

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	2 December 2020
<b>Application Number</b>	16/05708/WCM
<b>Site Address</b>	Freeth Farm Quarry, Compton Bassett
<b>Proposal</b>	Construction of a quarry field conveyor to transport excavated soft sand from Freeth Farm Quarry to the existing Processing Plant at Sands Farm Quarry
<b>Applicant</b>	Hills Quarry Products Ltd
<b>Town/Parish Council</b>	COMPTON BASSETT
<b>Electoral Division</b>	CALNE RURAL – Cllr Christine Crisp
<b>Grid Ref</b>	SU 02622 72651
<b>Type of application</b>	County Matter
<b>Case Officer</b>	Jason Day

### Reason for the application being considered by Committee

1. This application and its related application reference 16/05464/WCM have been 'called-in' for determination by the Committee at the request of the Local Division Member, Councillor Christine Crisp. The reasons for this are in view of the high level of controversy about the applications and the potential visual, noise and environmental impacts of the proposals on the surrounding area.

### Purpose of Report

2. The purpose of the report is to enable the Committee to assess the merits of the application made in respect of Freeth Farm Quarry for Construction of a quarry field conveyor to transport excavated soft sand to the existing Processing Plant at Sands Farm Quarry against the policies of the Development Plan and other material considerations, and to consider the recommendation to approve the application subject to conditions.

### Report Summary

3. This report considers one of two related applications that have been submitted by Hills Quarry Products Limited relating to the dormant quarry known as Freeth Farm Quarry.
4. This report considers the application for planning permission to construct a field conveyor to transport the excavated sand to the nearby processing facility at Calne Quarry. Both applications are accompanied by a single Environmental Statement which assesses, in combination, the environmental impact of the proposals.

5. The main consideration is the merits of the use of conveyors over quarry dump trucks for the ultra-short transfer of minerals between quarry sites. Key issues to be considered are:
  - Noise impact
  - Dust impact
  - Landscape and Visual impact
  - Impact on Public Rights of Way
  - Archaeology
  - Hydrology and Hydrogeology
  - Ecology
6. The application has been the subject of six periods of consultation in response to initial and further submissions by the Applicant. 428 individuals have made representations, some commenting on each submission and some commenting on certain submissions only.
7. Compton Bassett Parish Council objects to both applications.

## **Background**

8. Hills Quarry Products Ltd ('the Applicant') has submitted two applications in respect of the dormant Freeth Farm Quarry mineral site:
  - Ref No: 16/05464/WCM made under the provisions of Schedule 13 of the Environment Act 1995 for determination of new modern working and restoration conditions for Freeth Farm Quarry ('the ROMP Application'), and
  - Ref No: 16/05708/WCM for planning permission to construct a quarry field conveyor to transport excavated soft sand from Freeth Farm Quarry to the existing Processing Plant at Sands Farm Quarry ('the Conveyor Application').

This report considers 'the Conveyor Application'.

9. Freeth Farm was identified in the Wiltshire County Council 'Minerals Site Review First List' 24 January 1996 as a 'Dormant' site and consequently minerals development cannot lawfully be carried out until the applicant has submitted an application for a new scheme of appropriate minerals conditions and conditions have been approved by the Mineral Planning Authority. Application No. 16/05464/WCM is the Applicant's submission of a scheme of site operating and restoration conditions.
10. This application for the associated quarry field conveyor to transport the excavated mineral from Freeth Farm Quarry to the existing Processing Plant at Sands Farm is new development that requires an application for planning permission.





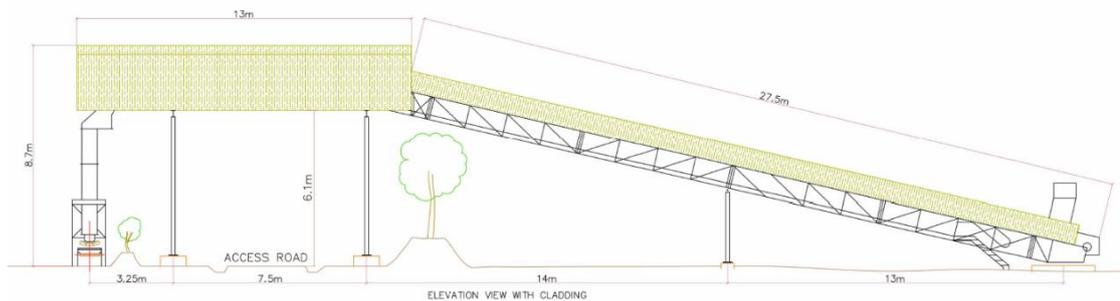
Noise Calculation Receiver Locations

- 1 Freeth Farm Cottages
- 2 The Freeth, Freeth Farm
- 3 The Lodge

15. The Site is located on the northern flank of a minor valley associated with the Abberd Brook to the immediate east of Freeth Farm within a gently undulating landscape of predominantly arable farmland. Currently under arable cultivation the landform within the site slopes gently from a height of around 100 m AOD near The Lodge down to about 93 m AOD at the eastern and southern boundary.
16. At the south-east side of the site the land surface reduces more steeply into the bottom of the small valley of the Abberd Brook, where the earthwork remains of a medieval watermill and water management system are preserved and designated as a Scheduled Monument.
17. The Calne Quarry complex comprises the Sands Farm Quarry, Old Camp Farm and Low Lane Extension mineral working areas. Mineral extraction and site restoration by landfilling is ongoing at the Low Lane Extension which is approximately 400 m from Freeth Farm Quarry. Sands Farm Quarry, where mineral is processed, stored and



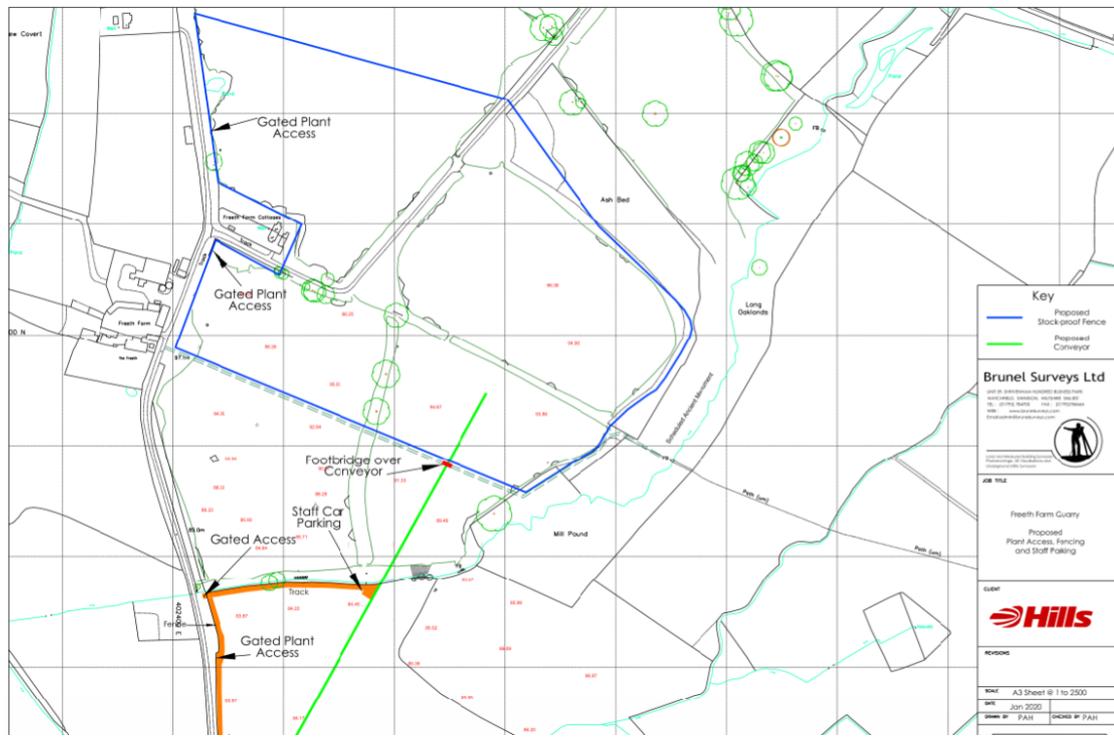
20. Immediately south of the extraction site, the conveyor will cross a Public Right of Way which will be diverted from within Freeth Farm Quarry. A bridge for users of the diverted Right of Way will be provided over the conveyor at this point. Approximately 110m to the south of this footpath, the conveyor will free span across a ditch.
21. Approximately 380m to the south of the extraction site, the conveyor will cross the public highway (lane) via a conveyor bridge. This bridge will be approximately 8.7m in height, constructed of cladbed profiled steel and painted green. It has been designed, in consultation with the Highways Authority, to lift the conveyor 6.1m above the level of the lane. This height is required to allow the safe passage of emergency services vehicles.



22. The foundation slabs and upright sections of the conveyor bridge can be erected without disturbance to the users of the lane leading to Freeth Farm. The horizontal section of the crossing will be erected using a crane, located in the adjacent field. As this point, the use of the road will need to be restricted for approximately 2 hours. The applicant will liaise with the users of the lane to agree a convenient time to conduct these works.
23. From the bridge crossing, the conveyor will enter the Low Lane Extension of Calne Quarry and cross Abberd Brook. The conveyor will then run between a pond and road-side hedgerow until it passes through a box culvert beneath National Route 403 of the National Cycling Network. During the box culvert installation works, which will take about two weeks, the Bridleway will be temporarily diverted.
24. Beyond the box culvert, the conveyor will run along the side of a quarry screen bund until turning west to join the existing conveyor arrangement between the Low Lane Extension area and the processing facilities at Sands Farm, within Calne Quarry, where aggregate is processed, stored and transported off-site for sale using established HGV routes.
25. Prior to the installation of the conveyor, a 5m wide access road will be constructed from the public highway which leads to Freeth Farm, running in an easterly direction. Following this, an electrical substation and Portakabin will be installed. The electrical substation will be used to power the conveyor. The Portakabin will provide welfare

facilities for staff during the development, operation and restoration of the quarry and conveyor.

26. Plant Access, Fencing and Staff Parking Plan:



27. To erect and dismantle the conveyor bridge, a crane will be required to operate from within the agricultural field in which the conveyor is located. It is therefore proposed to construct a surfaced pad on which the crane can operate adjacent to the conveyor bridge crossing. This pad will be accessible via the 5m wide temporary access road.

28. Soils from the pad and temporary access road areas will be stripped and placed in a low bund. Limestone aggregate will then be used as a surface. The pad and access road will only be required for the installation and dismantling of the conveyor bridge. Once the conveyor bridge has been installed/dismantled the limestone aggregate will be immediately stripped and the soils replaced to allow the land to be re-used for agriculture.

### Environmental Impact Assessment

29. The application is accompanied by an Environmental Statement (ES) which reports the results of an Environmental Impact Assessment (EIA) which assesses, in combination, the environmental impact of the development proposals, i.e. the working programme proposed in the scheme of conditions and the proposed field conveyor.

30. The EIA, undertaken by independent specialist consultants, has examined the potential impacts of the development proposals and where necessary propose means

of mitigation. The mitigation measures have been carried forward into the development design.

31. The key environmental issues which have been assessed in the EIA are as follows:
  - Landscape and Visual Amenity;
  - Biodiversity;
  - Hydrology and Hydrogeology;
  - Noise and Dust;
  - Archaeology; and
  - Cumulative effects.
32. The ES has been updated in March 2020 where required and is a full resubmission of that submitted in May 2016, to address both revisions made to the development proposals and request from the Mineral Planning Authority for further information about potentials impacts.
33. The Environmental Impact Assessment Regulations require that before determining any EIA application, the local planning authority must take into consideration the information contained in the ES, any comments made by the consultation bodies, and any representations from members of the public about environmental issues.

#### **Statement of Community Involvement**

34. The Applicant has provided details of consultations with local community representatives prior to the submission of the applications. The Applicant operates a 'community liaison group' for Calne Quarry which includes representatives from the Parish Councils for Compton Bassett, Cherhill, Calne without Hilmarton and Heddington, plus Calne Town Council. The proposals were presented to this liaison group committee on 14 April 2016 and feedback sought from those who attended. It is advised that no comments were made about the field conveyor.

#### **Planning Policy**

35. The application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). The following Development Plan documents and policies are of relevance in this case:

Wiltshire and Swindon Minerals Core Strategy, 2009

MCS 7: Flooding

MCS 8: Living with Minerals Development – Protecting Residential Amenity

MCS 9: Strategic Approach to Managing Minerals Transportation

MCS 10: Strategic Approach to Restoration and After-use of Mineral Sites

Wiltshire and Swindon Minerals Development Control Policies Development Plan Document, 2009

MDC1: Key criteria for sustainable minerals development  
MDC2: Managing the impacts of 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  
MDC7: The historic environment  
MDC8: Sustainable transport and minerals development  
MDC9: Restoration, aftercare and after-use management of minerals development

Wiltshire Core Strategy, January 2015

- Core Policy 8: Calne Community Area;
- Core Policy 50: Biodiversity and geodiversity
- Core Policy 51: Landscape;
- Core Policy 55: Air Quality;
- Core Policy 58: Ensuring the conservation of the historic environment
- Core Policy 62: Development impacts on the Transport Network;
- Core Policy 65: Movement of Goods

Compton Bassett Neighbourhood Plan 2015 - 2030 (Made May 2016)

- CBNP Policy 3: Development that will result in severe impacts on highway safety will not be permitted.
- CBNP Policy 4: The protection and, where possible, enrichment of the habitats and biodiversity of Compton Bassett will be supported.
- CBNP Policy 7: Proposals for development should preserve the character of Compton Bassett, conservation area, historic buildings and historic rights of way.
- CBNP Policy 8: Development proposals which strengthen and support local economic activity will be supported.
- CBNP Policy 10: Development should conserve the landscape and scenic beauty to the AONB.

The National Planning Policy Framework and relevant planning practice guidance.

36. The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. Several paragraphs are relevant to this application:

Paragraph 2 - Status of the NPPF in decision making.

Paragraphs 7 to 11 (Sustainable development)

Paragraph 38 (Decision making)

Paragraphs 2, 47 & 48 (Determining applications)

Paragraphs 54 to 57 (Use of planning conditions and obligations)

Paragraph 98 (Public Rights of Way)  
Paragraphs 108 & 109 (Transport)  
Paragraphs 148, 155 to 165 (Climate change and flood risk)  
Paragraphs 170 to 177 (Conserving and enhancing the natural environment)  
Paragraphs 189 to 202 - (Conserving and enhancing the historic environment)  
Paragraphs 203 to 206 (Minerals)

37. The National Planning Practice Guidance (PPG) accompanies the NPPF providing guidance on its interpretation. Several paragraphs are relevant to this application:

Climate change; Environmental Impact Assessment; Flood risk and coastal change; Historic environment; Land stability; Minerals; Natural environment; Noise; Use of planning conditions.

### **Summary of consultation responses**

38. There have been 6 separate rounds (see paragraph 51 below) of consultations on the proposed development in response to initial and further submissions by the Applicant. The following summary represents the position of consultees following the outcome and conclusion of the consultation exercises and is not intended to be a full detailed description of all comments submitted during each of the consultations undertaken.

39. **Compton Bassett Parish Council** – objects to both applications, on the following grounds:

The extraction area is a recently designated SHINE Monument and extends to around 11 hectares close to 4 dwellings at Freeth Farm and around 1km from the majority of houses in Compton Bassett.

The revised applications have the same material deficiencies that were present in the previous similar applications that were not permitted by Wiltshire Council.

The revised applications are fundamentally flawed in that they have little social and commercial merit to the extent that they are open to legal challenge if consented.

The main objections are as follows:

1. The ROMP is now believed to be invalid and, in any event, it was originally granted subject to various planning conditions that have the effect of materially reducing the extent of the proposed area for sand extraction and rendering the present revised application invalid.
2. The sand extraction noise levels would exceed the statutory limits for normal operations.
3. The temporary operations activities (topsoil removal and bund formation) would be likely to exceed statutory noise limits and would last for significantly longer than the statutory limitation of 8 weeks per year.
4. The revised application proposes very large noise attenuation bunds (4m high x 19m wide) surrounding (or partly surrounding) Freeth Farm Cottages starting at a distance of 16m from their boundaries and being present for over 2 years.

These bunds are highly intrusive and cause a level of sensory deprivation which may be in breach of the Human Rights Act.

5. The Freeth Farm sand contains very fine silica quartz particles that are classified as a Grade 1 carcinogen and can be entrained in light winds and carried towards the nearby properties during bund construction and operation of the open conveyors for a period of 5-6 years.
6. The proposed Bridleway diversion route is wholly unsuitable and would be unsafe for horse riders as 1.2km of various top soil bunds have to be constructed next to the diverted route using noisy heavy machinery in close proximity; heavy machinery would also be working a short distance away in Phases 4, 5 and 6 for over 2 years; the proposed bridleway diverted route would run alongside an open conveyor for 800m and be crossed by an overhead open conveyor for a period of 5-6 years.
7. The applicant admits that the site is barely economic and there are additional issues that make this a wholly unsuitable site for the extraction of such a small quantity of sand. The site is adjacent to a Scheduled Monument that will require long term protection and an archaeological protection scheme has to be implemented during the period of sand extraction together with special measures to protect the local wild life that includes great crested newts, badgers, bats and nesting birds.

Overall, the small amount of sand is simply not needed, especially at such a high cost to the environment and local society, so the conditions implied by the applicant's submissions are not environmentally reasonable and are not best practice to the extent that this application is unacceptable to the local community, unlawful and open to legal challenge.

Finally, as there have been over 600 letters of objection to date, it is requested that any strategic planning meeting convened to consider this application be held in public. The applicant has submitted 108 technical documents and there a number of highly contentious and legal issues to be discussed. It would be undemocratic for such complex issues to be decided either in private or via internet technology.

40. **Environment Agency** – No objection to the proposed construction of a quarry field conveyor.
41. **Historic England** – do not wish to offer any comments on this application for planning permission.
42. **Natural England** – no objections. Advises that as the site is close to North Wessex Downs AONB the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal, including consultation with the relevant AONB Partnership or Conservation Board. The planning authority should apply Natural England published Standing Advice on protected species.
43. **North Wessex Downs AONB Partnership** – no comments received.

44. **Wiltshire Council Archaeology** – Support subject to conditions. Advises the main extraction site has high archaeological potential and archaeological excavation has been required/secured by condition. Where the conveyor mechanism will have any ground impact within the site, the archaeological work will need to be carried out in advance of work starting on the construction of the conveyor.
45. **Wiltshire Council Environmental Health Officer** – no objections; advises that the Dust Management Plan could be attached to the applications via condition.
46. **Wiltshire Council Landscape Officer** – no comments on this application.
47. **Wiltshire Council Ecologist** – no comments on this application.
48. **Wiltshire Council Highways Officer** – no highway objection. All extracted material will be removed by conveyor; as this includes a new structure over the highway the applicant should be advised that details of the structure will need to be submitted to, and approved by, the Local Highway Authority prior to the commencement of work.
49. **Wiltshire Council Rights of Way Officer** – no comments on this application.

## Publicity

50. The applications were publicised by Newspaper notice, Site notice, Neighbour notification, Publication to the Council's website and Weekly lists of applications, and notification to the Town and Parish Councils in the locality. As noted above, the application has been the subject of six separate periods of consultation in response to initial and further submissions by the Applicant.
51. **428** individuals have made representations (totalling 639 comments), some commenting on each round and some commenting on certain submissions only. The following table provides a breakdown of the number of objections received to each submission/round of publicity etc:

Version / Consultation round		Number of objections received
1	May/June 2016 – V1 original submission	326
2	Dec 2016/Jan 2017 - Response to Reg 22, noise.	71
3	Sept 2017 - V3 proposals - Straw Bales.	77
4	April 2018 - V4 proposals - 3.0m high soil bunds	89
5	May 2019 - Publicity of noise review commissioned by the Council and Applicant's response	14
6	April 2020 - V5 proposals - 4.0m high soil bunds	62

52. The following is a summary of the planning issues raised and is not intended to be a full detailed description of all comments submitted during each of the consultations undertaken:

- The proposed sand extraction is not needed - contrary to the Wiltshire and Swindon Minerals Plan;
- Inadequate separation distances - best practice requires a distance of 200-250m as applied in other counties. The distance of the proposed workings to homes is unacceptably close, children will be subjected to excessively high levels of noise, vibration and dust for up to 6 years. Freeth Farm Cottages being almost completely surrounded by 4m high x 19m wide noise attenuation bunds for more than two years is unacceptable. These bunds are highly intrusive and cause a level of sensory deprivation which may be in breach of the Human Rights Act;
- Inadequate provision of bunds and fencing – the site is within 1km of Compton Bassett and the proposed bunds will not mitigate noise due to slope of the ground;
- Loss of public footpaths, bridleway and private rights of way – the proposed re-route of the rights of way is unworkable as route known to become too boggy. Footpath should not be lost as runs along an ancient hedgerow. Freeth is a quiet place with beautiful surroundings which will be destroyed, and loud noises and large machinery will disturb cycle rides and spook ponies. The proposed Bridleway diversion route is wholly unsuitable and would be unsafe for horse riders. The ROMP regime should not, however, be used to effectively render this Freeth Farm area a “no go” area for equestrian use over the life of the development;
- Loss of agricultural land – permanent loss of Grade 2 land will result from reduced land height, high water table and underlying clay;
- Public nuisance and health risk – dust blow from the conveyor is a potential health risk. The Freeth Farm sand is a Grade 1 carcinogen and can be entrained in light winds and carried towards the nearby properties;
- Damage to local business – Compton Bassett has a number of sensitive dust receptors and the application will damage the health of local businesses;
- Noise nuisance – pumping to reduce water table to extract sand will cause noise nuisance and harm particularly overnight to Compton Bassett residents. The sand extraction noise levels would exceed the statutory limits for normal operations. The temporary operations activities (topsoil removal and bund formation) would be likely to exceed statutory noise limits and would last for significantly longer than the statutory limitation of 8 weeks per year. The application falls short of statutory noise limits, more investigation should be undertaken. Hill’s proposed noise monitoring scheme is ludicrous, measuring just 4 times a year would be entirely ineffective;

- Loss of Visual Amenity – the site is highly visible from Compton Bassett, the Conservation Area, the AONB and Cherhill Down and amenity of adjacent properties will be restricted by high bunds and will obscure landscape views;
- Permanent damage to Scheduled Ancient Monument – the site impinges on a scheduled monument and mitigation measures are incorrectly sized. Appropriately sized measures will be required on perpetuity;
- Permanent destruction of nationally important archaeology - the extraction area is a recently designated SHINE Monument. The geophysical survey results suggest more extensive and complex archaeological remains exist within the area and ideally they would be preserved rather than destroyed. The area of the proposed quarry is part of a nationally important large Saxon settlement and that the bridleway protected by the conditions in the original planning permission is a Saxon road running through the settlement;
- Permanent damage to local hydrology – extraction will cause adverse effects on local hydrology and likely to undermine the foundations of adjacent properties;
- Increase flood risk – extraction is likely to increase flood risk in the adjacent FRZ3 area and low-lying farmland;
- Permanent damage to local ecology – extraction would cause loss of ancient hedgerows and a parcel of ancient woodland, removal of ponds and loss of habitat for newts and badgers and disturbance of farmland birds. Potential impact on adjacent Wiltshire Wildlife Trust Reserve has not been assessed.
- The very limited social and commercial benefit of extracting small amount of low-grade sand is overwhelmingly outweighed by the damage to local amenity, businesses, ecology, scheduled ancient monument and archaeology, as well as noise nuisance and risks to public health;
- The ROMP is believed to be invalid and, in any event, it was originally granted subject to various planning conditions that have the effect of materially reducing the extent of the proposed area for sand extraction and rendering the present revised application invalid;
- The Applicant's argument that statutory noise limits should be waived by the Mineral Planning Authority (MPA), appears to imply that the MPA might be held responsible for rendering the development uneconomic, is not right;
- The proposed removal of the 1956 Condition (g) to increase the excavation area would have the effect of materially changing the scope and extent of the authorised development - this would be potentially unlawful in the same way that Section 73 of the TCPA 1990 cannot be used to increase the scope of a permitted development. There is no extant permission to extract sand from the CDAS5 Bridleway area. Current planning law does not allow the Applicant to make a

material change to increasing the consented excavation area simply to increase the financial benefit that will accrue.

53. **James Gray MP** – shares the concerns expressed by constituents about the applications for this development.

### **Planning Considerations**

54. 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.

### Principle of development

55. A Review of Mineral Planning Permissions (ROMP) application, has been submitted for Freeth Farm Quarry for the approval of appropriate conditions to work this site. It is not proposed to process the mineral, ready for sale, on site, but instead transport the mineral to the existing processing facilities at the Sands Farm area within Calne Quarry. To avoid the need to transport the mineral by road, planning permission is sought to install and operate a field conveyor between Freeth Farm Quarry and Calne Quarry.
56. Policy MCS 9 of the Minerals Core Strategy states that ultra-short transfer of minerals by conveyor either within or between sites will be encouraged. The Policy recognises that numerous short distance road trips within sites or to other nearby sites for processing etc can have serious localised impacts in terms of dust, noise and air quality.
57. The ES which accompanies the does not identify any adverse impacts that should prevent the conveyor being installed. Indeed, the use of conveyors instead of dump trucks forms part of the package of mitigation measures that avoid or reduce the impacts associated with the mineral development.
58. The conveyor will allow the mineral to be transported to the Sands Farm complex without HGVs having to pass through Calne town centre on the A4, a part of which is designated as an Air Quality Management Area (AQMA). Members will recall that at its 20 June 2018 meeting the Committee approved a suite of five applications for the Lower Compton and Sands Farm minerals and waste management complex that enable all HGV movements to access and exit the complex without having to travel through Calne town centre and the AQMA. These HGV routeing arrangements are controlled by a S106 Traffic Management Plan. The proposed conveyor arrangement to transfer mineral to the Sands Farm site for processing and onward sale using established HGV routes is therefore considered acceptable in principle.

## Noise

59. The Applicant has carried out a Noise Impact Assessment (NIA) which considers the likely noise, and the resulting impact, from the proposed mineral extraction and conveying operations to the processing plant site and restoration activities, and the means by which these impacts may be minimised. As noise is a complex technical issue, and given the concerns raised about earlier submissions, officers have obtained external expert assistance from Noise and Vibration Control Specialists to assist with applying relevant noise policy and standards.
60. The NIA concludes that use of an electric conveyor instead of HGVs and dump trucks, provides the best available method of transporting the mineral off site to reduce operational noise. In addition to the proposed use of an electric driven conveyor, other measures to be employed to help ameliorate and reduce any noise impacts associated with the development include adherence to restricted working hours, maintenance of plant in accordance with manufacturer recommendations and the use of low tonal or white noise reversing beepers on plant. Noise levels would be monitored in accordance an Environmental Noise Scheme. This sets out the procedure to be adopted and outlines the measures to be taken in order to identify, mitigate, control and monitor the impact of from the site. Implementation of this Scheme and other measures can be secured by condition. No objections or other issues associated with noise have been raised about the use of a conveyor by the Environmental Health Officer or the Noise and Vibration Control Specialists. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC2 of the Minerals Development Control Polices DPD.

## Dust

61. The ES includes an assessment of the potential for dust impacts associated with the operation of Freeth Farm Quarry, including the potential sources of dust emissions; the potential for air quality and dust impacts at receptor locations; and, where necessary, mitigation measures.
62. PPG sets out advice on how mineral operators should seek to minimise dust emissions. Policy MDC2 of the Minerals Development Control Policies DPD requires proposals for mineral extraction to be accompanied by an assessment of dust impact, with any mitigation requirements defined and submitted as part of the development proposal. The dust assessment study provided in the ES has been prepared by an independent environmental consultancy specialising in the assessment of air quality, dust and odour and reviewed by the Public Protection/Environmental Health Officer.
63. The assessment reports that the field conveyor will transport the damp extracted sand and is therefore not identified as a significant source of particulate matter. Due to the dampness of the sand, it is not necessary to enclose the conveyer to the processing plant. The conveyor crossing over the track leading to Freeth Farm will be fully enclosed with spill protection installed to ensure no debris could fall onto any users of the track. The conveyor will be subject to regular maintenance and a cleaning programme that includes the removal of the build-up of deposits which, if left

unmanaged, could create dust. These dust controls are also set out in a Dust Management Plan and its implementation can be secured by condition. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC2 of the Minerals Development Control Policies DPD.

### Landscape and Visual Impact

64. A Landscape and Visual Impact Assessment (LVIA) has been undertaken for both the application for the approval of appropriate conditions and full planning application for the construction of a quarry field conveyor to Calne Quarry. The Landscape Officer has reviewed the ES and has no objections to the application.
65. The site is not located within an Area of Outstanding Natural Beauty (AONB), although the boundary of the North Wessex Downs AONB extends along the main road through Compton Bassett and is located approximately 700m to the east and 560m to the south of the extraction area. In addition, the AONB boundary is very close to the conveyor route as it heads south on the western side of the north to south oriented section of road to the west of Compton Bassett
66. Potential Key Effects on Landscape Receptors:  
The LVIA finds that while the works themselves would clearly affect the features across the land and its character to a significant degree during the operational period, this is only temporary and the restoration scheme would, following aftercare and a period of maturation, successfully integrate the site back into the surrounding countryside.
67. Potential Key Effects on Visual Amenity:  
For the temporary Extraction and Progressive Restoration stage, the LVIA records that:

*Significant effects would be likely to occur to visual receptors represented by eight viewpoints in close proximity to the Site, including residents at Freeth Farm, associated properties and Freeth Farm Cottages, as well as PRow users. However, for these receptors, significant effects would only occur during the temporary, short term initial soil stripping and bund construction works or later works to relocate bunds (for example, between Phases 4 and 5) or to recover the bunds for use in restoration. Once constructed and seeded to grass the presence of these mitigating features in the landscape would be less visually disruptive than the extraction and restoration works they would screen, so for the majority of time throughout the working phases, effects on visual amenity would be notable but not significant.*

*The revised phased working scheme would result in Freeth Farm Cottages being entirely enclosed by 4m high bunds only during Phase 6, rather than Phases 5, 6 and 7 as set out in the previous working scheme. This change has been incorporated in response to concerns from the Cottage residents and would improve the visual amenity for residents throughout the duration of the extraction and progressive restoration operations.*

*In terms of other residential properties, it is considered that there would not be any significant visual effects on any residents within Compton Bassett or from any location within the North Wessex Downs AONB, partially due to the distance of these receptors from the extraction area, which ranges from approximately 700m to over 1km.*

*In terms of visual effects on PRow users, there would again be temporary, short term significant effects caused by soil stripping and bund construction that would last a number of weeks. However, following this, effects would reduce to a non-significant level, as the grassed bunds themselves would screen more visually disruptive extraction operations beyond. Some views towards the AONB (wooded scarp slope) from PRow in close proximity to the site would be adversely affected by the presence of the bunds, although these effects would be transient, temporary and would affect only limited sections of the PRow routes.*

68. Mitigating Potential Landscape and Visual Effects:

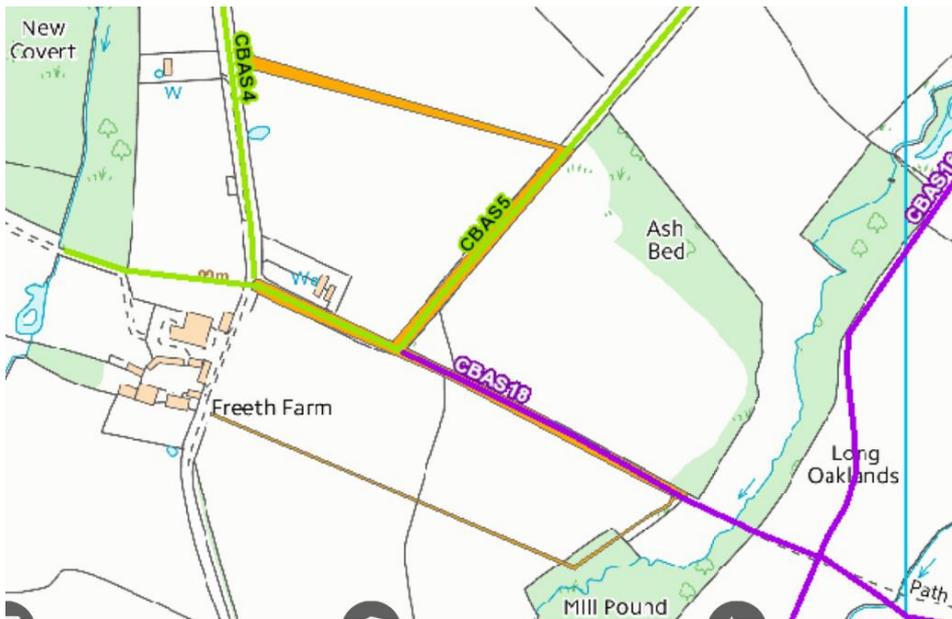
The LVIA sets out the number of measures included in the working scheme and restoration design proposals to reduce or compensate for unavoidable effects on landscape and/or visual receptors. With respect to the Conveyor Application these include:

- The bunds positioned where they best offer mitigation to views from residential properties and/or Public Rights of Way (PRow);
- PRows shall be temporarily diverted, as required;
- The conveyor road crossing bridge clad and painted a green colour to improve its visual appearance;
- Reinstatement of all agricultural land and hedgerows to their pre-development patterns and grade.

69. These measures can be secured by suitably worded conditions. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policies MDC1, MDC 2 and MDC5 of the Minerals Development Control Policies DPD.

### Public Rights of Way

70. The Freeth Farm Mineral Site is accessed from a single-track road running northwards from the Lower Compton to Compton Bassett road, and terminating at the south-western boundary of the permission area, currently used to access Freeth Farm and associated buildings. Public Right of Way (PRow) CBAS4 (bridleway) continues northwards along the western boundary of the Site. A further PRow, CBAS5 (bridleway) runs along a track eastward across the Site and then turns north-eastwards, extending through the northern section of the Site. From the point where it meets PRow CBAS5, PRow CBAS18 (footpath) continues eastwards along a field boundary through the Site to Ash Bed wood and then further eastwards towards Compton Bassett.



71. The Working Scheme submitted under the ROMP Application proposes the temporary diversion, rather than the stopping-up, of the two PRoWs until mineral extraction and restoration have ceased and an application to achieve this diversion has been submitted to the Council separately to the ROMP Application. The existing path to the west of the Site (known as CBAS18) will be diverted along the southern boundary of the Site [shown on plan above as the brown line] and the existing path (known as CBAS5) through the middle of the Site will be diverted along the northern boundary of the Site [shown on plan above as the orange line].
72. Concerns have been raised that the proposed conveyor arrangement will cause noise and visual disturbance to horse and riders. The ES does not identify any likely adverse impacts in this respect. A similar conveyor system operates at Calne Quarry (permission ref N/10/03280/WCM - conveyor to link Low Lane and Old Camp Farm mineral extraction to Sands Farm Quarry and retention of processing plant), which includes rights of way/Sustrans National Cycle route users passing alongside and under a conveyor, and officers are not aware of any problems. As noted above, the use of conveyors avoids the use of HGVs travelling to and from the track leading to Freeth Farm and along local roads, which was the intended arrangement under the extant 1956 permission. As noted in paragraph 56 above, Policy MCS 9 of the Minerals Core Strategy encourages the use of conveyors over quarry dump trucks for ultra-short transfer of minerals between sites, to avoid impacts in terms of noise and dust. The conveyor crossing over the track leading to Freeth Farm will be fully enclosed with spill protection installed to ensure no debris could fall onto any users of the track. Its erection will also require a licence from the Local Highway Authority. No objections have been raised by either the Highway Authority or the Rights of Way Officer to the use of a conveyor. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC8 of the Minerals Development Control Policies DPD.

## Archaeology & Cultural Heritage

73. The ES includes a Cultural Heritage Impact Assessment which provides an assessment of the potential impacts of the working and restoration phases of the proposed development on the known historic environment resource including individual heritage assets and their settings. The scope of investigations and mitigation strategy for the scheme was defined in consultation with Historic England and the County Archaeologist.
74. The Assessment does not identify any impacts likely to arise as a result of the installation and operation of the conveyor between Freeth Farm Quarry and Calne Quarry. However, the County Archaeologist advises that the main extraction site has high archaeological potential and so where the conveyor mechanism will have any ground impact within the site, the archaeological work will need to be carried out in advance of work starting on the construction of the conveyor. This programme of archaeological recording can be secured by standard condition. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC7 of the Minerals Development Control Policies DPD.

## Hydrology and Hydrogeology

75. The ES includes an assessment of the impact of the proposed development on hydrology and hydrogeology, including flood risk. The ES demonstrates that the proposed development has a minimal potential to cause negative impact in the locality, subject to the adoption of mitigation measures. The mitigation to be adopted, relevant to the conveyor, is as follows:
- Compliance with existing guidance and legislation concerning fluids handling for the protection of groundwater quality from potential accidental spillages / long-term leakage; and
  - Conveyor elevated 1.5m above the flood zone / ditch to the south of the site. [This design specification will be subject to a separate Land Drainage Consent Application].
76. These measures can be secured by suitably worded conditions. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC3 of the Minerals Development Control Policies DPD.

## Ecology

77. An assessment of the ecological impacts is included in the ES. This reports that the extraction area is located within or part of four arable fields, which are ploughed hard up to the field edge. The route of the conveyor belt corridor passes through part of one field before crossing a grassland pasture field. Where required, sections of hedgerows will be removed to accommodate its route.

78. The ES assesses the proposed scheme to have some potential negative impacts associated with the loss of some woodland and hedgerow habitat, and the potential to cause death, injury or disturbance to badgers, other notable mammals, breeding birds, and individual/very low numbers of great crested newt and grass snake. Accordingly, the ES sets out relevant mitigation measures to protect these species. For the conveyor, the removal of habitats in which birds could nest will be conducted outside of the bird breeding season or after an ecologist has conducted a pre-works inspection to determine the presence of nesting / breeding birds.
79. The Council's Ecologist is satisfied that surveys have been carried out to the agreed scope and that suitable mitigation measures have been proposed. A requirement for the development to be carried out in accordance with the specific 'Ecological Mitigation and Enhancement Strategy' presented in the ES can be secured by suitable condition. It is therefore considered that this potential impact has been satisfactorily considered in line with the requirements of Policy MDC1 and Policy MDC6 of the Minerals Development Control Policies DPD.

## **CONCLUSION**

80. This is an application for the construction of a quarry field conveyor to transport excavated soft sand from Freeth Farm Quarry to the existing processing plant at Sands Farm Quarry. The application has been assessed in relation to its potential environmental impacts and found to be acceptable in terms of relevant Development Plan policies relating to impacts from noise and dust, landscape and visual amenity, rights of way users, heritage assets, the water environment and ecology, subject to the imposition of conditions.
81. The Development Plan encourages the use of conveyors in place of quarry dump trucks for ultra-short transfer of minerals between sites and their use at this site also addresses a local concern relating to HGV traffic passing through Calne town centre, a part of which is designated as an Air Quality Management Area. Accordingly, it is considered that the development is in accordance with the Development Plan and that there are no overriding material considerations to justify that permission should be refused.

## **RECOMMENDATION**

82. Having taken into consideration the environmental information, it is recommended that planning permission be GRANTED subject to the following conditions: -
1. The development hereby permitted shall be begun within 3 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 requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The use of the development hereby permitted shall cease no later than the expiration of 6 years from the date of commencement of the operations to extract sand from Freeth Farm Quarry. The site shall then be cleared of any buildings, plant, machinery or materials associated with the use within 12 months of the cessation date and the site shall be fully restored in accordance with a scheme to be first approved in writing by the Mineral Planning Authority.

REASON: To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale.

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

639-01-16 dated Nov 2015: Proposed Conveyor Route Site Location Plan  
639-01-17 dated Jan 2016: Proposed Conveyor Route Topographical Survey  
639-01-18 dated Jan 2016: Proposed Conveyor Route  
639-01-19A dated 2 February 2016: Proposed Conveyor Bridge - General Plan Details  
639-01-20 dated Jan 2016: Conveyor Bridge Elevations and Sections  
639-01-23 dated Jan 2020: Plant Access, Fencing & Staff Parking Plan

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

4. No development shall take place until details of the materials to be used for the external appearance of the conveyor road crossing bridge have been submitted to and approved in writing by the Mineral Planning Authority. The details shall include the materials, colours and finishes to be used. The development shall be implemented in accordance with the approved details.

REASON: In the interest of the amenity of the local area

5. No development shall commence within the development area indicated until:
  - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

6. Operation of the development hereby permitted shall only be carried out during the following times:

08:00 to 17:00 hours Monday to Friday

and at no other times or on Saturdays, Sundays, Bank or Public Holidays.

No routine servicing, maintenance or testing of vehicles and machinery shall take place outside the permitted hours.

REASON: To minimise the impact of development upon properties and the local environment.

8. Noise levels shall be monitored and managed from the date of the commencement of development in accordance with the Environmental Noise Scheme reference aecl/hqp/freeth farm/ens/01/20/v2 dated 24 March 2020 prepared by K. Gough.

REASON: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations

9. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times

REASON: To minimise the impact of development upon properties and the local environment.

10. No reversing beepers or other means of warning of reversing vehicles shall be fixed to, or used on, any mobile site plant other than white noise alarms or similar or audible alarms whose noise levels adjust automatically to surrounding noise levels.

REASON: To minimise the impact of development upon properties and the local environment.

11. The Dust Management Plan Version 1 produced by Land & Mineral Management dated May 2016 shall be implemented from the commencement of development and shall be complied with at all times

REASON: To minimise the impact of development upon properties and the local environment.

12. The development shall be carried out in strict accordance with all recommendations and procedures set out in the Ecological 'Mitigation and Enhancement Strategy' presented in section 5.6 of Chapter 5 of the Environmental Statement dated February 2020.

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

13. The removal of trees or hedgerows shall only take place between the end of August and the beginning of March or following a search by a qualified ecologist for active birds' nests

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

14. No floodlighting, security lighting or other external means of illumination shall be provided, installed or operated at the site.

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

15. Fluids will be handled in accordance with the protocol referred to in Paragraph 6.5.3.3.5 of Environmental Statement Chapter 6 Hydrology and Hydrogeology (including Flood Risk) dated May 2016.

REASON: To minimise the impact of development upon the water environment.