

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge,
BA14 0RD
Date: Wednesday 11 April 2012
Time: 2.00 pm

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Briefing Arrangements:	Date	Time	Place
PARTY SPOKESMEN	None		

Membership:

Cllr Mark Connolly	Cllr John Knight
Cllr Christine Crisp (Vice Chairman)	Cllr Francis Morland
Cllr Andrew Davis (Chairman)	Cllr Stephen Petty
Cllr Peter Fuller	Cllr Anthony Trotman
Cllr Charles Howard	Cllr Ian West
Cllr Chris Humphries	Cllr Fred Westmoreland
Cllr Julian Johnson	

Substitutes:

Cllr Trevor Carbin	Cllr Russell Hawker
Cllr Ernie Clark	Cllr Jacqui Lay
Cllr Bill Douglas	Cllr Mark Packard
Cllr Nick Fogg	Cllr Leo Randall
Cllr Mollie Groom	

PART I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 14 March 2012. (Copy attached)

3. **Declarations of Interest**

Councillors are requested to declare any personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 1.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on **Monday 2 April 2012**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **N/09/01258/WCM & N/09/02158/WCM- Park Lane Quarry, Neston Park, Neston, Wiltshire - (a) Construction of a Road Access, Haul Road and Mine Access Area for Park Lane Mine (b) Environment Act 1995: Application for Determination of Conditions to which a Mineral Site is to be the Subject** *(Pages 19 - 70)*

A report by the Case Officer is attached.

7. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

PART II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

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STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 14 MARCH 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Trevor Carbin (Substitute), Cllr Mark Connolly, Cllr Christine Crisp (Vice Chairman), Cllr Andrew Davis (Chairman), Cllr Peter Fuller, Cllr Charles Howard, Cllr Chris Humphries, Cllr Julian Johnson, Cllr Francis Morland, Cllr Stephen Petty, Cllr Anthony Trotman and Cllr Ian West

Also Present:

Cllr Rod Eaton

10. **Apologies for Absence**

Apologies for absence were received from Cllr John Knight, who was substituted by Cllr Trevor Carbin and Cllr Fred Westmoreland.

11. **Minutes of the Previous Meeting**

Resolved:

To confirm and sign as a correct record the minutes of the meeting held on 15 February 2012, subject to the following amendment:-

Minute No 7 – N/09/01258/WCM – Park Lane Quarry, Neston Park, Neston – Environment Act 1995: Application for Determination of Conditions to which a Mineral Site is to be the Subject

Resolution (2) to read:-

“A formal site visit be arranged.”

12. **Declarations of Interest**

Cllr Stephen Petty declared a personal interest in Minute No 15 – W/11/02312/FUL – George Ward School, Shurnhold, Melksham – Renewal of Planning Appeal Decision 26/6/2008, Planning Application Reference

07/02806/OUT for up to 270 Dwellings including Playing Fields, Car Park and Changing Facilities because he was a member of Melksham Without Parish Council who had considered this application but he had not taken part in any debate by the Parish Council on this application.

Cllr Tony Trotman declared a personal interest in Minute No 17 – N/11/03628/OUT – Land at Silver Street and White Horse Way, Calne – Outline Application for Development of around 154 Dwellings with Associated Vehicular Access to Residential Development because he was a member of Calne Town Council to whom had been offered the lease of the allotment and meadow land by the owner.

13. **Chairman's Announcements**

There were no Chairman's announcements.

14. **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation and the manner in which the meeting would be held.

Members of the public addressed the Committee as set out in Minute No 17, as detailed below.

There were no questions received from members of the public or members of the Council.

15. **W/11/02312/FUL - George Ward School, Shurnhold, Melksham - Renewal of Planning Appeal Decision 26/6/2008, Planning Application Reference 07/02806/OUT for up to 270 Dwellings including Playing Fields, Car Park and Changing Facilities**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received the views of Cllr Rod Eaton, the local Member, who was critical of the highway provision, considering that the developer should have been required under a Section 106 Agreement to provide for the provision of a link road to Beanacre but on balance supported the proposal.

After a full discussion,

Resolved:

To grant planning permission at a future date in the event of the Development Control Manager being satisfied as to prior completion of a legal agreement to secure:

- 1) 30% Affordable Housing
- 2) Provision of Public Open Space together with a maintenance contribution
- 3) Provision of Public Art
- 4) Provision of playing fields, changing room, car and coach parking and turning area and access thereto
- 5) Provision of Surface Water Attenuation scheme
- 6) Provision of Foul Sewerage Pumping Station
- 7) Provision of an index linked financial contribution to education needs arising out of the new housing
- 8) A financial contribution of £45,000 towards implementing the following necessary traffic management measures by the Highway Authority:
 - a) A Traffic Regulation Order to restrict or limit on-street parking on Dunch Lane;
 - b) Design and implementation of traffic management measures relating to the access from Dunch Lane to the A350;
 - c) A Traffic Regulation Order for modification of the speed limit on the A365 to 40 mph past the site and moving the existing gateways.
- 9) Provision of 2 bus stops with shelters and raised kerbs within the site.
- 10) A Residential Travel Plan, which shall include targets, to be undertaken and agreed by the local planning authority prior to the first occupation and appointment of a Travel Plan Co-ordinator. The Travel Plan shall include a welcome pack for new residents, the final contents of which must also be agreed by the local planning authority prior to occupation. This pack must include a map of cycle routes around the town and recommended routes to key

destinations such as the new George Ward School, a map of bus routes and bus timetables.

11) A financial contribution of £15,000 towards pedestrian and cycle signing to the town centre and other key locations.

12) A financial contribution of £25,000 for upgrading the footway along the A365 to improve pedestrian and cycle access to Shaw School.

For the following reason:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

And subject to the following conditions:-

- 1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended.

- 2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4 No later than the submission of the last of the reserved matters a plan shall be submitted to the Local Planning Authority showing the phasing of the development of the site; development shall take place in accordance with the approved phasing plan.

- 5** No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 6** The details of the landscaping of the site submitted in accordance with condition 1 shall include indications of all existing trees and hedgerows on the land, and details of any to be retained

- 7** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 8** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 9** The reserved matters shall include provision for public open space, amenity areas and play areas. The plans submitted shall define the boundaries of such areas, their proposed uses, the age groups for which they are intended, and the items of equipment, means of enclosure and all other structures which it is proposed to install.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

Leisure _ Recreation Development Plan Document 2009 - LP4

- 10** No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

REASON: To ensure that existing hedges of value are adequately protected.

- 11** Before any development is commenced on site, including site works or storage of any description, all trees to be retained must be protected. Heras or similar protective fencing must be 2.4 metres in height and supported on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fencing should be erected at a minimum of 2 metres outside the canopy edge of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall not neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity.

The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete unless the Local Planning Authority gives written consent to any variation.

REASON: To prevent trees that are to be retained on or adjacent to the site from being damaged during the construction works

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 12 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**

REASON: To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32

- 13 Prior to the commencement of the development, detailed designs for the main access junction and the changes to the Dunch Lane/A365 junction shall be submitted to and approved in writing by the local planning authority; and the main access junction and additional works shall be constructed in accordance with the approved drawings prior to the commencement of the development on site.**

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.

- 14 Detailed plans for vehicle parking, including coach parking, and on-site turning at the sports pitches, together with details of the access to this site and alterations to improve the sight lines at the corner of Dunch Lane together with a travel management plan shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.**

REASON: In the interests of highway safety.

Leisure _ Recreation Development Plan Document 2009 - LP4.

- 15 A detailed management plan for the sports pitches should be submitted to, approved in writing by the Local Planning Authority and implemented prior to occupation of the development.**

REASON: In the interests of highway safety.

Leisure _ Recreation Development Plan Document 2009 - LP4.

- 16** Prior to commencement of the development, details of the design and layout of the proposed changing rooms shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed changing rooms shall comply with Sport England's Technical Design Guidance Notes 'Pavilions and Clubhouses' and 'Access for Disabled People'. The changing rooms shall be constructed in accordance with the approved design and layout details and completed prior to the first occupation of the residential development hereby approved.

REASON: To ensure the development is fit for purpose, subject to high quality design standards and sustainable.

Leisure _ Recreation Development Plan Document 2009 - LP2 & LP4

- 17** The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority, for the provision of facilities that are as accessible and equivalent in terms of size, usefulness, attractiveness and quality as the existing facilities, and shall include a timetable for the provision of the new facilities. The new facilities will be provided in accordance with the approved scheme.

REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

Leisure _ Recreation Development Plan Document 2009 - LP2 & LP4.

- 18** The development hereby permitted shall not begin until a noise impact assessment and scheme for protecting the proposed dwellings and their curtilages from road traffic noise has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C38 and PPG24.

- 19** Details of lighting to the site North of Dunch Lane (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority

prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35

- 20** Building and construction work on the development hereby permitted shall not take place outside 07.00 hours to 18.00 hours, Monday to Friday, and 08.00 hours to 13.00 hours on Saturday, and at no time on Sundays and Bank Holidays unless the Local Planning Authority gives written approval to any variation.

REASON: To protect the amenity of the occupiers of nearby dwellings.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 21** No materials shall be burnt on site at any time on any phase of the development during the building and construction works.

REASON: In order to minimise nuisance.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

- 22** Any facilities for the storage of oils, fuels or chemicals during the construction phase shall be sited on impervious bases and surrounded by impervious bund walls. 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. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 23** Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, including biodiversity enhancing features and provision for enhancement of the South Brook and control of Himalayan Balsam, together with a programme of implementation and an ecological management plan for the whole site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats and enhance the long-term biodiversity value of the site as a whole.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C1

- 24** Prior to the commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species, in particular bats and great crested newts, and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.

- 25** There shall be no new buildings, or other structures (including gates, walls and fences) or raised ground levels within the floodplain area (Flood Zones 2 and/or 3), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority. Any building or structure to the north of Dunch Lane shall have a finished floor level no lower than 600mm above the 1 in 100 year flood level including 20% for climate change.

REASON: To maintain flood storage capacity and allow for flood flow routes, ensuring that flood risk is not increased in the vicinity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.

- 26** No development shall commence on site until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include oil interception for drainage from parking areas and hardstandings, shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate &/or volume of surface water

discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water management.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 and U2.

- 27** No development shall commence on site until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented strictly in accordance with the approved details prior to the first occupation of each agreed phase of the development.

REASON: To prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 and U2.

- 28** No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

- 29** No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details prior to the occupation of each agreed phase of the development.

REASON: In the interests of sustainable development and prudent use of natural resources.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C34A.

- 30** The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Plan

- Drawing No W.0196 10 1

Illustrative Masterplan - Drawing No W.0196 05 1A
Illustrative Masterplan - Drawing No W.0196 05 1B

Reason: To ensure that the development is carried out in accordance with the approved plans that has been judged to be acceptable by the local planning authority.

16. **N/11/03524/OUT - Land at Oxford Road, Calne - Outline Planning Application for Development for up to 200 Dwellings with Associated Works**

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He explained that the applicant had submitted an appeal in respect of this application on the grounds of non-determination, that is the Council's failure to determine the application by the target date of 20 January 2012. Consequently, no formal decision could be made by the Council in respect of the application. However, in order to progress with the appeal, the opinion of the Committee was being sought in respect of the application had they been in a position to determine it and on what grounds the Committee might wish to contest the scheme at appeal, if at all. He also drew Members' attention to the late observations.

Members of the Committee then had the opportunity to ask technical questions.

After a full discussion,

Resolved:

Had the Committee been able to determine the application, it would have refused planning permission and the Officers were authorised to contest the appeal for the following reasons:

- 1. The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011. There are no material considerations which outweigh the development plan policies.**
- 2. The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF), the Core Strategy Development Plan Document for the area and subsequent site allocations development plan document or neighbourhood plan for the area and is thus prejudicial to the council's plan-led approach to sustainable**

development. As such the proposal is contrary to Planning Policy Statement 3: Housing.

3. The proposed development is not an allocated site within policy H2 and was not required to meet the land supply for the period up to 2011. The proposed development is not required to meet the five year land supply requirement referred to in the June 2011 version of the emerging Wiltshire Core strategy or the February 2012 version of the Wiltshire Core strategy
4. By reason of the scale of development proposed, the application is contrary to Policy DP3 of the adopted Wiltshire and Swindon Structure Plan 2016 and Policies 1 and 20 of the emerging Wiltshire Core Strategy 2026.
5. Insufficient evidence has been submitted to demonstrate the measures that will need to be undertaken to mitigate the effect of the development on species protected by the Wildlife and Countryside Act 1981 (as amended) and Habitats Regulations (2010). This would be contrary to PPS9 and statutory obligations under Circular 06/2005 and Policies C3 and NE7 of the North Wiltshire Local Plan 2011.
6. The indicative layout does not satisfy the aims of Manual for Streets and the highway authority's supplemental guidance on safe and satisfactory servicing of the site. The proposal is contrary to Policy C3 of the North Wiltshire Local Plan 2011.
7. No Section 106 agreement has yet been entered into. The proposed development does not make any provisions for securing equipped children's play space or low cost housing provision on the site, Formal Leisure provision at Calne Leisure centre; Calne cemetery; the on-going provision and maintenance of open space and surface water attenuation measures on the site. The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (April 2008).

INFORMATIVES

1. This decision relates to documents/plans submitted with the application, listed below.

1586/11/04 – Location Plan;
A-01-MA-001-P - Illustrative Layout Masterplan;
3089/SK/201 - Proposed Roundabout
3089/501/A – Indicative Surface Water Drainage Strategy
3089/Ser/101 – Indicative Utilities Plan

Planning Statement Oct 2011
Design and Access Statement Oct 2011
Arboricultural Report Sept 2011
Archaeological Report Oct 2011
Extended Phase 1 Habitat and Protected Species Survey Jan 2011 –
Survey Elements various dating from 2003/2004
Phase 1 Environmental Investigation Oct 2011
Flood Risk Assessment Oct 2011
Landscape & Visual Appraisal and Landscape Strategy Oct 2011
Transport Assessment July 2011
Residential Travel Plan July 2011
Foul Surface and Water Drainage Assessment July 2011
Infrastructure Services Report Nov 2010
Waste Audit Oct 2011
Sustainable Design Report Oct 2011
Ambient Noise Assessment Oct 2011
Statement of Community Involvement Oct 2011
Topographical Survey

2. The reasons for confirming why planning permission would have been refused which pertain to highways, ecology and S106 matters have the potential to be overcome and in this respect and in light of the pending appeal, the applicant is invited to meet with the Council to discuss these matters and if necessary provide additional amended plans or heads of terms. Where such matters can be overcome, these aspects will not be pursued at appeal and agreed in a statement of common ground.

17. N/11/03628/OUT - Land at Silver Street and White Horse Way, Calne - Outline Application for Development of around 154 Dwellings with Associated Vehicular Access to Residential Development

The following people spoke in support of the proposal:

Lord Lansdowne, landowner of Bowood Estate
Mr David Lohfink

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He explained that the applicant had submitted an appeal in respect of this application on the grounds of non-determination, that is the Council's failure to determine the application by the target date of 6 February 2012. Consequently, no formal decision could be made by the Council in respect of the application. However, in order to progress with the appeal, the opinion of the Committee was being sought in respect of the application had they been in a position to determine it and on what grounds the Committee might wish to contest the scheme at appeal, if at all. He also drew Members' attention to the late observations.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

After a full discussion,

Resolved:

Had the Committee been able to determine the application, it would have refused planning permission and the Officers were authorised to contest the appeal for the following reasons:

- 1. The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011. There are no material considerations which outweigh the development plan policies.**
- 2. The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF), the Core Strategy Development Plan Document for the area and subsequent site allocations development plan document or neighbourhood plan for the area and is thus prejudicial to the council's plan-led approach to sustainable development. As such the proposal is contrary to Planning Policy Statement 3: Housing.**
- 3. The proposed development is not an allocated site within policy H2 and was not required to meet the land supply for the period up to 2011. The proposed development is not required to meet the five year land supply requirement referred to in the June 2011 version of the emerging Wiltshire Core strategy or the January 2012 version of the Wiltshire Core Strategy**
- 4. By reason of the scale of development proposed, the application is contrary to Policy DP3 of the adopted Wiltshire and Swindon Structure Plan 2016 and Policies 1 and 20 of the emerging Wiltshire Core Strategy 2026.**
- 5. Insufficient evidence has been submitted to demonstrate the measures that will need to be undertaken to mitigate the effect of the development on species/habitats protected by the Wildlife and Countryside Act 1981 (as amended) and Habitats Regulations, and listed on the UK/Wiltshire BAP. This would be contrary to Policies C3 and NE11 of the North Wiltshire Local Plan 2011. Planning Policy Statement 9 and statutory obligations established by Circular 06/2005.**

6. **The indicative layout does not satisfy the aims of Manual for Streets and the highway authority's supplemental guidance on safe and satisfactory servicing of the site. The proposal is contrary to Policy C3 of the North Wiltshire Local Plan 2011.**
7. **No Section 106 agreement has yet been entered into. The proposed development does not make any provisions for securing low cost housing provision on the site, formal Leisure provision at Calne Leisure centre; burial provision at Calne cemetery; the on-going provision and maintenance of open space and surface water attenuation measures on the site . The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (April 2008).**

INFORMATIVES

1. **This decision relates to documents/plans submitted with the application, listed below.**

**LP-001 – Location Plan;
P-MP-A3 - Illustrative Layout Masterplan;
E-TE-A3 – Typical Elevations
2911/HA/1 - Proposed Access from Silver Street
Proposed Allotment Layout NPA-10509-P-301
Existing Town Park Site Features NPA 10509BE
Proposed Town Park Layout – NPA-10509BE**

**Planning Statement Nov 2011 (Includes: Statement of Community Involvement; Draft S.106 Heads of Terms; Sustainability Statement; and Waste Management Strategy)
Design and Access Statement Nov 2011
Archaeological Report Sept 2011
Ecology Report and Extended Phase 1 Habitat May
Flood Risk Assessment Aug 2011
Landscape Report Sept 2011
Transport Assessment July 2011
Residential Travel Plan July 2011
Tree Survey & Tree Constraints Plan Sept 2009
Ground Investigation Report July 2009
Topographical Survey – 4765ea-01**

2. **The reasons for confirming why planning permission would have been refused which pertain to highways, ecology and S106 matters have the potential to be overcome and in this respect and in light of the pending appeal, the applicant is invited to meet with the Council to discuss these matters and if necessary provide additional**

amended plans or heads of terms. Where such matters can be overcome, these aspects will not be pursued at appeal and agreed in a statement of common ground.

(Duration of meeting: 10.30 am - 12.10 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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WILTSHIRE COUNCIL

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 April 2012		
Application Number(s)	a) N/09/01259/WCM b) N/09/02158/WCM		
Site Address	Park Lane Quarry, Neston Park, Neston, Wiltshire		
Proposal(s)	a) Construction of a Road Access, Haul Road and Mine Access Area for Park Lane Mine b) Environment Act 1995: Application for determination of conditions to which a mineral site is to be subject.		
Applicant	Sir James Fuller and Ham and Doultong Stone Ltd		
Town/Parish Council	Corsham		
Electoral Division	Corsham Without and Box Hill	Unitary Member:	Cllr Dick Tonge
Grid Ref	386705 167565		
Type of application	County Matter		
Case Officer	Mr Greg Lester	01225 770259 greg.lester@wiltshire.gov.uk	

Purpose of Report

To provide additional information in respect of the above proposals and to recommend the applications are approved.

Background

These two applications which would facilitate the reactivation of this “dormant” underground stone mine were to be considered by the Committee at the 15 February 2012 meeting.

However, after discussion in relation to application ref: N/09/01258/WCM, during which the appropriateness of the proposed condition requiring vehicles to use a new access onto Brookleaze at its junction with Rough Street or a modified condition requiring access to be via the previously approved access along Park Lane was considered, the Committee resolved to defer consideration of the application in order that:-

- (1) the Officers could consult the local residents on the option of a condition requiring access to and from the site along Park Lane.
- (2) a formal site visit be arranged.

A list of the comments received from residents to the consultation on whether vehicular access should along Park Lane is attached at **Appendix A**. Arrangements have been made for a site visit to take place on Wednesday 11 April starting at 10.30am.

A copy of the reports presented to the February 2012 meeting are attached in full at **Appendix B** and **Appendix C**.

Additional information

In light of the discussion at the February meeting, it is considered appropriate to first determine the application for the new road access and haul road (ref: N/09/02159/WCM), before determining whether the scheme of conditions (N/09/02158/WCM), which includes a condition requiring lorries to use that point of access to gain access onto the public highway, is acceptable.

The consultation exercise to gather local views on the possibility of reusing Park Lane has, at the time of writing, received 47 responses. [An updated list will be circulated at the meeting]. The majority of responses reiterate objections made to the plans for reopening the mine, but some expressions of support have been received commenting that objectors have suppressed possible support through a campaign purporting to represent all residents. Of those who have referred to the specific matter of access to and from the site along Park Lane, a common concern is that this a worse option than the proposed access and would result in the destruction of a valuable recreational asset of the village and the only bridleway in the area. On the other hand, it has been said the use of Park Lane would be less intrusive than the proposed access across open fields and it suggested the applicant could offer an alternative route for the bridleway.

With regard to the option of using Park Lane, it must be noted that due to the design of its junction with Atworth Road and close proximity of Neston Lodge it is not possible for lorries to turn left and head south to join the A365. Consequently, the use of Park Lane would entail lorries turning right and passing dwellings situated along Atworth Lane/Brockleaze before turning into Rough Street.

A clear theme of the further objections received is the suggestion that access be created to the south of the mine area joining with Atworth Lane a short distance before the junction with the A365. However, the Committee is reminded that the only route for which an application has been made is that for a route north onto Brookleaze and whilst it may be case that other land exists upon which the access might be more acceptable this would not justify the refusal of the proposed scheme.

As highlighted in the attached reports, apart from Rough Street, the roads in the locality are used by vehicles accessing the Leafield Industrial Estate. Rough Street itself is not subject to any weight or width restrictions and is legally available for use by all traffic. The Local Highway Authority has advised that given the low volume and infrequent passage of HGV traffic it can be accommodated by the local route network and is unlikely to prejudice highway safety. There are traffic regulation orders already in place to prevent HGV traffic using routes through Neston village. HGVs could turn left out of the proposed access and along Brockleaze/Atworth Lane south to the A365, but there are sections of Atworth Lane where the road bends and narrows on both sides and the Highway Authority has advised Rough Street is more suited for use by HGVs. The HGV traffic generated by the mine would consist of a maximum of 2 loaded lorries leaving the mine each day.

In addition, Officers have met with the applicant and agent to discuss other possible routes which could be used to access the mine. The applicant has carried out an informal assessment of possible routes to the east and south compared to the north (as proposed). The assessment concludes that the east and south routes would either be uneconomic due to the distances involved and the need to acquire additional land, impractical due to the surrounding topography or would be highly visible in the wider landscape. The applicant remains of the opinion that to use the northern route, although more expensive than Park Lane, would greatly minimise environmental and community impact.

Officers agree and consider that the use of Park Lane would result in unacceptable adverse impacts on the environment and amenity, contrary to policy. Therefore, should Members decide that the proposed new road access and haul road onto Brookleaze/Rough Street is unsatisfactory and refuse permission, it is not considered appropriate to modify the proposed schedule of planning conditions to require access via Park Lane. Whilst permission was previously granted for lorry traffic to use Park Lane to access the mine area, no minerals development may lawfully recommence at the site until a new scheme of full modern planning conditions has been approved. This ensures that schemes that are prepared and submitted are appropriate to the circumstances pertaining at the time. Given the current circumstance of Park Lane, its use now by vehicles would not be acceptable. In these circumstances, the applicant would have the option of either exercising the right of appeal against the decisions to refuse permission for the proposed access and to not approve the submitted schedule of conditions or could investigate further and promote an alternative means of access to the mine to facilitate its reopening.

Minerals planning matters

Natural building stone has been worked within Wiltshire for many years either from underground mines or at the surface in small-scale, low output quarries. Policy MCS 4 of the Wiltshire and Swindon Minerals Core Strategy states that in recognition of the demand for natural building stones for use in schemes to maintain and enhance the character of the built environment, the Councils will support proposals for the extraction of building stones that demonstrate a local need for the mineral and are of a scale which avoids any significant environmental and amenity impacts.

The National Planning Policy Framework, published March 27, 2012, sets out the Government's planning policies for England and how these are expected to be applied. In relation to minerals, it is stated that when determining planning applications planning authorities should, amongst other matters, give great weight to the benefits of the mineral extraction, including to the economy and recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

The reopening of the previously approved underground workings would help meet the current demand Bath stone is currently enjoying. It is considered that the proposed new means of access would provide a superior means of access to Park Lane Quarry from the public highway, suitable for the type of transport to be used. The proposed schedule of new conditions to which the planning permission is to be subject is considered appropriate and would ensure that there are no unacceptable adverse impacts.

Recommendation

That, based on inspection of the Site and the additional information provided above:-

- i) The application ref: N/09/01259/WCM for the Construction of a Road Access, Haul Road and Mine Access Area for Park Lane Mine be APPROVED for the reasons and subject to conditions listed in the report attached at Appendix B;

And, subject to a decision to that effect:

- ii) The application ref: N/09/01258/WCM for Determination of Conditions to which a Mineral Site is to be subject be APPROVED for the reasons and subject to conditions listed in the report attached at Appendix C.

<p>Appendices:</p>	<p>Appendix A - comments received from residents to the consultation on whether vehicular access should along Park Lane</p> <p>Appendix B – copy of the report for application ref: N/09/02159/WCM, as presented to the 15 February 2012 meeting.</p> <p>Appendix C – copy of the report for application ref: N/09/02158/WCM, as presented to the 15 February 2012 meeting.</p>
<p>Background Documents Used in the Preparation of this Report:</p>	

Response	Location	Obj/Sup	Comments
1	Brockleaze	Obj	<ul style="list-style-type: none"> • Further information required on direction of travel for lorries. • If not stated lorries will turn left it will be presumed they will turn right and travel through Neston towards Rough Street. • Why is a Southern route not feasible – will the applicant present valid reasons for this?
2	Westwells	Obj	<ul style="list-style-type: none"> • Both routes unsuitable • Both routes would create noise, dust pollution and more traffic and impact highway safety. • Impact on visual amenity • Loss of Agricultural Land • Concern over bridleway • Creation of only 4 jobs • Access should be to South
3	Damy Green	Obj	<ul style="list-style-type: none"> • Unsuitability of Rough Street, would become very hazardous • Visual impact would be major • Peace and quiet of area would be lost • Bridleway not suited to HGV traffic • Only feasible route is to the South • Loss of amenity, destruction of countryside, creation of noise and dust, highway safety, reduced quality of life. • A pity the 1948 consent is still valid
4	Damy Green	Sup	<ul style="list-style-type: none"> • Wish to record support for proposal • Believe objectors have suppressed possible support through campaign purporting to represent ALL residents. • Access across field is preferred to Park Lane • Park Lane built to service quarry • Old rail tacks could be turned into bridle/cycle tracks • Volume of stone produced is not going to generate a traffic issue
5	Elley Green	Obj	<ul style="list-style-type: none"> • Most sensible route to South • Other routes make no sense as longer, create more noise, pollution and hazard to other road users
6	Not provided	Obj	<ul style="list-style-type: none"> • Madness and inappropriate for the area • Both suggested routes would have

			<p>extremely negative and far reaching repercussions.</p> <ul style="list-style-type: none"> • Danger to own children and other road users from stone lorries • Careless lorry drivers already make the roads dangerous • Nobody wants the mine to open • Council should respect local peoples wishes •
7	Not provided	Obj	<ul style="list-style-type: none"> • Both routes unsuitable and unacceptable • Dangerous and difficult for coaches due to narrow roads in area • Increased risk of accidents
8	Westwells	Obj	<ul style="list-style-type: none"> • Considerable increases in number of large lorries using unsuitable roads • Generation of noise, dust, fume pollution and hazard to other road users • Loss of agricultural land and eyesore • Destruction of bridleway • Confused as to why haul route is not to South • Disturbance of proposed development disproportionate to extra employment
9	Elley Green	Obj	<ul style="list-style-type: none"> • Unhappy with timing of meeting • Use of Park Lane completely unacceptable • Applicants knew it would cause public outcry • If there is a feasible option it is to go south • Why is there a need t re-open the mine? • Why do the applicants want to take the route north?
10	Wadswick Lane	Obj	<ul style="list-style-type: none"> • Bridleway may have been adequate when the quarry last operated • Both routes dangerous • Application states two lorries in and two out daily, 5 days a week. This should be challenged. • Will this be enough to make the quarry economically viable? • Most obvious route is to the south
11	Rough Street	Obj	<ul style="list-style-type: none"> • Objections on grounds of road safety and rural amenities

			<ul style="list-style-type: none"> • Some roads not wide enough for two large vehicles to pass • Number of blind bends • Hazard to road users such as pedestrians, cyclists, horse riders and vehicular traffic • Grass verges already cutup. Could worsen causing hazards to other road users • Park Lane and Rough Street are used by walkers and riders • Route along Atworth Lane, Brockleaze and Rough Street forms part of the Wiltshire cycleway • Impact on visual amenity – given the potential area for the stone quarry this would inevitably increase • Application for access from the south could be submitted
12	Locks Cross	Obj	<ul style="list-style-type: none"> • Both proposed accesses are unacceptable • Loaded lorries onto either Atworth Lane or Brockleaze will create noise, dust and a hazard other road users • Agricultural land would be destroyed and be visually intrusive • Rough Street and Dicketts Road are not suitable, especially as there is a childrens playground on Dicketts Road • Already have to put up with large coaches going to Neston School • Unacceptable increase in traffic since MOD site opened. Residents of Neston now have unsightly double yellow lines on Westwells • Residents of Neston have to endure changes made by other organisations • Access route should be to south • Meeting should be rescheduled so as to avoid Easter holiday
13	Chapel Lane	Obj	<ul style="list-style-type: none"> • Both routes proposed are totally unacceptable • New access should be provided to south • Use of Park Lane would destroy wildlife and the countryside and amenity

			<ul style="list-style-type: none"> • What is happening to protected species (bats) within quarry?
14	Moor Green	Obj	<ul style="list-style-type: none"> • Neither route proposed is acceptable • Park Lane is the only Bridleway in the area • Wildlife would be destroyed • What would the effect be on adjacent fields, people and wildlife from dust and noise? • Both routes will undoubtedly result in unsuitable traffic heading north to Corsham • Access should logically be taken south
15	Not provided	Obj	<ul style="list-style-type: none"> • Both routes are unacceptable, due to highway safety concerns • Exit from Park Lane onto Atworth Lane would be dangerous • Dicketts Road has residents parking on both sides and a childrens playground
16	Damy Green	Obj	<ul style="list-style-type: none"> • Unsuitability of Rough Street for stone lorries causing highway safety concerns • Visual Impact • Amenity of the area would be harmed • Re-opening of Park Lane is not acceptable – the bridleway is not suite to heavy lorries
17	Chapel Hill	Sup	<ul style="list-style-type: none"> • No reason to object to either route • Don't go near Neston Village 'proper' • Preference to upgrading Park Lane over new access on to Brockleaze
18	Westwells	Obj	<ul style="list-style-type: none"> • Proposed route unsuitable for quarry vehicles • Highway safety concerns for users of the proposed route, including pedestrians, cyclists and horse riders • Northern route is unacceptable and unsuitable • Only credible option is to go south to Atworth
19	Not provided	Obj	<ul style="list-style-type: none"> • Both proposed routes are unacceptable and highly dangerous • For the Highway Authority to suggest Atworth Lane is unsuitable yet approve the

			<p>northern route seems unbelievable</p> <ul style="list-style-type: none"> • Park Lane in the only Bridleway in the area
20	Not provided	Obj	<ul style="list-style-type: none"> • Proposal to use Park Lane is worse than its predecessor • Increases disruption and properties vehicles routed past • Concerned over highway safety • Only feasible route is to the south
21	Westwells	Obj	<ul style="list-style-type: none"> • If Atworth Lane is unsuitable, then surely the route north is also unsuitable? • If the Park Lane bridleway is reopened, would the applicants offer an alternative route for the bridleway?
22	Neston Crescent	Obj	<ul style="list-style-type: none"> • Cannot see why either of the two proposed routes are applicable • It would make more sense for the haul route to go east
23	Brockleaze	Obj	<ul style="list-style-type: none"> • Two suggested routes are both unsuitable for heavy vehicles • Obvious not all committee members were familiar area, in particular the junctions of Rough Street and Brockleaze • Concerns over highway safety for vehicles routed north • Locals suggested a route to the south to join Atworth Lane just before junction with A365
24	Purpitt	Obj	<ul style="list-style-type: none"> • Country roads completely unsuitable for multi-axle Heavy Goods Vehicles • Roads are too narrow and will create a hazard for other road users • Locally roads already encumbered with excessive numbers of HGVs • Quarry will generate noise, dust, and in winter months, light pollution • Local wildlife populations will be adversely affected • Bridleway is an invaluable public amenity and closure or sharing of this route with heavy lorries would have a severe impact on the quality of life for local communities • In the event the application is allowed, it should be on the basis of the open farmland haulage

			route, coupled with enforceable conditions regarding working hours, lorry movements and recovery of costs for damage to the public highway
25	Potley Lane	Obj	<ul style="list-style-type: none"> • Both proposed routes are completely unacceptable • Vehicles would be routed past residential properties • Number of lorry movements is likely to increase over time • Mine will be of no benefit to Wiltshire, bar the creation of 4 jobs, but will mean the creation of noise and dust pollution and the destruction of agricultural land and countryside, reducing quality of life for residents • The only feasible route is to go south to join Atworth Lane just before the A365 • Request that the application is NOT heard at 11 April meeting due to proximity to Easter
26	Brockleaze	Obj	<ul style="list-style-type: none"> • Object to the use of Park Lane • Route is unsuitable for the proposed traffic • Would create noise, dust and be a hazard to other road users • Impact on visual amenity of northern route • Loss of amenity if Park Lane route used • Only feasible route is to take haul road south
27	Locks Cross	Obj	<ul style="list-style-type: none"> • Proposed routes unacceptable • Neither option suitable considering the noise, dust and hazard to pedestrians • Obvious solution is for lorries to head south and join the Atworth Road
28	Fleetwood Close	Obj	<ul style="list-style-type: none"> • Both routes totally unsuitable • Park Lane is Neston's only bridleway and would be ruined if large lorries allowed to use it • Lorries existing Park Lane are understood to be turn right; this would be an impractical, unsuitable, intrusive. • Would potentially lead to noise and dust pollution • Would create a dangerous hazard

			<ul style="list-style-type: none"> to other road users Northern route would ruin agricultural land and be visually intrusive Probability of noise and dust pollution and danger to other road users would also apply Few jobs would be created and the mine would have no benefit to the local community Both routes would destroy wildlife habitats Only feasible route is to South joining Atworth Lane a short distance before junction with A365
29	Atworth Lane	Obj	<ul style="list-style-type: none"> Both routes are completely unacceptable and unsuitable for the purpose intended View of the countryside would be ruined by large, slow moving lorries
30	Not provided	Obj	<ul style="list-style-type: none"> Whole plan unacceptable on grounds of disruption to peaceful rural community with noise and dust caused by heavy traffic, without benefit to the existing community Rough Street is completely unsuitable for heavy stone lorries Highway safety would be put at risk
31	Not provided	Obj	<ul style="list-style-type: none"> Neither route is suitable for large stone lorries Would create disturbance through noise and dust pollution and increased wear on roads Impact on highway safety for other road users Least disruptive route to South
32	Elley Green	Obj	<ul style="list-style-type: none"> Continued promotion of the two routes is incomprehensible Use of Park Lane would destroy bridleway and result in traffic passing more properties Would be better to turn left at exit of Park Lane Since applicants are prepared to build a new haul road, it would be much better to go south west This is the only sensible route as it would have the least impact on everybody
33	Prospective resident	Obj	<ul style="list-style-type: none"> Impact and disruption of Park

			<p>Lane bridleway/footpath</p> <ul style="list-style-type: none"> • Potential for inappropriate routing of HGVs through Corsham, Whitely and Shaw • Will signage be mandatory, and how will this be enforced? • Impact on highway safety for other road users
34	Not provided	Obj	<ul style="list-style-type: none"> • Park Lane is one of few bridleways in the village and regularly used for recreation • Environment would be ruined if used by heavy lorries • Highway safety impact • Southerly route is most suitable alternative • Idea that Atworth Lane is too narrow also applies to Rough Street • Date too close to Easter and would request item not to be considered on 11 April
35	Elley Green	Obj	<ul style="list-style-type: none"> • Neither of the proposed routes is acceptable • Traverse a well used footpath and part of Wiltshire Cycleway • Utilise Rough Street – an unclassified and unsuitable road with a dangerous semi-blind junction at each end • Access through Dicketts Road, past a well used childrens playground • Highway safety impacts once on B3353 towards Melksham • Understand the Council can require applicants to use the shortest route to main trunk network
36	Not provided	Obj	<ul style="list-style-type: none"> • Noise and disturbance of proposed access would have a negative effect on residential amenity and the countryside • Wildlife habitats will be compromised • If mine is to re-open, then Park Lane route would be far less intrusive to the environment
37	Not provided	Obj	<ul style="list-style-type: none"> • Run the bus services in and around Neston • No way to pass other large vehicles • Routes are barely wide enough for

			<ul style="list-style-type: none"> existing coaches Propose rejection on Health and Safety grounds or limit movement of traffic to outside those used for school transport as quarry drivers would not adhere to a 'gentlemans agreement'
38	Not provided	Obj	<ul style="list-style-type: none"> Park Lane is one of the few bridleways in the village and is valued for recreation The nature of Park Lane would be ruined if used by heavy lorries Highway safety concerns Most suitable alternative route is in a southerly direction
39	The Linleys	Obj	<ul style="list-style-type: none"> Object to proposal to direct traffic through the Linleys Roads in area used by cyclists and walkers. Dicketts Road difficult to negotiate – children and dogs often loose Linleys is very difficult for traffic to negotiate, when two lorries meet one has to reverse causing traffic to back up If there is an alternative route disturbing fewer people that should be chosen
40	Bakers Corner	Obj	<ul style="list-style-type: none"> Destruction of countryside from reopening Park Lane and loss of Bridleway Highway safety impact of heavy goods vehicles on local roads Lorries will almost certainly end up travelling along Chapel Lane and through Neston – it is a shorter route Most obvious and least disruptive route is south towards Atworth and the A365 Impact through noise and pollution from large lorries of northern route Lorries would still use unsatisfactory routes
41	Atworth Lane	Obj	<ul style="list-style-type: none"> Use of Park Lane would result in a vastly greater loss of amenity than access route proposed under application N/09/02159 – I am sure this consideration led to the recommended condition preventing access along Park Lane The condition preventing

			<p>access/egress along Park Lane should remain</p> <ul style="list-style-type: none"> • Unsure why it is necessary to specify a route for access and egress. A condition to limit the applicants to a subsequently approved route should be sufficient • It cannot be right that conditions under this application stipulate a specific route to be used that is itself subject of a separate application
42	Not provided	Obj	<ul style="list-style-type: none"> • Strong objections to both applications • Only viable HGV route is south to the A road through Atworth • There are no suitable routes to the north of the quarry
43	Brockleaze	Obj	<ul style="list-style-type: none"> • Why were local people not informed of meeting on 11 April? • Both proposed routes are unacceptable • Loss of bridleway is unthinkable, it provides a valuable source of recreation where traffic can be avoided. A wide variety of wildlife is also present in Park Lane, why should this suffer? • Route to transport stone is extremely hazardous, Dicketts road already has problems on a daily basis • Surprised that a number of people did not receive a second letter • No recollection of lorries being used in the past; tramlines definitely were • It seems odd that the route south along Atworth Lane is deemed unsuitable – film traffic has negotiated this route as do large low loaders from Neston Park farm and daily milk tankers • No reason why a route should not run west • Mine will not provide any local employment • Damage to roads caused by quarry traffic will necessitate Council tax being used for repairs
44	Brockleaze	Obj	<ul style="list-style-type: none"> • Northern route would cross a footpath upon leaving the access area and cross prime agricultural

			<p>land</p> <ul style="list-style-type: none"> • Rough Street is a minor country road and would be used for HGV lorries to access site as well as for workers to come and go. Would also be used initially for construction traffic to the site. • Quite apart from general increase in traffic as a result of the development, stone carrying HGV lorries are inappropriate for the local area • The application states that at times there may be a 50% increase in stone mining and thus on lorry use. • Rough Street is part of the Wiltshire cycleway • Rough Street is a narrow country lane and is already hazardous. It would not be suitable for regular use by heavy vehicles – it would be difficult for such a vehicles to pass an oncoming car • Dicketts Road has a small childrens playground. Vehciles are parked on both sides • Proposal then passes through the Linleys (narrow and an accident spot) • Impact on wildlife of haul route construction • Fields adjacent to mine access area used for Skylark nesting, and if lit at night this could be disrupted • The access road will be made of crushed stone. Dust is expected which the operators intend to mitigate by spraying with water. • Stone dust can be a health hazard • During times of drought, when dust is most likely to be expected, it is unlikely use of water for dampening the surface will be permitted • Using Park Lane, the only bridleway, would completely destroy it • If lorries turn left and go down Atworth Kane, this is a narrow road, where even two cars cannot pass in places and is also part of the Wiltshire Cycleway • Comments of Local Highway
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			<p>Authority are noted and should apply equally to Rough Street and the Linleys</p> <ul style="list-style-type: none"> • Rough Street is a minor country road and would be used for HGV lorries to access site as well as for workers to come and go. Would also be used initially for construction traffic to the site. • Quite apart from general increase in traffic as a result of the development, stone carrying HGV lorries are inappropriate for the local area • The application states that at times there may be a 50% increase in stone mining and thus on lorry use. • Rough Street is part of the Wiltshire cycleway • Rough Street is a narrow country lane and is already hazardous. It would not be suitable for regular use by heavy vehicles – it would be difficult for such a vehicles to pass an oncoming car • Dicketts Road has a small childrens playground. Vehciles are parked on both sides • Proposal then passes through the Linleys (narrow and an accident spot) • More appropriate route would be south over fields to the A365 • A better route would be west • Mine will be of no benefit to Wiltshire (except possibly 4 jobs) but of great cost – loss of amenity, destruction of countryside, creation of noise and dust, reduced quality of life for local residents, road maintenance bills and danger to other road users. • Request that this matter is not considered at the 11 April meeting since it falls very close to Easter and many people may not be able to attend. • Also request ample notice is given of the meeting
45	Locks Cross	Obj	<ul style="list-style-type: none"> • Park Lane is the only bridleway in Neston and is well used • It was not used in the past for transporting stone, the tramway

			<p>was used for this purpose</p> <ul style="list-style-type: none"> • It would be most unsuitable • Rough Street and beyond is a cycleway and not suitable for heavy traffic
46	Not provided	Obj	<ul style="list-style-type: none"> • Access along Park Lane would be as unsuitable and unacceptable as the original proposal of a new haul road running north. • Both proposed access routes are completely unacceptable • The route to the A365 is completely unsatisfactory, not only for the obvious hazards it would create for all other road users, but also because at 5.5-6km it is not the shortest route to the A365 • That it continues to be proposed shows scant regard not only for County strategies, but also for local people living along the route. • Residents would not benefit in any way from local stone being transported out of Wiltshire • Hundreds of people would however suffer through reduced road safety, loss of amenity, increased noise and air pollution, decreased property values, increased bills for road repair and a general reduction in quality of life and well-being • The proposed route contravenes the following Wiltshire plans and strategies: <ul style="list-style-type: none"> • Wiltshire Local Transport Plan 2011-2026: Freight Strategy – Paragraph 1.18, see also first three objectives set out in table 1.3; guidance in paragraph 2.12 and 2.13 regarding access freight routes • Wiltshire Local Transport Plan 2011-2026: Road Safety Strategy – Dept. of Transport’s goals set out in para. 1.7; Local transport objective set out in para. 1.8 • North Wiltshire Local Plan 2011 – Policy T6 para 8.17 (since the proposed route does not represent an efficient transport of stone • Mine could be accessed satisfactorily in one of two ways;

			<p>either by a newly constructed haul route south to join Atworth Lane or via a newly constructed haul route running due west to join the A365 1km from Atworth</p> <ul style="list-style-type: none"> • It would appear Wiltshire Council can require the applicants to construct a new access either south or west
47	Church Rise	Obj	<ul style="list-style-type: none"> • Park Lane just as unsuitable as a new access onto Brockleaze • Park Lane is a beautiful bridle path and is extensively used by walkers, riders, dog walkers and occasionally cyclists • Whilst not opposed to reopening the mine, the stone must not be brought out onto Brockleaze or along Park Lane. An alternative route must be found to the south • Find it difficult to see why the Local Highway Authority deems the route south as unsuitable and yet consider Rough Street suitable.

WILTSHIRE COUNCIL

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	15 February 2012		
Application Number	N/09/02159/WCM		
Site Address	Park Lane Quarry, Neston Park, Neston, Wiltshire		
Proposal(s)	Construction of a Road Access, Haul Road and Mine Access Area for Park Lane Mine (N/09/02159/WCM)		
Applicant	Sir James Fuller and Ham and Doulling Stone Ltd		
Town/Parish Council	Corsham		
Electoral Division	Corsham Without and Box Hill	Unitary Member:	Cllr Dick Tonge
Grid Ref	386705 167565		
Type of application	County Matter		
Case Officer	Mr Greg Lester	01225 770259 greg.lester@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Dick Tonge has requested that this application be determined by Committee due to:

- *Scale of Development
- *Heavy traffic to and from the site

1. Purpose of Report

To consider the above application and to recommend that the application be permitted subject to the recommended conditions listed.

2. Main Issues

The main issues to be considered on the following applications are as follows:

- Highways Impact
- Impact on Residential Amenity
- Impact on Character of the Area
- Landscape Impact
- Ecological Impact
- Impact on the Historic Environment
- Impact on Water Environment

3. Site Description

The proposed Road Access, Haul Road and Mine Access Area are located in close proximity to the east of the village of Neston. The entrance to the access/haul road is located approximately 300 metres from the village, with the mine access area in excess of 1km away. Corsham lies approximately 2km north from the mine access area.

The proposed road access/entrance would lie directly opposite Rough Street, approximately 20 metres west of an existing agricultural access (field gate). Rough Street is characterised by grass verges and hedgerow.

The route of the haul road would take it through open fields, traversing hedgerows and in one instance a dry stone wall. In terms of topography, overall the route of the access track slopes gently down to the south towards the site of the mine access area. There is little screening between residential properties located on Brookleaze and the first field through which the access track would run. The access track broadly follows the line of overhead power cables through the first two fields, where it crosses through two hedgerows. The access track then crosses through a third field at its northernmost corner before crossing a third hedgerow and turning south and following the line of an existing hedgerow towards a dry stone wall. Beyond the dry stone wall the track crosses through a final hedgerow before reaching the site of the mine access area.

The mine access is located in the northwestern corner of a field immediately adjacent to a wooded area. The land in this area slopes away to the south, beyond the route of a Roman road.

4. Relevant Planning History

Park Lane Quarry was originally granted planning permission in 1950, although the extraction of stone had taken place prior to this from around 1880. The mine operated until the 1960s.

The approved plans record the route of a private tramway (subsequently dismantled) serving the underground workings and that consent was granted on 25 January 1946 for lorry traffic to use Park Lane to access the mineral area.

5. Proposal

This application has been submitted in parallel to an application under the provisions of the Environment Act 1995 for approval of full modern planning conditions to facilitate the reactivation of the "dormant" Park Lane Quarry (underground mine). (The subject of planning application N.09.01258.WCM, also to be considered at this meeting of the Committee). Planning permission to operate the mine was granted in 1950, with lorry access to be gained along Park Lane.

The applicants do not consider it desirable to re-open the permitted lorry access route along Park Lane and therefore seek planning permission to construct a road access, haul road and mine access area to serve the mine from an improved location.

The proposal involves the installation of a new purpose built road access onto Brookleaze, at a point opposite the junction with Rough Street. The existing agricultural access would be closed. The first 30 metres of surfacing to the access would be carried out in a consolidated surface material of either tarmac or concrete. Additional planting would be carried out immediately adjacent to the new access and along part of the route of the haul road to its west side where it crosses the northernmost field.

The remainder of the track is to be formed by removing the topsoil and placing into small banks beside the access with the track route being surfaced with material (crushed limestone) from the excavation of the new mine access. This will then be surface dressed with a more durable Mendip stone surface coating. The total width of the 'construction corridor' will be 7 metres to allow for small earth banks to be placed either side of the running surface, which will be 4-metres in width.

The mine access area is to be hard surfaced in either concrete or tarmac and measures 50 metres x 40 metres to the inside edge of the screen bunds and will include a slope shaft to allow access to the underground stone reserves. It is to be bunded on all sides and then planted, forming an extension of the woodland to the west of the mine access area. Additional planting will be carried out to the north, east and south of the mine to screen the development.

The access area will also be used for the loading of stone removed from the mine, and for the storage of stone pending its onward transportation. No stone will be processed (cut/shaped/worked) above ground. All processing of stone is to take place at the applicant's stone yards in Somerset.

The access road would serve the reopened bath stone quarry of Park Lane Mine and would be used to transport cut blocks of bath stone to a cutting yard in Somerset for processing. Based on details within the application documents, the access road would be used for up to 4 HGV vehicle movements per day (2 loaded HGVs leaving the site). It should be noted that the access track itself would not generate any vehicle movements if not required in conjunction with the underground stone mine.

A site office is also proposed within the mine access area.

Environmental Impact Assessment Regulations

A Screening Direction has been obtained by the applicant that confirms in the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 1999 Regulations, the proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and EIA is therefore not necessary.

6. Planning Policy

The following Development Plan policies are considered relevant to the determination of this planning application:

Policies DP1, C1, C2, C3, C5, HE2 and MSP3 of the Wiltshire and Swindon Structure Plan 2016 (SP)

MCS4, MCS8, MCS9 and MCS10 of the Wiltshire and Swindon Minerals Core Strategy Development Plan Document (MCS)

MDC1, MDC2, MDC5, MDC6, MDC7, MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document (DCP)

C1, C3, NE6, NE9, NE15, NE18 and HE8 of the North Wiltshire Local Plan 2011.

7. Consultations

Corsham Town Council - Object on the basis of impact on the countryside, noise, pollution and loss of arable land. Object to the use of floodlighting in the mine access area.

Atworth Parish Council - No objection to access.

Melksham Without Parish Council - No objection subject to no additional traffic on B3353 through Shaw and Whitley.

Corsham Civic Society - Object on the basis of harm from HGV traffic.

Environment Agency - No objection subject to a condition covering fuel and chemical storage.

Natural England - No objection

Local Highway Authority - No objection subject to a condition covering details and construction of access. Advise that a legal agreement will be required for improvement works to the highway. This can be covered under Section 278 of the Highways Act 1980.

County Archaeologist - considers that the proposal was unlikely to be detrimental to archaeological considerations in the area.

Council Ecologist - No objection to revised LVIA and Protected Species Method Statement

Landscape Officer - No objections to revised LVIA, subject to 1 in 3 gradient to external slopes.

Public Protection Officer - A condition to prevent audible noise in properties from underground drilling should be included. A dust management condition should also be attached.

Rights of Way Officer – A condition to ensure adequate signage and visibility between users of the bridleway and operators of plant/machinery is recommended.

8. Publicity

The applications were advertised by site notice/press notice /neighbour notification.

43 individual letters of objection to the proposal for the new access and mine working area have been received covering the following areas of concern:

- Impact on bridleway and footpaths
- Timing of consultation
- Supporting statements confusing
- Dust pollution
- Health impact of limestone running surface
- Noise from lorries on haul road
- Impact on wildlife
- Property devaluation
- Loss of view
- Light pollution
- Impact on the environment

- Archaeological disruption

In addition, 100 pro-forma responses objecting to the application have been received.

While a letter stating that a petition of 415 signatures had been obtained was received on 5 March 2010 no petition has been submitted.

A further 81 letters of objection and 1 in support of the proposal were received following a consultation on further information in July 2011.

9. Planning Considerations

This application has been submitted in parallel to an application under the provisions of the Environment Act 1995 for approval of full modern planning conditions to facilitate the reactivation of the “dormant” Park Lane Quarry. Whilst planning permission to operate the mine already exists, it is not considered desirable to re-open the permitted lorry access route along Park Lane. This application seeks permission for a new means of access that is fit for purpose.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Impact on Highway Safety and the Transport Network

The proposed reopening of Park Lane Quarry, which has not operated for some considerable time, will give rise to a small number of articulated low-loader lorries, capable of carrying blocks of Bath stone, using the local route network.

While the transport of minerals from the site is unlikely to cause a substantial increase in road traffic, the intention to re-open the mine has provoked opposition from residents concerned about HGV traffic through Neston village.

Whilst a significant number of objections have been received regarding the use of Rough Street and the surrounding local roads for the routing of HGV traffic, it should be noted that the roads that would be utilised are not subject to any weight or width restrictions and are legally available for use by all traffic. Indeed, it is understood Rough Street is regularly used by buses/coaches and large agricultural vehicles. The position of the new access provides for HGV traffic to travel along Rough Street to its junction with Lypiatt Road, which in turn merges with Dicketts Road. It is worth noting that part of this route is used by vehicles accessing Leaffield Industrial Estate when approaching from the B3353.

The revised details submitted in support of the application state that the maximum number of daily HGV movements will be 4 (2 inward and 2 outward trips). The details also suggest that at an extraction rate of 12,000 tonnes per annum (the maximum proposed by the application) 400 HGVs would visit the site to collect blocks of Bath stone, with an average weight of 30 tonnes. This equates to 8 HGVs visiting the site per week (16 movements). Documents submitted with the planning application suggest that this is a maximum scenario, with the average expected to be 1 loaded lorry leaving the mine per day (2 movements per day, or 10 per week).

Following an assessment by the Highways Development Control Engineer, it has been concluded that the low volume and infrequent passage of HGV traffic can be accommodated by the local route network and is unlikely to prejudice highway safety or result in demonstrable harm to residential amenity.

The Development Control Engineer has raised no objections with regard to new means of access or its siting relative to Brookleaze. Conditions have been recommended to ensure that the detailed construction method and layout are approved in advance and to ensure that adequate visibility is maintained for vehicles making use of the access.

Impact on Residential Amenity

As noted above, the proposed reopening of Park Lane Quarry will give rise to a small number of articulated low-loader lorries using the local route network. The route that lorries would take is along roads which are currently used by other large vehicles. It is not considered that the low number and infrequent passage of HGV traffic associated with the mine would result in demonstrable harm to residential amenity. The applicant has nevertheless offered, following concerns raised to the application and at a public exhibition/meeting, to reduce the hours that vehicles might arrive and leave the site so that evenings and Saturday mornings are excluded. This can be secured by an appropriately worded condition.

With regard to the position of the new access itself, the closest residential property is located approximately 45 metres to the northwest on the opposite side of Brookleaze. The access track itself is located approximately 120 metres from the nearest dwelling on the same side of Brookleaze. At this point landscape screening is proposed in the form of a hedge to be planted on the southern side of the access track along the length of the access track up to the point where it meets the first field hedge approximately 340-metres from the access. The proposed planting, once established would screen the running surface from view.

The proposed surfacing of the access route is to be limestone recovered from the cutting of a slope shaft to enable access to the mine. Following the concerns of local residents regarding the implications of limestone dust that could be generated by vehicle movements on the track, a harder top layer dressing of Mendip stone is proposed.

The Mine Access Area is located approximately 500 metres from the nearest residential properties. At this distance, together with the intervening landscape features, it is not considered that this element of the development would cause demonstrable loss of residential amenity.

Impact on Character of the Area and Landscape

The routing of the access road and location of the mine access area require crossing and siting in areas of open countryside and open farmland. The initial proposal presented to the Council was not submitted with a Landscape and Visual Impact Assessment. Consideration of the application was therefore suspended whilst this information was requested.

Following the submission of a Landscape and Visual Impact Assessment and consultation with the Councils Landscape Officer, it became clear that some elements of the scheme were not considered to be suited to the sites location and further assessment was required.

A duly updated LVIA was subsequently submitted that provided detailed drawings of the route of the access track and location of the mine access area. The details also included details of landscaping and areas that would serve as conservation headlands. The updated LVIA also included details of mitigation to be provided along the more exposed sections at the northern end of the haul road, and an explanation of how the small mounds would be formed beside the access track.

Clarification was also provided with regard to how the haul road will be constructed. The width of the access 'corridor' will be 7 metres in width to allow for the earth excavated to be spread in 200mm high mounds either side of a 4 metre wide running surface. The running surface will then be laid and formed from a compacted limestone base with a surface dressing of Mendip stone. Planting would then be carried out along the west side of the access track at its northern end for a distance of approximately 180-metres from the access on Brookleaze. In addition to this a conservation headland would also be allowed to develop extending approximately 15 metres from the new planting.

Following further consultation with the Council's Landscape Officer it was concluded that whilst the proposal would alter the character of the landscape, due to the mitigation measures proposed and the nature of the surfacing materials being capable of allowing grass to grow through the stone layer, it is not considered that demonstrable harm would be caused to the character of the landscape or the visual amenity of the area.

Impact on Ecology

An ecological appraisal was submitted with the application and demonstrated that the construction would be unlikely to impact on any protected species. However, the survey did identify the presence of a number of badger setts at various points along the proposed route of the access track and also near the mine access area.

A protected species method statement was submitted that details the methods to be taken during the construction of the haul road. Following consultation with the Council's Ecologist it was determined that the details contained within the statement would be sufficient to ensure that the construction would not be likely to cause harm to any protected species in the vicinity of the site.

It is therefore considered that all reasonable steps have been taken to ensure that protected species will be safeguarded. In addition, both proposals make allowances for introducing areas and methods that are likely to have a beneficial impact on local biodiversity and protected species.

Impact on Public Rights of Way

The haul road would cross a public bridleway, just north of the entrance to the mine access area. At the point where the bridleway would cross the access track, signs can be erected to warn horse riders and pedestrians of the possible presence of traffic. It is not considered that the physical construction of the access track and mine access area would have any significant impact on the bridleway it crosses or any other local footpaths in the area. Given the low volume and infrequent passage of HGV traffic, the potential conflict between users of the bridleway and those of the access track is negligible.

Whilst portions of the access track can be observed from a number of vantage points on public footpaths in the area, the majority of these are screened by hedge and/or tree planting. Those portions of the track where views are unobstructed, given the surface material of the track, will resemble that of an agricultural access.

Impact on the Historic Environment

An archaeological assessment was submitted in support of the proposal and consisted of a desk based analysis of the site. This was submitted to the Council's Archaeologist for comment. In response the Council's Archaeologist considered that the proposal was unlikely to be detrimental to archaeological considerations in the area.

Impact on Water Environment

The route of the access track requires only limited removal of soils before a layer of limestone is laid and then topped with harder Mendip stone. It is not considered that these works would impact on the water environment. More extensive works will take place within the mine access area in order to provide a working area of sufficient size and to allow construction of the proposed bunds. The mine access area will be formed from a consolidated surface and any storage tanks for fuel and other potentially harmful liquids can be required to be bunded by condition. It is therefore considered unlikely that harm to the water environment would occur. The Environment Agency raised no objections in respect of either application, subject to a standard condition covering the storage of oils, fuels and other potentially hazardous liquids.

Recommendation

Approve

For the following reason(s):

The development will provide a superior means of access to Park Lane Quarry than the existing consented access and would enable lorries accessing the mine to utilise more appropriate routes in the locality. The development is judged to be in accordance with the Development Plan and there are no material considerations to indicate that permission should be withheld.

The policies relevant to this decision are policies DP1, C1, C2, C3, C5, HE2 and MSP3 of the Wiltshire and Swindon Structure Plan 2016, MCS4, MCS8, MCS9 and MCS10 of the Wiltshire and Swindon Minerals Core Strategy Development Plan Document, MDC1, MDC2, MDC5, MDC6, MDC7, MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document and policies C1, C3, NE6, NE9, NE15, NE18 and HE8 of the North Wiltshire Local Plan 2011.

Subject to the following condition(s):

1. The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: In accordance with Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref: 528/7 Dated November 2009
Plan Ref: 528/9 Dated November 2009
Plan Ref: 528/10 Dated November 2009
Plan Ref: 921/PL4 Dated December 2011
Plan Ref: 921/PL5 Dated December 2011
Plan Ref: 921/PL6 Dated December 2011
Plan Ref: 921/PL7 Dated December 2011

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence on site until full construction details of the proposed access, access road and alterations to the existing highway have been submitted to, and approved in writing by, the Mineral Planning Authority. No part of the development shall be first brought into use until the access, access road and highway alterations have been completed in accordance with the approved details.

Reason: In the interests of highway safety.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

4. No development shall take place until details of sign[s] to be erected on both sides of the haul route/site access road at the point where Bridleway 120 crosses, to warn horse riders, pedestrians and vehicles of the intersection, have been submitted to and approved in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved details and the sign[s] shall be maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

5. No development shall commence on site until details of the new fence to be erected on site have been submitted to and approved in writing by the Mineral Planning Authority. Once approved the works shall be carried out in strict accordance with the details so approved.

Reason: In the interest of amenity.

Policy: MDC1 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the development first being brought into use or in accordance with a programme to be agreed in writing with the Mineral Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

Policy: MDC1 and MDC5 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

7. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall 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 that 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. Associated pipe work should be above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in strict accordance with plans approved by the Mineral Planning Authority prior to the first use of the development.

Reason: To prevent pollution of the water environment.

Policy: MDC3 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

8. No vehicle shall access the site for the purposes of loading or transportation of stone except between the hours of 7.00 a.m. to 5.00 p.m. Mondays to Fridays. No such activity shall take place on Saturdays, Sundays or Bank or Public Holidays.

Reason: In the interests of amenity.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

9. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Mineral Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

10. No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

11. Any gates shall be set back 15.0 metres from the edge of the carriageway, such gates to open inwards only.

Reason: In the interests of highway safety.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

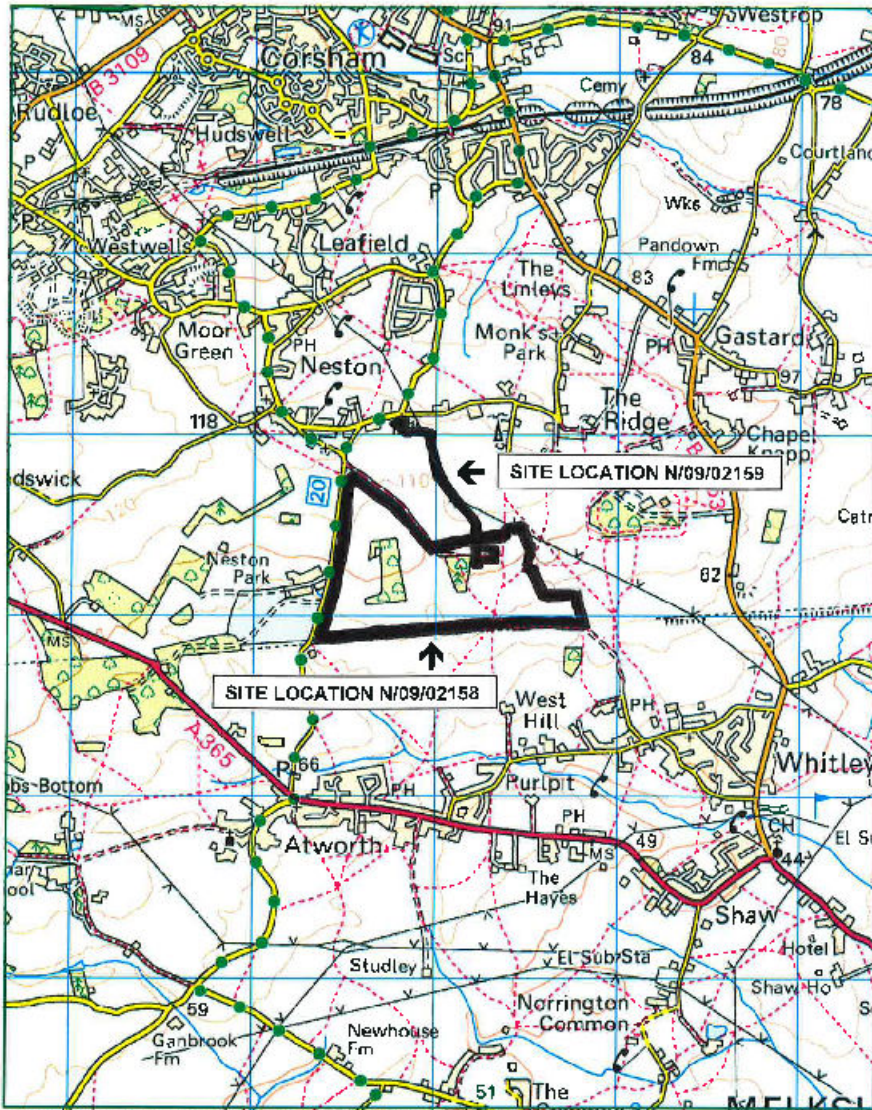
12. The access roadway and all other areas within the surface stacking area, which are used by vehicles shall be watered or treated with an approved dust laying agent at such intervals as may be necessary to prevent the raising of dust from those areas.
- Reason: To safeguard the amenities of local residents.
- Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
13. No stockpile of stone within the storage yard/stacking area shall exceed 2 metres in height.
- Reason: To ensure stockpiles do not exceed the height of perimeter bunds in order to safeguard the visual amenities of the local area.
- Policy: MDC1 and MDC5 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
14. The access road between the Mine Access Area and the public highway shall be kept clear of debris for the duration of the development hereby permitted.
- Reason: In the interests of preventing material, dust or detritus from affecting public highway safety.
- Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
15. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.
- Reason: In the interests of preventing material, dust or detritus from affecting public highway safety.
- Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
16. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers.
- Reason: To safeguard the amenity of the area.
- Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
17. No processing of stone may take place on site at any time.
- Reason: In the interests of the character of the area and amenity.
- Policy: MDC2 and MDC5 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

18. All plant, machinery, hardstandings, and buildings forming part of this permission shall be removed within 3 months of cessation of extraction activities or upon expiry of this permission, whichever is the sooner, and the land restored to agricultural use.

Reason: In the interests of the character of the area.

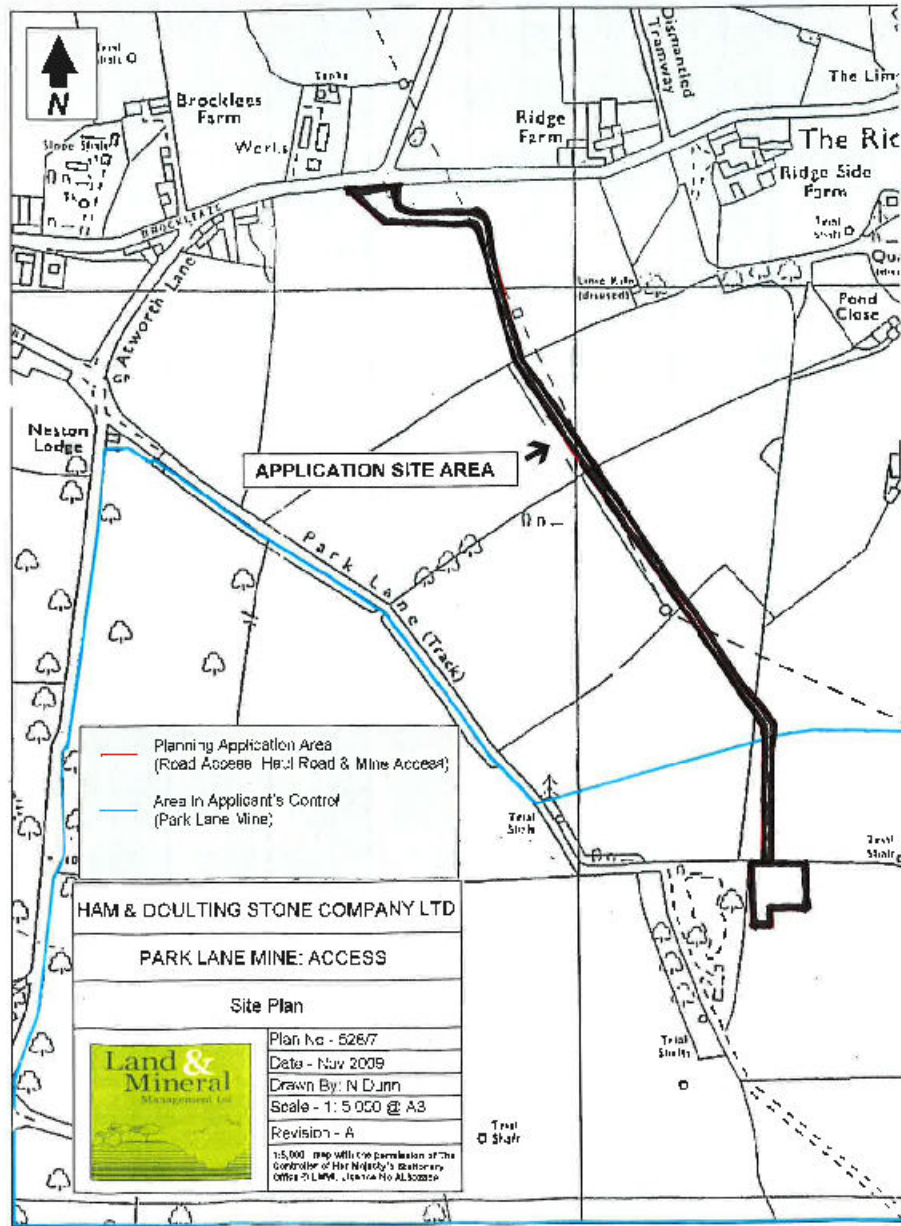
Policy: MDC5 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

Appendices:	Site Location Plan x 2
Background Documents Used in the Preparation of this Report:	



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Wiltshire Council, Bradley Road, Trowbridge, Wiltshire BA14 3RD.
Tel: 01225 779855 Fax: 01225 770319 LK: 116881 Trowbridge 3 www.wiltshire.gov.uk

Scale: 1:25000
Date: 03/02/2012
MEA: 100049050



WILTSHIRE COUNCIL

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	15 February 2012		
Application Number	N/09/01258/WCM		
Site Address	Park Lane Quarry, Neston Park, Neston, Wiltshire		
Proposal(s)	Environment Act 1995: Application for determination of conditions to which a mineral site is to be subject.		
Applicant	Sir James Fuller and Ham and Doultong Stone Ltd		
Town/Parish Council	Corsham		
Electoral Division	Corsham Without and Box Hill	Unitary Member:	Cllr Dick Tonge
Grid Ref	386705 167565		
Type of application	County Matter		
Case Officer	Mr Greg Lester	01225 770259 greg.lester@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Dick Tonge has requested that this application be determined by Committee due to:

- *Scale of Development
- *Heavy traffic to and from the site

1. Purpose of Report

To consider the above application for approval of full modern planning conditions to facilitate the reactivation of this “dormant” (mineral site) and to recommend that, subject to amendment and addition, a new scheme of conditions to which the site is subject be approved.

2. Main Issues

Under the provisions of the Environment Act 1995 Park Lane Quarry is classified a “dormant” site and no minerals development may lawfully recommence at this site until a new scheme of conditions has been approved by the Mineral Planning Authority.

The main issue to be considered is whether the submitted conditions are acceptable or should be modified or added to in the light of the particular circumstances of the case and relevant guidance.

It is important to note that planning permission already exists for the mine itself and as a consequence the planning merits of permitting a mine in this location are not for consideration.

3. Background

The Environment Act 1995 introduced new requirements for an initial review and updating of old mineral planning permissions (granted between 1948 and 1982) and the periodic review of all mineral permissions thereafter. Many of these permissions were granted subject to few, if any, conditions to mitigate the impact of operations or to govern the restoration and after-use of the site once operations ceased.

A distinction is made between "dormant" sites and "active" sites. In line with the provisions of the Act, the Council, as Mineral Planning Authority (MPA), classified Park Lane Quarry a "dormant" site by 1996.

No minerals development may lawfully recommence at dormant sites until a new scheme of full modern planning conditions has been submitted to, and approved by, the MPA. This prevents the reactivation of such sites without full modern planning conditions in place and ensures that schemes that are prepared and submitted are appropriate to the circumstances pertaining at the time.

It is for applicants in the first place to submit schemes of conditions for the consideration of the MPA, and for the MPA to determine whether the submitted conditions are acceptable or should be modified or added to in the light of the particular circumstances of the case and relevant guidance.

4. Site Description

The area of the dormant planning permission is approximately 80 hectares, under land at Neston Park, Neston. The mine extends beneath farmland with no residential properties lying directly overhead. At its closest point, the mine is some 200 metres from the village.

The site, prior to its closure in the 1960s, was accessed via Park Lane, which is now a designated Bridleway. Stone was also removed from the site using a tramway system, following broadly the same path as the application for the new mine access and access track (N.09.01259.WCM). No elements of the mine will be above ground and all works shall take place within the mine itself. The mine workings are at a depth of approximately 20-30 metres. Approximately 10 hectares of the mine have been worked.

5. Relevant Planning History

Park Lane Quarry was originally granted planning permission in 1950, although the extraction of stone had taken place prior to this from around 1880. The mine operated until the 1960s.

The relevant Planning Permission is that referenced 572 and dated 6 April 1950 granted to Bath and Portland Stone Firms Ltd for the working of minerals, including the use of building for the purposes of a winch-house storage and mess room, subject to the following conditions;

- The permission shall relate solely to the continued winning of minerals by underground workings under the land indicated on the deposited plan;

- That the winning and working of minerals shall include in addition to the underground workings, only such work above the surface of the ground in the nature of stacking, weathering, rough-shaping of the stone blocks won from the underground workings referred to, on such land and in such buildings as at present so used, but shall not include any work in the nature of dressing the stone, masonry or other such works, nor the crushing of stone to form any by-product in the nature of agricultural lime, reconstructed stone or other such product or for the use of any buildings in connection therewith;
- That if, as a result of the permission, the traffic entering and leaving the public highway is materially increased to such an extent that such traffic using the existing access is likely to become a danger to users of the public highway the applicants shall, at their expense, improve the existing access or construct such new access or accesses as may be required by, and to the satisfaction of, the Wiltshire County Council as highway authority.

The approved plans record the route of a private tramway (subsequently dismantled) serving the underground workings and that consent was granted on 25 January 1946 for lorry traffic to use Park Lane to access the mineral area.

6. Proposal

This application seeks the approval of the MPA to a scheme of proposed conditions to which the planning permission for the Park Lane Quarry (underground mine) site is to be subject.

The applicant initially proposed 11 no. conditions, relating to the following matters; time limits; access, traffic and protection of the highway; working programme; hours of operations and; environmental protection. Further conditions relating to protected species protection and restrictions on the output of the mine have been proposed in light of discussions that have taken place during consideration of the application.

The proposed conditions are set out in full in Appendix 1.

Approval of a new scheme of conditions will facilitate the reopening of the previously approved underground workings and meet the current demand Bath stone is currently enjoying. Natural building stone quarries can play an important role in providing historically authentic building materials in the conservation and repair of historic and cultural buildings and structures.

It must be noted that planning permission already exists for the mine itself and as a consequence the planning merits of allowing a mine in this location are not for consideration, only the conditions to which the permission should now be subject.

In conjunction with the application to apply modern working conditions to Park Lane Quarry, planning application (N/09/02159/WCM) seeks to provide a new access road and mine access area.

Environmental Impact Assessment Regulations

A Screening Direction has been obtained by the applicant that confirms in the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 1999 Regulations, the proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and EIA is therefore not necessary.

7. Planning Policy

Minerals Planning Guidance 14: Environment Act 1995: Review of Mineral Planning Permissions (MPG14)

Minerals Planning Guidance 2: Applications, permissions and conditions (MPG2)

Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (MPS2)

The following Development Plan policies are considered relevant to the determination of this planning application:

MDC1, MDC2, MDC3, MDC6 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document 2009

8. Consultations

Corsham Town Council - object on the basis of hours of operation and transportation being too long.

Atworth Parish Council – no objections and content with the access to and from the site, but require clarification on the route from Rough Street.

Melksham Without Parish Council - no objection subject to no additional traffic on B3353 through Shaw and Whitley.

Corsham Civic Society - object on the basis of location of the site, inadequate nature of local transport network size of proposed lorries and highway safety

Environment Agency - no objection subject to conditions relating to recommendations of the hydrological and hydrogeological assessment and covering fuel storage and pollution prevention.

Natural England – advise that an assessment of likely significant effect will need to be made by Wiltshire Council.

Local Highway Authority - no objection.

County Ecologist – considers that sufficient mitigation for bats is provided.

Landscape Officer - no objection

Public Protection Officer - no objection subject to a condition to prevent audible noise in properties from underground drilling should be included. A dust management condition should also be attached.

County Archaeologist - no comment

9. Publicity

The application was advertised by site notice/press notice /neighbour notification.

44 individual letters of objections to the proposal for re-opening Park Lane Mine have been received covering the following areas of concern:

- Impact on public rights of way
- Inappropriate routing of HGV vehicles
- Working hours are too long
- Impact on highway safety through increased traffic
- Village being used for short cuts
- Damage to roads
- Impact on the environment
- Noise

In addition, 88 pro-forma responses objecting to the application have been received.

One letter of support was received.

81 additional objections were received in response to additional information provided by the applicant in 2011 to address omissions in the original submission.

10. Planning Considerations

Park Lane Quarry is classified a “dormant” site and no minerals development may lawfully recommence at this site until a new scheme of conditions has been approved by the MPA.

On receipt of a valid application the MPA must determine the conditions to which the relevant planning permission is to be subject. The conditions determined may include any conditions which may be imposed on the grant of planning permission for minerals development and may be in addition to, or in substitution for, any existing conditions. For dormant sites full modern conditions are considered appropriate. The principle of operating a stone mine in this area is established and is not for consideration.

The submitted conditions and Officer’s comments, modifications and additions to these are attached at Appendix 1.

In considering the types of conditions that would be appropriate in this particular case, officers have had particular regard to the following matters:

Conditions Relating to Access, Traffic and Protection of the Public Highway

The proposed reopening of Park Lane Quarry, which has not operated for some considerable time, will give rise to a small number of articulated low-loader lorries, capable of carrying blocks of Bath stone, using the local route network.

While the original tramway access has long been removed, access by lorry along Park Lane remains legally feasible. However, the lane is not particularly suitable for the modern day type of transport to be used. Since the mine closed the lane has acquired an attractive aspect being bounded by mature trees and vegetation and is now a public bridleway and is also enjoyed by walkers. For these reasons the applicants do not wish to make use of the permitted access, but provide a new access that is fit for purpose. Interestingly, a condition of the 1950 permission envisages the potential for a new access(s) to be provided.

A condition is therefore proposed to require lorries to use a new means of access to be provided on land within the control of the applicant. This new access is itself subject of a separate planning application; which is also to be considered at this meeting of the Committee.

While the transport of minerals from the site is unlikely to cause a substantial increase in road traffic, the intention to re-open the mine has provoked opposition from residents concerned about HGV traffic through Neston village and led to discussions about what alternatives might be available.

The position of the new access provides for HGV traffic to travel along Rough Street to its junction with Lypiatt Road, which in turn merges with Dicketts Road. These roads are not subject to any weight or width restrictions and are legally available for use by all traffic. It is worth noting that part of this route is used by vehicles accessing Leafield Industrial Estate when approaching from the B3353. No other alternative routes are available or feasible.

The proposed HGV traffic generated by the mine would consist of a maximum of 2 loaded lorries leaving the mine each day. The initial submission did not include a condition limiting the output of minerals from the site. MPG2 advises that where the environmental impact of increases in production, particularly on traffic flow, is likely to be great it may be appropriate to impose a condition limiting output at individual sites. Notwithstanding the very low traffic volumes, the applicant has subsequently proposed conditions which limit the annual output from the mine and the number of vehicles which visit each working day. Following an assessment by the Highways Development Control Engineer, it has been concluded that the volume and infrequent passage of HGV traffic can be accommodated by the local route network and is unlikely to prejudice highway safety or result in demonstrable harm to residential amenity.

MPG14 advises that conditions dealing with measures to prevent dust, mud and spillages on the public highway will be appropriate to all sites, and conditions relating to the display of agreed vehicle routes may be appropriate to some sites. Such matters are included in the scheme of new conditions.

Working Programme

Working scheme - conditions should provide for the way in which the site is to be worked. The applicant has proposed conditions which relate to methods and limits on how the underground workings would be carried out. However, these do not reflect the previous technical advice of Council's mining consultants in respect of planning conditions to which Wiltshire Bath Stone mines should be subject. The scheme of new conditions should therefore be modified accordingly, and to ensure consistency with other sites.

Hours of Operations - conditions should provide for the times and days on which specified operations may or may not be carried out. The initial submission included a condition stating that mine would operate Monday to Friday and Saturday morning. In response to local concerns, and following a public exhibition in 2010, the applicant has subsequently confirmed that there would be no weekend or evening working. This is reflected in the scheme of new conditions.

Environmental Protection

As the entire extent of the stone mine is located some 20-30 metres below ground, with no overlying sensitive receptors, there would be little or no impacts in relation to noise, vibration or dust. All works within the mine will take place below ground, including the cutting of stone blocks.

Protected Species

The initial submission included bat survey information which suggested a low level presence of bats within the mine tunnels. However, in light of errors and omissions in the survey data the MPA required the applicant to carry out further detailed survey work in order to inform discussions about what conditions might be necessary to avoid, mitigate or compensate for any adverse impacts on this population of protected species.

This led to protracted discussions with the applicant, Council Ecologist and Natural England about the level of survey required and mitigation measures to be provided. Subsequent bat surveys carried out over a period of one year established the mine workings were in fact inhabited by significant populations of Lesser Horseshoe bats with occasional sightings of Greater Horseshoe bats and Natterers bats. The survey results confirmed the mine is an important winter roost for Lesser Horseshoe bats, with potential links between populations at the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC).

It was established that bats were making use of an area of the mine mainly beneath an air shaft. Following extensive consultation with the Council's Ecologist and with advice from Natural England, an appropriate mitigation scheme has been arrived at which would ensure the area inhabited by bats be sealed off from the remainder of the mine to allow the bats to move freely within a 'bat sanctuary' without the possibility of encountering the working area of the mine. The scheme of new conditions has been modified to secure the provision of these measures.

Recommendation

Approve

For the following reason(s):

In the opinion of the Council, as Minerals Planning Authority, the schedule of new conditions to which the planning permission is to be subject is considered appropriate to the planning circumstances and having regard to the considerations outlined in the relevant guidance and planning policy satisfactorily deal with the environmental and amenity aspects of working this particular site.

The policies relevant to this decision are Policies MDC1, MDC2, MDC3, MDC6 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document 2009.

Subject to the following condition(s):

1. This permission is for a limited period only expiring on 22 February 2042, by which date the operations hereby permitted shall have ceased.

Reason: To comply with Part I of Schedule 5 to the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref: 528/4B dated November 2009

Plan Ref: 921/PL9 Revision A dated December 2011

Plan Ref: 11175-2500-01 dated December 2011

Reason: For the avoidance of doubt and in the interests of proper planning.

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 any adjoining and overlying properties.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document

4. 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 any adjoining and overlying properties.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document

5. 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 any adjoining and overlying properties.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document

6. The development hereby permitted shall be implemented in accordance with the Bat Mitigation Scheme for Park Lane Mine and Method Statement dated 4 July 2011 and compiled by Bat Pro Limited in all respects.

Reason: To make appropriate provision for protected species within the approved development in the interests of biodiversity and to ensure development is carried out in accordance with submitted application.

Policy: MDC6 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

7. All vehicular access and egress to and from the site shall be from Brookleaze Road, as indicated on Drawing No. 528/4B, dated November 2009. No other access shall be used by vehicles or plant entering or exiting the site.

Reason: In the interest of highway safety and safeguarding local amenity.

Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

8. No development shall take place until details of a sign[s], advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved details with the sign[s] being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

Reason: In the interests of highway safety and safeguarding local amenity.

Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

9. The access road between the Mine Access Area and the public highway shall be kept clear of debris for the duration of the development hereby permitted.

Reason: In the interests of preventing material, dust or detritus from affecting public highway safety.

Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

10. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of preventing material, dust or detritus from affecting public highway safety.

Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

11. No loading or transportation of stone shall be carried out except between the hours of 7.00 a.m. to 5.00 p.m. Mondays to Fridays. No such activity shall take place on Saturday, Sunday or Public or Bank Holidays.

Reason: In the interests of safeguarding local amenity and to ensure development is carried out in accordance with submitted application.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

12. The output of mineral from/total amount of material leaving the site shall not exceed a level of 12,000 tonnes per annum.

Reason: To reduce the potential for disturbance caused by vehicular movements in the interests of safeguarding local amenity and to ensure development is carried out in accordance with submitted application.

Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

13. From the date of this permission the operator shall maintain records of the annual output production and shall make them available to the Mineral Planning Authority at any time upon request.
- Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site.
- Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
14. The total number of Heavy Goods Vehicle movements associated with the development hereby permitted shall not exceed 4 [2 in and 2 out] per day. No HGV movements shall take place outside the hours of operation authorised in condition 11 of this permission.
- Reason: To reduce the potential for disturbance caused by vehicular movements in the interests of safeguarding local amenity and to ensure development is carried out in accordance with submitted application.
- Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
15. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.
- Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site
- Policy: MDC2 and MDC8 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
16. No explosives shall be used in the mining process.
- Reason: In the interests of amenity
- Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.
17. No pumping shall take place to dewater the workings.
- Reason: To prevent pollution of groundwater.
- Policy: MDC3 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

18. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall 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 that 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. Associated pipe work should be above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in strict accordance with plans approved by the Mineral Planning Authority prior to the first use of the development.

Reason: To prevent pollution of the water environment.

Policy: MDC3 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

APPENDIX 1

No.	Condition proposed by the Applicant	MPA comment/modifications & additions
1	This permission shall expire on 21 February 2042.	<p>Permissions existing on 22 February 1982, which are not already time-limited, become time-expired on 22 February 2042.</p> <p>Condition should be corrected and reworded to reflect good practice, as follows:</p> <p>This permission is for a limited period only expiring on 22 February 2042, by which date the operations hereby permitted shall have ceased.</p>
2	Access to the mine shall only be gained from the access road shown on Drawing No. 528/4B. Prior to the construction of the access the crossing places between over Park Lane Mine shall be agreed with the Mineral Planning Authority. No vehicles or plant shall use Park Lane to gain access to the mine	<p>In terms of road safety considerations the Local Highway Authority has no objection to the position of the new access.</p> <p>Reference to the detail of the passing places should be deleted as this would be a matter for consideration under the application for the new access road.</p> <p>Amend condition to read:</p> <p>All vehicular access and egress to and from the site shall be from Brockleaze Road, as indicated on Drawing No. 528/4B, dated November 2009. No other access shall be used by vehicles or plant entering or exiting the site.</p>
3	The access shall be kept clean and free of mud and detritus at all times.	<p>Proposed wording imprecise. Modify condition to read:</p> <p>The access road between the Mine Access Area and the public highway shall be kept clear of debris for the duration of the development hereby permitted.</p>

4	No mud or detritus shall be carried on to the public highway.	<p>Proposed wording imprecise. Modify condition to read:</p> <p>No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.</p>
5	The development hereby permitted shall be carried out in accordance with the approved plans and Statement of Mine Safety subject only to such minor amendments as may be approved in writing by Wiltshire Council.	<p>There is now a formal procedure for approving any minor amendments.</p> <p>Condition should be reworded so that it (does what) in line with relevant guidance on the matter.</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Plan Ref: 528/4B Dated November 2009 Plan Ref: 921/PL9 Revision A Dated December 2011 Plan Ref: 11175-2500-01 Dated December 2011</p>
6	At all times pillars of undisturbed rock of adequate size, strength and total area shall be left in-situ to prevent any subsidence of the surface above the mine workings.	<p>Does not reflect the previous technical advice of the Council's mining consultants in respect of planning conditions to which Wiltshire Bath Stone mines should be subject.</p> <p>Modify condition to read:</p> <p>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:</p> <ul style="list-style-type: none"> i. 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. ii. 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. iii. The minimum dimension of any pillar is 4 metres. iv. Wherever induced cracking of the roof occurs as a result of downward

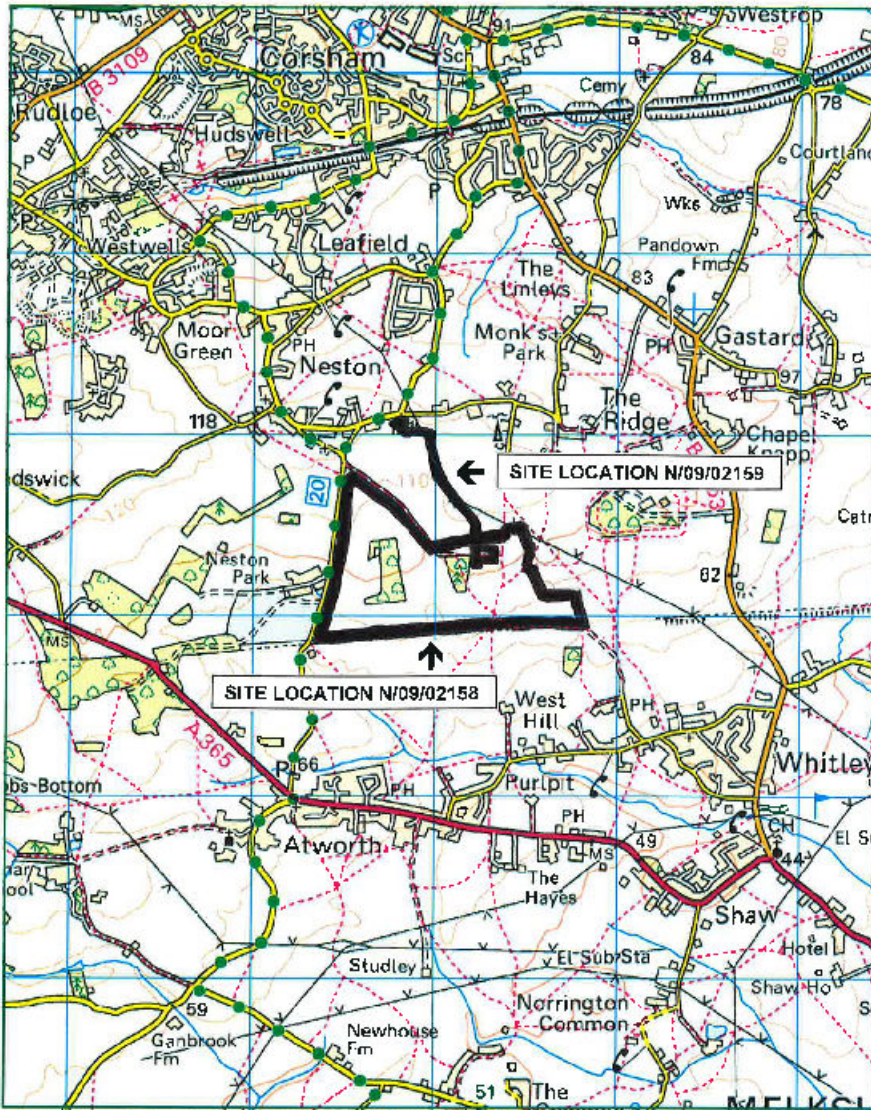
		deflections of the roof beam to the extent that stability of the roof beam becomes suspect, the maximum roadway width shall be reduced progressively until a stable configuration is arrived at.
7	Should any indication of the yielding or failure of a pillar or group of pillars be observed within or adjoining the site, the operator shall suspend mining within the area of the failing pillars and advise the Mineral Planning Authority.	Does not reflect the previous technical advice of the Council's mining consultants in respect of planning conditions to which Wiltshire Bath Stone mines should be subject. Delete condition as covered by the above modified condition.
8	No explosives shall be used in the mining process.	Acceptable, no changes required.
9	No loading or transportation of stone shall be carried out except between the hours of 7.00 a.m. to 6.00 p.m. Mondays to Fridays and 7.00 a.m. to 1 p.m. on Saturdays. No such activity shall take place on Saturday afternoons, Sundays or Public Holidays.	The applicant has subsequently reduced the days and hours from that initially proposed. Modify condition to reflect new working days/hours as follows: No loading or transportation of stone shall be carried out except between the hours of 7.00 a.m. to 5.30 p.m. Mondays to Fridays. No such activity shall take place on Saturday, Sunday or Public or Bank Holidays.
10	No pumping shall take place to dewater the workings.	Acceptable, no changes required.
11	Any facility for the storage of oil, fuel or chemical shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tanks plus 10%. All filling points, vents, gauges, sight glasses and overflow pipe outlets must be located within and detailed to discharge downwards into 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 protected from accidental damage.	Condition does not reflect current practice/advice from the Environment Agency. Modify condition to read as follows: Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall 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 that 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. Associated pipe work should be above ground and protected from accidental damage. All filling points and

		tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in strict accordance with plans approved by the Mineral Planning Authority prior to the first use of the development.
	The following conditions are additional to those initially proposed and which respond to matters raised in considering application.	
12	Output from the mine shall be limited to a maximum of 12,000 tonnes of block stone per year. No other stone shall be removed from the mine except as may be needed for the surfacing or repair of the access track and service area.	The output of mineral from/total amount of material leaving the site shall not exceed a level of 12,000 tonnes per annum.
13		It is considered appropriate to supplement the above condition with a requirement to maintain records for monitoring purposes: From the date of this permission the operator shall maintain records of the annual output production and shall make them available to the Mineral Planning Authority at any time upon request.
14	No more than two loaded Heavy Goods vehicles shall leave the mine each working day.	Acceptable in principle, reword to reflect good practice as follows: The total number of Heavy Goods Vehicle movements associated with the development hereby permitted shall not exceed 4 [2 in and 2 out] per day. No HGV movements shall take place outside the hours of operation authorised in condition x of this permission.
15		It is considered appropriate to supplement the above condition with a requirement to maintain records for monitoring purposes: A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

16	<p>Notices shall be erected firstly at the Service Area exit stating; “ALL HGVS MUST LEAVE THE MINE VIA ROUGH STREET AND GO DIRECT TO THE B3533 AT GASTARD. STRICTLY NO ACCESS FOR HGVS THROUGH NESTON VILLAGE” and secondly at the junction of the track with the public highway, “ALL HGVS GO STRAIGHT AHEAD. NO ACCESS THROUGH NESTON VILLAGE.</p>	<p>Proposed wording imprecise. Modify condition to read:</p> <p>No development shall take place until details of a sign[s], advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved details with the sign[s] being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.</p>
17	<p>No extraction of stone shall commence until the bat sanctuary identified in the Mitigation Strategy has been constructed by building the sealed isolation wall shown on Drawing 11175-2500-01 to the satisfaction of the planning authority. Subsequently bat monitoring shall be undertaken as proposed in the Mitigation Strategy or as may be otherwise approved by the planning authority.</p>	<p>The proposed wording contradicts in part the measures identified within the strategy and there are formal procedures for discharging and agreeing amendments to conditions.</p> <p>Modify wording as follows:</p> <p>The development hereby permitted shall be implemented in accordance with the Bat Mitigation Scheme for Park Lane Mine and Method Statement dated 4 July 2011 and compiled by Bat Pro Limited in all respects.</p>
18		<p>For monitoring purposes and consistency with other Wiltshire Bath Stone mines, the following condition should be added:</p> <p>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:</p> <p>(a) A steepening of the dip of the strata, and/or</p> <p>(b) A change in the average orientations of geological discontinuities, or</p> <p>(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</p>

		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.
19		For monitoring purposes and consistency with other Wiltshire Bath Stone mines, the following condition should be added: 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.

Appendices:	Appendix 1 - Conditions Site Location Plans
Background Documents Used in the Preparation of this Report:	



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Wiltshire Council, Bradley Road, Trowbridge, Wiltshire BA14 3RD
Tel: 01225 778855 Fax: 01225 770316 LK: 116891 Trowbridge 3 www.wiltshire.gov.uk

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MEA: 100049050



