PTE/17/28

Development Management Committee
1 March 2017

County Matter: Minerals – Periodic Review
Teignbridge District: Review of Old Mineral Planning Permission - First Periodic Review at Trusham Quarry, near Chudleigh, Newton Abbot, TQ13 0NX
Applicant: Hanson Quarry Products Europe Limited
Application No: 16/00416/DCC
Date application received by Devon County Council: 5 February 2016

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended that:

(a) The schedule of conditions as amended by Devon County Council and agreed by the applicant as set out in Appendix II to this Report be approved.
(b) The applicants be advised that in the County Council's view the additional and revised conditions are not such as to prejudice adversely to an unreasonable degree the economic viability of operating the site or the site's asset value.
(c) That the Committee notes the Habitats Regulations Assessment attached at Appendix III.

1. Review of Mineral Permissions Process

1.1 The Environment Act 1995 introduced a requirement for Mineral Planning Authorities (MPAs) to undertake a programme of 'Initial Review' of all mineral planning permissions granted between 30 June 1948 and 22 February 1982, and, thereafter, to operate a programme of 'Periodic Review' of mineral planning permissions more than 15 years old.

1.2 There is no fixed period when a Periodic Review should take place so long as the first review is no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the Initial Review. Any further reviews should be at least 15 years after the date of the last Review.

1.3 The legislation guidance was amended in 2013 to give MPAs greater flexibility to ensure that conditions attached to mineral planning permissions remain up-to-date and relevant. The Planning Practice Guidance for minerals outlines the manner in which Initial and Periodic Reviews are to be undertaken. This allows the operator and Mineral Planning Authority (MPA) to agree a postponement of a review if site monitoring indicates that the planning conditions are still fit for purpose.

1.4 The Periodic Review process makes no distinction between sites that are active and sites that are dormant. An updated set of conditions must be submitted for both types of site. If no submission is received by the date stipulated by the MPA, the mineral permission ceases to have effect, except for restoration and aftercare conditions which will still apply.

1.5 It is important to note that this type of application is not an application for planning permission, it is an application to review the conditions attached to the existing

mineral planning permissions which remains legally valid. If the MPA imposes conditions which restrict working rights further than before the Review, a liability to compensation arises. There must, therefore, be exceptional circumstances for such conditions to be imposed.

2. Summary of Application

2.1 This report relates to a schedule of planning conditions which have been submitted by the mineral operator for Trusham Quarry near Chudleigh.

2.2 The driver for the determination of the application is to ensure that the planning conditions to be attached to the planning permissions meet modern standards and will ensure the appropriate restoration of the site. To this extent the main material planning considerations are the impacts of quarrying on nature conservation interests; landscape impacts; traffic and transportation impacts; impacts on living conditions (noise, vibration and air quality) impacts on the water environment; geological conservation; impacts on the historic environment and the requirement for appropriate restoration and aftercare.

3. The Proposal/Background

3.1 Trusham Quarry is located within the Teign Valley, approximately 5km North West of Chudleigh and adjacent to the boundary of Dartmoor National Park and is within the designated Area of Great Landscape Value. The site is accessed from the B3193, which runs alongside the river Teign, to the south east of the site. Teign Village is situated some 500m to the west. The nearest properties are a group of industrial buildings/offices east of the B3193, opposite the site access. The nearest residents at Knowle Cottages are located approximately 60m beyond the northern point of the quarry, at Crocombe Bridge. Leigh Farm is located approximately 200m away from the unworked area where extraction will take place next.

3.2 Planning permissions for mineral extraction at Trusham were granted in 1949 (Crockham Quarry), 1960 (continued development of the quarry and tip), 1972 (use of land adjacent to Riley Farm for the tipping of mining waste, 1975 (further tipping of waste at land adjoining Riley Farm). The Initial Review of the of the mineral planning permission was carried out by the Mineral Planning Authority in 1998 and a single schedule of conditions covering the operation and restoration of the mineral site was approved in February 1999. The application subject of this Report is a Periodic Review of the 1999 conditions.

3.3 A number of subsequent planning permissions at the quarry relating to non-mineral extraction activities have been granted (settlement lagoons; recycled aggregates plant; exhausts for roadstone coating plant; temporary storage of topsoil; and plant for storage of coated material) but fall outside of this review of conditions application. In 1996 planning permission was granted for the realignment of the B3193 adjacent to the quarry together with the provision of a replacement plant area roadstone coating plant and replacement of other processing plant at the quarry and similarly this permission falls outside of the review process.

3.4 The mineral site covers an area of approximately 30.6 hectares and comprises two dolerite quarries: Trusham Quarry to the northwest; and Crockham Quarry to the south east. Of the two quarries only Trusham has remaining mineral reserves and Crockham has been mostly backfilled with overburden and mineral waste.

3.5 At Trusham the dolerite occurs as an igneous sill which has been injected into the older shales. The dolerite is a hard wearing rock that has been used as a crushed rock aggregate and in coated roadstone applications. The shales themselves are of low economic value.

3.6 The applicant estimates that about 4.35 million tonnes of dolerite (and shale) is available for extraction. The mineral permissions have no extraction limit and for the purposes of this application the operator has assumed an annual working tonnage of 250,000.

3.7 Presently Trusham Quarry is mothballed and the site consists of a large open excavation. The remaining reserves (about 10% of the permission area) are in an unworked area near Riley Farm (derelict) and the continued extraction would involve a deepening and lateral extension of the existing void. Mineral wastes would be tipped at the back of the void. The quarry would continue to be worked on a series of benches with mineral extracted by production blasts and crushed at the site. As part of the mothballing fixed quarry plant (including a roadstone coating plant) has been removed and future processing of mineral would be carried out using mobile plant.

3.8 Following the completion of quarry operations the restoration will be by the partial backfilling of the void using the unwanted shale and overburden, which will also be spread along the benches in order to provide shallower slopes. The void would then be allowed fill with water to create a lake with area between the edge of the lake and the quarry boundary planted. A track would be provided along the edge of the lake for maintenance purposes and in order to provide access to the area of geological interest.

3.9 The review of the planning conditions attached to the mineral consents covers the following areas and issues:

- Duration of the permission;
- Operating hours;
- Operating methods;
- Sequence of working;
- Access and highways;
- Control and mitigation of environmental issues including noise, dust and vibration impacts, impacts upon the water environment, landscape and ecology, pollution control and impacts upon a geological SSSI;
- Restoration and aftercare.

3.10 The operator has carried out an Environmental Impact Assessment development and the application is accompanied by an Environment Statement.

4. Consultation Responses

4.1 Teignbridge District Council (Planning): Offer no comments on the application.

4.2 Teignbridge District Council (Environmental Health) Notes that that Quarry is not presently operational and therefore the future re-opening the impact on background noise levels on nearby residents can be significant. On this basis the Environmental Health Officer (EHO) recommends that a new condition requiring the submission and approval of a Noise Management Plan by the Mineral Planning Authority prior to the resumption of quarry working.

The EHO makes comments regarding blasting and particular concerns with overpressure (during specific metrological conditions) and impacts upon neighbouring properties. Recommendations are made that measures are put in place to notify nearby residents of bigger than usual blasts.

Comments are made regarding the previous use of the site as a roadstone coating plant and emissions associated with this. In this case it is requested that permitted development rights should be removed so to ensure control over this in the future.

4.3 Environment Agency: Consider that the proposed groundwater monitoring and reporting scheme is insufficient for the purposes of ensuring that operations are not impacting, or will not impact on, controlled waters. In order to address its concerns the Agency request that a planning condition be included that requires the submission of a Hydrogeological Risk Assessment no less than 12 months prior to the recommencement of dewatering operations. This should identify risks and propose a robust monitoring and reporting strategy.

4.4 Natural England: Comment that the Council is required to carry out Habitats Regulation Assessment but advise that the proposal is unlikely to have a significant effect on the South Hams SAC (designated for greater horseshoe bat). Natural England also recommends that the Council get clarity on the aims and objectives of the site restoration to ensure increased biodiversity gain; ensure protection of geological exposures for future study; provide advice on the margins of the water body; and it also provides advice on soils.

4.5 Hennock Parish Council: Raise concerns about impacts the working quarry will have on the B3193 as a result of the traffic generated in terms of both highway safety and noise and dust levels.

The Parish recommends a weight restriction is placed in the first section of the B3193 from Wood house Drive to Lyneham Farm – or it is widened at the operator's expense. It also suggests a restriction is placed on operating times so that lorries do not operate when school buses are running.

4.6 Historic England: No comment.

4.7 Dartmoor National Park Authority: No comment.

4.8 Devon Wildlife Trust: No comments received.

4.9 National Grid Plant Protection: Note that the quarry is in the vicinity of National Grid Apparatus and the operator is required to take into account any impact.

4.10 Chudleigh Town Council and Bridford Parish Council: Raise concerns about impacts upon highway safety as a consequence of the increased numbers of users on the B3193 since the site has been mothballed. The Councils point out potential impacts upon the road stability and resulting wear and tear from vehicles transporting minerals from the quarry. It recommends that the following actions are considered: the imposition of weight restrictions; hours of deliveries outside school start and finish times; reduction in speed limits; consider the use of traffic lights.

5. Advertisement/Representations

5.1 The Periodic Review application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter to 15 of the nearest properties. As a result of these procedures 2 letter of objection have been received.

5.2 Copies of representations and consultation response are available to view on the Council website under reference DCC/3832/2016 or by clicking on the following link: https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3832/2016.

5.3 Concerns are raised about highway safety on the B3193 due to the size and numbers of HGVs arising from quarry operations. References are specifically made about the following: the narrowness of the road; conflicts with the growing number of different users such as cyclists and pedestrians (noting that there is not a cycleway/footpath along this road); alignment and fragility of the extreme southern section of the B3193 between Lyneham Farm and the junction with the B3344; concerns regarding current instability of some sections of this road.

5.4 One of the objectors considers that repairs to the road should be carried out by the operator, and subsequently requests a new condition is used for a 'Comprehensive Traffic Management Scheme'. It also recommends that permanent traffic lights are provided at the bend below Lyneham Cottage, for use when the quarry is operational.

5.5 Objections are also made that the site is unsuitable for the use as a Roadstone Coating Plant – due to problems with the dispersion of waste fume dust noted when this operated in the past.

6. Planning Policy Considerations

6.1 In considering this determination of conditions proposal, 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 70(2) of the Town and Country Planning Act 1990 and 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.

6.2 Since the approval of Initial Review of conditions, the Teignbridge Local Plan 2013-2033 was adopted in 2013, the Devon Minerals Plan is relevant, and has recently been adopted (February 2017).The National Planning Policy Framework has since been introduced, and associated Planning Practice Guidance.

7. Comments/Issues

7.1 It should be re-iterated that the mineral planning permissions remain extant and the determination of this application relates solely to the planning conditions to be attached to the old planning consents. The review of the planning conditions provide the mineral planning authority with the opportunity to update them in order to mitigate the impacts upon the environment, and local living and working conditions, and ensure the appropriate restoration of the site as identified through the environmental impact assessment process.

7.2 The main material planning considerations in this case are: the impacts of quarrying on nature conservation interests; landscape impacts; traffic and transportation impacts; impacts on living conditions (noise, vibration and air quality) impacts on the water environment; geological conservation; impacts on the historic environment and the requirement for appropriate restoration and aftercare.

Impacts upon Nature Conservation Interests

7.3 Operations at Trusham Quarry have potential impacts on Greater Horseshoe Bats, which are a feature South Hams Special Area of Conservation (SAC), as the quarry itself is identified as a sustenance zone (feeding ground) and strategic flyway. In cases where there is a potential impact on an SAC the Council, as a Competent Authority, is required by the Habitats Regulations to screen the development for the likelihood of significant effects on the SAC. This has been carried out and appears as Appendix III to this Report.

7.4 The conclusion of the Habitat Regulations Assessment is that there will be no impact on the Greater Horseshoe Bat population provided the flights lines around the site are protected. This is dealt with by proposed conditions 16 and 17 which require the protection and management of existing vegetation within the site boundary. Condition 18 requires the approval of any new lighting in the quarry in order that there is no impact on flight lines.

7.5 Natural England sought clarity on the aims and objectives of the restoration proposals suggesting these could provide a more generic biodiversity opportunity. They also advise that a timeframe for delivery of the restoration scheme should be set out in the Planning conditions. These issues are addressed in proposed condition 21 which requires full details of the final restoration together with ongoing aftercare, to be provided at the appropriate time.

Impacts upon Local Landscape

7.6 The site lies with an Area of Great Landscape Value (AGLV) 'Haldon Hills and Surrounds'. The nationally protected Dartmoor National Park encloses the site on its northwest corner. It also falls within the 'Teign Valley and Slopes' Landscape Character Area (LCA).

7.7 The site is surrounded by semi-mature, dense woodland which, combined with natural contours of the site, restricts views into the quarry from the immediate surroundings.

7.8 A Landscape and Visual Impact Assessment LVIA has been carried out as part of the Environment Statement, the main conclusions are: minor landscape impacts during operations which will become negligible when the restoration planting establishes, and moderate effects at viewpoint 7 (on the roads north and north east of the site) during the final stages of extraction in the unworked area. It is concluded that the scheme would not give rise to significant long terms landscape and visual effects. This includes any impacts upon the Dartmoor National Park.

7.9 In order to minimise visual impacts supplementary planting will be provided at an early stage and the vegetation will be retained and maintained during (and after) the life of the operations. Proposed condition 16 requires the retention of the existing vegetation and condition 17 requires the submission of a Landscape Environmental Management Plan setting out the details of how the vegetation at the site will be

managed. Proposed condition 7 requires that all fixed plant and machinery is located in the existing plant area which will minimise any visual impact of the proposal.

Traffic and Transportation Impacts

7.10 The concerns raised about the impact of HGV traffic in terms of capacity, highway safety and damage to the carriageway are noted. Access to the site will remain the same via the B3193. When operations recommence, the lorry movements from the site are likely to be similar to those historically associated with extraction rates, amounting to 250,000 tonnes annually. The likely traffic generation during the operating hours would be between 36 and 45 HGV departures per average working day (or 72 and 90 two-way movements). Over the average working day the quarry could generate between 4 and 5 HGV departures per hour (of 8 and 10 two-way movements). In this case it is considered that the vehicle numbers can be accommodated on the highway network, well within the capacity of the road.

7.11 Concerns have been raised regarding perceived impacts upon highway safety, with particular mention regarding children's safety. For clarification the nearest school is at Christow (further north of the B3193). Quarry traffic will predominantly travel in a southerly direction toward the A38, rather than the north. Accident statistics on this road indicate only one serious accident has occurred since 2010, and not related to traffic from the quarry. It is also noted that the quarry company carried out a significant improvement to the B3193 in 1999 which separated quarry from public traffic and removed a dangerous double bend.

7.12 Other comments relate to impacts upon road stability and general wear and tear as a result of increased use in comparison to today. However, the function of a B class road is to accommodate HGV traffic and the appropriate maintenance of the road lies with the Council. In addition, the review process relates to the winning and working of mineral and cannot include conditions that restrict the right of passage over the public highway.

7.13 In conclusion it is considered that the predicted vehicle generation from re-opening the facility can be adequately accommodated on the highway network without creating risk, or exceeding the capacity of the local highway network.

Impacts upon local living and working conditions

Noise

7.14 An assessment has been made of noise impacts that would be generated from mineral operations at the site. The existing planning conditions limit noise levels so that they should not exceed 55db LAeq (1hr) freefield when measured at a noise sensitive property. The condition also allow for maximum levels of 70 db LAeq (1hr) freefield, for temporary operations, including the construction of screening bunds and soil stripping, for less than 8 weeks in any 52 week period. It is considered that this noise level provides adequate protection for nearby premises and is in line with national guidance.

7.15 To ensure that noise levels would not exceed these limits the applicant has produced a Noise Management Plan which includes a number of management measures in line with best practice as follows: All plant and equipment to comply with EU noise emission limits and to be regularly maintained; well-maintained internal haul routes and to be as low gradient as possible; 'quieter option' vehicle reversing alarms; plant to be switched of when not in use; drop height of material to be minimised and

starting up of plant and vehicles sequentially rather than at the same time. The Teignbridge District Council EHO consider that further improvements could be made to the plan (including a better monitoring regime) and the operator has agreed to refine and revise the plan prior to mineral operations recommencing and this is subject of proposed condition 8. Other proposed conditions relating to the control of noise are condition 8 (hours of operation), condition 6 (location of fixed plant and machinery) and condition 13 (maintenance of vehicles, plant and machinery).

Vibration

7.16 In respect of the control of blasting, the Environmental Statement submitted with the application provides an assessment of the blasting vibration issues and includes a Blast Monitoring Scheme and proposes a number of best practice measures to be used at the site. The impact from blasting would be controlled by a number of proposed conditions, namely condition 9 (peak particle velocity); condition 10 (hours of blasting) and condition 11 (minimisation of airborne vibration). In addition proposed condition 12 requires that when undertaking blasting the operator ensures that it is in accordance with the Blast Monitoring Scheme. It is considered that the proposed conditions reasonably control the potential impacts of blasting at the quarry.

Air Quality

7.17 The Environmental Impact Assessment carried out an air quality assessment assessing the impact of dust from quarry operations as being very low and neglible at the two nearest residential properties. This is considered to be a reasonable assessment and in order to maintain air quality quarry operations would be carried out in accordance with the Dust Management and Monitoring Scheme which was submitted with the application and would be secured by proposed condition 5.

Impacts upon the Water Environment

7.18 In relation to impacts upon groundwater and controlled water, concerns have been raised by the Environment Agency about the adequacy of the proposed groundwater monitoring and reporting scheme. At the present time this is not an issue as the quarry is not operating and dewatering is not taking place, but in order to safeguard this matter proposed condition 14 requires the submission of a Hydrological Risk Assessment and Monitoring Strategy before quarry recommences.

Geological Conservation

7.19 Crockham Quarry Geological Site of Special Scientific Interest (SSSI) is found within Trusham Quarry, and is designated as it provides access to exposures where the dolerite sills have been injected into the Combe Shales. The management of, and access to, the rock exposures is set out in a Management Scheme which is subject of proposed condition 22.

Impacts upon the Historic Environment

7.20 The quarry site lies in an area of archaeological potential and within a landscape that contains evidence of human activity from the prehistoric and medieval periods and within the quarry there is a small area of unworked land. Proposed condition 19 requires the implementation of a programme of archaeological work prior to the stripping of this area.

Other Matters

7.21 Concerns have been raised about emissions from a roadstone coating plant that was located at the quarry but has since been removed. The implication is that this review of conditions application should seek to control the erection of new plant by the removal of permitted development rights. Permitted development rights allowing for ancillary mining development (such as roadstone coating plants) are available to operators but these rights could be withdrawn by imposing an appropriately worded condition, but there would need to be exceptional and sound reasons for doing so. In this case it is noted that the emissions for any new plant would be controlled by Environmental Permit and the location of any new fixed plant is limited to the former plant area (for reasons of distance form properties, visual impact and nature conservation) and plant operations would be subject to the proposed operating conditions. Given this it is considered that this test is not met and it is considered there are no sound planning reasons for the remove of permitted development rights in this case.

8. Reasons for Recommendation/Alternatives Options Considered

8.1 The Committee has the option of approving the new conditions (as submitted by the operator and amended by your officers), further amending the conditions or rejecting the conditions.

8.2 In this case it is considered that the proposed conditions would allow for the acceptable operation of, and appropriate restoration for Trusham Quarry. In particular proposed conditions would provide adequate protection for the amenity of nearby residents, protect and enhance biodiversity, geo-diversity and the local landscape, whilst enabling the ongoing extraction of this mineral resource. The operator has agreed the changes made to the conditions and it is the view of the Council that the imposition of the proposed conditions would not prejudice the economic viability of operating the site or the site's asset value.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Chudleigh & Teign Valley

Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes

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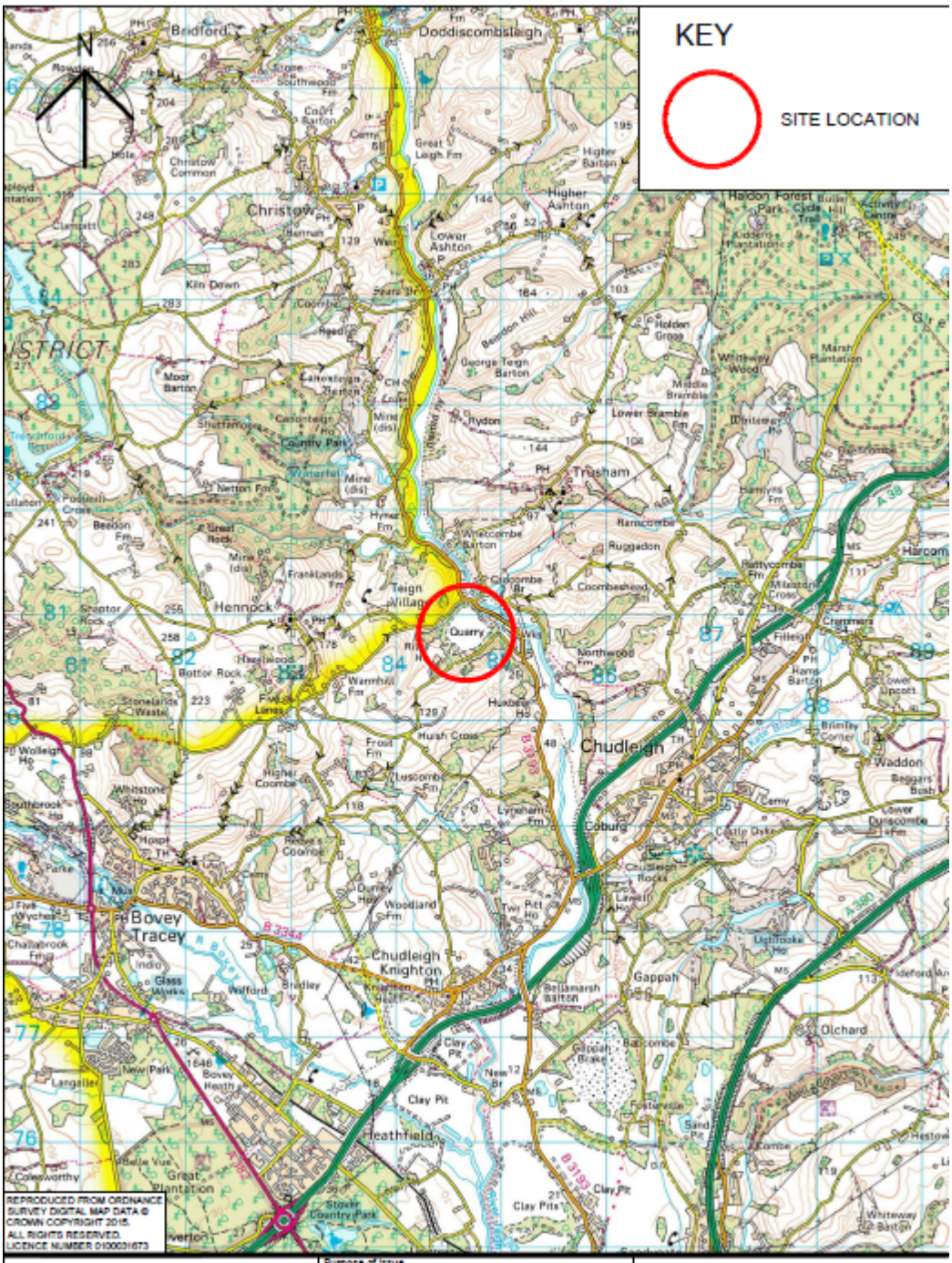
Background Paper	Date	File Ref.
Casework File	21/10/2016	DCC/3832/2016

hs250117dma
sc/cr/ROMP 1st periodic review Trusham Quarry
04 300517

Location Plan



Drawing Title	Purpose of Issue		
TRUSHAM QUARRY LOCATION PLAN	PLANNING		
	Drawn: AAO	Checked: CN	Approved: CN
	Date: 12/15	Scale @ A4: 1:50,000	Rev
	Drawing Number: T8m/63	AECOM Internal Project No.: 47072238.SS.001	

AECOM

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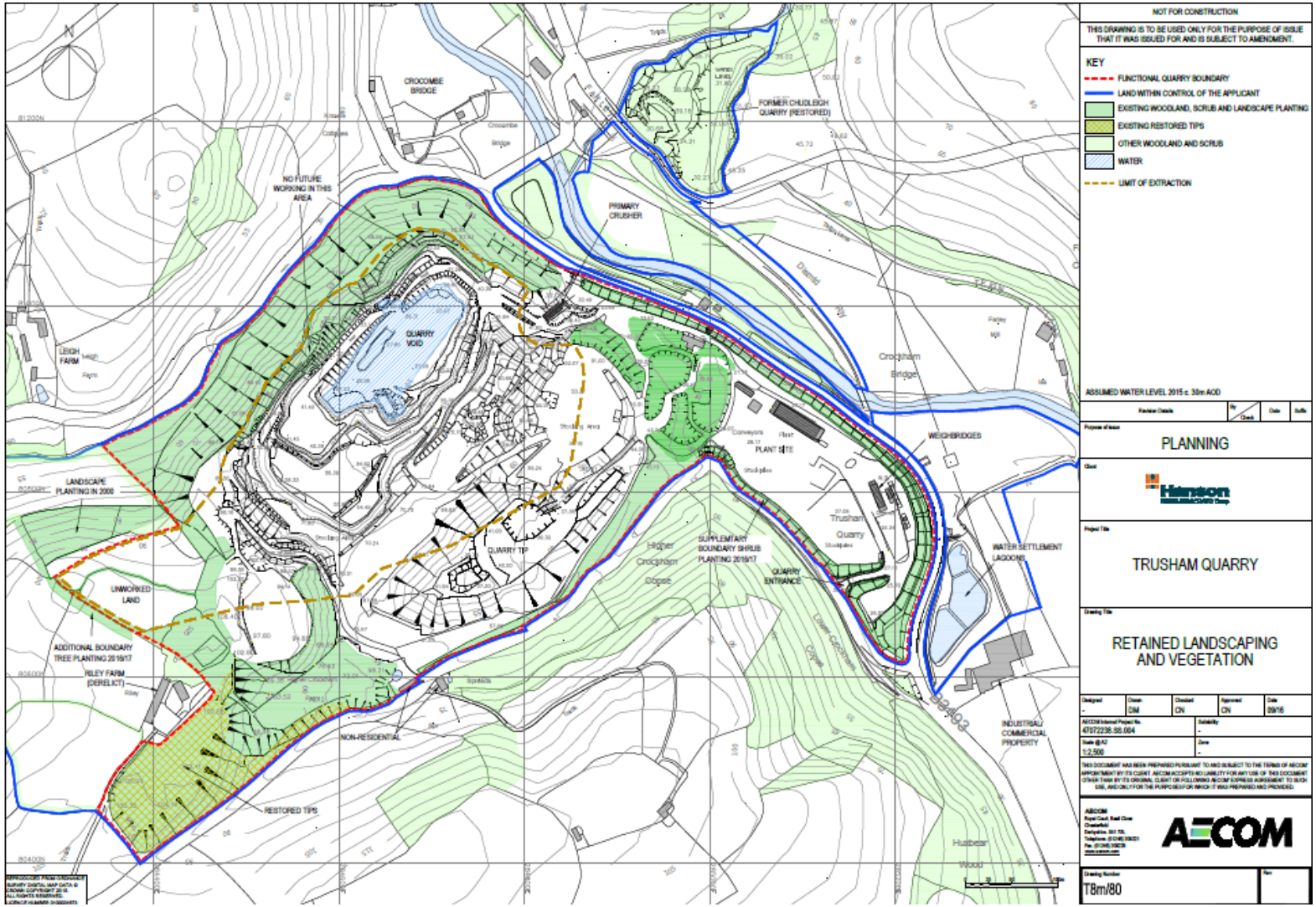
Site Plan


NOT FOR CONSTRUCTION
THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT.
KEY
FUNCTIONAL QUARRY BOUNDARY
LAND WITHIN CONTROL OF THE APPLICANT
EXISTING WOODLAND, SCRUB AND LANDSCAPE PLANTING
EXISTING RESTORED TIPS
OTHER WOODLAND AND SCRUB
WATER
LIMIT OF EXTRACTION
ASSUMED WATER LEVEL 2015 c. 30m AOD
PLANNING
TRUSHAM QUARRY
RETAINED LANDSCAPING AND VEGETATION
AECOM
T8m/80
CROCOMBE BRIDGE
FORMER CHUDLEIGH QUARRY (RESTORED)
NO FUTURE WORKING IN THIS AREA
PRIMARY CRUSHER
QUARRY VOID
LEIGH FARM
Crockham Bridge
WEIGHBRIDGES
PLANT SITE
LANDSCAPE PLANTING IN 2000
QUARRY TIP
SUPPLEMENTARY BOUNDARY SHRUB PLANTING 2016/17
QUARRY ENTRANCE
Trusham Quarry
WATER SETTLEMENT LAGOONS
UNWORKED LAND
ADDITIONAL BOUNDARY TREE PLANTING 2016/17
RILEY FARM (DERELICT)
NON-RESIDENTIAL
INDUSTRIAL/ COMMERCIAL PROPERTY
RESTORED TIPS
Hazelbear Wood

Appendix I
To PTE/17/28

Planning Policy Considerations

***Devon Minerals Plan* – (Adopted February 2017)**
Policies M1 Spatial Strategy; M16 Green Infrastructure; M17 Biodiversity and Geodiversity; M18 Landscape and Visual Impact; M19 The Historic Environment; M20 Sustainable Design; M21 Natural Resources; M22 Transportation and Access; M23 Quality of Life; M24 Flooding; M26 Cumulative Effects; and M27 Restoration and Aftercare.

Teignbridge Local Plan 2013 - 2033 (Adopted May 2014)
Policies CH09 Green Infrastructure; EN01 Strategic Open Breaks; EN02A Landscape Protection and Enhancement; EN04 Flood Risk; EN06 Air Quality; EN08 Biodiversity Protection and Enhancement; EN09 Important Habitats and Features; EN10 European Wildlife Sites; EN11 Legally Protected and Priority Species; EN12 Woodlands, Trees and Hedgerows; HT03 Heart of Teignbridge - Green Infrastructure; and S22 Countryside.

National Planning Policy Framework

Appendix II
To PTE/17/28

Proposed Conditions

1. The winning and working of minerals authorised by this permission shall cease and the site shall be restored in accordance with the scheme and programme approved under the requirements of Conditions 20 or 21 not later than 22nd February 2042.

   REASON: To comply with Schedule 5 of the Town and Country Planning Act 1990.

2. The development shall be carried out, except where modified by the conditions attached to this schedule of conditions, in accordance with the following documents: Submitted plans and documents: -T8m/63 Site Location; T8m/64 Planning and Land Ownership Boundaries; T8m/66 Site Layout and Topography; T8m/68 Stage 1 Working; T8m/69 Stage 2 Working; T8m/70 Final Quarry Development; T8m/71 Final Quarry Face Positions; T8m/72 Section; T8m/73/Rev A 'Restoration Masterplan'; T8m/54 'Plant Site Restoration'; T8m/80'Retained Landscaping and Vegetation'; T8m/81'South West Boundary Screening' and T8m/74 Monitoring Locations.

   REASON: To ensure the development is carried out in accordance with the submitted application and approved details; to minimise the duration of disturbance from the development and to comply with policies of the Minerals Local Plan: in particular policies: M17 Biodiversity and Geodiversity; M18 Landscape and Visual Impacts; M22 (Transportation and Access); M23 (Quality of Life); M24 (Flooding) and M27 (Restoration and Aftercare).

3. The developer shall notify the Mineral Planning Authority in writing within 14 days of the date of the following:-

   a) Commencement of each new phase of workings as identified within plans in condition 2 above,
   b) Completion of each working phase;
   c) Completion of winning and working at the site;
   d) Completion of restoration;
   e) Start of the aftercare period;
   f) Completion of the aftercare period.

   REASON: In order that the Mineral Planning Authority can adequately monitor the development and to comply with policies of the Development Plan: in particular policies: M17 (Biodiversity and Geodiversity); M18 (Landscape and Visual Impact) and M24 (Flooding).

Hours of Operation

4. No on-site activities other than water pumping, essential maintenance to plant and machinery and emergency procedures to maintain safe quarry conditions, shall be carried out other than between 0600 and 1800 hours on Mondays to Fridays and between 0600 to 1300 hours on Saturdays. Other than the above exceptions there shall be no working on Sundays or on Public Bank Holidays.

   REASON: To minimise impacts from noise upon surrounding residents/offices, and biodiversity. In accordance with policies: M17 (Biodiversity & Geodiversity) and M23 (Quality of Life).

Dust, Noise & Vibration

5. Mineral operations shall be carried out in accordance with the 'Dust Management and Monitoring Scheme' (as set out in Appendices 1 and 2 to Annex F of the Environmental Statement). The MPA shall be notified within 14 days of any dust complaints received, and in agreement with the MPA the 'Dust Management and Monitoring Scheme' shall be updated accordingly if any actions are subsequently required.

   REASON: To minimise impacts upon surrounding residents/offices from dust, in accordance with policy M23 (Quality of Life).

6. All fixed plant & machinery, buildings and structures shall be located within the Plant Site Area identified on plan numbered and entitled T8m/66 Site 'Site Layout and Topography'.

   REASON: To minimise impacts upon surrounding residents/offices, and biodiversity and limit visual impacts upon the Dartmoor National Park & the local landscape. In accordance with policies: M17 (Biodiversity & Geodiversity); M18 (Landscape and Visual Impact); and M23 (Quality of Life).

7. Noise produced by the operations of the quarry shall not exceed 55dB LAeq (1hour) free field when measured at any inhabited residential or office premises that are not in the control of the operator.

   Noise produced by the following temporary operations: the construction of screening bunds, formation of other landforms, soil stripping, and restoration works, may be increased for a period of time to a noise level as agreed by the MPA, with an absolute limit that shall not exceed 70dB LAeq(1hour) for over 8 weeks in any 52 weeks period when measured at any residential properties or offices outside the site, and only during the operating hours as set out in Condition 4 above.

   REASON: To protect the living and working conditions of nearby properties in accordance with adopted Devon Minerals Plan M23 (Quality of Life).

8. An updated Noise Management and Monitoring Plan (set out in Annex D parts 4&5 in the Environmental Statement) shall be submitted to and agreed with the MPA prior to mineral operations re-commencing at the site. Operations at the site shall be carried out in accordance with the approved plan.

   REASON: To protect the living and working conditions of nearby properties in accordance with adopted Devon Minerals Plan M23 (Quality of Life).

9. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm per second in 95% of all blasts, with no single blast exceeding a resultant velocity of 10mm per second as measured at any occupied building or residential property in the vicinity of the site.

   REASON: To minimise impacts from blasting upon surrounding residential properties and offices, and species in accordance with policies M23 (Quality of life) & M17 (Biodiversity & Geodiversity).

10. Except for reasons of safety, no blasting shall be carried out, outside the following hours 0800-1600 Monday to Friday. The operator shall notify the Mineral Planning

Authority in writing, within 48 hr of its occurrence, setting out the safety reasons for blasting taking place.

Blasting shall not take place within 100m of Riley Farm buildings without the following information being submitted to and approved by the Mineral Planning Authority:

a) a survey report of recent bat roost and emergence survey of farmhouse buildings at Riley Farm; to include a risk assessment of the potential impacts from blasting upon any bat roost in these buildings;
b) a condition survey report; incorporating a risk assessment of the farmhouse buildings at Riley Farm, to be carried out by an appropriately qualified structural engineer; and

The development shall be carried out in accordance with any actions or recommendations set out in the above reports.

REASON: To minimise impacts from blasting upon surrounding residential properties and offices, and protected species in accordance with policies M23 (Quality of life) & M17 (Biodiversity & Geodiversity).

11. When carrying out blasting operations, the operator shall adopt best practical means to minimise the propagation of airborne vibration outside the site and shall ensure that the vibration in terms of the measurable air overpressure at any buildings used for human habitation or work, does not exceed 120 decibels. Prior to any blasting taking place at the site, management procedures for blasting, including details of managing air overpressure, shall be submitted to and agreed with the MPA. The operator shall work in accordance with the approved procedures.

    REASON: To minimise impacts from blasting upon surrounding residential properties and offices in accordance with policy M23 (Quality of life).

12. The development hereby permitted shall take place in full accordance with the approved 'Blast Monitoring Scheme' (Appendix 6 - Annex D of the Environmental Statement). Blast monitoring records shall be made available to the MPA at their request and any subsequent action agreed with the MPA shall be carried out.

    REASON: To minimise impacts from blasting upon surrounding residential properties and offices in accordance with policy M23 (Quality of life).

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

    REASON: To minimise impacts from noise upon surrounding residential properties and offices in accordance with policy M23 (Quality of life).

Hydrology & Pollution control

14. Prior to dewatering taking place at the site a 'Hydrological Risk Assessment' and 'Monitoring Strategy for Controlled Waters' shall be submitted to and agreed with the MPA. Any mineral operations should be carried out in accordance with these Strategies/Assessments and any associated actions should take place.

    REASON: To limit impacts upon groundwater in accordance with Mineral Planning policy M21 (Natural Resources).

15. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers total volume and shall enclose within their curtilage all fill and drawpipes, vents, gauges, and sight glasses. There must be no drain through the bund floor or walls.

REASON: To prevent pollution to watercourses and soil in accordance with policy M21 (Natural Resources).

Landscape and Ecology

16. Within land subject to this mineral permission, the trees and shrubs shown on plan numbered and labelled T8m/80 'Retained Landscaping and Vegetation' and T8m/81 'South West Boundary Screening', (except for that within the Unworked Land), shall be retained throughout the duration of the permission in accordance with the provisions of the Landscape and Environmental Management Plan (LEMP) approved under condition 17.

REASON: To ensure vegetation and trees are protected to minimise impacts upon bats and the local landscape in accordance with polices M17 (Biodiversity & Geodiversity) and M18 (Landscape and Visual Impact).

17. Within 12 months from the date of this notice, and every three years thereafter, the operator shall submit and agree in writing with the Mineral Planning Authority a Landscape & Environmental Management Plan (LEMP) for the site. The LEMP shall identify the works to be undertaken in the next three years relating to:

- management of non-agricultural grassland;
- management of woodland; boundary landscaping and hedgerows
- management of soil and maintenance of soil stockpiles;
- maintenance of water settlement lagoons and linking pipes;
- measures to eradicate noxious and invasive species.

The approved LEMP shall be implemented in full.

REASON: To ensure vegetation and trees are protected to minimise impacts upon bats and the local landscape in accordance with polices M17 (Biodiversity & Geodiversity) and M18 (Landscape and Visual Impact)

18. No permanent, fixed or mobile external lighting shall be erected or operated outside the Plant Site Area identified on plan T8m/66, except in accordance with a scheme that has been submitted and approved in writing by the Mineral Planning Authority. The scheme shall then be implemented as approved.

REASON: To limit impacts upon bats, particularly Greater Horseshoe Bats in accordance with adopted Mineral policy (M17 Biodiversity & Geodiversity).

Archaeology

19. No soil stripping shall take place in the unworked area, as indicated on plan numbered T8m/66, until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Mineral Planning Authority.

The development shall be carried out at all times in strict accordance with the approved scheme.

Reason: To ensure, in accordance with paragraph 141 of the National Planning Policy Framework (2012) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that an appropriate record is made of archaeological evidence that may be affected by the development.

Restoration and aftercare

Prior Cessation

20. In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the development shown on Approved Plans numbered T8m-70, T8m-71 & T8m 72, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation, (within the terms of Paragraph 3 of schedule 9 of the Town and Country Planning Act 1990), a restoration and aftercare scheme shall be submitted for approval to the Mineral Planning Authority.

    The scheme shall be submitted within 6 months of the operator being informed by the Mineral Planning Authority of its opinion that working has ceased. The approved Restoration and Aftercare Scheme shall be fully implemented within 12 months of approval.

    The submitted restoration schemes shall be accompanied by an 'Aftercare Scheme', detailing the steps that are necessary to bring and maintain the land to the standard required for its restoration use that shall be submitted for approval to the Mineral Planning Authority.

    The submitted scheme shall:

    a) Include an outline strategy for the five year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken;
    b) Include a programme of monitoring of the progress of all planting and seeding and land drainage provision, together with details of how the developer will remediate any problems that arise during the aftercare period caused either by failure or inadequate initial provision;
    c) Provide for the submission to the Mineral Planning Authority of a detailed annual programme of works;
    d) the scheme shall include management proposal for the Geological SSSI.

    The Aftercare Scheme shall be implemented on approval.

    REASON: To ensure that the land is restored to a condition capable of beneficial after-use and the restored land husbanded in a condition capable of a sustained beneficial use to comply with policies M17 (Biodiversity and Geodiversity); M18 (Landscape and Visual Impact) & MP23 (Quality of Life).

21. The land subject to this mineral permission shall be restored in accordance with plans number T8m/54, T8M 73/Rev A, & T8m/81. A ‘Detailed Restoration Scheme’, (according with these plans) shall be submitted for approval and agreed with the

Mineral Planning Authority prior to 22nd February 2042. The scheme shall specify the following matters:

a) The phasing and timing of restoration operations;
b) Final levels of the restored land;
c) The preparation of the land surface before soiling;
d) The depth and method of spreading of subsoils and topsoil;
e) The cultivation and fertilisation of soils;
f) The provision of land drainage;
g) Design and location of any fencing;
h) Access onto and throughout the site;
I) The specification of grass seed mix, location, size and species of trees, bushes, shrubs and hedgerows;
j) Methods of staking, screening and mulching of trees, bushes and hedgerows.

The Restoration Scheme shall be implemented within 12 months of approval. The restoration scheme shall be accompanied by an 'Aftercare Scheme', detailing the steps that are necessary to bring and maintain the land to the standard required for its restoration use, and shall be submitted for approval to the Mineral Planning Authority.

The approved scheme shall:
a) include an outline strategy for the five year aftercare period. This shall specify the steps to be taken and the period during which they are to be taken.
b) Include a programme of monitoring of the progress of all planting and seeding and land drainage provision, together with details of how the developer will remediate any problems that arise during the aftercare period caused either by failure or inadequate initial provision

REASON: To ensure that the land is restored to a condition capable of beneficial after-use and the restored land husbanded in a condition capable of a sustained beneficial use to comply with policies M17 (Biodiversity and Geodiversity); M18 (Landscape and Visual Impact) & MP23 (Quality of Life).

Geology

22. The Crockham/Trusham Quarry Geological Site of Special Scientific Interest shall be maintained during the duration of mineral extraction and restoration operations in accordance with the Trusham Quarry GSSSI Management Scheme dated December 2015 (Appendix 4 of the Supporting Statement).

REASON: To ensure that the Geological SSSI is maintained in accordance with Mineral Policy M17 (Biodiversity and Geodiversity).

Appendix III
To PTE/17/28

Habitats Regulations 2010 **Section 1: Screening of likely significant effect on a European site**	**Devon County Council** October 2016
1.Type of permission/activity:	**ROMP**
2. Application reference no:	**DCC/3832/2016** **Trusham Quarry, near Chudleigh, Newton Abbot, TQ13 0NX**
3. National grid reference:	**SX 8518 8079**
4. Brief description of proposal:	**Review of Old Mineral Planning Permission - First Periodic Review**
5. Is the proposal directly connected with or necessary to management of a European site for nature conservation?	**No**
6. European site name(s) and relevant interest features:	South Hams SAC Qualifying features: Annex I Habitats European dry heaths Semi-natural dry grasslands and scrubland faces: on calcareous substrates (*Festuco-Brometalia*) Vegetated sea cliffs of the Atlantic and Baltic coasts Caves not open to the public Tilio-Acerion forests of slopes, screes and ravines * Priority feature Annex II Species Greater horseshoe bat *Rhinolophus ferrumequinum* Relevant interest feature: Greater horseshoe bats (***Rhinolophus ferrumequinum***) **- South Hams is thought to hold the largest population in the UK. It contains both maternity and hibernation roosts and contains the largest known maternity roost in the UK and possibly in Europe.**
	The whole of the quarry site falls within a South Hams SAC sustenance zone (4km buffer) and the north-east half of the site falls within a strategic flyway which forms part of the consultation area for the SAC (NE South Hams SAC Guidance, 2010). **Please note that it has been agreed with NE that, due to distances and the nature of the proposal, there are no other qualifying features of these SACs and no other SACs/SPAs that need to be considered within this HRA screening.** 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.
7. Ecological characteristics associated with the relevant interest features	Greater horseshoe bats **Greater horseshoe bats use the wider countryside of South Devon for the majority of their activities, including commuting, foraging, roosting, and mating. The SAC designated roost sites were identified on the basis of their relative importance for hibernating during winter, and summer roost sites including nursery roosts where the females for a whole colony gather together to give birth and rear their young.** **The key aspects associated with maintaining the integrity of the greater horseshoe bat interest (and its favourable conservation status are):-**
	1) The area has to be large enough to provide a range of food sources capable of supporting the whole greater horseshoe bat population; the bats feed at a number of locations through the night and will select different feeding areas through the year linked to the seasonal availability of their insect prey. 2) Greater horseshoe bats regularly travel through South Devon between feeding sites and their roosts via a network of established flyways. They also travel greater distances between the sites designated as the South Hams SAC at certain times of the year, for example: in the spring and autumn between hibernacula and maternity sites; and, in the autumn to mating sites.
	3) Greater horseshoe bats need to be able to move through the landscape between their roosts and their foraging areas to maintain favourable conservation status. They require linear features in the landscape to provide landscape permeability. The greater horseshoe bat tends to use landscape features to navigate, such as lines of vegetation (hedgerows, woodland edge, vegetated watercourses etc) and will tend to fly close to the ground up to a height of 2 meters, and mostly beneath vegetation cover. **4) Greater horseshoe bats are sensitive to light and will avoid lit areas. The interruption of a flyway, by light disturbance or physical removal/ obstruction would force the greater horseshoe bat to find an alternative route which is likely to incur an additional energetic burden and will therefore be a threat to the viability of the bat colony. In some circumstances, an alternative route is not available and can lead to isolation and fragmentation of the bat population from key foraging areas and/or roosts.**
	5) Most feeding activity is concentrated in an area within 4km of the roost (juvenile bats will forage within 3km at a stage in their life when they are most susceptible to mortality). The most important types of habitat for feeding have been shown to be permanent pasture grazed by cattle, hay meadows, and wetland features such as stream lines and wet woodland. **Taking the above requirements into account, greater horseshoe bats are particularly susceptible to the following changes in their habitat that may arise as a result of development:-** **1. Impact on roost sites (including damage, destruction and disturbance)** **2. Removal, severance or disturbance of linear features used for navigation and commuting** **3. Disturbance from new illumination causing bats to change their use of an area** **4. Physical injury by wind turbines** **5. Change in habitat structure and composition (loss or change in quality of foraging habitat)**
	Planning development proposals need to demonstrate that there will be no detrimental impact upon the ability of the greater horseshoe bats to navigate and feed by affecting the ecological impacts identified above. ***The above is predominantly taken from Natural England South Hams SAC planning guidance, 2010.***

8. Planning context:

Old Crockham Quarry, which lies in the eastern part of the Trusham planning permission area, was worked for over 75 years before finally closing in 1976. Planning permission was subsequently granted for landfilling the mineral void using imported inert fill material.

A new area of working - the present Trusham Quarry - was begun in the 1970's in order to exploit the other body of dolerite. The main road running up the Teign Valley has been diverted and replacement processing and coating plant provided to give the whole site a long term future. A planted bund has also been constructed adjacent to the new part of the highway to minimise the impact of the works in the landscape.

Old Trusham Quarry was granted permission in December 1949 and was worked for dolerite in the 1950s.

Both Trusham and Old Trusham Quarry are classified as Active Phase I sites. The scheme of conditions for Old Trusham Quarry was approved in February 1998. The scheme for Trusham Quarry was approved on 25 February 1999 with conditions controlling the working programme, hours of working, maximum noise levels, monitoring schemes, landscaping, restoration and aftercare, and geological and nature conservation matters.

Due to the economic recession substantial mineral operations stopped in 2012 and the quarry has since been mothballed. While Hanson has no proposals to recommence operations in the very near future the substantial strategic mineral reserve is being maintained and preserved for future extraction. All future working will take place within the existing permitted development area.

A substantial amount of the stone crushing and other processing plant and tertiary structures such as an asphalt plant (producing coated roadstone) have been demolished or relocated to other operational quarries. New plant will be commissioned, primarily of a mobile nature, as and when operations restart.

9. Greater horseshoe bat use of the application site – relevant to this application

A series of bat transect surveys of the site were undertaken between May 2015 and October2015 as detailed within the submitted Environmental Statement (Annex B, AECOM, December 2015). All surveys were carried out in accordance with Natural England's *South Hams SAC – Greater horseshoe bat consultation zone planning guidance* and received prior acceptance by Natural England.

GHB were infrequently encountered during the activity surveys **- the distribution of this species was associated with the derelict house to the south-west of the site boundary and concurrent emergence surveys identified a small summer roosting location. Foraging over the grassland was minimal and comprised largely of pipistrelles only.**

Screening Assessment for likely significant effect

10. Potential hazards likely to affect the interest features

Sensitive interest feature	Possible impacts	Actual impact
South Hams SAC: Greater horseshoe bat strategic flyway	• **Loss/severance of linear features forming flight lines around the site e.g. trees, hedges** • **Creation of physical barriers along the flyway *e.g.* security fencing** • **Disturbance e.g. increased lighting >0.5 Lux**	Loss/severance - **Habitat forming bat flight lines around the edge of the site will be protected (through a new condition attached to this ROMP application) during the lifetime of the quarry and aftercare period – as shown in Figure 2 below.** Physical barriers. **The proposed quarry extension does not include anything which could act as physical barriers within a flight line around the site.** Lighting. **The proposals confirm there will be no night time working involving lighting, and this will means there will be no impacts of lighting on protected species and habitats.** Given that bat flight lines around the site are being protected no mitigation is required.

Conclusion

11. Conclusion: Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?	As flight lines around the site will be protected through a condition, this proposal will not result in a likely significant effect on the South Hams SAC. There are no residual effects which could, in–combination with any other plans or projects, have a likely significant effect on the South Hams SAC. **Final restoration of Trusham quarry will benefit Greater Horseshoe Bats through the provision of new grassland and woodland habitats. This enhancement will be secured through a condition requiring a detailed *Landscape and Ecology Management Plan* which ensures net gain for wildlife, including greater horseshoe bats.** Natural England's response (dated 7 March 2016) also concluded that that '*the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. NE gave the following reasons:* - *We note bat activity surveys identified limited greater horseshoe bat activity associated with the site. The proposals confirm that there will be no night time working involving lighting, and this should remove the risk caused by light disturbance upon potential habitats.* Natural England's response further stated that '*We advise that you seek to clarify the aims and objectives of the restoration planting, woodland, lake, and grassland areas. Potentially, these areas could be targeted towards supporting a specific species, or provide a more generic biodiversity opportunity. We also advise that this condition provides a timeframe for the restoration, taking into account the period of time that functioning wildlife habitats require for establishment.*' This has been addressed by updating the condition 17 to reflect these comments.

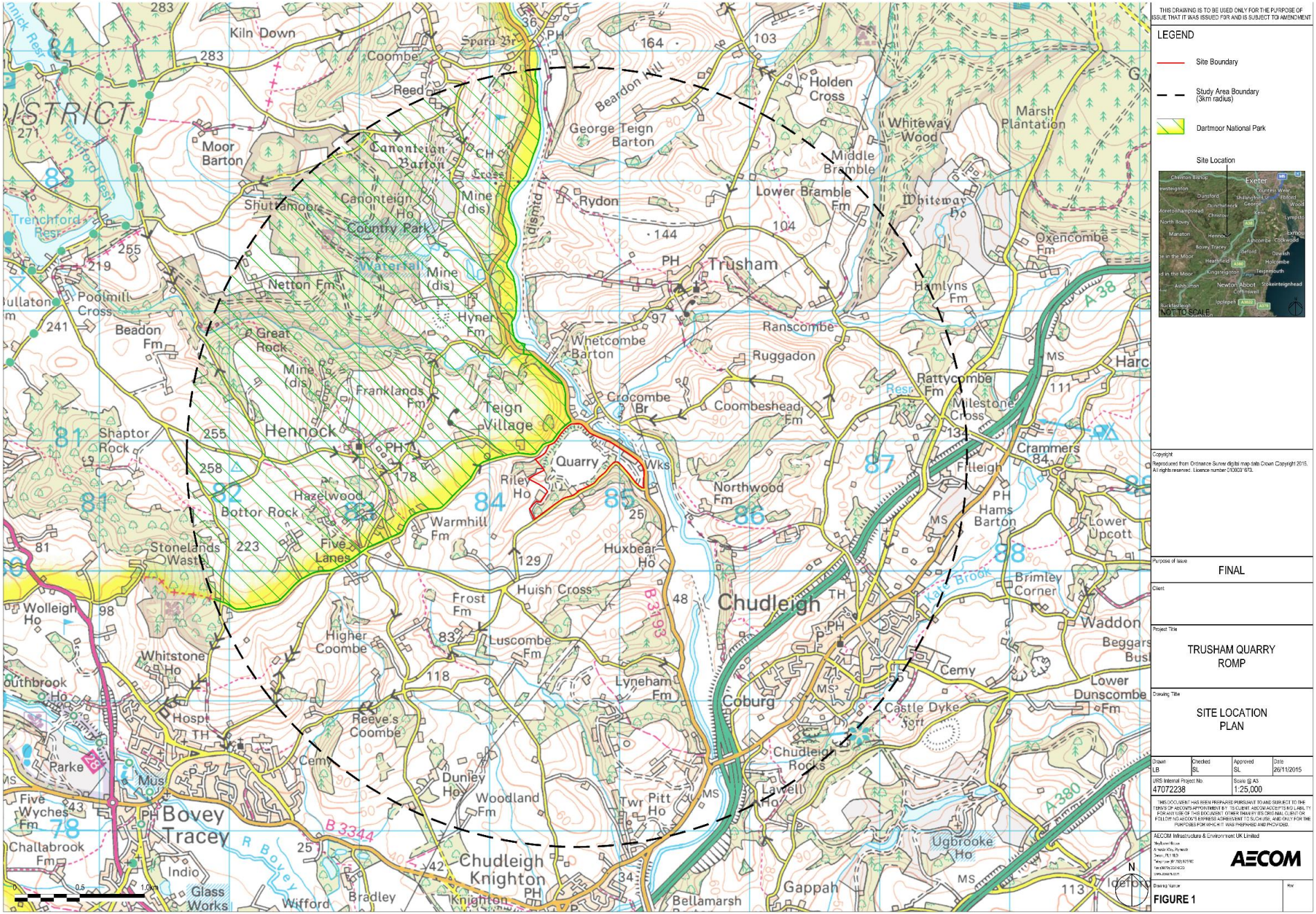


Figure 1 - Location plan of Trusham Quarry and surrounding land use

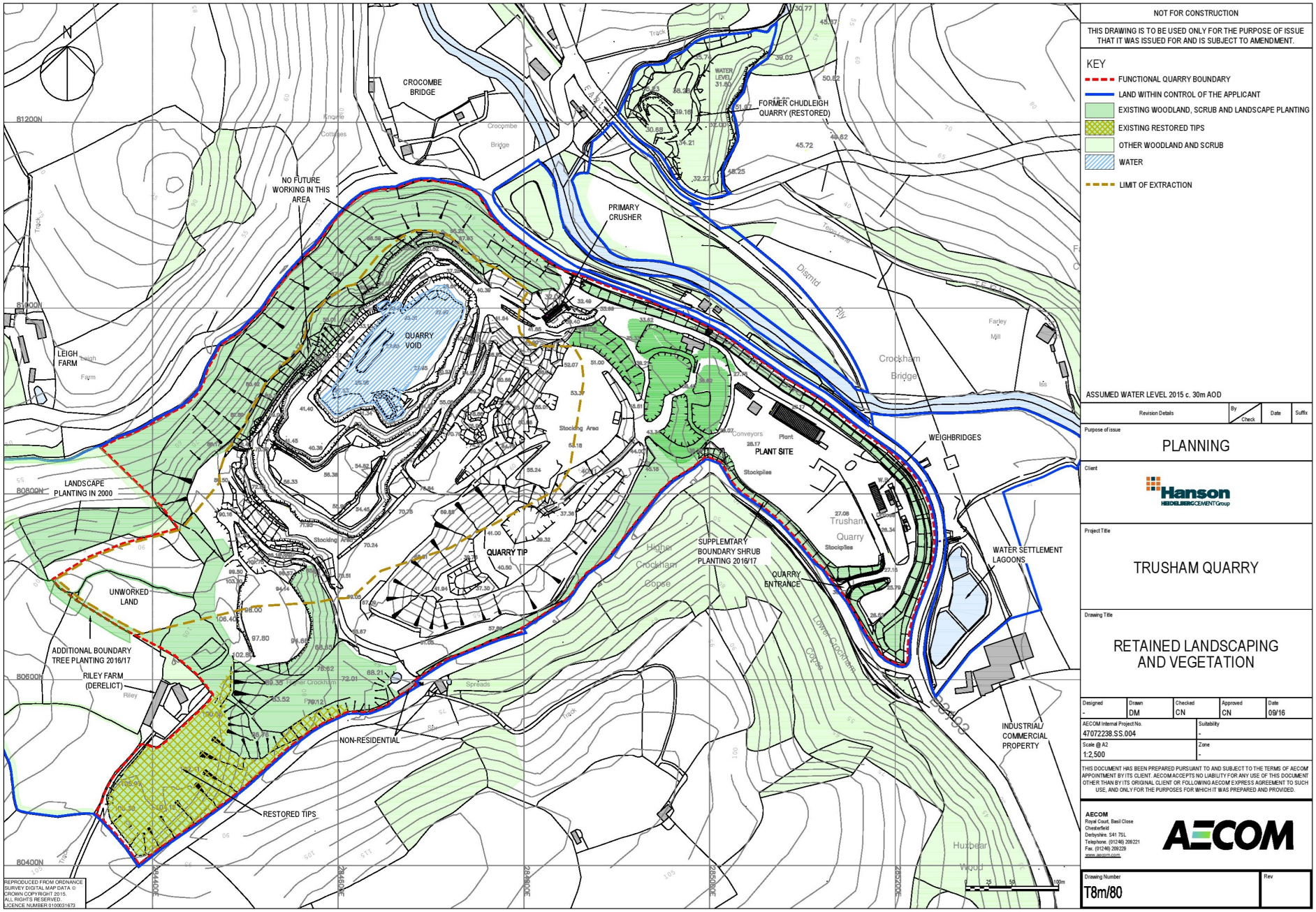


Figure 2 - Map showing the vegetation which is to be protected throughout the life of the quarry operations by condition