

**REGULATORY COMMITTEE**  
**19<sup>th</sup> DECEMBER 2007**

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**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. Members are requested to make a final decision regarding the above planning application.

**Background**

2. This application for planning permission (part retrospective) was to be considered by the Committee at the 14th November, 2007 meeting. However, Members resolved to defer consideration in order to make an inspection of the site and to receive additional information in relation to the potential noise impacts of the development. A copy of the report presented to that meeting is attached at **Appendix A**. The inspection took place on Monday 17th December, 2007.

**Additional information**

3. The key issue to be considered in respect of the planning application is that of noise from the underground mining being transmitted through the ground to residential properties.
4. Consultant Mining Engineers, engaged by Officers to assist with the consideration of the planning application, have advised that the Applicant's proposals are not feasible based on the working methods proposed in the submitted application.
5. However, it is understood that the Applicant has, in light of the recommendations made in the Officer report to the November meeting, now changed the method of working by ceasing to use the hydraulic pecker and by replacing the mechanised saw with a bespoke one more suited to the work in hand and features of this Mine.
6. It is important to note that the Applicant has not provided any information in relation to this new equipment and/or revised method of working the Mine. No information has been submitted in respect of the specification of the saw and neither has any noise assessment been provided to demonstrate that its use is compatible in this Mine. Therefore, Officers are unable to advise Members as to whether the new equipment is any less likely to generate noise nuisance than the previous equipment.
7. Moreover, Officers do not regard the change in working methods to represent a minor amendment to the planning application that was submitted. The change in the equipment/method of working is such that the proposals require consideration afresh. The most appropriate way for this to be undertaken is for the Applicant to submit a revised planning application. The Council is unable to grant planning permission for a form of development that was not actually the subject of the application.

8. Officers remain of the opinion that the proposals contained in the submitted planning application (i.e. use of a hydraulic pecker and mechanised saw) are unacceptable and planning permission should be refused. This does not prevent the Applicant from submitting a fresh planning application that encompasses the revised proposals (i.e. use of a modern stone saw that is fit for purpose).

### **Enforcement matters**

9. Officers first received complaints regarding noise emanating from the Mine being experienced in local residents' homes towards the end of 2004. Subsequent enquiries revealed mining operations had extended outside of the permitted area and the decision was taken to invite the then mine operator to submit a retrospective planning application to regularise the position as an alternative to formal enforcement action.
10. Negotiations with the mine operator continued throughout 2005. During this time the operator submitted a series of planning applications, but all were deemed invalid and returned. In an attempt to bring the matter to a conclusion, Officers warned that continued failure to remedy the unauthorised extension of the mine would result in enforcement action being taken. The mine operator subsequently terminated the lease.
11. Officers then entered into negotiations with the new mine operator, Wessex Dimensional Stone Ltd (the Applicant), who signed the lease in the full knowledge that the current mine workings were unauthorised. These negotiations resulted in the retrospective planning application currently before the Committee being submitted in August, 2006.
12. The submitted planning application contained no information concerning the noise implications of the development, despite the fact that a Noise Abatement Notice had been served by North Wiltshire District Council. Given the nature of the development and the extent of the unauthorised development, it was necessary for the Council to appoint its own mining engineers to consider the situation at the Mine. Faced with the Officer recommendation that planning permission should be refused, the Applicant has altered his proposals to such an extent that Officers consider a new planning application is required. Officers are concerned that, based on previous experience, such an application may not be forthcoming in the short term.
13. Officers therefore consider that, pending the submission and subsequent approval of a planning application that ensures the Mine can be extended in a satisfactory manner and without unacceptable harm to local amenity, enforcement action should be initiated to ensure that the unauthorised workings are not further extended.

### **Recommendation**

14. That Members make a final decision regarding the proposals contained in the submitted planning application, based on inspection of the Mine and the additional information provided above.

### **GEORGE BATTEN**

Director of Environmental Services

Report Author

**JASON DAY**

Planning Control Manager

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

None