

REGULATORY COMMITTEE
19th MARCH 2008

CORSHAM: EXTENSION TO UNDERGROUND MINE WORKINGS
(PART RETROSPECTIVE) AT ELM PARK MINE, LANES 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 granted subject to conditions.

Background

2. At its meeting on 19th December 2007 the Committee resolved to defer consideration of this application to allow the applicant opportunity to address fully the issue of noise from the mine workings.
3. Members will recall that officers were concerned that the Applicant had not provided any information in support of the application for planning permission relating to noise impact, despite the North Wiltshire District Council Environmental Health Officer previously finding it necessary to serve a Noise Abatement Notice in response to noise complaints from local residents. Mining consultants employed by the County Council had also raised concern regarding working methods and confirmed that the pneumatic breaker used in the mine is the prime cause of the noise complaints. Given these circumstances officers recommended refusal of permission.
4. At the site visit held on 17th December 2007 Members were able to view the equipment used at the mine, namely a cutting saw and pneumatic breaker.
5. Following the meeting, officers discussed with the Applicant how best the noise concerns could be resolved. As a result, the Applicant employed noise consultants to undertake noise measurements.

Noise Survey undertaken on behalf of the Applicant

6. The Applicant appointed Hepworth Acoustics – Noise and Vibration Consultants from Bristol to undertake a noise survey and this was carried out on 1st February 2008.
7. The Consultants undertook a survey of the noise levels experienced at Piper's Bay which is a residential bungalow located at Chapel Knapp. This property is the closest property to the current workings. Noise monitoring equipment was set up internally within a rear bedroom with the intention of assessing two pieces of machinery, namely, the pneumatic breaker or 'pecker' and an attrition saw. The breaker was assessed at three different positions within the mine at lateral distances of 22 metres, 35 metres and 70 metres from the noise measurement position (i.e. Piper's Bay). The saw was measured at 22 metres only due to practical constraints within the mine. However, this did not hamper assessment significantly as a test was possible in the closest area to the noise measurement position. Each piece of equipment was operated continuously for a period of one minute.

8. The results of the survey show that the breaker was clearly audible at 22 metres and audible at 35 metres but inaudible at 70 metres. The attrition saw on the other hand was inaudible at 22 metres.

Planning Considerations

9. When the application to extend the mine was submitted the Applicant did not include noise survey data because he considered that noise would not be an issue above ground for occupied residential properties. However, the practice of using the breaker to dislodge blocks of stone from the beds at roof level had previously been found to be a cause of concern, culminating in the serving of a Noise Abatement Notice by the North Wiltshire District Council Environmental Health Department.
10. The practice of using a breaker was further commented upon by the County Council's retained Mining Consultants who were critical of this method of working the stone. The consultants advised that use of the breaker was a consequence of using a poor quality saw and left much to be desired.
11. On the basis of the assessments carried out by Consultants for both the Applicant and the Council it would appear that there are two main options available to allow the stone to be mined in an environmentally acceptable manner:
 - (i) To cease using the breaker in the mine completely
12. It has been proven beyond all reasonable doubt by the Environmental Health Officer for North Wiltshire District Council, by consultants retained by the County Council and by Consultants retained by the Applicant that it is the pneumatic breaker which is the source of the noise nuisance experienced by nearby residents. Continued use of the breaker would therefore continue to generate noise nuisance and as such the proposals would be contrary to Policy 51 of the Adopted Wiltshire and Swindon Minerals Local Plan 2001 and a refusal of planning permission would be justified.
13. However, if the breaker were not to be used there would be no barrier to the grant of planning permission as the proposals would then accord with Policy 51 of the Minerals Local Plan
 - (ii) To continue to use the breaker but re-draw the application area so that mining did not take place in close proximity to residential properties
14. The survey undertaken by the Applicant's Consultants records that the operation of the breaker was 'clearly audible' at 22 metres and 'audible' at 35 metres from the resident's property but was 'inaudible' at 70 metres. These findings confirm the conclusions the County Council's Consultants came to, namely, that the extraction of stone from Phase 3 and the northern area of Phases 1 and 2 would likely result in justifiable complaints from local residents.
15. If the Applicant maintains that there is a need to retain the use of the breaker then the only feasible way forward would be for the extraction area to be limited so that a stand-off distance/buffer to sensitive properties could be achieved. However, this would have the effect of reducing the workable area for stone extraction to one third of the area originally applied for and therefore the whole viability of the proposal would be brought into question. Re-drawing of the extraction area to this extent would also require a fresh planning application.

The Way Forward

16. As set out in the original report to this Committee in November 2007, the principle of the development is fully supported in terms of the need for the stone. However, this has to be balanced with the requirements of Policy 51 of the Adopted Wiltshire and Swindon Minerals Local Plan which stipulates that proposals will be permitted where they do not give rise to any overriding environmental impact. Accepting that there is a need for the stone, officers are of the view that should the Applicant address the noise problem then planning permission can be granted for the development.
17. Negotiations with the Applicant have now resulted in him giving a written undertaking not to use the breaker (see **Appendix 1**). A new saw is now employed at the mine and it is designed to cut the stone at roof level whereas the previous saw was unable to reach the roof. As the stone is attached to the roof the only way to separate it was by a pneumatic breaker which could take several hours. The use of a breaker is now no longer required.
18. The removal of the pneumatic breaker means that the outstanding issue of noise has now been addressed and that the mine can be extended in a satisfactory manner without unacceptable harm to local amenity.

Conclusions and Reasons for Approval

19. The proposed development provides for the continued supply of natural building stone for use in the restoration and refurbishment of traditional buildings and assists in the conservation of our architectural heritage. Concerns relating to the noise impacts of the mine workings have been assessed and satisfactorily addressed and the ecological importance of the workings for bat species can be safeguarded. The proposals therefore accord with Policy 51 of the Adopted Wiltshire and Swindon Minerals Local Plan 2001. Subject to compliance with the conditions attached to the permission, the development would not cause any significant harm to interests of acknowledged importance.

Recommendation

20. That planning permission be granted for the above reasons and subject to the following conditions:
 1. Unless required by the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the details in the submitted planning application N/06/07030, Rock Mechanics Technology Ltd. report dated March 2006 and Drawing Numbers CMK/506 and EPS/505 Rev B.
Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in the interests of the area.
 2. All mineral extraction operations shall have ceased on or before 31st May 2023.
Reason: For the avoidance of doubt.
 3. The extraction area shall be worked by the room and pillar method with the pillars orientated to minimise the effects of natural fractures in the rock mass such that:
 - (a) An effective extraction ratio of 64% is not exceeded in any area of the mine measuring 100 metres by 100 metres as defined by north and east grid lines drawn on the mine plan.

- (b) Both the maximum distance and the effective span between adjacent pillars do not exceed 7 metres, including any over-cutting produced by the saw at roof level.
- (c) The minimum dimension of any pillar is 4 metres.
- (d) Wherever induced cracking of the roof occurs as a result of downward deflections of the roof beam to the extent that stability of the roof beam becomes suspect, the maximum roadway width shall be reduced progressively until a stable configuration is arrived at.

Reason: To define the terms of the planning permission so that ambiguity is avoided, to ensure a satisfactory form of development, to maintain a review of mining conditions and to ensure a development which is safe and gives support to adjoining and overlying properties.

4. Within three months of the date of this permission the operator shall submit to the Mineral Planning Authority for approval a plan showing how the method of working/mine design relates in detail to the application site and existing workings, indicating where necessary the exact location and dimension of rib pillars. Subject to Condition 3 above, development shall be carried out in accordance with the details approved.

Reason: To define the terms of the planning permission so that ambiguity is avoided, to ensure a satisfactory form of development, to maintain review of mining conditions and to ensure development which is safe and gives support to adjoining and overlying properties.

5. The operator shall maintain a survey of the conditions within the area of extraction hereby permitted and shall submit the results of such a survey to the Mineral Planning Authority in plan form twelve months from the date of this permission and then annually. Where the survey reveals, or the site conditions illustrate:

- (a) A steepening of the dip of the strata, and/or
- (b) A change in the average orientations of geological discontinuities, or
- (c) An open, clay filled or faulted geological discontinuity, this shall be reported immediately to the Mineral Planning Authority and before continuing mining in the affected area the operator shall submit for approval changes to the mining method/direction or means of implementation necessary to take account of the changed geological factors. In the case of an open, clay filled or faulted discontinuity, the spacing between the roadways adjacent to such discontinuity shall be increased to provide the equivalent of a full line of pillars either side of the discontinuity and details in plan form illustrating such steps shall be submitted to the Mineral Planning Authority. The operator shall thereafter implement such changes or steps as approved by the Mineral Planning Authority in the method of operation, implementation or direction of working or any additional works which are required to augment the stability of any pillars or roadways within the permitted area.

Reason: To define the terms of the planning permission so that ambiguity is avoided, to ensure a satisfactory form of development, to maintain a review of mining conditions and to ensure a development which is safe and gives support to adjoining and overlying properties.

6. Should any indication of the yielding or failure of a pillar or group of pillars be observed within or adjoining the site, the operator shall suspend mining immediately and advise the Mineral Planning Authority.

Reason: To define the terms of the planning permission so that ambiguity is avoided, to ensure a satisfactory form of development, to maintain a review of mining conditions and to ensure a development which is safe and gives support to adjoining and overlying properties.

7. No explosives shall be used in the process of mining.

Reason: To safeguard the amenities of local residents.

8. No operations, but excluding essential underground maintenance of plant and machinery, shall take place other than between the hours of 08.00 and 18.00 Mondays to Fridays, and 08.00 to 13.00 on Saturdays. There shall be no working of stone or removal of stone by lorry during Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents.

9. No stockpile of stone within the storage yard/stacking area shall exceed 3 metres in height.

Reason: To safeguard the visual amenities of the local area.

10. No pumping shall take place to dewater the workings.

Reason: To prevent pollution of groundwater.

11. 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 Mineral Planning Authority 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 which 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.

Reason: To prevent pollution of the water environment.

12. The access roadway and all other areas within the surface stacking area, which are used by vehicles shall be watered or treated with an approved dust laying agent at such intervals as may be necessary to prevent the raising of dust from those areas.

Reason: To safeguard the amenities of local residents.

13. No commercial vehicles shall enter the public highway unless their wheels and chassis have been cleaned to prevent material being deposited on the highway.
- Reason: In the interests of highway safety and to prevent mud and detritus being deposited on the highway.*
14. No pneumatic breakers or equipment of a percussive type shall be used within the mine.
- Reason: For the avoidance of doubt and to ensure that no noise nuisance is caused to local residents.*
15. The measures set out in the report dated February 2007 and submitted with the application entitled 'Elm Park Mine – Updated Mitigation Plan with regard to Bats' prepared by Clarke Webb Ecology Limited shall be implemented in full throughout the life of the permission. The developer shall afford access on an annual basis during the main bat hibernation period to a bat ecologist to survey the mine and advise the Mineral Planning Authority of the progress of the mitigation measures.
- Reason: To safeguard the long-term potential for the mine to be used as a bat roost.*

GEORGE BATTEN

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

Correspondence from Applicant's Consultants