 34.4 hectares of agricultural land affected on the extension site, two-thirds (22.2 hectares) is classified as sub-grade 3a and the remainder (12.2 hectares) as sub-grade 3b. Sub-grade 3a land is classified as being with the "best and most versatile" category and is land which Government policy seeks to conserve for future generations.

77. The Minerals Local Plan Policy 14 also looks to conserve the best and most versatile land and makes the point that unless there are 'exceptional circumstances' working of the best and most versatile land will only be permitted if it can be demonstrated that the working, restoration and aftercare will be carried out in such a way as to preserve the long-term potential of the site to be used as best and most versatile land. In other words, best and most versatile land can be used for mineral extraction if it is proposed to return the site back to best and most versatile land.
78. With regard to the chalk quarry extension, it is necessary to assess whether the extension being proposed is the best option or whether there are other alternative options which are more favourable. The ES considered three new stand-alone quarry sites - one at Tinhead Hill near Edington, the second at Bratton Down, Bratton, and the third at land between Arn Hill Down and Warminster Down. These three were assessed in terms of existing soil quality on site. At Tinhead the soils were found to be a mixture of high quality land in Sub-grade 3a and lower quality in Sub-grade 3b. At Bratton Down the soils were mostly high quality 3a with a smaller area of lower quality Grade 5 downgraded due to the presence of historical mounds associated with Bratton Camp Fort which preclude arable cropping, and at Arn Hill Down and Warminster the soils are a mixture of high quality 3a and lower quality 3b.
79. Extending the chalk quarry at Westbury, which would mean the permanent loss of 22.2 hectares of Grade 3a best and most versatile land, is considered to be the best option, not only because it would have less of an impact environmentally in view of other more radical options evaluated, but because the need for the mineral is considered to be in the national interest and accordingly overrules the loss of best and most versatile land (paragraph 3.4.1 of the Mineral Local Plan). Furthermore, the Wiltshire and Swindon Structure Plan 2016 refers at Policy MSP6 to the need to provide for the extraction of cement raw materials in the vicinity of Westbury Cement Works and Policy 49 of the Wiltshire and Swindon Minerals Local Plan 2001 identifies a preferred area for chalk extraction which accords with the current application and which includes the area of Grade 3a land. The area of Grade 3a arable land which would be lost in the north-west extension area in particular would be used to mitigate the visual impact of views from the south-west direction and would provide for more stable slopes in the quarry itself.

#### Hydrology/Hydrogeology

80. The ES considers the potential impact the quarry activities as proposed might have on the following three matters:
- Water resources
  - Water quality
  - Adjacent vegetation
81. With regard to water resources, the south-west portion of the quarry extension lies within the important Wellhead Public Water Supply source. The groundwater flow beneath this part of the extension area is towards the Wellhead Spring and Borehole and Mill Spring. Concern has been expressed that important springs may be affected and dry-up as a result of the quarrying of chalk. In fact the removal of the chalk causes greater recharge of the aquifer and therefore an increased flow from the Wellhead Spring can be expected during summer and winter.
82. With regard to water quality, potential impacts on this could arise from site activities such as fuel storage and filling of vehicles, vehicle accidents etc. Losses of fluids from these activities could potentially contaminate the aquifer and therefore mitigation measures are required.

83. The applicant already has in place pollution control measures approved by the Environment Agency through an IPPC permit. In addition, the site operates an Environmental Management System (EMS) which includes procedures for dealing with tank and bund inspections and an emergency response for dealing with accidental releases. The only requirement requested by the Environment Agency over and above the procedures in place was the installation of a warning device on refuelling rigs or tanks to alert site personnel of any leaks or loss of fuel. This would be required by condition.
84. With regard to impact on adjacent vegetation, observations made over a number of years indicate that unsaturated chalk does hold sufficient quantities of water to enable plants to grow and there are no signs of "stress" in the vegetation surrounding the existing quarry.
85. In summary, the ES considers that the quarry extension poses an acceptable risk to the water environment and will result in additional recharge to the chalk aquifer occurring which is viewed as an environmental benefit.

#### Dust

86. A survey undertaken identified a number of potential sources of dust which could have an adverse impact. The processing area is a potential source of dust from both the plant and on-site vehicles. Stockpiled material is also a potential source of dust when exposed for prolonged periods and the chalk has had time to dry out. Handling of material in exposed locations or during times of high wind may also give rise to dust, as can internal haul routes if no sprinkler system is used to settle any dust.
87. Soil stripping to the north-east and south-west when works commence may also give rise to dust, although this should be short-lived. As the north-eastern extension area is quite exposed, the potential for dust would be slightly greater. Finally, quarrying of chalk itself may give rise to some dust even though the chalk has a high moisture content.
88. With regard to possible mitigation measures to control the above potential impacts of dust, there are a number which can be implemented according to the particular circumstances.
89. All road surfaces would be cleaned and vehicle speed controlled to reduce the raising of dust. Vehicles operating in the quarry would have their exhausts directed upwards and water sprays could be used to wet roads and other surfaces to reduce fugitive dust. Such sprays could be used for dust suppression in stockpile areas. Potential dust-generating activities could be restricted during certain wind conditions to prevent the impact on nearby properties. Finally, certain dusty activities could be controlled by covering the activity with housing or fixed screens, eg conveyors, crushers or mats.
90. It is considered that in light of the potential for the impact of dust from various sources in and around the quarry, a condition would be imposed requiring the submission of a dust mitigation scheme.

#### Noise

91. A baseline noise survey was undertaken which considered four representative community locations closest to the quarry operations. It was found that typical background levels at these locations were between 33 and 46 dBA and calculations show that the maximum predicted daytime noise levels (worst case) at these positions would be well below the levels required to cause complaint.

92. The existing chalk processing plant would remain unchanged at its present location within the quarry. Possible noise from mobile plant operating in the quarry would be reduced by the fact that the proposals include the construction of a 2.5 metre high bund along the northern boundary which would provide additional local acoustic screening. During the overburden removal and bund construction noise levels would be increased for a limited period but would still be below the limits suggested in MPG11 for open space used by the public for recreation (predicted 55-60 dB LAeq one hour compared with MPG11 suggestion of 65 dB LAeq one hour). A condition regarding maximum noise limit at the site boundary would be imposed to control this.
93. Noise complaints have occasionally arisen in the past with regard to quarry vehicle reversing alarms/bleepers. As a result of these complaints quarry plant have their alarms set to the lowest level commensurate with providing adequate safety for local working. The provision of broadband or "white noise" alarms may be considered in the near future, thereby addressing the concerns regarding noise. Overall, it is not considered that noise would be a problem.

#### Residential Amenity

94. The majority of people who have written objecting to the proposals live either in the surrounding villages (Bratton, Edington etc) or the town of Westbury. In terms of direct impact on the amenity of residents, few residents actually live close to the chalk quarry and therefore would not be directly affected. The environmental impacts have been considered in the individual assessments on noise, dust, visual impact, agriculture etc. and these have concluded that local residents would not suffer any unacceptable adverse impact as a result of the proposals.
95. A Liaison Group exists which was originally set-up to monitor air quality at the works but which has now been widened to include planning matters. The Liaison Group facilitates regular meetings between the site operator (Lafarge) and the County, District and Parish Councils, elected Members and officers, the Environment Agency and other representatives of the local community and provides a Forum in which participants can be kept informed of operations and raise any community issues or concerns. This type of Forum is encouraged by the County Council and will continue to be part of any ongoing development at the Westbury site in the future.

#### Other Considerations

96. The ES considers light pollution can often be a cause of concern, particularly in a rural area and should be considered briefly here. The current established hours of working at the quarry allow for the loading of chalk from stockpiles into the primary crusher and its subsequent processing to a slurry to take place as a 24-hour activity. Mineral working (extraction) takes place between 06.00-18.00 Monday to Friday and no illumination is required in the quarry itself.
97. The existing lights in the stockpile, crusher and plant area are the minimum required to meet employee safety and as they require replacement they will be replaced with low energy bulbs and directional and/or shielded enclosures. It is not envisaged that the proposals would give rise to new or unacceptable adverse impacts.

## **Conclusions**

98. Concern has been expressed about the public health and safety issues posed by the current steep faces of the quarry. The restoration proposals address these concerns except to the north-west face. The top edges of the quarry will be progressively rolled over from slopes of 1:5 at the top edge to a maximum of 1:2 at the toe of slopes along the south-western boundary. The restoration slopes/gradients are consistent with long-term slope stability, establishment of vegetative cover and habitat creation.
99. With regard to the north-west face, the rock fall hazard remains. The ES proposes that this hazard will be managed by the use of bunds, fences and signs to restrict pedestrian and vehicular access within the vicinity of the faces. On the basis that the after-use proposals do not provide for public access to the restored site, the ES concludes that the public safety associated with these faces is low. Such safety measures are dealt with as part of the Mines (Shafts and Winding) Regulations 1993, but since there is a need to ensure the satisfactory landscaping of the site and in view of public concerns about safety, details of these measures will be required by condition should planning permission be granted.
100. The application has been considered in accordance with the Development Plan and other material planning considerations. Full account has been taken of the ES which accompanied the planning application.
101. The proposal accords with National Government Guidance (MPG10) in ensuring that a landbank of at least 15 years of raw materials for cement manufacturing units which are a national asset and which should be located as close to the cement works as possible in order to be sustainable.
102. The proposals accord with the Wiltshire and Swindon Structure Plan 2016 and Policy MPS6 which identify the area for development. The Adopted MLP November 2001 identifies the proposed area as a preferred area for extraction subject to a suitable application being submitted.
103. The application submitted accords with the Development Control criteria at Annex 1 of the Adopted MLP and has addressed the potential environmental impacts and provides appropriate safeguarding for the important nature conservation, landscape, historic, cultural and tourism interests for the site and its surrounds.
104. In light of the individual assessments on noise, dust, visual impacts, hours of operation and the conditions to be imposed, it is considered that the impact on residential amenity would be acceptable.
105. Granting permission for the working of the chalk and restoration of the quarry as proposed would enable beneficial restoration to take place. The proposed restoration would enhance the existing SPA/SAC/SSSI site designations and improve the existing landscape in the short, medium and long term. Currently there are no approved plans for the restoration of the site.
106. The proposals would not physically impact on the Westbury White Horse or Bratton Camp Hill Fort and would not therefore reduce the importance of these sites for tourism and leisure purposes.
107. Overall, it is considered that there are no material reasons which would justify refusal of planning permission.



## **Recommendation**

108. That, subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990, conditional planning permission be granted. The Section 106 Agreement would seek to achieve two purposes:

- (i) The ongoing monitoring and where necessary implementation of mitigation measures to safeguard protected species during the operational life of the quarry prior to the full restoration of the site; and
- (ii) The production and implementation of a 50-year Nature and Geological Conservation Management Plan to conserve the biodiversity and geological interests secured through the restoration of the site.

109. The principal heads of terms of the Agreement would be as follows:

### **Section 1**

- 1.1 Arrangements for the monitoring of species and habitats during the operational life of the quarry.
- 1.2 Details of mitigation/remedial/contingency measures triggered by monitoring.

### **Section 2**

- 2.1 Detailed description of the site including biological, physical and cultural interests and general information including location, land tenure and photographic coverage.
- 2.2 An evaluation of the site and confirmation of the site's important features.
- 2.3 An analysis of the factors affecting or likely to affect the important features.
- 2.4 Detailed and quantitative objectives.
- 2.5 A rationale which considers the influence of the factors on the features, the relationship between the various features and which identifies the most appropriate management options to achieve the objectives.
- 2.6 A detailed and fully costed five-year action plan to be revised every five years after review for a 50-year period in total.
- 2.7 Details of the managing agency/body.
- 2.8 Details of monitoring and remedial/contingency measures triggered by monitoring.
- 2.9 Plans that show, at least, the site's boundary, site infrastructure, habitats and management work phasing

110. Conditions to be attached to the planning permission:

Standard

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

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

Duration

2. All operations granted by this permission shall have ceased and all plant, machinery, structures, hardstandings, security fences and haul roads shall be removed and the site restored in accordance with Drawing No. UKTD-WHO32A entitled "Chalk Quarry Proposed Restoration" by 31<sup>st</sup> December 2036.

*Reason: For the avoidance of doubt and to not prejudice the long-term restoration of the site.*

Hours of working

3. Except in emergencies, in order to maintain safe working (which shall be notified to the Mineral Planning Authority as soon as practicable) the hours of operation shall apply as follows:

Soil stripping, overburden and mineral working:

06.00-18.00 Monday-Friday

Chalk crushing and processing - no restriction (24 hours)

No soil stripping, overburden removal or extraction of minerals shall take place at any time on Saturday, Sunday and Bank or Public Holidays.

*Reason: For the avoidance of doubt and to safeguard adjacent land uses.*

Phasing of working

4. The phasing of working of the site shall be carried out in accordance with submitted Drawing No. UKTD-WHO34A entitled "Chalk Quarry Phase Working Scheme".

*Reason: To enable the Mineral Planning Authority to adequately control development and to minimise its impact on the amenities of the local area.*

Depth of working

5. No extraction of chalk shall take place below 140 metres above ordnance datum.

*Reason: To minimise the risk to local groundwater resources.*

#### Pipeline for chalk removal

6. All chalk shall be removed from the quarry in slurry form by pipeline to minimise vehicle movements to and from the quarry.

*Reason: In the interests of highway safety.*

#### Dust

7. No development shall commence until a detailed scheme for controlling dust at the site has been submitted to and approved in writing by the Mineral Planning Authority. Such scheme shall incorporate the recommendations of Section 5 of the Dust Assessment Study prepared by Dust Scan Ltd. dated 4<sup>th</sup> May 2006. The scheme shall be implemented as approved.

*Reason: To safeguard the adjoining area.*

#### Noise

8. Noise levels arising from the development shall not exceed 60 dB LAeq one hour freefield at the boundary of the site.

*Reason: To protect the amenity of the area.*

9. Prior to the commencement of operations the operator shall submit to the Mineral Planning Authority for approval details of the proposed arrangements for ensuring that reversing vehicles do not emit warning noise which would have an adverse impact on residential or rural amenity. The arrangements approved shall be implemented and maintained throughout the life of the site.

*Reason: To protect the amenity of the area.*

#### Water protection and pollution

10. All refuelling rigs/tanks shall be fitted with a warning device to alert site personnel to any leaks or loss of fuels both during and outside normal operating hours.

*Reason: To ensure that any leak or loss of fuel is detected and to prevent pollution to groundwater.*

#### Floodlighting

11. Details of the location, height, design, sensors and luminance of additional floodlighting (which shall be developed to minimise the potential nuisance of light spillage on adjoining properties and highways) shall be submitted to and approved by the Mineral Planning Authority before any works commence.

*Reason: To minimise the nuisance and disturbance to the surrounding area.*

### Soils

12. No stripping of soil shall be carried out except when the full depth of the soil to be stripped or otherwise transported is in a suitably dry condition such that the topsoil can be separated from the subsoil without difficulty. All available topsoil and all subsoil shall be stripped, handled and stored separately and all stripping, handling and restoration shall take place under dry conditions to minimise structural damage.

*Reason: In the interests of maintaining soil quality and the satisfactory restoration of the site.*

### Landscaping

13. Before any operations are commenced on site details of a scheme of landscaping shall be submitted to and approved by the Mineral Planning Authority. Such details shall incorporate the general principles indicated in the application (W.04.1867) and shall include provision for details of the size of species and shrubs and hedge planting to be undertaken on retained screening bunds and in the northern extension area and details of other proposed new planting shown on the final restoration scheme (UKTD-WHO32A). Any shrubs or hedgerow planting which die within five years of being planted shall be replaced in the next planting season with new stock and maintained for a period of five years.

*Reason: To improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in integrating the site back into the local landscape.*

### Seeding of upper rollover slopes

14. The upper rollover slopes of the quarry shall be dressed with low quality subsoil and seeded with appropriate chalk grassland seed of local provenance sourced from Salisbury Plain. Details of the chalk grassland species to be used in the restoration of the rollover slopes and information on the source of the seed shall be submitted to and approved by the Mineral Planning Authority.

*Reason: To ensure consistence in terms of the chalk grassland to be provided and to ensure maximum biodiversity gain.*

### Extraction of chalk

15. No explosives shall be used in connection with the extraction of chalk.

*Reason: To safeguard undue disturbance to the general amenity of the area.*

### Mineral worked

16. No mineral except chalk shall be removed from the site.

*Reason: To ensure that the development is carried out in a satisfactory manner and to regulate the use of the land.*

#### Chalk grassland turf

17. All existing chalk grassland turf to be stripped from the site shall be retained, properly stored and used in the approved restoration scheme.

*Reason: To ensure that chalk grassland of local provenance is used in the restoration of the site.*

#### Regionally Important Geological or Geomorphological Sites (RIGS)

18. No development shall commence until a detailed scheme setting out how the 'RIGS' site identified on Drawing Number UKTD-WHO32A shall be safeguarded throughout the life of the quarry and the 50-year period covered by the Nature and Geological Conservation Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved.

*Reason: To ensure the safeguarding of the important RIGS site.*

19. No development shall commence until a detailed scheme setting out the mitigation measures for protected species has been submitted to and approved in writing by the Mineral Planning Authority. Such scheme shall incorporate the recommendations set out in Section 7.8 of the Ecology and Biodiversity Chapter of the Environmental Statement (September 2004) and the Westbury Quarry Ecology Update Report Spring 2006 (May 2006). Such scheme shall be implemented as approved.

*Reason: To safeguard protected species on the site.*

20. No development of the extension area shall take place until all footpaths and bridleways affected by the proposal have been diverted, are in place and brought into use.

*Reason: To maintain the integrity of the public rights of way network.*

21. Within three months of the granting of this permission a scheme setting out details of measures to ensure public safety in the vicinity of the north-west face of the quarry shall be submitted to and approved in writing by the Mineral Planning Authority. Such scheme shall include the measures outlined in Section 4.4 of Chapter 4 of the Environmental Statement dated September 2004. Such scheme shall be implemented as approved.

*Reason: To ensure that measures to provide for public safety do not detract from the overall restoration of the site and to protect the amenity of the area.*

## **Informative**

This planning permission does not authorise the stopping-up or diversions of the footpaths and bridleways required to enable development to take place. These can only be stopped-up or diverted by Order under Section 257 of the Town and Country Planning Act 1990.

## **GEORGE BATTEN**

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Report Author

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

Consultation replies and correspondence