

PTE/17/29

Development Management Committee
7 June 2017

County Matter: Minerals

Torrige District: Continuation of quarrying until 2032, extension of quarry by 35m to allow for the extraction of 150,000 tonnes of sandstone and the continuation of the importation of inert waste for processing at Babeleigh Wood Quarry, Parkham, Bideford

Applicant: Mr D Chance

Application No: 1/0192/2017/CPZ

Date application received by Devon County Council: 21 February 2017

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 subject to the conditions set out in Appendix II of this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local Member).

1. Summary

- 1.1 This report relates to a planning application for an extension to Babeleigh Wood Quarry and for the continuation of waste processing at the site.
- 1.2 It is considered that the main material considerations in the determination of this application are an examination of the proposal against the Devon Minerals Plan and the Devon Waste Plan; traffic and transportation impacts; the impacts of the development on the amenity of the neighbouring properties; ecological impacts; landscape and visual amenity impacts; and the appropriateness of the restoration of the site.

2. The Proposal/Background

- 2.1 Babeleigh Wood Quarry is located approximately 500m to the south east of the village of Parkham, in the district of Torrige. From Bideford and Great Torrington the quarry is accessed via an unclassified road, approximately 9km off of the A386. A private track from the unclassified road, through Babeleigh Wood, then provides access into the site.
- 2.2 Babeleigh Wood Quarry is an established sandstone quarry with ancillary waste processing operations, with the original planning permission dating back to 1965. The most recent planning permission expired on the 26 March 2017. Currently, the quarry floor contains aggregate and inert waste stockpiles and mobile plant and machinery. The quarry is located within a valley meaning the land rises around the quarry floor to the east from 130m AOD to 160m AOD. The current haul road is along the northern boundary of the quarry which accesses the northern, eastern and part of the southern face of the quarry. There is currently working on one bench.
- 2.3 The quarry is immediately west of Babeleigh Barton Farm and Linhay House. The owner of Babeleigh Barton Farm is the landowner of the quarry and Linhay House

(approximately 40m away from the proposed extension), which acts as an agricultural workers dwelling for the farm. The three next closest residential properties are approximately 200m to the northwest of the site, across the valley. The site is within the Torridge Valley Area of Great Landscape Value.

- 2.4 This application proposes to extend the working area 35m to the east of the existing reserves, releasing an additional 150,000 tonnes of mineral. It is proposed this is extracted at a rate of 28,000 tonnes per annum for a period of 15 years, until 26 March 2032, with the total mineral output of the site increasing to 20,000 tonnes per annum. The previous permission had an output restriction of 15,000 tonnes per annum.
- 2.5 A 3m high bund formed from the overburden and soils within the extension area would be created along the eastern and southern boundary of the extraction area. This would provide a 10m buffer between the quarry face and the surrounding agricultural use. A new haul road would be created on the southern face and a total of 3 benches. All of these elements look to improve the operational safety of the site.
- 2.6 In addition to the mineral working, the proposal looks to continue the importation and processing of 1,500 tonnes of inert (construction and demolition) waste for recycling per annum at the site from the operations carried out by D & R Chance (the operator).
- 2.7 The restoration of the site is proposed to be in accordance with the principles of the expired application. Once extraction has ceased, it is proposed the screening bund is tipped over the quarry faces to allow for natural regeneration to occur and to soften the benches. Waste material arising from the quarry operations will then be used to gradually increase ground levels to the first bench to create a useable and stable landform that can sustain agricultural use. It is estimated approximately 20% of extracted material will be classified as mining waste. In addition to this, 26,000 tonnes of material is also required to achieve the proposed finished levels, this amount is not above that permitted previously. It is understood that this would be obtained from the importation of inert waste over the operational period. Areas are then proposed to be planted and left to naturally regenerate.

3. Consultation Responses

- 3.1 Torridge District Council - No objection.
- 3.2 Parkham Parish Council - No objection.
- 3.3 Environment Agency – No objection subject to the inclusion of the following conditions:
 - No winning and working of minerals to take place below 130m AOD;
 - Tipping is restricted to non-decomposable, non-toxic and non-putrescible wastes arising from the operations permitted; and
 - A maximum of 1,500 tonnes of clean inert waste, arising solely from the operations of D & R Chance, to be imported into the site per annum.The Agency also advises that the importation of inert waste for processing on site and the production of extractive wastes are likely to require an Environmental Permit.
- 3.4 Natural England – No objection. Offer advice on landscape; reclamation; and protected species.

3.5 Lead Local Flood Authority - No objection.

4. Advertisement/Representations

4.1 The 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. As a result of these procedures, 4 letters/emails commenting on the application have been received. Two representations raise concerns relating to any increase in the frequency of working and the subsequent noise impacts this will have on the residents and the tranquillity of the area. The other two representations support the application, with one referencing the use of the local product.

4.2 Copies of representations and consultee responses are available to view on the Council website under reference DCC/3958/2017 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3958/2017>.

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.

6. Comments/Issues

6.1 The main material planning considerations in the determination of the application are discussed below.

Examination against planning policy

6.2 There are two elements in this proposal; the extension to the quarry and the processing and recycling of construction and demolition waste.

6.3 The Development Plan includes the adopted Devon Minerals Plan (2011-2033); the Devon Waste Plan (2011-2031); the adopted Torridge District Local Plan (1997-2011); and the emerging North Devon and Torridge Local Plan (2011-2031). In terms of national planning policy, the National Planning Policy Framework is relevant, and the associated Planning Practice Guidance which includes specific guidance on aggregates supply, the restoration of quarries and associated noise issues. The NPPF does not contain specific policies on waste but the National Planning Policy for Waste (Oct 2014) is relevant and the Waste Management Plan for England 2013.

6.4 In relation to the extension of the quarry and the supply of aggregates, Policy M11 (Steady and Adequate Supply of Land-won Aggregates) of the Devon Minerals Plan includes criteria for enabling the extension of an existing quarry where an adequate landbank exists; Devon has a crushed rock landbank (48.9 years at the end of 2015) that is in excess of the minimum of 10 years required by paragraph 145 of the NPPF. It is considered the proposal meets criterion (b) of Policy M11; the proposal will allow the continuation of small-scale working to supply aggregates to local markets in areas of Devon that are not located close to existing major aggregate quarries. The

increase of minerals sales to a maximum of 20,000 tonnes per annum, from 15,000 tonnes per annum, is considered to be acceptable and is still considered to be 'small-scale' in the context of Policy M11 (Steady and Adequate Supply of Land-won Aggregates). The Devon Minerals Plan also recognises the contribution of small quarries to local supply. Policy M1 (Spatial Strategy) provides for the working of crushed rock aggregates for local markets in northwest Devon. Babeleigh Wood is well-located to serve local markets in the Torridge area, being less than 10km from Bideford. In contrast, the nearest large aggregate quarry at Bray Valley is close to 40km away by road from Bideford. Unlike much of the remainder of Devon, Torridge and North Devon benefit from a network of small aggregate quarries that support the rural economy while helping to minimise the distances that aggregates are transported.

- 6.5 While the quarry's main product is construction aggregates, the quarry also supplies building and walling stone, with the Devon Minerals Plan noting it as a supplier of one of Devon's key building stones from the Bude Formation. Policy M15 (Supply of Building Stone) supports proposals for small-scale extraction of building stone including through extension of an existing quarry.
- 6.6 The application also looks to continue the importation of inert construction and demolition waste for recycling at a rate 1,500 tonnes per annum. The continuation of this activity is supported by Policy M10 (Secondary and Recycled Aggregates) of the Devon Minerals Plan as the operation is taking place within the mineral site. This activity is also supported by Policy W5 (Reuse, recycling and Materials Recovery) of the Devon Waste Plan, allowing waste to be managed in accordance with the waste hierarchy. The waste element of the proposal is ancillary to the quarrying operations at the site and to ensure this operation remains ancillary, it is considered appropriate to include a condition to make the waste operation personal to the operator.

Ecological impacts

- 6.7 The quarry would extend into improved, species-poor grassland, currently used for cattle grazing. The application does will not require the removal any of the broadleaved woodland habitat surrounding the site, some of which is designated as ancient woodland. The Ecology Report states that the development will not have any serious implications for habitat diversity within the local area and that no mitigation is required for any protected species, apart from reptiles, which may be affected by the creation of a haul road. It is considered the report is a reasonable assessment. The report provides steps to be taken prior to any vegetation clearance taking place to mitigate any impacts on reptiles; this will be subject of a planning condition.
- 6.8 The application states that no working is taking place within 40m of the ancient woodland; that only inert material will be on site; there will be no changes to the drainage on site; the proposal would not result in a significant increase in traffic; and that no external lighting proposed. It is noted that a small amount of dust will arise from the operations and that the operator will use water suppression in dry and windy conditions to prevent dust from escaping from the site. The applicant has submitted a plan to show the operational area as to where stockpiles and plant will be located. This encompasses the whole of the quarry floor, with a 5m-10m buffer (when measured from the edge of the tree's canopies), however, there is no physical delineation proposed with the application. A condition requiring a Landscape and Ecology Management Plan (LEMP), including fencing details is recommend to ensure no working, storage of materials or vehicle movement takes place within this area and damage the ancient woodland that surrounds the site.

- 6.9 In addition to the above, it is considered details are also required for the management of the proposed and existing habitat at the site during the operations; this can form part of the LEMP.
- 6.10 Given the above, including the recommended conditions, it is considered the application is in accordance with Policy M17 (Biodiversity and Geodiversity) of the Devon Minerals Plan.

Traffic and transportation

- 6.11 The proposal looks to increase the total output from the site from 15,000 tonnes to 20,000 tonnes per annum. The level of waste to be imported remains the same at 1,500 tonnes. It is not considered that the proposed levels will generate a significant increase in vehicle numbers. The output and import levels of material to the site will be restricted by condition to limit any impact on the highway network, in accordance with Policy M22 (Transportation and Access) of the Devon Minerals Plan.

Impact on the amenity of nearby residential properties

- 6.12 It is noted that concerns have been raised by two properties with regards to the noise impacts of any increased working at the site. A noise assessment has been submitted with the application which provides a background noise level of 34dB. Planning Practice Guidance states that noise levels at the site should not exceed the background noise level (LA90,1h) by more than 10dB(a) during normal working hours. However, where this would be difficult to achieve without imposing unreasonable burdens on the mineral operator, the limit set should be as near as that level as practicable. The noise assessment demonstrates that normal working at the site is marginally below 44dB (LAeq 1 hour), however, suggests a limit of 47dB (LAeq 1 hour) would be reasonable in order to take into account crushing, which was not monitored and happens infrequently throughout the year. Therefore, a condition limiting the noise levels at any noise sensitive property to 44dB is considered appropriate and the noise assessment has demonstrated this is achievable. The applicant has proposed reduced working hours for extraction, processing and screening activities, and that all plant and machinery is kept up to the manufacturer's specifications, these elements will be subject of planning conditions. The report outlines further recommendations, which are not considered necessary to achieve the suggested noise limits, but look to further reduce noise levels. The applicant has offered to produce a noise management scheme to outline best practice and the procedure should a complaint be received. This will be secured by a planning condition.
- 6.13 In relation to dust, the applicant has submitted measures that will be undertaken to reduce the dust emissions, which includes the use of a water bowser on the access road in dry conditions.
- 6.14 Blasting has taken place historically at the site, consented through the 2007 planning permission, and this application looks to continue this method of extraction. Typically, blasting has taken place once a year. In order to ensure that any impacts are adequately controlled it is recommended a blasting scheme is required before any further blasting takes place at the site. The scheme should include limiting blasting to twice per annum, only to take place between the hours of 0900-1500 Monday to Friday and to provide details of the maximum peak particle velocity and the air over pressure permitted at the nearest properties. In the event planning permission is granted this would be subject of a planning condition.

- 6.15 In addition to the above, the restriction on the amount of material that can be exported and imported into the site will limit any impacts. Overall, it is considered that any noise, dust, vibration and traffic impacts will be adequately controlled in accordance with Policy M23 (Quality of Life) of the Devon Minerals Plan.

Landscape and visual impact

- 6.16 The site lies within the Torridge Valley Area of Great Landscape Value. The site is well screened to the north, west and south by mature woodland which limits its visual impact. The quarry cannot be seen from the east due to the site being below the surrounding ground level. The proposal looks to introduce a bund on the eastern boundary, given the limited visibility into the site due to the existing vegetation and topography, and that this will only remain in place for the duration of the operational works, this is considered to be acceptable. Overall, it is considered the proposal conserves the landscape character in accordance with Policy M18 (Landscape and Visual Impact) of the Devon Minerals Plan.

Restoration

- 6.17 A restoration plan has been submitted with the application. This is based on the scheme previously approved and includes the use of mining waste and imported materials to achieve the approved levels. It is understood the proposed land form is in the interests of safety and to allow the site to be returned back to its previous use of agriculture. This principle of the proposed restoration scheme is considered acceptable. However, it is considered that further details of the restoration will be required at the appropriate time (including establishment and maintenance of vegetation) and this will be secured by planning condition.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 At Babeleigh Wood the quarry and waste recycling operations are of a modest scale and the site has operated without significant impact to the environment. A further planning permission would allow the continuation of a quarry and waste recycling facility that serves a local need. The recommended conditions would ensure that levels of production remain low and the environmental impact slight.
- 7.3 Taking all material considerations into account it is considered appropriate for the committee to grant conditional planning permission.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Bideford West & Hartland

Local Government Act 1972: List of Background Papers

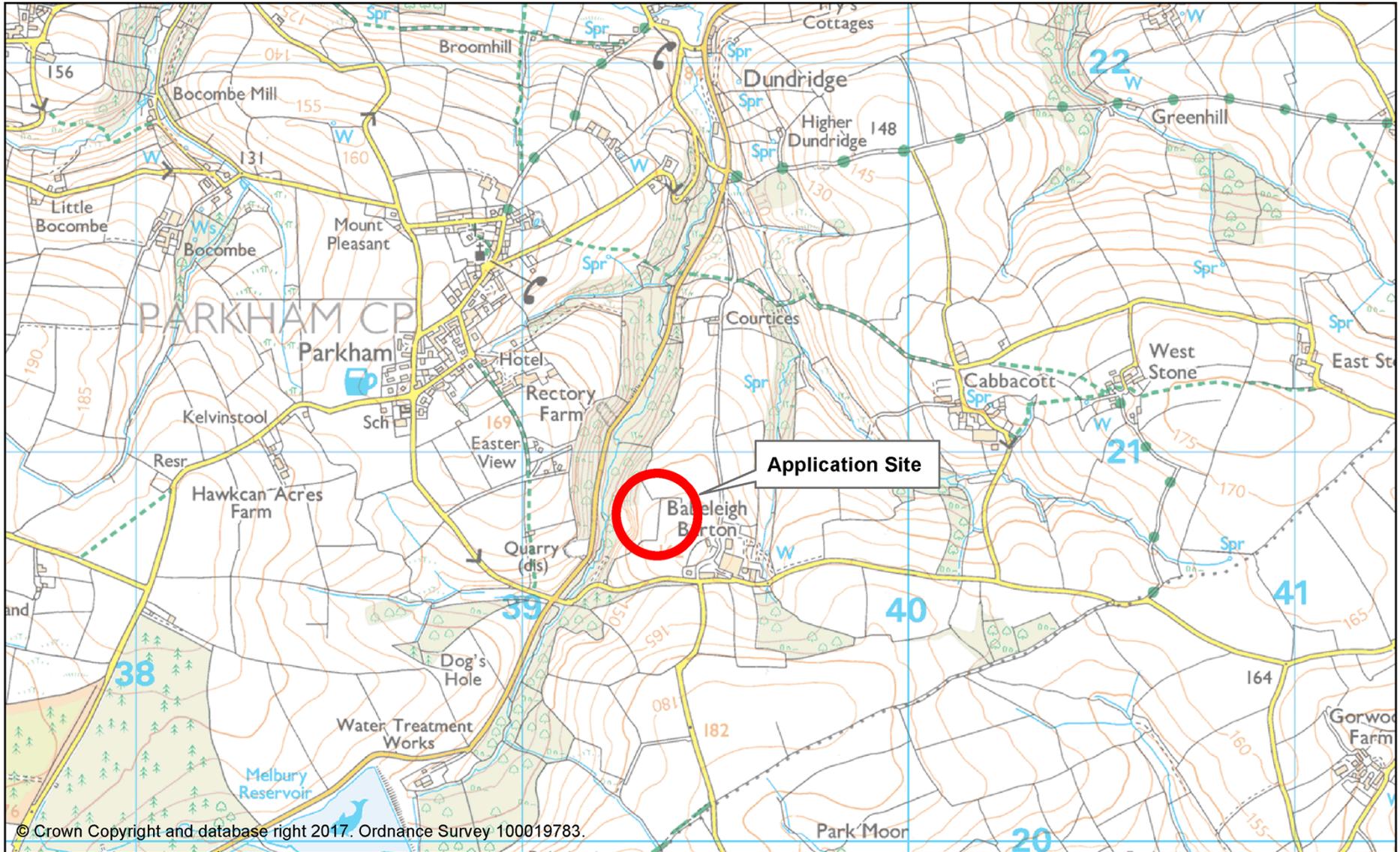
Contact for enquiries: Emily Harper

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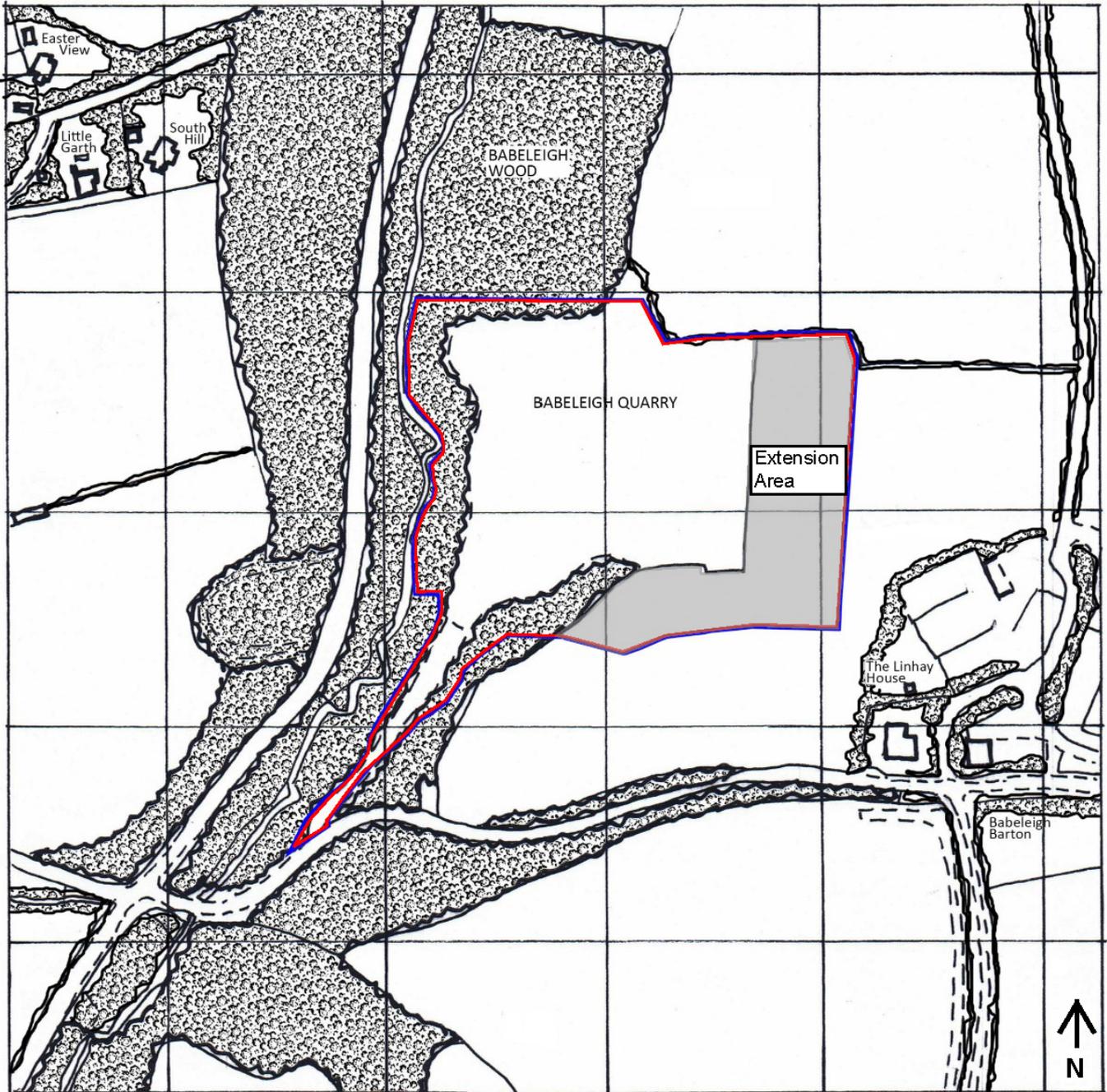
Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	Current	1/0192/2017/CPZ

eh230517dma
sc/cr/continuation quarrying babeleigh wood quarry parkham bideford
04 300517



	Head of Planning, Transportation and Environment	Development Management Committee	<i>date</i> June 2017	<i>scale</i> 1:12,511
		County Matter: Minerals	Application No: 1/0192/2017/CPZ	
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1/2500 scale DISTRICT PLAN

Planning Policy Considerations

Devon Minerals Plan: Adopted 17th February 2017

Policies M01: Spatial Strategy; M10: Secondary and Recycled Aggregates; M11: Steady and Adequate Supply of Land-won Aggregates; M15: Supply of Building Stone; M16: Green Infrastructure; M17: Biodiversity and Geodiversity; M18: Landscape and Visual Impact; M21: Natural Resources; M22: Transportation and Access; M23: Quality of Life; M24: Flooding; M25: Land Stability; M26: Cumulative Effects; and M27: Restoration and Aftercare.

Devon Waste Plan: Adopted December 2014

Policy W5: Reuse, Recycling and Materials Recovery.

Torridge District Local Plan 1997-2011

Policies DVT8: Landscaping; DVT11: Impact of development on amenity; DVT13: Noise emission and disturbance; DVT18: Impact of development on traffic; ENV5: Countryside protection and landscape conservation; ENV6: Designated landscape areas; ENV7: Protection of important nature conservation interests; and ENV10: Mitigation and enhancement.

North Devon and Torridge Local Plan 2011-2031: Publication Draft May 2016

Policies ST14: Enhancing Environmental Assets; DM01: Amenity Considerations; DM02: Environmental Protection; DM05: Highways; and DM08: Biodiversity and Geodiversity.

National Planning Policy Framework

National Planning Policy for Waste

National Planning Practice Guidance

Planning Conditions

Overall control

1. The development permitted shall cease and the site restored in accordance with the requirements of Conditions 13 and 14 on or before 26 March 2032

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the MPA to adequately monitor the development.

2. The development shall be carried out in strict accordance with the details shown on the Approved Plans/Drawings and Documents numbered or entitled 1034/PL1; 1034/PL7; 1034/PL8; 1034/PL9; 1034/PL10; 1034/PL11; 'D & R Chance Babeleigh Wood Quarry' (2016); 'Flood Risk Assessment' (01/11/2016); 'Babeleigh Dust Management'; 'Preliminary Ecological Appraisal' (March 2017); and email from Richard Agnew dated 24/05/2017, with subject 'Babeleigh'; unless varied by the conditions below.

REASON: To ensure that the development is carried out in strict accordance with the approved details.

3. Within three months of the date of this permission or prior to any soil stripping, whichever is earliest, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved by the Mineral Planning Authority. This shall include:

- (a) Height of stockpiles and soil and overburden stores;
- (b) The management of the existing vegetation, including trees, hedgerow, grassland, which includes the retention of the existing vegetation identified on Drawing No. 1034/PL2 for the duration of the permission;
- (c) Soil management and handling details, which does not involve topsoil or subsoil being removed from the site;
- (d) Measures to be undertaken for the control of weeds across the site, including soil stores;
- (e) Fencing on all boundaries of the site and between operational areas and the ancient woodland and existing vegetation to be retained; and
- (f) The maintenance of the 3 settlement pits and drainage sumps on drawings

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

REASON: To ensure that species, habitats and the local landscape are conserved and enhanced in accordance with Policies M17 (Biodiversity and Geodiversity) and M18 (Landscape and Visual Impact) of the Devon Minerals Plan; Policies DVT8 (Landscaping) and ENV10 (Mitigation and Enhancement) of the Torridge District Local Plan 1997-2011; and Policies DM08 (Biodiversity and Geodiversity) and ST14 (Enhancing Environmental Assets) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).

4. Within three months of the date of this permission a Noise Management Scheme shall be submitted to the Mineral Planning Authority for approval. The scheme shall be consistent with the recommendations made in the Noise Assessment (dated May 2017) and shall also include:

- a) Measures to achieve the requirements of Condition 7 and 8; and
- b) Complaints procedure, including the monitoring of noise levels.

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

REASON: To protect the living conditions of local residents in accordance with Policy M23 (Quality of Life) of the Devon Minerals Plan; Policy DVT11 (Impact of Development on Amenity) of the Torridge District Local Plan 1997-2011; and Policy DM01 (Amenity Considerations) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).

5. The operations specified below shall be carried out only during the following hours, unless otherwise agreed in writing by the Mineral Planning Authority or for essential maintenance to plant and machinery and emergency procedures to maintain safe quarry working:
- (i) Quarrying and waste operations (including extraction, screening and processing) shall only take place between 1000 hours and 1530 hours Monday to Friday;
 - (ii) Crushing shall be limited to 30 days per annum between 0800 hours and 1700 hours Monday to Friday. The Operator shall notify the Mineral Planning Authority in writing 7 days prior to any campaign crush event;
 - (iii) All other operations (including vehicle movements and the loading/unloading of vehicles) shall only take place between the between 0730 hours and 1800 hours Monday to Friday and between 0730 hours and 1300 hours on Saturdays;
 - (iv) There shall be no operations, including vehicle movements, on Sundays or on the following Public Holidays (a) New Year's Day, (b) Good Friday, (c) Easter Monday, (d) May Day Bank Holiday, (e) Spring Bank Holiday, (f) August Bank Holiday, (g) Christmas Day, (h) Boxing Day, and any other Public Holidays that may be subsequently declared.

REASON: In the interest of controlling and limiting the effects on the local community in accordance with Policy M23 (Quality of Life) of the Devon Minerals Plan; Policy DVT11 (Impact of Development on Amenity) of the Torridge District Local Plan 1997-2011; and Policy DM01 (Amenity Considerations) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).

6. No mud, dust or other debris originating from the site shall be deposited on the public highway.

REASON: In the interests of highway safety in accordance with Policy M22 (Transportation and Access) of the Devon Minerals Plan; Policy DVT18 (Impact of Development on Traffic) of the Torridge District Local Plan 1997-2011; and Policy DM05 (Highways) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).

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

REASON: To protect the living conditions of local residents in accordance with Policy M23 (Quality of Life) of the Devon Minerals Plan; Policy DVT11 (Impact of Development on Amenity) of the Torridge District Local Plan 1997-2011; and Policy DM01 (Amenity Considerations) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).

8. Noise levels arising from the site shall not exceed 47 dB(A) LAeq, 1h (free field) between the hours of 0730 and 1800 Mondays to Fridays and 0730 and 1300 on Saturdays inclusive at any noise sensitive property.

REASON: To protect the living conditions of local residents in accordance with Policy M23 (Quality of Life) of the Devon Minerals Plan; Policy DVT11 (Impact of Development on Amenity) of the Torridge District Local Plan 1997-2011; and Policy DM01 (Amenity Considerations) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).

9. No external floodlighting shall be used on any part of the site unless previously agreed in writing by the Mineral Planning Authority.

REASON: To protect the character of the Area of Great Landscape Value and in the interests of biodiversity in accordance with Policies M17 (Biodiversity and Geodiversity) and M18 (Landscape and Visual Impact) of the Devon Minerals Plan.

Minerals

10. The total amount of quarried stone removed from the site and inert material required to achieve the restoration profiles (set out on plans 1034/PL9; and 1034/PL10) imported to the site shall not exceed 20,000 tonnes per annum. The operator shall keep chronological written records of tonnages of all quarried stone removed from the site and restoration material imported into the site, and such written records shall be made available to the Mineral Planning Authority within one week of such a request being made

REASON: To minimise the impact of the development on the local highway network and general amenity of local residents in accordance with Devon Minerals Plan Policies M22 (Transportation and Access) and M23 (Quality of Life); Policies DVT11 (Impact of Development on Amenity) and DVT18 (Impact of Development on Traffic) of the Torridge District Local Plan 1997-2011; and Policies DM01 (Amenity Considerations) and DM05 (Highways) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).

11. No winning or working of minerals shall take place below 130AOD.

REASON: To minimise the effect of the development on the groundwater resources in accordance with Policy M21 (Natural Resources) of the Devon Minerals Plan.

12. No blasting shall take place until a blasting scheme has been submitted to and approved by the Mineral Planning Authority. The scheme shall include:

- (a) Blasting to take place between 0900 hours and 1500 hours Monday - Friday and limited to twice per annum;
- (b) The method of warning of blasting episodes;
- (c) The maximum levels of ground vibration at specified vibration sensitive buildings and residential properties;
- (d) Methods to be used to minimise the effects of ground vibration arising from blasting;
- (e) The maximum levels of air overpressure at specified locations outside the site;
- (f) Methods to be used to minimise the effects of air overpressure arising from blasting;
- (g) The methods to be used to monitor blasting episodes;
- (h) The procedure to make monitoring results available to the Mineral Planning Authority;
- (i) The procedures to be adopted if ground vibration or air overpressure goes above the maximum levels.

Once approved, the scheme shall be implemented immediately and shall be used during the life of the development.

REASON: In the interest of controlling and limiting the effects on the local community in accordance with Policy M23 (Quality of Life) of the Devon Minerals Plan; Policy DVT11 (Impact of Development on Amenity) of the Torridge District Local Plan 1997-2011; and Policy DM01 (Amenity Considerations) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).

13. In the event of the cessation of winning and working of minerals prior to 26 March 2032 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 Planning Act 1990, a restoration and aftercare scheme, as required by Condition 13 shall be submitted in writing to the Mineral Planning Authority within 6 months of the cessation. Once approved the restoration scheme shall be fully implemented within 6 months of the written approval, unless otherwise agreed in writing by the Mineral Planning Authority. The aftercare scheme shall run for 5 years after the completion of the restoration. For the avoidance of doubt, if mineral working ceases, the waste processing operations shall also cease.

REASON: To ensure the site is restored in an orderly manner to a condition capable of beneficial afteruse in the interests of local amenity and wildlife conservation.

14. The land subject to the planning permission shall be restored in accordance with a detailed Restoration and Aftercare Scheme which shall be submitted for approval to the Mineral Planning Authority by 26 March 2027, unless otherwise agreed in writing by the Mineral Planning Authority. The scheme shall be consistent with the drawings 1034/PL9 and 1034/PL10 and the details contained with the Planning Statement (2016), and shall also include:

- (a) The phasing and timing of restoration operations;
- (b) The intended afteruse of the site;
- (c) Final levels of the restored land;
- (d) The preparation of the land surface before soiling;
- (e) The depth and method of spreading of subsoils and topsoil;
- (f) The cultivation and fertilisation of soils;
- (g) The provision of land drainage (if final levels alter from that shown on FRA5);
- (h) Design and location of fencing;
- (i) Access onto and throughout the site;
- (j) The specification of grass seed mix, location, size and species of trees, bushes, shrubs and hedgerows;
- (k) Methods of planting, spacing, location, staking and sheltering and maintenance arrangements;
- (l) Weed control measures;
- (m) An aftercare scheme to maintain the site for 5 years

The approved Restoration Scheme shall be fully implemented by 26 March 2032, with the approved Aftercare Scheme fully complied with up until and implemented by 26 March 2037.

REASON: In the interest of ensuring appropriate restoration and aftercare over the period of the life of the site in accordance with Policy M27 (Restoration and Aftercare) of the Devon Minerals Plan.

Waste

15. A maximum of 1,500 tonnes per annum of clean inert construction waste, arising solely from the operations of D & R Chance, shall be imported into the site. No other material shall be imported into the site unless previously agreed in writing by the MPA. The operator shall keep chronological written records of tonnages of all clean inert construction waste imported into the site, and such written records shall be made available to the Waste Planning Authority within one week of such a request being made

REASON: To minimise the impact of the development on the local highway network and general amenity of local residents in accordance with Devon Waste Plan Policies W17 (Transportation and Access) and W18 (Quality of Life); Policies DVT11 (Impact of Development on Amenity) and DVT18 (Impact of Development on Traffic) of the Torridge District Local Plan 1997-2011; and Policies DM01 (Amenity Considerations) and DM05 (Highways) of the emerging North Devon and Torridge Local Plan 2011-2031 (May 2016).