

REGULATORY COMMITTEE
14th NOVEMBER 2007

CORSHAM: EXTENSION TO UNDERGROUND MINE WORKINGS
(PART RETROSPECTIVE) AT ELM PARK MINE, LANE'S END, GASTARD, CORSHAM
FOR WESSEX DIMENSIONAL STONE LTD.
(Application No. N/06/07030)

Purpose of Report

1. To consider the above application and to recommend that planning permission be **refused**.

The Site

2. The existing Elm Park Mine is situated to the east and north of Chapel Knapp and south of Lane's End, Gastard (see location plan attached at **Appendix 1**). Access to the Mine is gained from the Travis Perkins Builders' Yard at Lane's End, Gastard via a gently inclined adit (a passage into the mine) which extends southerly for some 200 metres to the northern limit of the existing workings (see layout plan at **Appendix 2**). The area of the existing Mine amounts to approximately 2.3 hectares at some 20-30 metres below ground surface. Vehicular access to the Mine is gained from Lane's End by means of the existing access to the builders' merchant's yard.

Mine History

3. It is understood that the extraction of stone from Elm Park Mine commenced during the early 1920's and the Mine was worked until 1936 when it was requisitioned for use as a store by the Royal Air Force. Although the first planning application to re-open the Mine was refused permission on 4th August, 1988, a subsequent application was granted on the 20th July, 1990 (N/89/0341). However, this permission lapsed and a further application was submitted (N/95/2105) for the extraction of dimensional blocks of oolitic limestone, ashlar rangework and smaller building stone. Permission was granted on the 15th December, 1997 which was time limited to the 31st December, 2003. A further application to extend the time period (N/01/2609) to the 31st May, 2010 was permitted on the 13th November, 2003.
4. During the time the Mine has been extracting stone (i.e. approximately ten years) it has changed hands in terms of its operation at least three times. In December 2005 the applicant (Wessex Dimensional Stone) took control of the Mine.
5. Towards the end of 2004 the Council's Enforcement Officer was made aware of concerns relating to noise emanating from the Mine being experienced in local residents' homes. Upon further investigation it was found that mining operations had extended outside of the permitted area. The operator was invited to submit an application to regularise the position. Deficient applications were returned to the applicant during 2005 because they were invalid in a number of respects. The then operator of the mine (Elm Park Stone) was warned that failure to remedy the unauthorised extension of the mine could result in enforcement action being taken. These were the circumstances when the current operator took over the mining operations.

6. The new operator submitted a planning application on 5th May, 2006. However, the application was again found to be deficient. A valid application was finally submitted on 18th August, 2006 under the threat of enforcement action being taken by the Council.

The Proposal

7. The application seeks permission for both the unauthorised extension to the mine and a further proposed extension. The application area amounts to 1.91 hectares (see **Appendix 2**). The applicant acknowledges that the previous operators of the Mine worked outside the permitted area and wishes to regularise the position and to work the stone in a more responsible manner.
8. It is proposed to work some 47,024 tonnes (21,374 cubic metres) of stone over a fifteen year period, (i.e. 3,135 tonnes per annum or 1,424 cubic metres). This stone would be brought to the surface by a fork-lift truck and loaded on to a flat-bed lorry for transport to stone yards. The number of loads would be a maximum of two per day at approximately 20 tonnes each. Hours worked at the Mine would be 8.00-18.00 Monday – Friday, and 8.00-13.00 Saturday.
9. The current permission for the Mine permits an extraction ratio of 60% with the width of roadways restricted to a maximum of 4.88 metres and pillars 12.8 metres long and 6.1 metres wide. The applicant wishes to modify the working practice to 6.0 metre wide roadways and 9.00 metre square pillars allowing an extraction depth of 9.0 metres from ceiling to floor and an extraction ratio of 64%. The applicant also wishes to carry out a system of roof bolting to allow any uneven material attached to the roof to be secured. It is also stated in the application that it is intended to purchase a modern stone saw to improve the extraction of the stone, with less wastage and secondary handling due to the ability of such a saw to cut more accurately and in more directions than the existing.
10. In the past bats have been found in the Mine. A survey undertaken by Clark Webb Ecology Ltd. is included with the application. Although no bats currently exist in the Mine, a mitigation plan has been suggested for the short, medium and longer term.

Planning Policy

11. The following policies are considered relevant to this application:
 - Policy 51 of the Wiltshire and Swindon Minerals Local Plan 2001.
 - Policy NE18 of the North Wiltshire Local Plan 2011 (noise and pollution).

These policies are set out in full in **Appendix 3**.

Consultations

12. **North Wiltshire District Council** – No observations to make. It is assumed that concerns raised by the Town Council on grounds of increased noise, pollution and vehicle movements would be commented upon by the relevant expert consultee.

13. **North Wiltshire District Council – Environmental Health Officer** – Confirm that the District Council has received complaints regarding the noise from the Mine and that a statutory noise nuisance has been substantiated from the mining operations. Advises that a Noise Abatement Notice was served on Wessex Dimensional Stone on the 27th November, 2006 on grounds that the use of equipment to remove stone in connection with mining operations was giving rise to a statutory nuisance to residents within their properties at Timberleaze, Gastard.

Because there is no mention of any noise mitigation from operational activities at Elm Park Mine, the District Council recommends refusal of the application.

14. **Corsham Town Council** – recommend refusal on grounds that:
- (a) Proposed development is contrary to Policy NE18 of the North Wiltshire Local Plan 2011 (noise and pollution).
 - (b) Proposed development would result in additional vehicular movements in a predominantly residential area. Access road and local junction layout is not suitable for additional vehicle movements which would be generated.
15. **Local Member, Mrs. J. Seager** – no comments received.
16. **Health and Safety Executive (Mines)** – no observations.
17. **Environment Agency** – no objections subject to a condition relating to bunding of any oils, fuels or chemicals stored on the surface or underground.
18. **Natural England** – no objection to the proposed development subject to conditions to cover the updated mitigation plan for bats in the mine.
19. **Wiltshire Wildlife Trust** – no objections.
20. **Countryside Section – Ecology** – originally concerned that the bat survey data submitted was outdated and needed updating following a re-survey. A further survey was carried out and suggestions made for mitigation in the short/medium term and post operations in the Mine.
21. **Local Highways Authority** – no objections.
22. Copies of the consultation replies referred to above are available in the **Members' Room**.

Publicity

23. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out. Eleven letters of representation have been received raising the objections and concerns outlined below:
- (i) Noise generated from the Mine, together with vibration, is interfering with people's lives and is intrusive.
 - (ii) Hours of working are not adhered to as working starts at 7.15 a.m.
 - (iii) No objection to extension providing distance from properties is increased.

- (iv) Continuing extraction will affect health of individuals (noise) and value of properties.
- (v) Concern regarding possible subsidence as a result of mining too close to properties. Suggest a 100 metre stand-off from residential properties.
- (vi) Extension to Mine will mean increased traffic, dust and noise at Lane's End entrance when stone is transported away from site.
- (vii) Stand-offs of 15 metres to boundary wall should be provided and there should be a telephone link and direct number for people to ring when a noise/vibration problem is being encountered by residents and the work should cease immediately.
- (viii) Concern regarding pressure on the road junction at Lane's End with the B3353 Melksham to Corsham Road. Request for a mini-roundabout.
- (ix) Extension should be towards the Melksham direction where there is a large area which is not close to housing.

Copies of the above representations will be available in the **Members' Room**.

Planning Considerations

- 24. This planning application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 25. Having regard to the consultation responses, letters of representation and Development Plan policies, it is considered that the main issues in the determination of this application are:
 - Need for the stone
 - Environmental impacts

Need for the Stone

- 26. Although Bath stone mines are operated on a relatively small scale, they are important sources of stone which are extensively used in the restoration and refurbishment of traditional buildings for which there may be no suitable alternative. It is essential that a supply of good quality building stone is provided for the conservation of the local architectural heritage.
- 27. The stone excavated from Elm Park Mine is acknowledged to be one of the most durable of the Bath stones available and this is borne out by the Building Research Establishment (BRE) who tests natural stone in terms of its weathering, durability and strength characteristics. The Elm Park stone has a higher compressive strength and density than other local Bath stone mines and it is in a higher class in terms of its durability. Because of these factors the stone is difficult to cut into blocks and remove from the seams. This has, in part, led to the difficulties outlined earlier in terms of noise and brings into question the adequacy of the machinery/methods currently used to extract the stone.

28. It is important to ensure that there is a choice of stone to meet the different uses. To this end it is considered that the additional durability of the Elm Park Stone has led to its high demand for specialised uses where such material is required and that there will continue to be a demand in the foreseeable future.
29. Therefore, the principle of the development is supported. However, this support has to be weighed against the environmental impact of the use.

Environmental Impacts

30. Because of the specialist nature of extracting stone from underground mines, the Council retained Mining Consultants, Golder Associates, to assess the implications of the planning application submitted for Elm Park Mine.
31. The Consultants reviewed the planning application details and visited the Mine in March 2007 accompanied by the applicant, the planning case officer and officers from the North Wiltshire District Council Environmental Health Department. The main purpose of the visit was to view the workings taking place in terms of their stability, the working practices and to undertake noise readings within the complainant's property (the subject of the Noise Abatement Notice) to establish the degree of noise and possible mitigation measures to be imposed.
32. Following the above, the Consultants prepared a report setting out their findings and the following is a summary of the conclusions:
- (i) It was confirmed that the current Mine development is outside the area for which planning permission exists;
 - (ii) The workings appear to be in a stable condition, although in some areas of the recent workings the Mine roadways have been excavated to a width in excess of the 6 metre span envisaged in the current application;
 - (iii) The basic Mine layout of pillars and roadways proposed in the application is satisfactory although the methods of working proposed leave something to be desired and are inappropriate to the proposals for future mining;
 - (iv) The changes to the mining equipment and working procedures envisaged by the applicant should allow the shortcomings of the previous working procedures to be overcome; and
 - (v) The planning application area should be re-drawn and conditioned with regard to a suggested 80 metre stand-off distance from sensitive premises.
33. It can be seen from the conclusions that the Consultants had a number of reservations regarding the way in which the Mine developed over recent years although they did consider it would be possible to overcome some of the shortcomings.

Noise Impact (Mining)

34. A key issue which was raised by a number of neighbouring residents, referred to earlier in this report, is that of noise from underground mining being transmitted through the ground to residential properties. The Consultants were specifically asked to consider this matter as it was the subject of a Noise Abatement Notice served on the applicant because it was considered to constitute a statutory nuisance which required action.

35. The Noise Abatement Notice was served on the 27th November, 2006. The planning application contains no information on noise mitigation of operational activities to prevent the recurrence of such problems.
36. The issue of noise is not new and has been a source of concern to local residents during recent years. The Consultants set up noise monitoring equipment in the house most affected in Timberleaze. A number of locations were chosen within the Mine to assess the levels of specific plant and machinery and how this noise was transmitted through the rock strata. The Consultants confirmed that the hydraulic pecker used in the Mine was the main cause of the noise complaints. Whereas other mines have used a horizontal saw cut to separate blocks of stone from the roof of the roadway, this is undertaken at Elm Park Mine by a hydraulic pecker because the hydraulic arm of the mechanised saw currently in use cannot cut horizontally so far from the floor. The pecker is used to break off the main blocks at roof level and to tidy up the face, removing loose pieces of rock. In March 2007 the applicant advised the Council that the pecker would be replaced by the use of a saw cut made with purpose-made equipment. However, this equipment has not arrived.
37. The main conclusions of the Consultants are that the proposals in the form submitted would not be feasible based upon the existing working practices. Extraction of stone from Phase 3 and the northern area of Phases 1 and 2 would likely result in justifiable complaints from local residents (see Plan attached at **Appendix 3**). The applicant has not demonstrated that local residents can be protected from present and future noise impacts. The proposals are therefore considered contrary to Policy 51 of the Minerals Local Plan 2001 and Policy NE18 of the North Wiltshire Local Plan 2011.

Other Noise Issues (Traffic)

38. In addition to underground mining, noise from vehicle movements associated with Elm Park Mine has been raised as a concern in letters received from local residents. Road traffic associated with the Mine would consist of employees arriving and departing and the loading and removal of stone transported by articulated lorry. The Mine currently employs four people (maximum of four vehicles in and four out per day) and would require a maximum of two lorry loads (two in and two out) per day to transport the stone. Therefore, the total vehicle movements per day associated with the Mine would be twelve (or sixteen if the number of employees increased to six). This is considered to be a negligible number of vehicle movements, particularly as there is considerable vehicular traffic of similar size associated with the Travis Perkins Builders' Yard through which access is gained to the Mine stone stocking area.

Ecology

39. An updated bat mitigation survey was submitted in February 2007 which has been scrutinised by Natural England and the Council's Ecologist. No objections are raised subject to conditions being included in any planning permission granted to secure the recommended mitigation measures.

Conclusions

40. The planning application is partly retrospective in that it seeks to regularise the extraction which is taking place and also proposed to take place over a period of fifteen years.

41. Whilst the requirement for and benefits of mining stone from this location can be supported in principle, this has to be weighed against the adverse impact it may have. The application submitted has been assessed by the Council's Mining Consultants and has been found to be deficient in terms of the methods of working proposed and current extraction operations which have taken place in the Mine. Officers are not persuaded that the need for the stone outweighs these identified adverse impacts.
42. Although the County Council has advised the applicant as to the course of action to be followed to remedy the unauthorised workings and ensure progress on the application to further extend the mine, this has been ignored.

Recommendation

43. That:

- (a) Planning permission be **refused** for the following reasons:

The proposed development would, by virtue of the identified noise nuisance resulting from the equipment and working practices employed, have an adverse impact on the amenity of neighbouring residential property, and is thereby contrary to the provisions of Policy 51 of the Adopted Wiltshire and Swindon Minerals Local Plan 2001 and Policy NE18 of the North Wiltshire Local Plan 2011. It has not been demonstrated that the need for the mineral outweighs the identified adverse impacts or that such impacts could be kept to an acceptable minimum.

- (b) The Assistant Director, Planning and Regeneration, in consultation with the Solicitor to the Council, instigate enforcement action in regard to the unauthorised extension of the mine workings.

GEORGE BATTEN

Director of Environmental Services

Report Author

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Principal Planning Officer

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

Consultation replies and correspondence