

Date of Meeting	16 December 2009		
Application Number	N/08/07010		
Site Address	Round House Farm Quarry, Marston Meysey		
Proposal	Section 73 Application: Extraction and Processing of Sand and Gravel with restoration to Nature Conservation uses including wetlands and a series of small lakes without compliance with conditions 2, 18, 19, 20 and 35 of Permission N.00.1105 dated 03/07/03 (to amend the phasing sequence)		
Applicant	Moreton C Cullimore (Gravels) Limited		
Town/Parish Council	Marston Meysey		
Electoral Division	Cricklade and Latton	Unitary Member:	Peter Colmer
Grid Ref	413300 196270		
Type of application	County Matter		
Case Officer	David Rose	01225 776655 Ext 215 david.rose@wiltshire.gov.uk	

Reason for the application being considered by Committee

1. Consideration of this application was deferred by the Committee on 4 November 2009.

Background

2. This application was considered by the Committee at its meeting on 4 November 2009. A copy of the report by the Service Director, Development setting out the main issues in respect of the application is attached as **Appendix B**.
3. After discussion, the Committee resolved to defer consideration of the application and in the meantime to request the Case Officer to obtain from the Applicant further information regarding timescales for completion of the operation.

Timescales for Mineral Extraction and Restoration

4. The Applicant has provided an indicative programme of mineral extraction and restoration works based on the current proposed scheme of working as requested. The programme is shown at **Appendix A**.
5. The proposed scheme of working is shown at Appendix 3 to the attached report.

Planning considerations

Timing of events

6. Concern had been raised by local residents that the alteration to the phasing arrangements could have an impact on their amenity by delaying extraction and restoration works in the north-western corner of the site (i.e. proposed Phases 8 and 9) by up to ten years.

7. However, as can be seen from the table, extraction and restoration in Phase 8 would be completed during 2010. Extraction in Phase 9 would take place between 2010 and 2015 subject to flood events, with restoration completed by 2015. (If flooding is a regular occurrence, it is likely that Phases 8 and 9 will be worked and restored prior to completion of Phase 7 (i.e. 2013)).
8. Under the currently approved sequence of phasing, mineral extraction from the area proposed as Phase 8 would be completed by April 2010 with restoration complete by June 2010. Mineral extraction in the area proposed as Phase 9 would be complete by May 2010. Restoration works to this phase would be finished prior to the completion of extraction in Phase 5, i.e. by May 2011, assuming no flooding affects the works.
9. The proposed alteration to the phasing arrangements would not therefore delay extraction and restoration by ten years as suggested. There is very little difference in timings for the Phase 8 area and works in the Phase 9 area would take some three to four years longer.

Impact on residential amenity

10. During this additional period, all operations would continue in accordance with those already permitted. The noise and visual impacts of working this area during flood events in the south of the quarry would be no different to that already experienced. Measures to avoid or mitigate noise and visual impacts to those properties neighbouring the north-western corner (i.e. Wetstone Cottage and the Round House) have proved effective and would remain in place. Any additional impact on the living conditions of nearby residents by the proposal would relate to the screen bunds to Phases 8 and 9 remaining in place for this longer period.
11. The distance between the properties and the screen bunds is 80 metres. The ground that lies between the bunds and Wetstone Cottages and the Round House received extensive tree and shrub screen planting treatment in advance of the quarry development. Therefore, the bunds are themselves screened from view from these properties by existing mature tree and shrub planting.
12. The retention of the screen bunds for the additional period is therefore unlikely to significantly affect the living conditions of nearby residents. Any perceived impact should be viewed in the context of the current inflexible working scheme, which puts the progress of extraction and restoration at risk of being disrupted at frequent intervals by flooding events and which potentially delays the timely completion of the entire quarry development.

Conclusion

13. The officer report presented to the 4 November 2009 meeting recommended that permission be granted. Having regard to the further information, officers see no reason to recommend that planning permission be refused on account of the impact that the altered phasing would have on the living conditions of nearby residents.

Recommendation

14. That permission be granted for the reasons and subject to the conditions set out from paragraph 58 onwards in the original officer report.

Appendices:	<p>Appendix A Approximate Mineral Extraction and Restoration Sequence</p> <p>Appendix B Report by the Service Director, Development to the 4 November 2009 meeting of the Strategic Planning Committee.</p>
Background Documents Used in the Preparation of this Report:	Submitted application documents, consultation replies and representations.

BRAD FLEET
Service Director, Development

APPENDIX A

ROUNDHOUSE FARM, MARSTON MEYSEY

PROPOSED SECTION 73 APPLICATION TO VARY CONDITIONS OF PERMISSION NOO.1105 (THE REPHASING SCHEME)

Approximate Mineral Extraction and Restoration Sequence

Year	Approximate Mineral Extraction Programme	Approximate Restoration Programme
	Phase N ^o	Phase N ^o
2010	1	1
	8	8
	3	
2011	3	3
	4	
2012	5	4
2013	6	5
	7	6
2014	7	5
	9*	6
2015	9*	9
	10	10

* Phase to be worked at any time between 2010-2015 subject to flood events.

Notes:

- Duration of mineral extraction based on an average annual production of 140,000 tpa.
- Calculations are based on mineral extraction being carried out to the permitted stand-offs.
- To be read in conjunction with plan refs: 1771/SK4F, 1771/SK5E, 1771/SK6C, 1771/SK7C, 1771/SK8C.

APPENDIX B

WILTSHIRE COUNCIL

REPORT TO THE STRATEGIC PLANNING COMMITTEE

AGENDA ITEM NO. 8

Date of Meeting	4 November 2009		
Application Number	N/08/07010		
Site Address	Round House Farm Quarry, Marston Meysey		
Proposal	Section 73 Application: Extraction and Processing of Sand and Gravel with restoration to Nature Conservation uses including wetlands and a series of small lakes without compliance with conditions 2, 18, 19, 20 and 35 of Permission N.00.1105 dated 03/07/03 (to amend the phasing sequence)		
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Grid Ref	413300 196270		
Type of application	County Matter		
Case Officer	David Rose	01225 776655 Ext 215 david.rose@wiltshire.gov.uk	

Reason for the application being considered by Committee

1. The Director is of the view that it would be inappropriate to determine the application under delegated powers, having considered public representation and consultee responses.

Purpose of Report

2. To consider the above application and recommend that planning permission be granted.

Main Issues

3. The main issues in respect of the proposal to change the previously approved sequence of working are considered to be:
 - Need for Rephasing/Flood Risk
 - Noise Impact
 - Landscape Impact/Visual Amenity
 - Other operational matters

Site Description

4. The Round House Farm Quarry site is located approximately 0.5 km to the south of Marston Meysey village, approximately 3-4 km north east of Cricklade and 1 km to the north-west of Castle Eaton. The northern boundary of the site is defined by the C124/C116 (Eastern Spine Road) which links the A419 (T) Swindon to Cirencester road to the west and the A417 Farringdon to Cirencester road to the east. The River Thames forms the southern boundary to the site. To the east, the site is bounded by the Castle Eaton road and the "Second Chance"

touring caravan site. The Marston Meysey Brook forms the western boundary of the site. The total area of the site is some 56 hectares, 41 hectares of which is to be worked for sand and gravel.

5. The location of the site is shown at **Appendix 1**.

Relevant Planning History

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

N.00.1105 Application for extraction of sand and gravel and restoration to reedbeds –
Approved 3rd July 2003.

Proposal

7. The applicant wishes to amend the approved phasing of extraction and restoration operations at the site in order to better manage the risk flooding poses to production levels/market supply, which requires changes to certain conditions on the planning permission granted in 2003 (ref: N.00.1105).
8. The approved sequence of phasing requires the site being worked in a broadly anticlockwise direction. Phases 1, 2, 3 and 4 are situated to the north of the line of the disused Thames and Severn Canal and phases 5, 6, 7, 8, 9A and 9B are situated to the south (see **Appendix 2**). The area to the south of the canal is at a lower level and lies within the floodplain of the River Thames (which forms the southern boundary of the site) and is therefore prone to flooding during the winter months of the year.
9. Since acquiring the site and commencing extraction in 2006, the Applicant has experienced severe flooding on several occasions. This has resulted in the cessation of extraction and lost production time until the flooding subsides. As working progresses into the southern areas of the site the risk of this happening increases. To overcome this problem, and better manage the risk, the Applicant has defined an alternative phasing sequence which would allow production to be maintained and thus provide an uninterrupted supply of material to the market all year round.
10. The revised sequence of working the site (shown in **Appendix 3**) would enable the Applicant to continue to extract mineral from the site during flood events by moving from the southern phases to a 'drier' phase held in reserve north of the line of the canal. Mineral extraction would then recommence in the southern phases closest to the River Thames when the flood waters subside. This would provide flexibility for the operator to continue operating, rather than abandon the site during flood events.
11. The proposal does not involve any changes to the permitted hours of working or production outputs, and would not affect traffic levels. Working of the site may be shorter due to there being potentially less interruptions to production caused by flood events. The final restoration of the site would not change from the permitted scheme, i.e. restoration to reedbeds.
12. The conditions affected by this proposal are No. 2, 18, 19, 20 and 35 of Permission N.00.1105. These conditions relate to the following:-

Condition 2 This is a general condition which requires the development to be carried out in accordance with details submitted at the outset. Altering the phasing arrangements means that this condition would need to be amended to reflect this.

Conditions 18 & 19 These conditions specify the location of dewatering discharge points during different phases of the development. Only the numbering of the phases would need to be altered to reflect the revised sequence.

<u>Condition 20</u>	This relates to the provision of bunding alongside the Marston Meysey Brook during certain phases of the development to prevent loss of flow from the brook to the gravels. Only the numbering of the phases would need to be altered to reflect the revised sequence.
<u>Condition 35</u>	This refers to the oil pipeline which crosses the south-eastern corner of the site and requires details to be submitted and approved prior to extraction commencing in that phase of the development. The numbering of the phases would need to be altered to reflect the revised sequence. In addition, a reduced stand-off margin is proposed (25m down to 7m) which the Applicant has agreed with the body responsible for the safeguarding of the pipeline.

13. A proposal to construct an internal haul road running from the west of the site entrance to the proposed flexible areas 8,9A and 9B in the northwest has been deleted from the application. This would have provided a shorter more direct route from these working areas to the plant site in the north-east. However, the proposal to construct this haul road had to be discarded due to the land ownership issues.
14. Environmental Impact Assessment - The original planning application ref: N.00.1105 was accompanied by an Environmental Statement. This reported the findings of assessments of those aspects of the proposed development considered likely to have significant environmental effects, namely archaeology, agriculture, ecology, landscape, noise, highways and hydrology. Supplementary reports in respect of flood risk and noise have been submitted in support of this application.

Planning Policy

15. The following Development Plan policies are considered relevant to the determination of this planning application:
 - Policy MCS7 of the Adopted Wiltshire and Swindon Minerals Core Strategy 2006 – 2026 (June 2009) regarding flooding matters.
 - Policies MDC2, MDC3 and MDC5 of the Adopted Wiltshire and Swindon Minerals Development Control Policies (Development Plan Document- adopted September 2009)
16. These policies are set out in full in **Appendix 4**.

Consultations

17. **Local Member, Peter Colmer** – no comments received.
18. **Former North Wiltshire District Council** – had raised concerns in relation to the impact of the haul route on the Listed Bridge and Round House; the affect on the existing footpath and impact on trees, wildlife and ecology. Highlighted the route of the canal is protected from development under Policy TM2 of the North Wiltshire Local Plan.
19. **Environmental Health Officer** – confirmed that he was not able to comment on the proposals until he knew what impact the reconfigured bunds would have on the original predicted noise levels for the site. This would require a noise consultant to source the original noise impact study, transpose the new bunds to the original model and then assess the results. An assessment of the proposed revised bund configuration was undertaken by the original noise consultants and revised noise calculations were provided to the EHO. The EHO confirmed that, as the original noise limits imposed would not be breached he had no adverse comments.
20. **Gloucestershire County Council** – no observations to make.

21. **Cotswold District Council** – no objections
22. **Marston Meysey Parish Meeting** – objects for the following reasons;
- The original phasing proposals were necessary to protect amenity.
 - The approved phasing minimises visual impact in the north area which is the most visually sensitive area.
 - Progressive restoration can be undertaken under the current scheme.
 - Flooding is always likely in the floodplain area and this is a commercial risk the operator takes.
 - Sand and gravel is widely available in the area and this site is not ‘key’ to supply of the mineral.
 - Primary objective should be to protect the environment and safeguard amenity.
- Suggests, on a ‘without prejudice’ basis, conditions that should be imposed if it is concluded the application should be granted.
23. **Environment Agency** – advised that a PPS25 compliant Flood Risk Assessment (FRA) was required if the applicant wished to have the conditions in question changed, as a change in conditions could lead to an increase in flood risk to people and properties on the site and/or in the surrounding area. Confirms that the subsequently submitted FRA is satisfactory and consequently raises no objection to the proposed changes subject to there being a requirement that the applicant complies fully with it.
24. **Natural England** – no objections to this application.
25. **Cotswold Water Park Society Ltd** – no objection to the amendment of phasing.
26. **Cotswold Canal Trust** – objects to the current application as it fails to show the restored canal within any of the drawings or a specific agreed design and on a suitable agreed route which, near the Round House, is likely to be slightly south of the original line. The Trust’s expectation is that the canal will be restored by the developer from one end of the site to the other with no gaps.
27. **Defence Estates –Safeguarding** – no safeguarding objections to this proposal.
28. **Ecologist** – does not consider the proposed change to the phasing sequence will have any adverse effect on ecology and it may mean that the restoration can be successfully completed in a shorter time.
29. **Landscape Officer** - no objections.
30. **Local Highway Authority (LHA)** –no objections.

Publicity

31. The application was advertised in the local press, by site notices and neighbour notification. Six letters of representation have been received, together with a petition of 68 signatures of those opposed to the application. The key points raised are:-
- Rephasing is unnecessary.
 - The proposed flexible extraction of working phases due to flooding could continue for 10 years and delay the restoration of the site.
 - Disruption to residents in nearby properties.
 - Delay in achieving the final restoration.
 - Current phasing provides orderly working and restoration.
 - Flooding is not an issue. Site could be flooded and still meet approved levels of production.
 - Use the plant site for stockpiling of sand and gravel.
 - Drainage ditch running through the site from north to south should continue to be used and free flowing so as not to impact upon Marston Meysey village in times of flooding.

- Diversion of Rights of Way has been raised as an issue.
- Keeping the phasing arrangement as it is means that people know where the operator should be at any particular time. Flexible working would be more disruptive to local people and to wildlife.

Planning Considerations

32. Applications not to comply with conditions attached to a planning permission are properly an application under Section 73 of the Town and Country Planning Act 1990. This section provides for the submission of an application for permission to carry out the development of land without complying with conditions imposed on an earlier planning permission.
33. The procedure for such applications requires the planning authority to consider only the question of the condition(s) subject to which planning permission should be granted. If it is decided permission should be granted subject to conditions differing from the previous permission the planning authority may grant planning permission accordingly. Alternatively, if the planning authority decides that permission should be granted subject to the same conditions as in the previous permission, then it should refuse the application. If the planning authority decides that some variation of conditions is acceptable, a new alternative permission will be created. It is then open to the applicant to choose whether to implement the new permission or the one originally granted.
34. In considering the grant of a fresh planning permission, the planning authority can only consider the question of conditions subject to which the earlier planning permission was granted. New conditions can be imposed subject to them being those which it could have lawfully imposed upon the earlier permission and which do not amount to a fundamental alteration to the proposal put forward in the original application. The planning authority cannot use the application to remedy any perceived deficiencies in the earlier permission.

Need for Rephasing/Flood Risk

35. Planning permission for sand and gravel extraction at Round House Farm was granted in July 2003. Although it was known that those parts of the site adjoining the River Thames were prone to flooding, the company which made the application at the time proposed a working scheme based generally around working the site in an anti-clockwise direction. Starting in the north-eastern corner of the site, the scheme proposed first working the deeper mineral deposits in the northern areas of the site before those in the southern area.
36. Since commencing operations, the Applicant has reviewed the permitted working scheme against the background of the river 'overtopping' its banks and flooding the surrounding land in times of heavy rainfall. During these times it would not be possible for mineral extraction to take place in the lower lying areas of the site. The line of the disused canal that runs west to east through the middle of the site effectively acts as a dividing line between the south which floods frequently and the north which is less prone to flooding. The northern part of the site lies at a higher elevation (approx 1 metre higher). The operator is concerned that if he extracts all the phases to the north of the canal and then moves to working the phases to the south, any flood event would require cessation of operations completely. This would mean lost production until the flooding subsides sufficiently to allow extraction to recommence.
37. In order to manage this risk, an alternative phasing scheme has been devised. This proposes retaining a reserve deposit in the north-west corner of the site whilst working progresses through the southern phases so that if there is a flood event preventing working in the southern area extracting can switch to the north-west and production maintained. The direction of working the southern phases is reversed from that previously approved so that working commences in the east where grounds levels are lower and progresses west to the higher ground.

38. An assessment of flood risk has been carried out in accordance Planning Policy Statement 25: Development and Flood Risk (PPS25), which requires that where there is a potential for flooding then flood risk is taken into account and the risk appraised, managed and reduced where possible. Policy MCS7 of the Adopted Wiltshire and Swindon Minerals Core Strategy also requires that minerals development consider the issue of flood risk.
39. The Flood Risk Assessment (FRA) confirms that much of the Round House Farm site is specified as Flood Zone 3 with areas at the north of the site within the lower risk Flood Zone 2. PPS25 states that sand and gravel workings represent a 'water-compatible development' that is appropriate for all Flood Zones. Nevertheless, the likelihood of a flood event occurring on the Roundhouse Farm site is 'significant' rather than 'moderate' or 'low' and the operator is required to manage flood risk at this site.
40. The FRA concludes the mineral extraction proposals would provide a net increase in floodplain storage capacity. However, the placement of continuous soil bunds within the site boundary to provide a noise and visual screen to nearby residential properties as previously approved was highlighted as a problem as they could potentially result in impedance to flood flows. Mitigation measures were therefore required in the form of the provision of large 'gaps' in the north western and south eastern bunds to allow flood flows to pass through and, in the case of the south-east bund, there was a requirement that this be curved slightly to reduce the risk of flow concentration at the Second Chance Caravan Park. A revised design for the bunds has been produced, which reflects current industry standards. The Environment Agency has assessed the proposed design in the context of the findings of the FRA and advises that the design is satisfactory. Subject to recommendations of the FRA being implemented in full, the Environment Agency raises no objection to the proposed changes.
41. As an alternative to the operator carrying out extraction in accordance with the phasing proposed, it has been suggested by a number of people that the Plant Site could be used to stockpile material over the drier periods so that it can then be used when flood events occur and extraction was prevented. This would result in 'campaign' extraction of sand and gravel during the dry periods. The operator has considered this option fully but ruled it out for two main reasons. Firstly, the Plant Site is restricted in area bearing in mind the activities which are carried out on it. It contains operational plant to wash and screen the raw material (with an area designated for occasional crushing operations) to produce the finished product. This is stored in a variety of stockpiles of different sizes ready for distribution. In addition to the plant, mineral stockpiles and manoeuvring area for HGVs there is a weighbridge, vehicle washing area, car and lorry parking areas and offices. These activities all require sufficient space to operate effectively and safely and there is little spare capacity available. The second reason is that the main silt lagoon on the eastern and northern side of the plant site is necessarily larger than was first planned because of the high silt content of the mineral deposit being worked. It has therefore had to be extended thus reducing the area available within the plant area. This silt lagoon has now reached capacity and silt is being pumped to extracted phases as part of works to restore those areas to reed beds. Whilst this area would appear to the casual observer to provide an area for stockpiling, silt beds take many years to dry-out and become stable. It would not be practicable to use this area for stockpiling, and health and safety considerations would prohibit such in any event.
42. Officers consider that re-ordering the sequence of working as proposed offers a practicable solution to the difficulties that seasonal flooding imposes on the working of this site, subject to there being no adverse impacts in relation to noise and visual amenity. These matters are considered below.

Noise Impact

43. Concern has been raised by local residents that the alteration to the phasing arrangements could have an impact on their amenity by reason of increased noise being generated on the site and by not knowing when and where the operator will be working if more than one area of the site is open to extraction operations at any one time.

44. The existing noise mitigation measures in place consist of stand off margins and internal bunds to screen the workings from nearby residential properties. These measures will remain in place, although the design of the bunds will be modified as required by the FRA as indicated in paragraph 40 above. Initially, there was concern that installing gaps in the screening bunds in the north-west and south-east of the site would increase noise levels experienced by local residents (particularly the residents of Wetstone Cottage and Second Chance Caravan Site) as sound could 'break-out' through the gaps. To resolve this matter, the bunds have been redesigned to provide a double row of bunds with staggered gaps. This industry standard design facilitates flood flows whilst still providing noise attenuation. A supplementary noise assessment has been carried out which confirms the proposed configuration would not compromise their effectiveness in reducing noise to the levels required by the planning conditions. The Environmental Health Officer concurs with this conclusion and raises no objection to the proposals. As only one phase would be worked at any one time, there would be no increase in the noise levels already experienced at the site.
45. Marston Meysey Parish Meeting suggests that the conditions of the extant permission relating to noise need to be varied to make it clear that any temporary extraction of mineral from the new Phase 8 and 9 (i.e. during flood events) would not be a 'temporary operation' for the purpose of these conditions. The concern here is the conditions permit higher levels of noise when undertaking 'temporary operations' rather than 'normal' day-to-day operations. However, the definition of 'temporary operations' in this context are those operations which are required to be carried out either pre or post mineral extraction and include such matters as; site preparation, soil stripping in advance of extraction, creation of screen bunds, final restoration, etc. Any extraction of mineral undertaken in phases 8 or 9 for whatever period would be subject to the 'normal' strict noise levels previously imposed. It should be noted the limits are themselves much more stringent than one would normally expect, being set at 47 dB rather than 55dB. Changes to these conditions are unnecessary and would be unreasonable, as would any requirement for further noise monitoring at Wetstone Cottage and the Round House over and above that already provided for.
46. The Parish Meeting also suggests that the hours of operation for Phases 8 and 9 should be restricted to 09.00 – 18.00 Monday to Friday to provide greater protection to the residents of Wetstone Cottage and the Round House. However, officers see no justification for further restricting working hours in this part of the site. The only difference between the current scheme of working and the proposed scheme is that this area will be worked and restored over a different timescale. The actual operations carried out within the area will be same. Extraction operations have been ongoing in this area since early 2008 and the existing stand-offs and baffle bunds have proven effective in protecting these properties from any noise nuisance. In relation to noise impact, the proposed variation to the sequence of working is considered acceptable.
47. With regard to not knowing when and where the operator will be working, the clear intention of the Applicant is only to work one area of the site at a time. Working would take place in the sequence shown in the proposed scheme, only switching from south to north in the event of flooding. Officers feel the recently established Community Site Liaison Group provides an appropriate forum for residents to be informed of progress/timing of site operations.

Landscape Impact/Visual Amenity

48. There would be little difference between the visual impact of the proposed scheme and that previously approved. The only difference is that the area in the north-west part of the site would remain open whilst the remainder of the site was worked, as opposed to have being restored to reedbed soon after extraction operations were completed. As mentioned above, the previously approved scheme incorporates stand-offs, landscaping and screen bunds all designed to avoid or mitigate any impact on amenity. These have proven effective and all remain in place.

49. Being able to work the site on a continuous basis and not having to stop extraction for flood events, also means that potentially the overall timescale of the proposed development is shorter which in turn means that restoration can commence at an earlier stage and therefore reduce the visual impact of unrestored workings.
50. The concern of the Parish Meeting that the proposed scheme could lead to the operator working two areas intermittently and never fully achieving restoration is understood. However, the proposed phasing plans clearly show how it is proposed to progressively work and restore the site. Should progressive extraction and restoration of the site not occur, the Council has the option of using its enforcement powers to secure compliance.
51. Although the phasing sequence in the south would be reversed to run from east to west rather than west to east, the individual phases remain the same size and so it is not considered that there would be significant additional impact on the landscape or on visual amenity. Views for users of diverted footpaths traversing through the area would change, but these have been assessed as being short to medium term impacts. Any views from the Round House would be affected by the retention of a bund to the north-west for a longer period whilst Phases 8 and 9 are worked but this bund is already in place and is substantially screened by existing mature trees closer to the Round House. A similar situation would apply to Wetstone Cottage and the Second Chance Caravan Site.
52. The Landscape Officer has raised no concerns regarding the impact of the proposals on the landscape or visual amenity. In relation to landscape impact, the proposed variation to the sequence of working is considered acceptable.

Other operational matters

53. Since commencing operations at Roundhouse Farm Quarry, the Applicant has identified two problems in undertaking the development as originally permitted in 2003. The first problem relates to the management of flood events, the response to which is the subject of this application.
54. The second problem relates to difficulties in achieving the approved restoration scheme within the timescales envisaged at the time of the original application. The site operator has informed the Council that the principle reason for this is a lack of available restoration materials as the works progress. It had been predicted the restoration of the site to reedbeds could be achieved using only materials available on site. However, it is now likely that inert material will need to be imported to the site to make up the shortfall. The site operator has undertaken a review of site material resources to better understand the discrepancy between what has been calculated in the past and what has become evident in practice. Officers are in discussion with the Applicant on this matter and it is anticipated that an application will be made shortly to address this problem, as well as other outstanding matters relating to canal restoration, landscaping and the management of water levels within the site. It has been suggested by some interested parties that determination of this application should be delayed or incorporated with that application. However, Officers consider there to be no material planning reasons for this approach. The matters are separate and can be dealt with separately.

Conclusion

55. This application seeks permission to carry out the development of the quarry without complying with conditions imposed on the earlier planning permission. An amendment to the permitted phasing arrangements is sought to provide flexibility in the working of the site and to reduce the risk of a flood event affecting production to the detriment of maintaining supplies of mineral to the market. A Flood Risk Assessment (FRA) carried out for the site confirms the site lies within the floodplain of the River Thames and that there is a 'significant' chance of flooding occurring.

56. Accepting that the site is subject to potential flood events (which cannot be predicted) there is a need to consider the potential impact of the amended phasing working arrangements on the amenities of the area. It has been demonstrated that the amenity of local residents would not be adversely affected in terms of noise and visual impacts by carrying out the proposals in the manner proposed. The existing conditions relating to noise levels would be maintained and impact on visual amenity would potentially be less as the site could be worked and restored in a shorter timescale.
57. Officers consider the proposal to accord with the Development Plan and there to be no material considerations which would indicate that permission should not be granted.

Recommendation

58. That permission be granted.

For the following reason(s):

59. Having taken into consideration the environmental information, the Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate the decision should be made otherwise. The Council has had regard to all other material considerations and, in particular, consider that the development is necessary for the site to maintain continuity of supply during periods when operations at the site are affected by flooding.
60. The policies relevant to this decision are Policy MCS7 of the Adopted Wiltshire and Swindon Minerals Core Strategy 2006 – 2026 Development Plan Document Adopted June 2009 and Policies MDC2, MDC3 and MDC5 of the Adopted Wiltshire and Swindon Minerals Development Control Policies Development Plan Document adopted September 2009.

Subject to the following condition(s):

(The new conditions are shown in **bold** for ease of reference).

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. **Working, restoration and aftercare of the site shall be carried out only in accordance with the working programme and phasing plan, drawing numbers 1771/SK3 E dated 9 April 2009; 1771/SK4 F dated 23 June 2009; 1771/SK5 E dated 23 June 2009; 1771/SK6 C dated 12 February 2009; 1771/SK7 C dated 12 February 2009; 1771/SK8 C dated 12 February 2009; 1771/SB/1 dated AUG 2009 and submitted in application no. N.08.07010 dated 15 April 2008 as subsequently amended by the applicant's letters dated 1 July 2009 and 28 August 2009.**

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

3. No topsoil, subsoil or overburden shall be exported from the site.

Reason: In the interests of the satisfactory restoration of the site and the amenities of the area.

4. This permission shall be for a limited period expiring on 3 July 2018 at which time the development hereby permitted shall have ceased and the land reinstated to a condition suitable for nature conservation after use in accordance with submitted Drawing No 1771/SK8 C dated 12 February 2009.

Reason: To secure working and restoration within an acceptable timescale.

5. Notwithstanding the provisions of the Town and Country (General Development) Order 1995 (or any Order revoking or re-enacting or amending that Order) no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced or altered at the site without prior written approval from the Mineral Planning Authority.

Reason: To ensure that the development is carried out in a satisfactory manner in the interests of the amenities of the area.

6. Except in the case of emergency to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), no operations or activities authorised or required by this permission shall be carried out and plant shall not be operated on the site other than during the following hours:-

0700 – 1800 Monday to Friday
0700 – 1300 Saturday

No working shall be carried out at any time on Sundays or Bank or Public Holidays.

Reason: In the interests of the amenity of local residents.

7. Prior to commencing operations, details of fumes and dust suppression measures shall be submitted to and approved in writing by the Mineral Planning Authority. These details shall relate in particular to any access road, haul road, or other running areas used by vehicles which 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 in accordance with the approved details. These details should also include measures for minimising dust nuisance during the stripping/movement/replacement of soils and sub-soils.

Reason: To safeguard the local environment.

8. No minerals except sand and gravel shall be removed from the site.

Reason: For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner in the interests of the amenities of the area.

9. No development shall take place within the area of archaeological interest until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Mineral Planning Authority.

Reason: To afford the opportunity for archaeological study of the site prior to it being excavated.

10. No movement of soils shall be carried out except where the full depth of 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. Such soils must be stripped, handled and stored separately and all stripping, handling and restoration must take place under dry conditions to minimise structural damage.

Reason: In the interests of the satisfactory restoration of the site.

11. Surface water drainage works shall be carried out in accordance with details which have been submitted to and approved in writing by the Mineral Planning Authority prior to the commencement of development.
- Reason: To prevent the increased risk of flooding.*
12. Prior to the commencement of development a ground level survey shall be carried out and submitted to the Mineral Planning Authority. There shall be no raising of existing ground levels on the site.
- Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.*
13. No spoil or materials shall be deposited or stored on that part of the site lying within the area of land liable to flood.
- Reason: To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity.*
14. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
- Reason: To prevent obstruction to the flow and storage of flood water, with a consequent increased risk of flooding.*
15. Before each new phase of development is commenced, a survey to establish the presence of water vole and other mobile species shall be undertaken by suitably qualified personnel. The development shall proceed in strict accordance with its findings and recommendations.
- Reason: To ensure the development does not result in loss of, or damage to, the habitat of water voles.*
16. Before each new phase of development is commenced, a survey for the presence of crayfish shall be undertaken using full survey techniques including the use of refuge or baited traps as appropriate and hand searching by suitably qualified personnel. The development shall proceed in strict accordance with its findings and recommendations.
- Reason: To ensure that the development does not result in loss of, or damage to, the habitat of crayfish.*
17. Any planting should use native species of local provenance and should reflect species currently found in the vicinity.
- Reason: To ensure that no non-native species are introduced to this area.*
18. **During phases 2, 3A, 3B, 4 and 5 de-watering operations shall discharge to the River Thames at the confluence of the Marston Meysey Brook; NGR SU 133 959.**
- Reason: To ensure that flows in the River Thames are not derogated and that full recirculation occurs.*
19. **During phases 6, 7, 8 and 9A de-watering operations shall discharge to the most upstream point of the Marston Meysey Brook; NGR SU 127 965.**
- Reason: To ensure that flow is maintained in the Marston Meysey Brook.*

20. During phases 6, 7, 8 and 9A clay bunds shall be placed adjacent to the Marston Meysey Brook to prevent loss of flow from the Brook to the gravels. These bunds shall be retained after gravel extraction.

Reason: *To ensure that flow is maintained in the Marston Meysey Brook.*

21. Any outfalls from the Marston Meysey Brook into the ponds created during restoration shall be at a suitably high level to ensure that water is able to migrate only at times of flooding and not at other times when flow in the Brook may be affected.

Reason: *To ensure that flow is maintained in the Marston Meysey Brook.*

22. During the construction period no solid matter shall be stored within 16 metres of the banks of the tributary of the Thames and thereafter no storage of materials shall be permitted in this area.

Reason: *To prevent solid materials from entering the River Thames and causing pollution.*

23. A buffer strip of 16 metres minimum adjacent to the Marston Meysey Brook shall be fenced off and kept free from development or any activity associated with the development.

Reason: *To allow the watercourse to fulfil its function as a wildlife corridor.*

24. All effluents shall discharge via a sealed system to a suitably sized sealed tank.

Reason: *To protect the groundwater environment.*

25. Any above ground oil storage tank(s) shall be sited on an impervious base and surrounded by a suitable liquid-tight bunded compound. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipe should be directed downwards into the bund.

Reason: *To prevent pollution of the water environment.*

26. No sewage or trade effluent, including cooling water containing chemical additives, vehicle wash waters, steam cleaning effluent, or pressure wash effluent, should be discharged to the surface water system.

Reason: *To prevent pollution of the water environment.*

27. There shall be no direct connection between the pits and any watercourse.

Reason: *To prevent pollution of the water environment.*

28. Restoration materials shall be restricted to purely inert, uncontaminated soils and spoils generated from the site mineral workings.

Reason: *To prevent the pollution of groundwater.*

29. The development hereby permitted shall not take access from or gain access to the C124 except by way of the new access provided as outlined on the approved drawing 200038/2 dated June 2001.

Reason: *To safeguard highway safety.*

30. The development hereby permitted shall not be commenced until the new access to the site, as indicated on drawing number 200038/02 has been constructed in accordance with details which have been first approved by the Mineral Planning Authority. The access road approved shall be completed before any mineral is removed from the site and shall be the only access point used to serve the development.

Reason: To safeguard highway safety.

31. Following the completion of mineral extraction from the site, the access road shall be downgraded as part of the site restoration works in accordance with details to be submitted to and approved by the Mineral Planning Authority.

Reason: To safeguard highway safety.

32. Except for temporary operations, the free field equivalent continuous noise level at the noise sensitive premises nearest the extraction site, due to operations on the site, shall not exceed the relevant criterion limit specified in Schedule 1 (below) at each nominated site. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

<u>Schedule 1</u>	
<u>Location</u>	<u>Criterion L Aeq T (1 hour)</u>
Wetstone Cottage	47 dB
Round House Farm	47 dB
The Round House	47 dB
Caravan Park	47 dB

Reason: To safeguard the local environment.

33. For temporary operations such as site preparation, soil stripping, screen bank formation and removal and final restoration, the free-field noise level due to work at the nearest point to each dwelling shall not exceed 70 dB L Aeq T (1 hour) expressed in the same manner as for condition 32 above. Temporary operations shall not exceed a total eight weeks in any 12 month period for work close to any individual noise sensitive properties.

Reason: To safeguard the local environment.

34. The operating company shall monitor noise levels from temporary operations at the commencement of the development of the site. Thereafter, the operating company shall monitor noise levels at six monthly intervals at up to five locations, when site equipment is operating normally. The duration of the sample measurements shall be 15 minutes unless the site noise level is at or above the relevant criteria agreed for the location, in which event a full one-hour sample shall be taken. The surveys shall exclude so far as possible extraneous noises such as passing traffic. The measurements shall be carried out in accordance with the provisions of BS4142:1997 and the LA 90 T and L Aeq T noise levels shall be reported , together with the weather conditions, and the sources of audible noise. On request, the operator shall without undue delay furnish the Mineral Planning Authority with the particulars of the noise measurements. The monitoring locations and frequency of sampling may be varied by agreement with the Mineral Planning Authority and it is envisaged that less sampling will be necessary if the results show consistently that noise levels are below the appropriate criteria.

Reason: To safeguard the local environment.

35. **Prior to the commencement of any works in Phases 3A and 3B full details shall be submitted to the Mineral Planning Authority for approval showing the proposed arrangements required to safeguard the pipeline which crosses the site, including the marking out of a 7 metre corridor centred on the pipeline. Development shall be carried out in accordance with the approved details.**

Reason: To ensure the protection and safeguarding of the pipeline.

36. Prior to the commencement of soil stripping in each phase of the development, a survey shall be undertaken to establish the existence or otherwise of important protected species of flora and fauna. Details shall be submitted to the Mineral Planning Authority for approval.

Reason: To safeguard the protected species on the site.

37. Within one month of this permission being implemented a detailed landscape scheme shall be submitted to the Mineral Planning Authority for approval. The submitted scheme shall have particular regard to the need to protect the amenity of individual properties close to the site (e.g. Wetstone Cottage, Round House Farm, The Round House and the Second Chance Caravan Park) and the village of Marston Meysey and to the detailed phasing and programme of the works required and the timescale for each phase. Development shall be carried out in accordance with the approved details.

Reason: In the interests of safeguarding and enhancing the visual amenity of the area.

38. The existing boreholes on the site shall continue to be monitored on a regular basis and the data collected submitted to the Mineral Planning Authority for information purposes.

Reason: In order to maintain a continuous record of regular water level readings taken at the site.

39. Within one month of this permission being implemented details regarding the proposed programme of restoration work to be carried out in relation to the Thames and Severn Canal shall be submitted for approval. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the line of the canal and to ensure its restoration.

40. Within one month of this permission being implemented a Management Plan shall be submitted to the Mineral Planning Authority indicating how it is proposed to control water levels during the various phases of mineral extraction and the proposed aftercare and management of the reed beds created on site. Development shall be carried out in accordance with the approved details.

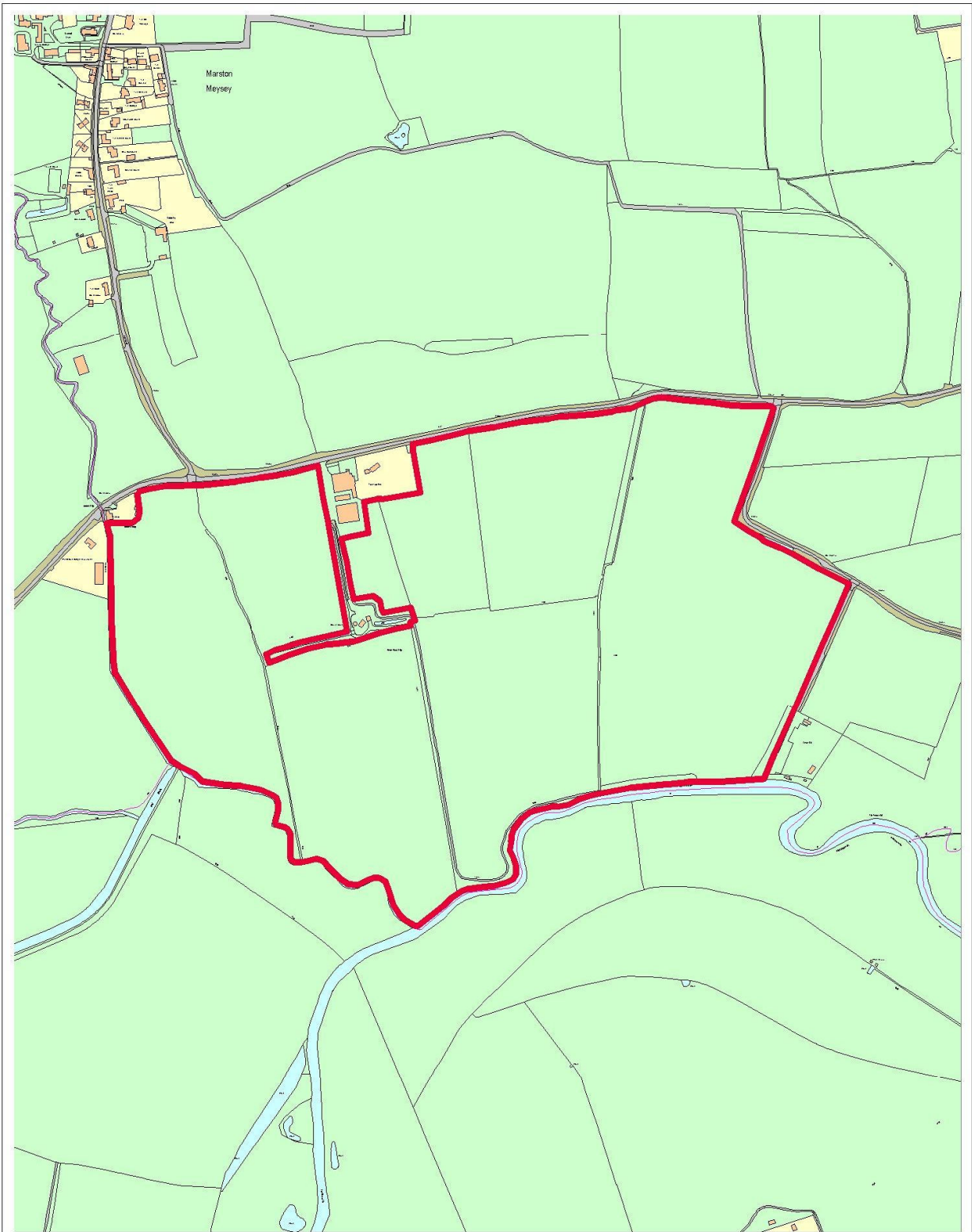
Reason: To ensure that the site is restored and managed in accordance with details approved.

41. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 2 February 2009 compiled by GWP Consultants and supplemented by the letter from GWP Consultants reference nr010509.let.cl dated 1 May 2009 and the following mitigation measures detailed within the FRA:
- a) Final restoration levels over the site will not exceed existing ground levels;
 - b) Storage of topsoil, subsoil and overburden shall be undertaken in accordance with the proposals outlined in Sections 4 and 5 of the FRA and Drawing Ref: RHFFRA0901 No. 11 Version A dated 21 January 2009.
 - c) The proposed bunds and their alignment referred to in b) shall be constructed in accordance with the details shown on Drawing No 1771/SB/1 dated August 2009 titled 'Proposed Screen Bund Sections'.

Reason: To ensure that there is no loss of floodplain storage and to prevent the increased risk of flooding due to the impedance of flood flows.

Appendices:	Appendix 1 Location plan Appendix 2 Existing Phasing Appendix 3 Proposed Phasing Appendix 4 Policies
Background Documents Used in the Preparation of this Report:	Submitted application documents, consultation replies and representations.

BRAD FLEET
Service Director, Development



Wiltshire Council
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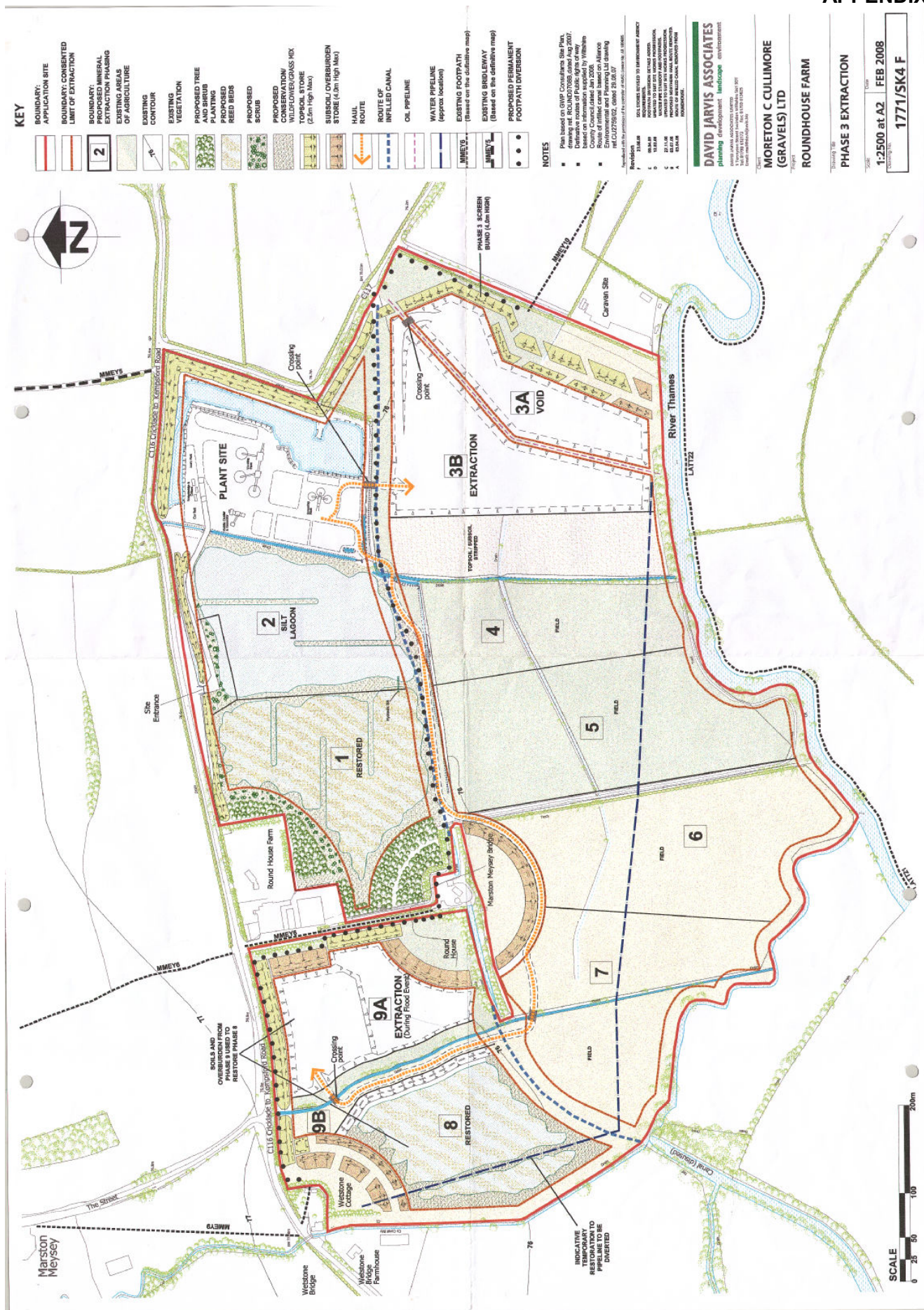
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APPENDIX 1

20/10/2009

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WILTSHIRE COUNCIL- 100023455 2009





RELEVANT PLANNING POLICY

WILTSHIRE AND SWINDON MINERALS CORE STRATEGY 2006-2026
(Adopted June 2009)

MCS 7: Flooding

Development proposals must avoid or mitigate any aspect of the development that could potentially lead to an increase in a likelihood of flooding, and where appropriate provide additional flood storage capacity to increase protection for vulnerable land uses, taking into account the impacts of climate change where an opportunity / need is identified through the SFRA / FRA process.

WILTSHIRE AND SWINDON MINERALS DEVELOPMENT CONTROL POLICIES
DEVELOPMENT PLAN DOCUMENT (Adopted September 2009)

MDC2: Managing the impacts of minerals development

Applications for minerals development in Wiltshire and Swindon will only be permitted where it is demonstrated that the proposal avoids and / or adequately mitigates significant adverse impacts associated with the following environmental considerations:

- Noise levels;
- Dust levels;
- Air emissions;
- Lighting; and
- Vibration levels.

Proposals for mineral development should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration. Where a need for mitigation is identified by the assessment and / or through consultation with key stakeholders, mitigation measures should be clearly defined and submitted as part of the development proposal, where necessary incorporating appropriate separation distances to safeguard residential amenity.

All plant and machinery associated with the mineral development will be limited to the life of the mineral reserve it serves, except where it can be demonstrated that the adverse impacts associated with retaining the plant and machinery can be effectively managed.

MDC3: Managing the impact on surface water and groundwater resources

Proposals for minerals development will only be permitted where it can be demonstrated that appropriate controls will be made available to protect and, where appropriate, enhance the water environment. This includes making provisions to ensure the protection and maintenance of:

- The quality of groundwater, water courses and other surface water; and
- The volume / levels of groundwater, water courses and other surface water

Flood Risk Assessments (FRA) will be required for minerals development proposals in areas at risk of flooding or likely to contribute to flooding elsewhere, as appropriate to the nature and scale of the development, and must take into account cumulative effects with other existing or proposed development. Where a risk of flooding is identified through FRA, proposals must include measures to ensure the avoidance of and / or mitigation of that risk.

Where appropriate, development proposals will also be required to include provisions for the efficient use of water resources on site and the use of Sustainable Drainage Systems (SUDS).

MDC5: Protection and enhancement of Wiltshire and Swindon's landscape character

Proposals for minerals development should include an assessment of the adverse impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to the following designated areas:

- **The New Forest National Park**
- **The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty**
- **The Cotswolds Area of Outstanding Natural Beauty**
- **The North Wessex Downs Area of Outstanding Natural Beauty.**

The assessment should be informed by the Wiltshire Landscape Character Assessment, as a minimum, and where the proposed development is situated within or in proximity to an AONB or in proximity to the New Forest National Park, the relevant Management Plan.

Proposals for minerals development should include appropriate provisions to protect and where possible enhance the quality and character of the countryside and landscape. Proposals in proximity to settlements must safeguard their character, setting and rural amenity through the implementation of mitigation measures that incorporate an acceptable separation distance, landscaping and planting, appropriate to the existing landscape setting and consistent with the proposed after-use of the site.