

**County Matter: Minerals**

**Teignbridge District: Continuation and extension of mineral extraction and processing to allow for an additional 500,000 tonnes of sand and gravel; revised progressive restoration requiring the importation of 285,000 tonnes of inert waste material over a 5 year period; and the diversion of a bridleway with the construction of a new permanent route at Zig Zag Quarry, Aller Brake Road, Newton Abbot, TQ12 5FN**

**Applicant: Harleyford Aggregates Ltd**

**Application No: 16/01477/DCC**

**Date application received by Devon County Council: 18 May 2016**

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 to extend the area of mineral working at Zig Zag Quarry and a revised restoration scheme involving the importation of inert waste material.
- 1.2 It is considered that the main material considerations in the determination of this application are an examination of the proposal against relevant planning policy; impact on nature conservation interests; the impacts of continued working and the restoration of the site on the area in terms of noise and dust; impact upon the local landscape; impact of traffic; impact on the water environment; and issues relating to the diversion of the bridleway.

**2. The Proposal/Background**

- 2.1 Zig Zag Quarry is located in an existing open area between Kingskerswell and Newton Abbot with direct vehicular access from Torquay Road. The nearest properties include a housing estate located to the south west of Torquay Road; the nearest property here is approximately 40m away from the tree lined boundary of the quarry. A line of mobile homes are also situated at the bottom of the steep valley on the south east corner of the quarry beyond Under Way Road.
- 2.2 Zig Zag Quarry is established sand and gravel quarry that currently operates with the benefit of a planning permission granted in 2001. The mineral quarried are Eocene age gravels which occur up to 30 metres in thickness in this area. At Zig Zag the quarry has generally been worked from a south to north direction on a number of wide benches with the current landform being relatively flat areas with a large open quarry face at the back of the quarry.

- 2.3 A part of the quarry floor, near the entrance to the site, is used as a stockpile and sales area. As well as mineral products processed at the site the operator imports and sells quantities of building materials both directly to the public and to the construction industry. Portacabin type office accommodation and a weighbridge are located close to the site entrance. The mineral is extracted by mechanical excavators and is processed within the quarry. Part of the processing operation involves the washing of the mineral, and the silt from the process is deposited in silt lagoons in the adjacent former quarry, Royal Aller, which has the benefit of a separate planning permission.
- 2.4 The application proposes to extend sand and gravel extraction northwards, into what is currently a wooded area that separates Zig Zag from Royal Aller. This will enable the extraction of an additional 500,000 tonnes of material over an approximate 10 year period. The material would be extracted at a rate of 50,000 tonnes per year, and will be taken in a series of benches to a depth of 43mAOD (35m deep). The extension will require the removal of trees and diversion of a bridleway (Yew Tree Walk). Ongoing use of the silt ponds within the restored Royal Aller Quarry, would continue as part of this proposal.
- 2.5 The existing site covers an area of approximately 9.6 hectares, with the extension area covering a surface area of approximately 1.2 hectares. Although the site boundary would be expanded by an additional 7.3 hectares, to include the adjacent silt lagoons in Royal Aller Vale Quarry. As a result the mineral site would cover approximately 18 hectares.
- 2.6 The application also incorporates a revised restoration scheme for the entire site, which will require the importation of 285,000 tonnes of inert waste material over a planned 5 year period. The proposed restoration would be carried out in a progressive manner with continued ground shaping of the eastern part of the quarry which would be restored to grassland with three individual fields bounded with hedgerows. This area would be restored to a gradient of around 1 in 6.
- 2.7 The northern and central part of the quarry (which consists of near vertical faces) would be restored to a series of terraced slopes by backfilling to gradients of between 1 in 1½ and 1 in 3. These areas would be grassed and planted with copses of indigenous trees.
- 2.8 The central part of the quarry would be a relatively level platform sloping gently north towards the bottom terrace which would allow for the management of surface water which would be channelled to a pond in the southern part of the site. This platform area would be restored to species rich grassland.
- 2.9 The existing storage and distribution yard would be retained following the cessation of quarrying.
- 2.10 Hours of operation are proposed to continue in line with the current planning permission, these are between 0700 and 1800 on Mondays to Fridays inclusive; 0700 to 1300 on Saturdays, no operations would take place on Sundays or Bank Holidays.
- 2.11 This application is Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement.

### 3. Consultation Responses

- 3.1 **Teignbridge District Council (Planning)** – This has been dealt with under Officer delegated powers and the planning officer has no comments to make on the application. However, it notes that the Council's biodiversity Officer raises objection to proposal due to the potential impact on the Greater Horseshoe Bats of the South Hams Special Area of Conservation due to the extension being in a strategic flyway and foraging habitat for this bat species. Because of the potential impact, the biodiversity officer notes that Devon County Council is required to comply with the Habitat Regulations and if found to impact on the SAC must undertake an Appropriate Assessment to fully consider the impacts and, if the impacts cannot be fully mitigated the application must be refused.
- 3.2 **Teignbridge District Council (Environmental Health)** – No comments.
- 3.3 **Kingskerswell Parish Council** – No objection.
- 3.4 **Environment Agency** – No objection. Comments that an Environmental Permit will be required for the importation of waste to be used for the restoration of the quarry.
- 3.5 **Natural England** – No objection subject to Devon County Council following the requirements of the Habitats Regulations. Natural England (NE) provides advice on the recording of the HRA and justification of conclusions on the likelihood of significant effects. In particular NE advice on the HRA refers to the total number of Greater Horseshoe Bat passes at the site; improved connectivity for bats following restoration; and the underpinning of mitigation and enhancement measures which should be secured in perpetuity. NE also makes reference to the potential for the site to provide biodiversity enhancements and consider that such enhancements can be secured in a Landscape and Ecological Management Plan.
- 3.6 **Historic England** – No comments.

### 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 3 letters of representation have been received.
- 4.2 The objections raised are:
- Existing drainage problems are noted at the entrance of the quarry, with sandy water running into the old A380 which leads to conditions of danger for cyclists using the highway.
  - Lorries leaving the site depositing aggregate/mud material on the adjacent roads.
  - Concerns are raised about on-going impacts upon air quality from dust and fine particles.
  - Complaints regarding the recent removal of trees and vegetation where the extension is proposed, prior to receiving planning permission, with the impact of opening up views of the silt ponds in particular, which may result in accidents.
  - The proposed new bridleway will be very steep.

- 4.3 Copies of representations are available to view on the Council website under reference DCC/3841/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3841/2016>.

## **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 It is considered that the main material considerations in the determination of this application are an examination of the proposal against relevant planning policy; impact on nature conservation interests; the impacts of continued working and the restoration of the site on the amenity of the area in terms of noise and dust; impact on visual amenity; impact of traffic; impact on the water environment; and issues relating to the diversion of the bridleway.

### Examination of the Proposal against Development Plan Policy

- 6.2 There are two key elements in the proposal firstly the extension of the quarry and secondly, the restoration proposal which involves the importation of 285,000 tonnes of waste material.
- 6.3 The Development Plan includes the adopted Devon County Minerals Local Plan (2004); the emerging Devon Minerals Plan; the adopted Devon County Waste Plan (2011-2013); and the Adopted Teignbridge Local Plan 2013-2033. 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 and the restoration of quarries as well as associated noise issues in particular.

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 supply of sand and gravel, Policy MP23 of the adopted Minerals Local Plan provides for extensions to existing sites under specific circumstances, which this proposal meets through:
- (a) the proposal is part of a consolidating application that integrates the currently-permitted operations and the proposed extension;
  - (b) it would contribute to maintenance of the sand and gravel landbank, currently at 12 years, by providing an additional 500,000 tonnes of sand and gravel material over a 10 year period;
  - (c) the proposal would help to reduce distances travelled to transport sand and gravel, as the alternative sources of sand and gravel in Devon are mainly located in the eastern parts of the county. In particular Zig Zag could provide a local source of material for the considerable urban extensions around

- Newton Abbot allocated in the Teignbridge Local Plan (NA1, NA2 and land at Wolborough for example); and
- (d) the quarry provides a distinct yellow sand that can not be met through other sources in Devon.
- 6.5 In relation to the emerging Devon Minerals Plan, Policy M12 provides for the supply of land-won sand and gravel and, in addition to proposing two Preferred Areas, also allows for small-scale working in the Newton Abbot area “through the extension of existing quarries”. The pre-submission consultation yielded no objections to paragraph (c) of Policy M12, with no modifications being proposed to that part, and considerable weight can therefore be attached to this part of the policy.
- 6.6 Policy M1 provides for sand and gravel aggregates from quarries close to the main settlements, including Newton Abbot and Torbay. While Policy M1 was heavily modified through the examination process, no objections to it were received through the modifications consultation.
- 6.7 The application proposes the importation of 280,000 tonnes of inert waste in order to achieve the final landforms proposed for restoration. In order to determine if the proposal amounts to a recovery operation, rather than amounting to disposal which sits lower in the waste hierarchy, the MPA needs to be satisfied that the waste would serve a useful purpose by replacing material that would have otherwise been used, in order to achieve an effective and lasting beneficial use. In this case there will be a requirement to restore Zig Zag quarry as part of the planning permission. Without bringing in additional material the site could be partially restored, but the main quarry void would remain steeply-sided and difficult to integrate into the landscape. This would raise material planning issues regarding its appearance adjacent to a designated Area of Great Landscape Value (AGLV) as well as its function as part of the strategic flyways for Greater Horseshoe Bats associated with the South Hams SAC. It is considered that partially infilling the quarry with the imported waste to re-profile the quarry and provide tree planting and a number of fields enclosed with hedgerows with intermittent trees, will allow it to better fit within its landscape context and provide biodiversity enhancement – in particular for a European protected species.
- 6.8 In order to achieve the proposed scheme, the alternative to bringing in inert waste would be using imported soils and other non-waste materials to achieve the final landforms. In this case using inert waste available locally may help to reduce road miles as well as limiting the need for extraction of additional finite resources.
- 6.9 Taking into account the above, it is considered that the proposed scheme would satisfy the criteria to be defined as a recovery operation and so accord with the waste hierarchy contained in the National Planning Policy for Waste and Waste Plan Policy W2 (Sustainable Waste Management). It would also meet the criteria set out in Policy W5 (Reuse, Recycling and Materials Recovery) as it would provide an opportunity for a beneficial use for the material.
- 6.10 Policy W5 also allows for recovery of waste materials where a site is close to the source of waste, and it is evident that there are likely to be sufficient sources of local inert waste material as a consequence of proposed and permitted development within a 5 mile vicinity off the quarry, in combination with the fact that there are limited inert waste landfill sites in the vicinity that would provide an alternative destination for the waste (albeit at a lower level in the waste hierarchy).

### **Nature Conservation Impacts**

- 6.11 The application has the potential to impact upon the South Hams Special Area of Conservation (SAC) which is a group of sites designated for their important habitats and rare species, including Greater Horseshoe Bat. Natural England has published guidance for the SAC which identifies a Greater Horseshoe Bat consultation area composed of sustenance zones (feeding areas) and strategic flight lines. This quarry lies in a strategic flight line and the Council, as a Competent Authority, is therefore required by the Habitats Regulations to screen the development for the likelihood of significant effects on the SAC. The screening has been carried out and appears as Appendix III to this Report. Of relevance in this screening is the low number of recorded Greater Horseshoe Bats recorded at the site; the retention of vegetation to maintain a flyway; no proposed lighting; and the improved connectivity and habitat for bats as a result of restoration of the site. The Council's conclusion is that the proposal will not have a significant effect on the European Site, alone or in-combination with other plans and projects.
- 6.12 In order to confirm the conclusion, in the event of planning permission been granted, a planning condition would be imposed requiring the protection of vegetation around the site which provides a bat flight line. Enhancement of the site for bats would be required through the submission and approval of a Landscape and Environmental Management Plan (LEMP).
- 6.13 To ensure the longer term restoration of the site planning conditions would be imposed requiring the submission of details and requirements for a five year aftercare following the completion of the restoration. It is noted that Natural England request that mitigation and enhancement measures should be secure in perpetuity but this is not considered justified or reasonable, as avoidance measures and low numbers of bats mean that there will be no impact on the SAC. However, the planning conditions will ensure that the aftercare proposals best achieve mitigation and enhancement in relation to the SAC within a 5 year period.
- 6.14 Other than Greater Horseshoe Bats, site surveys have identified a number of bat species that forage along the margins of the existing woodland areas but again bat flight lines will be retained and restoration will benefit the bats. In order to protect breeding birds there would be a restriction on the times when vegetation can be removed.

### **Impacts on local living and working conditions**

- 6.15 The application assesses the dust impacts of quarry operations and a dust management plan has been produced. In this case the assessment involved survey work at nearest residential properties and concluded that the overall dust impacts were insignificant. Whilst it is noted that there is a single objection to the application on the grounds of deterioration of air quality, it is considered that the measures set out in the Dust Plan provide for appropriate dust control measures. In this case this involves damping of unpaved haul roads; avoidance of soil stripping during dry and windy conditions; drop heights minimised when loading materials; water suppression during mineral processing when required; appropriate maintenance of plant and machinery; monitoring of weather conditions; and visual site inspections.

- 6.16 Taking the above into account it is considered that the continued operation of the quarry will not result in a deterioration of air quality and in the event that planning permission is granted the operation of the Dust Management Plan will be required by planning condition.
- 6.17 The other potential source of impact on living conditions is that of noise emissions. The sources of noise arise from extraction, processing and transport operations. A planning condition attached to the current consent limits early and late working to 48LAeq, 1 hour and normal working hours to 55LAeq, 1 hour measured at the nearest noise sensitive properties. The noise survey accompanying the application confirms that the quarry can operate within these constraints.
- 6.18 Taking the above into account it is considered that the quarry operations can continue, without adverse impact on living conditions in terms of noise, and in the event that planning permission is granted, a condition would be imposed relating to noise limits.

### **Impacts on local landscape**

- 6.19 The site is located within a designated Strategic Open Break, and an Area of Great Landscape Value runs alongside the quarry to the East. In relation to the impacts from mineral extraction, it necessary to consider that as an established quarry, the site currently results in adverse visual impacts as it is visible from a wide area.
- 6.20 As a consequence visual receptors are likely to be less sensitive to proposed continuation of working, but the extension will result in loss of a substantial portion of the central section of mature woodland, which current skyline position contributes to the wooded character of the wider area. However, the overall loss of woodland would be compensated for in the short term in particular, with additional tree planting on the Royal Aller Quarry side of the woodland, within and around the silt pond. In the event that planning permission is granted this planting would be required by planning condition.
- 6.21 As for the final restoration the eastern section would form agricultural fields, with hedgerows and hedgerow trees which is characteristic of the wider landscape. This would have beneficial visual effects in relation to the Local Character Area when compared to the previously consented restoration scheme. The remainder of the proposed restoration would be an informal patchy pattern of grassland and woodland, over steep slopes and terraces in the north-western half of the site, this is considered to result in a vegetation pattern that is less characteristic of the area and the terraces would have an artificial appearance. However, it is considered that this is a reasonable restoration scheme given the constraints of the site and any changes to the profiles would require the importation of significantly more restoration material and result in a longer period to restore the site. Notwithstanding this it is considered that the landscaping scheme can be improved through the inclusion of broadleaved woodland rather than allowing solely natural regeneration and this can be required by planning condition as part of the required LEMP.

### **Traffic and Transportation**

- 6.22 Access to the site is from Torquay Road, which whilst still an A classified road, has seen a dramatic reduction in traffic following the opening of the South Devon Link Road. Currently the quarry average daily trips are 234 two way trips, which HGV vehicles comprising of around 25% of the trips.

- 6.23 The current proposal will not result in a change in the amount or type of traffic and the majority of traffic will no longer pass through Kingskerswell, rather it would use the South Devon Link Road.
- 6.24 Following the cessation of quarrying around 285,000 tonnes of waste material would be imported into the site over a five year period, which will result in around 5,560 two way trips per year, which is a significant decrease on the current levels of traffic. However, it is recognised that waste importation will likely take place over shorter, more intensive bursts of activity, and there may be times when restoration material is imported whilst the quarry is still in operations. This is in fact required for the phased restoration of the site. In order to control this a planning condition is proposed to limit the annual combined tonnage of imported and exported sand and gravel and inert waste material to 70,000 tonnes.
- 6.25 On the basis that traffic levels will not exceed those experienced already, and that there has been a major traffic improvement with the opening of the South Devon Link Road it is considered that there is no objection to the proposal from a traffic and transportation point of view.
- 6.26 There have been issues with mud and debris that has been carried out onto the public highway which have been addressed in the application and will be secured by an appropriately worded planning condition.
- 6.27 In terms of sustainable transport, and reducing distances travelled by car and lorries, as set out in the policy/need section above, Zig Zag provides, and would provide an ongoing source of sand and gravel material for the Newton Abbot Area, and will potentially provide a local inert waste landfill facility when Yannon Lane landfill is complete. In this case the proposal would then help to reduce distance travelled by vehicles in line with policy MP23 relating to Aggregate Mineral Development, MP41 (Development Control Considerations) and MP43 (Transportation of Minerals).

### **Bridleway Diversion**

- 6.28 A number of concerns have been raised about the possible steepness of the diverted bridleway and that it would run closer to the silt ponds in the adjacent Royal Aller site, posing possible safety risks. The final gradient of the path will be 1:10 rather than 1:6 which the path is now and will be less steep, however it will be longer. In terms of safety, the path will be enclosed within a post and wire agricultural fence, and warning signs will be placed along the route. The diversion of the bridleway is fundamental to the application and it is considered that the bridleway diversion is acceptable in principle but will require a separate Diversion Order. This being the case it is considered that it is appropriate to apply a Grampian style provide an informative note condition that prevents the commencement of the development until such time as the diversion order is confirmed and the new bridleway put in place.

### **Impacts on the water environment**

- 6.29 The quarry does not fall within any Flood Zones, but is recorded as being at high and medium risk of surface water flooding. The applicant has produced a surface water strategy which will be developed as a part of the restoration scheme. It is considered that this is acceptable in principle, although the potential for surface water to run onto the highway during extreme weather events is still possible. This being the case, it is recommended that a planning condition is imposed requiring full details of the



surface water drainage plan to be submitted and agreed before the development commences, to prevent water reaching the highway

### **Other Matters**

#### **Timescale to complete the scheme**

- 6.30 Paragraph 114 of the NPPF requires that when determining planning applications local authorities should “provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards”. The initial planning submission proposed a 10 year period would be required to bring in waste and restore the quarry. This period has since been reduced to 5 years. It is considered that although restoration of quarries are generally encouraged to take place over a 1 or 2 year period after cessation of operations, the reality is these often take longer to complete. In addition it is recognised, in this particularly case, as extensive development is proposed in and around Newton Abbot, that the potential requirement for an inert waste facility beyond the completion of the nearby Yannon Lane landfill site would justify an extended time period to complete this restoration scheme.
- 6.31 In order to ensure that this is carried out at the earliest opportunity in line with the NPPF and adopted Mineral Planning Policy MP56 (Restoration) a condition is recommended to ensure the restoration is carried out over a 5 year period following cessation of mineral working.
- 6.32 In addition, it is considered that there should be an allowance for the importation of waste prior to the cessation of mineral working, to help ensure certainty over sufficient material being made available the restoration scheme, and to help facilitate for the restoration to be achieved at the earliest opportunity. In order to manage this, and minimise any possible impacts upon the landscape or highway network - a condition would be used to required details of where waste will be stored, and stockpile heights prior to each phase of working and annual tonnes of material at the site (for waste or mineral operations) shall not exceed 70,000 tonnes.

#### **Impact upon local economy**

- 6.33 The proposal is anticipated to require the ongoing employment of 13 personnel, over a 15 year period, this would be labourers, plant operators and administrators who would live in close proximity to the site. In addition, the site provides knock on beneficial effects for the local economy, in terms of the construction business and the requirement for local tradesmen. This would support the National Planning Policy Framework (NPPF) requirements for sustainable economy and Section 144 of the NPPF which states Local Authorities should give great weight to the benefits of mineral extraction, including to the economy.

### **7. Reasons for Recommendation/Alternatives Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that there are a number of benefits associated with the extension of the quarry. The site currently provides the only source of yellow sand in the county and is a well-used and valued local source of material. It is considered that using inert waste material to achieve final restoration levels is likely to also provide benefits for sustainable waste management as it would provide a local facility which can serve the proposed expansion of Newton Abbot, and facilitate the restoration of the quarry.

- 7.3 Following the HRA screening it is demonstrated that there would be no impact on the South Hams SAC and that no other significant environmental impacts are considered to result from the proposal. Therefore the presumption in favour of 'sustainable development' is re-instated given the planning balance.
- 7.4 This report sets out the material planning considerations of extending operations at the site and using waste material for restoration against the value of the ongoing extraction, its restoration, and benefits as a local inert waste deposition facility. It is considered that impacts upon: Ecology, and Greater Horseshoe Bats in particular, the local and wider landscape, surface water run-off; the highway and upon local residents as a result of on-going operations, can be mitigated against through the conditions attached to this report. The final restoration of the site will provide for significant nature conservation gains in the longer term. Whilst there will be an adverse visual impact during the life of the quarrying, the positive benefits of the restoration phases are considered to outweigh these.
- 7.5 It is therefore considered that permission should be granted in accordance with the recommendations in this report.

Dave Black  
Head of Planning, Transportation and Environment

### **Electoral Division: Teignbridge South**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes

Room No: AB2, Lucombe House, County Hall

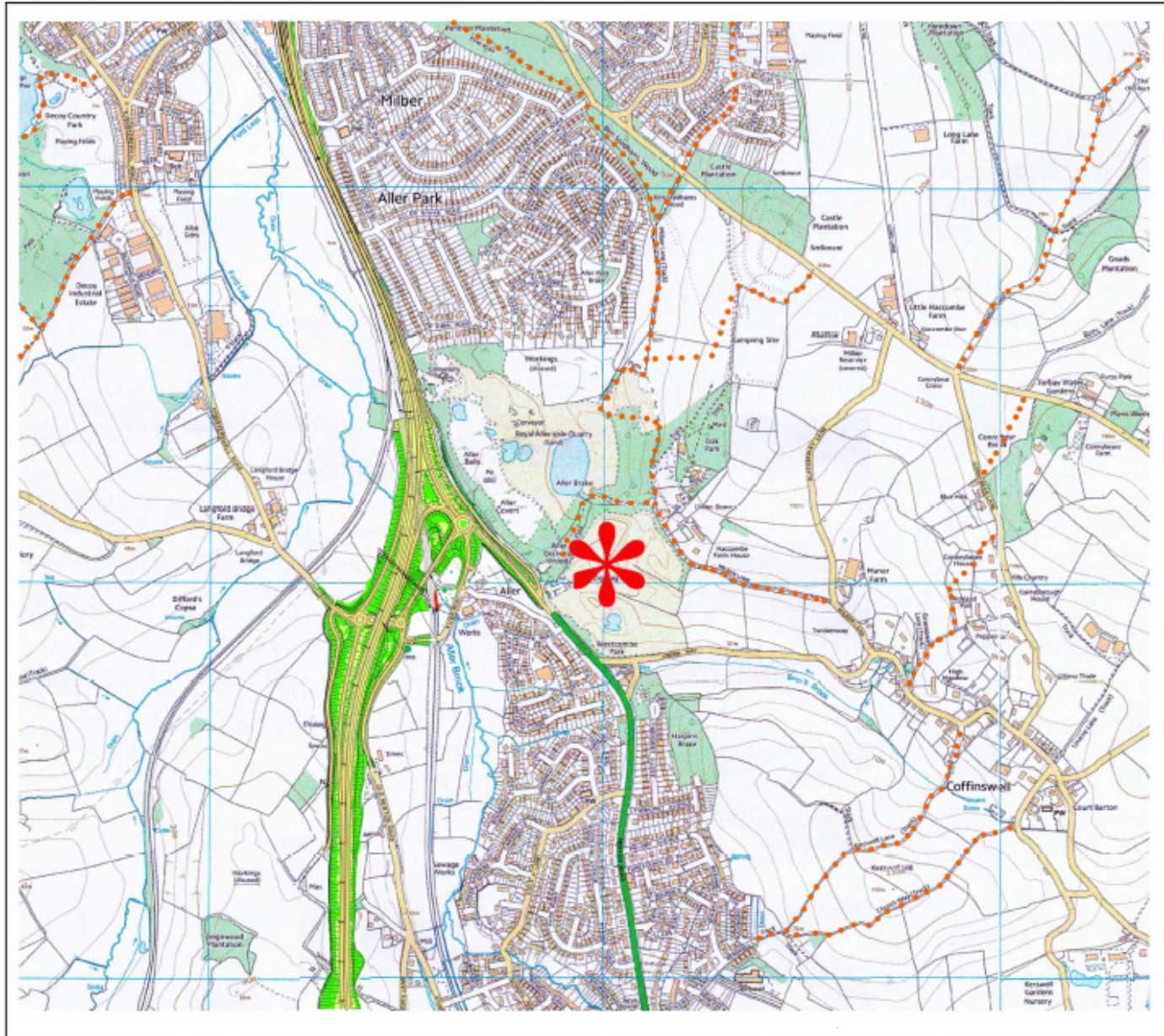
Tel No: 01392 383000

<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	18/05/2016	DCC/3841/2016






hs051016dma  
sc/cr/extension zig zag quarry aller brake road newton abbot  
02 101016




# Location Plan



**KEY**

-  Application Site
-  Existing Contours
-  Public Rights of Way
-  Woodland
-  Ongoing road works and associated planting

Reproduced from Ordnance Survey 1/10,000 scale plans with the permission of the Controller of Her Majesty's Stationary Office, Crown Copyright Reserved. Unauthorised reproduction infringes the Crown Copyright and may lead to prosecution or civil proceedings. Licence No. AR 300006975



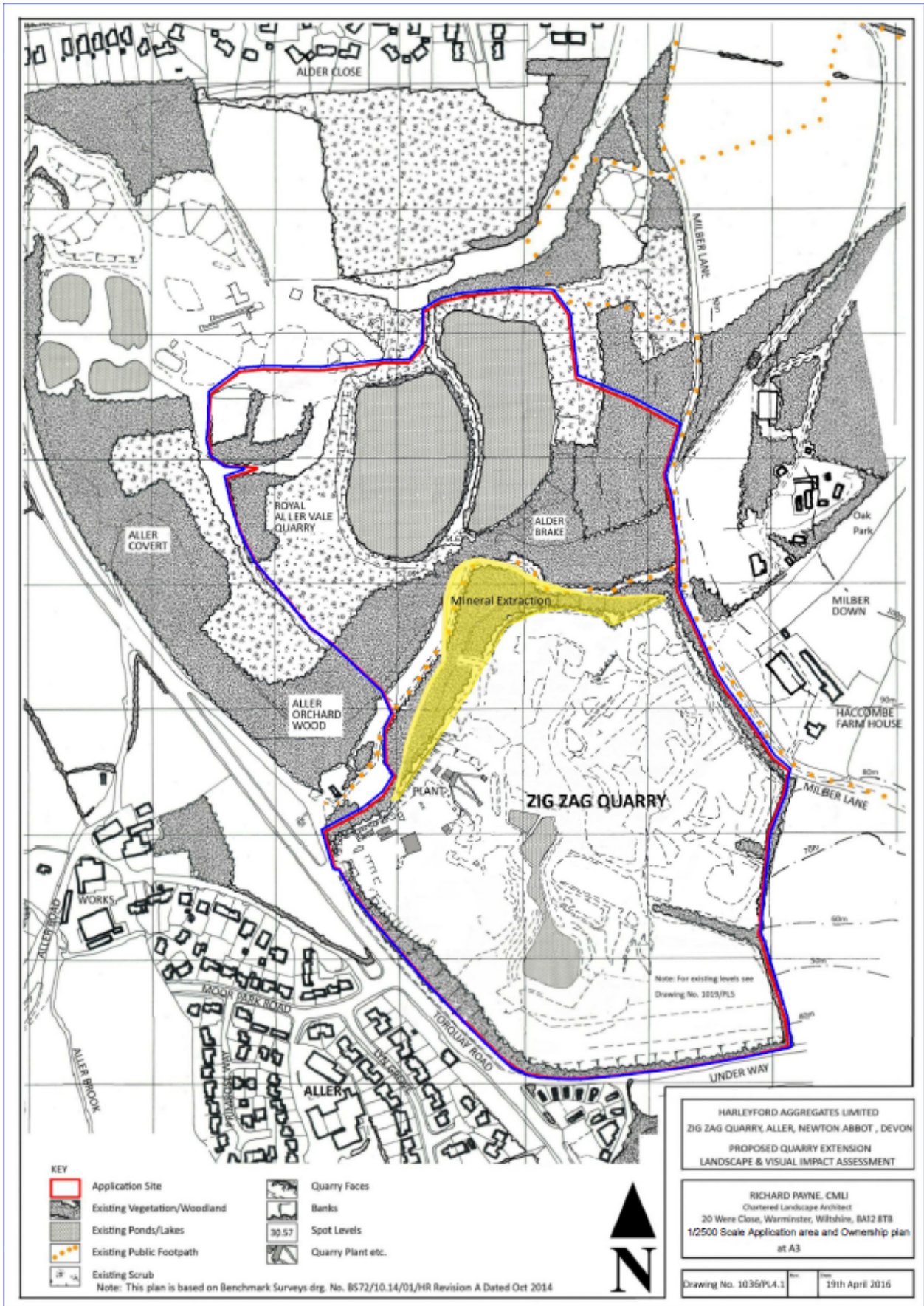
Revised	Date	Details

**HARLEYFORD AGGREGATES LIMITED**  
 ZIG ZAG QUARRY, ALLER, NEWTON ABBOT, DEVON  
 PROPOSED QUARRY EXTENSION  
 LANDSCAPE & VISUAL IMPACT ASSESSMENT

**RICHARD PAYNE, CMLU**  
 Chartered Landscape Architect  
 20 Wero Close, Warminster, Wiltshire, BA12 8TB  
 1/10,000 scale LOCATION PLAN  
 at A3

Drawing No.1036/PL1	Rev	Date
		18th November 2015

# Site Plan



## **Planning Policy Considerations**

### Devon County Minerals Local Plan (Adopted June 2004)

Policies: MP3 Sites of Special Scientific Interest and National Nature Reserves; MP7 County Environmental Designations - Areas of Great Landscape Value; MP10 Maintenance of the County's Nature Conservation Resource; MP11 Environmentally Sensitive Sites Not Having Statutory Designations); MP20 Landbanks; MP23 Aggregate Mineral Development as Extensions to Sites Not Designated as Mineral Working Areas; MP41 Development Control Considerations; MP43 Transport of Minerals; MP45 Water Resource Protection; MP47 Flood Risk and Floodplains; MP49 Rights of Way; MP52 Importing Materials to Mineral Sites; and MP56 Restoration.

### Devon Minerals Plan - Modifications Version (August 2016)

Policies: M1 Spatial Strategy; M11 Steady and Adequate Supply of Land-won Aggregates; M12 Land-won Sand and Gravel Supply; 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 2011 - 2031 (Adopted December 2014)

Policies: W2 Sustainable Waste Management; W3 Spatial Strategy; W5 Re-use, Recycle, Materials Recovery; W11 Biodiversity & Geodiversity; W12 Landscape & Visual Impact; W14 Sustainable and Quality Design; W16 Natural Resources; W17 Transportation and Access; W18 Quality of Life; and W19 Flooding.

### 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

### National Planning Policy for Waste

**Appendix II  
To PTE/16/49**

**Planning Conditions**

1. The development shall commence within 3 years of the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of commencement.

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. Extraction of minerals shall cease within 10 years of commencement of the development, all buildings/structures/plant and machinery used in connection with mineral operations shall be removed at this time, and restoration and aftercare shall be completed in accordance with conditions 3, 20 & 21 within 15 years of the date of commencement.

REASON: To minimise the duration of disturbance from the development and to comply with policies of the Development Plan: in particular policy M56 (Restoration) Adopted Mineral Local Plan and M27 (Restoration and Aftercare) of the emerging plan.

3. The development shall be carried out in strict accordance with the details shown on the Approved Plans/Drawings and Documents numbered or entitled 1036/PL4.1; 1036/PL14/A; 1036/PL15/A; 1036/PL16/A; FRA Addendum V1 08.08.16; 446-FRA3B; 446-FRA4; BS72/06.16/01/DW/A; 'Site Entrance Intercept/Rev A'; 1036/50

REASON: To ensure that the development is carried out in strict accordance with the approved details development and to comply with policies of the Development Plan: in particular policies MP41 (Development Control Considerations).

4. 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 working (in accordance with approved plans above),
  - b) Completion of each working phase,
  - c) Completion of winning and working at the site,
  - d) Completion of restoration of the planning permission area,
  - 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 adopted Mineral policy: MP11 (Environmentally Sensitive Sites not having a Statutory Designation); SP21 (Flooding); MP45 (Water Resource Protection) and emerging policy MP18 (Landscape and Visual Impact); M24 (Flooding); M27 (Restoration and Aftercare).

## CONDITIONS (PRE-COMMENCEMENT)

### LANDSCAPING/TREES/ECOLOGY

5. Within three months of the date of this permission, and prior to any of the operations listed below taking place, a Landscape Environmental Management Plan (LEMP) shall be submitted to and approved by the Mineral Planning Authority.

This shall include details of the following:

- a) the location and height of stockpiles of inert waste;
- b) grassland and tree management in line with BS3998 (including details of pruning/coppicing);
- c) vegetation & tree removal, (timing and the location of this), (to ensure minimal harm to Bats, Birds, Reptiles, Amphibians and Dormice occurs);
- d) hedgerow management and ongoing aftercare;
- e) replacement planting (including soil preparation, planting method, spacing, seed types, plant species, stock size, means of protection/ support, timing of planting);and proposed maintenance;
- f) Soil management; (Including timings for removal; depth and method of spreading of subsoils and topsoil, their cultivation and fertilisation) in accordance with Mineral Practice Guidance;
- g) ongoing maintenance of fencing;

This shall be updated, and approved by the MPA, prior to the commencement of each new phase of working. The updated LEMP shall include a record of management operations undertaken in the previous phase, and identify operations planned for the forthcoming phase.

Mineral Operations, planting and land management works shall be carried out in accordance with the approved LEMP.

REASON: To minimise impacts upon biodiversity, to provide enhancement for biodiversity and benefits for landscape and amenity. In accordance with adopted Mineral Local Plan policy: MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy M17 (Biodiversity & Geodiversity) & M18 (Landscape & Visual Impact).

6. No development shall take place, including preliminary groundworks, until a Tree Protection Scheme, in relation to protected trees identified on 'Retained Vegetation Plan' numbered 1036/50 has been submitted to and approved in writing by the Mineral Planning Authority. This tree protection scheme shall accord with BS5837 (2012).

REASON: To ensure that retained trees are protected from damage in the interests of amenity and wildlife conservation and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy (M17 Biodiversity & Geodiversity) and M18 (Landscape & Visual Impact).

7. A minimum 10m strip of woodland/trees shall be retained, or where necessary planted, between the diverted Public Right of Way and the quarry edge.

REASON: To minimise impacts upon biodiversity, to provide enhancement for biodiversity and benefits for landscape and amenity. In accordance with adopted



Mineral Local Plan policy: - MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy M17 (Biodiversity & Geodiversity) and M18 (Landscape & Visual Impact).

## NOISE

8. Within three months of the date of this permission, a scheme to monitor noise levels from the site shall be submitted to and approved by the Mineral Planning Authority. The scheme shall provide for:
  - a) Attended measurements by a competent person of Laeq 5 minute noise levels over 2 hour periods at monitoring locations and frequencies agreed with the Mineral Planning Authority;
  - b) Details of equipment to be used for monitoring;
  - c) Monitoring during typical working hours with a main items of plan and machinery in normal operation under normal loading conditions;
  - d) The logging of all weather conditions, wind speed and direction and both on-site and off-site events occurring during measurements including "phased out" extraneous noise events;
  - e) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement together with a summary specifying whether the site is operating within the maximum permitted levels, or where noise output exceeds permitted levels details of this contravention;
  - f) Methods and timescales for reducing noise output from the site if the findings of the noise monitoring identify contravention of the maximum permitted levels.

The operator shall keep records of any complaints received regarding noise at the site and shall notify the Mineral Planning Authority of any such complaints with 7 working days.

REASON: To minimise the adverse impact of noise generated by the operations on the local environment and communities and to comply with policies of the Development Plan: in particular policies: MP41 (Development Control Considerations); M23 (Quality of Life); and Waste policy W18 (Quality of Life).

## DRAINAGE

9. Within one month of the date of this permission, further details including phasing of the proposed surface water drainage, shall be submitted to and agreed with the Mineral Planning Authority. This detailed surface water drainage proposals will be in accordance with the principles of sustainable drainage systems, and those set out in the Level 2 Flood Risk Assessment & Surface Water Drainage Proposals (Report Ref. 446/FRA2, Rev. V2, dated 19/04/2016) and Addendum to Flood Risk Assessment dated 19 April 2016 (Report Ref. 446, dated 08/08/2016).

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems. In accordance with policies MP41 (Development Control Considerations); W19 (Flooding) & emerging mineral policy M24 (Flooding).

10. The diversion of the Public Right of Way (Kingskerswell Bridleway 18) shall be constructed and open for use prior to the commencement of any groundworks associated with the extension to the quarry taking place.

REASON: To ensure the implementation of the Public Right of Way diversion in the interests of the users of the Public Right of Way in accordance with Policy MP49 (Rights of Way) of the adopted Devon Minerals Local Plan and Policy M22 (Transportation and Access) of the emerging Devon Minerals Plan (Modifications Version – August 2016).

#### CONDITIONS (OPERATIONAL)

11. There shall be no light spill from lighting used within the quarry into areas identified as protected by the Tree Protection Plan 1036/50.

REASON: To limit impacts upon protected species, particularly bats, and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations) and emerging policy (August 2015) (M17 Biodiversity & Geodiversity); and M18 (Landscape & Visual Impact).

12. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority within five days):

- (a) No operations, other than water pumping, environmental monitoring, servicing and maintenance of plant shall be carried out at the site except between the following times:

0700 hours to 1800 Mondays to Fridays,  
0700 hours to 1300 Saturdays,  
At no time on Sundays and Public Holidays.

REASON: In the interests of controlling and limiting the effects on the local environment and community, and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations); W18 (Quality of Life) and emerging Mineral Policies (M17 Biodiversity & Geodiversity); and M23 (Quality of Life).

13. Mineral and Waste operations at the site shall be carried out in accordance with the Dust Management Measures, Procedures on Recording, Responsibilities and Monitoring as set out in the 'Dust Management Plan' dated July 2016 ' (Air Quality Consultants).

REASON: To protect the amenities of the local environment and communities from the effects of dust arising from the development and to comply with policies of the Development Plan: in particular policies MP41 (Development Control Considerations); W18 (Quality of Life) and emerging Mineral Policy M23 (Quality of Life).

#### NOISE

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

REASON: To minimise the adverse impact of noise generated by the operations on the local environment and communities and to comply with policies of the

Development Plan: in particular policies: MP41 (Development Control Considerations); M23 (Quality of Life); and Waste policy W18 (Quality of Life).

15. The noise emissions from mineral extraction and restoration operation activities on site shall not exceed the following limits when measured in a free field location at the nearest noise sensitive premises;

Between the hours of 0700 to 1800 Monday to Friday, and  
0700 to 1300 on Saturdays= 55db LAeq, 1h

REASON: To minimise the adverse impact of noise generated by the operations on the local environment and communities and to comply with policies of the Development Plan: in particular policies: MP41 (Development Control Considerations); M23 (Quality of Life); and Waste policy W18 (Quality of Life).

#### DRAINAGE

16. Within one month of cessation of mineral working, the pipelines between the settlement ponds in Royal Aller/Colesville Quarry and Zig Zag Quarry, and associated above ground plant and equipment, shall be removed and land reinstated.

REASON: To minimise the effect of the development on the landscape groundwater resources and to comply with policies of the Development Plan: in particular policies MP41 (Development Control Considerations); and W19 (Flooding) and emerging mineral policy M24 (Flooding).

17. No winning and working of minerals shall take place below the water table.

REASON: To minimise the effect of the development on the groundwater resources and to comply with policies of the Development Plan: in particular policies MP41 (Development Control Considerations); and W19 (Flooding) and emerging policy M24 (Flooding).

#### WASTE AND MINERAL RESTRICTIONS

18. A maximum of 70,000 tonnes of \*inert waste and sand & gravel material, shall be imported into the site (in the case of waste material) or exported from the site (in the case of aggregate extracted at the site) during any one calendar year.

REASON: To ensure the impacts from the development on the highway are acceptable. In accordance with mineral policies MP41 (Development Control Considerations) & MP43 (Transportation of Minerals) and waste policies WPP32 (Recycling of Wastes) & WPP17 (Water Resources Protection).

\*\*Inert waste is not chemically or biologically reactive and will not decompose.

#### RESTORATION AND AFTERCARE

19. 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 Plan 1036/PL14/A, 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), restoration and aftercare schemes shall be submitted for approval to the Mineral Planning Authority.

The schemes shall be submitted within 3 months of the agreed cessation date.

The submitted schemes shall include all those matters prescribed the Aftercare condition 21.

The Scheme shall be implemented on approval.

REASON: To ensure that the land is restored and husbanded in a condition capable of a sustained beneficial use and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations); MP56 (Restoration) and emerging policy (M17 Biodiversity & Geodiversity); M18 (Landscape & Visual Impact) and M27 (Restoration and Aftercare).

20. Details of the progressive Landscaping/Restoration Scheme for the site shall be updated then submitted to and agreed in writing by the Mineral Planning Authority (MPA) by the deadlines set below. The following details shall be submitted:
- a) Within 3 months of the date of this permission, details of required additional tree planting in Royal Aller Quarry, shall be submitted to and agreed by the MPA, these additional trees shall be planted within 2 years of the date of commencement;
  - b) Prior to commencement of each new phase of the development, details of the subsequent phase of restoration shall be agreed with the MPA, as well as the timetable for its implementation, the details shall include:
    - The species, size, number and location of all trees, scrubs and any grasses to be planted, details of staking securing and mulching, and the measures to be undertaken for their protection from noxious weeds, vermin and lack of water;
    - Details of soil preparation, fertilisers, seed mixes, weed killers to be used and their rates of application;
    - Design and location of fencing, provision and details of gateways, paths and tracks.

The Approved Scheme/s shall be implemented and complied with at all times.

REASON: To comply with Section 197 of the Town and Country Planning Act 1990 [as amended] to improve the appearance of the site in relation to the local landscape and to reduce the impact of the development on the surrounding area and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations); MP56 (Restoration) and emerging policy (August 2015) (M17 Biodiversity & Geodiversity); M18 (Landscape & Visual Impact) and M27 (Restoration and Aftercare).

20. An aftercare scheme detailing the steps that are necessary to bring and maintain the land to the standard required for agriculture/amenity and forestry use shall be submitted for approval to the Mineral Planning Authority 12 months prior to the end of the 5 year restoration period. The submitted scheme shall:
- a) Include an outline strategy (in accordance with the NPPF paragraph 057) 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).

The Aftercare Scheme shall be implemented on approval.

REASON: To ensure that the restored land is husbanded in a condition capable of a sustained beneficial use similar to surrounding land in the same use and to comply with policies of the Development Plan: in particular policies MP10 (Maintenance of the County's Nature Conservation Resource); MP41 (Development Control Considerations); MP56 (Restoration) and emerging Mineral policy (August 2015) (M17 Biodiversity & Geodiversity); M18 (Landscape & Visual Impact) and M27 (Restoration and Aftercare).

<p><b>Habitats Regulations 2010</b></p> <p><b>Section 1: Screening of likely significant effect on a European site</b></p>		<p><b>Devon County Council</b> October 2016</p>
1.Type of permission/activity:	Full Planning Permission	
2. Application reference no:	DCC/3841/2016 Zig Zag Quarry, Aller Brake Road, Newton Abbot	
3. National grid reference:	SX 8799 6900 Location shown in Fig 1	
4. Brief description of proposal:	<p>The application is for:</p> <ul style="list-style-type: none"> <li>Continuation and extension of mineral extraction and processing to allow for an additional 500,000 tonnes of sand and gravel.</li> <li>A revised progressive restoration requiring the importation of 285,000 of inert waste material over a 5 year period.</li> <li>Diversion of a bridleway with the construction of a new permanent route.</li> </ul> <p>This proposal will involve the loss of semi-natural woodland and scrub habitat above the extant quarry face along the northern site boundary.</p>	
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:	<p><u>South Hams SAC</u> Qualifying features: <u>Annex I Habitats</u> European dry heaths Semi-natural dry grasslands and scrubland faces: on calcareous substrates (<i>Festuco-Brometalia</i>) 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 <u>Annex II Species</u> Greater horseshoe bat <i>Rhinolophus ferrumequinum</i></p>	
	<p><b>Relevant interest feature: Greater horseshoe bats (<i>Rhinolophus ferrumequinum</i>)</b> - 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.</p> <p>The whole of the quarry site falls within a South Hams SAC strategic flyway which forms part of the consultation area for the SAC (NE South Hams SAC Guidance, 2010).</p>	
	<p>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.</p>	
	<p><u>Conservation Objectives</u> With regard to the natural habitats and/or species for which the site has been designated (the Qualifying Features" listed above);</p>	

	<p><b>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.</b></p>
	<p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> <li>- The extent and distribution of qualifying natural habitats and habitats of qualifying species;</li> <li>- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;</li> <li>- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;</li> <li>- The populations of qualifying species;</li> <li>- The distribution of qualifying species within the site.</li> </ul>
<p><b>7. Ecological characteristics associated with the relevant interest features</b></p>	<p><b>Greater horseshoe bats</b></p> <p>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.</p> <p>The key aspects associated with maintaining the integrity of the greater horseshoe bat interest (and its favourable conservation status are) :-</p>
	<p>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.</p> <p>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.</p>
	<p>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.</p> <p>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.</p>
	<p>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.</p>

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:**

This site is an extant quarry with associated buildings and tracks.

The existing plant and operation's area extends to approximately 2.0 hectares and initially worked under the auspices of a permission granted in 1947. The site was granted an extension in 1972 covering land to the north east of the existing quarry.

Various planning permissions for mineral extraction and processing have been granted since the introduction of planning control. The current permission was granted May 10<sup>th</sup> 2011 under planning reference 2000/3295/16/PN.

The uses currently permitted are:

- Processing, stockpiling and sale of sand and gravel, both excavated from adjoining land and imported into the site
- The bagging of processed and imported aggregates for resale
- Importation and resale of aggregates
- Production of ready mixed mortar and concrete
- Office accommodation for associated staff
- Pipeline to silt ponds on adjacent land
- Mineral extraction and importation of restoration material

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

A series of bat transect surveys of the site were undertaken in the spring, summer and autumn of 2014 as detailed in the planning application (Ecological Impact Assessment, EPS Ecology, April 2015). All surveys were carried out in accordance with Natural England's *South Hams SAC – Greater horseshoe bat consultation zone planning guidance*.

**A total of 5 GHB passes were recorded during the surveys** - the distribution of this species is associated with the northern and eastern sides of the application site. No foraging activity was noted and all five bat passes recorded were bats flying around the edges of the site. See the 2015 Ecology Report for a map.



## 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	<ul style="list-style-type: none"> <li>Loss/severance of linear features forming flight lines around the site e.g. trees, hedges</li> <li>Creation of physical barriers along the flyway e.g. security fencing</li> <li>Disturbance e.g. increased lighting &gt;0.5 Lux</li> </ul>	<p><b>Loss/severance</b> - The removal of woodland and scrub habitat to the north of the quarry extension will not result in the loss of bat flight lines around the site. Habitat forming bat flight lines around the edge of the site will be protected (through a condition attached to any planning consent) during the lifetime of the quarry and aftercare period – as shown in Figure 2 below.</p> <p><b>Physical barriers.</b> The proposed quarry extension does not include anything which could act as physical barriers within a flight line around the site.</p> <p><b>Lighting.</b> This proposal does not include any lighting.</p> <p><b>Given that bat flight lines around the site are being protected no mitigation is required.</b></p>

## Conclusion

### 11. Conclusion:

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

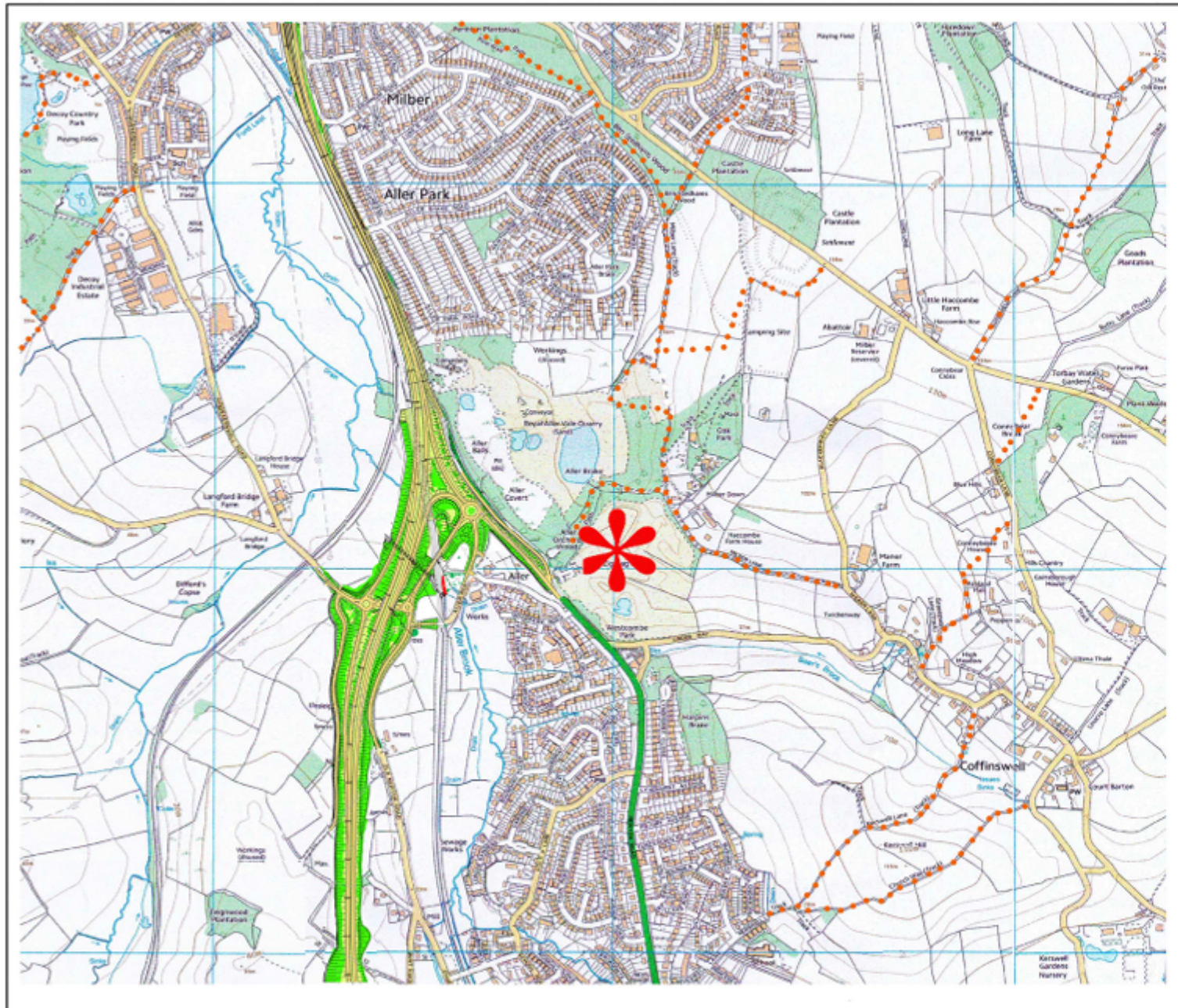
**As only five greater horseshoe bat passes were recorded at this site, and as flight lines around the site will be protected through a condition, this proposal will not result in a likely significant effect on the South Hams SAC. There are no residual effects which could, in-combination with any other plans or projects, have a likely significant effect on the South Hams SAC.**

Note that, although it is not a requirement of this HRA, final restoration of Zig Zag quarry will benefit Greater Horseshoe Bats through the provision of new grassland and scrub/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 16 June 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:*

- *5 greater horseshoe bat passes were recorded in total during the surveys.*
- *Long term, and once restoration has been implemented, the site should provide improved connectivity in comparison with the limited habitats associated with the existing quarry void.*


Natural England's response further stated that *'all agreed mitigation and enhancement measures will need to be secured in-perpetuity to reflect the permanent nature of the restoration plan'*. In addressing these comments, it has been made clear to NE that, as the applicant is avoiding an impact on GHBs, it would not be reasonable to request that restoration measures are secured in perpetuity. In terms of NE's comments relating to the 'permanent nature of the restoration plan' note that Planning Practice Guidance (paragraph 052) reflects the statutory limitation preventing the MPA from requiring any steps after 5 years without the agreement of the operator (This is set out within Schedule 5 of the Town and Country Planning Act)



**KEY**

-  Application Site
-  Existing Contours
-  Public Rights of Way
-  Woodland
-  Ongoing road works and associated planting

Reproduced from Ordnance Survey 1/10,000 scale plans with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright Reserved.  
 Unauthorised reproduction infringes the Crown Copyright and may lead to prosecution or civil proceedings.  
 Licence No. AK.100006975

  
N

Revised	By	Date

**HARLEYFORD AGGREGATES LIMITED**  
**ZIG ZAG QUARRY, ALLER, NEWTON ABBOT, DEVON**  
**PROPOSED QUARRY EXTENSION**  
**LANDSCAPE & VISUAL IMPACT ASSESSMENT**

**RICHARD PAYNE, CMLU**  
 Chartered Landscape Architect  
 20 Were Close, Warminster, Wiltshire, BA12 8TB  
 1/10,000 scale LOCATION PLAN  
 at A3

Drawing No.1036/PL1	Rev	Date
		18th November 2015

Figure 1 - Location plan of Zig Zag Quarry and surrounding land use

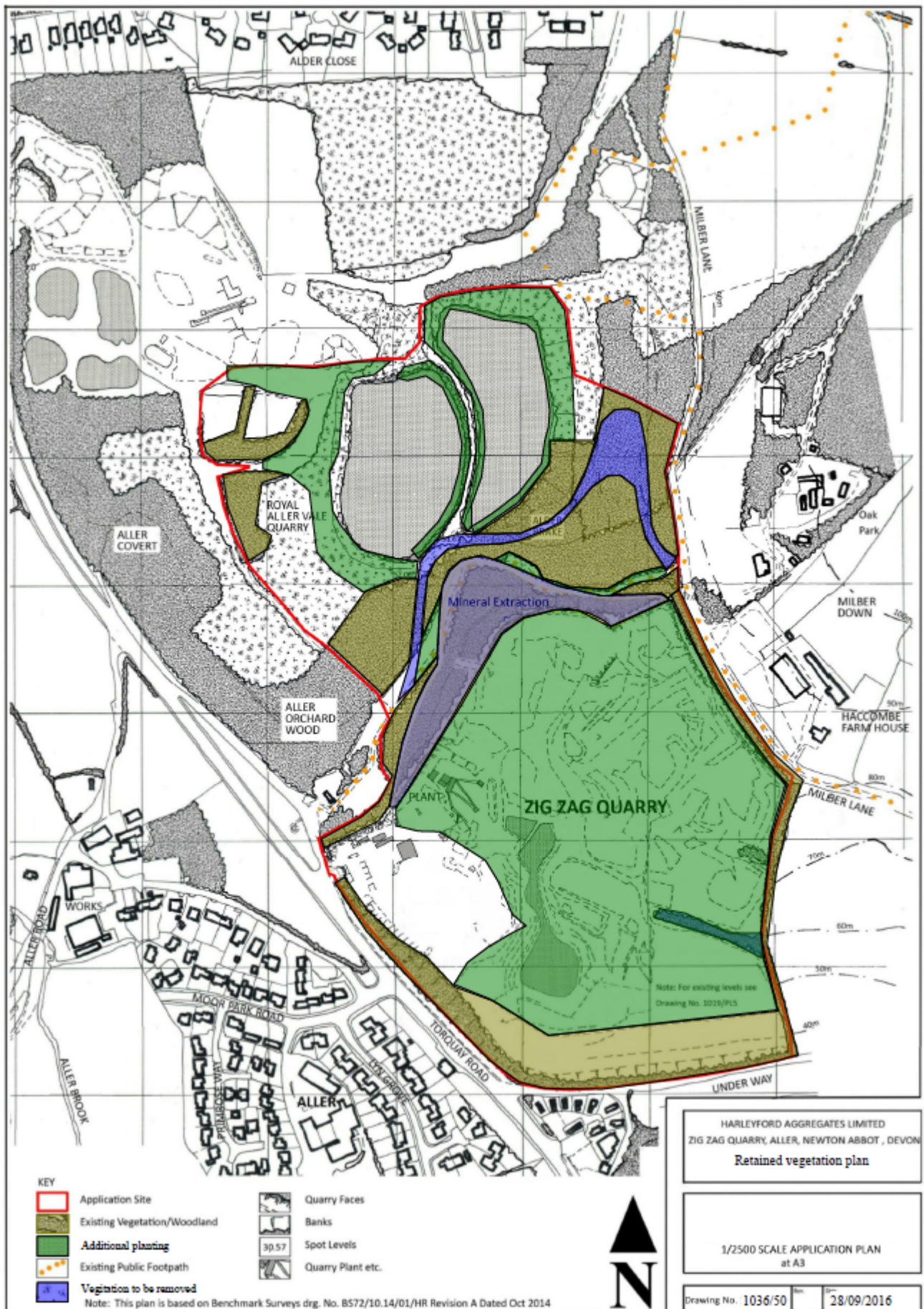


Figure 2 – Map showing the vegetation which is to be protected throughout the life of the quarry operations by condition