REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	26 April 2017
Application Number	16/09386/WCM
Site Address	Brickworth Quarry Whiteparish Salisbury Wiltshire SP5 2QE
Proposal	Proposed extension of Brickworth Quarry (Minerals Local Plan Site Allocation Areas A and B) for the extraction of sand, infill with imported inert materials and quarry waste and restoration to commercial forestry and agriculture at original ground levels; retention of plant site and storage areas.
Applicant	Raymond Brown Minerals and Recycling Ltd
Town/Parish Council	WHITEPARISH
Electoral Division	ALDERBURY AND WHITEPARISH – – Cllr Richard Britton
Grid Ref	422785 123295
Type of application	County Matter
Case Officer	Jason Day

Reason for the application being considered by Committee

1. The application has been called into committee at the request of Councillor Richard Britton due to the public concern about the loss of ancient woodland and habitat.

Purpose of Report

2. The purpose of the report is to assess the merits of the proposal against the policies of the Development Plan and other material considerations and to consider the recommendation that the application be approved.

Report Summary

3. The key issues in considering the application are as follows:
   - Principle of the development.
   - Need for and the Supply of Minerals
   - Loss of Ancient Woodland
   - Biodiversity
   - Landscape and Visual impact
   - Archaeology
   - Noise and Dust
   - Traffic
   - Water Environment

Whiteparish Parish Council objects to the proposed development. 2,445 letters of objections have been received.

Site Description

4. Brickworth Quarry is an existing sand quarry located beside the A36 some 9km south-west of Salisbury and approximately 1 km west of the village of Whiteparish. The New Forest National Park lies some 300 metres to the south.

5. Sand extraction at the Quarry commenced in April 2003. The excavated areas are being progressively restored to original ground levels using imported and site derived inert materials and then returned to agriculture.

6. Extensions to the Quarry were granted planning permission in 2009 and 2015, first into Round Copse North and then into Lowdens Copse. These extension areas are to be restored to woodland.

7. The current operational site area extends to approximately 11.4 hectares and comprises the existing extraction area within the central part of the site; a former extraction area at the southern end of the site which is currently being landfilled for restoration; areas utilised for the stockpiling of soils and overburden; and a stock storage and sand screening area to the north. The quarry weighbridge, site office and staff welfare facilities occupy three porta-cabins at the northern extent of the operational area, with a dedicated access road linking to the site entrance on the A36, 500m to the northwest. Former extraction areas to the south and southeast of the stocking area have been successfully backfilled and restored to agricultural grassland at levels consistent with the original (natural) landform.

8. The proposed extensions lie adjacent to the east and west of the existing quarry. Area A is adjacent to Lowdens Copse and Round Copse North situated to the south west/west of the site and extends to the A36 to the north east of the site. Area B lies to the west of the existing site. The Quarry will continue to be accessed via the existing spur at the junction of the A36/A27.

9. A copy of the Site Location Plan is attached as **Appendix 1**.

10. The quarry is situated within an undulating landscape, with the proposed extension areas occupying a complex series of localised dry valleys and small rounded plateaux, ranging in elevation between approximately 58m and 93m AOD.

11. The application site has two public rights of way intersecting Areas A and B. The footpath in Area A (Ref: WHIT2) would require a temporary diversion to relocate the path to the site boundary (an application to the Highway Authority has been submitted for this diversion). The footpath running through Area B (Whit12) would be retained in situ.

12. The site is well screened and there are few direct views into the areas proposed for extraction. There are few dwellings in the immediate vicinity of the proposed extensions: Harestock Cottage, beyond the A36 is 30 m from the eastern extent of Area A (but at least 75 m from the eastern limit of extraction) and Ashdod Lodge is some 150 m to the south of Area A. There are no other dwellings within 250 metres of the area of extraction.

13. The site presently forms part of commercial woodland managed for the Longford Estate and the activity of tree felling and replanting will continue to take place around the wider site during the period of the proposed development. The woodland within the application area is classified as 'Plantations on Ancient Woodland Sites'.

Planning History

14.

S/91/0446	Extraction of sand with reinstatement to agriculture using selected filling materials	Approved 10/03/1993
S/05/8012	Modification of conditions of permission	Approved 29/11/2005
S/07/8005	Creation of a Site Operations Area	Approved 19/06/2007
S/07/8006	Section 73 application: extraction of sand and reinstatement to agriculture without compliance with conditions 3, 17 and 18 of permission S/05/8012 (To alter sequence of working and restoration)	Approved 19/06/2007
S/08/8022	Extraction of Sand and infilling with inert materials - Round Copse North Extension	Approved 24/07/2009
S/12/0543	Additional Stockpiling Area	Approved 30/07/2012
S/12/0772	Extension to the Site Operations Area	Approved 02/08/2012
S/12/0998	s73 Application: Extraction of sand with reinstatement to agriculture using selected filling materials without compliance with Conditions 1 & 2 of permission S/07/8006 (to revise restoration contours and extend completion deadline by six months)	Approved 09/01/2013

13/01045	Temporary portable office within the compound area for use as a training facility and visitor meeting room onsite	Approved 02/10/2013
13/00382	Vary condition 1 of S/2012/0998 to extend the time allowed to restore the site	Approved 01/08/2013
15/07426	Extraction of sand , infilling with imported inert materials and quarry waste and restoration to woodland at original ground levels - Lowdens Copse Extension	Approved 04/12/2015

The Proposal

15. Raymond Brown Minerals and Recycling Ltd have submitted a planning application to extend Brickworth Quarry in order to maintain a continued supply of sand and provide further void space to meet the need to take excavated and demolition material generated by the construction industry.

16. The adopted Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (May 2013) allocates land for two extensions to Brickworth the Quarry, which are described as Areas A and B. The areas proposed for extraction/application site comprise the allocated land except for:
    (i) The omission of Lowdens Copse within Area A because it has recently been permitted
    (ii) A minor extension of the western boundary of Area B to offset the reserve that would be sterilised by retaining Footpath WHIT12 and Hazel Bank heritage site with an appropriate standoff.

17. The application site extends to some 46.4 hectares and includes:
    - The areas of sand extraction and filling (21.2 hectares)
    - The existing plant, stocking and storage areas
    - Site screening and enhancement with tree planting
    - Habitat and species compensation areas
    - Creation of new waterbodies

18. The additional extraction areas contain an estimated 1.34 million tonnes of sand that would be worked over 9 years (approximately 150,000 tonnes per annum). The site is to be worked dry in 8 phases first working clockwise around Area A from the south west corner and then working south to north in Area B. Landfilling with some 1,108,600m3 of inert materials will follow progressively to restore the site to original ground levels. The rates of sand extraction and import of fill material are proposed to continue at the levels of the present quarry operations.

19. A copy of the phasing plan is attached as **Appendix 2**

20. It is proposed that the existing hours of operation imposed by condition of the current minerals permission will continue i.e.

- Soil Stripping and Overburden removal

Monday – Friday 0730 – 1700

- Mineral extraction and infilling

Monday – Friday 0730 – 1700
Saturday 0730 – 1200
There wold be no working on Sundays or Public or Bank Holidays. The application site would not be operated during hours of darkness.

21. Mitigation measures have been built into the extraction and restoration scheme design, with particular consideration to the timing of the proposed works following discussions with Natural England and Wiltshire Council relating to the designated sites, ancient woodland soils and protected species. The proposed sequence and extent of the phases has been designed to fit the seasonal limitations of tree felling, stump felling, vegetation clearance, and soil stripping and to provide continuity of quarrying activity. The 'Plantations on Ancient Woodland Sites' designation, together with the potential presence of dormice, bats, newts and badgers has had a significant influence on the design of the scheme.

22. It is proposed that the site is restored close to original ground levels which will provide a sufficient fall across the site to encourage natural drainage. There will need to be a slight dome in the south west corner to facilitate drainage of that area.

23. Restoration of the site to commercial forestry and agriculture at original ground levels would be concluded within 11 years of the commencement of development. A five year after-care scheme would be provided in accordance with usual planning requirements.

24. The application includes the retention of the existing site access, plant site and ancillary buildings for the 11 year period, after which these items would be removed. The spur road from the A36/A27 junction would be retained for longer term agricultural and woodland management purposes.

25. A copy of the Restoration Plan is attached as **Appendix 3**.

26. The present operations involve direct employment of 5 full time staff. The quarry also supports the employment of lorry drivers, headquarters staff and contractors. These jobs will be retained.

Statement of Community Involvement

27. Brickworth Quarry operates a Community Site Liaison Group and at its meeting held on 23rd March 2016 considered the proposals for extraction of the remaining allocated land. A site visit was also undertaken. That meeting was attended by representatives of: Whiteparish Parish Council, Wiltshire Council, New Forest National Park Authority and the Environment Agency. Individual neighbours living around the site attended also.

Issues raised by the local community included lorry routes, possible recycling and the management of the Plantation on Ancient Woodland Sites. These matters are all addressed in the planning application and the Environmental Statement.

28. An update meeting was held on 1st June 2016 and a 'Planning Exhibition' was held at the Whiteparish Memorial Centre on the 20th June 2016 to provide an opportunity for local residents and other stakeholders to consider the draft planning application proposals. No major complaints or objections are reported as having been raised at these meetings.

Environmental Impact Assessment

29. The application is accompanied by an Environmental Statement (ES) which reports the results of an Environmental Impact Assessment (EIA) undertaken of the proposed development, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

30. The ES includes assessments of environmental effects relating to:
- Landscape and Visual Impact
- Ecology
- Soils
- Heritage
- Hydrology, Hydrogeology and Flood Risk
- Noise
- Dust

31. A Transport Statement, Rights of Way Strategy and draft Written Scheme of Archaeological Investigation are provided as part of the Planning Application Statement.

Planning Policy

32. The following Development Plan documents and policies have been considered for this planning application:

Wiltshire and Swindon Minerals Core Strategy 2009
- Policy MCS1 - Meeting the Need for Primary Aggregate Minerals
- Policy MCS1 (A) Strategic Approach to Identifying Future Supplies of Aggregate Minerals
- Policy MCS (B) Generic Criteria for Guiding the Location of Minerals Development
- Policies MCS 7–10 set out the general considerations to be taken into account at the planning application stage.

Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan 2013

- Policy MSA1
- Inset Map 7: Extensions to Brickworth Quarry
- Table 4.1 Extensions to Brickworth Quarry

Wiltshire and Swindon Minerals Development Control Policies Development Plan Document 2009

- MDC1: Key criteria for sustainable minerals development
- MDC3: Managing the impact on surface water and groundwater resources
- MDC5: Protection and enhancement of Wiltshire and Swindon's landscape character
- MDC6: Biodiversity and geological interest
- MDC9: Restoration, aftercare and after-use management of minerals development

Wiltshire and Swindon Waste Core Strategy 2009

- Policy WCS1: The Need for Additional Waste Management Capacity and Self Sufficiency
- Policy WCS2: Future Waste Site Locations
- Policy WCS3: Preferred Locations of Waste Management Facilities by Type and the Provision of Flexibility

Wiltshire and Swindon Waste Site Allocations Local Plan February 2013

- Policy WSA1: Presumption in Favour of Sustainable Development
- Inset Map S2: Brickworth Quarry and Landfill
- Table 6.2 Brickworth Quarry and Landfill, Whiteparish

Wiltshire and Swindon Waste Development Control Policies DPD 2009

- Policy WDC1 (Key criteria for ensuring sustainable waste management development)
- Policy WDC2 (Managing the impact of waste management)
- Policies WDC3 – WDC11 consider environmental topics in more detail

Wiltshire Core Strategy. January 2015

- Core Policy 24 -New Forest National Park
- Core Policy 50 - Biodiversity and geodiversity
- Core Policy 51 - Landscape
- Core Policy 58 - Ensuring the conservation of the historic environment
- Core Policy 62 - Development impacts on the transport network

National Planning Policy context.

33. The following documents are also material to the consideration of the planning application:

- The National Planning Policy Framework (March 2012)
- The National Planning Policy for Waste (October 2014)

Summary of consultation responses

34. **Whiteparish Parish Council** – object; the Parish Council recommends this application be refused as the development would result in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss of ancient woodland habitat.

If the Local Planning Authority are minded to approve the application the Parish Council recommends the following conditions in compensation for the loss of the ancient woodland:

- A total area of 68 hectares, including and adjacent to the application site, to be planted with local native species of trees to be operated and maintained as a woodland for a minimum of 50 years.
- Further, we would encourage the Local Planning Authority to include enhanced public access to the new woodland area post restoration.

Consider it essential that these conditions are subject to a legal agreement between the applicant and the land owner.

35. **Environment Agency** - no objection to the proposed development, subject to conditions/informative relating to Environmental Permitting and Groundwater Protection requirements being included in any permission granted.

36. **Natural England** – provide the following comments:

<u>Internationally and nationally designated sites</u>
The application site is approximately 1 km from The New Forest Special Protection Area (SPA) which is a European site. The site is also notified at a national level as a Site of Special Scientific Interest (SSSI). The development site supports nightjar, which is one of the features of the SPA, and given its proximity to the SPA, these nightjar can reasonably be assumed to be part of the SPA meta population. In the absence of mitigation, Natural England would be concerned about impacts on this feature of the SPA. However, given the mitigation proposed, these concerns are addressed, provided that the council satisfies itself that these mitigation measures are sufficiently secured through the application and/or suitable conditions.

This application is in close proximity to Langley Wood and Homan's Copse, Loosehanger Copse and Meadows and The New Forest Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.

The proposed development is close to a nationally designated landscape namely The New Forest National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.

Ancient Woodland
Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the Ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland.

Protected Species
Please note that Natural England provided discretionary advice to the applicant in order to advise on the proposed mitigation strategy relating to great crested newts and can confirm that the GCN mitigation proposals detailed within the application are in accordance with our previous discussions with the applicant.

Besides this issue, please note that we have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application.

Biodiversity enhancements
This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

37. **Forestry Commission** - provide details of Government Policy relating to ancient woodland and Information on the importance and designation of ancient woodland. We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

From this, you will see it is Government policy to discourage development that will result in the loss of Ancient Woodland, unless "the need for, and benefits of, the development in that location clearly outweighs the loss" (National Planning Policy Framework paragraph 118). Ancient woodlands are widely regarded as irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed.

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

As a Statutory Consultee on the restoration and aftercare conditions for minerals/ waste disposal sites where the after use is 'forestry' we have considered the restoration proposals.

General - Reference is made to PAWS (Plantations on Ancient Woodland Sites) soils throughout the documentation with perhaps the implication that the soil is of less importance or value than soils found under ASNW (Ancient Semi-Natural Woodland). AW Standing Advice makes no distinction between PAWS and ASNW; it is the ancient woodland site that is irreplaceable. All PAWS can be restored. The designation of the site as a County Wildlife Site and the Ecological Report indicate that there is a significant remnant AW flora persisting in both Areas (A + B) further emphasising the potential for restoration or alternatively – as proposed in this case - translocation of an apparently rich seed bank.

Translocation of AW Soils - The soil management report has acknowledged that there is very little scientific research or published monitoring results of ancient woodland soil location. The references have picked up the main documents that we are aware of. Where the benefits of losing this habitat are deemed to outweigh the disadvantages, then it is important to mitigate this loss as far as possible. The methodology described in the soil management report - including using low ground pressure excavators and trucks to strip from donor sites and place (loose tip) on receptor sites on the same day (minimising disturbance to soil) - represents current good practice. The Forestry Commission should be consulted during any restoration works, as specified in the Act, including the stage before any soil is removed. It should be noted that a dormouse licence and bat licence will be required for any handling or translocation of dormouse or bat populations which is being proposed.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "As ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal".

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

38. **Historic England** - do not wish to offer any comments on this occasion.

39. **Highways England** – offer no objection.

40. **New Forest National Park Authority** – comment the Authority has previously raised concerns regarding the impact of extensions to Brickworth Quarry on the sensitive environment of the National Park and its setting. It is understood that the proposed extension to Brickworth Quarry is allocated within Wiltshire Councils DPD adopted May 2013 and therefore the principle of development has been established.

In the context of the Section 62(2) of the Environment Act 1995 general duty the Authority would have expected the details submitted with the application to more explicitly consider the impacts on the National Park, both while quarrying operations are on-going and also in terms of the final restoration profiles. Table 4.1 of the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan adopted May 2013 states "*proposals for further mineral working will need to demonstrate that the interests of the New Forest National Park and its setting are not eroded'*.

Having reviewed the information submitted with the application the National Park Authority would like to make the following comments.

Ancient woodland: The site includes land classified as Ancient Woodland, as confirmed by the consultation response of Natural England to this application. Paragraph 118 of the NPPF states that "*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*".Furthermore, paragraph 109 requires the planning system to contribute and enhance the natural and local environment by "*protecting and enhancing values landscapes, geological conservation interests and soils*". The Council must be satisfied that there are no alternative, more appropriate locations for the extraction of this mineral resource prior to allowing the loss of such an important designated area of Ancient Woodland. These habitats are irreplaceable and, once lost, can never be fully restored to their previous state. It is disappointing that an area of ancient woodland would effectively be lost through the proposed development, especially its connectivity to the sensitive landscapes of the National Park. If the Council concludes that the need for this development clearly outweighs the loss of such a habitat then it is imperative that the applicant undertakes robust protection and storage of the soils on the site during the minerals extraction as they contain the potential seed bank for establishing typical Ancient Woodland species post-restoration. This would be in line with Table 4.1 of the Minerals Site Allocations Plan in which the Council acknowledges this to be the "*vitally important aspect of this site, and the basic prerequisite that will have to be secured before the sites …can be worked*". The Standing Advice of Natural England and the Forestry Commission 'Ancient woodland and veteran trees: protecting them from development' emphasises that the correct sequential approach is to avoid the loss of such habitats, or to mitigate the loss, and finally to consider compensation measures as a last resort. However, it is clear from that advice that "*establishing new trees and woodland isn't a*

direct replacement for lost or damaged trees or woodland". The Council needs to be assured when making a decision on the proposal that adequate mechanisms can be put in place to ensure that these soils are preserved and can be returned to their original locations, unadulterated by other soils within the site. This should be the subject of appropriate planning conditions or obligation and should be subject to regular and careful monitoring to ensure it is undertaken appropriately.

Restoration and off-site ecology: The Authority would expect the site to be restored by utilising the existing ancient woodland seed bank together with biodiversity enhancement post-restoration to ensure connectivity of habitats both within and around the site again in accordance with Table 4.1. The Authority would welcome a condition requiring the completion of the agreed restoration plans in accordance with the application and appropriate aftercare and monitoring processes.

Furthermore, the Council needs to be satisfied that the application as submitted provides sufficient evidence to demonstrate that the proposed mineral workings will not impact on water levels and that sediments run-off can be contained within the site boundary so as to not adversely affect the adjacent sites of special scientific interest which are designated for their wet meadows interest. The Water EIA (paragraph 8) submitted with the application identifies that this is the main area of concern off-site, especially as the site condition of part of the New Forest SSSI has been classified by Natural England as 'unfavourable - declining' since 1997. It is imperative that mechanisms are put in place to ensure the 'unfavourable' condition of this site is not exacerbated by the mineral workings.

Other issues: The site is located within the 'Except for Access' 7.5 tonne weight limit in the Downton/Redlynch and northern New Forest area. The Authority has raised previous concerns in the past about the impact of HGVs gaining access to and from the Quarry on the settlements located along the unfenced B3078, B3079 and B3080 Forest roads which are used as short cuts to the M27/A1. It is noted that Table 4.1 states that any future planning applications should maintain the existing traffic routeing agreement and the Authority would like to re-iterate the importance of this.

41. **Wiltshire Council Archaeology** – Support, subject to conditions. Confirm the site is of archaeological interest and significant archaeological remains, in the form of a Bronze Age cremation cemetery, have been found in the immediate vicinity. In this case, field evaluation is difficult due to the presence of trees, and is not in any case appropriate due to the level of impact of the proposed works. It is therefore recommended that a programme of archaeological works is carried out as part of any development. It is likely that this will involve elements of watching brief and possibly archaeological excavation, but the exact nature of the works and when they can be undertaken will form part of a written scheme of investigation, which can be secured by planning condition.

42. **Wiltshire Council Ecologist** - Support, subject to conditions.

Matters Considered:

Mineral workings at the site commenced in 2009 and have continued through a series of permissions. Most recently, Planning Permission (ref: 15/07426/WCM) was granted for mineral extraction in part of a larger area that has been allocated as 'Extensions to Brickworth Quarry' in the Wiltshire & Swindon Aggregate Minerals Site Allocations Local Plan 2013, namely Lowden's Copse. The current application is for the remainder of the land allocated for sand extraction referred to as Area A and Area B in the Local Plan.

The allocated minerals resource components of this site lie within 1.5km to the north west of the New Forest Special Area of conservation (SAC). The HRA of the Mineral and Waste Core Strategy did not identify any potentially damaging effects of mineral extraction for this N2K site at this distance. To inform the Local Plan, I carried out a further test of likely significant effect on the designated features of the European site as a result of operations to extract sand at this site (see appended document) and concluded that although hydrological connectivity exists between the N2K site and the application site, adverse impacts on designated site features were very unlikely to occur as a result of the operations, due to the distance between the two sites. Standard best practice working methods should ensure this.

The current application is the culmination of a substantial lead-in which has included pre-application consultation, EIA Scoping Advice, site meetings and discussion with the applicant and specialists they have engaged in respect of ecology, hydrology, soils and landscape. Natural England specialist officers have also attended some of the above meetings to give advice on European Protected Species licensing issues.

As requested within the EIA Scoping Advice, detailed ecological surveys have been carried out during 2015, with some running into 2016 where necessary to gain sufficient information. These comprised: Extended Phase I Habitat Survey, NVC Survey of Woodlands, surveys of invertebrates (including butterfly), amphibians, reptiles, birds, badgers, hazel dormouse, bat roosts and transect surveys to determine key bat flight lines and foraging areas. The results of these surveys have been used to help delineate the area of extraction, identify the most sensitive areas of the site for retention and protection, inform a suitable phasing programme to take account of the soil handling strategy that will be necessary to preserve the integrity of the ancient woodland soils, and inform an appropriate restoration plan that will be relevant to the current ecology of the site and will offer suitable enhancement for biodiversity.

Ancient Woodland

The site is in commercial forestry use, which is not controlled by the minerals company but by the landowner. Commercial forestry processes will continue at the site whether or not permission is given to extract sand, with continued planting of native broadleaf following clear felling of each section of conifer plantation. The opportunity for extraction of the mineral resource (sand) is, however, dependent on

the planting and felling cycle of the commercial forestry, in order to carry out the most efficient extraction operation with the least impact to the natural environment.

The site is a Plantation on Ancient Woodland Soils (PAWS), which assumes the continued survival and viability of the ancient woodland seed bank within the soil, following conifer crop production and return to native broadleaf woodland.

Natural England and the Forestry Commission have issued joint standing advice on the treatment of PAWS sites, emphasising that development should not be permitted where irreplaceable habitats will be lost. Part of that standing advice states that:

Trees and woodland classed as 'ancient' or 'veteran' are irreplaceable. Ancient woodland takes hundreds of years to establish and is considered important for its wildlife, soils, recreation, cultural value, history and contribution to landscapes.

'Ancient woodland' is any wooded area that has been wooded continuously since at least 1600 AD. It includes:

- *'ancient semi natural woodland' mainly made up of trees and shrubs native to the site, usually arising from natural regeneration*
- *'plantations on ancient woodland sites' areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually of species not native to the site*

Ancient semi natural woodland and plantations on ancient woodland sites have equal protection under the National Planning Policy Framework (NPPF).

It is therefore vital to the continued viability of the ancient woodland site, to consider how the processes that would be implemented to achieve the proposed mineral extraction will impact on the soils and whether this impact will be deleterious to the ancient woodland seed bank.

I have applied the above standing advice in my assessment of this application and utilised the Assessment Guide contained within the standing advice in relation to the impacts on the PAWS site and on the remnant Ancient Woodland soils within the site, I have considered the following:-

- No ancient woodland trees will be lost since none currently remain. The site has already been subject to past clearance and planted with a commercial forestry crop which is now ready for felling

- Botanical surveys within the woodland areas show that while there are numerous indicators of ancient woodland within the flora of the site, there are no individually protected or notable floral species present

- Areas where AW indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure (specifically the hedge banks supporting hazel coppice) will be retained and protected during the extraction process. These areas and features are expected to make an important contribution to regeneration of ancient woodland flora within the restored site

- The ancient woodland soils will require sensitive and minimal handling in order to preserve the ancient woodland seedbank they currently support. A robust soil handling strategy has been designed based on best available knowledge from other UK PAWS sites, which improves greatly on the soil handling regime for areas of the wider site already extracted. This relies primarily on the need to move soils only once, using direct placement to the area of restoration, without the need to stockpile (which would be more likely to affect the integrity of the soil structure and thence the integrity of the ancient woodland seedbank). Phasing of the works has been very carefully designed to avoid the need for alteration due to any unforeseen circumstances (as far as if possible). It is acknowledged that the success of the restoration scheme is dependent on workable phasing that results in the most sensitive soils being subjected to the least disturbance

- The landowner intends that the site will continue in commercial forestry management, with a change from the current conifer-rich mix towards more native broadleaf trees. This is intended whether or not the sand extraction is permitted

- No woodland area will be permanently lost since the application does not include the construction of built structures, either temporary or permanent and it is intended to replant the area with native broadleaf trees following sand extraction and filling.

- Available mineral resource (sand) occurs in discrete areas. Avoidance of disturbance of ancient woodland soils in order to extract sand at this site is not possible since the sand resource lies beneath the PAWS site.

- Replacement of the sand with inert fill will not alter the drainage regime of the substrate since both are readily permeable by rainwater;

- The restoration plan proposes an increase in the total area of woodland, utilising ancient woodland soils in the most appropriate areas, together with other soils currently stockpiled from previous excavation. Ancient woodland soils will **not** be mixed with other soils (the robust soil handling strategy and the direct placement of AW soils to their permanent locations ensures this).

I have also reviewed this application against the following research and guidance documents as pertinent to the Minerals Industry and to Ancient Woodland Conservation:

- CIRIA C600 Habitat Translocation: a best practice guide 2003.
- DEFRA Safeguarding our Soils – A Strategy for England (24th September 2009), published in tandem with a 'Code of Practice for the Sustainable Use of Soils on Construction Sites' Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69308/pb13298-code-of-practice-090910.pdf.
- Natural England/Forestry Commission Standing Advice – Ancient Woodland & the Planning System last updated 9th August 2016
- Ryan, 2013. *Translocation and Ancient Woodland.* Woodland Trust. Available at: https://www.woodlandtrust.org.uk/mediafile/100115770/Translocation-and-Ancient-Woodland.pdf.

Based on best available research and guidance from other mineral sites on PAWS in the UK, as listed above, I consider that the soil handling strategy and phasing programme proposed, together with the proposed restoration plan, will contribute to the conservation of ancient woodland soils within the site and subsequently the ancient woodland seed bank they contain.

County Wildlife Sites (CWS)

Parts of Areas A & B are designated as County Wildlife Sites because they are included in the Natural England Ancient Woodland Inventory. The wider site is currently managed as commercial forestry and more than one growing and felling cycle has already taken place so the trees themselves within these areas are not ancient or veteran but are a recent commercial crop and the area is termed as a Planted Ancient Woodland Soils (PAWS) site. Results of the assessment of the woodland by the applicant's ecologists are closely similar to the latest assessment made by the Wildlife Sites Officer. I am satisfied that sufficient survey visits, during suitable survey periods have been carried out to properly record the botanic assemblage within the woodland areas and to allow sufficient assessment of the potential impacts as a result of the proposal.

County Wildlife Sites are protected through Wiltshire Core Policy 50, which allows for some development to take place **if** it meets the criteria of the Policy. I am satisfied that the current application meets the required criteria since it includes a robust soil handling strategy based on current best available knowledge that will ensure that the ancient woodland soil bank can be preserved. In addition, the restoration proposal is sufficiently well designed such that the quality of the future woodland on the site (which will continue within the commercial forestry cycle) will continue to support a high level of biodiversity.

Ecological Survey

A very comprehensive assessment of habitats and species within the site has been completed by Ward Associates on behalf of the applicant. All surveys have been carried out in line with the relevant current national survey guidelines. I am confident that the habitats within the site and the diversity of species they support is well understood and that this knowledge has been used to design a restoration plan that will continue to provide good quality habitat for key species. Enhancement of the site will result from an increase in the overall area laid to woodland and from the creation of habitat areas to benefit reptiles, bats, dormice, birds and great crested newts. Section 15 - Mitigation, Compensation & Enhancement Measures, within the Ecological Assessment Report by Ward Associates sets out comprehensive details.

Habitats

Survey of the woodland has been undertaken by a specialist woodland ecologist on behalf of the applicant. The majority of the woodland is classified as NVC W10, with small areas of W8. A good range of ancient woodland indicator species are present in discrete areas where least disturbance has occurred. Wherever possible, these areas will be retained outside of the extraction zone and protected from over-run by machinery or other disturbance associated with the mineral workings.

Joint standing advice issued by Natural England and the Forestry Commission has been applied in my consideration of the application in relation to the ancient woodland soil seedbank and I am satisfied that the proposal includes a sufficiently robust soil handling strategy, based on the most recent documented experience from other UK PAWS sites, such that the integrity of the ancient woodland soils can be preserved.

Protected Species

I am satisfied that all relevant species likely to occur within the site have been subject to sufficient survey to inform the application. Great crested newt and dormouse licensing issues have been fully discussed with Natural England. No bat roosts were found in trees within or immediately adjacent to the site and no key flight lines for commuting or foraging bats (particularly Annex II bat species) were identified within the site or within the expected zone of impact. Reptiles, birds, badgers and other small mammals will be protected during the extraction period through a Construction Ecological Method Statement which will be submitted for approval prior to commencement of works. A dedicated receptor area suitable for reptiles, great crested newts, and other amphibians will be prepared and made ready prior to the start of works.

Ancient Woodland Soils and Phasing of Extraction

The phasing of areas to be extracted has been designed around the primary need to handle the ancient woodland soils only once in order to preserve the seedbank, as well as the need to maintain sufficient quality habitat areas to support the wildlife species known to be present within the site. At each phase, an assessment of the habitats will be made and this will determine the need for translocation of sensitive plant species to prepared receptor areas.

Pre-application discussion included the requirement for the soil handling strategy for the entire extraction period for the remaining two areas (Areas A & B) to be very carefully considered, as future applications for alterations to the strategy would not be permitted. I am satisfied that all potential influencing factors have been taken into account and that the proposed phasing programme is robust. In addition, I believe that the direct placement method to be used for ancient woodland soils, will prevent the need to store any of the most sensitive soils which *could* result in some degradation of the viability of the soil structure and the ancient woodland seedbank contained within.

Hydrology/Hydrogeology

The removal of sand from beneath the soil and replacement with inert waste is unlikely to alter the hydrology of the site since inert waste and sand are both free-draining. However, Environment Agency regulations require that the extraction areas are clay-line prior to filling with inert waste and this could have the potential to alter the drainage regime within the site and lead to off-site effects on nearby sensitive ecological receptors. During pre-application discussion and EIA scoping advice, I raised the issue of hydrology in relation to clay-lining of the quarried areas and the subsequent potential alterations to the drainage properties of the restored soils as a result. I also requested an assessment of the effect of the clay lining on groundwater flows in relation to off-site impacts on sensitive (water dependent) habitats. The hydrology section of the EIA has been presented very clearly and confirms a detailed understanding of groundwater flows within the site and the potential effect on sensitive habitats in the immediate surrounding area. It has been demonstrated that the groundwater actually flows below the site, at a deep enough level that will not be affected by the proposals. The hydrology section states that “Mitigation for local loss of rainfall recharge of the aquifer uses an integrated water management strategy for the restoration, infiltrating site run-off to the underlying strata at the pre-development rate, therefore retaining the current water balance between infiltration, evapotranspiration and run-off, ensuring identical groundwater and surface water flows reach the off-site ecosystems”. Two additional attenuation ponds and two additional soakaways are included within the restoration plan to manage surface water within the site and avoid offsite impacts on surrounding habitats. I am therefore satisfied that the required clay-lining of the extraction areas will not result in changes to groundwater or surface water at off-site sensitive receptors such as water dependent habitats.

Restoration Strategy

A soil resource strategy has been devised in line with current EU and UK Government thinking, as part of the overall land restoration scheme. This follows best practice guidance which is based on best available knowledge of safeguarding both the quality and the quantity of PAWS and non-PAWS soil resources (i.e. topsoil and subsoil), for re-use within the site. It is clear that the strategy of minimal handling will help preserve the seedbank and accompanying soil fauna and mycorrhiza to in turn maintain the integrity and quality of the PAWS soils and allow the best chance of the ancient woodland flora regeneration post restoration.

Over 86% of the PAWS soils will be translocated directly from the donor site to the receptor site (the final location), which removes the necessity to store soils, which could ultimately lead to some loss within the soil of the seedbank, soil fauna and mycorrhiza. Where the scheme proposes the necessary stockpiling of approximately 13% of the PAWS soils, a specification for soils storage has been devised to minimise the effects of stockpiling. Available documentation confirms that this strategy is suitable in presenting the best opportunity for re-developing suitable soil conditions for the successful recreation of an ancient woodland ecosystem in the long term.

The total area of woodland within the restored site (PAWS plus additional planting) will be substantially increased. Areas of habitat creation within the wider site will benefit specific wildlife species, namely bats, dormice, great crested newts, birds and reptiles. These include the additional areas of planting referred to above, together with attenuation ponds and soakaways that will be of benefit to amphibians, birds and invertebrates, provision of bat, bird and dormouse boxes throughout the site and refugia and basking areas for reptiles. Moreover, the restoration strategy has been designed specifically to maintain and enhance habitat connectivity into surrounding woodland sites and associated habitats, such that the function of the wider local landscape will be increased for biodiversity.

In Summary

The applicant has addressed all issues raised during the pre-application consultation and carried out the scope of the EIA as advised by both Wiltshire Council and by Natural England. I am satisfied that the level of survey has been sufficient to fully understand the ecology of the site, including sensitive habitats and species and that the restoration plan will provide a comparable quality of suitable habitat to continue to support both faunal and floral species.

In addition, the soil strategy is based on the most up to date available knowledge, collated from recent research and guidance and from other PAWS sites around the UK and Europe. I consider that it is likely to help ensure the conservation of the ancient woodland habitat at this location.

In order to secure the potential for success of the restoration scheme, I request that the two conditions below are added to any permission you are minded to give this application.

Conditions:

Prior to commencement of works, a Construction Ecological Management Plan will be submitted for approval by the LPAs ecologist. This will be based on the recommendations for precautionary working practices given in the ecological appraisal prepared by Ward Associates.

Prior to commencement of works, a Landscape & Ecological Management Plan will be submitted for approval by the LPAs Ecologist and Landscape Officer. The post restoration management commitment by the mineral company will be for a minimum of 5 years.

43. **Wiltshire Council Landscape Officer –** no objections to the proposals, but provides the following comments for clarity:

The site is not located within a nationally designated landscape but does lie within the SLA (local designation) and the setting of the New Forest National Park. The NPPF places great weight on conserving landscape and scenic beauty of nationally important landscapes (para.115) and major applications in should be refused unless there are exceptional circumstances and in the public interest (para.116). Such applications should include an assessment of any detrimental effects and the extent to which these might be moderated through mitigation measures. Furthermore the CROW Act 2000 places a duty on statutory bodies to have regard to the purpose of designation of NPs (and AONBs) as follows:

- Conserving and enhancing natural beauty, wildlife and cultural heritage.
- Promoting opportunities for the public to understand and enjoy the special qualities of the designated area.

A Landscape and Visual Impact Assessment has been submitted with the application and I can confirm it has been prepared in accordance with current best practice. The LVIA states at para.3.3.1 *'Although the site is located relatively close to The National Park, the proposed development is unlikely to cause any significant landscape or visual impact from within the Park due the level of enclosure provided by surrounding woodland and other vegetation'*. Field work undertaken in winter and summer months show that the Zone of Visual Influence is largely limited to within 1km of the site due to topography and extensive woodland planting that serves to screen and filter views of the site.

The LVIA, informed by local planning policies and Landscape Character Assessments, has underpinned the development of a holistic mitigation and restoration strategy:

- The siting of the proposed extraction areas mostly within blocks of commercial forestry plantation, with the retention of significant woodland edge vegetation to provide visual screening;
- The working of the site in a series of phases with a rolling programme of extraction and restoration to minimise the extent of disturbance within the landscape;
- The implementation of additional tree planting on the perimeter of the site to provide compensatory woodland habitat and visual screening;
- The preservation and translocation of ancient woodland soils for restoration;
- The backfilling of the extraction voids with imported fill to achieve a natural landform at similar ground levels to the pre-development site;
- The replanting of the restoration areas with native broad-leaved trees and shrubs to provide biodiversity enhancement and to preserve the long term wooded character of the site and surrounding landscape.

In terms of residual landscape effects LVIA concludes that the working of the minerals will have a moderate-major adverse effect upon the site itself, with minor effects on the wider landscape but only a negligible impact on the character and setting of the NFNP. A similar level of significance is attributed to visual effects. However, the final restoration of the site to woodland will result in an overall positive effect on the landscape and visual baseline, and will provide enhancement for the SLA, biodiversity and local landscape character.

44. **Wiltshire Council Environmental Health Officer** - notes that whilst the noise assessment carried out for the site predicts noise levels will be below the 55dB limit set within planning practice guidance, during phase 1 and 4 the levels at 6 of the 7 nearby properties will be above background noise levels. Three properties will be potentially subjected to noise levels around 9dB and 15dB above background levels. The Assessment recommends that a temporary bund is constructed which will reduce noise levels from operations by around 10dB at one property, though for the other two no additional mitigation measures proposed. Considers if the bund could be extended along the western boundary during phases 1 and 4, then it would give properties to the south west further protection from noise. If this not possible recommends the bund is at least implemented as a minimum measure.

45. **Wiltshire Council Highways Officer** – advises that as the site is served directly from the A36 trunk road this is a matter for Highways England, who it is noted have responded.

46. **Wiltshire Council Rights of Way Officer** – no comments received.

Publicity

47. The application has been publicised in the local press and by site notices. A neighbour notification exercise was also carried out.

2,445 objections have been received. The reasons upon which objections are based follow those set out in a template objection letter produced by The Woodland Trust. The reasons stated are:

- Object to the proposed extensions due to substantial loss and damage to ancient woodland.
- Quarrying within ancient woodland is highly inappropriate and must not be allowed. The damage and destruction of more than 20 hectares of ancient woodland for the purposes of sand extraction is simply unacceptable and could set a dangerous precedent for ancient woodland around the UK.
- Remember Plantations on Ancient Woodland Sites (PAWS) are recognised by government as ancient woodland, a finite and irreplaceable habitat.

48. **The Woodland Trust** - strongly objects to this planning application. It is essential that ancient woodland is retained and not subjected to unnecessary damage and loss that would occur as part of the proposals. The proposed extension areas and original siting of the quarry is entirely inappropriately in respect of ancient woodland. Furthermore the translocation proposals must not be considered as part of the planning balance as they are compensation measures. While we understand that the application is for the proposal of excavation in areas outlined with the Wiltshire Minerals Local Plan (adopted 2013) it is apparent that the proposed scheme is unacceptable in its nature and in direct contravention of both local and national planning policies.

49. **Wiltshire Wildlife Trust** – object, consider the damage caused to 8ha of Lowdens copse (total size of CWS 20ha) and 13.7ha of Sandlands/Goose Eye Copse (total size of CWS 16ha) is not a sustainable development, contrary to national and local planning guidance, and provides no net biodiversity gain which is a central pillar of the NPPF.

50. **The National Trust -** owns the land around the grade II listed Pepperbox, some 2km to the north-west of the application site. Considers the planning application does not consider the impacts of the development on the Pepperbox as a designated heritage asset, although it is accepted that – given the distance involved – any harm to its setting would be less than substantial. In landscape terms, the application notes the existence of Pepperbox Hill and ridge, but does not appear to consider any impacts on the visual amenities as experienced from this location. Turning to ecological matters, we note and support many of the comments from other consultees regarding the loss of ancient woodland.

51. **South Wiltshire CPRE** – comment that the Applicant has worked very closely with advisors to minimise the loss of ancient woodland soil structures and that there is no question as to the seriousness with which they have approached this application. The South Wiltshire CPRE commends them for that, but there is no scientific evidence that soil structures of ancient woodland can be excavated, however carefully, and then reinstated without damage or loss and all that can be attempted is a reduction in the degree of damage. Time will be the sole arbiter of how successful that will have been and the CPRE is not convinced that it will be successful. That the void created by excavation will be filled with hardcore and inert wastes guarantees a subsoil structure totally at variance with the original sands and clay that will ensure that the original status of the ancient woodland will be altered and lost for ever. Whatever is stated in the reports it will never return to being as it is. Neither the Ancient Woodland nor the unique habitats will return to being as they are if approval is given. That does not mean that in time there will be no woodland or habitats but simply that they will be different.

52. **Whiteparish Preservation Group** – concerns with the loss of Ancient Woodland, the storing and relocation of PAWS soils and the damage to the habitat and wildlife if this latest planning application is approved without further mitigation or compensation measures being undertaken. Also concerned at the proposed retaining of the tarmac access road from the A36 as consider this will make site attractive for unauthorised access.

Planning Considerations

53. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

54. The EIA Regulations require that before determining any EIA application, the local planning authority must take into consideration the information contained in the Environmental Statement (ES) (including any further information), any comments made by the consultation bodies, and any representations from members of the public about environmental issues.

Principle of development

55. The NPPF sets out the government's planning policies for England and how these are expected to be applied. Section 13 specifically considers minerals development. Paragraph 142 recognises minerals are essential to support sustainable economic growth and our quality of life and therefore the importance of ensuring that a sufficient supply of material is available for the needs of infrastructure, buildings, energy and goods that the country needs. Also, that mineral can only be worked where resources exist.

56. Paragraph 144 states that when determining planning applications, local planning authorities should "give great weight to the benefits of the mineral extraction, including to the economy". Paragraph 145 states minerals planning authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel.

57. The Minerals Core Strategy sets a strategic policy framework for meeting the need for minerals and managing minerals development in Wiltshire and Swindon over the Plan period to 2026. Core Strategy Policy MCS 1 (A-C) sets out the Councils development strategy for meeting forecasts of the demand for aggregates and identifying sites.

58. Policy MCS1 (A) identifies 'Minerals Resource Zones' within which proposals for new or extended sand and gravel workings should be located. These are Upper Thames Valley; Calne Area; South East of Salisbury; Bristol Avon; and Salisbury Avon. Brickworth Quarry is located with the 'South East of Salisbury' zone. The mineral resources associated with land to the south east of Salisbury provide an essential supply of soft sand used for mortars, concreting and other industrial uses by the construction industry. Production is currently limited to a single site - Brickworth Quarry.

59. Policy MCS 1 (B) sets out the generic criteria for guiding the location of new or extended sites for minerals extraction that was used to identify sites in the Wiltshire and Swindon Aggregate Minerals Site Allocation Local Plan. The Local Plan draws on these provisions by proposing allocations / identifying sites in those same zones which the Councils consider will be required in order to meet the demand for aggregate mineral (sand and gravel) working. The sites identified through the Local Plan are considered by the councils as being suitable for future minerals extraction.

60. The Councils concluded that the requirement of the South East of Salisbury area to meet the forecasts of the demand for aggregates to 2026 and potentially beyond can be met by one site option (split into 2 areas) as an extension to Brickworth Quarry. The Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan allocates land for two extensions to Brickworth the Quarry, identified as Area A and Area B.

61. The areas proposed for extraction in this application comprise the allocated land except for:
    (i) The omission of Lowdens Copse within Area A because it has recently been permitted;
    (ii) A minor extension of the western boundary of Area B to offset the reserve that would be sterilised by retaining Footpath WHIT12 and Hazel Bank heritage site with an appropriate standoff.

62. Paragraph 1.39 of the Minerals Site Allocations Local Plan states that in principle the councils will be supportive of appropriate applications for minerals development within the locations set out in the Local Plan.

<u>Need for and Supply of Minerals</u>

63. Policy MCS 1 of the Minerals Core Strategy states that to ensure continuity of supply, the Councils will endeavour to maintain landbanks for aggregate minerals in accordance with National and Sub-National Guidelines. Paragraph 145 of the NPPF states minerals planning authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel.

64. The length of the aggregate landbank is the sum in tonnes of all permitted reserves for which valid planning permissions are extant, divided by the annual rate of future demand. Planning Practice Guidance advises that aggregate landbanks are an essential component of planning decision-making: low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.

65. In planning for a steady and adequate supply of aggregates, MPAs are to prepare an annual Local Aggregates Assessment (LAA). A Local Aggregate Assessment is an annual assessment of the demand for and supply of aggregates in a mineral planning authority's area.

66. The most recent Wiltshire Local Aggregate Assessment was published in September 2014, for the year of 2012. At December 2012 permitted reserves of sand and gravel were estimated to be 3.65 million tonnes, giving a landbank figure of 3 years. More recent figures contained in the South West Aggregates Working Party Annual Report: 2014 show the landbank in Wiltshire at the end of 2014 as being just 4 years. No major new minerals planning permissions have been granted since then that would significantly improve this position.

67. Planning Practice Guidance advises that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level of 7 years this may be seen as a strong indicator of urgent need.

68. The Applicant considers the currently permitted reserves at Brickworth Quarry are only sufficient to maintain sand production until early 2017. The extensions will allow the sand quarry and related activities to continue at present rates and levels of activity for a further 11 years. The extensions site is allocated for sand extraction in the Development Plan, forming part of the planned supply for soft sand, and this application can be considered as meeting an urgent need to maintain a steady and adequate supply of aggregates.

69. The Wiltshire and Swindon Waste Site Allocations Local Plan identifies Brickworth Quarry as a local scale landfill site (Site ref S2). It is linked to the Waste Core Strategy as a site that will make a positive contribution to meeting capacity requirements in line with Waste Core Strategy policies WCS1 – 3. Since the Quarry opened there has been progressive restoration using imported inert materials and it is proposed that this will continue. Restoration using inert materials to return the landform to its original levels is consistent with the current policy framework.

Site specific considerations

70. The Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan identifies the proposed extensions at Brickworth Quarry for sand extraction (Areas A and B Inset map 7). For each site identified in the Local Plan is a site profile table, in this case Table 4.1, highlighting particular issues to be addressed at the planning application stage. The key issues for Extensions to Brickworth Quarry are:

- The need to robustly protect and retain soils / Ancient Woodland seed bank
- Ensure local wildlife populations are not adversely impacted
- Restoration requirement to mixed deciduous woodland to support BAP habitat in the area
- The proximity of the New Forest National Park
- Requirement for a Dust Management Plan
- Requirement for a Noise Assessment
- Consideration of archaeology
- Continuation of existing access arrangements
- Protection of the water environment

Ancient Woodland

71. The application site includes areas of land that are by definition ancient woodland. 'Ancient woodland' is any wooded area that has been wooded continuously since at least 1600 AD. It includes:
    - 'ancient semi natural woodland' mainly made up of trees and shrubs native to the site, usually arising from natural regeneration
    - 'plantations on ancient woodland sites' - areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually of species not native to the site.

72. The woodland within the proposed application area is classified as 'Plantations on Ancient Woodland Sites' (PAWS). These are areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, predominantly of species not native to the site. These will include conifers and also non-native broadleaves. These sites often retain some ancient woodland features such as soils, ground flora, fungi, and woodland archaeology.

73. The extraction of sand from the proposed extension areas will result in the phased loss of approximately 19.7 hectares of plantation woodland and 1.3 hectares of agricultural land. There will be a loss of 7.2 ha of woodland in Area A and 12.5 ha in Area B for quarrying. Of this land approximately a third has been clear felled, due to the woodland being under commercial forestry management.

74. As noted at paragraph 47 above, the loss of ancient woodland has attracted substantial number of objections expressing a view that quarrying within ancient woodland is inappropriate and should not be allowed.

75. The NPPF states at paragraph 118 that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles which includes:

"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss".

76. The application site forms part of a large area of land that has been allocated for minerals extraction as 'Extensions to Brickworth Quarry' in the Minerals Site Allocations Local Plan. Whether the allocated sites are acceptable in environmental terms was one of the two main issues considered by the Inspector appointed by the Secretary of State for Communities and Local Government when determining whether the Local Plan was 'sound' and compliant with the legal requirements. With regard to the 'Extensions to Brickworth Quarry' allocation, the Inspector identified a key consideration to be the presence of ancient woodland within the boundaries of the two extension sites:

> 72. Having regard to the evidence before me, and my own site inspection, I note that extraction would affect areas that are by definition ancient woodland. However, within these areas, there are no ancient or veteran tree specimens. The area is currently in use as agri-forestry and is planted with conifers under a woodland management scheme. The trees on this part of the estate are felled regularly. Planning permission has already been granted for the felling of parts of the woodland in the area to allow mineral working to take place.
>
> 73. In the circumstances, I feel that priority should be given to protecting the quality and integrity of the soils on the site as they represent the potential seed bank for typical ancient woodland species. Benefits would be maximised through restoration to lowland mixed deciduous woodland with retention and conservation of the ancient woodland soils carefully managed through the extraction process. In addition, a suitable soil handling strategy would help conserve the seed bank.

77. Table 4.1 of the Minerals Site Allocations Local Plan duly acknowledges the classification of this site option as Ancient Woodland and states:

"The vitally important aspect of this site, and the basis prerequisite that will have to be secured before the sites (Areas A and B on Inset Map 7) can be worked for minerals is the need to robustly protect and retain the soils (structure and quality) as they contain the potential seed bank for re-establishing typical Ancient Woodland species post-restoration."

And,

"If areas of ancient woodland (standing or previously felled) are to be removed to facilitate mineral extraction, a strict soil handling strategy will be required to ensure that ancient woodland soils are preserved and can be returned to their original locations, unadulterated by other soils within the site".

78. Policy MDC6 of the Wiltshire and Swindon Minerals Development Control Policies DPD requires minerals developers to undertake an assessment of the potential effects of their development proposals on areas of biodiversity and/or geological interest. The assessment should identify whether a proposal is likely to result in a significant adverse impact (i.e. resulting in unacceptable loss or harm of species or habitat), and set out clearly the options considered for avoiding, mitigating or compensating for the adverse impact.

79. National Planning Practice Guidance (PPG) includes guidance on ancient woodland and veteran trees. PPG advises that Natural England and the Forestry Commission have prepared standing advice to provide assistance to local planning authorities in considering proposals which impact on ancient woodland or veteran trees. In their responses to consultation on the proposals for Brickworth Quarry, Natural England and the Forestry Commission have referred the Council to this Standing Advice for the determination of this application.

80. The Standing Advice sets out the steps planning authorities should follow when making decisions on planning applications that affect ancient woodland and veteran trees. In short, these are:

- **Assess the impacts**
    - Consult inventories to decide whether a development will affect ancient woodland:
    - Potential impacts
        - assess the potential impacts using the assessment guide and use this to help with planning decisions.
    - Providing evidence
        - The developer and planning authority should work together to make sure the authority has enough suitable evidence to make its decision
- **Avoid, reduce or compensate for the impacts**
    - Planning authorities and developers should start by looking for ways to avoid the development affecting ancient woodland or veteran trees
    - In assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases.
    - If the planning authority decides to grant planning permission in line with the National Planning Policy Framework, it should seek appropriate mitigation or compensation from the developer. As ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal.
    - The planning authority should use planning conditions or obligations to secure these mitigation or compensation measures and subsequent ecological monitoring.

Assess the impacts

81. Natural England has confirmed the proposals have the potential to adversely affect woodland classified on the Ancient Woodland Inventory. The extraction of sand from the proposed extension areas will result the phased loss of 19.7 hectares of plantation woodland that is classified as 'Plantations on Ancient Woodland Sites' (PAWS). PPG advises that Ancient Semi-Natural Woodland (ASNW) as well as Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the NPPF.

82. The woodland across much of the Brickworth site comprises coniferous commercial tree species of a variable age structure, but there are a number of ancient woodland indicator species within the plantations and much of the broad-leaved woodland edge remains intact. This land is part of the County Wildlife sites of Lowden's Copse in Area A and Sandland Copse and Goose-Eye Copse in Area B. There will be a loss of 7.2 ha of woodland in Area A and 12.5 ha in Area B for quarrying. Of this land approximately a third has been clear felled, due to the woodland being under commercial forestry management.

83. The majority of the extension areas are W10 woodland (one of the woodland communities in the National Vegetation Classification [NVC] system of classifying natural habitats according to the vegetation they contain), part closed canopy woodlands dominated by Scot's pine, Corsican pine or western hemlock-spruce and part drastically thinned, with scattered Douglas fir and pedunculate oak, over vigorous regeneration of silver birch and Douglas fir. There are small areas of W8 woodland, mostly along the boundary banks and a shallow valley in Area A. In the cleared areas there are also grassy glades and rides and extensive bracken dominated glades. Part of Area A is improved grassland.

84. The Council's Senior Ecologist, having regard to the Standing Advice and assessment guide, has considered the potential impacts on the PAWS site and on the remnant ancient woodland soils within the site and advises:

- No ancient woodland trees will be lost since none currently remain. The site has already been subject to past clearance and planted with a commercial forestry crop which is now ready for felling;

- Botanical surveys within the woodland areas show that while there are numerous indicators of ancient woodland within the flora of the site, there are no individually protected or notable floral species present;

- Areas where AW indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure (specifically the hedge banks supporting hazel coppice) will be retained and protected during the extraction process. These areas and features are expected to make an important contribution to regeneration of ancient woodland flora within the restored site;

- No woodland area will be permanently lost since the application does not include the construction of built structures, either temporary or permanent and it is intended to replant the area with native broadleaf trees following sand extraction and filling; and

- Replacement of the sand with inert fill will not alter the drainage regime.

85. It is also noted by the Council's Senior Ecologist that the site is in commercial forestry use, which is not controlled by the minerals company but by the landowner. The landowner intends that commercial forestry processes will continue, with trees felled under Forestry Commission licence, at the site whether or not planning permission is given to extract sand. The opportunity for extraction of the mineral resource is, however, dependent on the planting and felling cycle of the commercial forestry, in order to carry out the most efficient extraction operation with the least impact to the natural environment. Planning Permission for extraction of minerals from Lowdens Copse (part of Area A) was granted in 2015.

86. The Ecological Assessment report submitted as part of the Environmental Statement notes that under the relevant assessment criteria the loss of these woodlands is considered to be a high negative effect. However, it also notes that this takes no account of the abundance or otherwise of the habitat and designated woodlands in the locality. The site is located within the Tytherley and Langley Woods Area, identified in *Wiltshire Landscape Biodiversity Areas (WLBA) 2013 report*, which holds over 2000 ha of Ancient Woodland.

Providing evidence

87. The current application is the culmination of a substantial lead-in which has included pre-application consultation, EIA Scoping advice, site meetings and discussion with the applicant and specialists they have engaged in respect of ecology, hydrology, soils and landscape. Natural England has also attended some of these meetings to provide advice on European Protected Species licencing issues.

88. The planning application is accompanied by an Environmental Statement (ES) in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2011. Included in the ES are assessment reports of Ecology, Soils Strategy, Quarry Design, Hydrology and Hydrogeology and Landscape and Visual Impact and undertaken by specialists in their respective fields.

89. The ES Ecological Assessment of the proposed extensions describes the ecological importance of land, evaluates the effects of developing the site, identifies measures to minimise significant negative effects and prescribes appropriate mitigation and compensation measures.

90. The impact assessment and soil resource strategy (SRS) specifically assesses the likely significant environmental effects of the proposed extensions on soil resources. The SRS has been devised, as part of the overall land restoration scheme, to identify and safeguard the quality and quantity of PAWS and non-PAWS soil resources available for reuse at the site. The appraisal of the phased quarry design for the proposed extension areas considers how the phasing has been developed with respect to the PAWS soils.

91. The Hydrogeological assessment considers the potential impact upon the groundwater regime. The Landscape and Visual Impact Assessment assesses the potential landscape and visual effects that may be associated with the proposals.

Avoid, reduce or compensate for the impacts

92. The Standing Advice states planning authorities and developers should start by looking for ways to avoid the development affecting ancient woodland or veteran trees. As already noted, the application site is land that has been allocated for minerals extraction in the adopted Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan. A significant amount of evidence was gathered to establish whether, in principle, the sites contained within the Local Plan are suitable for mineral extraction.

93. The evidence gathered from detailed assessments undertaken as part of the site identification process illustrated that there are very few areas in Wiltshire and Swindon that can be considered appropriate and/or deliverable for sand and gravel extraction during the plan period (i.e. up to 2026). Minerals can only be worked where they exist and consequently there are specific locations where the councils could look to identify potentially suitable sites. The resource in these areas is either highly constrained (in the Calne area; and south east of Salisbury area) or, as in the case of the Upper Thames Valley, is running out as a result of past production. The councils included in the Local Plan those sites deemed to be the most appropriate given an absence of more suitable alternatives. This includes the 2 areas as an extension to Brickworth Quarry in the South East of Salisbury Aggregate Resource Area.

94. Given that mineral can only be worked where resources exist, avoidance of disturbance of ancient woodland soils in order to extract sand at this site is not possible since the sand resource lies beneath the woodland that is designated as ‘PAWS’.

95. The PAWS classification has had a significant influence on the design of the scheme. Areas where Ancient Woodland Indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure (specifically the hedge banks supporting hazel coppice) will be retained and protected during the extraction process.

96. The Applicant has in the Environmental Statement reported the potential alternatives considered to the development as proposed. A possible alternative would be not to extract sand to meet planned requirements, but such an approach would create a shortage of mineral necessary to support the construction industry. Extracting sand from a site that is not identified in the Mineral Site Allocations Local Plan would run counter to the plan-led system and undermine the purpose of the Local Plan which is to identify in the first instance suitable sites for sand extraction.

Mitigation and compensation measures

97. This planning application is the culmination of a substantial lead-in which has included pre-application consultation and discussion with the applicant and specialists in respect of ecology, soils, hydrology and landscape. In line with Table 4.1 of the Minerals Site Allocations Local Plan, consideration has been given to how the processes that would be implemented to achieve the proposed mineral extraction would impact on the soils and whether this impact would be harmful to the ancient woodland seed bank.

98. Mitigation has been built into the design, with particular consideration to the timing and phasing of the proposed works. This includes the general principle that any phase, from felling of existing woodland to replanting will be open for as little time as possible, that the greatest amount of PAWS soils is direct placed and that the water runoff and infiltration remains as near as possible to that currently existing. There will be advance planting of 2.5 ha broad-leaved woodland to the east of the plant site, adjacent to the A36 and strengthening the northern edge of the woodland of Area A.

99. The impact assessment and Soil Resource Strategy (SRS) specifically assesses the likely effects of the proposed extensions on soil resources. The SRS has been devised, as part of the overall land restoration scheme, to identify and safeguard the quality and quantity of PAWS and non-PAWS soil resources available for reuse at the site. This follows the approach of DEFRA's Construction Code of Practice for the Sustainable Management of Soil and other relevant best practice for handling soils.

100. The proposed phasing allows 86.3% of the PAWS soils to be translocated from the donor site directly to the receptor site (i.e. direct placement). The objective of the SRS is to restore a soil profile at a suitable receptor site which comprises (from ground surface to a depth of one metre) a 10 cm layer of translocated PAWS topsoil (including the seed bank, fauna and mycorrhiza it contains), over a 40 cm layer of translocated PAWS subsoil, over a 50 cm layer of well-drained coarse sand. Where the proposed scheme involves some temporary storage of PAWS soils (i.e. approximately 13.7% of PAWS), a specification for soil storage has been devised to minimise adverse effects of stockpiling. Ancient woodland soils will not be mixed with other soils.

101. The SRS aims to minimise damage to soil structure, and maintain pre-mineral extraction soil characteristics in terms of healthy soil aeration (and gaseous exchange), adequate drainage, and levels of fertility. By implementing the SRS, it is predicted that biological life in the soil (including fauna such as earthworms) will re-establish in the short to mid-term (1-5 years). It is recognised that more complex mycorrhizal systems associated with undisturbed ancient woodland soils will take longer to develop.

102. There will be a complete replacement of all woodland removed as part of the development as broad-leaved woodland rather than conifer as currently projected. The planting of the woodland, advance planting and planting of the 'Finger Field' will provide a net gain of 5.62 ha. Additionally here will be a modification of the planting from conifer to broad-leaved of 3.63 ha at Round Copse North. Overall, the restoration has been designed carefully so as to maximise the areas of woodland created and ensure a continuity of woodland connectivity both within the site and to the wider countryside.

103. The Forestry Commission advises that the methodology described in the soil management report - including using low ground pressure excavators and trucks to strip from donor sites and place (loose tip) on receptor sites on the same day (minimising disturbance to soil) - represents current good practice. The Council's Senior Ecologist considers the SRS and phasing programme proposed, together with the proposed restoration plan, will contribute to the conservation of ancient woodland soils within the site and subsequently the ancient woodland seed bank they contain.

104. The Standing Advice confirms planning authorities can accept large scale woodland planting as a compensation measure, alongside other measures; and this could be on soil that has been moved from the destroyed area of ancient woodland ('soil translocation').

105. It is considered therefore that, in line with Table 4.1 of the Minerals Site Allocations Local Plan, adequate mechanisms can be put in place to ensure that the soils are preserved and can be directly replaced, unadulterated by other soils within the site. These mitigation and compensation measures, together with subsequent ecological monitoring, can be secured by planning condition.

<u>Whether the benefits of the proposed minerals development in this location outweigh the loss of ancient woodland</u>

106. The NPPF states at paragraph 118 that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

107. The Standing Advice states that in assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases. Appeal decisions, including those for quarrying within an area of PAWS, have observed that "Not all ancient woodland is the same and, in order to properly balance the harm against the benefits, the characteristics of the ancient woodland in question must be assessed".

108. The Standing Advice reiterates it is Government policy (NPPF, paragraph 118) to discourage development that would lead to loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Despite the term 'irreplaceable' being applied to ancient woodland, the guidance clearly does allow for circumstances where the loss can be outweighed by other considerations. The classification of woodland as ancient does not prohibit any loss of its area simply due to its inclusion within the Ancient Woodland Inventory.

109. As established through the plan-making process and confirmed through this planning application, the woodland in this case comprises a coniferous commercial forestry crop which is now ready for felling. The trees will be felled whether or not planning permission is given to extract sand. No ancient woodland trees will be lost since none currently remain. Botanical surveys show that whilst a range of ancient woodland indicator species are present in discrete areas, there are no individually protected or notable floral species present. Areas where ancient woodland indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure, would be retained. The important aspect of this site is the underlying soils as they represent the potential seed bank for typical ancient woodland species. Accordingly, a Soil Resource Strategy has been devised that follows best practice guidance and is based on best available knowledge of safeguarding both the quality and the quantity of PAWS and non-PAWS soil resources for re-use within the site.

110. The NPPF at paragraph 144 states that when determining planning applications, local planning authorities should "give great weight to the benefits of the mineral extraction, including to the economy".

111. As noted above, the application site forms part of a large area of land that has been allocated for minerals extraction as 'Extensions to Brickworth Quarry' in the Minerals Site Allocations Local Plan and forms part of planned supply for soft sand.

112. When determining whether the Local Plan was 'sound' and compliant with the legal requirements, the Inspector appointed by the Secretary of State stated:

"Bearing in mind the important contribution that the land at Brickworth Quarry would make to the needs of Wiltshire and Swindon, I find that there is a clear case for the loss of what is defined as ancient woodland".

113. As noted in paragraph 66 above, the landbank in Wiltshire and Swindon is just 4 years, compared to the minimum requirement of 7 years. Planning Practice Guidance advises that where a landbank is below the minimum level this may be seen as a strong indicator of urgent need. The applicant has stated it expects the currently consented reserve at Brickworth Quarry to be exhausted early in 2017.

114. Paragraph 142 of the NPPF recognises minerals are essential to support sustainable economic growth and therefore the importance of ensuring that a sufficient supply of material is available for the needs of infrastructure, buildings, energy and goods that the country needs.

115. Within the context of the application area being allocated for mineral extraction in the Development Plan and the proposals meeting a clear and urgent need to supply demand and bolster the landbank which is below minimum requirements, it is considered that the proposed benefits of the extensions to this quarry are clear and sufficient to outweigh the loss of a commercial forestry crop that is classified as ancient woodland. In accordance with the Development Plan, the application has demonstrated that the site can be worked for minerals in a way that robustly protects and retain the soils which contain the potential ancient woodland seed bank. In addition, there will be a complete replacement of all woodland removed with broad-leaved woodland.

Biodiversity

116. Policy MDC6 of the Minerals Development Control Policies DPD requires that proposals for minerals development be accompanied by an objective assessment of the potential effects of the development on features of biodiversity and/or geological interest. Proposals for minerals development will only be permitted where adverse impacts will be: a) avoided; or b) where an adverse impact cannot be avoided, the impact will be adequately mitigated; or c) where adverse impacts cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity/ geodiversity.

117. Table 4.1 of the Mineral Sites Allocations Local Plan considers that any future planning application for the Extensions to Brickworth Quarry should include surveys with particular reference to great crested newts, dormouse, butterflies, bat roosts in trees and bat foraging availability within and around the sites.

118. An Ecological Assessment report of the proposed extensions to the existing operational quarry has been provided in the ES. The report describes the ecological importance of land, evaluates the effects of developing the site, identifies measures to minimise significant negative effects and prescribes appropriate mitigation and compensation measures.

119. Mitigation has been built into the quarry design, with particular consideration to the timing and phasing of the proposed works following discussions with Natural England and Wiltshire Council Ecologist relating to the designated sites, ancient woodland soils and protected species.

120. Detailed ecological surveys have been carried out during 2015, with some running into 2016 where necessary to gain sufficient information. These comprised: Extended Phase 1 survey, NVC survey of woodlands, invertebrate (including butterfly) amphibian, reptile, bird, badger, hazel dormouse and bat roost and transect surveys to determine key bat flight lines and foraging areas.

121. The Council's Senior Ecologist advises that all surveys have been carried out in line with the relevant current national survey guidelines and is therefore confident that the habitats within the site and the diversity of species they support is well understood and that this knowledge has been used to design a restoration plan that will continue to provide good quality habitat for key species. Results of the assessment of the woodland by the applicant's ecologists are closely similar to the latest assessment made by the Wildlife Sites Officer.

122. The results of these surveys have been used to help delineate the area of extraction, identify the most sensitive areas of the site for retention and protection, inform a suitable phasing programme to take account of the soil handling strategy that will be necessary to preserve the integrity of the ancient woodland soils, and inform an appropriate restoration plan that will be relevant to the current ecology of the site and will offer suitable enhancement for biodiversity. Enhancement of the site will result from an increase in the overall area laid to woodland and from the creation of habitat areas to benefit reptiles, bats, dormice, birds and great crested newts.

123. There will be an impact on 8.0 ha woodland in Area A; 13.7 ha woodland in Area B and 3.2 ha improved grassland in Area A for extraction and soil storage. No hedges will be removed and there will be margins left around the site and standoffs from hedgebanks which will remain untouched. It should be recognised that the woodland is currently under commercial forestry and will be felled under forestry licence and replanted even if the minerals development does not proceed.

124. Survey of the woodland has been undertaken by a specialist woodland ecologist. The majority of the woodland is classified as NVC W10, with small areas of W8. A good range of ancient woodland indicator species are present in discrete areas where least disturbance has occurred. These areas will be retained outside of the extraction zone and protected from over-run by machinery or other disturbance associated with the mineral workings.

125. With regard to Protected Species, the Council's Senior Ecologist is satisfied that all relevant species likely to occur within the site have been subject to sufficient survey. Great crested newt and dormouse licensing issues have been fully discussed with Natural England. No bat roosts were found in trees within or immediately adjacent to the site and no key flight lines for commuting or foraging bats (particularly Annex II bat species) were identified within the site or within the expected zone of impact. Reptiles, birds, badgers and other small mammals will be protected during the extraction period through a Construction Ecological Method Statement which will be submitted for approval prior to commencement of works. A dedicated receptor area

suitable for reptiles, great crested newts, and other amphibians will be prepared and made ready prior to the start of works.

126. The phasing of areas to be extracted has been designed around the primary need to handle the ancient woodland soils only once in order to preserve the seedbank, as well as the need to maintain sufficient quality habitat areas to support the wildlife species known to be present within the site. At each phase, an assessment of the habitats will be made and this will determine the need for translocation of sensitive plant species to prepared receptor areas. A soil resource strategy has been devised as part of the overall land restoration scheme. This follows best practice guidance which is based on best available knowledge of safeguarding both the quality and the quantity of PAWS and non-PAWS soil resources (i.e. topsoil and subsoil), for re-use within the site.

127. The total area of woodland within the restored site (PAWS plus additional planting) will be substantially increased. Areas of habitat creation within the wider site will benefit specific wildlife species, namely bats, dormice, great crested newts, birds and reptiles. These include the additional areas of planting referred to above, together with attenuation ponds and soakaways that will be of benefit to amphibians, birds and invertebrates, provision of bat, bird and dormouse boxes throughout the site and refugia and basking areas for reptiles. Moreover, the restoration strategy has been designed specifically to maintain and enhance habitat connectivity into surrounding woodland sites and associated habitats, such that the function of the wider local landscape will be increased for biodiversity. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC6 of the Minerals Development Control Policies DPD.

128. Both extension areas are designated as County Wildlife Sites, Lowden's Copse, which is described as ancient woodland largely planted with conifer, in Area A and Sandland Copse and Goose Eye Copse, which is described as conifer plantation, in Area B. These areas are designated as County Wildlife Sites because they are included in the Natural England Ancient Woodland Inventory. The wider site is currently managed as commercial forestry and more than one growing and felling cycle has already taken place so the trees themselves within these areas are not ancient or veteran but are a recent commercial crop.

129. County Wildlife Sites are protected through Wiltshire Core Policy 50, which allows for some development to take place if it meets the criteria of the Policy. The Council's Senior Ecologist is satisfied that the development as proposed meets the required criteria since it includes a robust soil handling strategy based on current best available knowledge that will ensure that the ancient woodland soil bank can be preserved. In addition, the restoration proposal is sufficiently well designed such that the quality of the future woodland on the site (which will continue within the commercial forestry cycle) will continue to support a high level of biodiversity.

Landscape and Visual Impact

130. Policy MDC5 of the Minerals Development Control Policies DPD states that proposals for minerals development should include an assessment of impacts upon Wiltshire and Swindon's landscape character and the landscape character of adjacent areas, as deemed appropriate to the scale and nature of the development, and in particular in relation to specified designated areas which includes the New Forest National Park.

131. Table 4.1 of the Mineral Sites Allocations Local Plan considers that the proximity of the New Forest National Park will need to be fully considered and demonstrate that the interests of the National Park and its setting are not eroded.

132. A Landscape and Visual Impact Assessment (LVIA) has been undertaken in relation to the proposals to extend Brickworth Quarry and forms part of the ES that accompanies the planning application. The LVIA assesses the qualities and value of the existing landscape resource and the visual amenity of the site and its surrounding area; describes the development proposals in their landscape context and then predicts and evaluates the landscape and visual effects that may arise from the proposed development.

133. The LVIA records that the existing quarry occupies a rural location and is extensively enclosed by commercial forestry plantations. The surrounding landscape comprises large areas of mixed woodland plantations, interspersed with a mix of arable farmland and permanent pasture. The application site is located within an area that is not subject to any national landscape designation, but is situated close to the northern boundary of the New Forest National Park.

134. The site and much of the local landscape surrounding the site is designated as a Special Landscape Area (SLA) under the saved policies the Salisbury District Council Local Plan (2011). In essence the relevant policy states that '*only development which is essential to the rural economy or desirable for the enjoyment of its amenities will be permitted, and the location, scale and nature of such development will be carefully controlled in order to conserve the character of the Special Landscape Areas*'. Notwithstanding this, the site is an established sand quarry which has very limited landscape and visual impact within the surrounding area. Moreover, both Areas A and B have been identified within Wiltshire Council's 'Minerals Site Allocations Local Plan' as extension areas to Brickworth Quarry. The Minerals Site Allocations Plan, at Table 4.1, states that '*The site has the potential to accommodate change as it has good existing screening and the opportunity for additional strengthening*.'

135. Although the site is located relatively close to The New Forest National Park, the proposed development is assessed as unlikely to cause any significant landscape or visual impact from within the National Park due the level of enclosure provided by surrounding woodland and other vegetation. The proposed development area is generally enclosed by commercial forestry plantations and has only limited visual connectivity with the wider character area and the New Forest National Park.

136. The proposed extraction and restoration schemes have been designed to mitigate the potential landscape and visual impacts resulting from mineral development and to provide a restoration scheme that has the objective of enhancing the overall landscape character and biodiversity value of the site and local area. The principal schemes of mitigation include:

- The siting of the proposed extraction areas mostly within blocks of commercial forestry plantation, with the retention of significant woodland edge vegetation to provide visual screening;

- The working of the site in a series of phases with a rolling programme of extraction and restoration to minimise the extent of disturbance within the landscape;

- The implementation of additional tree planting on the perimeter of the site to provide compensatory woodland habitat and visual screening;

- The preservation and translocation of ancient woodland soils for restoration;

- The backfilling of the extraction voids with imported fill to achieve a natural landform at similar ground levels to the pre-development site; and

- The replanting of the restoration areas with native broad-leaved trees and shrubs to provide biodiversity enhancement and to preserve the long term wooded character of the site and surrounding landscape.

137. In terms of residual landscape effects LVIA concludes that the working of the minerals will have a moderate-major adverse effect upon the site itself, with minor effects on the wider landscape but only a negligible impact on the character and setting of the NFNP. A similar level of significance is attributed to visual effects. However, the final restoration of the site to woodland will result in an overall positive effect on the landscape and visual baseline, and will provide enhancement for the Special Landscape Area, biodiversity and local landscape character. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC5 of the Minerals Development Control Policies DPD.

Archaeology and Heritage Impacts

138. Policy MDC7 of the Minerals Development Control Policies DPD states that proposals for minerals development will only be permitted where it can be demonstrated through a process of assessment that historic assets of archaeological or cultural heritage importance and their settings can be appropriately protected, enhanced and/or preserved.

139. A Heritage Statement has been submitted as part of the ES, providing a description of the significance of any Heritage Assets affected by development proposals. The Statement highlights that among the key issues and potential mitigation measures listed for the Brickworth Quarry extensions in Table 4.1 of the Mineral Sites Allocations Local Plan are: –

- ***Archaeology:*** *There is a Late Medieval Settlement located within area A and a further settlement with medieval origins located to the east of the area. An undated field system has been recorded to the west of area B. Although these features cannot be considered to be an absolute constraint to working the site, any applicant will need to work closely with the County Archaeologist to develop and implement sufficient and suitable mitigation plans.*

- ***Historic Built Environment:*** *No mitigation required as the site is significantly screened from nearby settlements and properties and is considered to be of low sensitivity.*

140. In the case of the heritage assets directly related to the development proposal, the interest is primarily archaeological. Within the area to be quarried are three recorded heritage assets, comprising trackways in both Goose Eye Copse and Lowden's Copse of probable post-medieval date and a post-medieval extraction pit in Lowdens Copse. The area proposed for soil storage lies within the recorded remains of a former field system, which is undated. The trackways and extraction pits still survive as earthworks within the woodland.

141. The development will completely remove the earthworks and buried archaeological remains within the extraction areas of the site. Any surviving field system earthworks in the proposed soil storage area theoretically may not be directly impacted but there is potential for damage unless appropriate mitigation measures are put in place.

142. Based on the experience of undertaking archaeological mitigation in previously quarried areas of Brickworth Quarry, it is proposed that the most appropriate form of archaeological mitigation would be archaeological observations and recording during topsoil removal and then 'Strip, Map, Sample and Record' during subsoil removal. This would enable the archaeological features to be 'preserved by record' to reduce the degree of harm caused by the proposed quarrying operations. The recorded earthworks on the site are not considered to be of sufficient significance to require any additional survey prior to the commencement of quarrying operations.

143. The County Archaeologist has confirmed the application site is of archaeological interest but that, whilst field evaluation would be difficult due to the presence of trees, it is not in any case appropriate due to the level of impact of the proposed works. The County Archaeologist therefore supports the application with the recommendation that a programme of archaeological works is carried out as part of any development, with the detailed nature of the works to form part of a written scheme of investigation to be secured by planning condition. In respect of archaeology and heritage impacts, the proposals are therefore considered to accord with the Development Plan.

Noise

144. Policy MDC2 of the Minerals Development Control Policies DPD states that applications for minerals development will only be permitted where it is demonstrated that the proposal avoids and / or adequately mitigates significant adverse impacts associated with environmental considerations including Noise levels. Proposals should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration.

145. Table 4.1 of the Mineral Sites Allocations Local Plan states a scheme of noise and vibration assessment and control must be provided to inform the design of the site at the planning application stage. The scheme must identify any potential noise or vibration impacts and demonstrate how, so far as is possible, these impacts will be eliminated, mitigated or controlled.

146. A Noise Impact Assessment has been submitted as part of the ES. The assessment has been carried out following background noise surveys undertaken at a location representative of the closest residential properties to the site and following detailed acoustic modelling of the proposed operations.

147. The assessment has indicated that the level of noise impact for the proposed scheme at the nearest properties will be lower than the level suggested for surface mineral workings within Planning Practice Guidance. It is considered, however, that there is scope for a degree of noise impact at Ashdod Lodge, primarily as a result of its relatively low background noise level and the receptor's proximity to the site. As a result an acoustic bund (at least 2.5m in height) would be constructed to reduce the noise impact at this location, primarily to provide protection during the works undertaken in Phases 1-4. It is considered that the bund should reduce the noise level from operations in Phases 1-4 by around 10 dBA and hence provide a significantly lower noise impact. The provision of this bund satisfies the comments made by the Environmental Health Officer. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC2 of the Minerals Development Control Policies DPD.

Dust

148. Policy MDC2 of the Minerals Development Control Policies DPD states that applications for minerals development will only be permitted where it is demonstrated that the proposal avoids and / or adequately mitigates significant adverse impacts associated with environmental considerations including Dust levels. Proposals should be accompanied, where necessary, by an assessment of the impact of the proposal in terms of noise, dust, air emissions, lighting, and vibration. Table 4.1 of the Mineral Sites Allocations Local Plan states a robust Dust Management Plan will need to be provided to support any planning application.

149. A Dust Assessment and Dust Control Management Scheme report has been prepared and submitted as part of the ES. The report considers impacts from dust, both in terms of disamenity (or 'nuisance') and in relation to the Air Quality Objectives, arising from site preparation, mineral extraction, on-site and off-site transport , mineral processing and site restoration. The report highlights that the Quarry would continue to operate as at present and it is of note that there have been no recorded complaints with regards to dust since 2003.

150. The report states that whilst dust generation from within minerals or waste site may primarily be of concern to its operator, staff and visitors, dust can propagate beyond the site boundary to affect people and properties beyond. The report assesses that adverse impacts from dust arising from Brickworth Quarry are unlikely beyond around 250 m. The site benefits from a high level of physical screening, including a substantial hedge on the eastern boundary of Area A with the A36. There are very few receptors within 250 m of the proposed quarry extension: Harestock Cottage, beyond the A36 is 30 m from the eastern extent of Area A (but at least 75 m from the eastern limit of extraction) and Ashdod Lodge is some 150 m to the south of Area A. It is noted however, that soil will be stored in the eastern area of Area A and thus will at times be handled within tens of metres of the A36 and Harestock Cottage.

151. Soil handling is a short-term process which must be handled with appropriate care to avoid damage. Therefore, provided that appropriate controls are in place when soils are handled, dust impacts on either the A36 or Harestock Cottage should be minimal. Comprehensive Dust control measures for soils handling and other operations at Brickworth Quarry are set in the submitted Dust Control Management Scheme, implementation of which can be secured by planning condition.

152. The dust assessment concludes that the proposed extensions to Brickworth Quarry is unlikely to have any significant impacts on the Air Quality objectives for PM10 and it is possible to manage the quarry operations to ensure that unacceptable disamenity dust impacts are not caused. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC2 of the Minerals Development Control Policies DPD.

Traffic

153. Policy MDC8 of the Minerals Development Control Policies DPD states minerals development will only be permitted where it is demonstrated that the proposals facilitate sustainable transport and requires, where appropriate, planning applications to be accompanied by a Transport Assessment.

154. Table 4.1 of the Mineral Sites Allocations Local Plan considers that the access/egress from the allocated Extension areas onto the A36 is suitable through existing access to Brickworth Quarry. Infrastructure is currently in place and any planning application should therefore seek to utilise this as a continuation of existing access arrangements.

155. A Transport Assessment has been submitted with application. This confirms the existing quarry has a high-standard access direct onto the A36 at its junction with the A27 with a light-controlled spur. The same access and routes would be used for the proposed extension areas. The development proposed will generate a similar level of traffic to that which presently exists (148 total movements per day). Both sand imports and inert fill imports will continue at broadly the same rates as present.

156. The A36 is a Trunk Road and designated Local Lorry Route. Nearly all lorries carrying sand or inert fill would travel via the A36 towards either Salisbury (north west) or Southampton (south east). Only lorries on local deliveries or collections, for example in Whiteparish (via the A27) would use a different route.

157. Despite the suggestion contained in Table 4.1 that the existing "traffic routeing agreement" should be maintained, it should be noted that the extant Section 106 planning obligation for the Brickworth Quarry site provides only for the monitoring of the route HGV traffic take at the junction of the Site Access and A36 and A36 and A27 junction to ensure there is no infringement of the local Traffic Regulation Order prohibiting HGVs from travelling along the A27 through Whiteparish. This monitoring is undertaken by use of a CCTV camera which records all movements in and out of the site. This arrangement would be maintained.

158. The Council's Highways Officer advises that as the site is served directly from the A36 trunk road this is a matter for Highways England. Highways England has raised no objection the proposed extensions to the quarry.

Water Environment

159. Policy MDC3 of the Minerals Development Control Policies DPD states minerals development will only be permitted where it can be demonstrated that appropriate controls will be made available to protect and, where appropriate, enhance the water environment.

160. An Hydrogeological and Hydrological environment impact assessment and Flood Risk Assessment the proposed quarry extensions has been undertaken.

161. The Hydrogeological report provides an assessment of potential impact upon the groundwater regime and the measures required to mitigate potential water impacts of the proposed development on local surface water bodies, wetlands and related groundwater dependent ecosystems.

162. The site is located on the Reading Formation, a sequence of sands and clayey sands varying between 2 and 25m thick. These are underlain by 120m thickness of the Upper Chalk. The Chalk is a major regional aquifer supporting public water supplies and environmental baseflows to springs, streams and wetlands. Saturated groundwater flow appears to pass beneath the proposed site within the Chalk aquifer.

163. The target sands within the Reading Formation have been observed to be dry year round. There is therefore no requirement for de-watering. The base of the excavation will not breach the clay-rich horizon above the Chalk and therefore there will be no interference with the underlying Chalk groundwater flow. The mineral extraction activities are limited to the Reading Formation and will not encounter groundwater, nor will the inert backfilling. The impacts of mineral extraction on the groundwater regime are considered to be negligible.

164. The only possible impact to the groundwater regime is the loss locally of rainfall recharge to the aquifer due to the placement of the inert waste mass to achieve the restoration, and whether this could affect the local springs and seepages into the Cabanne SSSI, Ashdod Pond and local waterbodies. The restoration of the excavated void using imported low permeability inert waste will have the effect of preventing rainfall percolating down through the Reading Formation across the 22 hectares of the site to be excavated and restored with waste. Instead the rainfall runoff from the soil and vegetation capped low permeability waste is likely to increase. At the local scale it is recognised that a reduction in recharge has the potential to reduce groundwater levels locally, and whilst the seasonal springs and seepages flowing to the Ashdod Pond, Cabanne SSSI and south-westerly waterbodies may not be affected, it is desirable to maintain the pre-development water balance for site for the post-development restoration, i.e. ensure the same amount of water enters the ground as recharge.

165. This is fully mitigated using an integrated water management strategy for the restoration, which will infiltrate site runoff into the underlying strata at the same rate (i.e. same percentage rainfall for any rain event) as in the pre-development situation, therefore retaining the pre-development site water balance between infiltration, evapotranspiration and runoff, ensuring identical groundwater and surface water flows reach the off-site ecosystems.

166. No water quality issues relating to the placement of inert waste into the void are foreseen, given the waste will be inert WAC (waste acceptance criteria) compliant, and the site will be appropriately regulated by the Environment Agency under Environmental Permitting Regulations.

167. The Hydrological report provides an assessment of flood risk and design required to mitigate the surface water impacts of the proposed development, including runoff water quality, volume and flow, whilst providing adequate environmental protection.

168. The site is located in Flood Zone I and therefore is not at risk of off-site flood encroachment onto the development area. The potential surface water impacts of the proposed development include increased surface runoff (and subsequent downstream flood risk) caused by the excavation of the permeable Reading Formation and inert landfill infilling of the quarry void, as well as elevated silt concentrations derived mainly during the operational phases of sand extraction, landfill and restoration. The restored site will have a negligible impact on water quality as silt production will be minimal from the vegetated and forested slopes.

169. A combined surface water management scheme of 2 No. attenuation ponds and 2 No. soakaways has been designed for the restoration landform, to reduce the off-site runoff rates from within the site area to below the Greenfield Runoff rate, whilst also replicating pre-development infiltration rates. There will therefore be no flooding impact due to the development. By providing flood attenuation and clarification of surface runoff, the scheme will prevent any deterioration of the receiving SSSI wetland within the New Forest National Park, meeting the requirements of the Water Framework Directive.

170. The groundwater and surface water regime will therefore be restored to its pre-existing condition. The application is therefore considered to accord with Table 4.1 of the Mineral Sites Allocations Local Plan and Policy MDC3 of the Minerals Development Control Policies DPD.

Conclusion

171. The proposed quarry extension areas comprise land that is allocated for mineral extraction in the Development Plan. The sites identified in the Mineral Site Allocations Local Plan are required in order to meet the demand for aggregate mineral working and are considered by the councils as being suitable for future minerals extraction.

172. The aggregate landbank (permitted reserves of sand and gravel) in Wiltshire and Swindon is just 4 years, significantly below the minimum NPPF level of 7 years. Planning Practice Guidance advises that where a landbank is below the minimum level this may be seen as a strong indicator of urgent need. The Applicant considers the currently permitted reserves at Brickworth Quarry are only sufficient to maintain sand production until early 2017. It is considered the proposed extensions to this existing quarry meet an urgent need to maintain a steady and adequate supply of aggregates.

173. The application area comprises woodland that is classified as ancient woodland, specifically 'Plantations on Ancient Woodland Sites' (PAWS). The loss of ancient woodland has attracted a number of objections expressing a view that quarrying within ancient woodland is inappropriate and should not be allowed. However, as established through the plan-making process and confirmed through this planning application, the woodland in this case comprises a coniferous commercial forestry crop which is now ready for felling.

174. The Minerals Site Allocations Local Plan acknowledges the classification of the site as ancient woodland, stating: "The vitally important aspect of this site, and the basis prerequisite that will have to be secured before the sites (Areas A and B on Inset Map 7) can be worked for minerals is the need to robustly protect and retain the soils (structure and quality) as they contain the potential seed bank for re-establishing typical Ancient Woodland species post-restoration."

175. National Planning Practice Guidance (PPG) includes guidance on ancient woodland and veteran trees. The referenced Standing Advice prepared by Natural England and the Forestry Commission, to provide assistance to local planning authorities in considering proposals which impact on ancient woodland or veteran trees, has been followed in the assessment of this application.

176. This process has confirmed that no ancient woodland trees will be lost since none currently remain. Botanical surveys show that whilst a range of ancient woodland indicator species are present in discrete areas, there are no individually protected or notable floral species present. Areas where ancient woodland indicator species are highest, together with irreplaceable surviving features of the ancient woodland structure, would be retained. The important aspect of this site is the underlying soils as they represent the potential seed bank for typical ancient woodland species.

177. Mitigation has been built into the design of the proposed quarry extensions, with particular consideration to the timing and phasing of the proposed works. A Soil Resource Strategy (SRS) specifically assesses the likely effects of the proposed extensions on soil resources. The SRS has been devised to identify and safeguard the quality and quantity of PAWS and non-PAWS soil resources available for reuse at the site and reflects current notions of best practice. The proposed phasing allows 86.3% of the PAWS soils to be translocated from the donor site directly to the receptor site (i.e. direct placement). The Forestry Commission advises that the methodology represents current good practice and the Council's Senior Ecologist considers the SRS and phasing programme proposed, together with the proposed restoration plan, will contribute to the conservation of ancient woodland soils within the site and subsequently the ancient woodland seed bank they contain.

178. There will be a complete replacement of all woodland removed as part of the development as broad-leaved woodland rather than conifer as currently projected. The proposed planting will provide a net gain of 5.62 ha. Additionally there will be a modification of the planting from conifer to broad-leaved of 3.63 ha at Round Copse North. Overall, the restoration has been designed carefully so as to maximise the areas of woodland created and ensure a continuity of woodland connectivity both within the site and to the wider countryside.

179. It is considered therefore that, in line with Table 4.1 of the Minerals Site Allocations Local Plan, adequate mechanisms can be put in place to ensure that the soils are preserved and can be directly replaced, unadulterated by other soils within the site. These mitigation and compensation measures, together with subsequent ecological monitoring, can be secured by planning condition.

180. The NPPF states at paragraph 118 that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

181. When determining whether the Minerals Site Allocations Local Plan was 'sound' the Inspector appointed by the Secretary of State stated: "Bearing in mind the important contribution that the land at Brickworth Quarry would make to the needs of Wiltshire and Swindon, I find that there is a clear case for the loss of what is defined as ancient woodland".

182. The NPPF at paragraph 144 states that when determining planning applications, local planning authorities should "give great weight to the benefits of the mineral extraction, including to the economy". Paragraph 142 of the NPPF recognises minerals are essential to support sustainable economic growth and therefore the importance of ensuring that a sufficient supply of material is available for the needs of infrastructure, buildings, energy and goods that the country needs.

183. Within the context of the application area being allocated for mineral extraction in the Development Plan and the proposals meeting a clear and urgent need to supply demand and bolster the landbank which is below minimum requirements, it is considered that the proposed benefits of the extensions to this quarry are clear and sufficient to outweigh the loss of a commercial forestry crop that is classified as ancient woodland. In accordance with the Development Plan, the application has demonstrated that the site can be worked for minerals in a way that robustly protects and retain the soils which contain the potential ancient woodland seed bank.

184. An Ecological Assessment report of the proposed extensions to the existing operational quarry has been provided in the ES. In line with Table 4.1 of the Mineral Sites Allocations Local Plan, detailed ecological surveys have been carried out. Mitigation has been built into the quarry design, with particular consideration to the timing and phasing of the proposed works following discussions with Natural England and Wiltshire Council relating to the designated sites, ancient woodland soils and protected species.

185. The results of these surveys have been used to help delineate the area of extraction, identify the most sensitive areas of the site for retention and protection, inform a suitable phasing programme to take account of the soil handling strategy that will be necessary to preserve the integrity of the ancient woodland soils, and inform an appropriate restoration plan that will be relevant to the current ecology of the site and will offer suitable enhancement for biodiversity. Enhancement of the site will result from an increase in the overall area laid to woodland and from the creation of habitat areas to benefit reptiles, bats, dormice, birds and great crested newts.

186. The total area of woodland within the restored site (PAWS plus additional planting) will be substantially increased. Areas of habitat creation within the wider site will benefit specific wildlife species, namely bats, dormice, great crested newts, birds and reptiles. The restoration strategy has been designed specifically to maintain and enhance habitat connectivity into surrounding woodland sites and associated habitats, such that the function of the wider local landscape will be increased for biodiversity.

187. A Landscape and Visual Impact Assessment (LVIA) has been undertaken and forms part of the ES. In line with Table 4.1 of the Mineral Sites Allocations Local Plan, the proximity of the New Forest National Park has been considered. The LVIA records that the existing quarry occupies a rural location and is extensively enclosed by commercial forestry plantations and has very limited landscape and visual impact within the surrounding area. Although the site is located relatively close to The New Forest National Park, the proposed development is assessed as unlikely to cause any significant landscape or visual impact from within the National Park due the level of enclosure provided by surrounding woodland and other vegetation. The proposed extraction and restoration schemes have been designed to mitigate the potential landscape and visual impacts resulting from mineral development and the restored quarry will potentially have significant positive effects upon the landscape character and biodiversity value of the site and local area.

188. A Heritage Statement has been submitted as part of the ES, providing a description of the significance of any Heritage Assets affected by development proposals. The interest is primarily archaeological and, based on the experience of undertaking archaeological mitigation in previously quarried areas of Brickworth Quarry, a programme of archaeological works would carried out as part of any development. This can be secured by planning condition. In respect of archaeology and heritage impacts, the proposals are therefore considered to accord with the Development Plan.

189. In line with Table 4.1 of the Mineral Sites Allocations Local Plan, a Noise Impact Assessment and a Dust Assessment and Dust Control Management Scheme have been prepared and submitted. These demonstrate that any unavoidable noise and dust emissions can be controlled or mitigated, with the extensions able to be operated in a manner unlikely to cause adverse dust impacts and within appropriate noise limits for extraction in proximity to noise sensitive properties.

190. Table 4.1 of the Mineral Sites Allocations Local Plan considers that the access/egress from the allocated Extension areas onto the A36 is suitable through the existing high-standard access direct onto the A36 at its junction with the A27 with a light-controlled spur. The Transport Assessment submitted with application confirms the same access and routes would be used for the proposed extension areas. The development proposed will generate a similar level of traffic to that which presently exists. The A36 is a Trunk Road and designated Local Lorry Route. Highways England has raised no objection the proposed extensions to the quarry.

191. A Hydrogeological and Hydrological environment impact assessment and Flood Risk Assessment the proposed quarry extensions have been undertaken. The Hydrogeological report provides an assessment of potential impact upon the groundwater regime and the measures required to mitigate potential water impacts of the proposed development on local surface water bodies, wetlands and related groundwater dependent ecosystems. The Hydrological report provides an assessment of flood risk and design required to mitigate the surface water impacts of the proposed development, including runoff water quality, volume and flow, whilst providing adequate environmental protection. In accordance with Policy MDC3 of the

Minerals Development Control Policies DPD, it has been demonstrated that appropriate controls will be made available to protect and, where appropriate, enhance the water environment.

192. It is considered the development as proposed is in accordance with the Development Plan and that there are no material considerations to indicate that permission should be refused.

RECOMMENDATION

193. Having taken into account the environmental information, it is recommended that the application for Proposed extension of Brickworth Quarry (Minerals Local Plan Site Allocation Areas A and B) should be approved subject to the following recommended planning conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within 7 days of such commencement.

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

2. The development hereby permitted shall be limited to a period of eleven years from notified date of commencement of the development by which time extraction/tipping operations shall have ceased and the site shall have been restored in accordance with Drawing No. B19/RBA/2/09/E dated 15/09/16.

   REASON: To ensure development is carried out in accordance with submitted application and approved details.

3. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the following approved plans and as stipulated in the conditions set out below together with those further details required to be submitted for approval:

   - Drawing Ref: BRCKPLAN1608 Drawing No 7 C dated 12.09.2016
   - Drawing Ref: BRCKPLAN1608 Drawing No 8 C dated 12.09.2016
   - Drawing Ref: BRCKPLAN1608 Drawing No 9 C dated 12.09.2016
   - Drawing Ref: BRCKPLAN1608 Drawing No 10 C dated 12.09.2016
   - Drawing Ref: BRCKPLAN1608 Drawing No 11 C dated 12.09.2016

- Drawing Ref: BRCKPLAN1608 Drawing No 12 C dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 13 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 14 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 15 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 16 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 17 B dated 12.09.2016
- Drawing Ref: BRCKPLAN1608 Drawing No 18 B dated 12.09.2016
- Drawing No. B19/RBA/2/09 E dated 15/09/16.

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

4. No development shall commence until the applicant or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to, and approved in writing by, the Mineral Planning Authority and that programme shall thereafter be implemented as approved.

REASON: To enable sites of archaeological interest to be adequately investigated and recorded.

5. No development shall commence until a detailed Construction Environment Management Plan (CEMP), incorporating an Ecological Monitoring Strategy, has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall incorporate all the avoidance and mitigation measures for mineral, ecological, landscape and restoration operation programmes as set out in the following documents contained within the Environmental Statement:
   - Chapter 10 of the Hydrogeological and Hydrological Environmental Impact Assessment and Flood Risk Assessment prepared by GWP Consultants LLP dated September 2016;
   - Chapter 5 of the Impact Assessment on Soil Resources prepared by Askew Land and Soil Ltd dated 16 September 2016;
   - Chapter 15 of the Ecological Assessment prepared by Ward Associates dated September 2016; and
   - Chapter 5 of the Landscape and Visual Impact Assessment prepared by Corylus Planning and Environmental Ltd dated September 2016

   Thereafter the development shall be fully undertaken in accordance with the approved CEMP.

REASON: To secure the mitigation measures contained in the Environmental Statement in the interest of protecting environmental quality and of biodiversity.

6. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The plan shall include details and specifications for the management of habitats and other features of biodiversity interest. Thereafter the development shall be fully undertaken in accordance with the approved LEMP.

   REASON: To provide a reliable process for aftercare and remedial measures to ensure the protection and survival of important protected and notable species and features of nature conservation importance.

7. The development hereby permitted shall not be commenced until such time as a scheme for each of the following has been submitted to, and approved in writing by, the Mineral Planning Authority:
   a. *the storage of materials;*
   b. *the storage of chemicals;*
   c. *the storage of oil;*
   d. *the storage of hazardous materials;*
   e. *the proposed method of working;*
   f. *the proposed phasing of development;*
   g. *the proposed maintenance and after-care of the site;*
   h. *future landscaping;*
   i. *the provision of road and wheel cleaning facilities;*
   j. *proposed scheme for groundwater and surface water monitoring on and off site designed to ensure the protection of off-site potential receptors as identified in GWP Consultants Hydrogeological and Hydrological Environmental Impact Assessment and Flood Risk Assessment for the Proposed Quarry and Inert Fill Extension Areas at Brickworth Quarry for Raymond Brown Minerals and Recycling Ltd, dated September 2016.*

   Any such scheme shall be supported, where necessary, by detailed calculations; include a maintenance programme; and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the Mineral Planning Authority.

   REASON: Protection of the water environment is a material planning consideration and development proposals, including mineral extraction, should ensure that new development does not harm the water environment. In this case the proposal poses a threat to water quality because of the location within SPZ3 of Woodgreen PWS, the proximity to the Drinking Water Protected Area Groundwater Safeguard Zone, two private water abstractions down gradient of the site. and Carbonne SSSI which receives spring flow when the watertable is elevated.

8. Nothing other than inert waste shall be imported into the site and used in the restoration of the site.

REASON: Waste materials outside these categories raise environmental and amenities issues which would require consideration afresh.

9. No operations authorised by this permission shall take place outside of the following times:

Soil stripping and overburden removal:	Monday – Friday 07.30 – 17.00
Mineral extraction and infilling:	Monday – Friday 07.30 – 17.00 Saturday 07.30 – 12.00

There shall be no working on Sundays or Bank or Public Holidays.

REASON: To protect local amenity.

10. During the permitted working hours the freefield equivalent continuous noise level (LAeq, 1 hour) for the period due to mineral extraction and waste importation and depositing operations shall not exceed 55dB as recorded at the boundary of the nearest inhabited property.

REASON: To safeguard the amenity of local residents.

11. No plant, equipment and machinery including vehicles shall be operated on the site unless equipped with effective silencing equipment that has been installed and is maintained at all times in accordance with the manufacturer's, and/or supplier's instructions.

REASON: In the interests of neighbouring amenity.

12. No mobile plant or vehicles shall be operated on the site other than those with a 'white noise' type of reversing warning alarm system, or an alternative system approved in writing by the Mineral Planning Authority.

REASON: In the interests of neighbouring amenity.

13. The Dust Assessment and Dust Control Management Scheme prepared by DustScan Ltd dated September 2016 shall be implemented from the date of commencement of the development and shall be complied with at all times for the duration of the development hereby permitted.

REASON: To protect the amenities of the locality from the effects of any dust arising from the development.

14. All vehicles shall enter and leave the site via the existing junction onto the A36 Brickworth Corner and no other point.

REASON: In the interests of highway safety and to protect the amenities of the local area.

15. Except for sand, no mineral, topsoil or subsoil shall be exported from the site.

REASON: To ensure the preservation of such materials for use in restoration and landscaping.

16. No materials shall be stockpiled or stored at a height greater than 5 metres when measured from adjacent ground level.

REASON: In the interest of landscape character.

17. All restored areas of the Site shall undergo aftercare management for a 5 year period. The aftercare period for each part of the site will begin once the restoration condition for the relevant part of the site has been met, the date of which shall be notified in writing to the Mineral Planning Authority within 21 days.

REASON: To ensure that the site is restored to an acceptable standard.

18. An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition 2 to the required standard for use for forestry and agriculture shall be submitted for the approval of the Mineral Planning Authority not later than 6 months prior to the start of aftercare on all or part of the site and thereafter be implemented as approved.

REASON: To ensure satisfactory aftercare suitable for the intended afteruse.

19. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval to the Local Planning Authority, within 6 months of the cessation of winning and working. The site shall be restored and landscaped in accordance with that approved revised scheme and within the timescale set out therein.

REASON: To enable the Local Planning Authority to adequately control the development and to ensure that the land is restored to a condition capable of beneficial afteruse.