

WILTSHIRE COUNCIL

REPORT TO THE STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

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

1. Purpose of Report

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

2. Main Issues

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

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

3. Site Description

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

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

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

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

4. Relevant Planning History

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

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

5. Proposal

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

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

The proposal involves the installation of a new purpose built road access onto Brookleaze, at a point opposite the junction with Rough Street. The existing agricultural access would be closed. The first 30 metres of surfacing to the access would be carried out in a consolidated surface material of either tarmac or concrete. Additional planting would be carried out

immediately adjacent to the new access and along part of the route of the haul road to its west side where it crosses the northernmost field.

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

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

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

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

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

Environmental Impact Assessment Regulations

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

6. Planning Policy

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

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

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

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

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

7. Consultations

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

Atworth Parish Council - No objection to access.

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

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

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

Natural England - No objection

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

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

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

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

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

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

8. Publicity

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

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

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

- Light pollution
- Impact on the environment
- Archaeological disruption

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

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

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

9. Planning Considerations

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

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

Impact on Highway Safety and the Transport Network

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

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

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

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

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

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

Impact on Residential Amenity

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

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

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

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

Impact on Character of the Area and Landscape

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

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

A duly updated LVIA was subsequently submitted that provided detailed drawings of the route of the access track and location of the mine access area. The details also included

details of landscaping and areas that would serve as conservation headlands. The updated LVIA also included details of mitigation to be provided along the more exposed sections at the northern end of the haul road, and an explanation of how the small mounds would be formed beside the access track.

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

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

Impact on Ecology

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

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

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

Impact on Public Rights of Way

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

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

Impact on the Historic Environment

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

Impact on Water Environment

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

Recommendation

Approve

For the following reason(s):

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

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

Subject to the following condition(s):

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

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

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

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

Plan Ref: 921/PL5 Dated December 2011

Plan Ref: 921/PL6 Dated December 2011

Plan Ref: 921/PL7 Dated December 2011

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

Reason: In the interest of amenity.

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

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

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

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

7. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10% or 25% of the total volume that could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. Associated pipe work should be above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in strict accordance with plans approved by the Mineral Planning Authority prior to the first use of the development.

Reason: To prevent pollution of the water environment.

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

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

Reason: In the interests of amenity.

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

Reason: In the interests of highway safety.

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

12. The access roadway and all other areas within the surface stacking area, which are used by vehicles shall be watered or treated with an approved dust laying agent at such intervals as may be necessary to prevent the raising of dust from those areas.

Reason: To safeguard the amenities of local residents.

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

13. No stockpile of stone within the storage yard/stacking area shall exceed 2 metres in height.

Reason: To ensure stockpiles do not exceed the height of perimeter bunds in order to safeguard the visual amenities of the local area.

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

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

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

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

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

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

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

16. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with, and use, effective silencers.

Reason: To safeguard the amenity of the area.

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

17. No processing of stone may take place on site at any time.

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

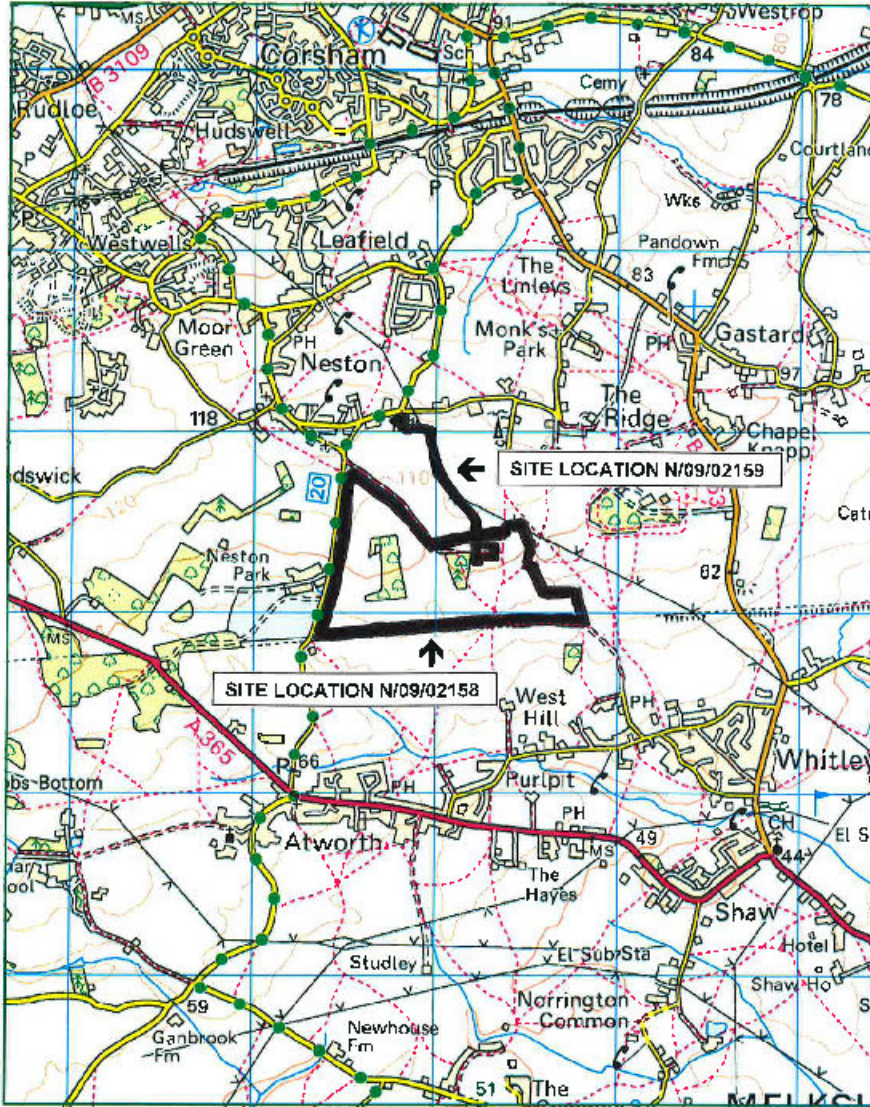
Policy: MDC2 and MDC5 of the Wiltshire and Swindon Minerals Development Control Policies Development Plan Document.

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

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

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

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



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