

County Matter: Minerals

East Devon District: Variation of Conditions 1 and 4 of Permission DCC/3003/2010 to permit the importation of as-dug sand and gravel from Houndaller (Hillhead) Quarry for processing at Blackhill Quarry, Woodbury

Applicant: Aggregate Industries UK Ltd

Application No: 16/0630/CM

Date application received by Devon County Council: 30 October 2015

Report of the Head of Planning, Transportation and Environment

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that planning permission is granted in accordance with the conditions set out in Appendix II to this report and the variations to the Section 106 agreement as set out in Appendix III to this report (with any subsequent changes to the conditions or legal agreement being agreed in consultation with the Chairman and Local Member).

1. Summary

- 1.1 This Report relates to a planning application that seeks to amend conditions specifying the source of material to be imported to the existing processing plant, at Blackhill Quarry for the remainder of the life of the current permission which expires in December 2016.
- 1.2 The application is to enable the applicant, Aggregate Industries, (AI) to import sand and gravel from Houndaller (Hillhead) Quarry near Uffculme for the remainder of the life of the existing permission (to 31 December 2016); using the M5/A3052/B3180 route (shown on Plan 3 attached to this Report).
- 1.3 It is considered that the main material issues in the consideration of this application are whether the nature of the imported material would have significant environmental effects on the adjacent protected sites, the impact of the development on the Area of Outstanding Natural Beauty (AONB) having regard to whether the proposal is a “major” development, and the traffic and sustainability implications of hauling material to Blackhill Quarry from Houndaller (Hillhead) at Uffculme.

2. The Proposal/Background

- 2.1 Blackhill Quarry located as shown on Plan 1 lies wholly within the East Devon AONB and lies just outside the boundary of the East Devon Pebblebed Heaths which are designated as Special Area of Conservation (SAC) and Special Protection Area (SPA). They are also a Site of Special Scientific Interest (SSSI).
- 2.2 The main quarry permission was granted in 1972 although it had been worked since the 1950s. A further consent was granted in 2002 to work an area known as Thorn Tree Plantation to replace an area of the original quarry that was located within the European Protected site where the permission was modified to prevent further

working. The quarry worked the Budleigh Salterton Pebble beds which in the Blackhill area consist of large quartzite pebbles interbedded with sand. The processing of the material produces a number of products including crushed pebbles which have a high polished stone value (PSV) and are used in road surfacing. The processing plant was originally installed as “permitted development” and the existing plant was erected in 2002. Due to the hardness of the pebbles the processing plant is more akin to a hard rock quarry operation than the normal screens used for wet working and grading of sand and gravel. The plant can grade many different types of material and therefore there has historically been a large stockpiling capacity to meet the demand for different types of product.

- 2.3 In 2008 an application was made to use the Blackhill plant for the processing of quarried material arising from Marshbroadmoor Quarry. This permission expired in 2009. In February 2010 a further application was made to allow for the retention of quarry processing plant and the importation and processing of sand and gravel from Marshbroadmoor (10.5km by road to the north at Rockbeare) and additional sand gravel from Venn Ottery Quarry (8.5 km by road to the north). This permission was accompanied by a legal agreement requiring a highway improvement at the Halfway House junction on the A3052; requirement to repair any damage to the county highway on the minor road leading to the quarry; and implementation and operation of a haulage statement. The planning permission for the use of the Blackhill plant for the processing of mineral arising from Marshbroadmoor Quarry and Venn Ottery Quarry expires on 31 December 2016.
- 2.4 The reserves at Marshbroadmoor were exhausted in 2014 and the site is in restoration. This application seeks to amend the condition which specifies the source of material to this site to enable them to supplement the remaining Venn Ottery reserves (estimated to be 100,000 tonnes) with 40,000 tonnes of “as dug” material from Hillhead.
- 2.5 The extraction of material at Blackhill Quarry was completed in the summer of 2015 leaving only the silt lagoons, stocking areas and processing plant operational. The operator has since relied on the importation of material from Venn Ottery quarry, with the materials being stockpiled on the site and mixed to create varying grades of product for sale principally within the East Devon market.

3. Consultation Responses

- 3.1 East Devon District Council (Planning): No objection (although they attach a letter of objection from a local Councillor).
- 3.2 East Devon District Council (Environmental Health): No objection.
- 3.3 Historic England: No comment – should be determined in accordance with NPPF.
- 3.4 Environment Agency: No comment.
- 3.5 Natural England: No objection, following confirmation that the importation of material would have no significant effect on the SAC.
- 3.6 RSPB: Consulted on 11 March 2016 – no comments received.
- 3.7 Devon Wildlife Trust: Consulted on 11 March 2016 – no comments received.

- 3.8 Woodbury Parish Council: Object to the proposal due to the likelihood of increased HGV movements through Woodbury village.
- 3.9 Colaton Raleigh Parish Council: Consulted on 11 March 2016 – no comments received.
- 3.10 Aylesbeare Parish Council: Object as it would mean a serious continuing lorry nuisance for a further 5 years (*sic*) The Halfway House Inn junction is already a “hot spot” for queueing traffic and the B3180 is suffering from constant heavy traffic.
- 3.11 East Devon AONB: Any newly imported materials should pass all necessary compatibility checks with Natural England and should not compromise the long term site restoration requirements. Processing should not lead to an exceedance of existing traffic levels and should not extend beyond December 2016.
- 3.12 Uffculme Parish Council: Raise concerns about traffic impacts at the source quarry. The County Council has asked for a haulage statement and agreement similar to that applying to the source quarries at Venn Ottery and Marsh Broadmoor to control traffic impacts at Hillhead to within normal industrial operating hours.
- 3.13 Exeter Airport Safeguarding: No objection.
- 3.14 CPRE (East Devon Group): object to the proposal on the grounds of:
- The approved restoration scheme is based on the estimated silt arising from Marshbroadmoor and Venn Ottery and so as more material than expected has been removed from Venn Ottery it is difficult to accept that additional material is now needed to complete the restoration.
 - The applicant has not demonstrated “exceptional circumstances” and there are significant environmental concerns about transportation for over 50 miles from Hillhead and the likely pollution. Processing should take place on site at Hillhead as the proposal does not comply with Policies MP42 and MP52 of the Devon Minerals Local Plan or the emerging minerals plan which requires that the distances minerals are transported by road are minimised.
 - Concerns about the impact on the B3180 from Halfway House to Blackhill and on the road through Woodbury Village.
- 3.15 Exmouth Civic Society: Objection as the road systems surrounding the works at Blackhill are unsuited to the volume of traffic proposed and the continuation of these activities in the AONB is inappropriate. The existing works cause light pollution in a sensitive area.

4. Advertisement/Representations

- 4.1 The application has been advertised in accordance with the statutory publicity arrangements by means of a site notice, and notification of neighbours and objectors to the previous withdrawn application at Blackhill Quarry by letter. As a result of these procedures 21 letters of representation have been received
- 4.2 The representations are objections based on a number of concerns including: continuation of HGV movements through Woodbury village (and consequent highway safety concerns due to lack of footpaths etc.) especially given the amount of new development proposed; unsustainable to transport material from Houndaller (Hillhead); HGV traffic on unsuitable roads already causing damage to the roads and

verges and leaving mud on the roads; HGV speeds dangerous to cyclists and pedestrians; HGV traffic continuing through sensitive areas; additional congestion at halfway House Junction caused by right turning lorries; processing should take place at Houndaller (Hillhead); Blackhill should be winding down to closure at end of 2016, not continuing with peak working – extensions have already been granted and no further extensions should be accepted; extension of life of the plant contrary to AONB policy; no exceptional circumstances demonstrated to justify departure from AONB policy; no alternatives proposed; potential damage to the SAC/SPA/SSSI from importation of material from elsewhere; loss of tourism revenue due to perception of industrial area; application should have had an Environmental Statement; chemical levels in imported materials unsuitable for restoration; proposal will not enable the remaining silt lagoons to be completed.

- 4.3 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3840/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3816/2015>

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as Mineral Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan policies are summarised in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.
- 5.2 National guidance additionally states that planning authorities should have regard to management plans for Areas of Outstanding Natural Beauty in taking decisions on planning applications and that these documents may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.
- 5.3 The AONB Management Plan observes that the tranquillity of the AONB is gradually being eroded through increased traffic, air transport, light pollution and built development and that there is a continuing need for the sensitive restoration and aftercare arrangements for mineral sites. The views of the AONB service on the proposal are reported above in Section 4.

6. Comments/Issues

- 6.1 It is considered that the main material issues in the consideration of this application are whether the nature of the imported material would have significant environmental effects on the adjacent protected sites, the impact of the development on the Area of Outstanding Natural Beauty (AONB) having regard to whether the proposal is a “major” development, and the traffic and sustainability implications of hauling material to Blackhill Quarry from Houndaller (Hillhead) at Uffculme.

Impact on Protected Sites

- 6.2 The initial advice from Natural England was that there was insufficient information on the likelihood of “significant effects” on the adjacent East Devon Pebblebed Heaths SPA/SAC. This was based on the uncertainty of the impact on the protected sites from the importation of materials from outside the immediate quarry area.

- 6.3 A technical note was provided on the likely nutrient content of the material to be imported and the likelihood of subsequent chemicals or elements that could be included in runoff from the site. It concludes that there is no nutrient in the leachate from the imported material and that therefore it would not be possible to have an adverse impact on the adjacent protected sites from any groundwater connection from the settlement lagoons.
- 6.4 Natural England has now confirmed that it is satisfied that the proposed activity does not present a significant risk over and above how the quarry has operated to date. The proposal has been screened for likely significant effects on European protected sites as required by the Conservation of Species and Habitats Regulations 2010 and it is concluded the proposal would have no likely significant effects on the adjacent East Devon Pebblebed Heaths Special Area of Conservation (SAC). The Habitats Regulation screening assessment is attached as Appendix V to this Report.

Development within the AONB

- 6.5 The site is located wholly within the East Devon Area of Outstanding Natural Beauty and the statutory purpose of AONB designation is to conserve and enhance the natural beauty of the area.
- 6.6 A number of representations have made reference to Paragraph 116 of the National Planning Policy Framework which states that:

“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

Although Government guidance categorises all mineral development as “major”, it is questionable whether the temporary continuation of the status quo is truly a major development in terms of its impact. However, the applicant has provided commentary on the three Exceptional Circumstances Tests set out in the guidance which are:

- ***need for the development:***

The applicant contends that the proposal would enable the continuation of a supply of 14 different finished products to the East Devon building trade. The additional silt generated would supplement the filling of the lagoons to meet the approved restoration contours, and the permitted heathland restoration.

- ***cost of and scope for developing outside the AONB or meeting the need in some other way:***

The applicant states that it is only seeking permission to bring material to Blackhill in the place of material that had previously been imported from Marsh Broadmoor at Rockbeare. The statement adds that if the processing plant cannot remain in use until the end of the permission then it will be under-utilised and the permitted restoration could not be completed.

- ***detrimental effect on the landscape and the extent to which it could be moderated.***

The applicant states that the application only seeks to replace imported materials arising from one site (Marshbroadmoor) with those arising from another (Hillhead) and therefore does not present any significant risk to the environment over that already existing and permitted.

- 6.7 In terms of impact on the landscape it is clear that Blackhill Quarry itself has had a significant visual impact on this area during its operation but the majority of the site is now in restoration and aftercare. This application does not seek to extend or alter any development that is not currently in situ and seeks only to bring in a different feedstock for the short remaining life of the permission. There would therefore be no physical change to the nature of the AONB above that which is already permitted and therefore it would be difficult to state that this proposal in itself would have any further continued impact on the AONB that is already present.
- 6.8 This proposal in itself would not increase the existing traffic in the AONB and nor would it defer the restoration of the mineral site beyond the end date of the current permission in 2016. The only potential impact could be that the original applications to import material to the site indicated that there would be a peak of production followed by a “tailing off” before final closure of the plant. The current proposal with its “campaign” working would keep the production levels at higher volumes until this permission ends. But the overall impact on the AONB would not be greater than the original consents envisaged and the view of the AONB service would be a material consideration.

Impact on current restoration proposals

- 6.9 The silt estimated from the proposal would produce at maximum some 4,300m³ of silt which would near complete the filling of one of the two remaining lagoons to a point where it could realistically be capped and restored. It would not complete the second lagoon which has a remaining capacity of 218,000m³.
- 6.10 Paragraph 144 of the NPPF requires that when determining planning applications, local authorities should: “provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards”. Given that the permission expires in any case at the end of the year it is not considered that this would significantly affect the restoration timetable and it appears clear that a revised restoration scheme would be needed in any case to deal with the fact that both settlement lagoons will not be filled as anticipated during the permitted life of the processing plant.

Highways Issues

- 6.11 The proposal will involve lorry traffic taking unprocessed material from Houndaller (Hillhead) Quarry at Uffculme therefore increasing the distances travelled but not increasing the overall numbers of vehicles on the road which would enter and leave Blackhill Quarry.
- 6.12 The applicant states that the HGVs importing material from Houndaller (Hillhead) would return by the same route via the B3180, Halfway House Junction, the A3052 and back up to Houndaller (Hillhead) Quarry via the M5 a distance of some 40km.
- 6.13 There is currently 40k tonnes of unprocessed stockpiled material available at Houndaller (Hillhead) The applicant seeks to move up to 1,900 tonnes per day which, with an average load of 28.5 tonnes per movement would equate to 67 trips (134 movements) per day (the same as previously permitted from Venn Ottery and

Marshbroadmoor). At the maximum number of permitted trips this equates to only 21.5 days of working before the material is exhausted.

- 6.14 A source of concern to many objectors and Woodbury Parish Council was the control of vehicles leaving the site with processed material passing through the village of Woodbury. The applicant has agreed that it is willing to include a restriction in the legal agreement on HGV traffic under their control from exporting materials via Woodbury Village. However, this could not be used to control local builders who might be picking up materials for projects to the west and south of the quarry but would help to address those concerns about large deliveries of processed exported material accessing the primary route network via Woodbury.

Associated Impacts at Houndaller (Hillhead)

- 6.15 The applicant was asked to give an indication of the likely traffic movements at Houndaller (Hillhead) which would be caused by the proposed “campaign” working to take material to Blackhill for processing. The operations at Houndaller (Hillhead) are all legally permitted and there is no planning restriction on the daily quantities of material that may be exported from the quarry. However, it is recognised that the as-dug material will be exported on a campaign basis the level of HGV traffic from Houndaller (Hillhead) will increase beyond the levels that might normally be expected and this is exacerbated by the fact that Houndaller (Hillhead) Quarry has been mothballed for a number of years and there is now additional HGV traffic on the local network following the grant of planning permission for an aggregates bagging plant in September 2013. In order to try and address local concerns the applicant has provided a haulage statement which commits the company to complying with the one-way routing system at Hillhead; no more than 44 HGV trips (88 movements a day); no running concurrently with Venn Ottery; exportation over a four day period (in any week); and no exportation on Saturdays, Sundays or Bank Holidays. The Haulage Statement would form part of the revised legal agreement and is attached as Appendix IV to this Report.

Sustainability Considerations

- 6.16 The proposal would increase the road miles travelled for this product and a number of concerns have been raised about sustainable development. It will, however, be for a very short period of time and, as minerals can only be sourced from where they occur, then the material will have to be moved in any case for processing and then on to market. The applicant states that the proposal would enable them to continue to meet the demands in East Devon and so if the material was to be taken from Houndaller (Hillhead) to another AI site with processing capability then the product may still have to come back to East Devon and could represent an even greater increase in road miles. The material at Houndaller (Hillhead) is also still closer to the markets at East Devon than many other sources of aggregate in the County.
- 6.17 The distances are speculative in any case without further information on the precise nature of the market and in the absence of an objection on Highway and Transportation grounds or an increase over the existing levels it is not considered that this would be a sustainable objection to the proposal.

Economic Considerations

- 6.18 Blackhill Quarry currently employs 7 full time members of staff and indirect employment including drivers would increase the numbers to 15-16. The application

in 2010 stated that the activities at the site contributed £600,000 per annum in terms of non-domestic rates, wages and spending on local goods and services.

- 6.19 The economic tests in the Mineral Planning Statement (MPS para 010) also make it clear that investment in plant and other infrastructure should be taken into consideration and the specialist nature of the plant at Blackhill and the availability of silt storage would contribute to the overall planning balance.
- 6.20 Material in the local area has essentially run out and in order to supply their East Devon markets, especially in the east of Exeter, material would otherwise potentially have to be processed and trucked from outside Devon.
- 6.21 There has been an objection from a local tourist business who had expected use of the site to cease in 2016 and concern has been expressed about loss of repeat business. This application does not however seek to extend the life of the site beyond its expected end date in December 2016 and so the impact on tourism would not be significant overall.

Other

- 6.22 There are no heritage concerns at this site as it relates only to the continuation of the processing plant and the use of the silt lagoons and stocking area for a further few months.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 The applicant contends that the retention of the processing plant at Blackhill is the only means to supply its existing markets in East Devon until the end of 2016 when the permission for the processing plant expires. The issues arising with the importation of material into Blackhill have taken some time to resolve with Natural England and it is clear that time is running out for the Blackhill site, there being only 5 months left of the parent permission. There might be concerns that this would lead to a very intensive programme of importation, but the haulage statement indicates that this would not be the case and will restrict the numbers and hours to a level the same as for the previous sites exporting material to Blackhill. This would be the subject of a planning condition and therefore the impacts in the immediate area would be no greater than the existing situation.
- 7.3 There is clear concern from local residents that this application would lead to an extended period of processing at Blackhill and in particular a continuation of HGV movements through Woodbury Village delivering processed material. The proposed legal agreement addresses the issue of HGVs traffic, both at Houndaller (Hillhead) Quarry and travelling through Woodbury.
- 7.4 A recent appeal decision in Devon has indicated that the Planning Inspectorate tend to take "major" to be a dictionary definition and whilst it is doubtful whether the "exceptional circumstances" statement provided by the applicant would have been sufficient to have supported a proposal with any greater impact, there would be no increase in the impact on the AONB from the current proposal and no extension to the life of the site. Both AONB/Landscape considerations and the continuation of the supply of minerals carry "great weight" in the NPPF but the presumption against

mineral extraction in AONB's is unclear about the weight to be given to ancillary operations which are already in existence.

- 7.5 The HRA screening demonstrates that there would not be likely to be any significant effects on the adjacent SAC and therefore the presumption in favour of "sustainable development" is reinstated given the planning balance.
- 7.6 The very short term nature of the proposal, the fact that it would not extend the life of the Blackhill processing plant beyond the end of 2016 and would not lead to traffic levels above those already permitted, would suggest that the proposal would not have any significant adverse impact on the locality. It is therefore recommended that permission should be granted to vary the source of materials until the expiration of the current permission in December 2016 to give the applicant the time to find an alternative solution for when this permission expires.

Dave Black
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Local Government Act 1972: List of Background Papers

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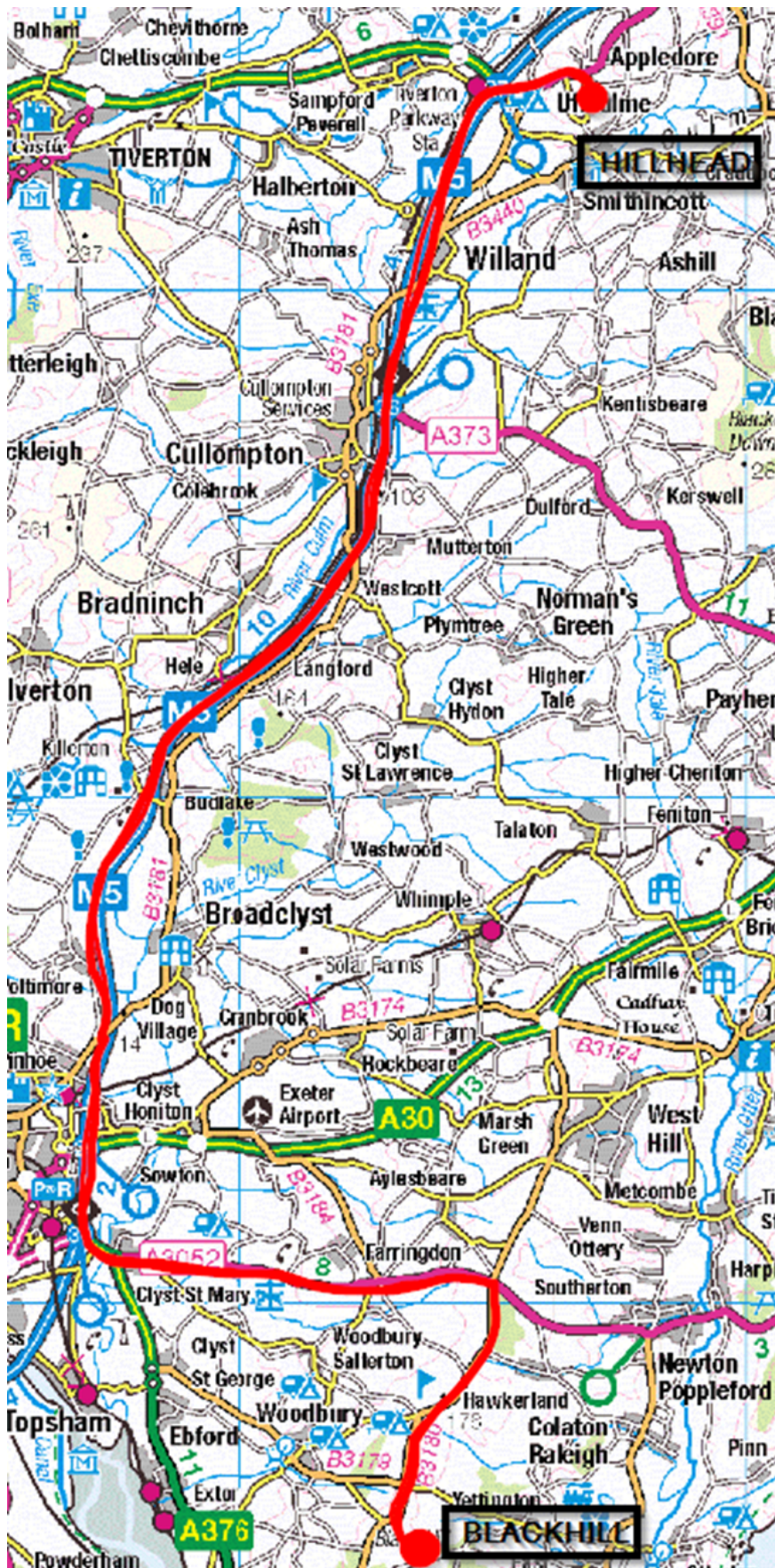
Background Paper	Date	File Ref.
Casework File	02.06.2015	DCC/3816/2015

sp070716dma
sc/cr/variation of conditions Blackhill quarry woodbury
03 110716

Plan 1 – Location Plan



Plan 3 - Proposed Lorry Routing from Hillhead



Planning Policy Considerations

East Devon Local Plan 1995 - 2011 (Adopted July 2006): Policies:

D04 (Landscape Requirements); EN01 (Developments Affecting Areas of Outstanding Natural Beauty); EN04 (Nationally Important Sites - including Sites of Special Scientific Interest); EN06 (Wildlife Habitats and Features); EN15 (Control of Pollution); S05ED (Countryside Protection); TA03 (Transport Assessments/Travel Plans); and TA07 (Adequacy of Road Network and Site Access).

Devon County Minerals Local Plan (Adopted June 2004): Policies:

MP02 (AONBs and Effect on National Parks); MP10 (Maintenance of the County's Nature Conservation Resource); MP19 (County Contribution); MP21 (Mineral Working Areas for Aggregate Mineral Development); MP28 (Recycling, Storage, and Processing Facilities); MP41 (Development Control Considerations); MP43 (Transport of Minerals); MP48 (Disposal of Mineral Waste); MP52 (Importing Materials to Mineral Sites); and MP56 (Restoration).

Devon Minerals Local Plan (Examination Submission) May 2016: Policies:

M17: Biodiversity and Geodiversity; M18: Landscape and Visual Impact; M22: Transportation and Access; M23: Quality of Life; and M27: Restoration and Aftercare.

National Planning Policy Framework (March 2012)

Para 7: Dimensions of "sustainable development"

Para 17: Core Planning Principles

Para 109: remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Para 115: Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Para 116: Criteria for "major" development within the AONB

Para 118: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Para 119: The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Para 144 When determining planning applications, local planning authorities should: give great weight to the benefits of the mineral extraction, including to the economy

Proposed Planning Conditions

1. The use of the Blackhill plant for the processing mineral arising from the (Houndaller) Hillhead Quarry and Venn Ottery Quarry shall cease no later than 31 December 2016.

REASON: To enable the Mineral Planning Authority to control development of a temporary nature and to comply with Section 91 of the Town and Country Planning Act 1990.

2. Unless otherwise agreed in writing with the Mineral Planning Authority, dust and noise mitigation measures within the application site shall be carried out in accordance with the Environmental Scheme dated 8 February 2010 submitted with application DCC/3003/2010.

REASON: In order to protect the amenity of the local area.

3. The visibility splay at Blackhill Quarry shall be maintained clear of any obstruction to visibility for the duration of the operations subject of this planning permission.

REASON: In the interests of highway safety

4. The additional use of the Blackhill processing plant hereby permitted shall be only for minerals extracted from the Houndaller (Hillhead) Quarry subject of ROMP approval 4/06/53/98/1487 and Venn Ottery Quarry subject of ROMP approval 97/P1588.

REASON: To allow the Mineral Planning Authority to adequately control the development in the interests of the amenity of the area and in the interests of highway safety.

5. Unless otherwise agreed in writing by the Mineral Planning Authority, operations at the Blackhill processing plant and importation of materials to that plant shall take place only during the hours of 07.00 to 19.00 hours Mondays to Fridays. No processing shall take place at Weekends or Public and Bank Holidays.

REASON: In the interests of the amenity and tranquillity of the Area of Outstanding Natural Beauty.

6. Unless otherwise agreed in writing with the Mineral Planning Authority, the existing trees in around the plant area, in land controlled by the applicant company, shall be retained during the life of the operations hereby permitted.

REASON: In the interests of visual amenity of the Area of Outstanding Natural Beauty.

7. Within 3 months of the date of this permission, a scheme shall be submitted for the approval in writing of the Mineral Planning Authority detailing the restoration of application site to heathland. The required scheme shall include details of:

- The final levels of the stocking areas and the slope/profiles of adjacent quarry faces.
- Methods for the restoration of the silt ponds.
- The machinery to be used in soil re-spreading operations.
- Method of soil replacement.
- Methods for the re-establishment of heathland communities and other wildlife features.
- Subsequent management of the restored area.

The restoration shall be carried out in accordance with the approved scheme, or such alternative schemes as may be subsequently approved in writing by the Mineral Planning Authority.

REASON: To ensure the securing of appropriate restoration in the interests of visual amenity and nature conservation.

8. An aftercare scheme detailing the necessary steps to be taken to restore the application area to the required standard for amenity and nature conservation shall be submitted for approval in writing of the Mineral Planning Authority within one year of the date of this decision notice. The steps to be taken shall cover a period of ten years from the completion of the replacement of topsoils.

REASON: To ensure that the restored land is correctly husbanded to bring the land to an appropriate standard required for amenity and nature conservation.

9. Groundwater and surface water monitoring shall be carried out by the applicant as set out in Paragraph 7 of the Technical Note by Amec Foster Wheeler dated June 2016 (Ref 33679n219i1).

REASON: To demonstrate the baseline conditions existing at Blackhill and to inform future restoration proposals for the silt lagoons.

**Appendix III
To PTE/16/38**

Heads of Terms for Variation of s.106 Agreement:

- Haulage Statement which details the route HGV's will travel between Hillhead and Blackhill avoiding Woodbury Village;
- HGV's under the control of AIUK, exiting Blackhill Quarry with processed material will not travel through Woodbury Village;
- times of HGV traffic movements at Houndaller (Hillhead) Quarry to be restricted from 0730 to 1630hrs (on a 4 working day week between Monday to Friday) with no working at weekends or on public holidays;
- to carry out annual hydrological and ecological monitoring for a further three years from the date of the decision notice;
- Strict adherence to the one-way routing system which operates for Houndaller (Hillhead) Quarry, Uffculme Concrete Products Factory and aggregate bagging facility.

Haulage Statement for Hillhead (as submitted by Aggregate Industries)

HAULAGE STATEMENT

**For the Haulage of As-Dug Sand and Gravel from Houndaller (Hillhead) Quarry to
Blackhill Quarry**

Aggregate Industries UK Limited (“the Company”) is the mineral operator at Houndaller (Hillhead) Quarry at Uffculme Devon. The Company has submitted a planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) for a “**Variation of Conditions 1 and 4 of Planning Permission DCC/3003/2010 to allow for the Importation of As-dug Sand and Gravel from Houndaller (Hillhead) Quarry for Processing at Blackhill Quarry**”, referenced DCC/3816/2015.

It is proposed to re-commence quarrying operations at Houndaller (Hillhead) Quarry later this year and excavate up to 40,000 tonnes of the as-dug sand and gravel from the Houndaller Extraction Area where it will be loaded onto Heavy Goods Vehicles (HGVs) and transferred to Blackhill Quarry near Woodbury for processing. The extant planning permission which relates to the quarry processing plant at Blackhill expires on 31st December 2016. It is anticipated that the duration of this temporary operation which will take place on a campaign basis will take some 8 to 9 weeks to complete. The haulage of Hillhead material to Blackhill Quarry for processing would cease by the end of 2016.

In the event that the planning application is approved by Devon County Council, the company proposes the following Haulage Statement to govern the haulage of As-dug sand and gravel from Houndaller (Hillhead) Quarry to Blackhill Quarry.

The Company proposes to strictly adhere to the existing voluntary one-way routing system which operates for Hillhead Quarry and Uffculme Concrete Products Works, whereby inbound Heavy Goods Vehicles (HGVs) to Houndaller (Hillhead) Quarry use Clay Lane from the A38 and outbound HGVs use Broad Path to access onto the A38. From the A38 the route would see loaded HGVs joining onto the M5 at junction 27. They will then travel along the M5 southbound towards Exeter before exiting at junction 30 onto the A3052 to the Halfway House junction. From the Halfway House, HGVs will proceed along the B3180 to Blackhill Quarry. HGVs will return empty to Hillhead Quarry via the same route.

The permitted operating hours at Hillhead Quarry are 0600 to 2200 hours Mondays to Fridays and 0600 to 1800 hours on Saturdays with no workings on Sundays or Bank or Public Holidays. The permitted operating hours at Houndaller Quarry are 0730 to 1800 hours Mondays to Fridays and 0730 to 1300 hours on Saturdays with no workings on Sundays or Bank or Public Holidays.

In 2011, the Company entered into a contract with a haulage contractor based in the East Devon area who continues to transport as-dug sand and gravel from Venn Ottery Quarry to Blackhill Quarry. The same haulage contractor will be used to transport as-dug sand and gravel from Hillhead to Blackhill. The contract will typically employ 5 articulated HGVs having an average payload of 28.5 tonnes and will be dedicated to the transport of as-dug mineral from Houndaller (Hillhead) Quarry to Blackhill Quarry. The actual vehicles and number used, may vary but will be to a specification.

It is the Company's intention to implement a number of voluntary measures/rules with regard to the haulage of mineral and these measures will be rigorously enforced by the Company and the haulage contractor.

1. Each HGV will be numbered on the trailer by the haulier. This will allow individual HGVs to be easily identified to enable members of the public to report any incidents directly to the Company or to Devon County Council.
2. Drivers will strictly adhere to a speed limit of 30mph between Houndaller (Hillhead) Quarry and the A38.
3. Drivers will not sound vehicle horns between Houndaller (Hillhead) Quarry and the A38 unless absolutely necessary in an emergency situation.
4. Drivers will be strictly courteous to any other road users.
5. Drivers will not convoy when leaving Houndaller (Hillhead) Quarry.
6. No deliveries will take place on Saturdays, Sundays and Bank/Public Holidays.
7. All drivers will keep in contact using hand free phones or CB radios to ensure that drivers are given advance warning of any potential road issues.
8. Quarterly safety meetings will be held between Aggregate Industries and the haulage contractor.
9. All HGVs will be fitted with 'white noise' reversing devices.
10. All HGVs leaving Houndaller (Hillhead) Quarry will be sheeted.

Should the Company be made aware that drivers are not adhering to the above measures and rules through the County, District or Parish Councils or any members of the public, the Company shall immediately notify the haulage company for remedial action to be taken against the appropriate driver.

It is the Company's intention to operate Mondays to Thursdays (4 days a week) as opposed to Mondays to Fridays (5 days a week). Haulage operations over a 4 day working week will only take place between 0730hrs and 1630hrs. This would have the advantage of reducing any impact of haulage operations on local amenity, however, this would slightly intensify HGV movements over the shorter working week. Overall vehicle movements would remain the same. Where operations take place during a week when a Bank Holiday falls on a Monday then operations would take place on a Friday.

To allow sufficient time to process remaining reserves at Venn Ottery Quarry as well as 40,000 tonnes of As-dug material from Houndaller (Hillhead) Quarry by 31 December 2016, it will be necessary to transport some 1,250 tonnes per day to Blackhill for processing. Haulage of 40,000 tonnes of material at a rate of some 1,250 tonnes per day over a four day week will take between 8 and 9 weeks to complete. Lorries transporting approximately 1,250 tonnes per day, each carrying 28.5 tonnes per load, will generate 44 trips (88 movements) per day. On the days material is being hauled from Houndaller (Hillhead) Quarry to Blackhill, there would be no haulage operations from Venn Ottery Quarry.

**Habitats Regulations 2010
Section 1: Screening of likely significant effect on a
European site**

**Devon County Council
July 2016**

1.Type of permission/activity	Variation of conditions 1 and 4 of planning permission DCC/3003/2010
2. Applicant	Aggregate Industries UK Ltd
3. Application reference no.	DCC/3003/2010
4. Location	Blackhill Quarry, East Devon
5. Brief description	<p>Variation of conditions 1 and 4 of planning permission DCC/3003/2010 to allow for the importation of as-dug sand and gravel from Houndaller (Hillhead) quarry for processing at Blackhill Quarry.</p> <p>Planning Permission DCC/3003/2010 allows for the retention of quarry processing plant and ancillary facilities and the importation of as-dug sand and gravel for processing at Blackhill Quarry. Conditions 1 and 4 of the planning permission restrict the importation of as-dug sand and gravel to two sites; Venn Ottery and Marshbroadmoor (Rockbeare) Quarries. This application seeks to replace Marshbroadmoor Quarry with Houndaller (Hillhead) Quarry as one of the mineral donor sites. It is proposed to continue importation from Venn Ottery Quarry as permitted.</p> <p>No soils will be imported from Houndaller (Hillhead) Quarry. Silt arising from the processing of the imported sand and gravel will be deposited in the existing silt lagoons at Blackhill Quarry. A layer of indigenous overburden up to 2 metres thick will be used to cap the lagoons. Only subsoils and topsoils sourced from Blackhill Quarry will be used for final restoration of the site. Due to the poor nutrient value of silt, it is unlikely to affect to affect the restoration at this sensitive site to heathland.</p>
6. Is the proposal directly connected with or necessary to management of a European site for nature conservation?	No

7. European site name(s) and relevant interest features:

The application site is adjacent to:

East Devon Pebblebed Heaths SAC

Annex I Habitats

Northern Atlantic wet heaths with *Erica tetralix*; European dry heaths

Annex II Species

Southern damselfly *Coenagrion mercuriale*

Site vulnerability / issues:

Loss of habitat and species through changes in water quality and water levels.

Habitat loss via nutrient/ acid deposition

Mobile Species - potential effects out with the SAC boundary e.g. loss of suitable habitat used by the meta population of southern damselflies

Please note that it has been agreed with NE that, due to distances and the nature of the proposal, there are no other SACs / SPAs that need to be considered within this HRA screening. There can be no impact on the bird interest of the adjacent East Devon Heaths SPA.

Conservation Objectives

With regard to the natural habitats and/or species for which the site has been designated (the Qualifying Features" listed above);

Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.

Subject to natural change, to maintain or restore:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- The populations of qualifying species;
- The distribution of qualifying species within the site.

Screening Assessment for likely significant effect

The unit of the SAC adjacent to the quarry contains sensitive wetland habitats which are dependent on low nutrient status. They are currently in favourable condition status. Potential impacts are long term leaching from the imported material resulting in an increase in pH and phosphorous levels in the SAC habitat.

The applicant has supplied a technical note with the application which assesses this potential 'source – pathway – receptor' impact (*Technical note: Blackhill Nutrient Investigation. Hillhead (Houndaller) – Results and Interpretation. Amec Foster Wheeler, June 2016*). This states that the imported materials will not have an impact on the SAC. Natural England has confirmed (letter dated 28 June 2016) that the technical note provides sufficient evidence that the proposal will not result in a likely significant effect on the SAC. Natural England acknowledges that the Houndaller (Hillhead) material seems to exhibit a higher pH but that, 'given the limited area of the settlement lagoon compared with the overall groundwater catchment and given the likely buffer capacity of the local pebble bed aquifer, it is unlikely to have any significant effect at any distance from the quarry.'

8. Conclusion:

Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?

Further to the screening assessment above, it can be concluded that this proposal will not, in combination with other plans and projects, have a likely significant effect on the East Devon Pebblebed Heaths SAC or the East Devon Heaths SPA.