

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	13 May 2020
<b>Application Number</b>	19/07824/WCM
<b>Site Address</b>	Land to the north of the Rudloe Water Treatment Works, Bath Road, Rudloe Firs, Corsham, Wiltshire, SN13 0PG
<b>Proposal</b>	Construction of a new inclined mine entrance from the surface into the existing permitted mine workings, and the construction of ancillary surface facilities including new cutting shed/workshop, block storage area, alterations to existing vehicular access and landscaping
<b>Applicant</b>	Mr Nicholas Johnston
<b>Town/Parish Council</b>	CORSHAM and BOX
<b>Electoral Division</b>	Corsham Without and Box Hill ED (Cllr Ben Anderson) Box and Colerne ED (Cllr Brian Mathew)
<b>Grid Ref</b>	384546 170497
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

### Update since cancelled 23 March 2020 SPC meeting

This application was scheduled to be considered by the Strategic Planning Committee at its meeting on 23 March 2020. However, the 23 March meeting was cancelled due to the Covid-19 situation. Immediately prior to the 23 March meeting four further third party 'late' representations were received. These are all objections, although raising no new issues to those already set out in the 'Representations' section of the report and addressed in the 'Planning Issues' section.

### Reason for the application being considered by Committee

The application has been 'called-in' for Committee determination at the request of Box and Colerne Local Division Member, Cllr Brian Mathew. The reasons for this are in view of the scale of the proposal; the visual impact; the relationship with adjoining properties; the design; the environmental / highway impacts; and car parking.

### 1. Purpose of Report

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 is approved subject to conditions.

## **2. Report Summary**

The main issues to be considered are:

- Minerals planning policy / planning history;
- Landscape / visual impact;
- Heritage impact;
- Ecological impact;
- Highways impact;
- Residential amenity (noise, dust, vibration, etc.).

The application site lies largely within the parish of Corsham; a small section of the access to the site (effectively just the verge adjacent to Bath Road) lies within the parish of Box. Corsham Town Council objects; Box Parish Council objects.

The application has had three rounds of public consultation. The first round generated 145 third party representations - 83 objections and 60 supports (and 2 comments); the second round generated 7 representations (all objections); the third round generated 17 representations (all objections). No first, second or third round representations have been changed or withdrawn, meaning that they are all relevant to the consideration of the application.

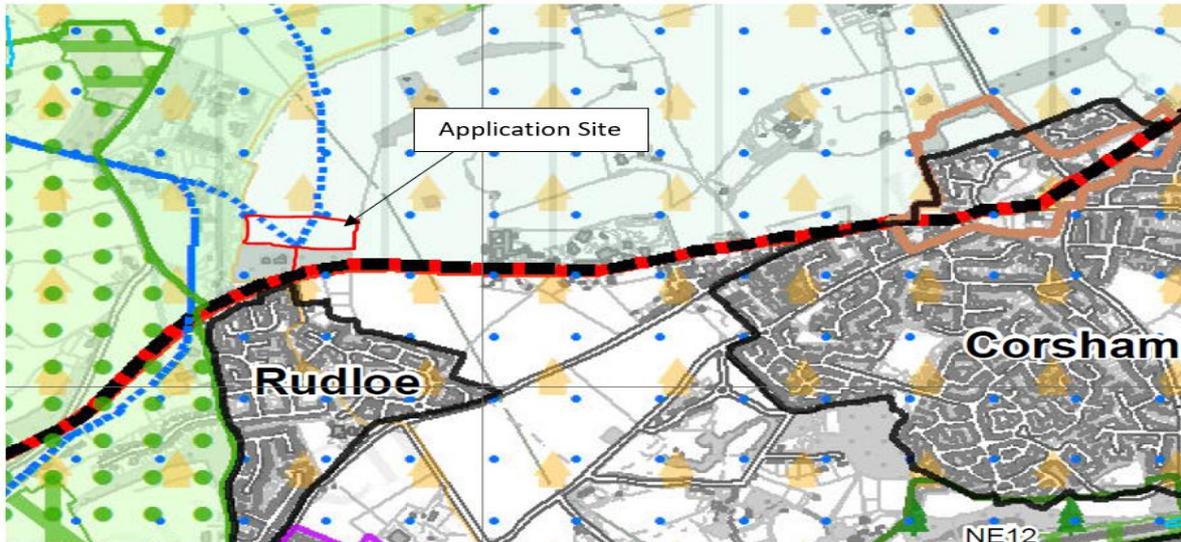
A 'screening opinion' under the Environmental Impact Assessment Regulations was issued on 17 April 2019. This concludes that the proposal will not have effects of such significance to trigger the need for Environmental Impact Assessment.

## **3. Site Description**

The application site lies in open countryside to the north of the Rudloe 'Large Village', set c. 75m back from the north side of Bath Road (A4). The site is presently in agricultural use forming part of a larger field extending to the north, and with further farmland to its north and east sides. To the west is Rudloe Manor (including some recent residential development close by) and the related former RAF station and associated and now disused buildings. To the south – between the site and Bath Road – is woodland; more or less at the centre of this woodland is the Rudloe Water Treatment Works. The Water Treatment Works have an existing vehicular access and track from Bath Road.

Beneath the ground and covering a much wider area (c. 6 ha), is Hartham Park Quarry (also known as Hartham Mine) – a long established underground mine for Bath stone.

In planning policy terms the site lies in open countryside with no particular landscape designation. The land to the immediate west is within the Cotswold Area of Outstanding Natural Beauty (AONB). The agricultural land classification hereabouts is Grade 3. Rudloe Manor is a Grade II\* Listed building; a nearby barn to the Manor is Grade II; other Listed buildings hereabouts include two former estate houses / lodges and a set of entrance gates close to Bath Road (all Grade II).

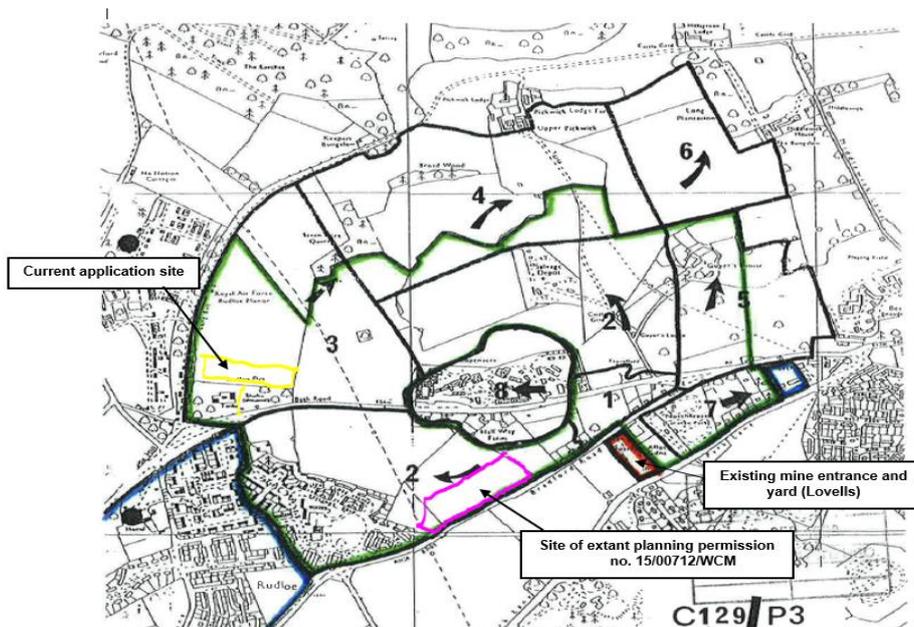


Extract from Wiltshire Core Strategy Policy Map –  
 [Black lines: settlement boundaries; light green shading: Cotswold AONB; dark green circles: Green Belt]

#### 4. Planning History

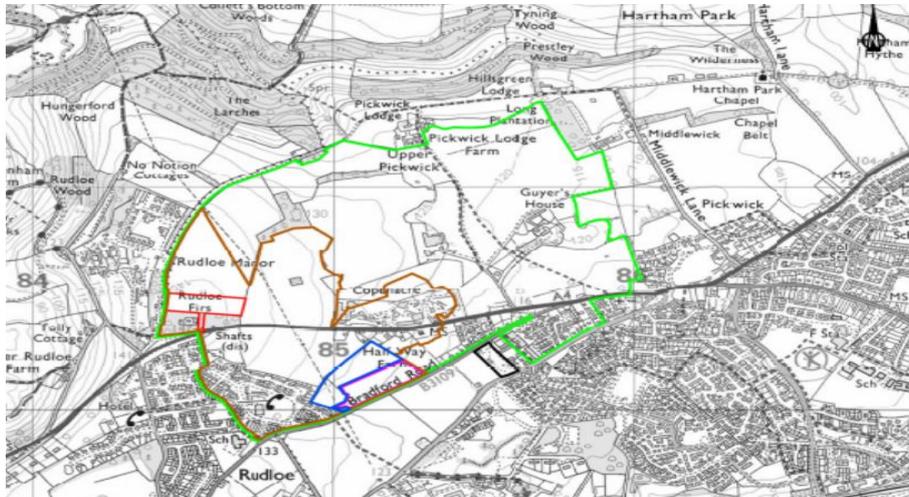
N/98/1945 – Submission of new conditions for determination in accordance with Section 96 and paragraph 9 of Schedule 13 to the Environment Act 1995 – approved 26 November 1998.

This 'Review of Minerals Permission' (ROMP) decision provided the lawful and long-established Hartham Park Quarry (an underground Bath stone mine) with up to date and relevant planning conditions, in accordance with the requirements of the Environment Act. It follows that the existing mine benefits from a full planning permission. The plan accompanying the ROMP decision showing the extent of the permitted mine (coloured green and/or black) and an existing mine access/yard at Park Lane (coloured red), is set out below. Added to this plan – in yellow – is the approximate position of the current application site.



Extract from ROMP permission plan showing extent of Hartham Park Quarry

The following further plan – supplied by the applicant with the current application for information only – compliments the above plan, but in addition shows the extent of the current applicant's 'underground' interests within the permitted mine area (brown line).



Related applications -

15/00712/WCM – *Construction of an inclined mine entrance from the surface into existing permitted mine workings. Construction of ancillary surface facilities including access on to highway, offices, car park, workshop, covered storage, open storage, landscaping and restoration* – approved 29 January 2016

This permission is also for a new entrance to the wider mine and associated surface activities, but at land at Bradford Road. Although not built-out, the current applicant has advised that this permission has been implemented to keep it 'alive' pending the outcome of the current application. In the event of the current application receiving a resolution to approve, the applicant proposes a S106 agreement to effectively rescind the Bradford Road permission. The position of the Bradford Road planning permission is marked (approximately) in pink on the above 'Extract from ROMP' plan.

## 5. Proposal

This application seeks permission to construct a new inclined entrance from the surface into the existing mine workings. The application also proposes the erection of ancillary surface facilities including a new cutting shed / workshop, block storage area, crushed stone storage area and office building, together with accesses thereto; and a weighbridge, car park and associated hard-standings. The existing access (serving the water treatment works) would be widened (requiring re-siting of the existing gate piers (not Listed)) and extended beyond the water treatment works to reach the 'working' part of the application site. This would be a 'proper' road, with finished surface, linings, etc.

In support of the application the agent has provided a Planning Supporting Statement. Its 'Background' section sets the scene as follows –

*“Planning permission was granted for mining at the Hartham Mine under planning permission N/98/01945/WCM. It should be noted that this is the extant permission which*

*enables the mining and extraction of Bathstone. Subsequent applications at the site, and the proposed development hereby seeking permission, do not alter the current approved methods of stone extraction at the mine.*

*Planning permission was previously granted on 29 January 2016 (planning application ref. 15/00712/WCM) for an alternative mine entrance. The permission granted comprised:*

*'the construction of an inclined mine entrance from the surface into existing permitted mine workings construction of ancillary surface facilities including access onto highway offices car park workshop covered storage open storage landscaping and restoration on a portion of agricultural land owned by the applicant located between Corsham to the east and Rudloe to the west'.*

*These proposals were submitted on behalf of Hanson Group and were intended to overcome the previous arrangements for mine entry which were considered suboptimal in safety, environmental and commercial terms. Access to the site was to be taken off the B3109 Bradford Road to the east of Rudloe, adjacent to properties on Toghill Crescent.*

*The approved application would have created a new access to enter the existing permitted mine, as approved by planning permission N/98/01945/WCM. All conditions and provisions attached to the original mining permission would have continued to apply to the entire extent of the underground workings.*

*The BSCL [Bath Stone Company Ltd (applicant)] have recently acquired an interest in the bath stone mines and reviewed the previous, extant permission for the new mine entrance. At present the freehold minerals owned by The BSCL at Hartham are not being mined as the only working shaft at Hartham is within separate lease (Lovells).*

*The current freehold and permissioned minerals are now only able to be accessed via the mine entrance permitted in 2016 (planning application ref. 15/00712/WCM) however as this was submitted by the Hanson Group, the arrangements are not now considered appropriate for BSCL operations. ....*

*The BSCL now wish to pursue a new planning application for an alternative mine entrance at Rudloe Firs, with access to be gained off Bath Road, in order to access permitted reserves of premium bath stone. Pre-commencement conditions have been discharged and works have been undertaken under the original mine entrance permission to commence development under this permission to keep the permission alive pending the outcome of this application. ....*

*The proposed new access will require the provision of surface facilities to enable the mine and the proposed new access to function accordingly however this would not change the existing pattern of underground working".*

The proposed cutting shed and workshop building would measure 44m by 24m by 9.5m high (at ridge). The office building would be smaller.

The inclined entrance would have a gradient of 1 in 8 over a total length of 262m (of which 75m would be open cut). The width of the entrance 'road' would be between 5m (for open cut section) and 10m (for adit).

Surface water at the site would drain to new swales and basins, designed for all potential flooding events. Water in the mine entrance would be removed using a pump.

An acoustic fence (2m high) and/or security fence and gates would be erected around the perimeter of the working site and access together with new landscaping (such as hedging and trees) where required. The acoustic fence would be on the west, south and east sides of the working site.

Hours / days of operation (main 'shift') would be 07:00 – 17:30 Monday to Friday and 07:00 – 13:00 Saturday (with 'maintenance' when required starting and finishing an hour either side of these times (06:00 and 18:30 respectively), and potentially on Sundays if/as required). Output is expected to be c. 100 cu m per week; ten staff would be employed.

According to the Transport Assessment which accompanies the planning application, HGV movements would be max 12 per day (6 'in' and 6 'out'); non-HGV's would no. c. 14 -

- Rates of production: 8 HGV movements (4 in and 4 out) per day;
- Daily offcuts (assuming 52 x 5 day working weeks per year): 19 tonnes (4 HGV movements, 2 in and 2 out per day);
- Number of private and Light Goods Vehicles (LGVs) accessing the site for employees, visitors and deliveries: 10 private vehicles (cars) and 4 LGVs.

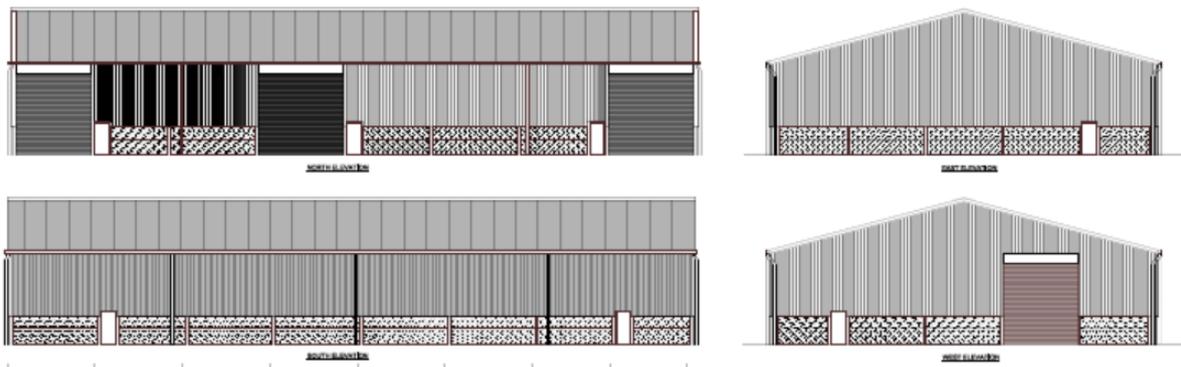
The proposal also includes a scheme for the restoration of the site after mining activities cease. The proposal is to clear the site of all buildings and infrastructure and restore it to agricultural use. Only the widened access road from Bath Road to the Water Treatment Works would be retained - to provide continued improved access to the Works.



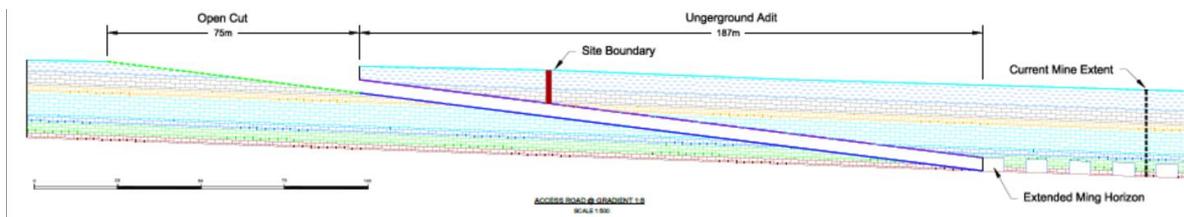
**Proposed site layout plan**



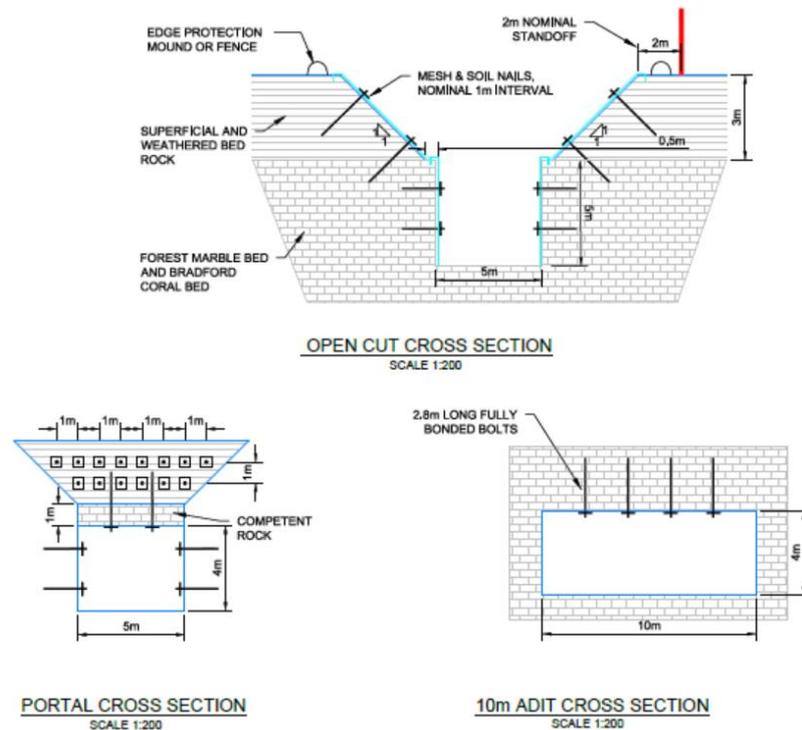
**Proposed office building**



**Proposed cutting shed / workshop**



**Proposed inclined mine entrance configuration - section**



***Proposed inclined mine entrance - cross sections***

In addition to the Planning Supporting Statement, the application is accompanied by a number of technical reports including a Landscape & Visual Impact Appraisal, Transport Assessment, Heritage Statement, Archaeological Desk-Based Assessment, Preliminary Ecological Appraisal Report, Bat Ecological Impact Assessment, Noise Assessment, Dust Suppression Scheme and Flood Risk Assessment.

## **6. Planning Policy**

### Wiltshire and Swindon Minerals Core Strategy (W&SMCS)

MCS4 – The supply of building stone

### Wiltshire and Swindon Minerals Development Control Policies DPD (W&SMDCPDPD)

MDC1 – Key criteria for sustainable minerals development

MDC2 – Managing the impact of minerals development

MDC3 – Managing the impact of surface water and groundwater resources

MDC5 – Protection and enhancement of Wiltshire and Swindon’s Landscape Character

MDC6 – Biodiversity and geological interest

MDC8 – Sustainable transport and minerals development

MDC9 – Restoration, aftercare and after-use management of minerals development

### Wiltshire Core Strategy (WCS)

Related policies to those set out above (MDC policies)

## Corsham Neighbourhood Plan

ED1 – Ecology and Design

E1 – Conservation and Enhancement of Biodiversity

E2 – Sustainable Development

E3 – Landscape

E4 – Green Infrastructure

E5 – Rural Green Buffer

HW1 – Protection, Improvement & Extension of Green Infrastructure

## **7. Consultations**

### Corsham Town Council: Objection

*..... recommend refusal of the application on the grounds that although the applicant has undertaken a bat ecological assessment there is no mention of the Corsham Batscape Strategy, the proposal is therefore contrary to Corsham Neighbourhood Plan policies ED1 and E1. The proposal is also contrary to Corsham Neighbourhood Plan Policies E3, E4 and HW1. The proposal would have a detrimental impact on the amenity of the surrounding residential properties, concerns regarding highway impact and safety, uncertainty over the numbers of HGVs entering and leaving the site. Concerns over nearby ground subsidence, noise and vibration concerns, increased lighting and noise pollution, concerns over the loss of trees and ecological habitat, concern that the core samples may not have been taken at this site.*

### Box Parish Council: Objection

*The proposed site is immediately adjacent to the Green Belt and AONB and is close to the Grade II\* Listed Building.*

*There is inconsistency in the application with regards to the times given for the activities to take place.*

*There is also no Carbon Footprint or Environmental Impact Assessment provided and there appears to be a lot of mature trees that will be felled.*

*The Parish Council is concerned about the safety of vehicles exiting from this site and would ask whether there needs to be some changes to the alignment of the road or a possible speed reduction.*

*The Parish Council is also concerned about the close proximity of neighbouring properties which could be undermined by these activities.*

### Wiltshire Council Landscape Officer: No objection

### Wiltshire Council Highways: No objection, subject to conditions

### Wiltshire Council Public Protection: No objection, subject to conditions

### County Archaeologist: No objection

### Wiltshire Council Conservation Officer: Comments

*This site is close to the A4 and listed buildings but outside the conservation area. The Listed buildings are screened from the site by mature trees, so the visual impact of these proposals would not harm the setting of the heritage assets. Any noise and vibrations caused by the operations could, however, harm the setting of the heritage assets by intruding on the relatively peaceful, rural atmosphere. As such, I would ask that buildings used for cutting or noisy operations be designed with good sound insulation so that noise and disturbance is kept to a minimum. I would also wish to see any scheme for external lighting, as the introduction of floodlights will harm the darker night sky setting of the heritage assets.*

*Together with this, careful consideration and conditions for the hours of operation will also help to reduce the harm caused by these proposals.*

Wiltshire Council Drainage: No objection, subject to conditions

Environment Agency: No objection, subject to conditions

*Groundwater Protection –*

*Groundwater is particularly sensitive in this location because the proposed development site is within source protection zone (SPZ) of a known borehole used for the supply of water for human consumption.*

*The proposed mineral extraction presents a risk to groundwater which is particularly sensitive in this location because the proposed development site within a delineated Source Protection Zone 2 (SPZ2) and close to a Source Protection Zone 1 (SPZ1).*

*The reports submitted in support of this planning application does not provides us with confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development. Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.*

*We have reviewed the documentation supporting the planning application and refer to previous advice given on groundwater protection:*

*"The application site lies within a delineated Source Protection Zone 2 (SPZ2) and close to a Source Protection Zone 1 (SPZ1). Further, the limited groundwater information provided by the applicant indicates that at least some of the existing quarry entrance is below the winter water-table.*

*It is important that you request an appropriate assessment of risks to controlled waters, which would ideally accompany the planning application. Such a risk assessment should include, but not necessarily be limited to, mitigation of risks to water quality (e.g. storage of fuels and turbidity) arising from the construction phases."*

*Further information would be required to assess the risk to Controlled Waters, and Lacock water supply in particular, from the following activities: tunnel shafts during construction, during operation, ancillary facilities construction and operations.*

*In light of the above, the proposed development will only be acceptable if a planning condition controlling disturbance of the aquifer is imposed. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to*

groundwater resources.

#### *Construction –*

*Tunnel shafts construction using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.*

#### *Pollution Prevention –*

*Underground storage of polluting substances poses particular risks to groundwater because of the problems of leak detection.*

#### *De-watering -*

*The proposed mineral workings could pose significant risks to groundwater resources. Groundwater is particularly sensitive in this location because the proposed development site is within a delineated Source Protection Zone 2 (SPZ2) and close to a Source Protection Zone 1 (SPZ1).*

*In light of the above, the proposed development will be acceptable if a planning condition is included restricting the form of future development on the site. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not present unacceptable risks to groundwater resources.*

#### *Foul Drainage -*

*The planning application has not demonstrated how it would dispose of wastewater, to connect to a mains sewer network in line with national planning policy, and, or to implement appropriate mitigation measures to ensure that risks to groundwater are minimised. An environmental permit may be required for this development. The permit will restrict the type and location of the non-mains drainage system to be employed on-site. In order to ensure that the planning permission complements the requirements of the environmental permit, the following planning condition should be included.*

#### Wessex Water: Comments

*The applicant has agreed to make changes so easements are observed to our pipework – we await a revised drawing.*

*We would like to work with the applicant to agree a planning condition to ensure our apparatus are protected during and after construction and access arrangements are maintained.*

## **8. Representations**

The application was publicised by way of press notice, site notice and neighbour letters (3 rounds). The first consultation round generated 145 representations - 83 objections and 60 supports (and 2 comments); the second consultation round generated 7 representations (all objections); the third round generated 17 representations (all objections). No first, second or third round representations have changed or been withdrawn, meaning that they are all relevant to the consideration of the application.

The objections are summarised as follows:

- Residential amenity: site too close to residential properties – noise disturbance from on-site activities, including stone cutting, vehicles, reversing beepers, etc., over long working day. Noise Impact Assessment does not assess impact on land at Rudloe Manor closest to the site, and assessment based on impacts c. 11am on calm day and not at quieter times or when windy. Dust from cut stone (harmful to health). No vibration assessment;
- Visual impact: Inappropriate industrial activity in countryside. Loss of green space between settlements, noted as important in development plan. Intrusive. Light pollution. Close to AONB and Green Belt. Adjacent woodland used for rural amenity purposes – the amenity would be lost with site next door. No information about boundary treatments;
- Traffic: Additional traffic/HGV's add to dangers/congestion/pollution on road network. Access at dangerous summit / blind bend on Bath Road. This is a fast stretch of road; slow moving lorries entering/leaving the site would be dangerous. Speed limit would need to be reduced;
- Trees: not clear from application particulars as to impact on trees; no arboricultural report;
- Wildlife: harmful impact on bats and other species (including hedgehogs) in woodland and thereabouts. Loss of trees and habitats;
- Heritage assets: harmful to setting of Rudloe Manor and other listed buildings (from on-site development and activities, including external lighting and noise, and inter-visibility). Potential to put-off potential purchasers of Rudloe Manor, so placing vulnerable asset at greater risk. Loss of remains of Rudloe Firs;
- Site lies in a Ground Water Protection Zone. The fields in this zone cannot have anything spread on them at certain times of the year. Unclear as to impact of proposal in the zone;
- Need: there is already an entrance to this quarry – no need for another; reason for not using approved Bradford Road site not clear. No need for another Bath stone quarry;
- Land ownership: proposal is for development beneath third party's land. Concerns over stability of this land;
- Image: Not good for the image of the area / Corsham;
- Bradford Road planning permission: the offer by the applicant to replace the extant planning permission with this is not a fair trade-off as developments completely different – in size and purpose;
- Supporting information: no EIA and no carbon footprint assessment;

The supports are summarised as follows:

- Visual impact: limited as workings are underground and surface yard suitably located in terms of impacts (screened by woodland, etc.). Screened from listed buildings in vicinity. Limited inter-visibility with distant neighbours. This is not opencast mining;
- Traffic: Ideal location next to Bath Road / A4;
- Noise: after construction limited noise from silenced machinery;
- Dust: regulations require dust to be suppressed. Any drift would be limited and would not reach neighbouring properties;
- Wildlife: legal obligations to protect and enhance wildlife in any event;

- Footpaths: The woodland adjacent to the site is private, so its use by walkers is technically trespass.
- Employment: skilled local work-force. Knock-on effects good for local economy;
- Need: Much-needed quality stone for building industry – both new buildings and restoration of old buildings;
- History: tradition in this area for mining; there is a maze of old and existing mines beneath the ground in this area. Good for the image of the area / Corsham - which is a mining town;
- Residential amenity: mining companies hereabouts are considerate to neighbours. The applicant has an excellent record in terms of managing such developments and protecting the environment, etc.;

## **9. Planning Issues**

The main issues to be considered in this case are firstly the principle, and then matters of detail including the impacts of this specific proposal on landscape, highway safety, ecology, heritage and residential amenity.

### **9.1 Principle**

In recognition of the demand for natural building stone – including Bath stone – for use in future developments looking to maintain and enhance the character of the built environment, Core Policy MCS4 of the Wiltshire and Swindon Core Strategy supports proposals for extraction as a matter of principle where it is demonstrated that there is a local need and where such operations are of a scale which avoids any significant environmental and amenity impacts. Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

The proposal is not for the actual extraction of building stone from the site / Hartham Park Quarry; for reasons already explained, the extraction of stone from the quarry / mine already benefits from planning permission. The current proposal is only to create a new entrance to the established mine (for efficient movement of the stone from underground to surface); and provide an associated surface-level yard for the cutting, processing, loading/unloading and storage of the stone and for the day to day management of the business.

As an ‘add-on’ to the established quarry, the proposal is, therefore, acceptable in terms of Policy MCS4. Under the circumstances of an established quarry, there is no necessity for the application to demonstrate a need for the stone; and the scale and impact of the proposal is, in any event, compatible with its situation. The scale and impact considerations are addressed in greater detail in the following sections of this report.

The inclusion of ‘added-value’ facilities – specifically, the cutting shed and offices – as part of the development is also not considered inappropriate, such facilities being reasonably associated with the mining activity, resulting in a reduced need to transport un-cut stone for cutting elsewhere, and having acceptable impacts in all other respects. Again, these impacts are considered in greater detail below.

There is an existing entrance to the wider quarry at Park Lane. However, this is owned by another company (Lovells). It is also some distance from the area where the current

applicant wishes to extract stone. According to the Supporting Statement with the application, the proposal would improve the health and safety of existing mining operations by reducing the distance for operatives to travel underground to the working area (presently c. 1km from the existing mine entrance). Knock-on benefits would be a reduction in vehicle emissions and easier and faster access in the event of emergencies. These reasons for having a second entrance are accepted.

Detailed matters –

## **9.2 Landscape and visual impact**

Policy MDC1 of the Wiltshire and Swindon Minerals Development Control Policies DPD (W&SMDCDP) sets out key criteria for sustainable minerals development to ensure that the social, economic and environmental benefits of minerals development are maximised, and adverse impacts are kept to an absolute minimum. Criterium (e) of the policy requires the extent to which the visual / landscape impact of any structures and buildings is minimised in terms of their scale and form. Policy MDC5 applies specifically to landscape character requiring, in particular, proposals for minerals development to protect and where possible enhance the quality and character of the countryside and landscape. Policy E5 of the Corsham Neighbourhood Plan requires the landscape setting of the Corsham Rolling Lowlands to be conserved and where possible enhanced.

The application is accompanied by a Landscape and Visual Impact Appraisal (LVIA). This confirms that the site is not within any designations of relevance to landscape, although it does lie adjacent to the Cotswold AONB and so is within its setting.

### **9.2.1 Landscape character -**

Landscape character is the distinct and recognisable pattern of elements that occurs consistently in a particular type of landscape, and how this is perceived by people. It reflects particular combinations of geology, landforms, soils, vegetation, land use, and human settlement.

The application site and its setting are within the 'Malmesbury-Corsham Limestone Lowlands' landscape type as defined in the Wiltshire Landscape Character Assessment. The character of the site and its setting are consistent with this type's description, which includes gently undulating mixed farmland, a peaceful rural landscape, a network of hedgerows defining a geometric field pattern, and traditional stone-built settlements.

Having regard to the specific circumstances of the site and its setting – being farmland in relatively close proximity to the residential areas at Rudloe and Corsham – the LVIA determines its landscape character as being of 'medium sensitivity' to development of the type proposed. Landscapes of medium sensitivity are defined as commonly occurring and with some evidence of alteration or degradation, potentially tolerant to change, and likely to be locally valued.

With specific regard to the proposal the LVIA states the following –

*“During construction, sources of impacts include soil stripping, alterations to / widening of the existing track to provide access to the Site, construction traffic movements into and away from the area, excavation of the mine entrance, construction of new internal hard-standing*

*and buildings, and views of site operations .... The impacts upon the site and its immediate setting are considered to be of Medium<sup>1</sup> to High Magnitude, and of Substantial<sup>2</sup> Adverse Level.*

*On completion, the character of the site will have changed from agricultural to commercial / industrial, including a new building, parking and hardstanding, together with new structural boundary planting. The impacts are assessed as being of Medium to High magnitude, and on balance taking into consideration the beneficial effects of the proposed planting effects would be Moderate Adverse level. Once the boundary planting establishes, the magnitude of impact would reduce to Medium, with a Moderate Adverse effect on the site and its immediate setting”.*

The construction stage impacts would be relatively short term, and consequently the slightly ‘higher’ level of their effects is not considered to be a sustainable reason for resisting the proposal. At operational stage the effects are assessed as being moderate, and so noticeable in the wider area. However, this noticeability is not considered to be unacceptable in the context of the landscape hereabouts where, due to the proximity of settlements and the A4, there are already various clusters of buildings, yards and other human influences. The scale of the proposed buildings and structures on the site are comparable with these other established developments, and consequently it is not considered that the resulting further ‘moderate’ change to the landscape character of the area would be inappropriate. This is in accordance with both minerals planning policy and the Corsham Neighbourhood Plan.

### **9.2.2 Visual effects –**

The visual effects of proposed development are the changes that arise in the composition of available views as a result of changes to the landscape and the degree to which these changes affect the overall amenity and character of the area.

The LVIA identifies key viewpoints, and then assesses the effects of the proposed development on the views. It concludes as follows –

*“It is considered that the majority of views of the site are restricted to locations in close proximity to the site access to the south and select residents and footpath users at medium distance to the east due to screening provided by the existing vegetation that encompasses the west and south of site together with the presence of the wooded valleys to the west and north.*

*There may potentially be occasional distant views from the wider study area to the north on the most elevated areas in locations where views are unrestricted by vegetation in the foreground.*

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<sup>1</sup> Medium Magnitude level of landscape impact is defined as “Partial loss of or alteration to key features or perceptual aspects of the baseline and/or the addition of new features that may be prominent but may not necessarily be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape”, and “The impacts would be at the scale of the landscape character type/area within which the proposal lies”. High Magnitude is “Total loss of or major alteration to key features or perceptual aspects of the baseline and/or addition of new features considered to be totally uncharacteristic when set within the attributes of the receiving landscape”, and “.... large scale”.

<sup>2</sup> Substantial landscape effects are defined as “The proposals having a large and prominent impact within the context of the wider area or are wholly out of character with the existing situation, and/or the landscape receptors are of high sensitivity. Moderate effects are defined as “The proposals have a noticeable impact within the context of the wider area, and/or the landscape receptors are of medium sensitivity”.

*Across the majority of the study area there are not considered to be any views of the proposed development. For the limited number of receptors with views, the levels of effects would typically be no greater than Slight<sup>3</sup> Adverse with the exception of a small number of residents at Pickwick Court, and PROW users approaching the site at short distance from Rudloe. Residents would see construction and operational activities at short distance, resulting in Moderate to Major Adverse effects during construction, and Moderate Adverse during operation, reducing to Slight to Moderate Adverse in the long term once proposed structural landscaping establishes. Short distance PROW users would experience Moderate Adverse effects during construction, and Slight to Moderate Adverse on completion”.*

These conclusions of the LVIA are agreed. The majority of views in the direction of the site are screened, notably by the woodland areas to its south and west sides. The majority of public rights of way are distant from the site, and with glimpsed views of the site only (due to the degrees of separation, natural landscaping and levels).

Views from residential properties would also be limited. Nearest properties in Rudloe are beyond both the woodland and the A4 to the south of the site. Glimpsed and distant views – mainly of the access - would only be possible from some properties, and this in the context of the modest scale of the development anyway. Other residential properties – for example, at Copenacre / Pickwick Court – may also achieve glimpsed views, but again at a distance; these would improve as proposed landscaping establishes. The proposed landscaping would equally soften the impact of the 2m high acoustic fence, as it establishes.

Overall – and as the LVIA concludes – views of the site would be mainly limited and at a distance, and of relatively modest buildings and the related stored stone. Where views are possible, the mainly slight to moderate effects would not amount to sustainable reasons for refusing planning permission in this landscape context. Any more significant effects on views at the construction stage would be short term only, and so, again, not sustainable reasons for refusing planning permission.

### **9.2.3 Cotswold AONB –**

The site lies outside of the AONB but immediately alongside. It follows that the site is in the setting of the designation.

In terms of national landscape designations, the site is located at the southern extent of ‘NCA (National Character Area) 107: Cotswolds’. Key characteristics of this area are the dramatic limestone scarp rising above adjacent lowlands, arable farming, drystone walls, and locally quarried limestone. The majority of NCA 107 lies within the AONB.

The LVIA concludes that the proposed development would have no notable effects on NCA 107, and this is agreed. This is in view of the relatively small scale of the application site relative to the extensive size of the NCA. Accordingly, the impact on the AONB is considered to be no greater than negligible.

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<sup>3</sup> Slight visual effects are defined in the LVIA as “The proposals would result in small changes to the views, the changes would be experienced by a small number of people, and/or the visual receptors would be of low sensitivity to the changes”. Moderate effects are “The proposals would be noticeable in views but not dominating, the changes would be experienced by a medium number of people, and/or the visual receptors would be of medium sensitivity to the changes”.

#### **9.2.4 Green infrastructure –**

Policies E4 and HW1 of the Corsham Neighbourhood Plan resist development that would result in the loss of green infrastructure or result in harm to its setting, character, appearance, quality and amenity value. The Neighbourhood Plan identifies green infrastructure; the woodland to the south of the application site and through which the proposed access passes is identified as lower value green infrastructure for the purposes of the policies.

The proposal would not result in loss of the woodland. Its value in terms of visual amenity and appearance would, therefore, remain unchanged. The setting of the woodland would change on its north side, and its general amenity would to a certain extent be affected as a result of the close-by activities at the application site. However, as the woodland is private land, these affects are not considered to be so significant as to warrant an objection for this reason – the principal amenity the woodland provides is visual, and this would remain largely unchanged.

The Neighbourhood Plan also defines Rural Green Buffers to the south, south-west and west of Corsham. Policy E5 resists development (“new buildings”) in these buffers that would lead to the coalescence of settlements. The site of the implemented planning permission for an entrance to the mine and related infrastructure on land at Bradford Road lies within part of the buffers. The applicant’s offer to give up this planning permission would achieve a net benefit in terms of Policy E5 by maintaining the buffers. The current application site does not lie within the defined buffers.

#### **9.3 Highway Safety**

Policy MDC1 of the W&SMDCPDPD requires assessment of the extent to which proposals facilitate sustainable transport. Policy MDC8 relates specifically to sustainable transport and minerals planning. It states that development will only be permitted where, in particular, it is demonstrated that it would have direct access or suitable links with the Wiltshire HGV route network or primary route network. Mitigation will be expected where/if there would be adverse impacts on the safety, capacity and use of the highway.

The application is accompanied by a comprehensive Transport Assessment (TA) and supplementary Technical Notes. These assess the capacity and safety of the highway network hereabouts, and conclude the following –

*“The site benefits from being located in an area with direct access to the Wiltshire HGV Route Network, for the movement of freight, and the development is also within proximity of sustainable and public transport infrastructure provision. The proposed access is within immediate access of pedestrian footways on the A4 Bath Road.*

*An industrial scale access has been designed to accommodate a suitable design vehicle using geometry of typical industrial scale accesses. Visibility can be achieved in accordance with the observed 85th percentile speeds. A tracking assessment of the proposed arrangement demonstrates that the design vehicle can comfortably access and egress the site with no conflict. A Stage 1 Road Safety Audit raised a single issue which had already been considered through development of the design and is addressed in the associated Designers Response report.*

*Bus services can be accessed within a 300m walk west of the development, along desire lines and via footways provided on the A4 Bath Road. The X31 bus routes near the site and operates a regular service between Bath and Chippenham on a daily basis.*

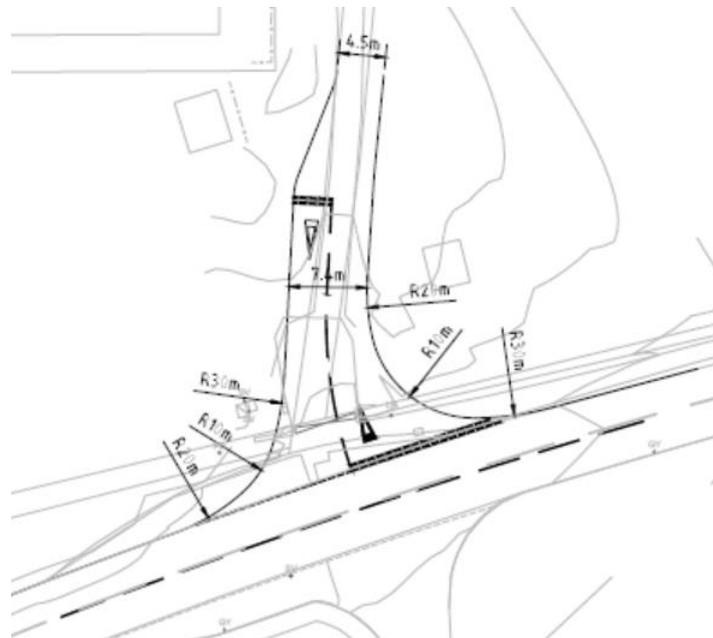
*A study of accident data demonstrated that there are no particular safety concerns on the highway network surrounding the site that would warrant mitigation as part of the proposed scheme.*

*Also, the proposed development is forecast to generate 20 two-way vehicle trips during the AM and PM peak hour periods respectively. This would equate to the addition of at most c. one additional trip on the local highway network c. every 3 minutes.*

*When considered alongside the committed development and future-year traffic forecast to be added to the local highway network in 2023, this level of trip generation would have a negligible impact on the operation and safety of the adjacent highway network and access junction”.*

These statements in the TA are agreed. Significantly, the proposal is for direct access from the site on to the A4 – which is a designated strategic lorry route, designed and intended for HGVs. This route has capacity to accommodate the traffic the development would generate; and, in any event, traffic generation would be comparable to that which would be generated by the approved mine access to the south, (the permission for which the applicant now proposes to give up).

The existing access is proposed to be upgraded, including initial widening to allow two vehicles to pass. The widened section would be c. 27m in length, allowing sufficient clearance from Bath Road for entering vehicles to wait should another vehicle be departing at the same time.



In response to the Highways Officer’s questions relating to how HGV’s would be managed inside the site itself, the TA supplementary Technical Note states the following:

*“..... detailed information has been provided by the applicant in relation to the management/control of HGV movements, as follows.*

*“The Surface yard manager, Mine manager or Mines administration will take and arrange all block and mineral purchases and enquiries. Once the load is carefully checked and marked it is confirmed with the client. At that stage the designated person will know or will ask what transportation the client will use to collect. If internal then the load will be booked and a collection date and time will be arranged. If the haulage is external then exactly the same process takes place but with a contracted firm.*

*Once the load date and approximate time of pick up is confirmed then this is entered onto the Block Requirement Report and the office diary. This is the responsibility of the designated worker but is shared with Mine Management and administration by email.*

*The process is repeated with each and every purchase and the controller will then ensure that HGVs do not arrive at the same time. In the event of miscommunication or when a delivery of consumables arrives at the same time the 2nd vehicle will pull off the main road into the designated waiting bay adjacent the stacking area. Loading of HGVs takes between 20 and 45 minutes (average depending on block size and therefore numbers of block to achieve capacity). Engines are turned off to reduce exhaust emissions and noise. The appropriate number of lorry movements to adhere to planning permissions (conditions) can be scheduled in advance and again is controlled.*

*The process is carefully controlled by the appointed person, each relevant person is informed, the process is recorded and shared in case of absence by the appointed person and the designated siding allows for any unintended crossover by HGVs.*

*This demonstrates that the applicant has experience and a process in place to record, schedule and control HGV movements in order to avoid conflicting movements and crossover of HGV arrivals/departures”.*

These conclusions, and the planned management approach, are agreed. Notably, that a safe access junction is proposed to be provided and managed, and this would adequately cope with the anticipated vehicle numbers.

The proposal, therefore, complies with Policy MDC8, and notably its requirement for new development to be environmentally sensitive in transport terms. Conditions are recommended to ensure the proposed access is provided and maintained, and to limit the daily HGV movements to no more than 6 ‘ins’ and 6 ‘outs’ (12 movements in total), as proposed, and as forming the basis of, the Transport Statement analysis.

#### **9.4 Heritage assets**

Policy MDC7 relates specifically to the historic environment. It states that proposals 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.

##### **9.4.1 Built heritage -**

The application is accompanied by a Heritage Statement. This identifies a number of heritage assets in the vicinity of the application site, and notably five listed buildings which are potentially sensitive to change – Rudloe Manor (Grade II\*), the barn at Rudloe Manor, Foxfire Lodge (Grade II), Entrance Screen and Gates to Rudloe Manor (Grade II) and Rudlow Cottage (Grade II).

Rudloe Manor is, as its name suggests, a country house, originally used for this purpose, but in the twentieth century (until 2000) a base for the RAF. Evidence (other buildings, etc.) of the former military use remains around the house. In more recent times additional residential development has been built close by. As a country house, the setting of Rudloe Manor is relatively wide. However, the lie of the land is such that the application site, located c. 500m to the east, has no visual relationship nor obvious historic functional relationship; the historic route of the driveway to the manor, which runs between it and the application site, provides a clear physical barrier reinforcing the separation. The Heritage Statement assumes that some noise from the proposed development may occasionally be discernible at the Manor (noise is considered in greater detail below). In view of these circumstances – and in terms of the NPPF ‘tests’ – the Heritage Statement concludes that the proposal would likely cause ‘less than substantial harm’ to Rudloe Manor, and this is agreed.

The three other listed buildings form a group, notably set around the gates which historically provided access to the Hartham Estate. As an entrance and modest lodge / estate cottages, the setting of these assets is limited to the intimate space around them and the immediate countryside. The application site - situated beyond the area of woodland to the north-east of these assets - does not form part of this setting. As with the manor, the Heritage Statement assumes that some noise from the site may occasionally be discernible at the group. Accordingly – and in the terms of the NPPF tests – the Heritage Statement again concludes that the proposal would cause less than substantial harm to the assets, and, again, this is agreed.

Paragraph 196 of the NPPF states that where a proposed development would lead to less than substantial harm to the significance<sup>4</sup> of a designated heritage asset, this harm should be weighed against the public benefit of the proposal. In this case public benefits arising include employment and, more particularly, the continued excavation of Bath stone from the mine, which is used in the construction industry and for the maintenance of historic buildings. On this, Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. These public benefits, and the ‘great weight’ emphasis of the NPPF, are considered to tip the balance in favour of the proposal in terms of the heritage ‘tests’, this notwithstanding the less than substantial harm identified which is at the lower end of the ‘harm’ spectrum anyway.

#### **9.4.2 Archaeology –**

The application is accompanied by an Archaeological Desk-Based Assessment. This observes that there are no designated or non-designated heritage assets of an archaeological nature within the boundary of the site or within its vicinity. With regard to unknown remains, there is no evidence to indicate the presence of these. Accordingly, the assessment concludes that no further works are required at this time. This is agreed by the County Archaeologist.

#### **9.5 Ecology**

The application is accompanied by a Preliminary Ecological Appraisal Report and a Bat Ecological Impact Assessment. Following a survey of the site, the first of these reports notes that the Bradford on Avon and Bath Bats SAC (and Box Mine SSSI), hedgerow and

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<sup>4</sup> Historic England defines significance as “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”. Setting is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

woodlands, bats, hedgehogs, reptiles and breeding birds may be affected by the proposal. Accordingly, the assessment makes recommendations, including that hedgerows and woodland are retained and/or enhanced, means of egress from the site (including excavations) is always provided for hedgehogs, appropriate groundworks are carried out to discourage reptiles from entering the site during construction, and any vegetation clearance is carried out outside of the bird breeding season. Enhancement measures are also proposed, including the gapping-up of the existing 'gappy' hedges and the construction of swales.

With regard to bats, the second report considers these in greater detail. It states that at least 10 of the 17 British resident bat species were recorded foraging and commuting within the site in 2018. Following detailed analysis of the impacts of the proposal on these, the report's Executive Summary concludes as follows:

*“Due to the proximity of the site to known important roosts at Bath and Bradford on Avon Bats SAC and Box Mine SSSI, it is considered that the bat assemblage on site is of Regional to National value. The proposed mine entrance will result in the loss of a small area of woodland to widen the existing access track and extend this into the site. The 4.5m (northern edge) to 7.3m (southern edge) gap created is unlikely to be a significant adverse effect on the bats using the site, including the more sensitive species which are associated with the SAC. Existing trees either side of the access will be allowed to mature which will reduce the width of the gap and new planting will create additional features for use as foraging and commuting corridors, therefore no significant adverse residual effects on bats, including those using the SAC, are anticipated in the long term”.*

The proposed hours of operation of the site means that external lighting would be limited, and the design of this can be controlled by condition anyway. Limited vehicle movements within the site and low vehicle speeds would minimise potential conflict with bats. Enhancement measures suggested in the second report include the green infrastructure measures already referred to (comprising new hedgerow and grassland planting, and swales), and bat boxes.

The conclusions and recommendations in the reports relating to the impact of the proposal on wildlife are agreed. The impacts on all interests are limited by reason of the larger part of the site being an open field in intensive agricultural use anyway. The proposed new entrance road would have a greater impact by reason of the reduction in some of the woodland trees along its course. However, the resulting gap would remain sufficiently wide to not trouble most bat species, and new planting elsewhere on the site (in the form of hedgerows and grassland) would provide new foraging and commuting opportunities anyway. Ultimately there would be a net gain for ecology from these measures, and accordingly concerns raised relating to ecological impacts would not amount to a sustainable reason for refusing planning permission.

Corsham Batscape Strategy –

The Bat Ecological Impact Assessment accompanying the application fully addresses all issues relevant to the recording and consideration of bats. The Corsham Batscape Strategy does not change the Assessments independent survey outcomes, nor its conclusions in respect of the impact of the development on bats. It follows that the proposal does comply with the principles of bat protection, as expected by Policies ED1 and E1 of the Corsham Neighbourhood Plan.

## **9.6 Flood Risk**

The application is accompanied by a Flood Risk Assessment. This confirms that the site is situated in Flood Zone 1 (areas at low risk of river or sea flooding). Accordingly, this is a suitable location for the planned 'less vulnerable' development.

To address the potential for surface water flooding (the proposal would introduce areas of impermeable hard-standing across the site), a surface water management strategy is included in the Flood Risk Assessment. This comprises of a series of attenuation features including dry swales with infiltration trenches.

Overall the risk of flooding at the site or elsewhere as a consequence of the development is considered to be very low. The WC Drainage Engineer raises no objections, subject to conditions requiring full details of the surface water scheme to be provided in advance of the development commencing.

The Environment Agency recommends a number of conditions to safeguard the ground protection zone in which the site is located.

## **9.7 Residential amenity and tranquillity – (noise, dust, vibration)**

### **Noise –**

The application is accompanied by a Noise Assessment, carried out in accordance with best practice. This has been updated during the processing of the application to address detailed matters raised by the Council's Public Protection Officer.

There are essentially four sources of noise associated with the proposal. These are, firstly, construction noise; and then, at the operational stage, noise generated by stone moving vehicles (fork lift trucks, teleporters, etc.) on the site and in the adit, by machinery in the cutting shed/workshop, and by delivery HGV's entering and exiting the access to the site.

Within the vicinity of the site there are a number of residential properties (referred to as 'existing sensitive receptors' (ESRs) in the Noise Assessment). The closest receptor to the proposed working yard area is Foxfire Lodge (ESR5) – c. 90m away (the houses at Rudloe Manor (ESR1) are c. 300m away, and at Copenacre (ESR3) c. 320m); the closest properties to the proposed access road are in Ashwood Road (ESR2) – c. 40m away, on the opposite side of the A4.

In relation to construction stage noise, (the construction stage is anticipated to last c. 12 months), the Noise Assessment draws the following conclusions -

*“Given the distances between the construction activities and the nearest existing sensitive receptors, the sensitive receptors are unlikely to experience any significant noise impacts.*

*However, to minimise the potential impact of construction works, best working practices should be put in place”.*

A Construction Environment Management Plan can ensure best working practices are applied.

In relation to operational noise, the results of background noise surveys and noise predictions are set out in the following table taken from the Noise Assessment –

Table 10: Calculated Operational Noise Assessment at Existing Sensitive Receptors				
Receptor	Source	Specific Noise (Figures in LAeq)(dB)	Average Measured LA90 (dB)	Difference (dB(A))
ESR1	Building	25	34	-9
	Mobile Plant	28		-6
	Cumulative Site Noise	30		-4
ESR2	Building	38	42	-3
	Mobile Plant	45		+3
	Cumulative Site Noise	45		+3
ESR3	Building	31	42	-11
	Mobile Plant	32		-10
	Cumulative Site Noise	35		-7
ESR4	Building	30	42	-12
	Mobile Plant	40		-2
	Cumulative Site Noise	40		-2
ESR5	Building	29	42	-13
	Mobile Plant	36		-6
	Cumulative Site Noise	37		-5

As is evident, the majority of the predicted noise impacts are less than average measured background noise levels (LA90) at the boundary of each receptor.

Only at ESR2 is there a difference which exceeds the background noise levels. This is from the predicted noise of the delivery lorries entering and exiting the site. On this the Noise Assessment considers the sensitivity of this receptor, and concludes the following –

*“Residential receptors have a high sensitivity. During operational hours ..... the residential receptors are generally considered to be at their least sensitive. The noise at ESR2 from the development is due to HGV movements on the site access road. The existing residual noise at nearby sensitive receptors is dominated by road traffic on Bath Road, therefore ESR2 is considered less sensitive to road traffic noise and HGV movements, which lessens the impact”.*

This conclusion is agreed – specifically, in the context of the existing daytime noise generated by traffic on the A4, the additional noise generated by the limited numbers of HGVs entering and leaving the site would not amount to a sustainable reason for refusing planning permission.

Notwithstanding the conclusions of the Noise Assessment, the Council’s Public Protection Officer has expressed concern over the subjective nature of some of its assumptions about the noise associated with the on-site activities – notably at the cutting shed / workshop – this in terms of considerations including the tonal quality of the noise. Accordingly, the Public Protection Officer has recommended mitigation in the form of an acoustic fence (to be erected on the east, south and west boundaries of the working yard), and noise insulation (to be provided in the fabric of the cutting shed / workshop). The applicant has agreed to these extra precautionary measures, and conditions requiring their implementation are recommended accordingly.

## **Dust –**

A dust suppression scheme has been provided with the application setting out control measures. The measures include keeping all vehicles and machinery clean and well-maintained, applying a maximum on-site speed limit, using water to dampen down dry areas in dry conditions, stopping work in particularly windy conditions, and training all staff. The measures are considered appropriate to ensure potential dust emissions are suppressed and/or can be enforced.

## **Vibration –**

A number of third parties have referred to potential disturbance arising from vibrations caused by mining activities. As the actual mining activities do not form part of this application (because they already benefit from the earlier planning permission), and because the current proposal does not propose changes to the earlier permission, this is not a relevant consideration now.

The equipment proposed in the current application would not cause vibrations likely to adversely impact on residential amenity.

## **9.8 Other matters**

A third party has expressed concern that operations at the existing mine have caused subsidence on the land above. The current planning application does not propose to change any part of the extant planning permission for the existing mine. It follows that concerns relating to alleged subsidence are not relevant. But in any event, alleged damage caused to another party's property or land is a private matter between the affected parties, and so is not a material planning consideration.

A third party has requested confirmation that the proposed mine entrance would be structurally sound. The application is accompanied by a New Mine Entrance Geotechnical Design statement which must be relied on for this purpose.

A number of third parties have expressed concern that the proposal would not be carbon neutral or carbon positive. The proposal is to effectively 'replace' an existing planning permission for a new mine access and yard with a new planning permission for a mine access and yard, albeit in different locations. The impact – in terms of carbon production – is, therefore, and to all and intents and purposes, the same.

As stated above, the current planning application does not propose to change the extant planning permission for the existing mine. It follows that the mine will have to be worked in accordance with that planning permission, including its phasing requirements. An informative is proposed to remind the applicant of this.

Wessex Water refers to the need for it to have continued access to its Water Treatment Works. This is a private matter between Wessex Water and the applicant.

## **10. Conclusion**

The planning application demonstrates that the planned mine access and related yard can be accommodated on the application site without harmful effects on matters of

acknowledged importance – notably the landscape, highway safety, ecology, heritage and general amenity. A continuing supply of Bath stone for new building and renovation purposes is an important material consideration. Accordingly – and subject to the existing planning permission for a new mine entrance and yard at nearby Bradford Road being rescinded (as is proposed by the applicant) – the application is recommended for approval.

## **RECOMMENDATION**

**That, subject to the applicant first entering into a legal agreement to prevent planning permission no. 15/00712/WCM from being further implemented, the Head of Development Management be given delegated authority to grant planning permission, subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 for a limited period, expiring on 21 February 2042 or at such time as extraction of stone from the underground stone mine permitted by planning permission no. N/98/01945/WCM ceases (whichever is the earlier). At such time the site shall be restored within a period of 12 months in accordance with the details shown on drawing no. ST16481-022C (Landscape Restoration Plan) dated 26/02/2020.

REASON: To secure what is applied for in the interests of amenity, and for the avoidance of doubt.

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

- No. ST16481-018B (Site Location Plan) dated 27/11/2019
- No. ST16481-011D (Site Layout with Preferred Adit Layout) dated 27/11/2019
- No. ST16481-012B (Typical Support Details) dated 08/08/2019
- No. ST16481-016A (Office Building) dated 08/08/19
- No. ST16481-017B (Workshop / Processing Building) originally dated 08/08/2019
- No. ST16481-023D (Softworks Plan) dated 29/02/2019
- No. ST16481-039 (Acoustic Fencing) dated 18/02/2020
- No. ST16481-019C (Drainage Layout) dated 21/11/2019
- No. ST16481-025D (Landscape Restoration Plan) dated 26/02/2020
- No. ST16481-022C (Vehicle Autotracking (inc. HGV on-site weighting bay)) dated 17/12/2019
- No. J32-3384-PS-001D (Access (inc. signage)) dated 20/12/2019

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

- 4 The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents / interested parties to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

There shall be no burning undertaken on site at any time.

Construction hours shall be limited to 0700 to 1730 hrs Monday to Friday, 0700 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The CEMP shall be implemented at all times during the construction phase as approved.

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

- 5 The development hereby permitted shall be constructed and operated at all times strictly in accordance with the Construction and Operational Dust Control Measures, the Dust Emissions Response Measures, and the Monitoring and Recording measures set out in the Dust Suppression Scheme by Wardell Armstrong dated August 2019.

REASON: In the interests of amenity.

- 6 The acoustic fencing forming part of the development hereby permitted shall in its entirety be installed prior to the mine entrance or workshop-processing building becoming first operational. The acoustic fencing shall in its entirety be constructed in accordance with the specification set out on the Acoustic Fencing drawing (no. ST16481-039). The acoustic fencing in its entirety shall be retained and maintained for the life of the development.

The Workshop-Processing Building forming part of the development hereby approved shall be constructed using materials that achieve 46dB Rw; the details of these materials shall be first submitted to and approved in writing by the local planning authority. The Workshop-Processing Building shall be retained and maintained with these materials for the life of the development. Duration the operation of any machinery inside the Workshop-Processing Building (other than forklift trucks, teleporters or other similar mobile vehicles), the building's doors and windows shall be kept completely shut.

No machinery (other than forklift trucks, teleporters, delivery lorries and other similar mobile vehicles) shall be operated on open parts of the site.

At all times the site shall be operated in accordance with the best working practice

measures set out in the Noise Assessment by Wardell Armstrong dated January 2020.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 7 All soft landscaping comprised in the approved details of landscaping (drawing no. ST16481-023D (Softworks Plan) dated 29/02/2020) shall be carried out in the first planting and seeding season following the development becoming first operational or the completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

- 8 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2020", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 9 The development hereby permitted shall be constructed and operated at all times in accordance with the Discussion and Recommendations of the Preliminary Ecological Appraisal Report by Wardell Armstrong dated April 2019, and the Assessment of Effects set out in the Bat Ecological Impact Assessment by Wardell Armstrong dated August 2019.

REASON: To safeguard wildlife.

- 10 No development hereby permitted shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access road), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be fully considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11 No development hereby permitted shall commence on site until details of the works for the disposal of sewerage including, if relevant, the point of connection to the existing public sewer have been submitted to and approved in writing by the Local

Planning Authority. No operation shall first commence until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 12 No part of the development hereby permitted shall be first brought into use until the access, turning areas and parking spaces relevant to the part have been completed and the existing lay-by on the A4 has been removed, in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 13 No part of the development hereby permitted shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 14 During its operational phase the total number of HGV vehicle movements associated with the development hereby permitted shall not exceed the following limits -

12 movements (6 'in' and 6 'out') per day, Monday to Saturday.

No HGV movements shall take place outside the hours of operation stated in condition no. 16 of this planning permission.

REASON: In the interests of highway safety and residential amenity.

- 15 From the date that any part of the development hereby permitted becomes first operational, a written record showing all HGV vehicles movements in and out of the site shall be kept by the operator, and that record shall be made available to the Mineral and Waste Planning Authority at all reasonable times. The written record shall contain the vehicles' registrations and operating company's identity and time/date of the movement.

REASON: In the interests of amenity and to ensure the limits on HGV movements set by this planning permission are not exceeded.

- 16 Other than for the purposes of essential maintenance and pre-shift inspection of the mine, the development hereby permitted shall only operate between 07:00 and 18:30 from Mondays to Fridays and between 07:00 and 13:00 on Saturdays. Essential maintenance and pre-shift inspection of the mine shall be permitted for one hour only prior to or after these specified times. The site shall not operate at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 17 Wheel cleaning of all goods vehicles and machinery leaving the site shall be carried out for the duration of all operations (including construction operations) at the site.

REASON: To ensure that mud and earth deposits are not brought onto the public highway in the interests of highway safety.

- 18 No gates shall be installed across the vehicular access to the site other than where this access enters the working yard area.

REASON: In the interests of highway safety.

- 19 No stone originating from sites other than the existing underground workings at Hartham Park Quarry / Hartham Mine shall be brought and/or stored or processed at the site.

REASON: In the interests of highway safety and amenity.

- 20 No stockpile of stone within the storage yard / stacking area shall exceed 3m in height.

REASON: To safeguard the visual amenities of the area.

- 21 Tunnel and shaft construction using penetrative methods shall not be carried out.

REASON: To ensure that the proposal does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

- 22 There shall be no de-watering of the site or interruptions to ground or surface water flows.

REASON: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

- 23 The development hereby permitted shall not commence until such time as a scheme has been submitted to, and approved in writing by the local planning authority, providing details of:

- the storage of materials;
- the storage of chemicals;
- the storage of oil;
- the storage of hazardous materials;
- the proposed method of working;
- the proposed phasing of development;
- the proposed maintenance and after-care of the site;
- proposed scheme for monitoring; and;
- wastewater management.

The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme.

REASON: To ensure that the proposed development does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

24 INFORMATIVE:

This planning permission does not change in anyway the standalone planning permission no. N/98/1945 relating to Hartham Park Quarry. It follows that N/98/1945 must continue to be implemented in accordance with its planning conditions, including those relating to the method of working and phasing.